"WOMEN OF COURAGE"

Comprehensive Court Preparation and Support
for Women Survivors of Sexual Assault

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(BSW; MSW; MAASW)

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“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.”

Judith Herman, 1992

“I came to explore the wreck.

The words are purposes.

The words are maps.

I came to see the damage that was done

and the treasures that prevail.”

Adrienne Rich, 1984

“Fall down seven times, stand up eight.”

Japanese Proverb
Statement of Originality

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. I give consent to this copy of my thesis, when deposited in the University Library**, being made available for loan and photocopying subject to the provisions of the Copyright Act 1968.

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Martina Zangger                      Date
Acknowledgements

“Until one is committed there is always hesitancy,
The chance to draw back, always ineffectiveness.
Concerning all acts of initiative and creation, there is one elementary truth,
The ignorance of which kills countless ideas and splendid plans:
The moment one definitely commits oneself, then providence moves too.
All sorts of things occur to help that would never otherwise have occurred.
A whole stream of events issues from the decision,
Raising to one’s favour all manner of unforeseen accidents and meetings
And material assistance which no one could have dreamed would come one’s way.
Whatever you can do or dream you can, begin it.
Boldness has genius, power and magic in it.”
~ Goethe ~

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**Zangger M.** “Women of Courage: Hearing the Voices of Survivors of Sexual Assault” *Conference on Abuse and Violence in a Changing Health Care Environment*, held in Minneapolis, Minnesota USA April, 2012

**Zangger M.** “Women of Courage: Learning about the Legal System from Survivors of Sexual Assault” *Australian Annual Women’s Health Network Conference*, held in Sydney, NSW May 2013

**Zangger, M.** “Hearing Women’s Voices: Survivors’ Experiences of the Australian Legal System” *Australian Psychological Society Psychology Conference*, held in Newcastle, NSW September 2014

**Zangger, M.** "Women of Courage: Comprehensive Court Preparation for Women Survivors of Sexual Assault” *Asia-Pacific Gendered Violence Conference*, held in Sydney, NSW February 2015
Abstract

This study’s aims were to investigate and address the needs, experiences and concerns of women survivors of sexual assault when they choose to take legal action in relation to sexual violence. Stage 1 of this study conducted in-depth interviews with nine survivors who had attended court in relation to sexual assault between 2010-2012. Analysis of in-depth interviews found that each of the participants reported being re-traumatised by the legal system, as well as having experienced various systemic difficulties and obstacles during the legal process, including lack of adequate support, information and court preparation, societal victim-blaming myths and attitudes and frequent legal delays.

Stage 2 of this research involved conducting focus groups with 21 key stakeholders working with survivors of sexual assault. Thematic analysis of focus groups found that stakeholder concerns mirrored the difficulties survivors experienced. Stakeholder concerns included the issue of re-traumatisation of survivors by the legal process, as well as the issue of legal delays and survivor powerlessness, and frustrations regarding the societal myths and attitudes that continue to judge and blame those who experience sexual violence. Interview and focus group findings of the current study are consistent with Australian and international research, which has found that survivors who choose to take legal action after sexual assault are typically re-traumatised, disempowered and insufficiently informed, prepared and supported as they navigate the legal journey.

The “Women of Courage” program was developed in response to the findings of the in-depth interviews and focus groups conducted in Stages 1 and 2 of this study. The Third Stage of this study entailed the development, facilitation and evaluation of a pilot group court preparation and support intervention, “Women of Courage,”
Abstract

for women in the process of taking legal action in response to sexual violence. The eight-week group program aimed to address and ameliorate the issue of survivor re-traumatisation and powerlessness, offering a holistic approach to supporting participants during the legal journey. This was achieved through the provision of comprehensive psycho-education and information on all aspects of the legal process, as well as through the delivery of evidence-based resilience-enhancing skills and strategies including mindfulness training, distress tolerance and emotion regulation skills. This innovative, evidence-based pilot program was conducted at a Sexual Assault Service in regional New South Wales and offered a setting in which participants felt safe and supported and had the opportunity to learn relevant skills required for navigating the legal process. The program also offered longer-term social and emotional support to participants who identified themselves as experiencing social isolation and lack of emotional support. Long-term support included the provision of ongoing counselling with a one-on-one counsellor following the completion of the group intervention, ensuring that the gains made by participants could be maintained.

Participants of the “Women of Courage” program and group facilitators participated in in-depth evaluation interviews following the conclusion of the group intervention. Results indicate that participants felt empowered by the group program, with participants and facilitators stating that group participants developed important skills, inner resources and strengths preparing them for the legal process, as well as having experienced a reduction in the social and emotional isolation so frequently experienced by survivors of sexual assault.

Although care was taken to minimise the limitations of this study, a number of limitations must be noted. These include the confines of qualitative research, the women-only focus of this study, the issue of participant attrition from the group intervention, problems regarding group programs for traumatised client groups and the issue of addressing in-group challenges. Future aims of this research include conducting and evaluating this cost-neutral program across several NSW Sexual Assault Services, with larger sample sizes and the use of both qualitative and quantitative evaluation methods.
Chapter 1

Introduction

“The first principle of recovery is the empowerment of the survivor. She must be the author and arbiter of her own recovery . . . Recovery can take place only within the context of relationships; it cannot occur in isolation.” (Herman, 1992:133)

This research project documents the needs and experiences of women who decide to take legal action in response to sexual assault. The study documents the factors that may harm and hinder survivors of sexual violence as they navigate the legal process. It aims to hear and honour the voices of those survivors of sexual assault who have courageously decided to take the step of reporting their experience of sexual violence and have subsequently participated in an arduous legal process. Survivors’ experience and knowledge aim to be examined and will contribute to an intervention aimed at assisting other women wishing to take legal action in relation to sexual violence. This study also documents and validates the concerns of the various key stakeholders involved with survivors of sexual assault, including those working in Sexual Assault Services, Sexual Assault Nurse Specialists (SANEs), witness assistants of the Department of Public Prosecutions (DPP), police and service providers of non-government agencies involved with assisting victims of crime.

In response to the identified experiences, concerns and needs of survivors of sexual assault and their key stakeholders, this research project has entailed the development, facilitation and evaluation of an intervention aimed at supporting survivors of sexual assault taking legal action. The intervention “Women of Courage” aimed to provide a comprehensive and holistic approach to court preparation, including the provision of psycho-education regarding the legal process, as well as offering emotional and social support and resilience-enhancing skills and strategies for survivors of sexual assault throughout their legal journeys.
The “Women of Courage” intervention has been developed in response to the well-documented concerns of survivors of sexual violence and of the key stakeholders involved with survivors taking legal action after sexual assault.

1.1 Sexual assault in Australia

Current Australian research estimates that one in five women over 18 years of age has experienced sexual violence (Australian Bureau of Statistics, 2012). Women and girls continue to be four times more likely to be sexually assaulted than men, with women and girls being far more likely to be sexually assaulted by a spouse, ex-spouse, family member or someone known to them (Australian Bureau of Statistics, 2012). Since sexual assault usually occurs in private and without the presence of witnesses, sexual violence continues to be one of the most difficult crimes to report and prosecute. When survivors do decide to report sexual violence, they face various societal and systemic barriers that are frequently detrimental to their health and well-being (Taylor, 2004). These include societal attitudes that continue to blame and stigmatise those women who choose to speak out about sexual assault. Societal stigmatisation and lack of adequate support of survivors mean that less than 20 per cent of sexual assaults are reported to police, with a small minority of offenders being found guilty, and survivors frequently describing being re-traumatised by the legal process. Despite legislative reforms, the legal process has been accused of continuing to replicate the same inequalities and abuses of power survivors experience during sexual assault (Jordan, 2004). While acknowledging that women, men and children experience sexual violence, this study’s focus is on documenting the experiences of women survivors of sexual assault who have chosen to take the courageous step of taking legal action in response to sexual violence. The term “survivor” has been used throughout this study since it allows acknowledgement of the courage and bravery of women who experience sexual violence. While the term “victim” is also commonly used in this area of research, survivor terminology allows researchers and stakeholders to respect and honour women’s capacity for courage and resistance, both during and in the aftermath of sexual assault.
1.2 Aims of this study

The aims of this study were to determine the current state of knowledge regarding the needs, experiences and outcomes of women who decide to pursue legal action in relation to sexual violence. This study also investigated the factors that may positively and negatively impact survivors and their key service providers during the legal process.

Further, this study aimed to assist survivors taking legal action, by developing, facilitating and subsequently evaluating a comprehensive and holistic eight-week court preparation and support program, “Women of Courage.” This research aimed to hear, honour and document the experiences of women taking legal action in response to sexual assault.

Research aims were achieved through the following steps:

- Reviewing the literature on sexual assault and the legal system
- Appraising current Australian and international court preparation programs and practices
- Gathering qualitative data through in-depth interviews with nine women survivors who attended court in relation to a sexual assault matter between 2010 and 2012
- Gathering qualitative data through conducting six focus groups with 21 key service providers involved with survivors of sexual assault taking legal action
- Designing a pilot court preparation and support group program, "Women of Courage," determined by the data gathered in steps 1-4
- Conducting pre-group interviews with participants of the “Women of Courage” Pilot Program, in order to determine participants’ specific learning and emotional and social support needs
• Training two qualified group facilitators over a six-month period to conduct the program

• Delivery and observation of the eight-week “Women of Courage” Pilot Program at a regional Sexual Assault Service between August and September 2014

• Gathering and providing the researcher’s observational data and analysis of the intervention

• Conducting post-group interviews with participants, inquiring into participants’ experiences of the program and evaluating the program’s effectiveness

• Conducting post-group interviews with group facilitators, inquiring into facilitators’ insights and experiences of the program, as well as eliciting their perception of the program’s effectiveness

• Making recommendations for comprehensive court preparation programs for survivors of sexual assault, through writing academic journal articles and presenting at relevant conferences, thus adding to the academic knowledge on the experiences and needs of survivors of sexual assault as they navigate the legal process, as well as aiming to improve psychological well-being, empowerment and services for this vulnerable participant group

1.3 Research questions

This research has been conducted in two separate phases.

In light of the aims of this research, Phase One of this study posed the following research questions:

• What are the needs of survivors of sexual assault when they decide to take legal action?
• How adequately are sexual assault survivors’ needs met as they navigate the legal system?

• What can be done to better prepare and support survivors along the legal journey?

Phase 2, the intervention phase of this study, posed the following research questions:

• What was the perceived effectiveness of the “Women of Courage” pilot court preparation and support program for participants navigating the legal journey?

• What was the perceived effectiveness of the “Women of Courage” pilot court preparation and support program in improving participants’ knowledge of the legal process?

• What was the perceived effectiveness of the “Women of Courage” pilot court preparation and support program in enhancing participants’ capacity for self-care, resilience and social and emotional connectedness?

• What could be done to improve the “Women of Courage” program?

1.4 Researcher background

Over the past 15 years as a social worker in the field of interpersonal violence, I have had the privilege of accompanying countless children, young people and adult men and women on their journeys of healing from sexual assault. I have worked both at a rural and a regional Sexual Assault Service in NSW and have worked as a victims of crime counsellor in rural and regional NSW. This involved providing an emergency response as an after-hours on-call worker at Hospital Emergency Departments, as well as accompanying survivors in police stations, courtrooms and counselling rooms in an effort to provide support, hope, advocacy, empowerment and therapeutic interventions in survivors’ quests for justice and healing. I have had the honour of assisting survivors at every stage of the legal
journey, providing court preparation and support, assisting survivors with Victim Impact Statements (VIS) when there is a guilty verdict, as well as helping survivors gain access to victims compensation. I have had the privilege of continuing to work with sexual assault workers as a clinical supervisor throughout my PhD journey.

I have been privileged to work collaboratively with countless committed key service providers involved with survivors of sexual assault, including social workers, psychologists, police, the Department of Public Prosecutions (DPP), Family and Community Services (FACS) and the Joint Investigation Response Team (JIRT), who deal with children's and young people's sexual assault matters. I have worked together with forensic doctors and specialist forensic paediatricians, as well as with Drug and Alcohol and Mental Health Teams, psychiatrists and GPs dedicated to the care, recovery and empowerment of survivors of sexual assault. I have had numerous discussions with key service providers about their own concerns and frustrations regarding the injustice regularly experienced by survivors who choose to participate in the legal process.

In her seminal work “Trauma and Recovery,” Judith Herman (1992: 140-141) describes the negative implications for service providers who work in the field of sexual assault and interpersonal violence:

“Trauma is contagious.... In the role of witness, the therapist is at times emotionally overwhelmed. She experiences, to a lesser degree, the same terror, rage, despair as the patient... The therapist also emphatically shares the patient’s experience of helplessness. This may lead the therapist to underestimate the value of her own knowledge and skill, or to lose sight of the patient’s strengths and resources.”

This study is an attempt at doing something definitive and proactive, something useful that may provide resistance against the contagious nature of vicarious trauma so frequently experienced by service providers involved with survivors of interpersonal trauma. This study aims to be of tangible and practical benefit, both to survivors of sexual assault choosing to take legal action, as well as to those working hard to support them on their journeys towards equity and healing. It is a
well-known fact that survivors of sexual assault who decide to take legal action experience two separate traumas: first, the psychological harm of the violence they have suffered; and secondly, the trauma of a frequently unjust and uncaring legal system (Bluett-Boyd and Fileborn, 2014; Taylor, 2005). This study addresses, in some small way, both these aspects of traumatisation.

This study has allowed me to hear and honour the stories of nine courageous women who agreed to participate in in-depth interviews about their own personal experiences of the legal system. Their experiences are recorded in Chapter 5 of this thesis, and have assisted in the design and development of a comprehensive court preparation program, “Women of Courage”. This research project has also allowed me to hear the concerns of some of the dedicated key stakeholders involved with survivors of sexual assault. Their concerns and frustrations mirrored those of the survivors they work with. Their voices are recorded in Chapter 6 of this thesis, and have aided in the design and development of the “Women of Courage” Pilot Program.

I do not want this PhD to merely gather dust on a bookshelf. The most important aspect of this study has therefore been the development and facilitation of the “Women of Courage” pilot court preparation and support program, which aimed to offer participant survivors a setting in which they felt safe and supported, and where they were given the opportunity to learn relevant skills to empower them while they navigated the legal process. The “Women of Courage” program also aimed to allow participants to create supportive connections with other women who were in the process of navigating their own legal journeys, allowing participants to experience enhanced resilience through the provision of emotional and social support.

As Herman (1992:216) states:

“Groups provide the possibility not only of mutually rewarding relationships but also of collective empowerment. Group members approach one another as peers and equals. Though each is suffering and in need of help, each also has something to
contribute. The group requisitions and nurtures the strengths of each of its members... (As one group member explains): ‘I will look to this group experience as a turning point in my life, and remember the shock of recognition when I realised the strength I so readily saw in the other women who have survived this violation was also within me.’”

The “Women of Courage” Pilot Program was held at a regional Sexual Assault Service over an eight-week period in August and September 2014, representing a collaborative effort between the courageous participants, dedicated staff of the Sexual Assault Service and myself.

1.5 Theoretical perspective and methodology

This study contributed to the academic and practice intervention knowledge regarding the needs and experiences of survivors of sexual assault who choose to take legal action. The methods employed in this study were based on a feminist qualitative research methodology (Campbell et al., 2010), incorporated as part of an intervention research methodology (Fraser et al., 2009; Rothman and Thomas, 1994).

A feminist qualitative research method was chosen as being an appropriate fit for both the research topic and the participant group. The principles of feminist interviewing emphasised a reduction of hierarchy between the researcher and the participants. A feminist qualitative research methodology also allowed the researcher to demonstrate a supportive, respectful and empathic researcher attitude.

Intervention research aims to deal with a given, real-world problem and practical goal, and is typically stimulated by consumer need, with its purpose typically being dual in nature: Adding to academic knowledge, as well as contributing to the well-being and empowerment of a specifically targeted participant group (Rothman and Thomas, 1994). Intervention research allows for collaborative efforts between researchers and clinicians, its focus being on developing new interventions, as well
as adapting established interventions during periods of reduced resources (Fraser, Richman, Galinsky and Day, 2009). Qualitative and intervention research methodologies were selected as being suitable to this study since both methodologies were thought to honour the unique needs of the chosen participant group while still meeting the research aims. The research methodology is described in detail in Chapter 3 of this study.

1.6 Research phases

This study was conducted in seven research phases.

The first phase explored women’s experiences of the legal system, documenting findings from nine qualitative, in-depth interviews with survivors who had attended court between 2010 and 2012.

The second phase entailed conducting four focus groups with 21 female key service providers involved in assisting survivors of sexual assault. Focus group participants included police, witness assistants of the Department of Public Prosecutions (DPP), sexual assault counsellors and staff at a regional non-government legal support service. Focus groups allowed large amounts of information to be obtained through group discussion and were useful in generating many points of view on the needs and experiences of survivors.

The third phase of this study entailed designing a comprehensive court preparation program for women choosing to take legal action after a sexual assault. The program was based on the information gathered in the review of the literature, an appraisal of existing court preparation programs and practices and the qualitative data gathered in this study through in-depth interviews and focus groups.

In the fourth phase of this study, qualitative data was gathered through pre-group interviews with participant survivors in order to investigate participants’ learning and support needs. In-depth interviews with participants were designed to ensure that the researcher displayed a commitment to asking genuinely open-
ended questions to ensure that participants were able to respond safely and comfortably to questions about their learning and support needs during the intervention.

The fifth phase of this study entailed the implementation of a pilot court preparation program, "Women of Courage", assisting survivors preparing to attend court in relation to a sexual assault matter. Two social work practitioners with specific expertise in the field of sexual assault delivered the intervention at a Sexual Assault Service in regional NSW.

The sixth phase of this study included researcher observations, of the comprehensive week-by-week insight into the “Women of Courage” intervention, including an outline of the structures, activities and processes of the intervention. Researcher observations included documentation of the group intervention, capturing group process and content, as well as describing some of the difficulties encountered along the way and describing “the whole picture” of the intervention as fully and completely as possible.

The seventh phase of this study involved conducting one-on-one post-group interviews with participants, as well as with the two group facilitators, inquiring into the process and effectiveness of the “Women of Courage” pilot program from both participants’ and facilitators’ points of view.

1.7 Thesis outline

This thesis has been divided into nine chapters.

Chapter 1 provides a brief introduction to the thesis, as well as an outline of the research aims, the research questions, the background of this study, the theoretical perspectives and methodology, the research phases and a brief outline of the thesis chapters.

Chapter 2 is a critical review of the academic literature on the experiences faced by survivors of sexual assault when they navigate the legal system, and the
barriers that may hinder survivors from fully participating in the legal system. The review explores the re-traumatisation of survivors by the legal system, as well as documenting some of the difficulties faced by survivors, including high rates of attrition after reporting an assault, which refers to the ways sexual assault cases are filtered out through the legal system prior to trial (Attorney General’s Department, 2005). The review also documents legal delays, stigmatisation and negative societal attitudes towards survivors of sexual assault, as well as outlining the difficulties of giving evidence in court.

Chapter 3 describes the methodology employed in this research project, which is based on a feminist qualitative research methodology, incorporated within an intervention research framework. A feminist qualitative research method was chosen as being an appropriate fit for the participant group and research topic, and entailed in-depth interviews and focus groups. An intervention research methodology was chosen because it allowed collaboration between the researcher and key stakeholders.

Chapter 4 describes the research methods of this study, including the research questions and the purpose of the study. It outlines the connection between design, methodology, research aims and the participant group. Chapter 4 also provides a detailed description of the various steps of this study, and outlines the benefits and limitations of the research design.

Chapter 5 presents the thematic results of the nine inspiring women who agreed to participate in in-depth interviews regarding their experiences of the legal system subsequent to sexual assault. Chapter 5 has been divided into the two major themes that arose in the data: themes of difficulty and themes of resilience and inner strength.

Chapter 6 presents the thematic results from the four focus groups and two in-depth interviews that were conducted with 21 key stakeholders involved in assisting survivors of sexual assault who chose to take legal action. These included a rural and a regional Sexual Assault Service consisting of seven psychologists and
six social workers, as well as a Sexual Assault Nurse Specialist (SANE). A focus group with a regional Department of Public Prosecutions (DPP) Witness Assistant Service consisting of three social workers was also conducted, as well as an in-depth interview with a metropolitan DPP witness assistant social worker. An in-depth interview was conducted with a Senior Detective involved with sexual assault matters, and finally, a focus group was held with a regional non-government agency involved with assisting victims of crime consisting of two psychologists and one welfare worker.

Chapter 7 describes the methods of the eight-week pilot group court support and preparation program, “Women of Courage,” which aimed to provide a supportive learning environment for women survivors of sexual assault while they were in the process of taking legal action. The program aimed to offer a holistic approach to supporting women during the legal process, through the provision of easy-to-understand, practical information and relevant skills with regards to the court process itself, as well as providing resilience-enhancing skills including mindfulness training, distress tolerance and emotion regulation skills. The court preparation program “Women of Courage” aimed to recognise participants’ inner resources and strengths, as well as delivering relevant court preparation skills and strategies, with a commitment to the provision of social and emotional support, aiming to empower participants throughout each of the eight group sessions.

Chapter 8 describes the processes and outcomes of the “Women of Courage” pilot program and explores the experiences of the women who participated.

The chapter details a thematic analysis of the themes identified in pre-group interviews with the six participants who agreed to take part in the intervention, reflections on the week-by-week process of the group program through in-group researcher observation, as well as providing a thematic analysis of post-group evaluation interviews with group participants and with group facilitators.

Chapter 9, the final chapter, discusses the conclusion of the results of this study, which focused on the experiences and needs of survivors of sexual assault when
they choose to take legal action in relation to sexual violence. Chapter 9 makes suggestions for future comprehensive court preparation programs for survivors of sexual assault, including the need for the provision of accurate psycho-education regarding the legal process, as well as resilience-enhancing skills and strategies. It emphasises the importance of long-term emotional and social support for survivors navigating the legal process. Finally, Chapter 9 outlines the strengths and limitations of this research project, as well as making recommendations for clinical practice and future research.

1.8 Conclusion

This thesis represents a step towards the provision of improved support for survivors of sexual assault when they decide to take legal action. It represents hope for increased access to justice for survivors of sexual violence. It demonstrates the researcher’s commitment to the empowerment of those courageous survivors who choose to take legal action after sexual assault. This study aims to encourage and assist survivors to find their voice and speak out about sexual violence, for survivors to be able to tell their stories to friends, family members, health professionals and police without fear of being stigmatised, blamed or shamed. This project expresses the researcher’s hope that survivors may be able to come forward more easily in future, that the legal journey may be less frightening and more equitable for them. This study also hopes to provide enhanced support, encouragement and information to key service providers involved with survivors of sexual assault, in particular with regards to the provision of court preparation and support. The next chapter is a review of the academic literature on women’s experiences of the legal system after sexual assault, and documents the needs of survivors of sexual assault when they decide to take legal action in relation to sexual violence.
Chapter 2

Literature Review

2.1 Introduction

This chapter critically reviews the academic literature on the experiences faced by survivors of sexual assault navigating the legal system, and the barriers that may hinder survivors from fully participating in the legal system. This review also documents the lack of adequate court preparation and support for survivors who choose to take legal action in relation to sexual violence in Australia, and discusses the potential benefits of a comprehensive group court preparation program for women navigating the legal journey after sexual assault. As discussed in Chapter 1 of this study, while acknowledging that women, men and children experience sexual assault (Fileborn, 2011), this study aims to investigate the issues and experiences of women survivors of sexual assault aged 18 years and over. In keeping with these research aims, this literature review focuses on adult women.

2.2 Overview

This chapter provides a discussion about the various definitions of sexual assault, explores prevalence rates of sexual assault in Australia and internationally, as well as documenting some of the issues survivors face after sexual assault. These include barriers to reporting sexual violence, attrition or drop-out rates from the legal system after reporting, as well as stigma and negative societal attitudes towards survivors of sexual assault. The review of literature provides an overview of the gains and limitations of rape law reform and documents survivors’ experiences of the legal system. Literature on existing court preparation programs is examined, and a case for more comprehensive court preparation and support programs is made. Finally, literature on the benefits and efficacy of a group court preparation program are discussed.
In order to focus on court preparation and women’s experiences of court, it is first necessary to understand the context in which survivors’ experiences occur. Therefore, sections 2.4–2.11 of this review provide relevant background information regarding women’s experiences of sexual violence and the legal system in Australia and the United States, while sections 2.11–2.15 provide a critical review of current resources and court preparation programs in Australia and the United States.

2.3 **Selection criteria and search strategy**

This review included academic, peer-reviewed articles published between 2000 and 2014, both years inclusive. The initial search strategy included combinations of the keywords: “sexual assault” or “rape” with “court” and the “legal system” to generate research papers for the initial parts of the review. Searching combinations of the following keywords allowed subsequent refinement of the search: “sexual assault” or “rape” and “court preparation” or “witness preparation” as well as “group work” and “group intervention”. The electronic databases searched included Ebsco, Scopus, Medline, Web of Science, Science Direct, Jstor, PsycInfo and Informit. Further journal articles were found by searching the references of retrieved articles. Relevant Australian Commonwealth and State reports were located through the Informit database and have also been included in this review.

2.4 **Definition of sexual assault**

Sexual assault has been defined as sexual activity occurring without the consent of one of the parties (Barry, 2004; Fileborn, 2011; Heath, 2005; McLeod, 2007), and has been referred to as a human rights issue (Cowdery, 2003; Pringle, 2005). The Personal Safety Survey (Australian Bureau of Statistics, 2012) has defined sexual assault as being a physical assault of a sexual nature directed at another person without their consent. It includes “acts of a sexual nature carried out against a person’s will through the use of physical force, intimidation or coercion, or any attempts to do this” (Personal Safety Survey, ABS, 2012). Consent requires that the
sexual activity is free and voluntary and states that a person cannot freely agree where they are in fear for themselves or another person, where there is the presence of threat(s), the person is mistaken about either the identity of the other person or of the nature of the sexual act, where the person has been led to believe the sexual act is for medical purposes, where the person is incapable of giving consent due to the influence of alcohol or other drug(s), or where the person is legally deemed incapable of giving consent due to their youth, temporary or permanent incapacity, or where there is a familial or similar relationship of trust (ABS, 2012; NSW Crimes Act 1900 Sect. 61H). Sexual assault may range from unwanted touch to sexual penetration without consent, including attempts of penetration. Sexual penetration includes the introduction, to any extent, of the penis, another part of a person’s body or an object into the vagina, mouth or anus of another person (Personal Safety Survey, ABS, 2012; NSW Crimes Act 1900 Sect. 61H). In this New South Wales-based study, sexual assault is defined using the legal definition of sexual assault (Personal Safety Survey, ABS, 2012; NSW Act 1900 Sect. 61H).

2.5 Survivor terminology

As discussed in Chapter 1, the term “survivor” is used throughout this study, since it denotes respect for the strength and courage of women who are sexually assaulted (Campbell, 2006; Dunn, 2009; Parkinson, 2010; Van de Zandt, 2000). While the term “victim” has also commonly been used in this field of research (Bowden, 2012; Brown, 2011; Goodman-Delahunty and Graham, 2010; Maier, 2008; Payne, 2009; Wasco, Campbell and Clark, 2002), the current study will make use of survivor terminology. This is felt to distinguish the experience of being sexually violated – victimization – from the countless ways women survive sexual assault, both at the time of the assault and subsequently, as they deal with its effects, as well as when they choose to embark on the legal journey (Jordan, 2005; Konradi, 2007; Patterson and Campbell, 2010; Ullman and Filipas, 2001). Survivor terminology emphasises women’s agency and resistance, while not attempting to diminish the well-documented injustices and inequalities faced by those who have experienced sexual assault (Kennedy and Easteal, 2010; Konradi, 2003; Lievore,
2005; Mullinar and Hunt, 1997; Pringle, 2005). For example, Jordan’s (2005) Australian study involving in-depth, qualitative interviews with 14 women raped by the same offender documents the myriad ingenious and inspiring ways survivors made use of “mental and inner resistance” to help survive and manage their experiences of sexual violence. Jordan (2005) describes the ways the women were able to actively make use of inner psychological resistance, allowing them to withstand the perpetrator’s power and control, that even as they were being victimised, they were in survival mode, using a number of ways to resist and act on their own behalf. A U.S. study conducted by Konradi (2007) similarly documents the agency utilised by 43 survivors choosing to embark on the legal journey after sexual assault. This includes survivors’ decisions to lodge a complaint with police, subsequently actively preparing themselves for court and negotiating their witness role responsibilities. Konradi’s (2007) study documents survivors’ courage in the face of the countless stresses and difficulties they encountered on their legal journeys, which will be discussed in detail in Section 2.13 of this chapter. Jordan’s (2005) and Konradi’s (2007) studies make use of in-depth qualitative methodologies to powerfully document survivors’ capacity for resistance, both during and after sexual assault.

2.6 Prevalence

Australian research estimates that one in five women and one in 20 men over 18 years of age have experienced sexual assault (ABS, 2012; Heath, 2005; Wall 2013), with Clark and Quadara (2010) estimating that one in six women over the age of 15 experience sexual assault in Australia. The research has found that young women in the age group of 18-24 years are more likely to be sexually assaulted than any other age group (Boyd, 2008). The U.S. National Violence Against Women Survey found that one in six American women and one in 33 American men have been sexually assaulted (Monroe and Kelly, 2005:767), with similar U.S. prevalence rates cited by Koss (2006). Women are far more likely to be sexually assaulted by a spouse or ex-spouse than by someone unknown to them, and women and children who have a close relationship with the perpetrator are at far greater risk of being repeatedly sexually assaulted (ABS, 2012; Heenan, 2004; Lievore, 2004, 2005).
Sexual assault has pervasive effects on women's physical and psychological well-being, with research finding that survivors of sexual assault access health services at higher rates than women who have not experienced sexual violence (Astbury, 2006; Campbell, Dworkin, and Cabral, 2006; Campbell, Wasco, Ahrens, Sefl and Barnes, 2001; Duncan and Mason, 2011). According to Senn (2011), negative societal perceptions of women have a direct influence on the high prevalence rates of sexual assault against women. The Australian Bureau of Statistics Personal Safety Survey (ABS, 2012) estimated that 1,433,400 women aged 18 years and over had experienced sexual violence by someone known to them, with 71 per cent of sexual assaults having taken place in the victim's or the offender's home. A thorough understanding of the prevalence and dynamics of sexual violence against women is crucial since this allows victim-blaming attitudes to be challenged (Ahrens, 2006, 2010; Bluett-Boyd and Fileborn, 2014; Blyth, Boxwell and Myers, 2010; Brown, 2011; Du Mont, 2013; Flood and Pease, 2009; Robinson, Hudson and Brookman, 2008), as well as assisting in the prevention and prosecution of sexual assault (Beckett, 2007; Clay-Warner and Burton, 2005; Morgan 2010; NSW Violence Against Women Unit, 2006; Patterson and Campbell, 2010).

### 2.7 Barriers to reporting

Sexual assault usually occurs in the absence of any witnesses (Herman, 2003, 2005; Iancu, 2012; Jones, Alexander, Wynn, Rossman and Dunnuck, 2009; Taylor, 2007). Australian and international research has found that due to the crime's private nature, sexual assault continues to be a difficult crime to report, with one of the most significant factors hindering survivors in reporting sexual assault being the fear that if they do tell, they will not be believed, due to the internalised belief and continuing deeply entrenched mythology that women frequently lie about sexual assault (Ahrens, Stansell and Jennings, 2010; Belknap, 2010; Bieneck and Krahe, 2011; Cossins, 2013; Cybulska, 2007; Daly, 2011; Duncan and Mason, 2011; Fergus and Keel, 2005; Klettke and Simonis, 2011; Larcombe, 2002, 2005; Neame and Heenan, 2003, 2004; McGee, 2011; Randall, 2010; Stubbs, 2003; Suarez, 2010; Tang, 2000; Tarczon and Quadara, 2012; Vic Health, 2013). Lievore’s (2003) international literature review on non-reporting and hidden recording of sexual
assault found that the belief that women lie about sexual assault, that women “ask for it” by the manner in which they dress and conduct themselves, the belief that women fantasise about sexual violence, that they say “no” and mean “yes” and then cry that they have been raped, continues to make it difficult for women to report sexual assault (Lievore, 2003:30). Lievore (2003) argues that despite reforms in service provision for survivors of sexual assault, the integrity of reforms has been eroded by a public backlash concerning suspicion about sexual assault claims. Lievore’s (2003:4) research has identified the following barriers to disclosure and reporting: feelings of shame and embarrassment; regarding the sexual assault as a private matter; thinking that the assault may not be a crime or may not be serious enough to warrant a report to police; not wanting others to find out about the assault; self-blame or fearing others’ blame due to societal victim-blaming attitudes; the wish to deal with the matter in private and the wish to protect the perpetrator, children or the relationship if the perpetrator is a spouse or part of the family system.

Herman (2003, 2005) discusses further barriers to reporting, and argues that survivors are frequently fearful for their safety, as well as being afraid of retaliation by their perpetrator, who may threaten or harass the survivor in an attempt to force her to withdraw the complaint if she has chosen to lodge a complaint with police. Therefore, choosing to report the sexual assault, as well as deciding not to withdraw a complaint when a perpetrator threatens retaliation requires survivors to overcome numerous barriers (Herman, 2003, 2005).

Ahrens’s (2006) U.S. research on the impact of negative social reactions and stigmatisation of women upon disclosure of sexual assault found that when survivors do speak out, they are frequently disbelieved or otherwise punished for doing so. Ahrens’s (2006) study analysed in-depth narratives of eight survivors who initially disclosed and later stopped disclosing for a significant period of time due to perceived negative reactions or stigmatisation by professionals, friends and/or family. Negative reactions were found to lead to feelings of self-blame, uncertainty as to whether the assault qualified as rape, and led survivors to question whether future disclosures were worthwhile. The research of Campbell et
al. (2011) focusing on the prevention of secondary traumatisation similarly found those survivors’ interactions with medical and legal service providers had a profound impact on survivors’ well-being and capacity for recovery. The study found that service providers’ negative attitudes towards survivors of sexual assault were associated with survivors ceasing disclosure.

Kahn, Jackson, Kully, Badger and Halvorson (2003) U.S. qualitative interviews with 89 female college students who had experienced sexual assault found that survivors were more likely to label their assault experience as rape when the perpetrator was not their partner and when the encounter was with a stranger involving a violent struggle. This study also found that if participants partly blamed themselves for what had happened, they were less likely to label the assault as rape, compared to participants who blamed the perpetrator. A limitation of these qualitative studies is that they are not directly applicable to all survivors of sexual assault. However, the value in 89 in-depth interviews reveals that self-blame is a common experience for survivors of intimate partner sexual violence.

Jones, Alexander, Wynn, Rossman and Dunnuck, (2009) studied the variables influencing reporting practices of 424 women sexual assault survivors attending an urban clinic or emergency department in Michigan, U.S. This study comprised a cross-sectional quantitative survey of consecutive female survivors presenting to a sexual assault clinic or local emergency department over an 18-month period. The study explored the reasons survivors did not report their assault to police, and attempted to identify differences in demographics and assault or injury characteristics in survivors who did and did not report. All women underwent a forensic medical examination and were asked to complete a voluntary questionnaire at the conclusion of the forensic medical exam. The study found that 73 per cent of 424 sexual assaults were committed by perpetrators known to the participants, and that there were three main reasons for survivors subsequently choosing not to report the assault to police: Survivors did not want the perpetrator to go to jail; they had a prior relationship with the offender; participants feared that police would blame the survivor or be otherwise insensitive towards them. Other reasons given for not reporting were a prior “bad experience” with police or
involvement with illegal activity during the sexual assault, typically involving underage drinking or recent drug use. Of the 424 survivors presenting for medical care, 75 per cent made a report to police. This is a higher reporting rate compared to previous studies, which have found less than 20 per cent of survivors report sexual assault to police (Belknap, 2010; Fergus and Keel, 2005; Monroe, Kinney, Weist, Dafeamekpor, Dantzler and Reynolds, 2005; O’Brien, Jones and Korabelnikoff, 2008). However, most survivors are unlikely to seek medical assistance (Jones, Alexander, Wynn, Rossman and Dunnuck, 2009). Jones’ et al.’s (2009) study’s high reporting rates are likely due to the way the sample was selected, and may be related to a link between survivors seeking medical care after a sexual assault and receiving assistance and encouragement to report the assault at the same time. While Jones’s research is useful in understanding why survivors choose not to report sexual assault to police, this study has limited application, since most survivors do not seek medical assistance after sexual assault (Feldhaus et al., 2000, cited in Jones et al., 2009; Randall, 2010). This background information is relevant to the current study on survivors’ experiences of the legal process, by describing some of the barriers they face when they choose to disclose and report sexual assault and when subsequently navigate the legal process.

### 2.8 Rape law reform

A number of rape law reforms have taken place in Australia and overseas since 1975 (Brown, 2011; Cybulska, 2007; Easteal and Judd, 2008; Graycar and Morgan, 2005; Heath, 2005; Hopkins and Koss, 2005; Kennedy and Easteal, 2011; Quadara, Fileborn and Parkinson, 2013; Quilter, 2011). According to Kennedy and Easteal (2013), Australian law reforms have included the Criminal Procedures Act 1986 (NSW) s 74, which provides for paper committals, ensuring that complainants are generally not required to give evidence at committal hearings. Other reforms have included the availability of Closed Circuit Television Screens (CCTV) and Screens made available within the courtroom for survivors to be shielded from their offender, rules around improper questioning of survivors, as well as guidelines around not disclosing survivors’ sexual histories. However, according to Easteal
chapter 2

(2014), Kennedy and Easteal (2013) and Easteal and Ormond-Plummer (2006), these reforms are not being consistently implemented.

An Australian report by Bouhours and Daly, (2008) states that one of the goals of rape law reform has been to increase reporting rates and to remove the stigma attached to certain types of sexual assault, such as those committed by someone known to the survivor, or an assault where no additional injury occurred. This type of rape has been referred to as “simple rape” and is far more common than aggravated rape by a stranger who has committed additional crimes during the sexual assault, such as the use of a weapon or inflicting serious physical injury (Koss, Bachas, Hopkins and Carlson, 2004; Maier, 2007, 2008; Taylor, 2007).

Despite law reform, Australian research has found that aggravated sexual assaults continue to be far more frequently reported and prosecuted than the “simple rapes” (Bluett-Boyd and Fileborn, 2014; Morrison, Quadara and Boyd, 2007; Stubbs, 2003; Taylor and Norma, 2011; Quadara and Wall, 2012). Despite the fact that “simple rapes” occur five times more frequently (Lievore, 2004), the popular myth centering on “real rape” causing physical injury through vaginal penetration by an armed stranger in a dark isolated area continues (Ahrens, 2006; Koss et al., 2004; Larcombe, 2005; Lewis, 2005; Scutt, 2005). Offenders, however, frequently manage to force compliance through psychological coercion (Braaf, 2011; Taylor, 2004), and therefore physical injury tends to be relatively rare (Annan, 2011; Lievore, 2003; McDonald, 2009). As a result, women continue to blame themselves for sexual violence and fear that no one will believe them, resulting in a continued lack of reporting (Heath, 2005; Lievore, 2004; McDonald, 2009). Jordan (2011) argues that despite rape law reform, the prosecution of sexual assault remains fraught and reforms have not resulted in tangible benefits for the majority of survivors of sexual assault. Furthermore, the issue of the length of time it takes for matters to reach court has not been adequately addressed (Attorney General and Justice, 2010; Bluett-Boyd and Fileborn, 2014). Many survivors choose to discontinue the legal process due to lengthy time periods involved and common legal delays, and choose instead to re-engage in their day-to-day lives. Shortening the time between lodging a complaint with police and the commencement of the
trial could make a significant and positive difference for survivors taking legal action in relation to sexual assault (Bluett-Boyd and Fileborn, 2014; Jordan, 2011).

A 2005 U.S. study by Clay-Warner and Burt researched the effects of rape law reform on reporting sexual assault to police using data from the National Violence Against Women (telephone) Survey. The results indicated that while sexual assault was reported at increased rates in the modern reform era (after 1990), reforms have not been entirely successful in achieving improved reporting rates. Clay-Warner and Burt’s (2005) study found that simple rapes continued to be reported at a significantly lower rate than aggravated rapes and that participant survivors stated that the benefits of reporting simple rape did not outweigh the personal costs, such as being judged or blamed by family and friends. They argue that rape law reform will not be effective until societal rape myth attitudes also change. A limitation of Clay-Warner and Burt’s (2005) study, that also applies to Australian reform changes, is that it is difficult to determine whether the increase in reporting rates of aggravated sexual assault is a direct result of rape law reforms, or whether this may also be attributable to other societal changes such as the rise of the feminist movement and various awareness-raising campaigns such as “Australia Says No”, which have occurred during the same time period (Larcombe, 2002, 2005).

Despite legislative changes in Australia and overseas, many survivors of sexual assault continue to decline legal action, or choose to withdraw complaints, hoping to protect their families and community ties, privacy, safety and psychological well-being (Herman, 2003; Iancu, 2012). Despite the legal reforms designed to assist survivors, it continues to be the case that only a minority of survivors are willing to report the crime (Heath, 2005; Kahn, Jackson, Kully, Badger and Halvorse, 2003; Lievore, 2003; Quilter 2011). While many survivors of sexual assault may choose not to report, many others continue to decline to do so due to fear, societal stigmatisation and lack of support (Bouhours and Daly, 2008). As a result, sexual assault persists as one of the most difficult crimes to report and prosecute (Ahrens, 2006) with an estimated 85 per cent of assaults in Australia and the U.S. never reaching the criminal justice system (Stubbs, 2003; Taylor and
Norma, 2011; Wall and Quadara, 2014). Bowden, Henning and Plater (2012) argue that further education for lawyers and judges is required to assist in the process and implementation of procedural rape law reform. Furthermore, according to Bluett-Boyd and Fileborn (2014), justice must not simply be defined by the outcome of court, but also by survivors’ experience of the legal process as a whole.

Bluett-Boyd and Fileborn’s (2014) Australian study of survivor-focused responses and reforms to criminal court practice entailed interviews with 81 key stakeholders, including counsellors, advocates, police, prosecutors, defence staff, members of the judiciary and other professionals across all the Australian states and territories. The study found that there continues to be a disjuncture between reforms as they are developed, and as they occur in their experience of day-to-day practice. Participants of this Australian study nominated some of the factors that frustrated implementation of reforms, including lack of awareness of reforms, reluctance by legal actors to enforce reforms and continued misconceptions about the issue of sexual violence. Therefore, survivors’ justice requirements must always include the right to be heard, to receive validation, information, control and respect, as well as for the judiciary to be thoroughly educated about the needs of survivors of sexual assault and about recent legal reforms (Bluett-Boyd and Fileborn, 2014; Clark, 2010; O’Brien, Jones and Korabelnikoff, 2008; Payne, 2009). Since rape law reforms have not managed to achieve many of their desired results, survivors of sexual assault require adequate support as they navigate the legal process (Easteal, 2014; Easteal and Ormond-Plummer, 2006; Kennedy and Easteal, 2013). This includes comprehensive court preparation, psycho-education and the provision of consistent, long-term social and emotional support, which is the focus of this study (Attorney General’s Department of NSW, 2005; Breckenridge and James, 2009; Clark and Quadara, 2010; Taylor, 2002, 2007). These methods will be discussed in greater detail in Sections 2.11 to 2.15.

2.9 Attrition

Attrition refers to the ways sexual assault cases are filtered out through the legal system prior to trial (Attorney General’s Department, 2005; Daly, 2011; Heath,
Attrition includes survivor withdrawal of complaints, police unwillingness to proceed with complaints and prosecutors not bringing complaints to trial (Brown, 2011; Brown, Hamilton and O’Neill, 2007; Heath, 2005; Taylor, 2004). In 2004, the Australian Institute of Criminology analysed 141 cases of sexual assault and the reasons why they were either withdrawn or prosecuted, with prosecuted cases found to relate to the likelihood of securing a conviction (Phillips and Park, 2004). Research undertaken by the Victorian Law Reform Commission has found that reported rapes were subsequently withdrawn at significantly increased rates from 14 per cent in the 1990s to 31.5 per cent in 2003-2004 (VLRC, 2003). The withdrawn complaints most commonly involved women who had been sexually assaulted by their current or former partner (31.4 per cent) (Morrison, Quadara and Boyd, 2007).

Strathopoulos (2010:22) studied attrition rates of sexual assault cases from the Australian criminal justice systems. Of 143,900 sexual assaults reported in a 2010 victim survey, 27,197 (18.9 per cent) of sexual assaults were reported to police. Of these, 18,172 (12.6 per cent) of reported complaints were investigated by police, and 1383 (0.9 per cent) of alleged offenders were found guilty in court and 1024 (0.7 per cent) of convicted offenders received a custodial sentence. The NSW Attorney General’s Department (2005) reported that many survivors of sexual assault withdrew from the legal process subsequent to the committal hearing, due to the distress they experienced during the committal process.

A U.K. study by Brown, Hamilton and O’Neill (2007) reported the issue of high rates of attrition, with 74 per cent of U.K. cases being rejected during the police stage of the legal process. A further 14 per cent were rejected by the prosecution, and a subsequent 12 per cent of cases were lost between the time that the prosecution agreed to go ahead and the time the case was to go to court. Koss, Bachar, Hopkins and Carlson, (2004) U.S. research revealed a similar winnowing process of reported sexual assaults. With 16 per cent of U.S. sexual assaults reported to police, police have been found to close the majority of cases without charging. For example, in Hennepin County, Minnesota, only 25 per cent of cases reported were accepted for prosecution (Brown, 2006). Thus, both in Australia and
overseas, a large number of sexual assault cases continue to be filtered out prior to trial as they proceed through the criminal justice system, causing survivors to feel dismissed and/or disbelieved (Bouhours and Daly, 2008; Cossins, 2009; Maier, 2008; Munro and Kelly, 2009; Taylor et al., 2012; Phillips and Park, 2006; Stathopoulos, Quadara, Fileborn and Clark, 2012). These results suggest that survivors whose cases do reach court require long-term comprehensive assistance and court preparation to allow them to be adequately informed and supported, and to assist survivors to give their best evidence in court.

2.10 Experiences of the legal system

For those whose sexual assault complaints reach prosecution, survivors typically experience various stresses during the journey of navigating the legal system, and survivors report frequently experiencing re-traumatisation by the legal process (Bluett-Boyd and Fileborn, 2014; Fergus and Keel, 2005; Maier, 2008; Parkinson, 2010; Sheehan, 2006; Smith and Skinner, 2012; Wagner, 2007). As one female magistrate explained in Silvery (2003: pg. 18-23): “If it were my daughter, even though I would want the perpetrator dealt with, I wouldn’t put her through (the legal system).” Kennedy and Easteal (2010) use the metaphor of a boxing match to describe the criminal justice process, which has been found to trigger painful emotions including fear, anxiety, humiliation and helplessness, thus augmenting survivors’ traumatic experience of the legal process. Stubbs (2003) argues that one of the difficulties faced by survivors taking legal action is that convictions are highly correlated with the survivor and offender being strangers, and negatively correlated with a prior relationship between survivor and offender. Given that the majority of survivors are sexually assaulted by someone known to them (ABS, 2012; Lievore, 2003), this issue continues to be of concern for many survivors wishing to take legal action.

that the maleness of law discriminates against complainants by “silencing their (the survivors’) experiences and eroding their ability for individual agency in the legal process”. Taylor argues that the legal process reflects the very same inequalities and abuses of power survivors experience during sexual assault. Furthermore, Taylor’s (2007) discussions with survivors found that they typically felt unprepared for the aggressive manner they encountered during cross-examination, that survivors felt shocked and disempowered by the intimidating strategies and tactics used by defence barristers and that the legal process replicated feelings of being assaulted and humiliated all over again. Larcombe (2005) agrees that there are certain similarities between rape and rape prosecution. In both instances, survivors experience a loss of control over what happens to them and in both cases, survivors’ well-being seems to be of little concern to those who control the situation. Further, survivors state that their interests have not been sufficiently considered by the legal process. Feminist critics argue that the legal system still insists on using legally sanctioned rituals and male symbols of power in order to shame and punish survivors of sexual assault and that it is the complainant who suffers the greatest assaults on her character (Boyd, 2011; Jordan, 2004; Konradi, 2007). Taylor’s (2004) court transcripts reveal the manner in which the defence typically damages survivors’ credibility through the routine humiliation of survivors during cross-examination.

A report of state-based consultation with survivors of sexual assault and associated services and agencies by the NSW Violence Against Women Specialist Unit (2006:11) found that the majority of respondents (81.3 per cent) felt dissatisfied with court outcomes. Respondents were asked what they thought to be the most important information required to prepare someone for the court process (NSW Violence Against Women Specialist Unit, 2006). Participants nominated the need for information on low conviction rates, the need for information on the difficulties of giving evidence, information about the realities of the court process, the importance of and need for victim rights, as well as the need for education about support available to survivors. Other issues centered on the need for adequate information and support throughout the typically lengthy legal process, from disclosure to verdict, improved response by police and more timely and
effective gathering of evidence, more thorough investigation of sexual assault matters, as well as survivors’ rights to be believed and treated with respect (NSW Violence Against Women Specialist Unit, 2006). Participants also expressed the need for a better and more thorough response from the Department of Public Prosecutions, with more meetings and clearer information about the legal system, as well as a request for the same prosecutor throughout the legal process. Respondents felt that the right to be believed and treated respectfully, to be provided with adequate information, and comprehensive support services would have assisted and empowered them during the legal process (NSW Violence Against Women Specialist Unit, 2006).

Lievore’s (2005) qualitative research supports these findings. Of the 14 participants in her research whose cases were referred to the NSW Department of Public Prosecutions, the majority felt dissatisfied with regard to a perceived lack of information provided by the Department of Public Prosecutions and with the treatment they received by staff of the same department. Participants also identified a lack of court preparation and support as having been detrimental to their experiences of the legal system and felt that their cases were inadequately prepared for court. However, since Lievore’s (2005) study sample is small, it limits generalisability, indicating that further research is required in the area of survivors’ experiences of the court process, which is one focus of the current study.

2.11 The need for adequate court preparation

Court preparation in Australia may include materials such as pamphlets, booklets, DVDs, counselling sessions with Sexual Assault Service counsellors, as well as court support from non-government agencies such as the Victims of Crime Assistance League (VOCAL). While a number of court preparation programs are available in Australia (Educational Centre Against Violence, 2002; Macleod, Stevenson, Walker, Windmill and Wilk 2007), Taylor (2004) claims that most information booklets provided for survivors that aim to assist with the legal process portray a false view of sexual assault trials. Taylor (2004) argues that they promote an upbeat “having your day in court” viewpoint, making the survivor feel confident that she will have
the opportunity to tell her story truthfully during the trial. According to Taylor (2004), these information booklets fail to mention the common limitations that severely constrain the victim's evidence, nor do they prepare complainants for the victim-blaming types of questions they will be confronted with. Taylor (2004), who textually analysed six trial transcripts, refers to cross-examination as a "trial by ordeal" (Taylor, 2004: xix), and argues that the defence frequently attacks the survivor's character so as to damage her credibility in the jury's eyes, while causing humiliation and further trauma.

One of the main intentions of the NSW Crimes (Rape) Act 1991 was to give increased protection to complainants during court proceedings. Further, Section 41 of the NSW Evidence Act states that a witness must not be subjected to questioning that is "unduly annoying, harassing, intimidating, offensive, oppressive or repetitive". However, these continue to be standard tactics employed by the defence at sexual assault trials (Scutt, 2005; Sheehan, 2006:216; Randall, 2010; Taylor, 2004). As Wagner (2007), a 17-year-old survivor of sexual assault describes her experience of court: "I thought all I had to do was tell the truth, and that would be enough . . . I quickly discovered that that's not how the legal system works . . . Lawyers aren't supposed to harass witnesses, but it seemed to me that the lawyers for the defence were there to tear me apart." (Wagner, 2007:143,165) Since the above information is either anecdotal or consists of small, qualitative studies, further research is required in the area of survivors' experiences of the court process. The current study aims to provide insight into survivors' experiences of the legal process, as well as developing a comprehensive and holistic court preparation and support program for women taking legal action in response to sexual violence. This program will be discussed in detail in Chapter 7 and Chapter 8 of this thesis. Nicholas Cowdery QC (2003:4-5) argues that the way sexual assault is prosecuted raises human rights issues. He states that survivors of sexual assault must not be re-traumatised during the legal process and that compassion and respect for victims' rights and survivors' dignity should be protected at all times. Cowdery (2003) urges the current legal system to redress the imbalance of the law from having an almost exclusive emphasis on the rights of the accused towards the
acknowledgment and enforcement of the equal rights and dignity of survivors of sexual assault.

A combined Swiss and German study conducted by Orth and Maercker (2004), has found that when survivors are adequately prepared and supported prior to and throughout the legal process, re-traumatisation does not necessarily occur. Thirty-one participants of this longitudinal study received emotional and financial assistance throughout the legal process by the support agency Weisser Ring (White Ring), and were asked to fill out questionnaires before and after trial. Questions measured re-traumatisation, defined as a significant increase in post-traumatic stress reactions to the original trauma (Orth and Maercker, 2004). Results found that participation in trials does not cause an increase in re-traumatisation among survivors when they are adequately supported. A limitation of this study is that the participant response rate was only 32 per cent, and it is not known how the remaining 68 per cent of participants fared. However, this study's results are encouraging in terms of the positive effects on survivors when they receive comprehensive practical, social and emotional support throughout the legal process, including comprehensive court preparation.

2.12 U.S.-based court preparation practices

In Australia and the U.K., survivors of sexual assault receive very little in the way of court preparation (Lievore, 2005; Ellison, 2007; Solomon, 2010). In contrast, U.S. prosecutors or court preparation specialists may meet several times with survivors prior to attending court, with the specific purpose of preparing survivors to be confident witnesses and assisting them to give their best evidence (Ellison, 2007; Konradi, 2007; Lewis, 2005; Boccaccini, 2002).

This serves to allay court-related fears and assists survivors to develop the skills necessary to testify as confidently and fully as possible in court (Ellison, 2007). Ellison (2007) calls for the adoption of the same methods used by U.S. prosecutors and witness preparation specialists (Lewis, 2005) in other countries. Ellison (2007) argues that American court preparation programs serve to demystify the
legal process by explaining the roles of the various court participants through a pre-court visit, familiarising survivors with the courtroom layout and environment. Furthermore, survivors are prepared over several court preparation sessions for the process of giving evidence in the form required by the legal system’s unfamiliar and hierarchical environment. U.S. prosecutors and witness preparation specialists teach survivors over a number of court preparation sessions to communicate effectively, by giving survivors the opportunity to practise giving effective evidence through role-play exercises (Ellison, 2007). This level of preparation is not offered in Australia (Lievore, 2005; Taylor, 2007). As Lewis (2005: 29) argues: “You can’t simply tell a witness to follow the rules for testifying and expect a good outcome at trial, any more than you can tell someone the rules of football and send him out on the field to play. It is only through practice that the techniques of testifying will become comfortable and automatic.”

U.S. prosecutors and witness preparation specialists also importantly prepare survivors to deal effectively with emotional triggers such as the requirement of describing their sexual assault in detail and using explicit language to do so (Ellison, 2007). This may involve rehearsing survivors’ testimony, while ensuring there is no contamination of evidence or coaching of the witness (Mahoney, 2000).

Furthermore, U.S prosecutors prepare survivors for cross-examination, which has been found to be the most difficult aspect of giving evidence for survivors (Lievore, 2005; Boccaccini, 2002; Kennedy and Easteal, 2011; Wagner, 2007). U.S. court preparation aims to reduce the stress of cross-examination by describing the various tactics used by defence lawyers, as well as giving survivors practical advice and strategies for emotion management during cross-examination. Survivors are encouraged to speak up if they do not understand a question or to request the rephrasing of confusing questions. Survivors are also taught not to allow defence lawyers to intimidate them (Ellison, 2007). This is achieved through role-play exercises and familiarising survivors with typical cross-examination tactics employed by the defence. U.S. prosecutors and witness preparation specialists prepare survivors for defence tactics such as the use of compound questions, rapid speech and antagonistic tone of voice aimed at confusing and intimidating
survivors, making it difficult for them to answer questions accurately and completely. Therefore, taking time to thoroughly familiarise survivors with defence tactics assists them to deal effectively with testifying in court (Konradi, 2007). However, Konradi (2007) argues that this type of court preparation is still inconsistently applied, with many participants claiming that what they received was “too little too late.”

Ellison (2007) argues that stress can have serious deleterious effects on survivors’ capacity to recall and communicate information. For example, qualitative interviews with traumatised participants found that heightened emotional arousal disrupts cognitive and communication skills, leading to an increase in errors and incomplete descriptions of past events (Ellison, 2007). Research has found that comprehensive court preparation can assist to reduce anxiety and increase survivors’ ability to provide accurate and complete testimony (Ellison, 2007; Mahoney, 2000; Lewis, 2005; Neal, 2009). This, in turn, may serve to reduce re-traumatisation, allowing survivors to be stronger witnesses who feel empowered, rather than victimised, while participating in the legal system. While Ellison’s (2007) research offers valuable insight into the potential benefits of thorough and comprehensive court preparation, her research is largely anecdotal, with further research, evaluation of programs and empirical evidence being required in the area of survivor court preparation.

Research by Boccaccini (2002) studied U.S. witness preparation and education designed to improve survivor credibility and confidence in court. This included a review of case facts and statements made by survivors in order to increase confidence and accuracy while survivors gave their evidence in court. Secondly, court preparation also involved familiarising survivors with the courtroom, helping them to feel less anxious or confused. The third component involved prosecutors becoming thoroughly familiar with survivors’ testimony, thus avoiding surprises from their witnesses in court (Boccaccini, 2002). The fourth component studied by Boccaccini (2002) refers to the modification of testimony delivery, achieved through a combination of rehearsal and instruction. For example, survivors are instructed on grooming and what to wear in court, as well as on the
behaviours that were expected of them in the courtroom and on the witness stand. During court preparation, survivors were taught to speak with confidence, clarity and in an assertive tone of voice, thus allowing them to be seen as more convincing, truthful, trustworthy and competent. Survivors were also taught effective non-verbal body communication such as maintaining an upright and moderately relaxed posture, as well as maintaining frequent eye contact. Other suggestions were made around expressing genuine emotions and using a clear voice with variations in pitch. The above education provided survivors with comprehensive court-related skills, thus improving their credibility and confidence during their appearance in court (Boccaccini, 2002).

A significant point made by Boccaccini (2002) is that witness preparation is not designed to modify the truth, and that survivors were told to always tell the truth. According to Cramer (2009), this type of witness education and preparation is both ethically sound and commonly used in the U.S, that the purpose of court preparation is not about teaching survivors tactics in deception, but rather assisting survivors to learn the skills required to enable them to become confident witnesses able to participate fully in the court process. While expert witnesses such as medical experts, social workers and police officers in Australia are able to receive similar pre-court preparation (Watts, 2004), no such extensive and in-depth preparation is available for survivors of sexual assault in Australia (Taylor, 2007; Quilter, 2011). Reliable and comprehensive court preparation and ongoing emotional and social support would be of benefit to Australian survivors taking legal action.

### 2.13 Survivor self-preparation

Konradi’s (2007) U.S. qualitative research involving in-depth interviews with 47 women who had attended court in relation to a sexual assault matter found that, far from being passive victims, many survivors approached the legal journey as active, goal-directed problem-solvers, regardless of the amount of court preparation they received by prosecutors (2007:4). Konradi’s (2007) research found that survivors acted in numerous ways, and without the direction of
prosecutors, to enhance their ability to perform their witness role effectively. Konradi’s (2007) in-depth interviews found that, regardless of prosecutor pre-court preparation, survivors actively engaged in the following modes of court preparation: appearance work; role rehearsal; emotion work; team building; role research; and case enhancement. These will be discussed in the following paragraphs.

Appearance work refers to the ways in which participants of Konradi’s (2007) study prepared themselves to appear as credible witnesses and genuine victims of crime in court. This entailed participants intentionally shaping the ways they were viewed by the jury and judge. Participants carefully selected clothing that would separate them from women who “asked for it” (Konradi, 2007: 81). Role rehearsal involved participants rehearsing their police statements and familiarising themselves with other evidence, in order to be able to accurately portray their memory of the assault, as well as making sure they would be able to manage their emotions in court.

Many participants in Konradi’s (2007) study actively prepared themselves by telling their stories to supportive family members and friends. This allowed participants to trust they could rely on their ability to remember the assault accurately, thus resolving an important aspect of court-related anxiety, allowing participants to feel enhanced confidence prior to attending court. Participants also made use of visualisation techniques, picturing themselves calmly and assertively giving evidence and successfully managing their role as effective, trustworthy witnesses in court.

The majority of participants also actively recruited supportive people to attend court with them (Konradi, 2007). This assisted participants with the frequently lengthy waiting times in windowless victim-witness rooms, as well as having a supportive presence available in the courtroom. Many participants also conducted library searches to research their witness role and sought the advice of friends with legal knowledge to improve their understanding of the legal process and rape law. This assisted participants in gaining relevant courtroom skills and increased
their confidence and capacity as effective witnesses. In order to allay court-related fears, participants who felt they did not receive sufficient information from prosecutors also asked for assistance from therapists and solicitors not directly involved in their case.

Case enhancement refers to the ways in which participants actively engaged in strengthening their legal case and involved participants providing prosecutors and legal personnel with relevant documents collaborating their evidence as genuine survivors of sexual assault. Of the 47 participants in Konradi’s (2007) study, more than two-thirds engaged in building a supportive courtroom team, more than half engaged in appearance work and one third prepared themselves through case enhancement. One quarter of participants rehearsed their evidence and one fifth researched their role as witnesses. Presenting themselves as “stereotypically credible victims” (Konradi, 2007:95) assisted participants in putting aside any doubts that they were not. Therefore, self-preparation prior to attending court through appearance work and through rehearsal of police statements allowed participants to feel more confident that they would be able to give effective evidence in court about their experiences of having been sexually assaulted. Participants who organised supportive teams whom they trusted and felt believed by, claimed that they consequently felt less anxious while attending court. While some participants in Konradi’s (2007) study undertook self-preparation processes, few were found to have undertaken all of the above processes and participants self-preparation was self-determined. Further, a limitation of Konradi’s (2007) study is that this is a volunteer sample with all the related limitations.

Despite self-preparation, Konradi’s (2007) research found that three quarters of participants described giving evidence in court as an extremely stressful experience, with emotions including fear, anger, frustration, anxiety, embarrassment and distress. Many participants recalled feeling as though the sexual assault were recurring during cross-examination, and that they re-experienced terror and loss of control. Half the participants in the study also felt emotionally overwhelmed at having to encounter the offender in court. One of the most difficult experiences cited by participants were feelings of intense anger and
frustration during cross-examination. Defence lawyers’ rapid and often confusing and humiliating questions, as well as defence lawyers’ constant interruptions and efforts to limit participants’ replies to one-word answers thwarted participants’ abilities to provide confident, accurate evidence, causing feelings of re-traumatisation. Some participants also expressed feeling let down by prosecutors’ lack of support or provision of court preparation (Konradi, 2007).

However, many participants in Konradi’s (2007) study claimed that participating in the legal process was an important part of their healing process, despite the difficulties they had to navigate. Giving evidence in court was seen by many as having been a necessary hardship aiding their recovery process. Many participants claimed that the costs of attending court were far outweighed by the offender being held to account for the sexual violence perpetrated against them (Konradi, 2007). However, Konradi’s (2007) study does not clarify whether this held for not-guilty verdicts. A limitation of this study is that Konradi (2007) does not answer the question of how vulnerable survivors fare, for example those who are not able to actively engage in self-preparation practices. Many survivors do not have trustworthy supporters who believe them and many survivors are too traumatised to deal assertively with the legal process without the assistance of adequate court preparation and support programs (Bluett-Boyd and Fileborn, 2014; Lievore, 2005; Taylor, 2007). Adequate court preparation and long-term emotional and social support are therefore still considered to be an important factor ensuring all survivors of sexual assault are being equally well equipped and supported to participate fully in the legal process, which is the focus of this study.

2.14 A brief review of existing court preparation manuals in Australia

As discussed in Section 2.11, court preparation in Australia may include the provision of pamphlets, booklets, DVDs and handbooks providing court preparation to those survivors who choose to take legal action (Taylor, 2007). Further, counselling sessions with Sexual Assault Services, one-off sessions with witness assistants of the Department of Public Prosecutions and court support
from non-government agencies such as Victims of Crime Assistance League (VOCAL) are also made available to survivors of sexual assault in regional Australia. As outlined in Chapter 1, survivors are entitled to avail themselves of counselling through Sexual Assault Services and through the Attorney-General’s Department’s Victims of Crime Counselling Service. There are also some non-government services available, such as the Victims of Crime Assistance League, which provide counselling and support to survivors of sexual assault. Medicare Australia also provides limited counselling (10 sessions per calendar year) through “Better Access to Mental Health Care” (Medicare Australia). However, there is a lack of available evidence for the efficacy of these services.

Lievore’s (2005) previously cited Australian research involving in-depth, qualitative interviews with 30 women survivors found that of the 14 cases forwarded to the DPP for prosecution, 11 participants claimed they received an inadequate amount of support, information and court preparation. Lievore (2005a and 2005b) argues that new commitment, passion and leadership by well-trained and experienced police, prosecutors and judges is needed to assist survivors through the provision of consistent and comprehensive information and court preparation programs. Lievore’s (2005a and 2005b) interviews with Australian survivors found that the majority of participants felt they were not given sufficient information and preparation for their role in court, resulting in unintended survivor re-traumatisation by the legal process.

The court preparation manual "Nothing But The Truth: Court Preparation for Adult and Child Witnesses in Sexual Assault Proceedings" (2002), is the most commonly used manual of this type in NSW, according to NSW Sexual Assault Services (Educational Centre Against Violence, 2002). The manual was developed in collaboration with the Department of Public Prosecutions in response to requests by sexual assault workers and is regularly updated (Educational Centre Against Violence, 2002). While the manual provides instructions for individuals, as well as an option for a half-day or one-day group court preparation seminar, the manual is densely written over 33 pages, with 10 handouts containing information about court procedures available for survivors to take home. Topics include descriptions
of local and district courts, legal and trial processes, advice on preparing for court, a glossary of words used in court, tips for giving evidence in court, advice on self care, an outline of victims’ rights and advice on lodging a complaint (Educational Centre Against Violence, 2002). The manual is handed to women who access counselling at Sexual Assault Services, as well as by mail through the Educational Centre Against Violence and the Department of Public Prosecutions. It is written in a scholarly legal style and is perhaps difficult to comprehend for survivors who do not have tertiary education and are severely affected by trauma.

Taylor (2007), who is both a research academic as well as a survivor who has attended court regarding a sexual assault matter, has written a comprehensive court preparation handbook: “Surviving the Legal System: A Handbook for Adult and Child Sexual Assault Survivors and Their Supporters” (2007). The handbook is made available in libraries, bookshops and at some Sexual Assault Services. Part one of the handbook provides a detailed description of all aspects of the legal system, from assault to verdict (Taylor, 2007: 1-119). There is also a section on emotionally coping with the legal journey: “Nurturing Your Truth: An Exercise for Survival” (Taylor, 2007: 119-122).

Section Two (Taylor, 2007: 123-179) of the Handbook provides an outline of cross-examination tactics employed by the defence, and offers survivors practical strategies for dealing with this typically most difficult aspect of their appearance in court (Burman 2009; Clark, 2010; Kennedy and Easteal, 2011; Wagner, 2007). Taylor (2007) describes in detail the tactics used by the defence to destabilise survivors during cross-examination. For example, a commonly used strategy is defence barristers rapidly moving between time frames, incidents, places and charges, as well as asking rapid-fire questions designed to create confusion, prompting survivors to make errors or to become hesitant, making them seem to be less credible as witnesses while giving their evidence (Taylor, 2007). The defence may also use personal information provided by the defendant in order to damage survivors’ credibility, causing embarrassment and loss of confidence (Taylor, 2007).
Furthermore, Taylor (2007) describes the way in which the defence uses tactics to suggest error, lies or doubt in order to discredit survivors and accuse them of being liars, in an attempt to diminish survivors’ resilience. Taylor (2004), who textually analysed six court transcripts for her research, documents the ways in which the defence develops a legal script in which evidence is “edited, modified, removed and constrained” to such an extent that the survivors’ story is no longer cohesive or coherent (Taylor, 2004:143). Defence tactics also involved questioning phrased to confine survivors to “yes” or “no” answers, thus dominating, restricting and overpowering survivors during the process of cross-examination (Taylor, 2004:144-146). The defence also suggested the survivor had fabricated the allegations, that she had a motive for making false allegations such as a desire for revenge, or mental or emotional instability or that she was merely seeking criminal injury compensation or other financial gains (Taylor, 2004:146-151). Survivors are also typically questioned about their use of alcohol or drugs in an effort to portray something negative about the survivor’s person. The defence may also indirectly imply that the survivor is sexually promiscuous and that she therefore consented to the sexual encounter (Taylor, 2004:154-159).

Taylor’s (2007) handbook provides a thorough, detailed, step-by-step guide for navigating the legal process, preparing survivors for court and providing supportive, holistic and practical strategies for survivors to be able to participate fully in the legal process. According to Heenan (2007), Taylor's handbook gives survivors the capacity to deal competently with a legal process, which has been designed to undermine survivors in the witness box.

Taylor's handbook provides advice and techniques which are based on six court transcripts. However, the techniques have not been evaluated, and many disadvantaged survivors may find the cost of the book prohibitive and survivors with literacy, mental health or severe trauma issues may not be able to benefit from this lengthy, extensive resource without the ongoing additional help of a supportive person assisting with the court preparation process, either individually or in a group setting.
2.15 Group court preparation for survivors of sexual assault

Group interventions offer a cost-effective alternative to individual court preparation for survivors to overcome isolation and learn new skills through psycho-education and mutual support (Clemans, 2005, 2008; Fournier, 2002; Foy et al., 2001; Hickle and Roe, 2014; Linehan, 1993; Liu, 2012; MacIntosh, 2003; Van Deusen and Carr, 2004; Astbury, 2006; Trevithick, 2005). According to Foy et al. (2001), qualitative interviews with group participants have found that empirical support exists for the use of group interventions, particularly for trauma survivors who frequently suffer feelings of isolation and alienation. The opportunity to connect with others in a safe, respectful environment may be an important step towards recovery and the rebuilding of trust. Group interventions have been found to allow participants to find common ground, thus discovering new ways of helping themselves and one another (Anderson, 2006; Joseph, 2012; Senn, 2011; Solomon, 2010; Steinberg, 2002; Watson et al., 1998). Herman (1992) argues that since the experience of trauma is one of disconnection and disempowerment, group support allows survivors to experience healing through the development of new connections. Peers express and exchange ideas, stories and provide encouragement of each other, finding a new and stronger voice in the process (Drumm, 2008; Liu, 2012; Steinberg, 2002). Knight (2006) argues that a model of mutual aid empowers participants through the connection with others who have had similar life experiences, allowing survivors to feel that far from being alone, they are “all in the same boat” (Shulman, 1999, cited in Knight, 2006), thus offering comfort and enhancing self-worth in participants.

According to the Educational Centre Against Violence (2002), group court preparation allows survivors to feel less isolated and reduces feelings of stigmatisation through the opportunity to connect with other “normal” women who have also experienced sexual assault. The NSW Educational Centre Against Violence (2002) argues that group court preparation provides survivors with the opportunity to learn from other group participants through the provision of mutual support and that group court preparation allows an effective use of sexual assault workers’ time in an economic climate of reduced resources (Educational
Centre Against Violence, 2002: B1: 1). However, there are currently no Australian comparison studies or pre and post-tests to verify this claim. Therefore, further research is required to study and evaluate court preparation programs in general and the efficacy of group court preparation in particular.

A comparison may be provided by McWhirter’s (2006) U.S. research. Group interventions were found to be effective with women who had suffered trauma and were dealing with issues of lack of social and interpersonal support. McWhirter’s (2006) study found that the 37 women participants attending a five-week trauma group program reported an expansion of participants’ social network, an increase in self-efficacy and a decrease in social isolation. While pre and post measures were administered, a limitation of this study is that it is U.S.-based and that the longer-term efficacy was not assessed.

Van Deusen and Carr (2004) provide another U.S. study of a 10-week group psycho-education and support program for survivors of sexual assault. It was conducted in a university setting, and they found the group intervention model to be effective in reducing isolation and stigma and increased mutual support and feelings of hopefulness. The study’s sample size is seen as a limitation, with seven participants beginning the group program and only five participants completing it. However, the rich detail provided by the five participants provides insight into the benefits of psycho-education and emotional support programs for survivors of sexual violence. Further research is required in order to provide empirical support for the efficacy of group programs for survivors of sexual assault.

While group court preparation is thought to be a time- and cost-effective way of preparing survivors to participate fully and confidently in the legal system, as well as reducing stigma, shame, and trauma-related symptoms such as alienation and isolation, some survivors of sexual assault may have difficulty engaging in a group process. This may be due to trust issues arising from the traumatic nature of sexual assault (Herman, 2005), or due to structural issues such as lack of transportation as well as family- and/or work commitments. Other difficulties may be related to survivors’ mental health or substance use issues (Herman, 2005), making it
difficult for them to engage in a group process. Therefore, court preparation programs need to remain flexible and attempt to fit survivors’ individual needs. An adaptable combination of individual and group court preparation may be required to assist survivors of sexual assault with effective court preparation. There is a need for evidence as to the efficacy of the range of existing Australian court preparation booklets, manuals and practices in order to delineate content, processes and principles for inclusion in a court preparation program.

2.16 Conclusion

This review has documented the academic literature on some of the issues survivors of sexual assault face when they decide to take legal action. The review explored the barriers hindering survivors in taking legal action after sexual assault, including shame, fear, self-blame and fearing others’ blame. This review of the literature has documented some of the difficulties faced by survivors, such as high rates of attrition after reporting an assault, stigmatisation and negative societal attitudes towards survivors of sexual assault, as well as outlining the difficulties of giving evidence in court, including issues around cross-examination. This review has also outlined the gains and limitations of rape law reform and considered existing U.S. and Australian court preparation programs and practices, with Australian court preparation practices having been found to be frequently inadequate. This review has documented Australian and international research in the area of survivors’ experiences of court and court preparation and points to a need for more research in this area. This review has also highlighted some of the strengths and limitations of current research. Finally, a case was made for the potential benefits of comprehensive group court preparation and support programs and the need to evaluate the effectiveness of these programs in a rigorous manner. The next chapter aims to describe the methods employed in this study, which is based on a combination of feminist and intervention research methodologies, and which aims to make inquiries into the gaps in research by exploring the experiences of survivors of sexual assault and their key service providers with regards to the legal system. The need for more comprehensive and
holistic court preparation and support programs, as well as their evaluation, will be addressed in the following chapters.
Chapter 3

Research Methodology

3.1 Introduction

This chapter describes the methodology of this PhD research project, which uses a feminist qualitative approach (Meadows, 2003; Nurius and Macy, 2008; O’Leary, 2005, 2010; Silverman, 2006, 2010), incorporated as part of Rothman and Thomas’s (1994) and Fraser, Richman, Galinsky and Day, (2009) Intervention Research Methodology. A feminist qualitative approach was chosen as being most appropriate for the participant group and research topic (Kleinman, 2007; Patton, 2002). The principles of feminist interviewing emphasise a reduction of hierarchy between interviewer and interviewee. The principles of feminist interviewing have been found to bring a detailed, respectful approach to the research (Fontenot and Collins, 2011; Guerrero, 1999; Mason, 2002; Patton, 2002), as well as orienting the research in the direction of consistent awareness of the issue of gender (Guerrero, 1999). A feminist qualitative research methodology allows for the provision of appropriate referral and relevant information, thus demonstrating a supportive and compassionate researcher attitude, as well as aiming to achieve a respectful and equitable approach to the research at all times (Kleinman, 2007; Patton 2002). Further, feminist research provides a methodological foundation, which values participation, collaboration and empowering methods of inquiry (Minichiello, Axford, Sullivan and Greenwood, 2004; Patton, 2002, Williams, 2004; Worrell, 2003).

Rothman and Thomas’s (1994) intervention research method aims to deal with a given, real-world problem and practical goal, rather than a hypothesis to be tested or a theory to be explored. It is typically stimulated by consumer need and its purpose is frequently dual in nature: adding to academic knowledge, as well as contributing to improvement and increased resilience in a targeted participant
group (Rothman and Thomas, 1994). Intervention research has been found to be effective in facilitating collaborative efforts between researchers and clinicians, its focus being on developing new interventions, as well as adapting established interventions during periods of reduced resources (Rothman and Thomas, 1994).

Qualitative and intervention research methodologies were selected as being relevant and suitable to this research project, since both methodologies are able to support and provide for the unique needs of the chosen participant group. This study aims to enhance academic knowledge, as well as developing and providing new clinical approaches for survivors of sexual assault who choose to take legal action in relation to sexual violence.

3.2 Intervention research

According to Fraser, Day, Galinsky, Hodges and Smokowski, (2004:4): “Intervention research takes place at the confluence of imagination, innovation and science.” Rothman and Thomas (1994) state that intervention research has three purposes: Firstly, it aims to develop and refine intervention programs. Secondly, intervention research aims to discern whether an intervention is able to effectively produce preferred outcomes, and finally, findings from intervention research may confirm a particular theory. Interventions are typically designed to reduce risk by ameliorating participant vulnerability, and aim to increase resilience in a chosen research group (Fraser, Richman, Galinsky and Day, 2009). The current research project aims to assist vulnerable survivors of sexual assault by providing a comprehensive group court support and preparation intervention as women navigate the legal system. This intervention aims to make use of a combination of existing court preparation methods (Educational Centre Against Violence, 2002; Konradi, 2007; Taylor, 2004), as well as combining these with other relevant, evidence-based strategies in order to adequately support and prepare survivors of sexual assault when they decide to take legal action (Arden, 2009; Black, 2003; Harris, 2007; Johnson and Johnson, 2009; Linehan, Dime and Reynolds, 2002; Laing, 2001; Reiter, 2010).
Interventions are intentional change strategies that may operate at individual, family, organisational, state or national levels (Fraser, 2004; Forness, 1994). According to Fraser et al. (2009), interventions may consist of a single or a cluster of actions. In the disciplines of psychology or social work, interventions typically aim to ameliorate the impact of health and/or social problems. The U.S. Centre for Disease Control and Prevention (2007) has stated that interventions intend to alter behaviour or improve outcomes. Furthermore, interventions are typically designed to reduce risk by decreasing vulnerability, as well as aiming to increase and strengthen protective factors, thus increasing resilience (Fraser et al., 2009).

Capella, Reinke and Berger (2011) emphasise the importance of collaboration in intervention research. Successful interventions require cooperative partnerships between agencies and researchers, as well as ensuring agencies receive sufficient knowledge, training, support and resources (Capella, Reinke and Berger, 2011). For example, Sullivan and Bybee (1999) developed and designed an intensive community-based advocacy intervention for 278 women who were experiencing domestic violence. Participants were recruited from a women’s refuge in mid-western America. Participants received four to six hours’ free advocacy services for a 10-week period upon leaving the women’s refuge. Participants were followed up and interviewed six times over a two-year period. The intervention entailed the development of safety plans with participants, as well as delivering advocacy services provided by female undergraduate students enlisted from a university in the mid-west of America. Advocates received extensive training in empathy and active listening, psycho-education regarding domestic violence and information concerning relevant resources and services, as well as information on dealing with potentially violent situations. Each advocate committed to working four to six hours per week on behalf of single participants and received ongoing supervision sessions. Advocates saw their clients face to face twice a week for a 10-week period. The intervention’s retention rate was 95 per cent with a significant decline in physical and emotional abuse for the participant group, as well as a reduction in participants’ experiences of depression and a marked reported improvement in social support and quality of life. The results of this longitudinal intervention have promising implications in the area of domestic violence prevention. Women who
participated in this intervention were more than twice as likely to be free of domestic violence over a two-year period following the intervention (Sullivan and Bybee, 1999).

According to Fraser, Richman, Galinsky and Day (2009), intervention research aims to integrate psychosocial and developmental research into endeavours that assist in ameliorating adverse conditions, such as those imposed on survivors of sexual assault as they navigate the legal system. Intervention research aims to identify ways of bringing about change and building effective practice, which entails a process of identifying, adapting and finally implementing the best possible strategies for change, using a broad array of knowledge and skills (Fraser, 2004; Gillian, 2011).

It is the development and design of a new intervention that distinguishes intervention research from evaluation research. According to Rothman and Thomas (1994), intervention research entails the use of two separate processes and products: Firstly, a new program consisting of a detailed outline or treatment manual is developed, and secondly, a thorough evaluation of the program’s effectiveness is carried out. In this way, intervention research entails dynamic processes involving researchers, practitioners and agencies, requiring researchers to make use of both new initiatives and quality assurance (Solomon, Cavanaugh and Draine, 2009).

According to Dunn (1994), intervention research makes use of an active approach to solving social problems, with the aim of designing particular programs that endeavour to improve practice and policy. Intervention research entails the development and study of change-producing social advancement, involving a double goal consisting of a “knowledge product” consistent with other research, as well as a “practical product,” which is an intervention (Rothman and Thomas, 1994: 83).

Intervention research is a collaborative endeavour and cannot be performed in isolation. It must be conducted from an organisational foundation that is able to
provide various relevant resources (Hayes, 1994; Rothman and Thomas, 1994). Intervention research is multi-faceted, requiring a long-term commitment and encompassing a series of interconnected phases carried out over a period of time (Rothman, 1994). Rothman argues that intervention research innovations must be refined and evaluated in a natural human service environment, thus ensuring confidence in their “feasibility and effectiveness in the real world” (cited in Rothman and Thomas, 1994: 87). Hasenfeld and Furman (1994) state that this entails the willing involvement of collaborating human service organisations, as well as the development of joint working relationships (cited in Rothman and Thomas, 1994). Planning must always include the participation and collaboration of members of the participatory setting, thus ensuring interest in and commitment to the project (Rothman and Thomas, 1994).

Schilling, 1988, cited in Rothman and Thomas, 1994: 91) developed the following guidelines for developing agency-based intervention research and design:

- To contact the participating agency at least six months prior to the start of the intervention
- To invite agency input, in order to maximise benefit to the agency
- To ensure procedures are compatible with the agency’s philosophy
- To inform the agency honestly about all costs and time demands involved
- To provide ongoing support and appreciation to agency staff for commitment and accomplishment
- To provide ongoing progress reports
- To assist staff with implementation of the intervention in the agency

Intervention research therefore always requires careful planning as well as flexibility to adjust to the needs of the participant group and practice setting.
Since many practitioners and agencies have insufficient resources to conduct intervention research, it is through collaborative efforts with researchers that the design and development of new and effective interventions may be created (Fraser et al., 2009).

When an intervention has been evaluated scientifically, it is seen as being evidence-based, and an intervention that has been evaluated as effective is one that produces a positive outcome when compared to routine approaches (Fraser, 2004, 2008). This then becomes an intervention’s rule for success. Researchers involved in developing programs are typically engaged in all aspects of their evaluation. Researchers may also provide direct supervision of the delivery of an intervention in order to ensure the program is carried out in the correct manner. For example, intervention researchers may design and develop treatment manuals, which include session-by-session activity outlines, as well as guidelines and worksheets to assist participants in their learning. These must be scientifically tailored to participants’ culture and language so as to ensure their relevance to the participant group (Fraser et al., 2009).

Intervention researchers commonly evaluate new programs through the use of qualitative analyses, as will be the case in this research project. New programs and manuals may be reviewed both by expert practitioners or key stakeholders, as well as by consumers and participants. The involvement of consumers and key stakeholders is seen to be an integral aspect of intervention research and design (Fraser, 2004). This study involved the development, delivery and evaluation of a pilot program aimed at assisting survivors of sexual assault navigating the legal process, which will be outlined in Chapter 7 and Chapter 8.

### 3.3 Rothman and Thomas’s research phases

Rothman and Thomas (1994) were the first to develop a detailed methodology of intervention research. Their six-step theory on the design of interventions was drawn from various disciplines including anthropology, engineering, psychology and social work. Their model of intervention design and development is an
integrated model compatible with qualitative research methodology, comprising the following phases:

1. Problem/needs analysis and project planning
2. Information gathering and synthesis
3. Design
4. Early development and pilot testing
5. Evaluation and advanced development
6. Dissemination

3.3.1 Phase 1: Problem/needs analysis and project planning

Phase 1 of the Rothman and Thomas (1994) Intervention Research Methodology entails the selection and study of a practice-related issue. This phase involves key activities that determine the viability of designing an intervention, as well as the development of a project plan. During the initial phase of problem analysis and project planning, researchers aim to identify potential collaborators, including key informants and relevant agencies. This phase of intervention research requires the development of insight into a particular problem from a number of different viewpoints and perspectives. During phase 1, a goal is set for the development of a new intervention, which is based on the viability of testing a new project in everyday practice settings. During this phase of the research, a time-specific objective for the advancement of a new intervention aimed at ameliorating a chosen issue is developed. For instance, an initiative to reduce falls in an aged-care setting may develop both program- and policy-level goals: The development of a system for medication reviews, as well as an environmental assessment after each fall episode within a three-month period (program-level objective); as well as gaining permission from the board within six months for the development of a screening intervention involving the testing of medication and environment risks (policy-level objective) (cited in Fraser et al, 2009).
Phase 1 of the current research project explored the literature on sexual assault and the legal system. The literature review concluded that due to inadequate resources, survivors of sexual assault are typically insufficiently supported or prepared for court (Lievore, 2005; Taylor, 2004). Lack of information, education, and support prior to attending court may unintentionally contribute to re-traumatisation of survivors during the legal process, which has also been referred to in the literature as "secondary victimisation" (Baldini, 2001; Cowdery, 2003; Ellison, 2007; Heath, 2005). This phase of the research examined existing Australian and international literature on sexual assault and the legal system, and investigated existing court preparation programs and practices (Attorney General and Justice Department NSW, 2010; Educational Centre Against Violence, 2002; Ellison, 2007; Konradi, 2007; Taylor, 2007).

### 3.3.2 Phase 2: Information gathering and synthesis (using qualitative methods)

During phase 2 of intervention research, activities and objectives aim to develop and create a project innovation as either an addition to an already existing program or as a completely new intervention (Fraser et al., 2009). This can involve carrying out a thorough review of the literature, in order to avoid replicating already existing programs. According to Rothman and Thomas (1994), the study of successful programs allows insight into the causes and correlates of a particular issue. In this way, the study and understanding of factors that enhance resilience allow insight into the processes that produce healthy outcomes in spite of adversity or risk factors. Moreover, studying both successful and unsuccessful programs may be helpful in identifying various program components (Fraser, 2004).

Phase 2 of the current study aims to examine survivors' needs and experiences of the legal system. This phase of the research will gather detailed qualitative data through in-depth interviews with women who have attended court between 2010 and 2012 in relation to a sexual assault matter, as well as conducting focus groups...
with service providers involved with survivors of sexual assault as they navigate the legal process. These will be outlined in Chapter 4 and Chapter 5.

**3.3.3 Phase 3: Intervention design**

Phase 3 entails the development of an intervention aimed at enhancing the resilience of a chosen participant group, as well as ameliorating risk factors. An important factor of intervention research is the concurrent development and evaluation of an intervention. In this way, an intervention is developed, and at the same time assessment tools are chosen in order to measure their effectiveness. For example, according to Proschaska, Lee and Kahende (2007), a smoking prevention intervention may include bringing awareness of the health consequences of smoking, as well as assisting participants to become skilled at refusing the offer of a cigarette, and finally strengthening relevant laws regarding the availability of cigarette products. This intervention was subsequently evaluated for its effectiveness through the use of quantitative methods. The foundation for the development of practice-related skills is a thorough understanding of the research literature (Fraser, 2004). Furthermore, understanding and knowledge of the participant population is also vitally important (Reid, 1994; Rooney, 1994).

Interventions, including dialogue, learning and group role-play should always be closely connected to both theory and research (Fraser et al., 2009). For example, Wallerstein and Duran (2010) developed an intervention, “The 4 Corners Circle of Services Collaborative” (4CC), at the University of New Mexico. The intervention successfully delivered integrated HIV/AIDS services on a marginalised First Nation Reservation in the American Southwest. Collaboration with American Indian leadership, as well as the involvement of four local partners, developed and implemented a culturally appropriate, evidence-based medical, mental health and cultural intervention for participants with substance use and mental health issues who were at risk of contracting HIV/AIDS. This project entailed a collaborative effort between researchers and relevant agencies, promoting treatment for substance use, mental health and HIV, ensuring minimal attrition, as well as ensuring a culturally based and integrated service delivery.
The third phase of the current research project aims to design a comprehensive court preparation program for women taking legal action after a sexual assault. The program design of this current research will be based on the information gathered in the literature review and the appraisal of existing court preparation programs and practices both outlined in Chapter 2, as well as the qualitative data gathered in this project through in-depth interviews and focus groups outlined in Chapter 5 and Chapter 6, which have been thematically analysed (Meadows, 2003). The court preparation program will be designed flexibly, to be delivered as either a group or individual court preparation program.

3.3.4 Phase 4: Early development and pilot testing

Phase 4 entails the testing of a new intervention. According to Rothman and Thomas (1994), pilot testing must occur in real-world settings. A new program may initially not have control conditions. Instead, early development and pilot testing may entail a single group pre-test and post-test application to assess an intervention. Rothman and Thomas (1994) state that early development of an intervention typically centres on processes rather than on outcomes. Qualitative data that are thoroughly analysed and subsequently combined with results from single-case or small-group projects can generate meaningful information on the effectiveness of programs. The results of early development and pilot testing are consequently used to refine program content and implementation prior to the commencement of advanced testing. For example, Stewart, Simich, Shizha, Makumbe and Makwarimba, (2012) designed and pilot tested a culturally sensitive intervention aimed at meeting the support needs of African refugees in Canada. Professional and trained peer support workers provided support to 58 Somali and Sudanese refugees. Participants attended face-to-face peer support groups, matched by ethnicity and gender, over a 12-week period. Peer support was also provided via telephone as a supplementary one-to-one intervention over a period of 12 weeks. The social support intervention included access to information, affirmation, emotional support and access to free childcare and transport. The intervention involved a qualitative research design consisting of in-depth pre- and post-intervention interviews, as well as field notes by peer and professional
facilitators. Participants reported increased social support, social integration and a reduction in isolation, as well as a marked increase in relevant participant coping skills.

In keeping with recommendations, the current study aims to design, develop and facilitate a group intervention program aimed at supporting survivors of sexual assault as they navigate the legal system. The intervention will be evaluated through pre- and post in-depth interviews with group participants and group facilitators. These will be described in the following chapters.

3.3.5 Phase 5: Evaluation and advanced development

Phase 5 of Rothman and Thomas’s (1994) design and development concept involves the thorough process evaluation and assessment of the outcomes of an intervention through qualitative or quantitative methods. For example, Ju, Wang and Zhang (2009) found that intervention research successfully addressed the issue of school bullying in China. A five-week intervention was conducted and evaluated with 354 primary school students in Jinan city in the north of China. The intervention was aimed at reducing the occurrence of school bullying on the way to and from school. The intervention brought about a remarkable reduction in the incidence and severity of bullying in the experimental group, with rates of victimisation dropping as much as 50 per cent. Participants took part in pre- and post-intervention interviews and expressed feeling safer as a result of the intervention, as well as stating that the classroom atmosphere had become more respectful and positive, with participants stating they experienced an increase in school satisfaction as a result of the five-week intervention.

In the fifth phase of this research project, run concurrently with phase 4, qualitative data will be gathered through pre and post interviews with participants to investigate the processes and effectiveness of the court preparation group intervention. However, advanced testing is beyond the scope of this thesis. Since the intervention is a pilot study, advanced development exceeds the resources of a
PhD research project. Recommendations for future developments will be discussed in Chapter 9.

3.3.6 Phase 6: Dissemination

Rothman and Thomas’s (1994) sixth phase entails the dissemination of the results of a research project, as well as of the content of the intervention. This typically involves a peer and expert review. Dissemination also frequently entails the development and publication of treatment manuals that are straightforward and easy to use. In recent years, several publishers have printed book series marketing treatment manuals, while many professional organisations distribute best practice guidelines (Fraser et al., 2009; Linehan, 2002). These new opportunities for dissemination are a sign of the increasing importance of evidence-based practice and its connections with intervention research. For example, the current project aims to deliver an intervention for survivors of sexual assault as they navigate the legal system. This entails the process of gathering information, analysing data and subsequently developing and evaluating a court preparation intervention that aims to add to the academic knowledge through writing of academic journal articles and conference presentations, as well as assisting with improved practice outcomes for the targeted participant group and their key service providers.

3.3.7 Conclusion

In conclusion, Rothman and Thomas’s (1994) design and development method is a six-phase process entailing the design and development of an intervention. Researchers and practitioners develop intervention research sequentially in phases and steps. Rothman and Thomas’s (1994) perspective entails a logical, phased process, beginning with an idea and gradually arriving at an evidence-based intervention. Intervention research has found support in agencies, organisations and universities (Fraser et al., 2009; Mittelman, 2008).

Horton and Hawkins (2010) have argued that intervention research ensures that the schism between researchers and practitioners continues to be addressed. They
state that intervention research is particularly well placed to maximise the likelihood that consumers will benefit from the most effective interventions possible. For example, group interventions have been found to offer a cost-effective alternative for traumatised participant groups to overcome isolation and learn new skills through psycho-education and mutual support, as well as being a powerful approach to helping participants heal from trauma by reducing secrecy and shame (Astbury, 2006; Clemans, 2008; Foy, Eriksson and Trice, 2001; Trevithick, 2005; Van Deusen and Carr, 2004). In particular, according to the Educational Centre Against Violence (2002), group court preparation allows survivors of sexual assault to feel less isolated and reduces feelings of stigmatisation through the opportunity to connect with other “normal” women who have also experienced sexual assault. Furthermore, group court preparation provides survivors with the opportunity to learn from other group participants through the provision of mutual support. (Educational Centre Against Violence, 2002: B1). The opportunity to connect with similar others in a safe, respectful environment may be an important step towards recovery and the rebuilding of trust (Trevithick, 2005).

As Fraser et al. have stated: “Intervention research is not for the faint of heart” (2009:180). While it is creative and inventive, it is also frequently frustrating and labour-intensive. Most importantly, it is a research method that necessitates a profound knowledge and understanding of clinical practice in the fields of psychology, social work or health sciences. Moreover, intervention research is based on a strong understanding of the literature. It also entails sound knowledge in data analysis, as well as the capacity to link research findings to practice settings. Furthermore, intervention research is political because it is dedicated to challenge the status quo, with a strong commitment to social justice outcomes. Intervention research is also foundational, since social work and psychology cannot function without a thorough understanding of practice knowledge. Finally, intervention research is meaningful and worthwhile in its ability to bring about constructive change, as well as improving social justice outcomes for marginalised and vulnerable client groups (Fraser, 2004).
In conclusion, this Chapter has outlined the intervention research methodology employed in this study, as well as having described the research phases, including the development of a needs analysis, information gathering using qualitative methods, program design, early development and pilot testing, process evaluation and advanced development and finally dissemination of the pilot program.

The next Chapter describes this study’s research method and outlines the connections between the design, methodology and research aims, as well as providing a description of the various steps of this study.
Chapter 4

Research Method

4.1 Introduction

This chapter applies the methodology of the intervention research described in Chapter 3, in order to answer the aims of this project, as detailed in Chapter 1. This chapter also describes the research method of this study, including the research questions and the purpose of the study. It outlines the connection between design, methodology, research aims and the participant group. This chapter also provides a detailed description of the various steps of this study, as well as providing a brief outline of the benefits and limitations of the research design.

4.2 Research questions

This study posed the following research questions:

- What are the needs of survivors of sexual assault when they decide to take legal action?
- How adequately are sexual assault survivors’ needs met as they navigate the legal system?
- What can be done to better support survivors during the legal journey?

4.3 Research aims

This research aimed to develop a thorough understanding of the needs of women survivors of sexual assault when they navigate the legal process. The project furthermore made use of a combination of qualitative and intervention research
methodologies in the development and implementation of a comprehensive court support and preparation program for survivors of sexual assault taking legal action.

The research aims were achieved by:

- Reviewing the literature on sexual assault and the legal system
- Providing current academic examination of Australian and international court preparation programs and practices
- Gathering qualitative data through in-depth interviews with women survivors who had attended court in relation to a sexual assault matter between 2010-2012, in order to inform the development of an intervention aimed at assisting survivors of sexual assault during the legal process
- Gathering qualitative data through conducting focus groups and in-depth interviews with key service providers involved with survivors of sexual assault, to assist in the development of a group court preparation intervention
- Designing a court preparation program determined by the data gathered in the previous four steps. The intervention program was designed flexibly, so it may be delivered as either a group or individual court preparation program
- Concurrent pilot testing and evaluation of the intervention via qualitative research methods through conducting in-depth interviews with participants
- Making recommendations for effective court preparation for survivors of sexual assault, through writing academic journal articles and presenting this research at relevant conferences, thus adding to the academic knowledge on survivors of sexual assault and the legal system, as well as improving the well-being of, and services provided for, the participant group
Each of these steps will be outlined in this chapter.

### 4.4 Qualitative research

According to Kitto, Chesters and Grbich (2008), there has been an increased interest in and recognition of qualitative research by evidence-based researchers. Qualitative research deals with the systematic gathering, organising, describing and interpreting of data collected from interviews, focus groups, observations and documents (Kitto et al., 2008). Kitto et al. (2008) state that the goal of qualitative research is being able to make sense of the behaviours, interactions, meanings, values and experiences of a purposefully chosen participant group. The ability to make generalisations from a qualitative study to other settings is a vitally important aspect of qualitative research (Kitto et al., 2008). Qualitative studies serve to increase the awareness of readers through richly descriptive and detailed outlines of particular topics, issues, people and places. They aim to help readers gain a thorough understanding of a particular issue being studied, and allow readers to develop and draw their own understandings and meaning (Patton, 2002).

### 4.5 A feminist perspective to qualitative research

A feminist qualitative research method was employed, since the principles of feminist interviewing have been found to bring a detailed, respectful approach to the research (Fontenot and Collins, 2011; Guerrero, 1999; Mason, 2002; Patton, 2002). A feminist perspective recognises the significance and importance of gender in societal and human processes and relationships, thus orienting the research in the direction of constant and consistent awareness of the issue of gender (Guerrero, 1999). Feminist inquiry includes a commitment to equality between researcher and researched and developing research processes that encourage consciousness-raising and developing an understanding about women that contributes to women's liberation and empowerment (Patton, 2002). Feminist research provides a methodological foundation, which emphasises participation,

Making use of a feminist perspective allowed this study to shape and inform interviews, focus groups and the subsequent data analysis (Kleinman, 2007). A feminist perspective to interviewing acknowledges participants as being the experts in their own lives, brings an egalitarian perspective to the interview process, and allows the consideration of complex narrative information as important data. In this study, honouring women’s voices was essential to carrying out feminist research, valuing the expertise and the voices of survivors of sexual assault. (Guerrero, 1999; Mason, 2002; Roberts, 1981). In-depth interviews and focus groups required the researcher to make use of the skill of active listening and allowed participants the freedom to talk and make meaning of their own experiences, allowing the researcher to gain insight and understanding of participants’ inner world (Kleinman, 2007; Patton, 2002).

4.6 Limitations of research method

This study made use of semi-structured interviews and focus groups, which may have had the unintended consequence of limiting the conversational flow between researcher and participants. In order to ameliorate this potential issue, each interview and focus group was concluded with the question: “Are there any other comments you would like to make, or is there anything we have not yet covered?”

4.7 Study Part 1: In-depth interviews

4.7.1 In-depth interviews with survivors of sexual assault

This study explored women’s experiences of the legal system, documenting findings from nine qualitative, in-depth interviews with survivors who had attended court between 2010 and 2012.

In-depth interviews were conducted between February and November 2012. Each interview lasted between 90 and 120 minutes and was audio-recorded. Interviews
entailed posing open-ended questions, allowing access into participants’ experiences, understandings and meaning-making, achieving a level of depth and complexity that is not available to other approaches of research (Patton, 2002). Each interview was subsequently transcribed verbatim, leaving out “uhhs, “uhms” and false starts. The researcher also kept a journal during the process of data collection and analysis.

4.7.2 Sampling frame

Women were eligible for inclusion in this study if they had attended and completed the court process in relation to sexual violence between 2010-2012. Interview participants were over the age of 18 (between ages 21 and 63). Five participants resided in rural NSW and four in regional NSW. Two participants had completed four years of secondary education, two had completed six years of secondary education, and five had completed tertiary education, with one participant from a culturally and linguistically diverse (CALD) background. Six participants had been sexually assaulted in childhood, and three participants were sexually assaulted in adulthood. Each of the nine participants knew their offender well: All offenders were male and were participants’ teachers, neighbours, husbands, former partners, stepfathers, grandfathers, uncles and employers. This sample is representative of survivors generally (Easteal, 2014; Kennedy and Easteal 2013; and Easteal and Ormond-Plummer, 2006). In order to protect participants’ identities, their names, identifying circumstances, professions and ages have been changed and their stories have been de-identified.

4.7.3 Procedure

Interview participants were current or former clients of rural and regional NSW Sexual Assault Services who had been asked to participate via letter of invitation, a copy of which is located in Appendix 2 of this study. Interviews were conducted between March and September 2012 and lasted between 90-120 minutes. In-depth interviews were conducted face-to-face at local Sexual Assault Services or over the telephone and were audio-recorded, transcribed and thematically analysed using
NVivo software. The researcher also kept a journal during the process of interviewing and transcribing, which is described in later sections of the current chapter.

### 4.7.4 Ethical considerations

This research project was approved by the University's Human Research Ethics Committee, NSW HREC Reference Number: HREC/14/HNE170. Ethical considerations included minimising any risks of harm to participants of this study. For example, participants were not required to disclose any information they felt uncomfortable sharing. Further, if participants were to become distressed, the researcher was able to provide them with crisis and longer-term counselling telephone numbers. The researcher also assured participants that taking part in this research was entirely voluntary and that they could withdraw from the study at any time, without adverse consequences. Finally, the researcher used self-care strategies during this phase of the research, as some of the content of interviews was potentially upsetting.

### 4.7.5 In-depth interview schedule

In-depth interviews were semi-structured and made use of the following open-ended questions as a guide. Participants also had the opportunity to expand on issues of particular concern to them in relation to their experience of the legal process. The researcher also used prompts and clarifying questions to elicit further detail:

- Could you please describe your experience of the legal system?
- What were some of the things you found helpful during this process?
- Who supported you during this time? (Friends/family/professional help/police/Department of Public Prosecutions)
- Could you comment on the type of support you needed during the legal process and the degree to which this was met?
- What information did you need throughout the legal process? How adequately were your information needs met?
- What else would have helped you?
- What do you wish you had known prior to embarking on the legal process?
- What was the outcome of your case in court? How did you feel about this?
- What advice would you give others taking legal action about a sexual assault?
- Are there any other comments you would like to make, or is there anything we have not yet covered?"

4.8 Study Part 2: Focus groups

4.8.1 Focus groups with key stakeholders

According to Meadows (2003), focus groups allow large amounts of information to be obtained through group discussion. While the detail typically does not match that of in-depth interviews, focus groups are useful in generating many points of view and opening up discussion on the needs of survivors from the point of view of key service providers (Meadows, 2003).

Four focus groups and two in-depth interviews with 21 female key service providers involved in the NSW legal system were also conducted in part two of this study. Focus group participants included police, witness assistants of the Department of Public Prosecutions (DPP), sexual assault counsellors and staff at a regional non-government legal support service.

4.8.2 Focus group procedure

Focus group participants were asked to participate via letter of invitation, a copy of which is located in Appendix 2 of this study. Focus Groups were conducted in a
private room at key stakeholders’ places of work and took place between February and November 2012. Each of the focus groups lasted between 90 to 120 minutes and were audio-recorded and posed open-ended questions, allowing access into key stakeholders’ experiences, attitudes and concerns, thus aiming to achieve a level of depth and complexity that is not available to other approaches of research (Byrne, 2004). Focus groups were subsequently transcribed verbatim and thematically analysed using NVivo software. The researcher also continued to keep a journal during the process of focus group data collection and analysis, which is described in more detail in a later section of the current chapter.

4.8.3 Ethical considerations

Ethical considerations included gaining Ethics Approval as detailed in 4.7.4, as well as ensuring risks of harm to focus group participants were minimised. For example, focus group participants were not required to disclose any information they felt uncomfortable doing so. Focus group participants were also assured that taking part in this study was voluntary and that they were free to choose not to participate, without adverse consequences.

4.8.4 Key stakeholder participant demographics

This part of the study included key stakeholders located in NSW and involved with assisting survivors of sexual assault. These comprised staff of two sexual assault services, witness assistants of the DPP, a senior detective involved with sexual assault matters and a non-government Legal Support Service.

4.8.5 Focus group schedule

The focus group invited key stakeholders to comment on their views of the needs of survivors wishing to take legal action, by asking some of the following open-ended questions:

- What are the needs of survivors of sexual assault during the legal process?
• Are survivors adequately supported when they decide to take legal action?
• What can be done to better assist survivors during this process?
• What changes need to occur to assist survivors to give their best evidence in court?
• What are some of the gaps in current court preparation programs and practices?

4.9 Interview and focus group data analysis

Interview and focus group data were subject to thematic analysis, which required the researcher to:

• Critically assess and analyse situations
• Being aware of researcher bias
• Making use of abstract thinking processes
• Being open to constructive feedback
• Being aware and empathic with regards to research participants’ communication and behaviours
• Being fully committed to the research process (Patton, 2008)

The thematic analysis required the researcher to ensure systematic rigour throughout the various stages from initial design to data collection and data analysis (Patton, 2002). Qualitative analysis entailed the development of understandings and the discovery of themes within the data, and involved a creative process of uncovering relevant themes, as well as making meaning of themes in relation to the research questions (O’Leary, 2010). The aim of the thematic analysis was to be able to move from the data generated through qualitative research methods to making meaning and gaining a deeper
understanding of the issue being investigated. This required the researcher to work both creatively, as well as with a commitment to rigour, including meticulousness, accuracy and thoroughness. Balancing creativity and rigour allowed the researcher to:

“Think outside the square, yet stay strongly on target.

*Be original, innovative and imaginative; yet know where you want to go.*

*Use your intuition, but be able to share the logic of that intuition.*

*Be fluid and flexible, yet deliberate and methodical.*

*Be inspired, imaginative and ingenious, yet realistic and practical.*”

O’Leary (2010:261)

### 4.9.1 Reducing and coding themes

Reduction and coding of themes entailed a line-by-line assessment of all the data collected, involving a deep inquiry into the raw data so as to develop categories of understanding. This allowed the researcher to order the data into meaningful themes. In this study, the researcher followed a rigorous process of data collection and continuous comparative analysis, leading to data being evaluated at increasingly higher levels of meaning making and analysis. The researcher fully immersed herself in the data, and conducted intensive reading and re-reading of the data.

The following steps allowed thematic analysis of the collected data (O’Leary, 2010):
4.9.1.1 Pre-reading

Step one of the thematic analysis entailed “listening deeply” to the audio-recordings, as well as carrying out several readings of the transcripts of the audio-recorded interviews and focus groups. This allowed the researcher to immerse herself thoroughly in the research data.

4.9.1.2 Reading

Having pre-read each interview and focus group transcript, the researcher subsequently conducted an initial thematic analysis by conducting a “quick reading” of transcripts of the 11 interviews and four focus groups. At the same time, the researcher recorded initial themes that emerged during this “quick reading” process.

4.9.1.3 Re-reading and noting

Step 3 of the thematic analysis entailed careful line-by-line re-reading of each of the 15 transcripts, making use of the annotation function in the NVivo software program. The researcher made notes about emergent themes, documented the links between the various themes and then created a list of each of the emergent themes, which have been documented later in this chapter.

The researcher also studied and discovered significant words through their repetition, as well as having explored key words in context. This required the researcher to systematically search data, discovering each occurrence of a particular word or phrase. At this stage, the researcher also explored concepts, requiring a line-by-line and paragraph-by-paragraph exploration of the data, as well as engaging in a constant comparison approach. This required reading through data while deductively discovering relevant themes.
4.9.1.4 Development of emergent themes

Step 4 of the thematic analysis required the researcher to make further connections between themes, as well as finding additional themes, and reading and coding descriptive, linguistic and conceptual words and phrases (Smith et al., 2009). This phase entailed moving back and forth between the data, as well as making use of the researcher’s professional knowledge and understanding of the research topic. Step 4 also required careful reading and re-reading of each theme and code.

Linguistic devices were explored during the process of coding into themes. This included studying the metaphors, analogies and proverbs contained in the data in order to bring deeper meaning, increased richness, more empathic understanding and richer connections to the research.

4.9.1.5 Finding connections

Step 5 of the thematic analysis process involved making connections between themes and entailed writing and re-writing the themes derived from the NVivo codes, allowing sub-codes to emerge during this phase of the thematic analysis process.

4.9.1.6 Final insights

During step six of the thematic analysis, the researcher discussed findings with her supervisors and reviewed the existing data, themes and codes with them. At this stage, the researcher’s supervisors provided additional guidance, refinement and insights into the process of the thematic analysis.

Finally, the researcher also constantly referred to the literature including other relevant studies and theories, thus informing the data and the unfolding categories of understanding. The simultaneous engagement with the research data and existing literature permitted the development of greater depth of comprehension and meaning to the research process (O’Leary, 2010).
4.9.1.7 Working with diary entries

According to Hsiung (2008:212), the use of a journal is a useful tool, allowing a reflexive research practice: “Reflexivity is a process that challenges the researcher to explicitly examine how his or her research agenda and assumptions, subject locations, personal beliefs and emotions enter into their research.”

Keeping a research journal throughout the research process allowed the researcher to document thoughts, emotions, as well as the meanings and connections that were made during the research process. Step 7 of the thematic analysis entailed re-reading of the researcher’s diary entries, ensuring personal insights during the data collection phase had been included in the thematic analysis. These included research participants’ non-verbal cues that also brought significant understanding and meaning to the process of thematic analysis. In this project, participants’ non-verbal cues were recorded during each interview through journal entries by the researcher.

4.9.1.8 Rewriting

The final step of the thematic analysis entailed a careful re-reading of the developed themes and codes, as well as writing and re-writing of the final thematic analysis for this thesis, requiring the researcher to engage in a process of reduction, allowing data to become manageable and meaningful. Step eight of the thematic analysis allowed a process of discovering interconnections and the ability to subsequently further develop themes and theories, allowing the development of a story that is rich in meaning, ensuring that this qualitative research may be equally credible and significant as quantitative research (Silverman, 2011).

4.10 Trustworthiness of thematic analysis

In qualitative research, “trustworthiness” has become synonymous with the term “validity” (Guba and Lincoln, 1985). The concept of trustworthiness emphasises four essential criteria: credibility, transferability, dependability and confirmability (Guba and Lincoln, 1985).
4.10.1  Credibility

According to Lincoln and Guba (1985), credibility refers to the establishment of certainty in the “truth” of the research findings, especially from the viewpoint of participants and consumers, as well as that of other researchers. This required the researcher to demonstrate that appropriate and accurate research practices had been employed. In this study, in-depth interviews and focus groups were found to be the most credible and suitable research methods.

4.10.2  Transferability

Transferability relates to whether research findings may be applied or repeated in another context (Guba and Lincoln, 1985). Transferability was ensured by rigorously documenting all aspects of the research, including research design, methods, processes and participant sample, thus allowing the opportunity for other researchers to transfer this study’s findings to their own research process.

4.10.3  Dependability

Dependability relates to the findings being consistent. Guba and Lincoln (1985) emphasise the close connection between dependability and credibility. In this study, in-depth interviews and focus groups were found to be the most credible, and therefore dependable, research methods.

4.10.4  Confirmability

In this study, confirmability was ensured through the verifiable and verbatim transcripts of each interview and focus group, as well as through the researcher keeping a journal and regularly discussing the research process with supervisors.

The results of this study were presented at an International Scientific Conference of peers and experts in the field, as well as at three separate State-wide Conferences, which have been noted on Page 11 of this study.
4.11 Study Part 3: Intervention research

4.11.1 Rothman and Thomas’s intervention research

Having conducted in-depth interviews and focus groups in Stage 1 and having thematically analysed them in Stage 2, the third stage of this study made use of an intervention research methodology as described in Chapter 3. According to Rothman and Thomas (1994), intervention research aims to develop and evaluate new programs or interventions. Fraser et al. (2004) state that intervention research has three main purposes. Firstly, intervention research aims to develop and refine intervention programs. Secondly, intervention research aims to discern whether an intervention is able to effectively produce preferred outcomes. And finally, findings from intervention research may help confirm a particular theory. Interventions are typically designed to reduce risk by ameliorating participant vulnerability, as well as aiming to increase resilience in a chosen research group (Fraser et al., 2009).

The current research project aimed to assist vulnerable survivors of sexual assault by providing a comprehensive group court support and preparation intervention as participants navigated the legal system. This intervention made use of the findings of in-depth interviews and focus groups that were described in parts 4.7 and 4.8 of this chapter. Research findings were combined with existing court preparation methods (NSW Educational Centre Against Violence, 2002; Konradi, 2007; Taylor, 2004), as well as with other relevant, evidence-based strategies described in Chapter 2 to adequately support and prepare survivors of sexual assault when they decide to take legal action (Harris, 2007; Johnson and Johnson, 2009; King et al., 2013; Knight, 2006; Linehan, 2002; Wehrenberg, 2008, 2010, 2012).
4.11.2 Rothman and Thomas’s research phases

4.11.2.1 Phase 1 of intervention research

The initial phase of this intervention research project explored the literature on sexual assault and the legal system. Australian research has found that due to inadequate resources, survivors of sexual assault are typically insufficiently supported and prepared for court (Lievore, 2005; Taylor, 2004). Lack of information, education, and support prior to attending court has been found to unintentionally contribute to re-traumatisation of survivors during the legal process, which has also been referred to in the literature as “secondary victimisation” (Baldini, 2001; Cowdery, 2003; Ellison, 2007; Heath, 2005). This phase of the research required the examination of existing Australian and international literature on sexual assault and the legal system, as well as the investigation of existing Australian and international court preparation programs and practices (Attorney General and Justice, 2010; Educational Centre Against Violence, 2002; Ellison, 2007; Konradi, 2007; Taylor, 2007).

4.11.2.2 Phase 2 of intervention research: (qualitative research)

The second phase of this intervention research project examined survivors’ needs and experiences of the legal system. This phase of the research, which has been described in Section 4.7 of this chapter, gathered detailed qualitative data through in-depth interviews with women who had attended court in the previous two years in relation to a sexual assault matter.

The second phase of this intervention research project examined survivors’ needs and experiences of the legal system by gathering qualitative data through conducting focus groups with key service providers involved with survivors of sexual assault when they are taking legal action. Focus group participants were respondents to letters of invitation which had been sent to relevant key stakeholders and service providers involved with survivors of sexual assault.
These are documented in section 4.8 of the current chapter. Data gathered from the subsequent thematic analysis, as well as content and processes in existing court preparation manuals and programs were consequently used to design an intervention aimed at assisting survivors who are taking legal action in relation to sexual assault (Attorney General and Justice, 2010; Educational Centre Against Violence, 2002 Konradi, 2007; Taylor, 2007). The intervention has been described in Chapter 7 and Chapter 8.

4.11.2.3 Phase 3 of intervention research: Program design

The third phase of this intervention research project included the design of a comprehensive court preparation program for women taking legal action after a sexual assault. The program design was based on the information gathered in the literature review, the appraisal of existing court preparation programs and practices and the qualitative data gathered in this project through in-depth interviews and focus groups. The court preparation program was designed flexibly, to be delivered as either a group or individual court preparation program. Please refer to Chapter 7 of this study for a detailed description of the program.

Phases 4 and 5 were conducted concurrently and involved the development, facilitation and evaluation of the “Women of Courage” pilot program. These are described in detail in Chapter 7 and Chapter 8.

4.12 Conclusion

In conclusion, this chapter described the research methods of the first two data collection phases of this study. This chapter also documented the various steps of this study and the connections between research aims, methodology, and research design, and provided a detailed outline of the various processes of the project.

The following two chapters (Chapter 5 and Chapter 6) contain a detailed thematic analysis of the in-depth interviews and focus groups that have been outlined in this current chapter.
Chapter 5

Thematic Analysis of In-depth Interviews

A thematic analysis of in-depth interviews with survivors who have completed the legal process

“Court is like a weird planet where you don’t know the language and you don’t know the customs.” [Participant]

The purpose of this chapter is to verify, enhance and expand the current literature on the experiences of survivors of sexual assault when they decide to take legal action in relation to sexual violence, which has been outlined in Chapter 2 of this study. This chapter tells the stories of the nine women who agreed to participate in in-depth interviews regarding their experiences of the legal system subsequent to sexual assault, as well as providing the results of the thematic analysis of these in-depth interviews. Participants’ names have been changed and the women's stories have been de-identified.

5.1 Participants

As explained in Chapter 4, participants were recruited via letter of invitation and freely agreed to be involved in in-depth interviews. Participants were aged between 21 and 63 years of age and had been involved in the legal process in the previous two years. Five participants lived in metropolitan regions and four resided in rural areas. Two participants had completed four years of secondary education, two participants had completed six years of secondary schooling and five had completed tertiary education. These demographics are seen to be representative of survivors generally.
5.2 Results

This chapter documents the number of ways participant survivors dealt with the legal system, outlining risk factors and systemic factors that caused psychological detriment to survivors during the legal process, as well as identifying women’s resilience and inner strengths, which assisted them while navigating the legal journey. This chapter is organised into two sections that highlight the two major themes that arose from the data, which are summarised in Table 5.1 and Table 5.2.

- Themes of difficulty
- Themes of resilience and inner strength

Table 5.1. Themes of difficulty (interviews with survivors)

<table>
<thead>
<tr>
<th>THEME</th>
<th>DEFINITION</th>
<th>EXAMPLE QUOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re-traumatisation</td>
<td>Feelings of powerlessness, losing control and feeling very distressed by the legal process.</td>
<td>“I was rendered powerless. Absolutely everything was out of my control.” (Trudy)</td>
</tr>
<tr>
<td>Legal delays</td>
<td>Survivors’ lives were on hold for several years.</td>
<td>“The perpetrator in my case didn’t show up three times in court, which delayed things for another two years.” (Susan)</td>
</tr>
<tr>
<td>Difficulties with cross-examination</td>
<td>The cross-examination process was described as painful, traumatic and distressing.</td>
<td>“Cross-examination nearly broke me many times, as it went on for three whole days.” (Sonya)</td>
</tr>
<tr>
<td>Negative experiences with DPP and Police</td>
<td>Being made to feel unimportant and not being believed.</td>
<td>“The police said to me: It was a long time ago, get over it!” (Trudy)</td>
</tr>
</tbody>
</table>

“Themes of difficulty” describes survivors’ experiences of re-traumatisation by the legal process and the systemic difficulties and obstacles participants faced during the legal journey, including lack of adequate support and information, victim-blaming attitudes and the frequency of delays they encountered, from lodging a complaint with police to being a witness in court. Themes of difficulty have been organised into the following sections: Re-traumatisation; delays commonly experienced during the legal process; difficulties regarding cross-examination and
the court experience; and, finally, negative experiences with Police and Department of Public Prosecutions (DPP).

The second set of themes identified factors that were found to enhance survivors’ resilience and inner strength. Resilience has been defined as “an individual’s ability to generate biological, psychological and social factors to resist, adapt and strengthen itself, when faced with an environment of risk” (Chapital, 2011).

Table 5.2. Themes of resilience (interviews with survivors)

<table>
<thead>
<tr>
<th>THEME</th>
<th>DEFINITION</th>
<th>EXAMPLE QUOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receiving formal and informal support</td>
<td>Being supported by friends, family and key stakeholders.</td>
<td>“My best friend supported me all the way and I will always be thankful to her.” (Jane)</td>
</tr>
<tr>
<td>Positive experiences with counsellors and other stakeholders</td>
<td>Support from counsellors, DPP and Police.</td>
<td>“The counsellor gave me the ability to manage my fear.” (Molly)</td>
</tr>
<tr>
<td>Individual coping skills</td>
<td>Determination, perseverance, self-care and assertiveness.</td>
<td>“I have come to accept that the abuse happened.” (Michelle)</td>
</tr>
<tr>
<td>Survivor altruism</td>
<td>The desire to assist other survivors.</td>
<td>“If this can help just one other person, then I’m happy.” (Trudy)</td>
</tr>
<tr>
<td>A positive outcome in court</td>
<td>A guilty verdict.</td>
<td>“I felt enormous relief when he was found guilty.” (Claudia)</td>
</tr>
</tbody>
</table>

In-depth interviews revealed the ways in which survivors showed resilience, inner strength and determination in the face of the countless difficulties they encountered during the legal process. Themes of resilience and inner strength have been organised as follows: Receiving formal and informal support; positive experiences with sexual assault counsellors, DPP witness assistants, solicitors and barristers, as well as a good experience with police, and individual coping strategies assisting survivors during the legal process. The theme of survivor altruism is also outlined, with each of the nine participants expressing the desire to assist other survivors through sharing their stories, advice and insights for the benefit of survivors wishing to take legal action in the future. Finally, the vindication of a guilty verdict is described as having assisted several survivors with resilience after the legal process.
5.3 Themes of difficulty

5.3.1 Re-traumatisation

Each of the nine interviewees described being re-traumatised by the legal process. Re-traumatisation was described as having been one of the most difficult and disempowering aspects of participation in the legal system. Participants described the constituent parts of re-traumatisation by the legal system as feeling powerless, losing control, becoming extremely distressed by the legal process and feeling blamed for the violence they had suffered. One participant described the legal process as having been as painful as the abuse itself. Participants described the high personal and financial cost of taking legal action and found the legal system to be “disempowering,” “humiliating,” “frustrating,” “intimidating,” and “heartbreaking.” The impact of the legal system meant that many participants became psychologically unwell and had to seek extra support through therapy, family or friends or reduce their hours of work, resulting in a loss of income. This finding is consistent with the research, which argues that survivors are typically re-traumatised by the legal process (Fergus and Keel, 2005; Maier, 2007, 2008; Morrison, Quadara and Boyd, 2007; Parkinson, 2010; Wagner, 2007).

As Trudy, a primary school teacher and participant survivor who was sexually assaulted in adolescence by one of her teachers, explained:

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

Jane, a university lecturer who was sexually abused by her next-door neighbour throughout adolescence, described her experience of feeling disempowered by the legal process:

"I think the adversarial legal system is very re-traumatising. 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.”

Claudia, a disability support worker who was sexually assaulted by her brother-in-law, described feeling disempowered all over again while she was a witness in court and identified some of the events that led to these feelings:

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

Tina, an assistant in nursing who was sexually assaulted by her ex-husband, described the re-traumatisation she experienced while navigating the legal system, saying that the legal process was as painful as the violence she had experienced in her marriage:

“In court I felt I was blamed for the offender’s horrific abuse. You know, where is the empathy? They said I just wanted attention so I had made up all of these things. Because he sexually assaulted me many times. I thought justice would be served, which of course was not the case. For me, the legal process was as bad as the abuse itself.”

Trudy described the emotional and financial cost of participation in the legal process and said that she became psychologically extremely unwell during this time, reflecting the return to feelings of being traumatised:

“I had to go on working half time on half pay, because the legal system was so stressful. Everything from the abuse came up again. I had to go back to therapy. At times, I felt suicidal. I was a mess! The loss of pay was hard on the whole family. So it cost me a lot, emotionally and financially.”
Sonia, a beautician who was sexually assaulted for several years by her uncle, explained her sense of re-traumatisation as follows:

“The legal system was extremely intimidating. I had to get a lot of support from my counsellor or I may not have gone through with it. There are so many points where I just wanted to give up. Because the system is impossibly hard on victims. But having said that, I am so glad I didn’t give up, that my determination won out in the end.”

Each of the nine interviewees described feeling disempowered and thus re-traumatised by the legal process. Re-traumatisation was described as having been one of the most difficult aspects of participation in the legal system. The individual descriptions of re-traumatisation reveal the commonality of the experience of re-traumatisation by each of the nine participant survivors.

5.3.2 Delays

Several of the participants spoke of delays in the legal system as having been an extremely troubling aspect of the legal process. The impact of delays on participants included feeling that their lives were on hold for several years while they waited for their case to proceed to court. The effect of delays included feeling let down after preparing themselves emotionally for court dates that were cancelled at the last moment, living with chronic fear, stress, uncertainty, isolation, blame and shame. The experience of chronic, rather than acute, stress was an extremely difficult aspect of the lengthy delays participants had to contend with.

On numerous occasions, Sonia organised work and childcare so she could attend court, which was subsequently cancelled at the last minute. Sonia found that legal delays were emotionally destabilising for her, as she described in the following interview extract:

“The defence used delays and stalling tactics again and again, and this threw me each time. I was all geared up to give my evidence and then the offender’s wife would come in with a sick note, or the defence lawyer would postpone for some technical reason. This rattled and threw me as I had organised my work and childcare and
everything around court going ahead. And of course I had to prepare myself emotionally each time.”

Susan, a general practitioner who was sexually abused in childhood by her best friend’s father, also nominated delays as having been one of the most upsetting aspects of the legal system for her, causing fear and distress and placing her in a disempowered position again:

“The police delayed things for over two years and then, the perpetrator in my matter didn’t show up three times, so that delayed things for over another two-year period of fear and stress and the fourth time, he committed suicide. It was strange; I thought I would have been happy that he killed himself. But I felt like he had taken away my right to speak, again! It was like he’d had the last control, I guess. I had waited so long for my day in court! And then it never happened.”

Tina also discussed the psychological effects of delays during her legal journey, which went on for three years, causing her to feel isolated, blamed and shamed and feeling that her life was on hold:

“Sexual assault and the legal experience are both extremely isolating. The legal process took three years. Three years of being stressed. There’s still so much blame and shame around sexual assault, which makes the legal process more difficult than it should be. Three years of blame and shame is just too long!”

Molly, a graphic designer who was sexually abused by her stepfather for several years, described the emotional toll her four-year legal journey took on her. She described living with chronic uncertainty and stress:

“It took a few years for the matter to get to court. There were lots of changes, aborted attempts, dates set and then changed, and then it would be another six months’ wait. That happened a few times because the offender sacked his legal representative a number of times. The uncertainty was definitely the hardest thing to deal with over the whole process. The court process is very slow. You have to be prepared, to see it as a commitment you’re making to yourself. In my case, it took four years.”
Sonia, Susan, Tina and Molly discussed the experience of delays as having been one of the most confounding issues relating to the legal process. This reflects the literature on sexual assault and the legal system, which argues that delays are one of the most difficult aspects of the current legal system for survivors to negotiate (Lievore, 2005; Wagner, 2007). Participants’ lives were on hold, sometimes for up to four years, which had the effect of making survivor vulnerability and stress chronic rather than acute.

5.3.3 Cross-examination and the court experience

The research has described cross-examination as being one of the most problematic and re-traumatisng aspects of the legal process for survivors (Cowdery, 2003; Lievore, 2007; Taylor, 2007). Each participant who attended court agreed that cross-examination was extremely painful, traumatic and stressful. Some participants nominated cross-examination as nearly breaking them and as being even worse than the violence they had suffered, thus undermining their recovery from sexual assault. Several participants spoke about losing power in court, being gagged and controlled by the legal process, as well as not being allowed to tell the truth about the crime they had suffered.

Claudia described the experience of being cross-examined as having been unjust, humiliating and degrading:

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

Zelda, an immigrant aged-care assistant from a culturally diverse background who had been sexually assaulted by her employer, explained that cross-examination was extremely distressing for her, particularly because English is not her first language:

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

Trudy nominated the stress of being called a liar, as well as being asked intrusive questions without being given the opportunity to answer them, as having been an extremely painful and humiliating experience:

“I was questioned for three days by the defence. It was exhausting. The defence barrister didn’t leave me alone! The questions were really, really upsetting. The defence were incredibly insulting saying I was lying. I found it really insulting to be called a liar. And the defence didn’t give me a chance to answer. He never let me finish answering the questions, and he’d go onto the next one. He was definitely not interested in finding out the truth.”

Tina described cross-examination in front of strangers as having been psychologically painful and humiliating for her:
“It’s so hard to report this kind of crime and then to have to talk about it in front of a whole lot of strangers. This was the most painful part for me. To talk about the terrible things my husband did to me. A cast of thousands hears and judges your painful and humiliating experience.”

Jane, who had to give evidence at two trials, explained that the court process undermined her recovery because she was stopped from speaking the truth:

“I actually lost power twice: being raped and then being in court. Before I was cross-examined, it was all: ‘You can’t talk to your solicitor and you can’t do this and you can’t say that.’ That’s where the legal system absolutely undermined my recovery. I was made to feel wrong. I was being controlled yet again. In cross-examination, I was stopped from speaking the truth, I was not allowed to tell the truth.”

All the participants who gave evidence in court unanimously nominated cross-examination as having been an extremely painful and stressful experience. With participants being questioned for up to three days, this proved to be one of the most difficult experiences for each participant who attended court. Being prohibited from speaking the truth, being controlled by the legal process, being called a liar and feeling bullied by the defence was described as humiliating, re-traumatising and distressing by each participant who attended court.

5.3.4 Negative experiences with police

Six survivors spoke about negative experiences with police as having caused psychological distress during the legal journey. Negative experiences with police included: being made to feel unimportant; being treated like a “crazy victim and emotional freak”; police interviews being cancelled at the last minute; and not feeling believed, heard and respected by police.

Trudy shared the experience of being made to feel by the police that what happened to her was not as important as a stolen car. Despite being given an appointment to make her statement, the police did not show up on three occasions:
“I went to the police in our country town to make a statement. The police officer said to me: ‘It was a long time ago, get over it.’ But I insisted and he said the detectives would come and interview me at home. Three times, they didn’t bother to turn up. This was very upsetting as I was all geared up to finally make my statement about something that had ruined my life for 40 years! I was made to feel by police that what had happened to me wasn’t as important as a break and enter or a stolen car. The country town police treated me like I was some crazy victim, one of those emotional freaks. Of course I was emotional, I had been assaulted and my family hadn’t believed me! And now the police didn’t care either!”

Zelda described the police not believing her and discriminating against her as an Asian woman as having been extremely distressing. The detective suggested that she had wanted to have sex with her boss, that she was in fact promiscuous and “a loose woman”.

“The detective said to me that I wanted to have sex with my boss and now that he had rejected me, I was making a complaint to police because I was angry. That was really upsetting for me. I did not want to be raped! I did not ask for this! My boss raped me and now the detective thought I had been wanting sex with my boss. No way did I want sex with him, I am a married lady! The detective had the attitude that all Asian ladies want sex with their boss and other men. You are easy! No, I am not easy! I am a Christian lady. I have a husband and kids. They are my life. I would never have sex with another man. I am not a loose woman!”

Sonia’s experience was one of police inconsistency, with several different detectives handling her case ineffectively:

“I ended up with three different detectives at the various stages of the investigation. A few times, I was close to giving up on the whole thing because of the lack of continuity and consistency in the investigation.”

Molly also experienced difficulties with police and described having been made to feel unimportant and insignificant by police:
“I was cancelled several times by police. This made me feel again that what I had experienced wasn’t very important, that I’m not very important. This is a theme that runs throughout my life and police certainly made me feel unimportant and insignificant. And yet the abuse had ruined much of my life to date. How is that not important? Also, after I made my statement, my file had to go from Victoria to NSW and it was taking a long time and I had to keep making phone calls to track my file because it got sent to the wrong police station. If I hadn’t chased it, it would have gotten lost and the case would never have gone ahead.”

Molly was able to show courage and determination in relation to her case. However, this may be a great challenge for survivors who are unable to demonstrate such characteristics of resilience. Claudia explained she found the police to be insensitive and uninformative, that giving her statement in a room where the door was wide open and other police were constantly walking in and out made her feel dirty, embarrassed and humiliated:

“The police were really uninformative. The two male detectives were in my house for hours doing their investigation but they had no idea how scared you are of the police. And the police didn’t want to hear about my fear of the offender. I was terrified of him coming back to the house and killing me. They didn’t want to know about that. They only wanted to hear about the assault. When I had to give my statement at the police station, it was in the detectives’ office, with the door wide open. You’ve got male detectives walking in and out, you’ve got people getting charged walking through. And you’re made to talk about a horrific assault at the same time as all this is going on. This is really hard. It should not be like this. They need a special private room for victims to give their statement in. And I could hear the scanner and the other detectives talking about whose house they were going to, I could hear every word. You already feel dirty and embarrassed and humiliated. What I needed was a private, quiet room where I could be heard and feel respected.”

Susan’s experience of police was also difficult for her, as there was a lack of police follow-up, making her feel that she was not taken seriously:
“I made a long statement with a country town detective and then I waited for more than two years. I was a young woman and didn’t have the wherewithal to inquire or complain. I waited for two years! When I was a bit older, I had the courage to complain and from then on it was a year before it went to court. I honestly believe that if I hadn’t complained, nothing would have happened. This should not be the case! It shouldn’t be up to victims to hassle the police. Police should take us seriously in the first place.”

Negative experiences with police were nominated as having been distressing for participants, with survivors describing feeling “like one of those emotional freaks”, “dirty and humiliated” and “unimportant and insignificant”. One woman nominated that police discriminated against her because of her ethnicity. In several cases, participants had to pursue police in order to get their case put before the Department of Public Prosecutions (DPP) and heard in court. Several participants described feeling resentful regarding police inconsistency and inaction, and feeling let down by police as a result.

5.3.5 Negative experiences with DPP witness assistants

Two of the nine participants reported feeling let down by the DPP Witness Assistant Service, with several changes in witness assistants assigned to participants’ cases and witness assistants having been inconsistently available.

Sonia explained she felt let down by her witness assistant because she was not consistently available while her case was being heard in court. She was therefore unable to form a trusting connection with her:

“The witness assistant assigned to me wasn’t able to support me, she was inconsistent: ‘I won’t be able to make it today, I’ve got another case on.’ I felt she wasn’t really there for me, and what I needed most of all was for her to be fully present and available.”
Molly also found herself let down by the Witness Assistant Service, having been assigned four different witness assistants, whom she did not have the opportunity to make a safe relationship with:

“The problem was that over the course of time I had four different witness assistants. They just kept changing. I had to start over with each one. And then I was given a guy as a court companion, but I didn’t feel comfortable with a male. So I decided I didn’t want him. So the witness assistant I had in the end, I only met her on the day and so I didn’t have a safe connection with her. That was really difficult.”

Lack of consistency and availability by DPP witness assistants was found to be disappointing for those participants who reported having had negative experiences with this service.

5.3.6 Negative experiences with the DPP prosecutors

Five of the nine survivors talked about feeling let down by the DPP. Several participants stated the DPP prosecutor did not stand up for them or assist them adequately while in court and on the witness stand. Participants described feeling powerless and unsupported by the DPP prosecutor. Even though the law states that witnesses must not be harassed on the stand (Heath, 2004; Stubbs, 2005), participants were questioned relentlessly for up to three consecutive days, with the DPP not stepping in on their behalf.

Jane spoke about her DPP solicitor not assisting her while she was aggressively cross-examined for several days. Furthermore, the solicitor assigned to her was changed at the last minute, leaving her feeling disempowered and in the care of a solicitor who was not familiar with her case:

“I don’t think the DPP did a great job of looking after me during cross-examination. They let the defence go to town more than they should have. They should have intervened. Even though the law clearly states that witnesses shouldn’t be harassed, this is exactly what the defence did and the DPP did not stand up for me once. The other thing that happened was that the DPP switched solicitors on me at the last
minute. So an hour before we were due in court, I was told I wouldn't have the solicitor that I’d worked with throughout the case. There was nothing I could do about that. I felt powerless again. I couldn’t say: ‘Actually, that’s not good enough! I felt it was completely out of my control. So the defence got away with a whole bunch of tricks the DPP shouldn’t have let them get away with.’

Sonia stated she felt resentful about the DPP’s lack of consistency. She found herself chasing up the DPP and not having telephone calls returned:

“The DPP were really slack, they never called me back and I had to keep leaving messages and they only responded sometimes. So I have to say I felt let down by the DPP.”

Claudia shared the experience of having felt unsupported by the DPP while in court, and having felt humiliated by the defence over a three-day period. She said that she would have liked the DPP to intervene and advocate on her behalf, yet this did not occur:

“I was questioned for three days by the defence. It was exhausting, he just didn’t leave me alone, that defence barrister. I couldn’t understand why the prosecutor didn’t step in and help me. He didn’t help me once! I felt so let down by him. He was just sitting there, rubbing his eyes and not helping me, even though the questions were completely humiliating. I was thinking: ‘When are you going to get up and defend me? When are you going to stick up for me? And then the defence started to ask even more upsetting questions. Calling me a liar. I was really, really upset on the stand and once again, the prosecutor didn’t say anything. He should have said something. But he provided no support, even though I was questioned relentlessly by the defence for three whole days.”

Michelle, an administrative assistant who was sexually assaulted by her neighbour for several years, was told by the DPP that her case was not going to go ahead due to the offender being ill. She described the DPP as not having taken the time to talk things through with her and as having treated her in a dismissive manner:
“They were not very compassionate when they told me they were dropping the charges and weren’t going ahead with the case. They sort of said there’s no point doing it, he’s not going to go to court, he’s too sick. It was like, well they didn’t really care about how this might be for me. Yes, I would have liked for the DPP to really talk it through with me, and understand what my issues were around them not going ahead with court. They were really dismissive, they could definitely have been more compassionate with me, to put themselves in my shoes and see how dropping the case might feel for me! I can still remember sitting in the rural courthouse and as soon as they said it, I felt my guts had been ripped out. But they didn’t take the time and explain it to me properly. It was like my feelings were irrelevant. But a crime had been committed against me! The offender hadn’t been sick when he was arrested and charged. I had no idea he was sick.”

Tina explained she felt unheard and unsupported by the DPP, as well as having felt controlled by her female DPP barrister and having been made to feel stupid and unimportant:

“You know, where is the empathy? She was a woman, but I felt she modelled herself on men. Maybe because the legal system is so male. She was quite harsh with me and said to me: ‘That’s not relevant! I’m not mentioning that,’ and just cut me off without any explanation. It was relevant to me! It happened to me! I had been raped, had a knife held to me throat and she spoke to me as if my thoughts and feelings were stupid, unimportant. I thought justice would be served, that the DPP was there for me, but this was absolutely not the case. I was made to feel wrong. I was being controlled yet again, just like when I was living with domestic violence and being sexually assaulted by my ex-husband.”

Claudia experienced the DPP’s lack of communication with and support of her during the court process as undermining. She described having been treated just as one of the other witnesses, without empathy or recognition of her suffering as the victim of a serious crime:
“You just feel as if the perpetrator has all the support in the world from his barrister. Whereas victims, we have no one. We’re just one person alone. We’re just a witness, like all the other witnesses. It was awful telling people the most personal things and then being told you’re not even allowed to speak to your own prosecutor! That he couldn’t even acknowledge you. It made me feel that my feelings were completely unimportant. What if I had questions? If the offender had questions, he could speak to his barrister any time. And I was constantly being told: ‘You’re a witness, you’re a witness.’ But I wasn’t just one of the 10 witnesses! They weren’t assaulted! I needed more recognition and rights than the other 10 witnesses. But I was treated like I was just one of them. I wished I had known that the DPP, they’re there to convict him, but they’re not there for you.”

Participants’ negative experiences with the DPP were related to not feeling supported, with participants describing a lack of concern by the DPP for survivors’ emotional well-being during the legal process.

In conclusion, participants’ experiences of difficulty included re-traumatisation by the legal system, systemic delays and difficulties around the court experience including cross-examination, which survivors described as humiliating and distressing. Furthermore, several survivors identified negative experiences with police and DPP staff as having been distressing for them. Some of the common systemic issues included legal delays, inconsistency of service providers, the adversarial nature of the legal system and a frequent lack of empathy in service delivery. This reflects the literature on sexual assault and the legal system, which has argued that despite legislative reforms, survivors of sexual assault continue to feel at least dissatisfied with the legal process and at most severely re-traumatised by the legal system (Jordan, 2004: Larcombe, 2005: Lievore, 2005; NSW Violence Against Women Specialist Unit, 2006; Stubbs, 2003).

5.4 Themes of resilience and inner strength

Resilience has been described as an individual’s capacity to cope with adversity and stress. In-depth interviews with survivors found that participant resilience
and inner strength were enhanced by factors including social and/or professional support, as well as by survivors’ individual coping strategies that assisted them during the legal process. Participants’ resilience may have ameliorated some of the themes of difficulty previously described by interview participants. Resilience and inner strength are enhanced when cumulative protective factors are available, especially in the face of survivors’ exposure to some of the cumulative risk factors outlined in the previous section. This section outlines the various protective factors that assisted participant survivors during the legal process. These included: Receiving formal and informal support; a positive experience with sexual assault counsellors, witness assistants, police and the DPP solicitors and barristers. Individual survivor coping strategies that enhanced survivor resilience and inner strength are also documented and the theme of survivor altruism is explored. Finally, the vindication of a guilty verdict in court is identified as having enhanced survivor resilience for several participants after the completion of the legal process.

5.4.1 Receiving formal and informal support

Survivors nominated being supported by friends, family, service providers and employees of the legal system such as police and the DPP as extremely important in enhancing participant resilience and inner strength. Participants described that receiving practical and emotional formal and informal support, as well as being believed and taken seriously as important factors in enhancing survivor resilience and inner strength.

As Claudia explained, she felt supported by the judge presiding over her court case, who gave her the opportunity to explain herself, as well as explaining the legal process to Claudia in a way she was able to comprehend. Furthermore, the judge took the time to listen to her, treating her as a person worthy of respect:

“I feel that the judge stuck up the most for me. The judge was excellent. He was a very nice person. I was initially scared of him, but he would step in after the defence had hammered me and he would ask for clarification. And he would say: ‘Can you explain..."
such and such for me?’ and that was good because I was able to have my say, which the defence didn’t want. The judge gave me more chances to explain than the prosecutor did. The judge had an active part and asked lots of questions. He asked questions that the defence and prosecutor hadn’t asked. He explained everything really well. And he would lighten the mood. He gave me lots of time to explain properly, without the defence cutting me off all the time. This helped me so much.”

Jane nominated supportive friends who encouraged her and believed her as having been an important help in her legal journey. She described the support of one close friend as having made an enormous difference and expressed feelings of gratitude towards her:

“Coming up to the trial, I had a network of friends in my life, who believed me and encouraged me. This was very helpful. I had one close friend that really supported me. I will always be thankful for her steadfast encouragement and her belief in me.”

Sonia explained that her mother being in court with her was a great comfort for her:

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

Sonia also mentioned the support of her sister and her husband as having been helpful. They did not turn their backs on her during the lengthy legal journey. This was extremely comforting for Sonia. She described her sister, mother and husband coming to the rescue during times of distress:

“My sister and mother came to the rescue many times and really helped me through when I most needed it. My husband was also amazing, always there for me throughout the years.”

Zelda said that her husband’s support and acceptance of her, as well as prayer and her belief in God, had been enormously helpful during the legal journey:
“I’m lucky that my husband has been so wonderful. He still accepted me after the rape. He helped me through the whole legal process. He was there for me. We have been married for 18 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.”

Molly nominated a safe boyfriend, her brother and an aunt as having been very supportive during the legal journey. Molly described the way they encouraged her to persevere during the long legal journey, offering emotional support and encouragement along the way:

“It took living for a couple of years with a safe boyfriend before I felt stable enough to call the police and finally make a statement. My boyfriend’s support allowed me to reach a point where I felt ready to do this. When it got to court, my brother came with me. That was really brave of him because it was our stepfather who had abused me. My brother sat in court while I was questioned and had to hear everything. That was a really big thing for him to do and I’ll always be grateful to him for that. It brought us a lot closer.”

Molly’s aunt and one of the detectives involved with the case kept her from giving up and encouraged Molly to remain proactive throughout the legal journey. Molly stated that the detective assigned to her case believed in her, as well as in her legal case.

“My aunty was a great support. She had a real impact in helping me keep going. She was very encouraging, and helped me not to give up. She was very encouraging. The detective I finally ended up with was also very good. Many times, I felt completely beaten down by it all. He believed in the case and me. It was the supports that kept me going.”

Claudia explained that the many supports she received during the legal journey allowed her to keep going. Claudia’s husband provided practical support by taking her to the hospital the night of the rape, while the sexual assault counsellor and
forensic nurse took the time to explain everything to her and the detective stayed in touch with her and helped her by taking out an AVO on her behalf:

“My husband took me to the hospital the night I was raped. He was amazing. So was the hospital staff, Shona the sexual assault counsellor and Margaret, the forensic nurse examiner. They explained everything to me. The detective was great too. She would call me out of the blue and let me know the police were still there. I also had to take out an AVO against the offender’s wife. And the detective organised the whole thing. I could not have coped without these amazing supports in my life at that time.”

Tina expressed her gratitude for the people who assisted her to manage the difficult legal process:

“I look back and I see people who were put in my path to support me by providing practical help and help me get through the gruelling legal process. What a difference these individuals made during a very, very dark time.”

Receiving support and being believed were found to be crucial aspects of participants’ capacity to maintain resilience and inner strength, both during and after the completion of the legal process. Emotional and practical support was provided by family friends and professionals involved in the legal system.

5.4.2 Support from a sexual assault counsellor

Jane described having had a positive experience with her Sexual Assault Counsellor, whom she had a safe and trusting connection with. Her counsellor was client-focused and her calm presence in court proved to be of great comfort to Jane:

“During the trial itself, Sally the sexual assault counsellor was there for me for the first trial. She was awesome in providing support. I had trust and connection with her. She was really amazing and her presence was an enormous comfort for me.”
Sonia also mentioned the support of her sexual assault counsellor, whom she trusted and felt empowered by. She said her counsellor provided her with the skills to manage her fear during the lengthy legal process:

“Mary the counsellor helped me manage my anxiety when I first made my statement to police. I was really scared that the offender was going to come after me and kill me. The counsellor gave me the ability to manage my fear. It was at this time that I was diagnosed with PTSD (Post Traumatic Stress Disorder). I felt like I was 12 again. So scared! Mary empowered me to help myself.”

Molly nominated her sexual assault counsellor as having been very supportive, having provided her with relevant information for coping with the court process. This was empowering for Molly when she was a witness in court:

“I had a fantastic sexual assault counsellor who helped me along the way. She gave me an information pack that explained the way victims get cross-examined and the way the defence will describe something and twist things or change things slightly so they can trip you up later. It made me very, very careful. I wouldn’t say yes to anything that wasn’t exactly as I remembered it and in my own words. My counsellor gave me the confidence to stand up to the defence’s tactics.”

Claudia appreciated the support of her sexual assault counsellor and the forensic nurse examiner, who provided practical support and information, allowing her to feel calmer and safer and able to move forward with taking legal action:

“They explained everything to me and I came away feeling a bit calmer inside. I felt these people knew about this stuff and that helped me feel able to go ahead with the court process.”

Sexual assault counsellors were found to have played an important role in supporting participant survivors during the legal journey. Sexual assault counsellors were said to have empowered participants, provided them with practical information and explained the legal process in a way that was easy for participants to comprehend. They were said to have provided much-needed short-
and long-term support to several participants throughout the lengthy legal journey and beyond. They were also described as having provided consistent emotional support to participants who had frequently experienced a lack of support from family, friends and other service providers. Sexual assault counsellors were found to have allowed participants to feel believed, validated and consistently supported along the legal journey.

5.4.3 Support from the DPP witness assistant program

Two survivors named the DPP Witness Assistant Program as having provided valuable support, allowing participants to feel safe and respected. One participant described the witness assistant assigned to her as having lightened the mood through the sharing of laughter during her stressful time in court.

Trudy explained that the witness assistant assigned to her during the court process helped her feel safe:

“The witness assistant of the DPP, she was fantastic and so supportive during my time in court. What a great system they’ve got in there. It was safe having her there.”

Claudia said that the witness assistant who supported her helped her cope with the difficult court process, helping her feel safe, as well as helping Claudia by lightening the mood:

“My witness assistant from the DPP was a godsend. She made me feel safe and helped me cope better with the awful court process. We had a few laughs together as well, which lightened the mood for me.”

Michelle said that after being told the case would not be going ahead because the offender was too ill, she went through a very difficult time. A DPP witness assistant helped her by taking the time to provide a listening ear at a time when she felt very despondent and let down by the legal system. The DPP witness assistant also offered practical assistance by organising counselling for Michelle and by helping her with the Victims Compensation process:
“The lady rang me and organised some sexual assault counselling for me at that point. She listened to me rant and rave, because I was so upset about the case not going ahead. That was one little bit of help at a time when I was really down. The lady also told me how to apply for Victims Compensation. She was a listening ear at the end of the phone at a terrible time in my life.”

The DPP Witness Assistant Service was found to have provided valuable support to three of this study’s participants by providing safe, practical and emotional support, validation, information, humour and a non-judgmental, listening ear to several participants. As outlined in 5.3.6, while not all participants reported having had a positive experience with the DPP Witness Assistant Service, the above participants described having benefited from this service.

5.4.4 Positive experiences with DPP barristers and solicitors

Three survivors named their DPP solicitor and/or barrister as having been helpful.

Molly explained that the DPP provided her with important information, which allowed her to perform well in court. Molly also stated that being believed by her DPP solicitor and barrister made a big difference to her during the legal process. She felt that the DPP made a personal and professional investment in her case, which assisted her greatly during her legal journey:

“The DPP were really good. The day before, they did a run-through with me, where they asked me questions and this was really helpful. They told me the most important thing is consistency, when it’s your word against his. It’s all about the consistency of the evidence. The consistency between your statement and what you say in court. That was really useful and it made me really careful. The DPP barrister was a really nice guy. I knew he believed me and cared about the outcome.”

Claudia said that her DPP barrister took the time to connect with her through the use of humour in order to lighten the mood, as well as calling her as soon as the offender was found guilty, which helped her feel he cared about her as a person, as well as about the court outcome.
“Before going into the actual court, the barrister sat there and made jokes with me and I was so nervous it helped me to have a laugh at that moment.”

Receiving information, court preparation and receiving practical and emotional support by the DPP made a positive difference to three of the nine participants’ experiences of the legal process. Relevant information and advice allowed participants to perform better during the legal process, as well as being able to feel cared about as a person worthy of respect by the DPP. While not all participants reported having had a positive experience with the DPP, as has been outlined in 5.3.6 of this chapter, the above participants were said to have benefited from support and assistance by the DPP.

5.4.5 Positive experiences with police

A further source of positive support was the police. Six of the nine survivors interviewed reported having had a positive experience with the police. Participants nominated being believed and encouraged by police as having had a positive impact on their experience of the legal system. Police consistency and determination were said to have made a positive difference to survivors during the legal journey.

Trudy, who had felt let down by police in the country town where she resides, ended up deciding to make a statement with police in the large city where the crime had occurred many years previously. She described the city detective as having been enthusiastic and professional, as well as having believed and encouraged her to take legal action:

“The city detective was excellent. He was young, professional and really gung-ho. He encouraged me and believed me. I very much appreciated him after my initial country town experience, which was very unhelpful.”

Jane recalled the way in which the detective assigned to her case went the extra mile and consistently supported her throughout the lengthy legal process. Jane
described the detective as hard working and as having been nearly as upset as she was when the case was found not guilty:

“The detective was amazing. He really was. Even though police are pretty limited in what they can do, he went the extra mile. He believed me, and he definitely went the extra mile. I felt supported and he was there throughout the long haul. He was nearly as upset as I was when the offender was found not guilty. He had put so much work into the case and he really cared both about me as a victim and about the offender being found guilty. We were both shattered!”

Molly explained the relief she felt when the detective assigned to her case stood up to her stepfather by charging and arresting him, since her own family had not been willing to deal with her stepfather’s abusive behaviour towards her:

“Two detectives came to the house to talk to me and then I had to go in and make the statement and that went on for three days. The two detectives were great. They really took it all very seriously and that was an amazing experience for me because my family always denied or downplayed the abuse by my stepfather. And then the detective charging him, he went out on a bit of a limb, that was a really great moment. Yes, and no one else in my family was going to stand up to him, to make him accountable. But he was more than I could take on on my own, and that’s why I had to go to the police. I had tried to take him on on my own, but it didn’t work. My mum continued to live with him and my brothers continued to go home to him for Christmas as if nothing had happened. That’s why I had to go to the police. That’s what the police are there for. Because the power dynamics in families are unfortunately very real.”

Claudia also described a positive experience with a female detective, who kept in touch with her throughout the legal journey. She described the police as having worked hard and having been persistently committed to her case, sharing information and having been available throughout the lengthy legal process:

“Especially the female detective, Maureen, she took over the case and her and I have stayed in touch. Maureen was very supportive. The police assured me that I had
enough evidence to take him to court. It was difficult at first. If you see a police car, you feel guilty straight away! It took some time to get used to having dealings with the police. If police and the sexual assault service hadn’t persisted and encouraged me, I wouldn’t have gone to court, I was that scared.”

Susan found one of the detectives dealing with her case helpful and available, and described having felt relieved that the police believed she had a case worth pursuing, as well having treated her with respect throughout the legal process:

“The police rang me and asked me whether I would like to make a statement. A friend who had been abused by the same offender had given a list of all the offender’s victims to police. I think it was great the way the police followed this up. The detective didn’t pressure me, but he was always available. I could always contact him and if he wasn’t there, he would get back to me really quickly. He believed in the case and in me as a person.”

Police were found to have made a positive contribution in six participants’ legal journeys. Being believed and being taken seriously by police helped participants feel supported during the legal process. Participants also nominated police being available, taking positive action on the survivors’ behalf and being kept informed by police as having made an irrefutable difference to participants during the legal journey. As outlined in section 5.3.4, while three participants reported having had negative experiences with police, several participants of this study reported having had a positive experience with police who had handled their sexual assault matters.

5.4.6 Individual coping skills

Participants described the various individual coping strategies that assisted them in maintaining resilience and inner strength. These included participants’ capacity for determination and perseverance, self-soothing and self-care strategies, assertiveness, acceptance, prayer and righteous anger regarding injustice.
Sonia used her trust in the legal system and certain self-soothing strategies to assist her during the cross-examination process:

“I was determined to be the strongest witness I could be. I had to give strong evidence. It was my uncle’s word against mine because there were no witnesses and there was no physical evidence after so many years. So I had to trust the system and trust that the truth would prevail. I was on the stand for three whole days! I used my slow breathing and assertive self-talk to help me through. I used these strategies each day in court.”

Susan used her anger as a coping strategy. She described her anger at injustice as driving and motivating her in a positive direction, allowing her to assist others who experience inequality and hardship:

“I’ve got my anger, which is a very good motivator, and I try to turn it into a positive. Anger can drive people in a very positive way and it has helped me keep going in difficult times. It also allows me to help others in my work as a 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 has driven me in a positive direction. It gets me out of bed in the morning and makes me want to come to work and help others.”

Michelle nominated her capacity for choosing acceptance and gratitude as a helpful coping strategy. She uses the motto “Living well is the best revenge” as a way of putting her trauma in the past and rebuilding a new life that is worth living:

“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. You can’t change time and you know, from now on, I can either choose to be happy and grateful or I can choose to be sad and keep thinking about all this horrible stuff that happened to me. I have learnt to choose to accept the past and this has given me more freedom. I don’t forgive him or anything like that, but I accept that it happened. I’ve come through it. I am lucky and grateful for what I do have. I’m lucky that I’m alive and breathing and I can use my arms and legs. Reminding myself of these things helps me cope with the
past and put it where it belongs, in the past. That’s not to say I don’t have my bad days. But yes, accepting it has helped me start to build a good life. As my counsellor said to me: ‘Living well is the best revenge!’”

Zelda’s coping strategy has been her belief in God. She also had the support of a GP and a psychiatrist, who assisted her during her most difficult times when she suffered severe anxiety:

“I had to take medication for my anxiety. I had to see the doctor and the psychiatrist. Twice, I ended up in hospital because I thought I was dying of a heart attack. I was very sick with my nerves. But I prayed every day and this helped me, and the doctors helped me. Every day after the rape, I pray to God for strength. God also gave me the courage to tell the truth. I felt strong when I prayed. God gave me the strength to give evidence, even though I am very shy. I felt God guided me and lifted me up. He gave me strength and power.”

Participants’ coping strategies were unique and individual, assisting participant survivors during the legal journey and beyond. Coping strategies included individual perseverance and determination, assertiveness, anger about injustice, acceptance of the past and the capacity to maintain faith in God. It is important to note that coping skills and strategies can be learned and this was the aim of the “Women of Courage” pilot intervention described in Chapter 7 and Chapter 8 of the current study.

5.4.7 Survivor altruism

An unexpected finding of this study was participant altruism, with each interviewee expressing the desire to assist other survivors. Participants’ altruistic behaviour was a moving and unexpected finding, with participants unanimously wishing to be of assistance to other survivors. This study describes altruism as participants’ capacity for selfless concern for others. Interviewees found that participation in this research allowed them to make meaning of their own experiences and difficulties and they welcomed the opportunity to contribute to the well-being and resilience of their sister survivors. Each of the interview
participants expressed the desire to make a positive contribution towards the health outcomes of future survivors taking legal action with regard to a sexual assault.

Molly explained she wanted to participate in this research to provide accurate information to survivors wishing to take legal action in the future. She said that survivors required access to information that was relevant, easy to understand and “in their own language:”

“Victims need to support other victims, because the system is so treacherous and painfully long and at times utterly confusing. I felt beaten down by it many times. It was the supports that kept me going. I want others to have access to information they can actually understand. In their own language! The language of court is so intimidating! People need real and practical advice, from victims who have been there, who have walked that same path.”

Zelda said she believed in helping and protecting others from the offender who assaulted her. She expressed the wish for something positive to come out of her own painful experience. She also hopes the offender has learnt a lesson:

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

Claudia explained that it was important for her to reach out and help others by assisting survivors attending court. She is a volunteer who regularly meets survivors for coffee and prepares them for court by providing practical information and emotional support. Sometimes she attends court with survivors who have no one else to support them during the court process:
“I often meet victims for a coffee and I have a chat with them about everything they need to know about court that no one has probably told them. I encourage them and give them tips on coping with the stress of cross-examination. I tell them about the little things as well, like how do you sneak out for a cigarette. Sometimes I go to court with them to support them as a sister survivor. Some survivors have virtually no support.”

Susan also discussed the theme of altruism and the importance of offering support to other survivors. She said altruism had assisted her in her own recovery, that her work as a GP allowed her to assist victims of crime on a regular basis:

“I’ve been through it myself and now I can be there for someone else going through it. I think it’s important to let others know it’s not just them that have felt overwhelmed and scared. Something terrible has happened and you can now be there for others and support them. You can give some meaning to that awful experience. Like for every horrible person or event, there can be one or two really supportive people that surround the victim. I want to be one of those supports whenever possible. I’m so lucky that in my work, I am able to do this.”

Michelle also talked about helping others as allowing her to be an empowered, caring adult, rather than feeling like a hurt child without choices:

“I wanted to take part in your project because I believe in helping each other as survivors. This helps me let go of the past and be an adult, rather than that child I was with no choices. Also, I needed and received help and now I can reach out and help someone else.”

Zelda discussed the desire to assist other survivors through participation in this study. She provided the following advice to survivors wishing to take legal action:

“If you want to take legal action, prepare to see it through. It’s stressful but you have to do it for you and for the safety of other women. You have to be prepared to go through stress. It’s worth it, to stand up and tell the truth. It was hard because my English was not very good and Australia is not my country. My advice is to speak to a
counsellor. Go for it! Don't be scared. If it's happened to you, stand up and tell the police. I was afraid, but I still had to do it. I had to stop him from doing it to another woman.”

The desire to help others was expressed by each of the nine participants and was an unexpected positive finding of this study. Participants stated that helping others allowed them to make positive meaning of their own difficult experiences. Survivors assisted other survivors through their work, by participating in volunteer work and through their willingness to take part in this research.

5.4.8 A guilty verdict in court

In accordance with the literature, one of the factors enhancing survivor resilience and psychologically positive outcomes was a guilty verdict in court (Jordan, 2004; Konradi, 2007). Six of the nine participants had a positive court outcome or guilty verdict. This was described by participants as: “a relief,” “a fantastic feeling,” “vindication,” and “it was so good to be believed”.

As Molly explained, she felt fortunate she had a positive outcome in court. She said she would have felt extremely distressed if the outcome had been different:

“I realise I am so fortunate that he was found guilty because it would have been absolutely devastating if my stepfather had gotten away with it.”

Sonia explained she felt both elated and enormously relieved with the jury’s decision. She stated that the guilty verdict made her long legal journey worthwhile, that she was finally able to sleep well at night:

“I was over the moon with the court outcome. He was found guilty on 13 indictments. I felt enormous relief. It made the whole terrible struggle worth it in the end. The thought that he won’t be able to do this to anyone else, it is such a fantastic feeling for me. I sleep well at night at long last!”
Claudia described her response to the guilty verdict as one of enormous inner peace. She stated that being believed in court was the best feeling in the world for her:

“I had this enormous feeling of inner peace after he was found guilty. What a relief, after all that pain and suffering! Being believed was the best feeling in the world!”

Trudy described feelings of relief when her offender was found guilty in court. Reading out her Victim Impact Statement, she stated that because of her experience of sexual assault in childhood, she had a strong commitment to the safety and well-being of children because of the offender’s actions. She described feeling relieved that the offender was finally forced to take responsibility for his crime:

“It was a fantastic feeling to have him found guilty. In court when I read out my Victim Impact Statement, I said that even though what the offender did totally ruined my life in many ways, I’d really like to thank him for teaching me to stand up for myself and to stand up for others’ rights and to be kind to kids and to be a good person. He couldn’t look at me when I said it. It was wonderful to finally make him have to take responsibility for his crime.”

Tina described the guilty verdict as vindicating, that justice was finally served. The verdict allowed her to lose weight, improve her sleep and take better care of her health. She also stated that she was now finally able to see beauty in the world once again:

“Finally, justice was served! When it was all over, I lost 12 kilos in two months, it was the sheer relief of knowing my ex-husband didn’t get away with all the harm he had done. Within six months I lost the whole 18 kilos. And I started sleeping better and being able to look after myself, my health. I even started to see beauty in the world again, the birds sitting on my verandah, the sun shining through the trees.”
Zelda explained the positive effects of a guilty verdict, which allowed her to rebuild and enjoy her life again. The guilty verdict has allowed her to feel grateful, happy and connected to her family and to God once again:

“Now that he is in jail for six years, I work on getting my life back to normal. I am rebuilding my life, but this takes a long time. Now my life is getting better. My stress is getting better. The pain and memories are in the past, now I have put it behind me. My life is becoming brighter again because he is in jail. I’m sick of thinking about what he did to me. Life is so short; I want to enjoy it now. I thank God for my family and for our life here in Australia. But people think Asian women are easy, they just want sex all the time. But we don’t all want sex. We want a nice husband and a family. I am a small woman and he was a large man. He hurt me very much. I was scared for three years. But now he is in jail and I am safe and choosing to be happy and grateful for my life, for my family and I have my faith in God.”

For six participants of this study, a guilty verdict enhanced resilience, allowing participants to move forward, knowing they were believed and that offenders were made to face the consequences of their actions. A guilty verdict restored participants’ sense of safety and well-being, allowing participants to rebuild their lives. Participants described sleeping well at night again, being able to put their painful memories behind them and being able to feel safe, as well being able to get on with their lives after the successful completion of their legal journeys. However, as outlined in Chapter 2, many survivors who choose to take legal action in relation to sexual assault do not experience the positive resolution of a guilty verdict in court. The majority of matters are either discontinued before they ever reach court, or result in a not guilty verdict in court. For these survivors, recovery may be more complex and arduous, with trauma symptoms remaining a long-term issue (Herman, 2003).

5.5 Conclusion

This chapter has provided a thematic analysis of the nine in-depth interviews with survivors who have taken legal action in relation to sexual violence between 2010-
2012. Thematic analysis of the in-depth interviews identified two separate sets of themes: Themes of difficulty and themes of resilience and inner strength.

“Themes of difficulty” described survivors’ experiences of re-traumatisation by the legal process and the systemic difficulties and obstacles participants faced during the legal journey, including lack of adequate support and information, victim-blaming attitudes and difficulties regarding the legal delays they encountered, from lodging a complaint with police to attending court. Themes of difficulty were organised into the following sections: Re-traumatisation; delays commonly experienced during the legal process; difficulties regarding cross-examination and the court experience; and, finally, negative experiences with Police and Department of Public Prosecutions (DPP).

Themes of resilience and inner strength were also outlined in this chapter. The various protective factors that assisted participant survivors during the legal process included: Being supported by family, friends and professionals involved in the legal system; a positive experience with sexual assault counsellors, witness assistants, police and the DPP; as well as individual coping strategies that enhanced survivor resilience and inner strength. Survivor altruism was explored, and the positive effects of a guilty verdict in court were identified as having enhanced some survivors’ resilience after the completion of the legal process.

The next chapter documents a thematic analysis of six focus groups with 21 key stakeholders involved with survivors of sexual assault taking legal action.
Chapter 6

Thematic Analysis of Focus Groups

A Thematic Analysis of Focus Groups with Key Stakeholders Involved with Survivors of Sexual Assault

“The legal system isn’t about truth and it isn’t about justice. Truth is the first casualty in court.” [A key stakeholder]

“The legal system is so hard to understand, even I don’t understand it all, despite having worked in this field for over 20 years.” [A key stakeholder]

The purpose of this chapter is to expand, verify and enhance the current literature on sexual assault and the legal system, which has been previously discussed in Chapter 2 of this study. This chapter explores the views of 21 key stakeholders involved with survivors of sexual assault who choose to take legal action in relation to sexual violence. Detailed qualitative data was gathered through six focus groups, exploring key stakeholders’ views on the needs and experiences of survivors of sexual assault when they navigate the legal system. Focus groups have been thematically analysed as described in Chapter 3 of this study. This chapter provides the results of the thematic analysis of the focus groups.

6.1 Participants

Four focus groups and two in-depth interviews with key stakeholders involved with assisting survivors of sexual assault as they navigate the legal system were conducted. As outlined in Chapter 4, these included a rural and a regional NSW Sexual Assault Service consisting of seven psychologists and six social workers, as well as a Sexual Assault Nurse Specialist (SANE). A focus group with a regional Department of Public Prosecutions (DPP) Witness Assistant Service consisting of three social workers was also conducted, as well as an interview with a metropolitan DPP witness assistant social worker. An in-depth interview was
conducted with a senior detective involved with sexual assault matters, and finally, a focus group was conducted with a regional non-government agency involved with assisting victims of crime consisting of two psychologists and one welfare worker. A total of 21 key stakeholders and service providers participated in these focus groups and in-depth interviews. All participants were female, with ages ranging between 25 and 68 years. Participants were invited to discuss their views of the needs of survivors taking legal action as outlined in Chapter 4.

6.2 Results

Analysis of focus groups and interviews found that key stakeholders experienced a similar set of frustrations and difficulties as the survivors who had been interviewed for this study and which have been outlined in the previous chapter, with key stakeholders’ issues mirroring the difficulties survivors experienced. These included concerns about the re-traumatisation of survivors by the legal process, as well as concerns regarding survivor powerlessness and disempowerment, and frustrations with regards to societal myths about sexual assault, as well as delays, which were said to still be a prevalent issue within the current legal system. Furthermore, participants expressed concerns that survivors’ needs were not adequately met when they decided to take legal action. These results are consistent with previous research, which has found that survivors are typically re-traumatised by the legal process (Fergus and Keel, 2005; Parkinson, 2010; Wagner, 2007).

Thematic analysis of focus groups identified two sets of themes, mirroring those of in-depth interviews conducted and described in Chapter 5.

Themes identified included:

- Themes of difficulty
- Themes of progress
Themes of difficulty describe key stakeholders’ concerns with regards to the perceived injustices survivors of sexual assault face while they navigate the legal journey. These include concerns regarding survivor re-traumatisation by the legal system; survivor and stakeholder’s parallel experiences of powerlessness and disempowerment, including difficulties regarding the prosecution of historical sexual assault matters; concerns with regards to the societal myths still prevalent about sexual assault; delays commonly experienced during the legal process; lack of regard for survivors’ needs, including the practice of plea-bargaining; stakeholders’ negative perceptions of the Department of Public Prosecutions (DPP); and finally stakeholders’ negative perceptions of police. Table 6.1 and Table 6.2 illustrate each theme, definition and provides an example quote, with more detail and discussion following.

**Table 6.1. Summary of themes of difficulty (focus groups)**

<table>
<thead>
<tr>
<th>THEME</th>
<th>DEFINITION</th>
<th>EXAMPLE QUOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re-traumatisation of survivors by the legal system</td>
<td>Survivors’ experiences of powerlessness and loss of control.</td>
<td>“I don't know why survivors don’t have the same rights as offenders.”</td>
</tr>
<tr>
<td>Stakeholders’ parallel experiences of powerlessness</td>
<td>Feelings resembling “burnout” and affecting stakeholders' efficacy.</td>
<td>“We as workers feel just as powerless as survivors.”</td>
</tr>
<tr>
<td>Societal myths</td>
<td>Negative societal judgments of survivors of sexual assault.</td>
<td>“A lot of police don't believe a husband might commit sexual assault.”</td>
</tr>
<tr>
<td>Legal delays</td>
<td>Fear about matters being cancelled over and over.</td>
<td>“Expect the unexpected!”</td>
</tr>
<tr>
<td>Lack of regard for survivors’ needs</td>
<td>Survivors are considered to be mere witnesses in court.</td>
<td>“Survivors lack support and respect at every stage of the legal process.”</td>
</tr>
<tr>
<td>Negative perception of the DPP</td>
<td>Lack of communication and support from the DPP.</td>
<td>“The DPP didn’t stand up for the victim!”</td>
</tr>
<tr>
<td>Negative perceptions of police</td>
<td>Police may view the crime as unimportant and insignificant.</td>
<td>“Police are more likely to support a victim for aggravated burglary than for a sexual assault.”</td>
</tr>
</tbody>
</table>

The second category of themes identifies reforms and effective changes to the legal system, acknowledging participants’ awareness and appreciation of the progress
and improvements that have occurred in the Australian legal system in recent years. These include the availability of safe waiting rooms for survivors, as well as the opportunity for vulnerable survivors to give their evidence via video link from another part of the courthouse in order to protect survivors from having to face their alleged offender. It is important to note that themes of difficulty by far outweighed themes of progress, that conversations were dominated by themes of difficulty. This was seen to result in stakeholders’ sense of negativity and burnout.

Themes of progress discussed in focus groups and in-depth interviews included: Awareness of progress over time; closed circuit television rooms for vulnerable survivors; victims’ safe rooms; provision of adequate court preparation; Victim impact statements and finally, the Charter of Victims’ Rights.

<table>
<thead>
<tr>
<th>THEME</th>
<th>DEFINITION</th>
<th>EXAMPLE QUOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness of legal progress</td>
<td>The women’s movement has brought about many necessary changes.</td>
<td>“The legal process has been improving and is still evolving.”</td>
</tr>
<tr>
<td>CCTV for vulnerable survivors</td>
<td>Vulnerable survivors may give their evidence from a separate room in the courthouse.</td>
<td>“Not every courthouse has CCTV rooms yet. But they are a big improvement for vulnerable survivors.”</td>
</tr>
<tr>
<td>Adequate court preparation</td>
<td>Court preparation and support for all survivors taking legal action.</td>
<td>“Nothing But The Truth is an excellent court preparation manual for literate survivors.”</td>
</tr>
<tr>
<td>Victim Impact Statements (VIS)</td>
<td>A description of the impact of the crime on survivors’ psychological well-being.</td>
<td>“Victim Impact Statements are an excellent way for survivors to have a voice.”</td>
</tr>
</tbody>
</table>

### 6.3 Themes of difficulty

#### 6.3.1 Re-traumatisation

Key stakeholders unanimously expressed concerns regarding survivor re-traumatisation by the legal system. Re-traumatisation was discussed at length by each of the focus group and in-depth interview participants. Participants described the constituent parts of survivor re-traumatisation by the legal system as
survivors’ experiences of powerlessness, loss of control, as well as survivors becoming distraught by the legal process and feeling responsible for the violence they had suffered. Key stakeholders named the many elements of re-traumatisation by the legal system as survivors “becoming disempowered,” “feeling frightened and discouraged”, “becoming depressed,” “feeling oppressed and intimidated,” and named the legal system as being “utterly unpredictable” and “frustrating” for survivors of sexual assault deciding to take legal action, as well as for those supporting them. Participants defined re-traumatisation as the experience of survivors’ distress, suffering and shock at the extreme harshness of the legal system towards survivors.

Six Sexual Assault Service staff based in rural NSW participated in one of the focus groups. One of the participants discussed her concerns regarding the power imbalance between victims’ and offenders, stating that survivors experienced their lack of rights as unfair and traumatic:

“Offenders have a lot more rights in the legal system than victims do. That’s something that can be very re-traumatising for victims. Like the fact that offenders can appeal their sentence but a victim can’t. And offenders can plead guilty, then not guilty and keep changing their plea. The offender gets to employ their own solicitor and sack them the day before court so that court can’t go ahead, but the victim doesn’t have that right. And victims say: ‘I don’t know why I don’t have the same rights as the offender.’ “

Another participant described her concerns regarding survivor re-traumatisation, stating that survivors are frequently called “liars” by the defence, that the language routinely used by the defence aims to intimidate, frighten and discourage survivors, thus eroding their confidence during the court process. The participant explained that this routine practice undermined and dismissed survivors’ truth and integrity. The routine practice of name-calling, slandering and bullying was said to be experienced as abusive by survivors taking legal action:
“Another re-traumatising experience is the lies that victims have to hear about themselves in court. Yes, and one of the most brutal parts for victims is the defence accusing them of being liars. They know their story inside out, their truth, and the court process steals away their integrity and truth. For example, the defence lawyer says: ‘And I say to you that you are not telling the truth, that you are lying! You are lying!’ This type of language and bullying are routinely used to intimidate the victim, by creating a hierarchy, with the victim being undermined and oppressed. This is another type of harm that occurs routinely within the system, where the victim is made to feel small, frightened and unimportant.”

Survivors who decide to take legal action have a deep desire to redress the injustice regarding a crime that has been committed against them. Not being able to tell their story fully and truthfully has an extremely re-traumatising effect on survivors when they are asked to give their evidence in court. A participant described her frustration about the fact that survivors are stopped from being able to give their evidence properly and in full.

“Often, the defence makes victims look like they may be fraudulent. Victims think they’ll be asked questions about the sexual assault but they are not allowed to give proper evidence. They are made to look like liars.”

A participant explained her frustrations with the petty and disempowering questioning of survivors in court, which she saw as disregarding survivors’ needs, such as survivors’ right to be treated with respect:

“And when they ask questions like: ‘Did he ejaculate inside you?’ People want to say yes or no. They don’t want to admit that they don’t know. There are holes in the story that emerge when they ask such petty questions that are really designed to distress the victim. It doesn’t really matter if the offender ejaculated or not.”

One participant explained her concerns regarding victims being re-traumatised by defence questioning them about their personal history, despite the fact that there are now laws in place to prevent this. The participant stated that these laws were still rarely enforced, preventing the legal system from being a level playing field,
since offenders were never subjected to being questioned about their history. Survivors’ lack of rights in court was named as being re-traumatising by each of the 21 participants:

“And when a case does get to court, the legal system is far too weighted towards the defendant. The defendant has many more rights. Victims should have equal rights. For example, victims are routinely badgered on their personal history. There are laws in place about this but they are rarely enforced. The offender is never ever subjected to being questioned on his history, his past criminal acts.”

A regional focus group consisting of six sexual assault workers explained their views on the re-traumatisation of sexual assault survivors by the legal system. One participant said many survivors were so traumatised by the legal system that they stated they wouldn’t take legal action if they could have their time over again:

“The women I’ve supported have felt really powerless, in terms of the legal process and how they are treated along the way. Many women have felt so battered by the legal system that they have said to me that if they had known what it would be like, they probably wouldn’t do it again.”

A participant stated that at times, survivors became too distressed by the legal process to continue, that some survivors had to leave the court due to the re-traumatising effects of the legal system. This was said to leave survivors feeling that they had failed and that there were no consequences for their alleged perpetrators:

“I’ve recently supported a survivor whose case got to court but, unfortunately, they became too distressed to actually continue. They were too traumatised by the legal process to give evidence in court. And then they had the sense that the offender had got away with it.”

The discussion continued with another participant explaining that survivors frequently found not-guilty verdicts inexplicable:
“Another scenario is when a case gets a not guilty verdict, even though the survivor suffered severe physical injuries that were documented at the time of the assault by both a specialist forensic medical expert and by police. This is extremely difficult for clients and they may become very depressed. I can think of one person who felt that because a jury of 12 people found the offender not guilty, the message is that it’s OK for this type of abuse to continue in our community. The legal system in her case had a much more negative impact on her than the actual sexual and physical assault.”

A participant described her concerns regarding survivors’ frustration and disappointment when survivors were ready to tell their story fully in court, but were hindered from doing so. Being told by the DPP to keep quiet about the most important and painful aspects of the violence they had suffered further undermined and disempowered survivors in court:

“The Crown tells victims all the things they are not allowed to say. Victims don’t understand why they can’t tell their story truthfully. Sometimes the most important parts of the evidence are taken out. This is very traumatic for victims.”

A participant stated that appeals and offenders’ early release from jail might disempower survivors and affect their ability to feel safe and recover from sexual assault:

“Offenders can appeal endlessly, so the victim is never rid of the sexual assault. They’re never rid of the court process so they’re constantly being put back in a place of being a victim. I’ve known victims who have striven very hard to get on with their lives and then down the road they get that call because an appeal has come up or the offender is being released early and coming back to their community. These are ways that victims can be living in fear virtually for years.”

Two regional DPP witness assistants participated in another of the focus groups. One participant explained that survivors were frequently re-traumatised when a matter was dropped prior to reaching court, that this could be a devastating and disempowering experience for survivors, since they had no control over the legal process or its outcomes:
“It’s disempowering for victims if they really want their matter to go to court, when the matter is dropped. When a matter is no billed (does not get to court), victims often feel devastated and as if the crime they experienced is insignificant or unimportant.”

The participant continued to discuss the many difficulties survivors faced, including the numerous inconsistencies inherent within the legal system, which could be devastating to survivors. The participant said she believed that this was why the majority of survivors never reported to police:

“Victims often have to move areas when an offender is found not guilty or when he is released early from jail. An offender may even get off with six months’ good behaviour and community service. And therefore, victims feel that the crime committed against them did not matter. And while there are Apprehended Violence Orders, at the end of the day, they’re a piece of paper. Offenders don’t care, they are used to intimidating their victims. Victims are often devastated by this. They feel powerless all over again. So it’s not surprising that victims decide not to report.”

A participant described her awareness of some of the routine practices that disempower and re-traumatise survivors in court:

“Another thing is that survivors are discouraged from staying in the court room after they give their evidence. They don’t know what’s going on, which makes them feel disempowered all over again. They don’t like the victims to come to court. That’s so unfair, because it’s all about what happened to the survivor and yet she is pushed out and excluded from fully participating in the legal process. Survivors should be encouraged to be present during their own legal process!”

In summary, key stakeholders unanimously expressed concerns regarding survivor re-traumatisation by the legal system. Re-traumatisation was discussed at length by each of the participants. Participants described re-traumatisation as survivors experiencing feelings of powerlessness, losing control, being frightened and at times ridiculed, and survivors becoming distressed by the legal process as a result and feeling they are responsible for the violence they had suffered.
Participants described the legal system as “frightening,” “disempowering,” “degrading,” “confusing,” “oppressive,” “intimidating,” and “utterly unpredictable”.

6.3.2 Plea bargaining

Another participant explained that the practice of plea bargaining might also affect survivors adversely, resulting in survivors feeling that the crime committed against them is not being taken seriously:

“Plea bargaining is another issue that can be difficult for victims. The plea bargain doesn't reflect the seriousness of the crime that was committed. Clients are often distressed by this.”

A participant stated that offenders might put their victims through weeks of court, only to plead guilty at the last minute in order to get a discounted sentence:

“Yes, the victim may have gone through weeks of court and then right at the last minute, the offender pleads and he'll get a discounted sentence. This can be very hard for victims, because offenders are meant to plead early on to get that discounted sentence.”

Another participant discussed survivors’ experiences of offenders being able to use the legal system to their own advantage, thus furthering survivors’ experience of the offender's abuse of them:

“Yes, often it’s almost like the perpetrator is using the system to further their abuse. Or that’s how it feels for victims.”

In summary, participants discussed their concerns regarding the general lack of understanding for survivors’ needs. This included survivors and key stakeholders not being kept informed, lack of communication, difficulties regarding the practice of plea bargaining, as well as appeals and cross-examination, which were unanimously said to disregard survivors’ needs.
6.3.3 Survivor and key stakeholder parallel powerlessness

Several participants discussed the parallel process of survivors’ and service providers’ sense of powerlessness. Participants discussed their feelings of powerlessness and their own sense of traumatisation by the legal system, as well as their guilt and frustration about not being able to adequately support survivors during the legal process. Many of the participants expressed feelings resembling “burnout” as a result of the powerlessness they experienced with regards to supporting survivors during their legal journeys. This may also unfortunately have affected participants’ efficacy when supporting survivors through the legal process.

As one participant explained, she frequently felt useless as a support person, causing her to feel she was failing in her professional role, as well as experiencing a similar sense of powerlessness as those whom she assisted:

“Often, I have felt that I couldn’t do anything useful as a support person. The victim is traumatised and even I feel traumatised by the harshness of the system. I often feel as though I am really failing victims in court and yet my hands are tied by the very system that is meant to help victims! I feel a similar sense of powerlessness as the victim I’m supposed to be supporting and empowering.”

Another participant stated that survivor powerlessness affected their own capacity for recovery from trauma, that survivors frequently experienced setbacks during the legal journey and that key stakeholders felt helpless and powerless in the face of survivor re-traumatisation. This was described as impacting negatively on key stakeholders wishing to assist survivors:

“Yes, everything is out of their control, and victims are just so powerless in the legal system! This often means a big setback in terms of their recovery, because recovery is about regaining a sense of stability and control. But the legal system renders them powerless, destabilised and re-traumatised. And we as workers often feel just as powerless.”
There is a sense here of stakeholders closely identifying with survivors, likening their experience as workers to that of a “powerless victim”.

Another participant explained that she felt she was unable to adequately prepare survivors for the many unexpected twists and turns that may occur in court, and that this made her feel inadequate and discouraged in her work with survivors:

“I often get really upset when supporting victims in court, about the fact that the only thing I can count on is that it’s completely unpredictable and I don’t have a clue what may happen, and I therefore often feel that I can’t adequately support clients. I recently drove a client to court in a town that was six hours away. The offender pleaded guilty so we drove home awaiting sentencing down the track. The next day, the offender said he was not guilty, so my client had to drive six hours all by herself back to the court, because I had other jobs on and the witness assistant was unavailable. For her, it was 24 hours of driving in two days and then at the end of her giving her evidence, he pleaded guilty again. No court case is the same, nothing is predictable, even the seemingly black and white cases can suddenly twist unpredictably."

A participant described that sexual assault workers may also become depressed and traumatised by an unpredictable legal system, which stakeholders feel unable to adequately prepare their clients for:

“In court, people just tell victims to go here, go there, do this, don’t do that, don’t say this and then to top it all off, victims are made to hear a whole bunch of lies about themselves! And it’s our job as sexual assault workers to prepare them for this! This is stressful, depressing and traumatic for us also.”

A participant explained that the defence also abused and targeted key stakeholders in an attempt to disempower them in court before they gave their professional evidence in court:

“Sometimes the defence makes derogatory remarks about us also, the service providers, both inside the court room and outside. This can be very upsetting and
disempowering for us. We can get attacked, as well as our clients. I have had a defence barrister call me a 'fat do-gooder' on the front steps of the court house.”

A participant described her own feelings of powerlessness, stating that she and her colleagues all went through phases of being fed up with the many flaws and difficulties of the current legal system:

“Sometimes we as workers also get fed up with the system. All of us go through phases of being sick of having to justify a system that really can’t be justified. We do have to try to focus on the fact that we help people, and that we make a horrible process slightly better for someone, and that’s all we can focus on. We can’t really focus on the outcome.”

A participant also described her experience of the parallel process of victim and stakeholder powerlessness. She explained that when a case was dismissed, stakeholders frequently felt upset and disappointed because they believed that the survivor had told the truth and that a sexual assault had occurred:

“Often, there is not enough evidence to get a matter to court. Even though police believe victims, but since the crime took place in private and without witnesses, the matter doesn’t proceed. There are a lot of offenders out there that need to be dealt with but they’re not, because the victim needs to be believed by 12 members of the jury. So police believe the victim but we know the jury will not believe and make a guilty verdict. So many matters get dismissed! When a victim is told her case will not be going ahead, she usually feels very distressed and powerless all over again. And we feel upset as well, because we believe the victim has told the truth. It’s because often, there isn’t enough evidence to corroborate the victim’s complaint. It’s one word against another.”

The participant described her own difficulties and sense of powerlessness with regards to the legal system, particularly when a case she had worked on for 12 months was dismissed due to lack of concrete forensic evidence, or because it was “his word against hers”. Since sexual assault usually happens in private and in the
absence of other witnesses, lack of evidence is a very common issue survivors and police are regularly faced with:

“*We get really disappointed as well. We put in all the hard work, we’re keen to go ahead and we are told no by our boss or the DPP. You work on a case for 12 months and then it gets to court and gets dismissed. It’s very depressing for both victims and police.*”

The participant elaborated that even when a case was found guilty, survivors and their families continued to be placed at risk once again when the offender was released from jail, especially when the offender was a family member or ex-partner who knew where the survivor resided, worked or attended school. This is experienced as being extremely re-victimising, causing long-term issues of powerlessness for survivors. The question of where to live in safety is a very difficult one for many survivors and their families:

“*Yes, and if a case does go guilty, before the offender is released from jail, the anxiety and powerlessness starts all over again for victims. Often, victims have to relocate at this point, which is expensive and difficult for the whole family. They have to find new jobs and schools for the kids.*”

The participant, who was a detective discussed the difficulties around not being able to gather enough evidence if the sexual assault was a historical matter, resulting in police having to let survivors down on a regular basis. The participant described this as sad and heartbreaking for survivors and stakeholders:

“*Also, though we as police believe a victim, there may not be enough evidence to charge. If it’s a historical sexual assault, it’s his word against hers. One woman did her statement over three weeks, twice a week. She had been sexually assaulted by her husband and it was a very long statement, because there were many assaults over a number of years. And it was heartbreaking when we couldn’t go ahead with the case, due to lack of evidence. It was so sad! And the hardest bit is when you know they’ve done it, but there is not enough concrete evidence to get to court. One of the hardest*
things in our job is having to let victims down. And understandably so, victims are very distressed and lose faith in the system that is meant to protect them.”

The participant continued to discuss the difficulties around historical sexual assault matters, where there are no witnesses and there is no DNA:

“Adult survivors of childhood sexual abuse are also very vulnerable in court. They are often not able to give the right type of evidence that's required for court. In terms of dates and times, memories meld together. I have worked on cases where a young woman had been assaulted hundreds of times as a small child. For her, the memories all melded together. She found it difficult to articulate coherently all the assaults that had happened to her. And of course the offender made sure there were no witnesses. And there’s a lack of concrete evidence such as dates, times and places. And there’s no DNA. It is very upsetting for us when we can’t get cases like this to court.”

A participant explained the way that young people were routinely ridiculed and disempowered by the defence in court. Since it is difficult to remember exact dates and times when sexual abuse occurred within a family context, often over a number of years, young people frequently find it more difficult to give concise evidence than someone who experienced a one-off sexual assault in adulthood:

“What victims go through when they get to court can be just horrendous and very traumatic for victims. For example, victims who have been assaulted in a family context don’t remember all the dates and times, because the abuse occurs so frequently. Sometimes, they might remember that it was around Christmas time. So young people are not treated as “reliable witnesses”. And this gives the defence the opportunity to ridicule and make them feel stupid and insignificant in court.”

In summary, the majority of key stakeholders who agreed to participate in this study discussed the parallel process of survivors’ and service providers’ sense of powerlessness as being a major issue of concern for them. Participants described the key aspects of survivor and stakeholder powerlessness as feeling guilty with regards to not being able to do more to assist survivors, as well as experiencing frustration regarding their perception of the lack of justice inherent in the current
legal system. Participants described how this led to key stakeholder burnout, pervasive pessimism and exhaustion, particularly as many service providers described themselves as carrying very big workloads.

### 6.3.4 Societal myths

Societal myths regarding sexual assault was another theme that was discussed at length by several participants. Participants described some of the societal myths and attitudes they and their clients encountered on a regular basis, including: “If an offender is found not guilty, the woman must be lying” and “Sexual assault does not occur within marriage”. Another myth that was discussed by several participants was: “If a woman is sexually assaulted, she must have done something to provoke it.” Participants described the sense of powerlessness and devastation survivors experienced when they were judged according to deeply held societal myths. Participants stated that myths about sexual assault required challenging at all levels of society, particularly in the legal context. They stated that this could be achieved through education programs that strongly challenged societal myths about sexual assault. Participants felt that survivors were regularly let down by the legal system as a direct result of the myths still prevalent in our society regarding sexual assault.

A participant explained that since vaginal injury occurs very rarely during a sexual assault, the legal system may decide the assault did not occur, thus letting survivors down as a result of the myths still prevalent in the community and within legal structures:

“The court system is still very reliant on having a physical injury. And vaginally, you don’t usually get a physical injury from sexual assault. We have a system that’s set up on evidence that’s not actually evidence. Because vaginal injury occurs very rarely. If it’s aggravated physical assault, you have bruising to the face or a bleeding nose or broken ribs. But it’s different with sexual assault.”

The participant continued to discuss her frustration with regards to the judiciary’s lack of education about the reality of sexual assault, which typically does not
sustain a visible injury. She expressed the need and importance for this societal myth to be challenged:

“The judiciary is not educated about that. Even a child who has been penetrated, the injury heals very quickly. Even some of our medical officers who are less experienced believe that sexual assault didn’t occur if there’s not a physical injury. Physical injury occurs sometimes when there is an anal rape. But that can be thrown out in court too. The defence can say the victim had constipation.”

Another participant concurred, stating that juries frequently made decisions based on societal myths. This can be devastating for survivors:

“Juries are another issue we need to talk about. We know that certain police, lawyers and judges have their biases. They believe all the victim-blaming myths around sexual assault. It’s the same with the jury. And they get to make decisions about guilt and innocence. Even when the jury is educated by the DPP. It might not influence them enough to change the views and biases they have held all their lives.”

A participant discussed issues regarding consent, which is frequently difficult to prove, and which may also further perpetuate societal myths around sexual assault:

“Consent is another difficult issue. When there’s DNA that the sexual assault occurred, the defence can always say that the victim consented. Consent is the hardest issue and victims are still told they are liars when there’s DNA.”

The participant also described a lack of police awareness around the issue of partner abuse and expressed frustration with many of her male colleagues, who believe that sexual assault does not occur within marriage:

“And it’s especially hard when it’s a husband or an ex-partner, and a lot of police don’t believe that a husband might commit sexual assault. No means no! But a lot of male police don’t get that. They can’t get their heads around that. They don’t consider it as a sexual assault, believe it or not! I try to explain this issue to them.”
Participants felt that survivors were regularly let down by the legal system as a direct result of the myths still prevalent in our society regarding sexual assault. Participants attributed the cause of these myths to be due to a lack of education about sexual assault and described the distress survivors experienced when they were judged according to societal myths. Participants stated that these myths required challenging at all levels of society, especially in the legal context.

6.3.5 Delays

Several participants nominated delays as continuing to be a major issue for survivors, and that sexual assault workers and witness assistants were frequently unable to support survivors in court due to delays. The frequency of delays may set up a fear response for survivors, which is an additional burden to the anxiety survivors already experience with regards to appearing in court:

“In terms of barriers to services, delay continues to be a problem. We get things up and running much quicker than we used to in the past. But it still takes a long time. It’s about the workings of the court list. In Sydney District Court, we might have 18 matters on a Monday morning. And they have to each get a court and a judge. And sometimes that doesn’t happen and it has to get adjourned to another time. Also because of delays, sexual assault counsellors are sometimes not available to support victims in court, and sometimes we as witness assistants are not able to provide support either. This is difficult because the intention of Sexual Assault Services and Witness Assistant Services are good, but often we are unable to attend, leaving victims vulnerable and perhaps more powerless.”

The participant continued to discuss her concerns around Circuit Courts and the associated delays in rural areas, where there is always a lot of fear and uncertainty about matters not going ahead, with survivors frequently being let down when their matter is adjourned, impacting negatively on survivors’ recovery in the process:

“Also, once you get out to rural areas you have the Circuit Courts. The Circuit Court insists on having three matters listed for the first week, three for the second week,
and three for the third week. But nine trials aren’t going to get on. If you’re a victim in one of those trials, there is lots of fear and uncertainty and it often means that your matter will not go ahead. That can be really hard for victims. For them it causes a lot of upheaval on many different levels. It also means that they will feel very let down and this will have a big impact on their recovery.”

A participant explained the regularity and associated difficulty of adjournments, which caused enormous stress for survivors who had mentally prepared themselves for court and organised their work and family lives around court going ahead:

“We can get so many adjournments, with cases not going ahead at the last minute. And the survivor has organised her life, taken days off work, organised the kids, the sexual assault counsellor has cleared her diary and then it doesn’t go ahead. This puts a lot of stress and strain on victims and even on workers.”

A participant elaborated on her perception of adjournments and delays sometimes being used as tactics by the defence to disempower survivors:

“It’s also the unpredictability of court that makes it difficult for both victims and workers. Expect the unexpected! And we must prepare our clients for that! Often, a set date is not going to go ahead. Cases get adjourned again and again. It’s a tactic the defence use. And sometimes victims give up because of the endless delays and stalling tactics. They are powerless within the legal system, as are we!”

The participant also discussed difficulties around the enormous financial costs to tax payers of a trial, and the associated practice of “three cases per week” in rural areas of New South Wales, resulting in survivors’ matters frequently not going ahead, causing disappointment and a sense of being let down by the legal system for survivors:

“The other thing is that court lists three trials to commence on a particular Monday, knowing that there’s only one judge and only one case will proceed. And the trials are prioritised one, two and three. That’s really difficult if your trial doesn’t get on. To
have to mentally and emotionally prepare yourself, only to be told to come back at a future date. But having said that, I don’t know how else they can do that because a Judge of a District Court has driven there and a trial costs about $40,000 a day and that’s a lot of taxpayer funds.”

Another participant concurred, stating that this rule creates a lot of stress and difficulty for survivors. While workers try to assist in preparing survivors for this possible scenario, survivors still feel let down when their matter does not go ahead:

“Those are the kinds of things we try and tell our victims, so they have a better understanding. We tell them: ‘The trial you’re appearing in is a priority three and that means there’s two trials ahead of you and we’ll let you know if one of the trials is going to proceed but you still have to come in to court on Monday, until the judge actually determines which one is going to run’. Because the thing about a trial is that it relies on everything coming together at the right time. So there are a lot of people, witnesses, police and lawyers, even the judge can get sick and be unavailable and so we can’t start a trial. So if something ordinary and human happens, then it doesn’t go ahead. And the defence will often try to delay a trial. We turn up on Monday, trial is adjourned to a later date. This is the reality of our court system and of course this is very difficult for victims.”

A participant discussed her frustration with the defence’s stalling tactics, which she felt caused survivors to lose confidence, both in themselves and in the legal system. This in turn may result in survivors withdrawing their complaints in an effort to regain some control over their lives. There may be genuine short-term benefit when survivors decide to withdraw from the legal process. However, there may also be long-term costs:

“So often, things are cancelled at the last minute. Solicitors adjourn things as part of their tactics to get clients off. So they do many adjournments because they rely on the victim having had enough. So the matter is dismissed over and over until victims have
had enough. And victims lose so much confidence in the process, and develop so much anxiety that they can’t face court in the end.”

Another participant described the effects of delays on survivors, leaving survivors unable to move on with their lives as a result, sometimes for several years:

“Delays are very depressing for both victims and police. Sometimes a case doesn’t get to court until two years after the report is made to us. This is incredibly stressful for victims. To have to wait two years! They can’t move on with their lives. The delay is terrible. The system is clogged up and the defence delay over and over again.”

Several of the key stakeholders spoke of delays in the legal system as having been one of the most troubling aspects of the legal process for both survivors and their support workers. The impact of delays on survivors included feeling that their lives were on hold while they waited for their case to proceed to court. Another impact of delays was that workers were frequently unable to support their clients on the day of court due to last-minute changes, leaving survivors more vulnerable and without adequate support as a result.

6.3.6 Lack of regard for survivors’ needs

Participants discussed their awareness of survivors’ needs routinely not being taken into account during the legal process, that this was likely to render survivors vulnerable, powerless, anxious and distressed. Participants named survivors’ needs, including the need to be kept informed and to be treated with respect while navigating the legal system.

A participant explained her view regarding survivors’ needs not being considered when they appeared in court, as well as her perception of survivors becoming mere witnesses for the prosecution, with their needs not being taken into consideration. The participant discussed her frustration with not being able to effectively support survivors as a result of this:
“In court, our clients cross over from being survivors to being a witness for the prosecution. So their needs as victims and survivors are not being taken into account by the system. And the system is not necessarily the right place for victims. It’s like going to another planet where the whole context is that you’ve become a mere witness for the prosecution. And that’s how the DPP view survivors. Necessarily so, to get their job done. That’s how the police view them also, to get their job done. The system doesn’t really take account of victims’ needs.”

Another participant explained her concern that in court there were no special concessions for vulnerable survivors, as well as there being no consistency within the legal system:

“At the very pointy end, there are no concessions to the fact that the DPP might walk in and say: ‘He’s just pleaded so you can’t give your evidence. We suggest you just accept his plea and go.’ There’s no caring, there’s no preparation around that. And it’s completely unpredictable.”

The participant continued by stating that survivors and sexual assault workers received very little notice before a matter finally went to court and that it was difficult to prepare survivors for the various possible contingencies of their matter:

“Often we don’t actually receive notice that they’re going to court until a very short time before court. It’s difficult that they’re suddenly going to be placed in a situation where the case is either going to float or not. And having to try to prepare them for that and all the eventualities that this might bring. So trying to look at: What if he pleads on the steps of the court and you don’t get to give your evidence? What if the jury finds him not guilty? All the what ifs can’t be adequately absorbed before court.”

A participant discussed the lack of respect for clients’ needs in court, as well as her concerns that she felt unable to adequately prepare her clients for this. She stated that despite having worked in the area for many years now, she still did not understand the legal system:
“The legal system is so hard for survivors to understand. Even we don’t understand it all, despite having worked in the field for 15 years. And you can tell clients that it’s unpredictable, that we don’t know how it’s going to play out, but it’s like telling someone what it’s like to have their first child. They can’t grasp it because they haven’t been there yet. Because the system is not about respecting the client’s needs. It’s about who is able to spin the best story in court to convince the jury or judge. And it isn’t about truth and it isn’t about justice. It’s an adversarial system, which bears absolutely no relation to what the client needs or what we can actually prepare them for.”

Another participant explained that because education for judges, magistrates and medical experts about the psychological effects of sexual assault was not mandatory, the legal system continued to let many survivors down:

“Judges need to be better informed about the psychological effects of sexual assault. Education about sexual assault for judges, magistrates and medical experts isn’t mandatory. They can choose whether they want to attend specialist training sessions. And if they feel that’s not relevant for them, that their ideas are perfectly formed in their world, they won’t go.”

A participant stated that because survivors and sexual assault counsellors were not kept informed, the court experience was more difficult than it needed to be. The basic need for survivors and their supports to be kept informed is disregarded during the court process:

“Yes, basic information is usually not provided. Such as: ‘You’ve got time to get a cup of coffee. Or you’ll have to sit there for another six hours, just waiting.’ Communication is haphazard at best. There should be one designated person who keeps the victim informed during the court case. But this rarely happens. There is no staff at court that you can go to and say: ‘What’s happening now?’ You’re just left in the dark. And of course that increases victims’ anxiety.”
A participant agreed, describing her frustration that sexual assault workers and survivors are not kept informed while waiting outside the courtroom, with survivors’ needs not being taken into consideration:

“And in court, you don’t know what’s happening unless a friendly copper informs you what’s happening in the court room. Victims are not informed of what’s happening in the court room and neither are sexual assault workers, who are meant to support victims in court.”

Another participant discussed the difficulties of survivors’ exposure to the offender and/or the offender’s family when they attend court, thus disregarding survivors’ needs for safety and protection:

“In our country town, you’ve got all that exposure before you even get in the court room. You could be in the toilets with the offender’s family. That’s really difficult. Even in the court support (safe) room, you’ve got no privacy. There are lawyers coming in discussing other cases with other people. There’s no protection, no privacy.”

A participant described her own frustration with the lack of consideration for key stakeholders by the legal system:

“Often, I have sat there all morning waiting to give my evidence as a nurse examiner and I ring them and they say: ‘Oh, it’s been cancelled.’ But no one has bothered to let me know.”

Another participant agreed that more transparency and better communication were needed with regards to court itself, and the legal system in general, in order to adequately meet survivors’ needs:

“That’s why there has to be a more transparent process. When things are cancelled, the victim and witnesses should be kept informed at all times! That’s only decent, but often, this doesn’t occur.”
A participant explained that even after court was over, survivors were left with unanswered questions and ongoing unaddressed pain regarding the legal process:

“Going to court is so difficult that many victims don’t make a statement in the first place. But for the ones that do go ahead, it finishes with a guilty or not guilty verdict and then victims are just left. All their friends and family have moved on, thinking it’s been to court and that’s it. But victims don’t feel like that. People I’ve spoken to who have accessed our service have all these questions and can’t make sense of what’s happened in court. And they lack support at that stage.”

6.3.7 Key stakeholders’ negative perceptions of the DPP

Several key stakeholders described their own negative perceptions and experiences with the DPP, including the DPP’s lack of communication and involvement with and support of survivors, as well as the DPP sometimes being unfamiliar with the cases they were handling.

As one participant explained, communication with the DPP was virtually non-existent. She also expressed concerns regarding the fact that the DPP may meet the victim for the first time a few minutes before the commencement of court:

“In the days before witness assistants, we were a little bit more involved. We used to meet with the Crown and have conference with them. That was really helpful. We used to get involved fairly early on. The Crown would be communicating with us as the case got closer to the trial date. They used to get the client to come in and educate them about the trial. They helped them with ways of coping better. That was really helpful for clients. That doesn’t tend to happen any more. Nowadays, the Crown meets the victim only for a couple of minutes. And then the crown tells victims all the things they’re not allowed to say. This is very hard for our clients.”

Another participant explained that there were often last-minute changes of DPP solicitors on the day of court, causing survivors to feel let down on the day:
“And sometimes clients have met their solicitor a few weeks before court, but then there’s a last-minute change and they get a different solicitor. This is also difficult for victims. They’ve made a connection with their solicitor, the solicitor is familiar with the case and then they get a last-minute change and a solicitor that seems to barely know their case. You can’t count on anything because it can and frequently does change at the last minute.”

Another participant described her perception of and frustration with the lack of agency and power of the DPP, compared with that of the defence:

“The DPP are overworked and underpaid. And then there’s the defence, who has a big financial investment in winning the case. The defence lawyers have a huge influence on juries’ decision making. When they select juries, they have a huge influence to exclude certain people. And they have all the financial gain, compared to the DPP. The balance is out, right from the start.”

A participant explained that in her experience, the DPP had very large caseloads. She expressed her concern that this may affect their ability to be strong advocates for survivors:

“Victims need a strong DPP. And this is often not the case. The DPP is often extremely lukewarm. Maybe they are burnt out. They have really large caseloads. And then, more often than not, the DPP change at the last minute. Victims rarely get the same DPP for the duration of a sexual assault matter. Some clients say to me: ‘The DPP didn’t stand up for me, they didn’t fight for me!’”

Another participant elaborated on her frustration with the lack of communication from the DPP, as well as the DPP often seeming to be unfamiliar with the cases they were handling:

“Often, the DPP don’t know the case well at all. They’ve been assigned the case at the last moment. You can’t even try to get a conversation with the DPP. It’s virtually impossible. You don’t know what’s happening unless a friendly copper informs you of what’s happening in the court room.”
Several service providers described negative perceptions and experiences with the DPP, including their perceptions of the DPP being overworked, unfamiliar with the cases they represented, not being strong advocates for survivors of sexual assault and the DPP failing to communicate with survivors and key stakeholders.

6.3.8 Key stakeholders’ negative perceptions of police

Several participants discussed negative experiences with police. One participant said when police decided not to go ahead with a particular matter, survivors frequently felt the crime committed against them was seen as being unimportant or insignificant.

Another participant discussed her sense of frustration when matters were dropped by police when survivors had an intellectual disability:

“Yes, police can abort matters very quickly. Recently, I talked to police about a survivor who presented to police about a statement. She has an intellectual disability. And the police said: ‘With these people, we know it’s not going to go anywhere’. He called them ‘these people’. But with what we know about intellectual disability, we know that the statistics are that they are assaulted more often and more easily. But often, matters are simply dropped when a survivor presents who has an intellectual disability. They are sexually assaulted at an increased rate, but that’s just the way it’s going to go for ‘these people’.

A participant expressed her disappointment that in her experience, police were more likely to pursue an aggravated burglary than a sexual assault matter:

“In my experience, the police are more likely to support a victim for aggravated burglary, but not for sexual assault.”

Another participant stated she felt concerned regarding the routine practice of police wiring up survivors in order to gain an admission of guilt, causing many survivors to feel distressed and losing power again, as well as feeling that they have failed if they have been unsuccessful in gaining the alleged offender’s
admission of guilt. Furthermore, participants felt that the police were giving survivors the message that their word was not “good enough”:

“One of the practices that really upset me is that police will often wire up victims to talk with their perpetrators in an effort to get an admission of guilt. We would never advocate for our clients to have contact with their perpetrator! Victims are placed at further risk of feeling they have failed to get information out of this guy, that they’re not good enough because they couldn’t get enough evidence. And they then feel an incredible responsibility for the whole court case falling down. And the perpetrator is happy because he’s got away with it all!”

A participant concurred, discussing her concerns about young survivors being made to have contact with their offender in order to entrap them to admit their guilt:

“I’ve had a number of clients who were told they need phone tap evidence or it won’t go ahead. Teenagers are put in a situation of having to entrap their perpetrator. And they have to take part in this process if they want legal action to occur.”

Another participant concurred with this viewpoint, stating that survivors are rendered vulnerable by police putting them in positions where they feel they have to have contact with their offender, and that their word alone is “not enough”:

“And the last conversation they’ve had is having to be nice to their perpetrator. So that’s their last conversation and he walked away thinking I’m OK with him having abused me. They are being coerced to draw information out of their perpetrator. It makes victims very vulnerable. Police don’t seem to appreciate this.”

A participant described her concerns with regards to police being overworked and burdened by extremely large workloads:

“Police are often a bit jaded, because we are so busy and one case rolls into another, if that makes sense. It’s so sad, but one sexual assault does run into another. And police actually forget that these people are actually victims. Police are so tired, so jaded
that at times they treat the victim the same as a perpetrator and not actually as a victim. This is really sad but true. It's because they're so overworked! They become very cynical because they've seen the worst in humanity.”

The participant continued by elaborating on the issues survivors from culturally and linguistically diverse (CALD) backgrounds face with regards to police:

“And I know there’s a lot of crime that doesn’t even get to us. Sometimes victims have had bad dealings with police or the court system and they don’t come forward as victims because of that. Other cultures may mistrust police. So they feel they can’t report a sexual assault. And if they do, the perpetrator’s family makes life hell for them. Indigenous victims often feel that it’s just not worth reporting the assault, because the fallout in the community is just massive.”

In summary, several key stakeholders discussed negative experiences with police. These included police not taking sexual assaults seriously, police believing societal myths around sexual assault and police not understanding the needs of survivors from CALD backgrounds or those with intellectual disabilities.

6.4 Reforms and effective changes to the legal system

The second set of themes identifies reforms and effective changes to the legal system, acknowledging participants’ awareness and appreciation of the progress and improvements that have occurred within the Australian legal system in recent years. As outlined previously, key stakeholders made less than half as many comments on effective changes to the legal system than on themes of perceived difficulty within the current legal system. This is a worrying result, as key stakeholders’ sense of powerlessness and discouragement far outweighed their sense of hopefulness with regards to their perception and experiences of the legal system. Themes of progress that were discussed in focus groups and in-depth interviews included: Awareness of progress over time; Closed Circuit Television Rooms for vulnerable survivors; Victims’ safe rooms; Provision of adequate court
preparation; Victim Impact Statements; and awareness of the Charter of Victims’ Rights.

6.4.1 Awareness of progress over time

Several participants described their appreciation of the shifts in awareness and improved understanding about the issue of sexual assault that have occurred over the past 30 years as a result of the women’s liberation movement:

“There is a greater understanding of sexual assault, which came out of the women’s movement in the ’60s. The beginning of the Rape Crisis Centre in 1980 in Sydney. The very first service in Australia. Targeting women, not really children and men at this point. And then you have to think of the building of the level of understanding of this particular crime, which is so different to bank robberies or drug matters. And then the need to educate the judiciary and the need to educate everybody else about sexual assault and its dynamics. The fact that most sexual offences are perpetrated by someone known to the victim. This is different to break and enters. It’s a process that’s been improving and is still evolving.”

Another participant explained that her awareness of progress and reforms to the legal system have assisted her in maintaining a hopeful attitude in her work with survivors:

“In our work, we see people’s disappointment on a regular basis. If we weren’t able to hold onto some of those notions of progress over time, we wouldn’t still be here doing the work that we do as witness assistants. It would be unproductive to be here if we just focus on the things that go wrong or on the system that fails people.”

Another participant explained that despite her awareness of the imperfections of the current legal system, she appreciated that it would be difficult to think of a better system:

“There’s still a lot of things that you could fix, and apart from throwing all the offenders in jail without a system, it’s hard to think of a better system.”
A participant explained the benefits of making a statement and taking legal action, that this allowed survivors to stand up and have a voice, no matter what the outcome may be. She expressed her appreciation of the legal process:

“I tell people that if you do it (make a statement), this is your chance to stand up and have a voice. You cannot do it with an intended outcome because if you do, whatever happens it will never be enough. Unless you construct it that this is my forum to stand up and say this happened to me and this is not right. And we are lucky that there is a legal system where we can do that.”

Several participants described their appreciation of the greater awareness and improved understanding around the issue of sexual assault in recent years as a result of the women’s movement. Increased understanding and awareness were said to have had a positive impact on the legal system at least some of the time.

### 6.4.2 Closed circuit television rooms for vulnerable survivors

Several participants nominated Closed Circuit Television Rooms (CCTV) as one of the positive reforms to the legal system in recent years. A participant described her appreciation of the availability of CCTV rooms for vulnerable survivors and for young people. CCTV rooms allow survivors to give their evidence from another room in the courthouse, thus protecting them from having to be physically present in the same room as their offender:

“They figured out it must not be good for little children to sit in a witness box with the accused person a few feet away from them. And so now they have set up the CCTV rooms for children, which is a big improvement for victims. Sometimes vulnerable witnesses and adult survivors of sexual assault use those too. But not every courthouse has a CCTV Room yet.”

CCTV Rooms were nominated as being a valuable improvement to the way sexual assault cases were heard in the current legal system. However, it was noted that CCTV Rooms needed to be made available in every courthouse for vulnerable witnesses.
6.4.3 Victims’ safe rooms

Several participants discussed the availability of safe waiting rooms for survivors while they waited to give their evidence in court. They stated that Victims’ Safe Rooms allowed survivors to be protected from their offender and the offender’s family when they attended court. As one participant stated:

“Victims’ Safe Rooms are really helpful for our clients because they allow victims to be safe from their offender while they wait to give their evidence in court. Victims can wait in the safe room with their support worker and other supportive friends and family. It is a comfort for them to feel protected from the offender until they have to go into the courtroom.”

However, another participant commented that safe rooms were still not available in every courthouse:

“Yes, safe rooms are great, but they still don’t have them in every courthouse. Safe rooms are still a work in progress and must be made available in every courthouse.”

Several participants discussed the availability of safe waiting rooms for survivors while they waited to give their evidence in court. Victims’ Safe Rooms were said to allow survivors to be protected from their offender and the offender’s family while they wait to give their evidence in court. However, it was stated that safe rooms were not yet offered in every courthouse.

6.4.4 The provision of adequate court preparation

Adequate court preparation was nominated by two participants as having improved significantly in recent years, with the publishing by the Educational Centre Against Violence (ECAV, 2002) of the Court Preparation Manual: Nothing But The Truth. As one participant explained:
“We use Nothing But The Truth to prepare our victims for court. There are handouts victims can take home and revise before they go to court. This is an excellent manual, which our clients find really helpful.”

Another participant stated that the manual was only helpful for survivors who were educated and literate:

“Yes, the manual is great, but only for those survivors who can read and focus really well.”

While court preparation practices were said to have improved in recent years, there were found to be limitations with regards to vulnerable clients and those with literacy and concentration issues, such as those survivors who are very traumatised.

### 6.4.5 Victim impact statements

If an offender is found guilty or pleads guilty to some or all of the charges they have been charged with, survivors now have the right to provide the court with a written statement about the impact of the crime on their psychological and physical well-being. This is called a Victim Impact Statement. As one participant explained:

“In the case where an offender is found guilty, Victim Impact Statements are an excellent way for survivors to have a voice, to tell the court about the effect the sexual assault has had on their lives. They can read out their statement themselves in court, or they can have a support person read it out on their behalf.”

Victim Impact Statements were found to empower those survivors where an offender pleads or is found guilty. Unfortunately, Victim Impact Statements are not available to the many survivors whose cases are found not guilty, or whose cases do not proceed through the legal system.
6.4.6 Charter of victims’ rights

Participants also discussed the Charter of Victims’ Rights, which aims to protect and promote survivors’ rights. This charter applies to NSW government departments, as well as to non-government agencies and to contractors funded by the State. The Charter of Victims’ Rights includes the right to:

- Be treated with courtesy, compassion and respect
- Information about, and access to welfare, health, counselling and legal services, where available
- Information about the investigation and prosecution of the offender
- Protection from the offender and protection of privacy

As one participant stated, awareness of the Charter of Victims Rights allowed her to advocate effectively in her work with survivors of sexual assault:

“I always keep the Charter of Victims’ Rights in mind when I work with clients and key stakeholders. The Charter guides everything I do in my work with survivors of sexual assault.”

However, another participant added that the Charter of Victims’ Rights was not being properly implemented in every case, or even in most cases:

“In a perfect world, the Charter of Victims’ Rights would be naturally implemented in every situation, for every victim. But this is unfortunately not the case. In my experience, and in that of the clients I work with, survivors are still regularly disrespected and not being treated with courtesy, compassion and respect.”

In summary, participants nominated the Charter of Victims’ Rights as being an important improvement to the legal system, which aims to protect and promote survivors of sexual assault’s rights. While the Charter guided some key stakeholders in their work with survivors, others stated that government and non-
government departments were not yet adequately implementing the Charter. They stated that more work needed to be done to protect and promote survivors’ rights.

6.5 Conclusion

In conclusion, this chapter has conducted a thematic analysis of six focus groups with key stakeholders involved with survivors of sexual assault, using NVivo software. As in Chapter 5, the thematic analysis of the current chapter identified two sets of themes:

- Themes of difficulty
- Themes of progress

Themes of difficulty described key stakeholders’ concerns with regards to the perceived injustices survivors of sexual assault continue to face while they navigate the legal journey, including: Concerns regarding survivor re-traumatisation by the legal system; survivor and stakeholders’ parallel experiences of powerlessness and disempowerment, including difficulties regarding the prosecution of historical sexual assault matters; concerns with regards to the societal myths still prevalent about sexual assault; delays commonly experienced during the legal process; lack of regard for survivors’ needs; stakeholders’ negative perceptions of the Department of Public Prosecutions (DPP); and finally, stakeholders’ negative perceptions of police.

The second set of themes identified key stakeholders’ awareness of reforms and effective changes to the legal system, acknowledging participants’ awareness and appreciation of the progress and improvements that have occurred in the Australian legal system in recent years. Themes of progress included: Awareness of progress over time; Closed Circuit Television Rooms for vulnerable survivors; Victims’ Safe Rooms; the provision of adequate court preparation; Victim Impact Statements; and finally, the NSW Charter of Victims’ Rights. Key service providers’ themes of progress differed from those of survivors, while themes of difficulty were mirrored both by survivors and key stakeholders.
Key stakeholders made less than half as many comments on themes of progress than on the topic of themes of difficulty. This is seen as a worrying result, as stakeholders’ sense of powerlessness and discouragement outweighed their sense of hopefulness with regards to their perception and experiences of the legal system. Analysis of focus groups found that key stakeholders experienced a similar set of frustrations and difficulties as the survivors who had been interviewed for this study and which have been outlined in Chapter 5, with key stakeholders’ issues mirroring the concerns and issues experienced by participant survivors. These included concerns about the re-traumatisation of survivors by the legal process, concerns regarding survivor disempowerment, survivors experiences of psychological harm when they were met with common societal myths and victim blaming attitudes about sexual assault, as well as delays, which were said to continue to be a common issue within the current legal system. Both interview and focus group participants expressed concerns that survivors’ needs were not adequately met, and that survivors were not sufficiently prepared for the realities of the legal journey. These results are consistent with previous research, which has found that re-traumatisation by the legal process is a common experience for who choose to take legal action in relation to sexual violence (Fergus and Keel, 2005; Parkinson, 2010; Wagner, 2007).

Findings from in-depth interviews and focus groups with a total of 30 participants identified numerous risk-and systemic factors that typically cause psychological detriment to survivors during the legal process. These results have been described in detail in Chapter 5 and Chapter 6, and provide a rationale for the need to provide enhanced court preparation, as well as longer-term social and emotional support for those survivors who choose to take legal action in relation to sexual assault. Hence, one of the aims of this study has been the development, delivery and evaluation of a pilot group court preparation and support intervention “Women of Courage”.

The following chapter documents the methods of the “Women of Courage” group intervention, which is based on the findings of the in-depth interviews and focus groups, as well as on academic research on sexual assault and the legal system.
Chapter 7

The Intervention: Methods

7.1 Introduction and aims

This chapter describes the development of the “Women of Courage” court preparation and support intervention, which was based on the literature on sexual assault and the legal system described in Chapter 2, as well as on themes identified in in-depth interviews with survivors who had attended court in relation to sexual violence outlined in Chapter 5, and the findings of focus groups outlined in Chapter 6. This chapter also describes the methods used to implement and evaluate the pilot group of this intervention.

This research project implemented a pilot court preparation program, assisting survivors preparing to attend court in relation to a sexual assault matter. Participants for the program were recruited through the local Sexual Assault Service after ethics approval had been obtained. Two social work practitioners with specific expertise in the sexual assault field delivered the intervention at a NSW Sexual Assault Service (Hunter New England Area Health). The researcher observed and recorded the process and effectiveness of the group intervention.

This research project implemented Schilling’s (1988) guidelines for developing agency-based intervention research and design:

- The researcher made contact with the participating agency at least six months prior to the start of the intervention
- The researcher allowed for agency input at each stage of the research process to effectively benefit the agency program
- The researcher ensured procedures were compatible with agency values
• The researcher indicated costs to the agency openly and honestly

• The researcher specified practitioner time demands

• The researcher provided ongoing appreciation to agency staff for commitment and skill

• The researcher provided ongoing feedback to the agency

• The researcher assisted in implementing the intervention in the agency setting (Schilling, cited in Rothman and Thomas, 1994: 91)

Since many practitioners and agencies have insufficient resources to conduct intervention research, it is through collaborative efforts with researchers that the design and development of new and effective interventions may be created (Fraser et al., 2009). This intervention research project therefore required careful planning, as well as flexibility to adjust to the needs of the participant group and to the practitioners delivering the program, as well as to the practice setting.

In this study, qualitative data was gathered through pre and post interviews with participant survivors in order to investigate the processes and effectiveness of the court preparation pilot program. In-depth interviews with participant survivors were designed to ensure that the researcher displayed a commitment to asking genuinely open-ended questions in order to evaluate the intervention’s effectiveness, and to ensure that participants were able to respond safely and comfortably to questions about their experience of the intervention.

The researcher posed the following open-ended questions prior to participants’ attendance in the group program:

• What would you like to learn in the “Women of Courage” court preparation group?

• What has been your experience so far during your legal journey?

• What would make this program a good experience for you?
• Are there any topics you would like to be specifically addressed in the group program?

• Is there anything else you would like to add?

The researcher posed the following open-ended questions at the conclusion of participants’ attendance in the program:

• What has been your experience of participating in the “Women of Courage” court preparation program?

• What are some of the things you have found helpful?

• What are some of the things you have not found helpful or didn’t like?

• Do you feel you know more about the legal system now?

• What coping strategies have you learnt that will be useful for you during your legal journey?

• Would you recommend this program to other survivors taking legal action?

• What could be done to improve this program?

• Would you like to make any other comments?

This intervention research project involved conducting pre and post intervention interviews with participants, as well as a pilot group court preparation intervention aimed to assist vulnerable survivors of sexual assault as participants navigated the legal system. The design of this intervention made use of the findings of in-depth interviews and focus groups that were described in parts 4.7 and 4.8 of this chapter. Research findings were also combined with existing court preparation methods (NSW Educational Centre Against Violence, 2002, Konradi, 2007; Taylor, 2004), as well as with other relevant, evidence-based strategies in order to adequately support and prepare participants who were taking legal action (Harris, 2009; Johnson and Johnson, 2009; Linehan, 1993; Wehrenberg, 2012).
Please refer to Chapter 7 of this study for a complete outline and description of the Court Support and Preparation Intervention.

7.2 “Women of Courage” program development

Chapter 5 and Chapter 6 entailed in-depth interviews with survivors, as well as focus groups with key stakeholders regarding the needs and concerns of survivors of sexual assault taking legal action. Results from Chapters 5 and 6 provided a rationale for the need to provide enhanced court preparation practices, as well as the necessity to offer holistic social and emotional support for those survivors who choose to take legal action in relation to sexual violence. Findings from in-depth interviews and focus groups described in Chapter 5 and Chapter 6 identified various risk-and systemic factors that have been found to cause psychological detriment to survivors whilst they navigate the legal process. Results from in-depth interviews and focus groups established a need for enhanced court preparation and support for survivors taking legal action after sexual assault. The current chapter aims to document the methods of the “Women of Courage” group intervention, which is directly based on the findings of Chapter 5 and Chapter 6, as well as on academic research on sexual assault and the legal system, which has been outlined in Chapter 2 of this study.

The eight-week pilot group court support and preparation program “Women of Courage” aimed to provide a supportive learning environment for women survivors of sexual assault while they were in the process of taking legal action. The program aimed to offer a setting in which participants felt safe and had the opportunity to learn relevant skills required while they were navigating the legal process, and provided an opportunity to create supportive connections with other women participants who were experiencing similar concerns with regards to their legal journeys. This program aimed to offer a holistic approach to supporting women during the legal process, through the provision of easy-to-understand, practical information and relevant skills with regards to the court process itself (ECAV, 2002; Konradi, 2007; Taylor, 2004; Want and Crew, 2003), and to foster resilience-enhancing skills (Brach, 2003; Harris, 2009; Kabat-Zinn, 1990; Neff,
2011), distress tolerance and emotion regulation skills (Arden, 2009; Linehan, 1993; Wehrenberg, 2008) through mindfulness training. The program also aimed to provide participants with tools to increase their own confidence and to help educate and guide participant survivors throughout the various steps of the frequently lengthy legal process, which the research has identified as being re-traumatising for survivors of sexual assault (Beckett, 2007; Bluett-Boyd and Fileborn, 2014; Burman, 2009; Lievore, 2005: Taylor, 2004). The court preparation program “Women of Courage” aimed to recognise participants’ inner resources and strengths and to deliver relevant court preparation skills, with a commitment to empowering participants throughout each of the eight group sessions. Each two-hour group session was based on the same structure, with the intention of allowing participants to feel safe and supported throughout the eight-week pilot group program (Liu, 2012; McWhirt, 2006).

This program included the provision of comprehensive, up-to-date psycho-education, information and resources in relation to the legal process (ECAV, 2002; Konradi, 2007; Taylor, 2004, Want and Crew, 2003), and assisted in the development of relevant resilience-enhancing skills such as mindfulness (Harris, 2009; Kabat-Zinn, 1990; McKay et al., 1999), distress tolerance and emotion regulation in order to ameliorate the secondary victimisation that is so frequently experienced during the court process (Arden, 2009; Linehan, 1993, Rothschild, 2010; Wehrenberg 2008). The development of these resilience-enhancing skills, combined with skills more specific to court preparation therefore aimed to encourage participant survivors to learn to manage the various concerns and challenges that typically surface during the legal process.

As discussed in previous chapters, other research has identified that survivors typically feel overwhelmed by the legal system due to the uniqueness of language and process (Bluett-Boyd and Fileborn, 2014; Konradi, 2007; Taylor, 2004). Chapter 5 of the current study outlined the themes of difficulty survivors experienced when they decided to take legal action in relation to sexual assault. Themes of difficulty included re-traumatisation by the legal process and the systemic difficulties and obstacles participants faced during the legal journey,
including lack of adequate support and information, victim-blaming attitudes and the frequency of delays participant survivors encountered, from lodging a complaint with police to being a witness in court.

Chapter 6 of the current study entailed conducting focus groups with key stakeholders involved with survivors of sexual assault. Analysis of focus groups found that key stakeholders experienced a similar set of frustrations as survivors, with key stakeholders’ issues mirroring the difficulties survivors experienced. These included the re-traumatisation of survivors by the legal process, as well as concerns regarding survivors’ powerlessness, and frustrations with regards to societal myths about sexual assault, as well as the issue of legal delays.

This program therefore aimed to assist group members to develop skills in effective communication, enhance participant confidence, as well as empower participant survivors as they navigated their legal journeys. Communication skills included gaining an understanding of legal language, giving effective evidence in court, preparation for being competent witnesses in court, as well as self-reflection, externalising concerns and worries, and having the opportunity to participate in weekly informal discussions with other group members during each of the eight sessions. The opportunity to participate in weekly formal and informal discussion and the development of effective communication skills was seen as being vitally important in assisting participants to become effective witnesses, as well as encouraging survivors to communicate with increased confidence throughout the legal journey, with the intended aim of improved psychological health outcomes for participants.

A review of the literature has found that the social support of group work may have important benefits for survivors of trauma (Hannah, 2008; Liu, 2012; VanDeusen and Carr, 2004). Moreover, mindfulness, psycho-education, emotion regulation and distress tolerance skills have been effective in assisting survivors of trauma on their journeys of recovery (Goodman and Calderon, 2012; Fournier, 2002; Harned and Linehan, 2008; Mills, Teesson, Back, Brady, Baker, Hopwood and Ewer, 2012). A feminist perspective to group work has also been found to
empower survivors of sexual assault by encouraging survivors to examine and challenge negative societal attitudes against women who experience sexual assault (Gorey, Richter and Snider, 2001, 2002). Social support, mindfulness, psycho-education, emotion regulation, distress tolerance and a feminist perspective to group work were therefore envisaged to assist and empower participants of the “Women of Courage” program on their legal journeys.

“The solidarity of a group provides the strongest protection against terror and despair, and is the strongest antidote to a traumatic experience. Groups provide the possibility not only of mutually rewarding relationships, but also of collective empowerment. Trauma dehumanises the victim, the group restores her humanity.”

(Herman, 1992:222)

Since the research has identified the underlying experience of trauma as being one of disconnection and disempowerment (Herman, 1992), this program included a focus on the development of new social connections, thus aiming to generate survivor empowerment (Joseph, 2012). Research has found that being able to share experiences, concerns and encouragement of one another to be therapeutic for women who have suffered trauma and are dealing with issues related to lack of social and interpersonal support (Liu, 2012; McWhirter, 2006). For instance, participants who attended a five-week university-based trauma group program reported an expansion of participants’ social networks, an increase in self-efficacy and a decrease in social isolation (McWhirter, 2006). Similarly, a 10-week group psycho-education and support program for survivors of sexual assault found the group intervention model to be effective in reducing isolation and stigma, as well as increasing mutual support and feelings of hopefulness (Hyde, 2013; VanDeusen and Carr, 2004). The development of a social support network for participants was therefore chosen as one of the key elements of the “Women of Courage” pilot program.

For example, during weekly communication exercises, group members had the opportunity to share experiences, ideas and mutual support of one another, giving
each group member the opportunity to have a voice and a safe place in which to be heard, without fear of being judged. The “Women of Courage” program aimed to provide an important opportunity for participants to connect and support one another, both formally and informally, assisting each other to reduce social isolation and increasing resilience through social connectedness. The opportunity to connect through group discussions, sharing exercises and during the ritual of the weekly tea break allowed participants to find common ground, and to discover new ways of helping themselves and one another (Drumm, 2008; Liu, 2012; Steinberg, 2002). During weekly discussions, peers expressed and exchanged ideas, stories and provided encouragement of one another, and found a new and stronger voice in the process (Hide, 2012; Steinberg, 2002). It was hoped that participants would be empowered through the sharing of knowledge and understanding of others who had similar life experiences, allowing survivors to feel that far from being alone, they were “all in the same boat” offering and receiving comfort and enhancing participant self-worth in the process (Shulman, 1999; cited in Knight, 2006). The opportunity for weekly discussion was to be an important component of the program, with the intended aim of allowing participant survivors to feel less isolated and to reduce feelings of stigmatisation through the opportunity to connect with other “normal” women who had also experienced sexual assault (Duncan and Mason, 2011; Educational Centre Against Violence, 2002; Foy et al., 2001).

Kabat-Zinn, (1994:29) has defined mindfulness as: “Paying attention in a particular way: On purpose, in the present moment, and non-judgmentally.” Kabat-Zinn has conducted and evaluated mindfulness-based stress reduction courses at the University of Massachusetts Medical School for the past three decades, with mindfulness groups having shown a reduction in symptoms of anxiety (Roemer et al., 2008), depression (Teasdale et al., 2000), as well as improving well-being and quality of life (Goodman and Calderson, 2012).

“We can practice navigating through all the ups and downs we encounter, the storms of the mind and the storms of our bodies, the storms of the outer life and of the inner life. We learn to be aware of our fears and our pain, yet at the same time stabilized
and empowered by a connection to something deeper within ourselves, a discerning wisdom that helps to penetrate and transcend the fear and pain, and to discover some peace and hope within our situation as it is.”


According to Goodman and Calderon, (2012) mindfulness exercises, including mindful focus on body sensations and awareness of breath, have been found to be effective in helping survivors of trauma decrease hyper-arousal, as well as allowing survivors to separate and distinguish past trauma from sensations in the “here and now”. According to Harned and Linehan (2008), mindfulness-based Dialectical Behaviour Therapy (DBT) groups were found to be successful in the treatment of women with trauma issues. Twohig (2009) and Harris (2006) found mindfulness incorporated in Acceptance and Commitment Therapy (ACT) to be an effective strategy in reducing symptoms of post-traumatic stress, while King, (2013) found that mindfulness for combat veterans was effective for reducing symptoms of post-traumatic stress.

Vallejo and Amaro (2009) successfully applied mindfulness-based stress reduction (MBSR) for addiction relapse prevention with 161 traumatised women who completed the program. They adapted the traditional MBSR program, making the mindfulness exercises shorter in duration for those traumatised participants who found the lengthy MBSR sessions too challenging to manage (Vallejo and Amaro, 2009). Weekly mindfulness exercises were therefore chosen as being an important aspect of each of the eight “Women of Courage” group sessions. In keeping with the findings and suggestions of Vallejo and Amaro’s (2009) study, the mindfulness exercises were adapted and kept to under 10 minutes’ duration, since all group members had experienced traumatic events in their lives.

Participation in the weekly mindfulness exercise was hoped to allow participants to connect with themselves with an attitude of openness, curiosity and self-acceptance (Brach, 2003; Kabat-Zinn, 1998). The aim was to enhance participants’ resilience and capacity for self-care, to decrease stress and increase compassion,
including self-compassion (Linehan, 1993; Neff, 2011; Shapiro and Carlson, 2009). Through mindfulness, trauma survivors were expected to be able to develop determination and perseverance by acquiring internal reserves for healing and symptom reduction, and were encouraged to enhance resilience on their legal journeys (Goodman and Calderon, 2012:254).

During the weekly mindfulness practice, participants were encouraged to bring an attitude of compassion and gentleness to their emotional experiences (Neff, 2011). Facilitators were asked to encourage and remind participants to relate to themselves and their moment-to-moment experiences with an attitude of kindness and patience through the use of some of the following statements: “May I bring love and kindness to my experience”; “May I bring peace and acceptance to this very moment”; “May I be with my present moment experience with patience and compassion”. This section aimed to bring a calming and affirming effect to participants’ experiences of the weekly mindfulness exercises, as well as allowing participants to develop an attitude of patience and acceptance towards themselves more generally (Brach, 2003; Dalai Lama and Cutler, 1998; Neff, 2011; Thich Nhat Hanh, 1996).

Psycho-education in group work has been found to enhance participant empowerment, allowing participants to “identify both the use of environmental (external) and personal (internal) coping resources” for positive change (Fournier: 2002:118). Each of the eight sessions included a segment of psycho-education (Tourigny, Hébert, Daigneault and Simoneau, 2005), including audio-visual materials about the legal process, guest visits and an opportunity for group discussion to practise speaking in public and preparing emotionally for the role of being a witness in court (ECAV, 2002; Fournier, 2002; Konradi, 2007; Taylor, 2004, Want and Crew, 2003).

Guest speakers/survivors have been found to provide a valuable sense of authenticity and positive role modelling for survivors of trauma (Hickle and Roe-Sepowitz, 2014; Thompson and Franklin, 2011). The program therefore included a guest visit from a survivor who had attended court in relation to a sexual assault.
and who had specific expertise in this field to share her knowledge and experience with participants, as well as having been able to provide relevant advice and encouragement with regards to navigating the legal journey, offering support and first-hand knowledge and assisting participants through psycho-education and the sharing of her story of bravery and perseverance. The aim of inviting a guest speaker was to foster confidence in participants; to allow them to see that surviving the legal system was indeed possible, and that negative societal attitudes towards survivors of sexual assault could be challenged and overcome (McHugh, 2007).

The weekly psycho-educational segment of the program also aimed to challenge the societal myths and gendered stereotypes that have been found to continue to pervade society in general, and the legal system in particular (Clark, 2010; Lievore, 2004). This entailed bringing awareness to the structural and societal barriers, including the victim blaming, disbelieving, and minimising attitudes that routinely occur in the adversarial justice system (Breckenridge and James, 2009; Goodman-Delahunt and Graham, 2010). Some of the commonly held societal myths that were challenged included the belief that women who drink or use other drugs and women who dress provocatively are responsible for being sexually assaulted, as well as the belief that a delay in reporting sexual assault means the story has been fabricated (Cossins, 2013). Other commonly held beliefs that were challenged in the psycho-educational stage of the program included the belief that young women commonly lie about sexual assault and that a woman’s failure to fight or scream is evidence of her consent, and that a victim of sexual assault is more to blame when she knows her perpetrator (Jordan, 2004; Larcombe, 2011; Lievore, 2002). An important aspect of this program therefore aimed to assist participants in the development of skills that allowed them to contest some of these commonly held societal beliefs and attitudes, encouraging them instead to place the blame with those who perpetrate sexual violence, rather than with themselves (Blyth and MacGinley, 2008; Morrison et al, 2007). This intervention aimed to empower participants to challenge frequently associated emotions such as shame and self-blame, encourage them to develop attitudes of survival, courage and active resistance, and allow survivors to build on inner strengths and resources that they
could rely on in the future (Cologna, John and Johnson, 2011; Kelley, 2011; Poulson, 2008; Seda and McVicker, 2009).

Emotion regulation and distress tolerance activities have been found to be helpful in assisting survivors in their recovery from trauma (Linehan, 1998). The research has found that emotion regulation and distress tolerance activities involving self-care and self-expression exercises such as journaling, letter writing, art therapy, positive affirmations, poetry, music and craft have been found to benefit survivors of trauma (Cologna et al., 2011; Hayes and Povey, 2011; Orr and Stevenson, 2013; Pitty et al., 2006). For example, Hickle and Roe-Sepowitz (2014) found that creative and written activities such as poetry, music, letter writing and journaling allowed survivors of trauma to regulate distress and other painful emotions. According to Huss et al. (2012: 402), the use of creativity in therapy has been found to be effective in working with survivors of trauma: “Creativity reactivates flexibility and playfulness, reconnecting cognition, emotional experience and physical sensation and helping to counteract the rigidity of traumatic reactions.”

The “Women of Courage” program therefore chose to make use of weekly distress tolerance and emotion regulation activities, in order to ameliorate the secondary victimisation that is so frequently experienced during the court process (Arden, 2009; Bluett-Boyd and Fileborn, 2014; Linehan, 1993; Wehrenberg, 2008). Emotion regulation and distress tolerance were promoted through a range of structured activities in order to assist group participants to learn to manage painful emotions through the development of enhanced coping skills (Linehan, 1998).

For example, one of the art therapy activities in the “Women of Courage” pilot program involved participants creating colourful Courage and Affirmation Boxes, with participants placing messages of encouragement into their own and others’ boxes for support during times of difficulty. Some of the messages included: “I’m OK just the way I am”; “I can deal with this”; “This too will pass”; “Breathe”; “Be kind to yourself”; “I am perfectly imperfect”; “I am a strong woman”; “I let go of self-criticism”; and “I am good enough”. Participants were able to access the
supportive statements in the weeks and months ahead, identifying helpful
messages regarding their own courage, worth, hope and resilience as well as being
able to share these with one another (Hickle and Roe-Sepowitz, 2014). Another
emotion regulation and distress tolerance activity included the use of music, which
allowed participants to connect body, mind and emotions, thus aiming to
ameliorate the dissociation or split that many survivors of trauma have been found
to experience within themselves, allowing modulation of distress and regulation of
painful emotions (McIntosh, 2003).

According to Gorey, Richter and Snider (2001, 2002), feminist group work
interventions have been found to be effective in empowering women survivors of
trauma. A feminist perspective in group work aimed to allow participant survivors
to understand and examine societal attitudes to women, and directly confronted
issues of injustice, such as violence against women (Gorey et al., 2001, 2002; Huss,
Elhozayel and Marcus, 2012). Feminist group therapists encourage participants to
examine and acknowledge gender as a part of a socio-political context that
continues to experience a high incidence of sexual assault against women (Tseris,
2013). A feminist group work model aims to bring awareness to the social
microcosm that includes those cultural values and biases that are at the roots of
sexism, discrimination and violence against women (Bender and Ewashen, 2000).
The pilot program’s feminist group work model therefore intended to bring a
strong commitment to non-hierarchical relationships of care and support, and
encouraged the development of a curative counter-culture, instilling hope,
providing connection, and promoting interpersonal learning and support through
participant altruism (Black, 2003; Jasper and Maddocks, 1992; Hotelling, 1987).

This pilot program actively involved community members, key stakeholders,
program facilitators and the student and supervising researchers in every aspect of
program development, delivery and evaluation. According to Israel, Schulz, Parker
and Becker (1998:177), effective community-based research allows research to be
conducted “with a community as a social and cultural entity”, inviting the active
engagement of community members in each aspect of the research process. This
type of research has been found to be particularly effective in working with
marginalised communities, contributing to improved health and well-being, as well as addressing the social inequality of violence against women and the re-traumatisation of survivors of sexual assault by the legal system (Fraser, 2009; Israel et al., 1998; Rothman and Thomas, 1994).

The “Women of Courage” program was based on the findings and insights outlined in Chapter 5 and Chapter 6, which included a thematic analysis of in-depth interviews with women who had attended court regarding a sexual assault matter, as well as focus groups with key stakeholders involved with survivors of sexual assault. Thematic analysis of in-depth interviews found that survivors typically experienced re-traumatisation, as well as a range of systemic difficulties and obstacles during the legal journey. These difficulties included lack of adequate support and information, societal victim-blaming attitudes, as well as issues around frequent legal delays. This program’s intention was therefore to directly address each of the difficulties identified in the interviews with survivors and focus groups with key stakeholders.

The researcher is aware that a court preparation program is not able to fix or alter the many systemic difficulties outlined in Chapter 2, Chapter 5 and Chapter 6 of this study, including the issue of survivor re-traumatisation, the frequency of legal delays and difficulties regarding cross-examination. Nor can a support program do anything to alter an undesired verdict or outcome in court. However, the support program aimed to assist survivors with regards to both internal and external resources, and supported them in coping with the highly stressful experiences associated with the legal journey. It was hoped that mitigating the adverse impact of these events would reduce the incidence and severity of survivors’ experiences of re-traumatisation.

Thematic analysis of in-depth interviews also identified a second set of themes, including factors that have been found to enhance survivors’ resilience and inner strengths. These included survivors receiving formal and informal support, having positive experiences with key stakeholders, as well as developing individual coping strategies that assisted survivors during the legal process, as explored in Chapter 5.
and Chapter 6. This program therefore comprised the resilience-enhancing aims and strategies identified in the qualitative research findings, and included the provision of formal and informal information and support, as well as exercises and strategies specifically targeted at enhancing participant resilience through social connection and by increasing and enhancing participants’ communication and self-care skills.

Focus groups with key stakeholders included staff of two DPP Witness Assistant Services, staff of two Sexual Assault Services, police and staff of a non-government Legal Support Service. Focus groups identified several themes of concern, including survivor re-traumatisation by the legal system, survivor and stakeholders’ parallel experiences of powerlessness, concerns with regards to the societal myths still prevalent regarding sexual assault, legal delays and lack of regard for survivors’ needs. This pilot program therefore aimed to directly address and ameliorate each of the difficulties identified in the focus groups with key stakeholders.

Thematic analysis of focus groups also identified a second set of themes, including awareness of some of the progress and improvements to the Australian legal system in recent years (Bluett-Boyd and Fileborn, 2014). These included the availability of safe waiting rooms for survivors, Victims Impact Statements if the defendant was found guilty, Victims Compensation and the opportunity for vulnerable survivors to give their evidence via video link from another part of the courthouse. The program therefore included relevant information for survivors to be able to gain access to these benefits.

### 7.3 Method

The following sections describe the method employed in this pilot intervention, including participant recruitment, training of group facilitators and an outline of the pilot program, which included the various aims, steps and processes of each of the eight sessions of the “Women of Courage” pilot program.
7.3.1 Participant recruitment

Participants for the “Women of Courage” pilot program were existing clients of the local Sexual Assault Service. They were recruited via letter of invitation and through a poster that was placed in the waiting room area of the Sexual Assault Service. Recruitment documents are located in Appendix 6 of this thesis. Participation was entirely voluntary, with no adverse consequences to those who did not wish to participate (Gumpert and Black, 2008). Six participants were recruited for the program. The pilot program was a closed group program, which meant that new members were not able to join the sessions after Week 1, allowing participants to develop a sense of safety and trust over the eight weeks (Anderson et al., 2006). Participants were encouraged to continue to attend individual counselling sessions with their Sexual Assault Counsellors if they required further support, thus ensuring both continuity of care and the safety of all participants.

7.3.2 Group facilitators

The “Women of Courage” court preparation pilot program was facilitated by two social workers employed at Newcastle Sexual Assault Service, Hunter New England Area Health. Both facilitators had more than 10 years’ experience and expertise working with survivors of sexual assault and held Honours and Masters’ Degrees in Social Work. Group facilitators were committed to modelling the following attitude and skills throughout the eight-week pilot program:

- Monitoring clarity about the program’s purpose
- Bringing attention to both content and process of the group program
- Balancing the needs of individual participants with the group as a whole
- Establishing and maintaining a supportive, non-judgmental group atmosphere through welcoming each participant’s voice and perspective
- Maintaining a non-dominant group work approach, allowing facilitators to step back and let the group process unfold
Facilitators received specific training prior to commencement of the group, as well as support from the researcher throughout the duration of the eight-week program. Training included monthly meetings with the researcher for a period of six months prior to commencement of the pilot program, as well as the provision of ongoing, weekly support and debriefing throughout the eight-week program, assisting facilitators in maintaining commitment and motivation, increasing facilitators’ skills and confidence and aiding with problem-solving throughout the planning and delivery stages of the pilot program (Durlak and DuPre, 2008). The researcher also assisted facilitators through monitoring implementation and delivery of the intervention, allowing facilitators to experience enhanced support, confidence and commitment to the program. Consistent with the findings of Durlak and DuPre (2008), the availability of ongoing support by the researcher enabled facilitators to keep the research partnership on track and to permit facilitation of the program with enhanced fidelity and commitment (Israel, Schulz, Parker and Becker, 1998).

### 7.4 The “Women of Courage” program outline

This eight-week “Women of Courage” pilot program provided a combination of two specific sets of skills in order to prepare participants holistically for the legal process. Complete details of the “Women of Courage” manual are included in Appendix 13 of this study. A summary of these are outlined as follows:

#### 7.4.1 Psycho-education: Knowledge and skills related to the legal process

The following four psycho-educational aims were directly related to participants gaining relevant knowledge and skills with regards to the legal process:
Aim 1: Charter of victims’ rights

Awareness of the NSW Charter of Victims’ Rights for survivors of sexual assault when they decide to take legal action, including knowledge of and the ability to access all relevant services available to assist survivors during the legal process (Attorney General’s Department, 2013).

Aim 2: Understanding the legal system

Development of a thorough knowledge base and understanding of the legal system, including the various stages of the legal process and the skills required to being an effective witness in court (Lawlink, 2010, 2013).

Aim 3: Specific skills for giving evidence in court

Development of specific communication and self-care skills relevant to giving evidence in court, in order for participants to become confident witnesses in court.

Aim 4: Development of a support network

Identification and development of a support network for the participants’ legal journey in general and identification of a support person for court appearances more specifically.

7.4.2 Resilience-enhancing skills

The “Women of Courage” program also allowed participant development of the following three aims directly related to gaining important knowledge and skills with regards to enhancing participant resilience, empowerment and social connectedness:
**Aim 5: Social support**

This intervention sought to provide an opportunity for participants to make supportive connections with other participant survivors, in order to decrease social isolation. Social support and connection with other participants allowed increased participant self-awareness, self-acceptance and empowerment, including participants’ ability to challenge as a group the commonly held gendered myths and stereotypes regarding sexual assault.

**Aim 6: Mindfulness training**

Mindfulness was chosen as one of the key elements of the program, since it has been proven to reduce stress, as well as increasing resilience and psychological well-being for survivors of trauma (Brach, 2003; Frye, 2012; Harris, 2009; Kabat-Zinn, 2009; Neff, 2011). Mindfulness training was therefore one of the key skills practised during each of the eight group sessions.

**Aim 7: Emotion regulation and distress tolerance**

This program aimed to assist in participant development and use of effective resilience-enhancing strategies, such as emotion regulation and distress tolerance skills, and to aid with the management of painful emotional states commonly experienced during the legal process (Bluett-Boyd and Fileborn, 2014;). This was hoped to allow an increased ability for participants to accept and manage some of the difficult emotions that are frequently experienced during the legal journey (Harris, 2007; Linehan, 1993; Wehrenberg, 2009), and included the development of effective therapeutic and self-soothing techniques, such as letter writing, art therapy, as well as the use of positive affirmations, poetry, music and journaling (Galinsky, Terzian and Fraser, 2006; Giarratano, 2004).

### 7.5 Ethical considerations

As discussed in Chapter 4, this research project was approved by the University’s Human Research Ethics Committee, NSW HREC Reference Number:
HREC/14/HNE170. Ethical considerations were carefully planned and executed by the researcher and the supervising team, and included the reduction of any risks of harm to participants of this study. For example, participants were told that they were not required to disclose any information they felt was distressing for them. Further, if participants became upset, the researcher was able to provide them with crisis telephone numbers, as well as organising extra counselling with their usual counsellor at the local Sexual Assault Service. The researcher also assured participants that taking part in this research was entirely voluntary and that they were free to withdraw from the study at any time, without adverse consequences. Moreover, the benefits of this strength-based program were anticipated to outweigh any discomfort. As for the risks to group facilitators, these were minimised through their regularly availing themselves of clinical supervision, as well as through the readily available support of their social worker peers at the Sexual Assault Service, where they were employed. The researcher was also available to train, support and debrief group facilitators throughout the “Women of Courage” pilot program. Regular reports were made and monthly meetings were held with the researcher’s supervising team, who closely monitored the progress of this study. Finally, the researcher made use of self-care strategies during this phase of the research, as some of the content of interviews was potentially upsetting.

### 7.6 Program evaluation

Evaluation of the “Women of Courage” program was seen as being of vital importance. Participants attended a brief interview prior to commencement of the group program after ethics approval had been granted. Please refer to Appendix 6 and Appendix 7 for Information Statements, and Appendix 8 and Appendix 9 for a copy of Consent Forms. The purpose of pre-group interviews was to establish women’s gaps in coping, as well as inquiring into participants’ specific experiences, needs and difficulties that could be ameliorated through a targeted group intervention. Please refer to Appendix 10 for a copy of Pre-group interview questions. Interview questions were derived from the themes that had been previously identified in Phase One interviews with survivors who had already
completed the court process in relation to a sexual assault matter, which have been outlined in Chapter 5 of this study. The initial pre-group interview was also used to explain the purpose, format and process of the group, as well to answer any questions and determine participants’ emotional and learning needs. Participants also agreed to attend a 30-minute interview at the conclusion of the intervention, inquiring into participants’ experience of the group sessions and evaluating the program’s perceived effectiveness. A copy of post-group interview questions is included in Appendix 11 and Appendix 12 of this study.

Pre-group interviews with six participants were held at a Sexual Assault Service in regional NSW. Pre-group interviews were conducted prior to commencement of the group intervention during the month of August 2014. The six participants were aged between 21 and 59 years of age and resided in the vicinity of the regional town where the “Women of Courage” intervention was to be conducted. Qualitative interviews lasted approximately 30 minutes and entailed posing open-ended questions, allowing a detailed and comprehensive understanding of participants’ needs and experiences. For a thematic analysis of pre-group interviews, please refer to Chapter 8 of this study.

Participants and group facilitators also participated in post-group interviews upon completion of the pilot group program. Post-group evaluation interviews with group participants and group facilitators were conducted at the conclusion of the group intervention in September 2014, and have been described in detail in Chapter 8 of this study. A copy of the interview questions is located in the Appendix 11 and Appendix 12 of this study.

The purpose of the post-group interviews with participants was to gain an understanding of their experiences of the group program, and to inquire into whether their specific needs had been adequately met through this targeted pilot program. Interview questions had been derived from the themes previously identified during Phase One interviews with survivors who had completed the court process, which have been outlined in detail in Chapter 5 of this study. Interview questions were also derived from pre-group interviews with pilot group
participants, which have been outlined in Chapter 8 of this study. Interview findings have been described in detail in Chapter 8 of this study.

Finally, the researcher also observed each of the eight group sessions between August and September 2014, taking notes on participants’ verbal and non-verbal cues, as well as making written comment and reflection on the implementation steps of the program. Researcher observations included gathering comprehensive descriptive data about the “Women of Courage” group intervention, including a comprehensive outline of the activities, structures and processes of the sessions. Researcher observations included insight into group dynamics, capturing both group content and process, as well as providing a comprehensive depiction of the pilot program. Through the process of observation, the researcher described the evolving week-by-week group process and content, including participant dynamics and interactions, dialogue, a description of chronological events, and finally the researcher’s personal reflections. These insights are fully outlined in Chapter 8 of this study.

7.7 Limitations

As discussed in Chapter 2, while group court preparation was thought to be a time-and cost-effective way of preparing survivors to participate fully and confidently in the legal system, as well as reducing stigma, shame, and trauma-related symptoms including alienation and isolation, some survivors of sexual assault may have difficulty engaging in a group process. This may be due to interpersonal trust issues arising from the traumatic nature of sexual assault (Herman, 2003). Other difficulties may be related to survivors’ mental health and/or substance use issues (Clark, 2006; Herman, 2003), perhaps making it difficult for some traumatised women to engage in a group process. Further, some survivors may simply not be interested in participating in a group program. Court preparation programs therefore need to remain flexible and attempt to fit survivors’ unique and individual needs. An adaptable combination of individual and/or group court preparation may offer an alternative in order to afford all survivors of sexual assault with the right to effective court preparation.
7.8 Conclusion

In conclusion, the “Women of Courage” pilot program aimed to provide a setting in which participants felt safe and had the opportunity to learn relevant skills required while they were navigating the legal process, and to create supportive connections with other participant survivors who were experiencing similar concerns with regards to their legal journeys. This research project consisted of a collaborative approach involving community members, program facilitators, key stakeholders and researchers in every aspect of the research process. This type of research has been previously found to be of benefit for vulnerable communities, contributing to improved health outcomes and well-being, and addressing social inequalities such as the effects of violence against women (Israel et al., 1998).

The “Women of Courage” program was based on the findings and insights outlined in Chapter 5 and Chapter 6, which included a thematic analysis of in-depth interviews with women who had attended court regarding a sexual assault matter, and a thematic analysis of focus groups with key stakeholders involved with survivors of sexual assault.

The eight-week pilot court preparation and support program allowed participants to develop skills specifically related to being effective witnesses in court, and to encourage participants to learn important resilience-enhancing skills and strategies related to improved communication, enhanced self-care and participant empowerment. The program also aimed to provide participants with tools to increase their own confidence and to help educate and guide participant survivors throughout the various steps of the legal process. A step-by-step outline of the intervention can be found in Appendix 13 of this thesis, with a participant manual being made available in Appendix 14.

The next chapter aims to describe the processes and outcomes of the “Women of Courage” pilot intervention, to document findings from pre- and post-group interviews with participants and post-group interviews with the group facilitators,
as well as to document in-group researcher observations of the pilot group intervention.
Chapter 8

The Intervention: Processes and Outcomes

8.1 Introduction

This chapter describes the process and outcomes of the “Women of Courage” pilot program and explores the experiences of the women who participated in the eight-week “Women of Courage” court preparation and support program. It details the themes identified in pre-group interviews with participants, reflections on the process of the group program through in-group observations by the researcher, and provides a thematic analysis of post-group evaluation interviews with group participants and with the group facilitators. A description of the program’s method has been outlined in Chapter 7.

The eight-week pilot group court support and preparation program aimed to provide a supportive learning environment for women survivors of sexual assault while they were in the process of taking legal action. The program aimed to offer an atmosphere in which participants felt safe and had the opportunity to learn relevant knowledge and skills regarding the legal process. The intervention aimed to offer a holistic approach to supporting participants during the legal journey, through the provision of easy-to-understand psycho-education on the topic of the legal process (ECAV, 2002; Konradi, 2007; Taylor, 2004; Want and Crew, 2003). It also provided resilience-enhancing strategies including mindfulness training (Brach, 2003; Harris, 2009; Kabat-Zinn, 1990; Neff, 2011) and distress tolerance and emotion regulation skills (Arden, 2009; Linehan, 1993; Wehrenberg, 2008, 2010, 2012; Winbolt, 2010), all of which had been called for by survivors and key stakeholders in Chapter 5 and Chapter 6.

This chapter has been organised into the following sections: A description of the participants of the “Women of Courage” pilot program, the issue of attrition from
the intervention, results of the pre-group interviews with participants, researcher observations of the intervention, a detailed description and justification of some of the “Women of Courage” group activities, results of post-group interviews with group participants and facilitators, and finally a critique of the intervention.

8.2 Participants

As described in Chapter 7, participants were recruited from a regional Sexual Assault Service of the Hunter New England Area Health District. In all, six women agreed to take part in the pilot program. Participants were interviewed prior to commencement of the group program during the month of August 2014. Participants were aged between 21 and 59 years of age and resided in the vicinity of the regional town where the intervention was to be conducted. Four participants had completed four years of secondary education, one participant had completed six years of secondary schooling and one participant was engaged in tertiary education at the time of the interview. Each of the women knew their offender well. Offenders were their uncles, cousins, brothers and former husbands and partners.

8.3 Attrition

Attrition refers to group members dropping out early from a group program. According to Jacobs, Masson and Harville (2002), attrition rates for traumatised client groups are typically high, and this was the case for the “Women of Courage” pilot program, which experienced a 50 per cent attrition rate. Of the six participants who started the group, three participants dropped out of the program after Week 1 and Week 2, and 3 participants completed the full eight weeks of the group intervention. Participant dropout occurred in two stages: One participant dropped out after Week 1, because her offender unexpectedly pleaded guilty and this participant was therefore no longer required to give evidence in court. As a result, she felt she did not need to acquire skills for court, and decided to leave the group program between Week 1 and Week 2 after discussion with the researcher. Two further participants dropped out of the group program after Week 2. One
group member dropped out because she was informed by the DPP after Week Two that her matter would not be proceeding to court after all, because the evidence in her case was deemed not to be sufficiently strong. This participant felt very angry and let down by the legal system and understandably felt that a court preparation group was no longer useful to her. The researcher encouraged her to continue to avail herself of one-on-one counselling so that she might continue to receive the benefit of emotional support during this time of difficulty and disappointment. Another group member dropped out after Week 2 because she experienced a major health crisis and was hospitalised for several weeks. The issue of attrition and retention is discussed in greater detail in Chapter 9.

8.4 Pre-group interviews

Pre-group interviews posed the following broad questions: What are the specific needs of survivors of sexual assault when they decide to take legal action, and what can be done to better assist them on their legal journeys? The purpose of pre-group interviews was to establish and understand the women’s gaps in coping, and to inquire into participants’ specific experiences, needs and difficulties that could be directly addressed through a targeted group intervention. Interview questions were derived from the themes that had been previously identified in Phase One interviews with survivors who had already completed the court process in relation to a sexual assault matter, which have been outlined in detail in Chapter 5.

Pre-group interviews with participants were held at one of the Hunter New England Sexual Assault Services. Qualitative interviews lasted approximately 30 minutes and entailed posing open-ended questions, allowing an in-depth and comprehensive understanding of participants’ needs and experiences, attempting to achieve a level of depth and complexity not available to other research approaches (Leech, 2011; Patton, 2002).

Interviews made use of the following open-ended questions as a guide. Participants also had the opportunity to expand on issues of particular relevance to them in relation to their needs and requirements during their legal journeys.
- How do you feel about the legal process so far?
- Who is supporting you emotionally during this time?
- What do you do to look after yourself in times of stress?
- How resilient/strong are you currently feeling?
- What would you like to learn from attending the “Women of Courage” program?
- What else do you think you need to feel better prepared for the legal process?
- Any other comments?

Each interview was audio-recorded and transcribed verbatim and subsequently thematically analysed, using NVivo software. Interview data analysis were subject to preserving systematic rigour and included the discovery of themes within the data, as well as the development of meaning-making with regards to the research questions, as described in Chapter 4 of this study. The researcher also kept a journal during the process of data collection and analysis.

### 8.5 Results

Thematic analysis of pre-group interviews with participants identified the following themes directly derived from the interview questions:

1. Participants’ cognitive learning needs
2. Participants’ social and emotional support needs
3. Participants’ existing self-care strategies
4. Participant resilience
5. Participants’ existing support networks
6. Participants’ experiences of emotional abuse from significant others

8.5.1 Participants’ cognitive learning needs

Each of the six participants discussed their cognitive learning and emotional support needs during the legal process. A common theme identified by each of the six participants was a lack of understanding and knowledge, as well as a general sense of confusion about the legal system.

Sue explained that she wanted to learn more about the legal system:

“I want to come to the group because I need to learn more about the legal system. I just don’t understand it and no one has explained it to me so far.”

Charlie described her feelings of confusion about the legal system:

“The legal system is so confusing. I feel like a tiny, confused piece in a big jigsaw puzzle.”

Carol described her needs for comprehensive court preparation, as well as her sense of feeling let down by the legal system:

“I’m very disappointed by the legal system. No one has talked to us (my daughter and I). The legal system is quite overwhelming and I don’t know how to be a good witness. I need to find out as much as I can, so I’m properly prepared.”

Amy discussed her need to learn how to give evidence about the specific things that happened to her during her marriage to her sexual assault perpetrator:

“I need to learn how to talk about the details that were done to me when I was raped. How do I do that in a courtroom full of people? It is so private. I need to gain confidence in communicating in court. Most of all, what this means is that I want to learn to have a voice.”
Each of the six participants expressed their need for cognitive learning and skills development relevant to the court process that they hoped to gain by attending the group program.

**8.5.2 Participants’ social and emotional support needs**

Each of the six participants also identified their need for emotional support as a motivator for attending the group program.

Polly explained she wished to learn helpful coping strategies to help her cope emotionally with the legal journey:

“In all honesty, I’m not coping well. I really want to learn strategies for coping with all the memories. I look forward to meeting other women who have been through the same thing. I want to have some healing. I want to get my feet back on the ground.”

Carol shared feeling alone and isolated and wanting to connect with other women who had been through similar experiences:

“I feel very alone with it all. It will be so good to meet other women going through the same thing.”

Charlie explained she needed extra support at this time because her counsellor was currently on leave:

“My counsellor is away for two months, so this group has come just at the right time for me.”

And Amy said she wanted to feel believed and supported by the group:

“What I’m most looking forward to about the group is knowing I will be believed and supported, instead of being blamed by the other women in the group.”
Kelly also identified the need for emotional support while she was waiting for her court case to proceed:

“It’s uncomfortable waiting for what’s going to happen in court. And I’m having nightmares again ever since I’ve made the statement. It’s opened up a whole can of worms. I want to get stronger and to cope with all the emotions.”

Each of the six group participants identified their social and emotional support needs, including their desire for peer support, acceptance and validation.

### 8.5.3 Participants’ existing self-care strategies

Pre-group interviews inquired into participants’ existing self-care strategies. While some participants identified self-care skills they found useful, others felt they needed to learn more adaptive strategies in self-care.

As Charlie explained:

“Since the rape, I sometimes write off whole days. I lock myself in the house and can’t face the world. I watch TV and eat ice cream and don’t speak to anyone.”

While Charlie did not speak with anyone on her “bad days,” she still managed to stay in touch with friends through text messaging on her mobile telephone. This was seen as a coping strategy, allowing her to stay connected with supportive friends during times of difficulty.

Sue identified her hobbies such as jewellery making and gardening as allowing her to care for herself, allowing her to take her mind off the sexual assault and the court case.

Kelly disclosed using alcohol and cannabis in an effort to self-soothe:
“Smoking pot and drinking helps. I’m trying to cut down but alcohol and pot take my mind off the court case and the rape. I know it isn’t a good way of looking after myself, but sometimes that’s all I can do to feel better.”

Polly also described herself as persistently struggling with self-care, and using alcohol to self-soothe in times of emotional distress:

“To be honest, I neglect myself. I barely shower. I know I drink too much; I use alcohol for a crutch. I’d like to cut down though. I’d like to take better care of myself.”

While some participants nominated beneficial self-care skills, others acknowledged the need to acquire more adaptive strategies in self-care.

8.5.4 Participant resilience

Pre-group interviews also inquired into participants’ own assessment of their current sense of resilience, with participants disclosing a wide range of resilience and inner strength.

Kelly stated she tried to stay strong for her two children:

“I cope because I have to be there and be strong for my kids. But inside, I feel I’m not coping at all.”

Charlie described feeling strong because she wanted to send a strong message to her offender, as well as to other women that they shouldn’t have to accept sexual violence. This motivation allowed her to feel more resilient:

“I have decided that if I can’t forget about the rape, neither should he (the offender). I might have been the first girl he assaulted. If he gets away with it, he’ll think it’s OK to do this. I want to send a message to him that it’s not OK to do what he did. And I want to send a message to other women that they can come forward and have a voice too. This thought helps me feel stronger inside.”
On the other hand, Charlie also disclosed a sense of loss of resilience, of having been completely powerless during the sexual assault:

“I’m the first one to speak out against injustice. But during the rape, I froze. I still can’t come to terms with how I reacted. Even today, I struggle with that. You can’t prepare for how you’ll react when you get raped. I froze, perhaps to survive.”

Sue explained that being able to express her anger and reminding herself she was a survivor allowed her to stay strong, as did caring for her five children:

“I say to myself: ‘I’m a survivor.’ Every day, I remind myself of that. I have five children and if I’m not going to cope, who will cope for me?”

Kelly described feeling a lack of resilience:

“I know I’m not coping too well. Sometimes I have three or four days where I can’t leave the house. I can’t even get out of bed. I’d like the group to help me with that.”

Amy described her resilience numerically:

“Right now I feel very weak, a three out of 10. I’d like to feel stronger and have more support in my life.”

Polly described a loss of resilience since making the police statement:

“Since making the statement, I have been a mess. Every night, I see his face! But I guess I have always been kind of strong, because I was five when the abuse started and I stopped it when I was 11, when I told him: ‘If you do it again, I’m going to tell Dad.’ It has also taken a lot of strength to make the statement and to decide to help others, because I don’t want him touching anyone else. I want to protect other little girls. That makes me pretty strong I guess.”

Participants described a wide range of personal resilience and inner strength, ranging from support from family members to substance use to ameliorate
distress, with each participant expressing her wish for an improved sense of resilience through participation in the group program.

8.5.5 Participants’ existing support networks

Pre-group interviews inquired into participants’ existing support networks, with each participant being able to identify at least one or two supportive people in their lives.

Sue identified a close female friend who was “a good listener” and whom she could talk to about the sexual assault and its effects on her. Kelly identified her husband and two adult children as being her support network. Carol named her partner as being her best support person and described being able to talk with him openly about her concerns.

Amy described her three adult daughters as being very supportive:

“The girls are wonderful. And they believe me, they are just so beautiful. They say: ‘Mum, we’ve got your back’.

Charlie confided in a male friend the day after she was sexually assaulted and he continued to be a steadfast source of support for her:

“Jack has helped me all along the way since it happened two years ago. He has really been there for me. He cried when I told him.”

Four of the six participants also identified their one-on-one counsellors as being a helpful source of emotional support. Polly identified her adoptive father and her adult daughter as a supportive presence in her life:

“My adopted dad has been amazing. He has given me a roof over my head. My daughter is also very supportive. She is proud of me for taking legal action and says I’m courageous. That really helps me.”
While each of the six participants was able to identify current supports, they each expressed the need for extra support, which they were hoping to receive by taking part in the “Women of Courage” group program.

8.5.6 Participants’ experiences of emotional abuse from significant others

During pre-group interviews, participants described experiences of being actively judged, blamed and put down by significant others. Each of the six participants described their own sense of hurt and loss with regards to feeling blamed, criticised and let down, as well as not being supported by important family members and friends.

Sue described her sadness about the sexual assault having split her family:

“I’ve tried hard to keep the family together but the sexual assault has split my family. One of my daughters won’t talk to me at all. She visits him (the offender) in jail every week. We don’t celebrate birthdays and Christmas together any more. I blame him (the offender) for that.”

Kelly described her mother as not having supported or believed her, and this had left her feeling significantly wounded:

“My mother sided with the perp(etrator). I was told to keep my mouth shut. I was abused from age eight to 15, even while I was pregnant with my first child. My mum has never been there for me. That’s why I never went to the police before now.”

Amy described feeling unsupported by her family and by police:

“My father and sister have said to me: ‘Why didn’t you get out (of the marriage)?’ You must have done something to cause him to do these things. And they’ve also said: ‘Why don’t you let it go? Get over it!’ They abuse me over the phone. It’s always been my fault! The lack of family support is really hard. I feel very alone.”
Polly described feeling let down by the mental health team when she became mentally unwell after making her statement to police:

“The mental health team really let me down. They said they would give me a counsellor and never followed through. They never called me again.”

Charlie identified her mother and father as having provided dysfunctional responses upon her disclosure of the sexual assault:

“Mum and Dad were really unhelpful. They blamed me and told me all the things I had done wrong. And when I told them about the rape, Mum had a breakdown, and I had to look after her. I'm the victim, I'm the one who needs support! I don’t want to have to look after Mum!”

Two participants explained they felt unsupported because they no longer had access to their counsellors, since the Community Health Counselling Service had recently shut down due to cuts in government funding. They both described feeling very let down by the health system at a time when they really needed the ongoing support of their counsellors.

8.5.7 Conclusion

In conclusion, this phase of the research posed the following broad questions: What are the specific needs of survivors of sexual assault when they decide to take legal action, and what can be done to better assist them on their legal journeys? Themes identified in the six pre-group interviews mirrored many of the findings of the in-depth interviews that had been conducted during Phase One of this study, which have been outlined in detail in Chapter 5. Themes included cognitive learning about court, participants’ emotional and social support needs, as well as their personal struggles with self-care. Several of the women’s coping strategies appeared to be detrimental to their well-being, including the excessive use of alcohol and other drugs, as well as remaining involved in emotionally abusive familial relationships. While participants were typically able to nominate one or two supportive people in their lives, each of the six participants also identified
experiences of emotional abuse from important family members and friends. They described being judged, put down and criticised by significant others. Participants' estimations of their own resilience and their existing support networks were also identified. Participants identified their cognitive learning needs about the legal process, as well as hope for increased social and emotional support.

8.6 The “Women of Courage” program

The “Women of Courage” program was conducted in a regional town of a Hunter New England Area Health Building, with each session being held in the same group room. Two facilitators employed by the local Sexual Assault Service conducted the intervention, and the researcher observed and documented the week-by-week process and content of the group program. Each week, participants and facilitators were seated in a circle of comfortable lounge chairs, allowing for an informal and relaxed atmosphere. Upon arrival, the women were greeted by the group facilitators and invited to make themselves a cup of tea or coffee, which was made available in the group room, allowing participants to feel welcome and at ease.

8.7 Researcher observations of the group intervention

Researcher observations of the group intervention aimed to present observational information, data and analysis of the pilot program, allowing the reader access into the group setting through descriptive data containing both depth and detail. Researcher observations provided week-by-week descriptive information of some of the significant processes, procedures and developments of the eight-week pilot program (Patton, 2002). Researcher observations aimed to provide implementation evaluation, gathering comprehensive descriptive information about the “Women of Courage” program, including a detailed outline of the activities, structures and processes of the program. Researcher observations included insight into group interactions, capturing both group process and content, and attempted to describe “the whole picture” of the intervention as accurately as possible (Mulhall, 2002). Through the process of observation, the researcher aimed to capture data as a dynamic process, describing the evolving week-by-week
group process. The researcher’s field notes included information on the group program’s physical environment, a description of participant behaviours and interactions, group content, process and dialogue, as well as a description of chronological events and the researcher’s personal reflections. The researcher’s focus on both actions and dialogue aimed to provide a rich and comprehensive account of the “Women of Courage” group intervention (Mulhall, 2002). Researcher observation methods are discussed in greater detail in Chapter 7 of this study.

The following account represents pertinent excerpts of the researcher’s week-by-week observation diary of the pilot program. Appendix 13 provides a complete step-by-step outline of the “Women of Courage” program. This section is structured in week-by-week summaries of the group process, activities and dynamics.

**Week 1**

*Activity 1A: Opening exercise*

The topic of Week 1 was “Getting to know each other and knowing your rights”. Facilitators welcomed participants to the group and acknowledged the courage required to attend the first week of the group program. The facilitators explained that they wished to create a setting in which participants would feel safe and have the opportunity to learn relevant skills while they were navigating the legal process, as well as having the opportunity to create supportive connections with other women who were experiencing similar concerns on their legal journeys. Facilitators stated that the program aimed to offer a holistic approach to supporting participants during the legal process, by providing the women with practical information and relevant skills about the court process, as well as by helping the women to develop the emotional resilience required to assist them on their legal journeys. Each participant was given a “Women of Courage” resource folder, containing helpful information on the legal process and on ways of enhancing resilience and developing skills for coping during the legal journey.
Appendix 2 provides a copy of the complete “Women of Courage” participant folder.

**Activity 1B: Development of a group agreement:**

Following the introduction, facilitators introduced the first group activity. They explained:

“It is important that we all feel safe during the next eight weeks while we attend this group, because an atmosphere of safety and respect for one another will allow you to gain the most benefit from the “Women of Courage” program. How can we make this a safe group? Do you have any ideas?”

Several participants contributed their thoughts and ideas about a “Women of Courage” Group Agreement. These included:

- **Respect for each other**

- **One person speaks at a time (don’t interrupt each other)**

- **Don’t gossip about each other**

- **Starting and finishing the group on time**

- **We do not have to speak if we don’t want to**

- **Acceptance towards each other, including acceptance of differences**

- **What is said in the group stays in the group (confidentiality)**

- **Let the group facilitators or our receptionist know if you can’t come to the group**

- **It is OK to leave the room if you need a break at any stage, but please do not leave the building without letting one of the facilitators know, as we will be concerned about you**
• We encourage you to continue to attend counselling with your individual counsellors for extra support in between sessions

The Group Agreement was documented by group leaders on butcher’s paper, as well as by participants in their folders. Each week, the group agreement was placed on the wall and was referred to, consistently providing a message of safety and respect throughout the eight-week program.

Activity 1C: Photo-language activity

Facilitators then introduced a “photo-language” exercise, a projective technique eliciting rich verbal data using photographs as a means of communication in order to encourage and facilitate personal expression in small groups (Laidlaw, 2014). Participants were invited to look at 60 photographs that had been placed on the floor, and to respond to them on an emotional level. This exercise allowed participants to introduce themselves and to get to know something about each other in a safe way. Facilitators asked participants to pick two of the photos that had been placed on the floor:

• The first one represents an attitude of acceptance: “Where I am now.”
• The second one represents an attitude of hope: "Where I would like to see myself in the future."

Participants were then invited to introduce themselves to the group and to say a few words about the photos they had chosen.

For example, Polly explained:

“My name is Polly. Right now I feel scared, and that’s why I chose this photo of the crying baby. Where I would like to see myself in the future is strong and free, and that’s why I chose the photo of the birds flying.”
Each of the women participated willingly in this exercise and took turns introducing themselves and expressing their emotional responses to the photographs they had chosen.

**Activity 1D: Psycho-education activity**

Another group activity in Week 1 was a psycho-education exercise. Psycho-education in group work has been found to enhance participant empowerment, allowing participants to make use of environmental (external) and personal (internal) coping strategies in order to create positive change (Fournier, 2002). Therefore, each of the eight weeks contained a psycho-education segment. The psycho-education activity in Week 1 entailed providing psycho-education regarding the NSW Charter of Victims Rights (Victims Services Attorney General and Justice, 2013). This exercise was chosen because it was intended to allow participants to be aware of and fully informed about their rights as victims of crime. For a copy of the charter, please refer to Week 1 of the “Women of Courage” manual.

After going through the charter step by step, facilitators encouraged participants to discuss the following questions:

- “*What do these rights mean to you?*

- *What feelings come up for you as you read these rights?*

- *How might knowing the Charter of Victims Rights help you on your legal journeys?*

- *Has there ever been a time when you felt those rights were disrespected?*

- *What was that like for you?*

Participants went around in a circle and each participant demonstrated her readiness to express her thoughts and feelings in relation to the Charter of Victims Rights.
For example, Amy described her anger at the way in which her rights had been disregarded by the legal system:

“That charter makes me feel really angry, because my experience is that my rights have been constantly disregarded by the system.”

Charlie described her experience of the legal system having let her down:

“The reality is that police don’t return your calls, the DPP doesn’t explain anything to you and you’re just like a tiny piece in a puzzle. No one seems to care!”

A lively discussion ensued at this stage, with each woman listening supportively and with facilitators validating and normalising participants’ feelings and experiences. The atmosphere in the room was animated and engaged, and participants availed themselves of the opportunity to have a voice and a safe place in which to be heard, without fear of being judged. This psycho-educational activity provided an important opportunity for participants to become aware of their rights as victims of crime, as well as allowing the women to begin to connect with and support one another, assisting each other to reduce social isolation and to increase resilience through social connectedness.

**Activity 1E: Emotion regulation and distress tolerance activity**

Another activity in Week 1 was the emotion regulation and distress tolerance activity “Balancing the Scales”. This exercise allowed participants to identify difficult emotions in relation to the legal process and to share helpful ideas about dealing with these. At this stage, facilitators introduced the therapeutic stance of the “Women of Courage” program, which is based on Acceptance and Commitment Therapy Principles (Harris, 2012).

“We are not trying to get rid of difficult emotions. In this group, we want to pay respect to all our emotions. We also want to identify and encourage behaviours that may be helpful during times of difficulty, behaviours that allow us to tolerate some of the painful emotions that inevitably arise during the legal journey. This therapeutic
attitude is based on Acceptance and Commitment Therapy Principles, which we will visit during each week of the eight-week program.”

During this activity, participants had the opportunity to name their painful emotions and experiences specifically with regards to the legal process. These were documented by the facilitators on butcher’s paper and included:

“Feeling like a failure”

“Feeling unimportant”

“The DPP not returning my phone calls”

“Feeling alone and anxious”

“Police belittled me”

“Constant uncertainty”

Naming and recording the painful emotions associated with the legal journey aimed to validate participants’ experiences, and to empower them through the therapeutic stance of respect and acceptance.

Participants then had the opportunity to name some of the strategies that allowed them to cope during the legal process so far, including:

“Cups of tea”

“My kids”

“My husband”

“My daughter”

“Feeding the stray cat”
“Stepping up and standing tall”

“Talking it through with someone”

“Going for a walk”

“Doona therapy”

“Being proud of my courage”

“Patting my dog”

“Talking with my counsellor”

Each of the women contributed to this discussion, allowing a reduction in isolation and stigma, permitting participants to connect with other “normal” women in the group who had experienced similar emotions and issues (Duncan and Mason, 2011; Educational Centre Against Violence, 2002).

**Activity 1F: Closing exercise**

The final activity of Week 1 was aimed at consolidating and enhancing participant learning, with facilitators encouraging the women to:

“Name one skill, supportive strategy or helpful idea that you will take with you into the coming week.”

Participants made some of the following comments:

“I feel supported”

“Inspiration”

“I’m not alone”
“There’s other people with the same struggles”

“Together we can find strength!”

During Week 1 of the “Women of Courage” pilot program, each of the participants was able to experience respect and safety, as well as the opportunity to have a voice and to be heard. Each of the women contributed to the various activities of Week 1, despite some initial anxiety and uncertainty.

**1G: Group challenges in week 1**

In group work, there are inevitably various common potential difficulties that may arise during the process of conducting a group program. One of the difficulties occurring in Week 1 of the program was that one of the group members attended the group under the influence of alcohol. This group member admitted to the researcher that she had felt so anxious about attending the group session that she had to have “a few stiff drinks” to provide her with the courage to attend the first group. The effect of her drinking meant that her behaviour was quite disinhibited, and she therefore had to be carefully managed by the group leaders. After discussion and consultation between the group facilitators and the researcher at the conclusion of Week 1, the researcher telephoned this group member to suggest that she and others would benefit more from the group program if she were not intoxicated during future group sessions. The researcher and group member decided together that she could look forward to having a drink as a reward upon returning home after each group meeting. Regular end-of-session debriefing allowed group facilitators and the researcher an opportunity to discuss difficult and unexpected issues that arose during group sessions. The opportunity to debrief was seen as vitally important and allowed for problem solving and planning of future sessions at the conclusion of each group gathering.

**Week 2**

The theme of Week 2 was “Dealing with Frustration and Legal Delays”. Participants were visibly more relaxed upon arriving in Week 2, smiling and chatting and
demonstrating support of one another through attentive listening, as well as indicating their readiness to contribute their own thoughts, feelings and experiences. Facilitators explained that one of the group members had dropped out of the program because her offender had pleaded guilty during the previous week and the group member was therefore no longer required to learn court preparation skills. Group members expressed their pleasure that the participant’s offender had pleaded guilty and a discussion ensued about participants’ hopes and dreams for positive court outcomes for themselves and one another.

**Activity 2A: Mindfulness activity**

According to Goodman and Calderon (2012), the practice of mindfulness has been found to be effective in helping survivors of trauma decrease hyper-arousal, as well as allowing survivors to separate and distinguish past trauma from sensations in the “here and now”. One of the exercises in Week 2 was a “Mindful Eating” Activity, an exercise that has been found to be effective for clients experiencing anxiety and depression (Linehan, 1993). A plate with chocolate balls, marshmallows and almonds was circulated among group participants. Participants were invited to select one of these, which was to be eaten mindfully. Facilitators explained:

“Today's mindfulness exercise is about eating slowly and mindfully. Take hold of a chocolate, marshmallow or almond and observe and eat it slowly, as if you’re a curious scientist who has never seen or eaten one of these before . . . Let it drop onto your tongue . . . And now, as slowly as you are able, bite the chocolate ball, marshmallow or almond in half and notice what this is like . . . I invite you to close your eyes now if you are comfortable doing so and to just experience all the sensations in your mouth . . . Notice the taste and texture and the sounds of chewing . . . Notice where you can taste the flavour or sweetness.”

At the conclusion of this mindfulness activity, participants were invited to share their experiences and responses. Several participants commented on their sense of
increased enjoyment, as well as a slowing down of their thinking while eating unhurriedly and mindfully.

For example, Amy commented on her experience of calm and increased enjoyment of eating a marshmallow slowly:

“It’s amazing how much better a marshmallow tastes when I slow down enough to really savour it. Usually, I just wolf my food down. This is something simple I can do at home to feel calmer and to enjoy my food more.”

Charlie described the pleasant feeling of slowing down her racing thoughts during the mindfulness exercise:

“I had very few thoughts during this exercise, which was a really pleasant experience for someone whose mind is always racing.”

The weekly mindfulness activity aimed to increase participant resilience and capacity for self-care and to decrease stress (Linehan, 1993; Neff, 2011; Shapiro and Carlson, 2009). Through mindfulness, trauma survivors were encouraged to develop skills in self-soothing and perseverance by acquiring internal reserves for healing and symptom reduction, to enhance participant resilience on their legal journeys (Goodman and Calderon, 2012:254).

**Activity 2B: Psycho-education activity**

The psycho-education exercise of Week 2 entailed reading two poems, one of which had been written by a daughter who had experienced sexual assault, the other by her mother. Both mother and daughter had attended court as witnesses and described their experiences of dealing with the issue of legal delays through the medium of poetry. Since legal delays have been identified as being extremely common and typically stressful for survivors of sexual assault (Taylor, 2004), participants were encouraged to name the strategies the two poets had found helpful, and to list their own ideas for dealing with legal delays. These were documented on butcher’s paper and in participant folders and included:
“I’ll get through this”

“Be patient”

“Don’t have too many expectations”

“Take something special to court while you’re waiting”

“Focus on what you can control”

“Ask for support”

“Support each other”

“Exercise regularly to get rid of frustration”

“Share time with a loved one”

“Expect the unexpected!”

**Activity 2C: Tea break**

During the Week 2 tea break, the women appeared to be noticeably more relaxed than in the previous week. They mingled and engaged more confidently with one another, thus assisting in reducing the social isolation so frequently experienced by survivors of sexual assault.

**Activity 2D: Emotion regulation and distress tolerance activity**

The research has found that emotion regulation and distress tolerance activities involving self-expression exercises such as letter writing, journaling, art, positive affirmations, poetry, music and craft have been found to benefit survivors of trauma (Cologna et al., 2011; Hayes and Povey, 2011). The emotion regulation and distress tolerance activity of Week 2 entailed participants identifying someone they could reach out to and connect with in the coming week. This “Reaching Out”
activity therefore aimed to allow participants to regulate distress and other painful emotions, and to experience a reduction of social and emotional isolation. The facilitators explained:

"Choose a person in your world that offers you a sense of safety, understanding and connection who you could reach out to in the coming week, simply to touch base. If you feel like doing so, you can make use of the coloured paper, envelopes and coloured pens that have been put out on the coffee table for you to use in this activity. You can draw a picture for the person you wish to reach out to, or you can create a card or just write a few words to this special person. Perhaps you could:

- Write a card to a friend whom you appreciate
- Write and put a note under a family member’s pillow or in their lunch box and tell them how you feel about them
- Phone, email or text someone you care about during the coming week
- Perhaps the person you choose to reach out to is also dealing with life’s struggles
- If you are finding it difficult to think of a person, why not write a card to yourself and post it or put it under your own pillow
- If you have chosen to send a letter or card to your special person, we are happy to post these for you in the coming week

The women willingly engaged in this writing activity that allowed them to consciously reach out to supportive others in their lives, hence learning to regulate their painful emotions, as well as allowing them to experience a reduction of social and emotional isolation.

2E: Group challenges in week 2

One of the difficulties emerging during Week 2 of the group program was that one of the group members repeatedly attempted to dominate the discussion, oblivious
of the negative impact her disruptive behaviour was having on the other group members. Furthermore, this group member had a consistently negative focus, which visibly upset the other members of the group, who physically turned away from her and avoided eye contact with her. In order to lead an effective group program, group facilitators must have the capacity to cope with dominating group members (Jacobs, Masson and Harville, 2002). Both group facilitators therefore had to step in on a number of occasions and intervene, in order to manage the dominating group member’s behaviour during Week 2 of the group program. During debriefing at the conclusion of the group session, the facilitators and researcher problem-solved around the issue of how to best manage the dominating group participant in future sessions. However, this group member was one of the participants who dropped out of the program after Week 2 due to a serious health crisis, which saw her hospitalised for several weeks. The group member never returned to the “Women of Courage” program due to ill health. The issue of the dominant group member therefore resolved itself naturally through attrition.

Week 3

Activity 3A: Opening exercise

The theme of Week 3 was “Challenging Myths and Stereotypes”. During the opening exercise, facilitators asked participants to share their experiences of having reached out to someone during the previous week. Each participant readily shared her experience of having reached out to someone important to her.

Polly explained she had reached out to her adult daughter during the previous week, which had allowed her to feel more connected with her daughter:

“I took lunch over to my daughter and we spent the day really talking and sharing. My daughter and I are closer again because I made an effort, rather than sitting at home depressed and stressing out.”
Amy who had expressed reluctance about the reaching-out exercise, as she didn’t want to “be a burden” on others, shared the beneficial consequences of having reached out:

“I rang an old girlfriend and we talked and laughed for two hours on the phone. It was so wonderful to reconnect with her, after a long time of isolating myself. We are going to catch up next week for coffee.”

Facilitators applauded the courage of participants to reach out during the previous week, and encouraged the women to continue to reach out and connect with safe and supportive others in the coming weeks and months. Facilitators identified “reaching out” as an important skill allowing a reduction of isolation, as well as increasing a sense of mutual support and feelings of hopefulness (VanDeusen and Carr, 2004).

**Activity 3B: Psycho-education activity**

The psycho-education exercise of Week Three entailed participants and facilitators identifying and challenging some of the victim-blaming myths and stereotypes that continue to exist in society. Participants were invited to name some of the myths and stereotypes they had encountered or were aware of. Some of the myths and stereotypes identified by participants in this activity included:

- “She was drinking so it’s her fault”
- “Children tell lies about sexual assault”
- “She didn’t fight so she must have wanted it”
- “She was wearing a mini skirt so she was asking for it”
- “It was her husband/boyfriend, so it wasn’t rape”
- “Everyone knows she’s a slut!”
- “Rape hardly ever happens in Australia these days”
- “Why did she go back to his place? She only has herself to blame”
- “Only young women are sexually assaulted”
- “She’ll ruin his whole life if she goes to court”

Participants named and discussed numerous myths, stereotypes and victim-blaming statements they had encountered, and facilitators documented and challenged these on butcher’s paper. Participants freely shared and expressed their frustration and anger regarding the various myths and judgments they had faced as survivors of sexual assault. Bringing awareness to and challenging these myths allowed participants to experience a reduction in the shame and self-blame so frequently experienced by survivors of sexual assault (Belknap, 2010). This psycho-educational activity allowed the women to bring awareness to the structural and societal barriers, including the victim blaming, disbelieving, and minimising attitudes that routinely occur in the adversarial justice system (Breckenridge and James, 2009; Goodman-Delahunty and Graham, 2010). This exercise also empowered participants to develop skills that allowed them to contest some of these commonly held societal beliefs and attitudes, encouraging them instead to place the blame with those who perpetrate sexual violence, rather than with themselves (Blyth and MacGinley, 2008; McDonald, 2009). This allowed participants to develop attitudes of survival, courage and active resistance, and allowed the women to build on inner strengths and resources, which they could rely on in the future (Cologna et al., 2011; Kelley, 2011; Seda and McVicker, 2009).

**Activity 3C: Emotion regulation and distress tolerance activity**

Week 3 also provided an emotion regulation and distress tolerance activity, which entailed the use of strength cards. “Choosing Strengths” is a set of 36 cards published by Innovative Resources in 2013. This conversation-building resource is founded in the tradition of strengths-based practice (Smith, 2006). Each card identifies a potential strength that participants could choose to cultivate and develop. Facilitators explained:
“Everyone has strengths! Sometimes they are hidden and sometimes they shine like blazing lights. And sometimes, especially when things get tough, we may wonder where our strengths have gone! We can choose to see ourselves as a ‘victim’ or a ‘survivor’. We can choose to focus on and practise a particular strength from a huge array of potential strengths.”

During this activity, facilitators invited participants to:

- “Choose one or two strength cards representing a strength you already have.”
- “Now choose another strength card representing a strength you wish to develop.”

Each of the women participated actively in this exercise, demonstrating their growing capacity to see themselves as capable and worthwhile. Finally, facilitators invited the women to think of a tangible way to practise the strengths they had identified during the coming week, and to report their experiences back to the group in Week 4.

3D: Group challenges in week 3

One of the challenges during Week Three of the program occurred unexpectedly about halfway through the group session, when one of the participants disclosed having accidentally overdosed in the toilets of the local shopping centre during the previous week. This was an unexpected and worrying disclosure for all who were present, with the group facilitators having to intervene swiftly, encouraging the group member to continue to attend one-on-one counselling in order to ensure she would avail herself of holistic and comprehensive professional support to assist her in addressing her substance use issues. In this instance, the group facilitators had to interrupt the group member to refocus the group back to the topic at hand, so as to re-establish safety and to keep the group session on track. At the conclusion of Week 3, group facilitators gained permission from the group member
to notify her counsellor of the overdose, in order to ensure she would be receiving appropriate support in between group sessions.

**Week 4**

*Activity 4A: Opening exercise*

The topic of Week Four was “My Support Network,” with facilitators asking the group during the opening exercise:

- “How did you go using your strengths during the week?
- How did you go looking after yourself?
- Did anyone try anything different they would like to share with the group?”

By the middle stage of the group process, each participant was visibly more relaxed, engaged and trusting of the group process and of each other, and the opening discussion each week became a rich source of information, encouragement and support. In Week 4, the atmosphere in the group room was tangibly hopeful and animated.

Amy shared her newfound ability to change her relationship with fear over the past week.

“I now feel my fear can empower me. I’m not afraid of my fear any more! It is a good fear. When I go to court next month, I know I will be able to stand tall. I will no longer let my fear stop me from facing things.”

Amy’s change in attitude was inspirational and encouraging to the other participants, as well as to the facilitators and the researcher.

Kelly also shared some of the changes she had been experiencing over the past four weeks, including experiencing more joy and reconnecting with loved ones, as well as being able to take better care of herself:
“I’ve been feeling more joy. I have many more good days than bad since starting the group. And I’m reconnecting with the people who love me. I’ve been looking forward all week to coming to group today. I also look after myself these days. My eating habits are healthier. When I first came to this group, I nearly didn’t come back the second week, I was so scared. But now I can’t wait to come each week. I feel safe with you all now.”

Polly explained she was able to take better care of herself since coming to the group:

“I’ve shaved my legs and washed my hair this week. And I’m even wearing a bra today. I now care about how I look and smell. I want to take good care of myself, instead of letting myself go. I’m also drinking less and I’m proud of being able to look after myself since starting the group. In the past, it was always really hard to have a shower and I’d go for weeks putting it off. Because of my depression and maybe because I thought if I look and smell bad, I won’t be raped again.”

The changes the women described were significant, with a palpable feeling of pride and hopefulness in the room during the Week 4 opening exercise.

**Activity 4B: Psycho-education activity**

The psycho-education exercise of Week 4 entailed participants being encouraged to identify a support person for the days of court. Facilitators asked participants what qualities their support person would need to have, with the women nominating some of the following:

“Someone who believes me”

“Someone who knows me inside out”

“Someone who cares about me and is a safe person”
Amy visibly struggled with this question, explaining she had no one in her personal life that was able to support her in court:

“I have to find a professional support person, because sadly I have no one else to support me. I accept that now. I’m going to make the best of it, and I will organise to meet my support person two weeks before court. I will tell them my story and tell them what I need in a support person. To be believed. To be reminded that I am a strong woman. To be reminded to breathe slowly and to stay in my body.”

Amy’s calm acceptance and assertiveness were entirely new for her, and signified an important change in attitude and inner confidence.

**Activity 4C: Emotion regulation and distress tolerance activity**

During the emotion regulation and distress tolerance activity of Week Four facilitators provided coloured paper, cards, pens and envelopes and asked participants to write a letter to their chosen support person. They explained that the support person might be a professional whom they had not yet met, or perhaps a friend or supportive family member.

Facilitators distributed a sample letter to a support person:

“Dear ________.

Today in the “Women of Courage Group” we talked about choosing a support person to help us through court.

*I thought of you because you are ___________________________. The legal journey will be a challenging time for me, and your support will make a huge difference to me. If you are willing, you could help me with the following things __________________________.*
Just knowing you will be there for me to talk to is such a comfort to me! Take some time to think about whether you are able to be my support person for court and I will be in touch soon.

Love from _______

Each woman participated in the letter-writing activity, which aimed to empower the women through being well supported during the days of court. Since Amy had been unable to identify a friend or family member to support her in court, she wrote a letter introducing herself to a professional support person, outlining her needs and expressing her gratitude at being able to receive professional assistance. She planned to give the letter she had composed to her professional support person upon first meeting with them.

**Activity 4D: Closing exercise**

During the closing exercise, facilitators asked participants to share something they had learnt, that they would be taking with them into the coming week. During this activity, support of one another flowed freely and was very moving to observe.

Kelly shared that she felt uplifted by the group program:

“When I leave here, I’m always so uplifted and my husband tells me my face looks different, more open.”

Polly described her appreciation of the changes she had observed in Kelly:

“Yes, I’ve noticed that. You’ve really blossomed, Kelly. And you talk now. When you first came you didn’t say boo!”

Kelly responded:

“Yeah, I was really scared. Now I love Tuesdays. I can’t wait to come next week!”
Polly said she felt lighter and more supported as a result of attending the group program:

“I feel so much weight has been lifted off my chest. So I’m taking this feeling of lightness into the coming week. Also, today I’ve learnt that we can all help each other. And I’ve noticed that we smile more.”

Amy explained she was letting go of her feelings of shame and accepting the fact that she would be requiring a professional support person for court:

“I’ve learnt today that I don’t need to carry all that shame any more. I’ve changed my perspective today. I know now that I will find a support person who will be there for me. And I now recognise I am not a victim, but a strong woman who has rights.”

Polly shared her plan to purchase suitable clothes for court, which would allow her to feel confidence and courage:

“I’ve decided I’m going to buy some blue clothes in the coming week for when I go to court. Blue gives me power and strength. I also have a blue legal box with all my papers and my statement. I’m all organised!”

Julie, one of the facilitators validated the women’s experiences and stated:

“I notice how positive everything is within the group today. Not just about court but in your daily lives too. When we first started the group, things were very difficult and painful. Now, each of you is holding her head high and standing tall in her own special way.”

The opportunity to participate in the weekly closing discussion consolidated participant learning and assisted in the ongoing development of effective communication skills, which was seen as being vitally important in helping participants to become confident witnesses, as well as encouraging survivors to communicate with increased confidence throughout the legal journey, with the intended aim of improved psychological health outcomes for participants. Week 4
marked an important turning point for each of the participants, from an initial sense of disempowerment and disconnection to one of the women gaining strength and courage, as well as a sense of connectedness with one another and with the group as a whole.

4E: Group challenges in week 4

A group challenge for Week 4 was that one of the group members was unable to identify a support person for the days of court. The group facilitators therefore assisted and encouraged her in seeking out professional support from a witness assistant of the Department of Public Prosecutions. Not having a special support person was initially very painful for the participant. However, during the group session, she was bravely able to come to terms with her situation and was able to seek out and accept the assistance of a professional support person.

Week 5

Activity 5A: Opening exercise

During the opening exercise, facilitators asked participants to describe and share any new or helpful behaviours they had been willing to practise during the week.

Kelly, who was smiling broadly, shared she had been able to update her police statement and deal more assertively with the detective handling her matter:

“I updated my statement and am really happy with it now. I’ve been putting off doing this for nearly a year because I just couldn’t face it. The detective is going to charge ‘the perp’ this week, because he has enough evidence now. I’m really proud of myself.”

When it was Amy’s turn to share, she gave the other participants gift bags containing journals with the cover stating: “Be bold, be brave.” Amy explained:

“I bought these for you ladies and one for me, because we are all bold and brave! Today, I’m wearing the clothes I will be wearing to court next month, so that I can
start to be comfortable wearing more formal clothes, which say to the world: “I am a capable and confident woman!”

Polly offered the following supportive message to Amy:

“You’re in my thoughts every day, Amy. I’ll keep you in my mind and heart all the way through the court case.”

Amy was visibly moved and cried quietly at this point, and the two women sat holding hands for some time. Polly’s compassionate gesture provided comfort and encouragement for Amy, allowing for a healing connection between the two women. The women were empowered through the sharing of their compassion and understanding of each other, allowing them to feel that far from being alone, they were “all in the same boat” (Knight, 2006). This moving exchange assisted participants to experience a reduction in isolation, as well as a genuine sense of connection between women who had experienced the trauma of sexual assault.

**Activity 5B: Psycho-education activity**

This week’s psycho-educational exercise was titled “Understanding Confusing Court Lingo”. Research has identified that many survivors feel overwhelmed by the legal system due to the uniqueness of its language (Bluett-Boyd and Fileborn, 2014; Konradi, 2007; Taylor, 2004;). This week’s activity therefore aimed to assist group members to develop skills in understanding the language of court, and to assist participants in the development of effective communication skills for court, enhancing participant confidence and empowering the women as they navigated their legal journeys. Gaining an understanding of legal language allowed the participants to prepare to give effective evidence in court, as well as assisting them to become competent witnesses in court. This exercise generated a lively discussion and many useful questions and comments by each of the participants. When asked what they had learnt during today's psycho-education activity, some of the replies were:

“I understand now who the different players are and what their roles are in court.”
“In court, I will slow myself down before I answer.”

“My job on the day is just to tell the truth and answer the questions. And it is better to keep it brief.”

“Expect the unexpected!”

“Know your statement.”

“If I don’t understand a question, I can ask them to put it more simply.”

“I can ask for a break if I get upset.”

“It’s OK to feel angry and to cry.”

Amy stated that as a result of today’s psycho-education session, she now felt strong enough to give her evidence in the courtroom, rather than via video link:

“After this session, I’ve decided to give my evidence in the courtroom rather than in the CCTV room. I have nothing to be ashamed of and I don’t have to hide.”

Activity 5C: Emotion regulation and distress tolerance exercise

The emotion regulation and distress tolerance exercise of Week 5 entailed an art and craft activity that the women willingly engaged in and visibly enjoyed. Participants were given coloured cardboard boxes and were encouraged to write “Messages of Courage and Affirmation” on small pieces of coloured paper and to place these into the boxes they had decorated. Participants were also encouraged to write “Messages of Courage and Affirmation” for one another, and to place these positive messages in other participants’ boxes. Participants spent time decorating their boxes and writing messages for themselves and for each other. Facilitators also participated in this exercise, placing supportive and encouraging messages inside participants’ boxes. Some of the messages included:
“I/You have many strengths”

“I/You am/are good enough”

“I/You am/are perfectly imperfect”

“I/You am/are always doing the best I/you can!”

“I/You am/are OK just the way I am/you are”

“Progress, not perfection!”

“I/You can deal with this!”

“This too will pass”

“Breathe!”

“Be kind to yourself”

Facilitators explained that the messages must be positive and encouraging statements and that the “Boxes of Courage and Affirmation” could be used at any time to encourage participants during times of stress or difficulty. Participants were encouraged to take these positive and encouraging messages to court as a reminder that they have emotional support and many important strengths they could draw on at any time. The women participated with focus and enthusiasm in this enjoyable emotion regulation activity. Participants also took some spare boxes and coloured paper home with them so they could create “Boxes of Courage and Affirmation” as gifts for their daughters. This spontaneous display of altruistic behaviour demonstrated the women’s growing sense of connectedness to important people in their lives.
Activity 5D: Closing exercise

In the closing exercise, facilitators asked participants to name a skill, supportive strategy or helpful idea they were taking with them into the coming week.

Amy explained that she felt empowered by this week’s psycho-education activity:

“I’ve learnt so much more about the court process today, so much more than what’s in those booklets I was given. You’ve given me many new ideas to empower me.”

Polly described the word “survival” as being inspirational for her, giving her hope and courage:

“My favourite word is ‘Survival’. I will take that into the coming week. And I’ve learnt from Amy. You are ahead of me in the legal process and you give me strength and hope. And I’m right behind you! It comes from my soul.”

Week 5 concluded on an optimistic note, with participants remaining in the room and talking for some time after the group had finished. This was a visible sign of participant connectedness and was seen as a positive new development of the “Women of Courage” group.

5E: Group challenges

There were no group challenges to be dealt with in Week 5, perhaps because the women felt securely connected to the group and felt comfortable with both the group participants and facilitators.

Weeks 6 and Week 7

After some discussion and deliberation between the group facilitators, participants and the researcher, it was decided that Weeks 6 and 7 would be combined because the Week 7 guest speaker was unable to attend the group the following week due to illness. Instead of a guest speaker in Week 7, a DVD was shown of “Lani’s Story”
as the weekly psycho-education activity. The themes for the combined week’s psycho-education exercises were therefore “Lessons learnt from Lani’s Story” and “Tips for Going to Court.”

**Activity 6/7A: Opening exercise**

During the opening exercise, the women discussed their experience of using their “Boxes of Courage and Affirmation” during the previous week.

Polly described the strength she had been able to draw from the positive messages in her Box of Courage:

“I’ve been reading the messages every day and they always put a smile on my face. I can now honestly sit here and say I love myself! I’m a good person and I’m doing the right thing by going to court. I’ve also made a box for my daughter and have given it to her. The past six weeks of the group have really helped improve my relationship with her.”

Kelly stated she read her positive messages each morning, allowing her to stand tall:

*I have the box on my bedside table and read the affirmations every morning. They remind me that I can keep standing tall and holding my head up high.*

Amy shared that the affirming messages reminded her that she was a strong and worthwhile woman:

“I’ve placed the box on my buffet and if I feel down, I go and read the messages. I’ve purposely put the box where I have to walk past it and when I look at it, it reminds me that I’m a strong and worthwhile woman.”
Activity 6/7B: Psycho-education activity

This week’s psycho-education included “Lessons learnt from Lani’s Story,” a documentary program which had been aired on SBS in 2011, documenting Lani’s legal journey and process of healing and recovery after years of domestic violence and sexual assault at the hands of her de-facto partner. Other psycho-education activities of Week 6 included: Tips for the Days of Court; Advice on Giving your Evidence; Guidance on Cross-Examination; Caring for yourself after Court. The psycho-education “Tips for Giving your Evidence” documented advice that had been put together by survivors who had been witnesses in court regarding a sexual assault matter. Some of these included:

- “As a witness, you have a very important job to tell the court about what happened to you. It is also your job to answer questions truthfully.”

- “You will be taken to the witness box and asked to make an oath by swearing on the bible, or to make an affirmation to promise to tell the truth. Both are of equal value, and you are free to choose the option you are more comfortable with. You will be asked to say: ‘I do’ as you promise to tell the truth.”

- “Don’t forget you can look at your support person any time you need to, as they believe you and are backing you up completely.”

- “After making the promise to tell the truth, you will be asked questions by the DPP solicitor representing you and the State. They will ask you about the statement that you made to police and about the crime that happened to you. This is why it’s important that you have read your statement carefully before court.”

- “After this, you will be asked questions by the defence, the offender’s solicitor. This is called cross-examination and we will talk more about this a little later.”
• “Giving evidence will perhaps be the hardest part of the legal journey for you. Be proud of the courage it has taken for you to stand up and take this brave step!”

• “You may be able to request a screen in the courtroom so that you do not have to see the offender.”

• “Remember that as a witness, you have a very important role to inform the court about what happened to you.”

• “Speak up clearly and speak slowly.”

• “Listen carefully to what you are being asked.”

• “Don’t answer a question you don’t understand. Ask for it to be repeated or put more simply.”

• “Only answer what you are asked. Don’t feel you need to give more detail. Silence is OK and you do not have to fill it.”

• “If you don’t remember or don’t know something, then it’s OK to say so.”

• “If you need more time to remember or think about your answer, ask for some time. You can ask to have a break or have a drink of water.”

• “If your answer needs further explanation, ask the judge if you can explain it.”

• “Try to breathe evenly and stay as calm as you can. Count your breaths slowly: In, two three; and out, two three. This will help you manage your feelings. Remember that the feelings you are having on the stand will pass.”

• “Remember that the police and DPP barrister and solicitor believe you and are working hard to make the offender take responsibility for the crime he has committed.”

• “Remind yourself how brave you are to be giving evidence in court and remember that you have very good reasons why you have chosen to be there.”
“Remember that all the women from your group are proud of you and are sending you their support and wishes for strength and courage.”

“Remember your support person is cheering you on.”

(ECAV, 2002:10; Attorney General’s Department, 2011)

This psycho-education activity generated a lively discussion and was particularly helpful for Amy, who was to attend court in the coming weeks. Amy stated she felt stronger and better prepared for court as a result of watching “Lani’s Story”:

“This session has explained a lot to me. Especially Lani’s Story has been really encouraging. If she can do it, I can do it too! On Friday, I felt so scared and low, I was even a bit suicidal. But then I reminded myself: I want to have a voice, and I won’t have a voice if I’m dead.”

The facilitators stepped in as a result of Amy’s disclosure of suicidal ideation and encouraged her to continue to attend her one-on-one counselling sessions in order to assist her during this time of increased stress, as well as once court was completed. Facilitators also provided her and the other group members with the telephone numbers for Lifeline and the 24-hour Rape Crisis Service, in case she was to experience suicidal ideation again in the future.

Activity 6/7C: Emotion regulation and distress tolerance activity

This week’s emotion regulation and distress tolerance activity consisted of an exercise based on Acceptance and Commitment Therapy’s concept of “Emotional Acceptance” (Harris, 2009).

Facilitators explained the concept of emotional acceptance as the willingness and ability to be with difficult emotions and situations. They explained that this skill was about allowing ourselves to tolerate painful experiences, so we can do the things that are important to us, like giving evidence in court. They reminded participants that painful emotions such as sadness, anger and fear were a normal
part of being human. The following Buddhist saying was also discussed in the group:

“Life holds ten thousand joys, and ten thousand sorrows.”

Sharon, the facilitator, explained:

“It is a normal part of every human life to experience sorrow, loss and fear. For example, fear is extremely helpful to our survival. Fear is helpful when it kicks in at appropriate times, like when there is a real threat to our safety (for example, when a wild animal is coming our way), or when the fear is proportional to the situation, such as feeling fearful before court. At these times, the fear we experience and all the physiological sensations that accompany that fear help us to effectively deal with the situation, our heart is pumping, our breathing is faster, and we are feeling hot and sweaty. All these are signs that the body has gone into ‘fight/flight or freeze’ mode, preparing us to either face the danger (for example preparing for court) or to escape the danger, perhaps running away from a wild animal, or freezing, so the wild animal can’t see us.”

Sharon then related the concept of emotional acceptance to participants’ willingness to go through the pain and challenge of the legal process:

“Despite the painful emotions that are arising in you during your legal journeys, you are willing to tolerate these to stand up for what you believe in. Be proud of yourself for your courage and willingness!”

The concept of emotional acceptance generated new insight and understanding for the women within the group. Polly explained:

“I’m willing to give my emotions permission to be there. My emotion at the moment is guilt. I should have protected my niece. But he threatened to kill me and I was only a teenager and too scared to do anything. So I accept that the guilt will be there sometimes, because I wasn’t able to protect my niece.”
Amy stated she was more willing to accept herself fully, including her feelings of fear:

“My emotions are allowed to be there this week. I will be scared to see my support person, the witness assistant from the DPP, and I will accept myself, including my fear. When I allow myself to have my feelings, I am loving myself.”

Kelly contributed that she was willing to give permission for her feelings of sadness and anger to be there:

“I am allowing myself to feel sad and angry about the abuse I suffered. Allowing myself to feel is new for me, and is much better than always telling myself off for having feelings.”

During this week’s “Women of Courage” group, participants bravely contributed and shared many important insights and emotions, including some feelings that were painful and uncomfortable, thus allowing new learning to occur in an atmosphere of safety, respect and mutual support.

**Activity 6/7D: Group challenges**

One of the challenges encountered in Week 6/7 of the group program was the disclosure by one of the group members that she had been experiencing suicidal ideation during the previous week. The group facilitators intervened at this point, encouraging the group member to continue to attend one-on-one counselling, as well as providing her and the other group members with crisis telephone numbers, including Lifeline and the Rape Crisis Centre, both of which provide a 24-hour crisis service for when after-hours support was required. While the other participants were upset by the group member’s disclosure of suicidal ideation, they were able to provide emotional support and acceptance of her during the group session.
Week 8

Activity 8A: Opening exercise

The topic of the final week was “Saying Goodbye and Talking About Self-Care, Because You're Worth It!”. During the opening exercise, facilitators encouraged participants to name some of the feelings they were experiencing on the last day of the “Women of Courage” program.

Kelly described her feelings of strength, courage and pride:

“Even though I don’t want the group to finish today, I feel proud of how far I’ve come. I never thought I would be strong enough to stand up in court. But now I know I can! For many years, I thought I’d go to my grave with it (the sexual abuse). The last eight weeks have showed me I am much stronger than I thought.”

Amy stated she felt a mixture of sadness about the group ending, as well as gratitude for the many gains she had experienced as a result of attending the group program:

“I feel a lot of sadness this morning, but also gratitude for the courage I’ve discovered coming here. You have listened to me and have accepted me for who I am. And I’ve learnt so much that will see me through when I go to court in two weeks.”

Polly explained she would be making use of her participant manual for strength and advice in the future:

“I don’t want to finish today but I can take this book (participant manual) with me and I can read it when I need strength and advice for when I go to court.”

Sharon, one of the facilitators, shared how proud she felt of the participants’ courage and reminded them of the availability of ongoing one-on-one counselling through the Sexual Assault Service:
“I feel proud of you all for the changes you’ve made and I also feel a little bit sad. But remember you can keep having one-on-one counselling over the coming months so that you can keep having the support you deserve.”

Julie, the other facilitator, shared the growth and strength she had witnessed in the women:

“I’ve seen so much growth and strength in all of you. You are such courageous women, and I know you will keep growing. You are well-prepared now for court when the day comes.”

The atmosphere in the room contained a combination of sadness, pride and optimism, with participants smiling, sharing their emotions and shedding some tears.

**Activity 8B: Tips for self-care before and during the days of court**

The final week’s psycho-education exercise entailed “Tips for Self-Care Before and During the Days of Court.”

Facilitators explained:

“Today’s final session is about self-care before and during the days of court. In the lead-up to court, it is important to take good care of yourselves. You may have strategies and ideas that have helped you to cope with other stressful events in your life in the past, and these could help you now. It is very important to take care of yourself, both physically and emotionally.”

Facilitators asked participants to think of strategies for looking after themselves and documented the ideas on butcher’s paper, and encouraged participants to document any ideas they may have found useful in their manuals. Some of the following suggestions were discussed:

- “Exercise reduces stress and anxiety. You could go for a walk along the beach, go for a swim or bike ride.”
• “Stay in touch with supportive friends or relatives in the weeks leading up to court.”

• “Keep in touch with your professional support people (for example, your counsellor here at the Sexual Assault Service).”

• “Don’t be afraid to ask for help.”

• “Have a coffee or a meal with supportive friends in the days before court.”

• “Try to eat well, as this helps regulate your emotions.”

• “Do something relaxing and nurturing (perhaps a visit to the hairdresser, a massage, window shopping, a DVD or a bubble bath).”

• “Listen to your favourite music.”

• “Look through your Courage and Affirmation Box or your Women of Courage folder.”

• “Spend some time sitting in the garden or outdoors.”

• “Allow yourself plenty of opportunity to sleep and rest.”

• “Allocate yourself a day to do and achieve nothing.”

• “Let go of unnecessary chores and responsibilities until court is over.”

• “Your thoughts might try to talk you out of going to court. Your thoughts may also tell you that you won’t be good enough. This is completely normal. Be kind to yourself.”

Polly shared her own strategies for self-care, which included singing, playing the clarinet and listening to empowering music:

“Doing some jamming and singing changes my brain waves. I play the clarinet and sing. I love uplifting songs and I will take those to court with me to listen to while I wait. Songs like I Am Woman, Hear Me Roar.”
Amy shared her strategies for self-care, which included her connection to the women in the group, her Box of Courage, as well as her plan to use breathing to calm her during her time in court:

“I will take the strength of the group into court with me next week. I will also touch my Box of Courage, which I will keep in my handbag. I will remember to breathe slowly in and out and feel my feet supported by mother earth.”

Kelly described her own strategy for self-care, which entailed reminding herself that she is loved and worthwhile and that she has the right to say no to sexual violence:

“When I need strength, I will remember that I am loved and worthwhile and have the right say no to violence. By speaking out, I’m protecting other girls and women.”

**Activity 8C: Closing exercise**

The final exercise of Week Eight entailed each participant identifying something valuable they had gained through attending the group program, as well as setting a goal for themselves for the future.

Polly explained that her goal was to continue to love herself and to remind herself that the abuse was not her fault:

“My goal is to keep loving myself. Through the group, I’ve discovered that I love myself and my goal now is to never stop. This gives me the strength to face the abuser in court. I’ve also learnt that none of it was my fault so I no longer need to feel ashamed.”

Kelly described her goal of staying strong and connected to her family:

“My goal is to keep being the strong woman I’ve become in this group. I will not go to my grave helpless. This group has also opened up a door to my children. We are close
now; we can talk and discuss things more intimately. The group has affected my household positively, and my goal is to keep that going.”

Amy stated her goal was to continue to challenge secrecy, to accept her emotions and to stay connected to supportive others:

“My goal is to keep challenging secrecy. And to remember not to isolate; to remind myself that I’m not alone. I also want to remember to accept my emotions. Emotion is allowed! Knowing this has helped me develop ‘empowered fear’. I’m not giving away my power anymore."

At the conclusion of the program, the women celebrated with a cake and candles, and participants were handed Certificates of Achievement and exchanged contact details so that they could stay in touch and continue to support one another. Facilitators encouraged participants to continue to avail themselves of one-on-one counselling for ongoing support from the Sexual Assault Service. Finally, the researcher set up a time with each participant and with the two facilitators to conduct one-on-one evaluation interviews over the coming weeks.

8D: Group challenges in week 8

One of the challenges of the final week of the group program was for group facilitators to ensure that group members were well connected to their individual counsellors, in order to maintain the gains they had made during the group intervention. Each group member was therefore offered a counselling appointment for the following week, which was seen as a vitally important way for group members to be able to hold onto the gains and benefits of the “Women of Courage” group program.

8.8 Conclusion of the “Women of Courage” pilot program outline

Researcher observations of the group intervention aimed to present the researcher’s observational data and analysis of the group program, and to allow the reader access into the group setting through descriptive information
containing depth and detail, as well as the provision of week-by-week data of the significant processes and procedures of the eight-week intervention (Patton, 2002). Researcher observations also provided implementation evaluation by gathering detailed explanatory information about the “Women of Courage” program, including an outline of the activities, interactions and processes of the program. The strategy of naturalistic inquiry was thought to be particularly appropriate for week-by-week evaluation of the group intervention. Researcher observations provided implementation evaluation, gathering comprehensive descriptive information about the “Women of Courage” program, including a detailed outline of the activities, structures and processes of the program, as well as describing some of the challenges encountered during program delivery.

Challenges included attrition, substance use issues, dealing with dominant group members, participant suicidal ideation and ensuring ongoing support for each group member. Researcher observations included the provision of insight into group interactions, capturing group content, as well as having described the group process as fully and accurately as possible. Through group observation, the researcher captured data as a dynamic process, describing the evolving week-by-week group process. The researcher’s field notes also included information on the physical environment, a description of participant behaviours and interactions, content, process, dialogue and challenges, as well as a description of chronological events, and finally the researcher's personal reflections. Finally, the researcher's focus on actions, content and dialogue allowed an in-depth account of the “Women of Courage” group intervention.

8.9 Post-group interviews: (participants)

Post-group interviews posed the following broad questions: How effectively were participants’ cognitive learning and social and emotional support needs met by the “Women of Courage” group intervention? In what ways was the intervention of benefit to participants and what might have improved the group intervention? According to Patton (2002:151), clients’ stories provide the best source of information for evaluating programs and interventions aimed at healing and
transformation. The purpose of the post-group interviews was therefore to gain an understanding of participants’ experiences of the group program, and to inquire into whether participants’ specific needs had been adequately met through this targeted intervention. Interview questions had been derived from the themes previously identified during Phase One interviews with survivors who had completed the court process, which have been outlined in detail in Chapter 5. Interview questions were also derived from pre-group interviews with group participants that have been outlined in sections 8.2 of Chapter 8.

Post-group in-depth interviews with participants were held at the same regional Sexual Assault Service where the group program had been held, and were conducted by the researcher during the two-week period following the conclusion of the “Women of Courage” program. Each interview lasted approximately 30 minutes and entailed the use of open-ended questions, in order to gain an in-depth understanding of participants’ personal experiences of the “Women of Courage” intervention. In-depth interviews were hoped to achieve a rich source of depth and breadth available through qualitative research methods (Patton, 2002; Silverman, 2010).

The purpose of the post-group interviews was for the researcher to be able to assess and contrast the themes identified during pre-group interviews. Post-group interviews made use of the following open-ended questions as a guide. Participants also had the opportunity to expand on any other issues, insights and experiences in relation to the group program.

- Do you feel this group has helped you gain knowledge and skills for the legal journey and for going to court?
- Are there any self-care strategies you learnt in the program that you found helpful?
- How resilient/strong are you feeling after the group program?
- Are there other skills and knowledge that you learnt in the program that you found helpful?
• What would you change about the “Women of Courage” group program?

• Is there anything you didn't like about the program?

• Would you recommend this group to other women going through the legal system?

• Any other comments?

Post-group interviews were audio-recorded, transcribed verbatim and subsequently thematically analysed using the same approach as was employed in pre-group interviews described earlier in the current chapter. The researcher also kept a journal during the process of data collection and analysis.

8.10 Results

Thematic analysis of post-group interviews with participants identified the following themes, which were closely linked to the interview questions. Participants also identified additional benefits to those the researcher had intended, including participant acceptance of difficult emotions, acceptance of one another, development of trust, learning from one another, support from counsellors and interpersonal skills development.

1. Participant knowledge and skills

2. Participant self-care strategies

3. Participant resilience

4. Acceptance of difficult emotions

5. Acceptance of one another

6. Development of trust

7. Learning from one another

8. Support from a counsellor
8.10.1 Participant knowledge and skills

Each of the participants described the knowledge and skills they had gained as a result of attending the eight-week “Women of Courage” program.

Amy described the strengths, confidence and assertiveness she had gained as a result of attending the group, allowing her to feel prepared and confident for court in the coming two weeks:

“The main skills and knowledge I think I’ve gained are that I’ve become stronger as a result of the group. I have learnt to be empowered, even by my fear. I’ve also become more assertive as a result of the group. I’m confident that I will be a much better witness as a result of attending the group.”

Kelly described the knowledge and skills, strength and courage she had gained as follows:

“The main skill I learnt is that I have a voice. I know now that I have rights and I can stand up and be strong. I’m not afraid of him (the perpetrator) any more! And I’ve learnt from the other women. Another thing I’ve learnt is that it’s OK to have my feelings. I was told to shut up and stop complaining. Now I allow myself to feel my feelings. The group became my favourite part of the week. Another good thing was that the group gave me the courage to finish my statement. I have been able to do that because of the support of the group.”

Polly stated she felt prepared for court as a result of having attended the group program:

“I’ve learnt a lot of legal knowledge, especially about the roles of the different people in court and about how to be a good witness. I’ve learnt skills for giving evidence and
for cross-examination. I have learnt how to calm myself down through breathing and mindfulness and I will be using those skills in court. And most of all, I have learnt ways of being a strong woman when I’m in court, because I have found my voice in this group. The DVDs and psycho-education helped me understand what happens in the courtroom. I can be in the courtroom and look him in the eyes, or I can be in a safe room with a CCTV. It’s my choice. When I go to court, I’m going to be a strong survivor.”

8.10.2 Participant self-care strategies

Participants described the various self-care strategies they had gained and incorporated into their daily lives as a result of attending the group program:

Kelly stated she now had effective ways of calming down and caring for herself in times of stress:

“I look after myself better now. I eat and sleep better and I stop and breathe when I get upset. Also, when I hear key words that used to trigger me, I don’t get upset any more. I have a better handle on my triggers now. I know how to calm myself down.”

Polly also described her newly acquired self-care strategies, which made her feel strong and worthwhile:

“I’ve been looking after myself more since coming to the group. I wash my hair and shower and shave my legs. I’ve bought new clothes that fit me instead of wearing baggy old clothes that make me look bad. And that won’t stop now. I’m going to keep looking after myself. Because I matter and I’m worthwhile. As I said, I can honestly say I love myself now. I’m a survivor!”

Amy described her increased capacity to care for herself through mindfulness and making use of her positive affirmations, as well as looking after her appearance:

“I now look after myself through mindfulness. The mindfulness we learnt was amazing. I use it every day. I breathe slowly and feel my body supported by the chair I
sit on. I feel my feet supported by the ground beneath me. And when I’ down, I touch and read the messages in my Box of Courage. And I read the folder you gave me. This helps me look after myself. I’ve been able to learn to look after my appearance as well, and this will also really help me feel confident for court.”

8.10.3 Participant resilience

Participants described an improvement in their own sense of resilience as a result of having attended the “Women of Courage” program.

Polly explained that she was now able to believe in herself and feel stronger as a result of the group's social and emotional support:

“I'm a much stronger, more confident woman now. We all helped each other and together, we have become strong.”

Amy described a reduction in isolation, which has allowed her to feel more resilient:

“I've learnt to reach out to people when I need support. I've never been able to do this in the past. I've reconnected with a few women friends who are backing me up. Before the group, I was very isolated because I was afraid to burden people. I still have my bad days, don't get me wrong. But I bounce back more quickly now, because I now have skills I can use to bounce back.”

Kelly explained that she was proud of being able to make the world a safer place by going to court, that speaking out has allowed her to feel more resilient:

“The group taught me I don’t have to shut up. By speaking up, I'll be protecting other little girls. I can make the world a safer place by going to court. And there are people out there who listen to me and believe what I tell them. It shocked me initially in the group, that I was allowed to say what I was thinking and feeling.”
Each participant demonstrated and shared an enhanced sense of resilience and inner strength as a result of having attended the “Women of Courage” pilot program.

8.10.4 Acceptance of difficult emotions

The women also described some of the other skills they had learnt as a result of participating in the court preparation sessions, such as their ability to allow their emotions to be there.

Amy explained she had learnt to value and accept her emotions:

“I’ve learnt that I am allowed to have my emotions and I can accept my emotions now. I used to think I’m a burden if I express my emotions. Now I have a voice and I don’t have to justify to others how I feel.”

8.10.5 Acceptance of one another

The women also described the benefits of finding acceptance from the other group members.

Kelly described the benefits of having learnt to be open and accepting of one another:

“I’ve learnt to listen to others and I’m more open to others. We all accepted one another. And it’s given me a better understanding that others are in the same boat. I’m not alone any more.”

8.10.6 Development of trust

The women also described their capacity for developing trust as a result of attending the group intervention.

Polly described the benefits of having learnt to trust the other women in the group:
“I learnt to trust the other ladies in the group. The connection with the ladies was really special. When we first came to the group, we all thought we were the only ones. But then I realised there are many of us. And we gain strength when we support one another.”

8.10.7 Learning from each other

Each of the women described having learnt from one another.

Polly also described her ability to learn from other women who have gone before her:

“Lani’s Story really helped and encouraged me. If she can do it, I can do it. It takes guts to be honest and I’ve got that courage now. I know I have an important part to play by going to court.”

8.10.8 Support from a counsellor

Polly, Kelly and Amy also identified the benefits of the one-on-one support they had found by regularly connecting with a counsellor from the Sexual Assault Service.

Polly stated:

“I now have a great counsellor, who I know will keep supporting me all the way.”

Kelly said she now felt worthy of receiving counselling support, and that she had developed an awareness of being a strong and worthwhile woman:

“I’ve found a counsellor who knows my story and I trust her because she ran the group. She can see me through the long haul. I was always told I was a nobody and a nothing. But I’m a good person and a good mum. I’m a strong woman with rights and I have a lot to live for.”
8.10.9 Interpersonal skills development

The women also described having learnt important interpersonal skills through attending the group program.

Kelly explained that the group gave her interpersonal skills she could bring into her family home and other relationships:

"Me coming to the group has helped all four of us in my family. My husband and I don’t argue as much as we used to. We laugh a lot more too."

Kelly also described her feelings of pride about having assisted Amy to feel less of a burden:

“I also feel really good that I helped Amy feel she is not a burden. I helped to change her thinking. I’m proud of that.”

8.10.10 Participant recommendation of the group program

Participants were asked whether they would recommend the “Women of Courage” program to others. Each of the participants recommended the program to others and expressed their hope that the intervention would be provided to other women in the future.

Amy stated she recommended the program because it assisted her to feel accepted and reduced her sense of being isolated:

“Yes, I really do recommend the group. The acceptance we had of each other was amazing. It is so important for women to feel they’re not alone.”

Polly recommended the program, stating she particularly appreciated the group’s confidentiality:
“I would recommend the group, especially because everything you say in the room stays in the room. It’s confidential. That made me feel safe to say the stuff that was important and real.”

Kelly explained that as a result of having attended the program, she now felt confident that she would be able to cope on her legal journey:

“Yes, I highly recommend it! I know now that I have the skills to survive court!”

Thematic analysis of post-group interviews with participants identified the strengths and skills participants had been able to develop as a result of attending the “Women of Courage” pilot program. Many of the themes identified were linked to the interview questions and included participant knowledge and skills gained, participant self-care strategies, participant resilience, acceptance of difficult emotions, acceptance of one another, development of trust, learning from one another, support from a counsellor, interpersonal skills development and, finally, participant recommendation of the “Women of Courage” program.

8.11 Post-group Interviews with group facilitators

Post-group in-depth interviews with the two group facilitators were conducted during the two-week period following the conclusion of the group program. Interviews were held one-on-one in coffee shops chosen by the group facilitators. Interview questions were derived from the themes that had been previously identified during Phase One interviews with survivors who had completed the court process and which have been outlined in Chapter 5, as well as from pre-group interview themes with participants that have been outlined in detail in section 8.2 of Chapter 8.

Post-group interviews with the facilitators made use of the following open-ended questions as a guide. Group facilitators also had the opportunity to expand on issues of particular note in relation to the content and process of the group program.
• Do you feel this group has helped participants gain knowledge and skills for going to court?

• What specifically do you think is effective about the “Women of Courage” program?

• Do you think the program is effective in increasing participants’ resilience?

• Is there anything you think is not effective about the “Women of Courage” program?

• What would you change about the “Women of Courage” group program?

• Would you recommend the “Women of Courage” program to other women going through the legal system?

• Any other comments?

8.12 Results

Thematic analysis of post-group interviews with the group facilitators identified the following themes:

1. Participant knowledge and skills gained

2. Benefits of audio-visual learning

3. Linking the personal to the political

4. Participant self-care strategies

5. Mindfulness skills

6. Distress tolerance and emotion regulation

7. Participant resilience

8. Making connections
9. Caring for one another

10. Identifying a support network

11. Participant assertiveness

12. Facilitators' recommendation of the group program

13. Benefits of group work

14. Reaching out

15. Group structure

16. Access to one-on-one counselling

Perhaps, due to the similarities of the post-group interview questions of both group participants and group facilitators, some of the group facilitator themes mirrored those of post-group interviews with participants. Common themes included knowledge and skills gained, participants’ self-care strategies, participant resilience and recommendation of the group program.

8.12.1 Knowledge and skills gained

Both Sharon and Julie, the two group facilitators, described the legal knowledge participants had gained during the eight-week group program.

Sharon described her perception of the legal knowledge and practical skills participants had gained:

"The women learnt to challenge the many myths around sexual assault. They also gained numerous practical tips for navigating the legal system and preparing to be witnesses in court. They learnt about their rights as victims of crime and about the various stages of the legal system and about the language of court. They also learnt to depersonalise their challenging experiences regarding the legal journey. The women realised they were not alone and that the legal system is difficult for everyone. They learnt that the defence barrister has a job to do and that their job is
to keep the offender out of prison, so they learnt to understand the various roles that people play in court.”

Julie described the legal knowledge the group members gained as follows:

“The women got a much better understanding of the legal journey and the court process, about how court operates. Participants also developed many new ways of thinking about how they could get themselves through court. They learnt to be aware of adjournments, expecting the unexpected, they learnt to understand legal language, as well as the various roles and processes of court.”

8.12.2 Benefits of audio-visual learning

Group facilitators also described the benefits of audio-visual learning for participants.

Sharon stated:

“The psycho-education and audio-visual sessions were incredibly helpful, especially Lani’s Story, Your Vagina Is Not A Car and Project Unbreakable. And the women showed the videos and clips to the loved ones in their lives and educated others in the process.”

8.12.3 Linking the personal to the political

Julie also described the way in which participants were empowered to link the personal to the political through the group education process:

“The women realised that sexual assault is not just a personal issue, that it is a political and community issue also. They made the important link between the personal and the political. They realised how gendered this type of crime is and they learnt that women need to stand and fight together, which was empowering for them.”
Sharon also commented on the links participants had been able to make between the personal and the wider community:

“The women gained the knowledge that they’re not just doing this for themselves. They want to put the issue of sexual assault and the group program out there to the wider community and to be able to help other people, in the same way they’ve been helped.”

8.12.4 Participant self-care strategies

Group facilitators described some of the self-care strategies the women had learnt, including mindfulness, self-soothing, emotion regulation and distress tolerance.

Julie described participants’ journeys from self-blame to self-care:

“There was a lot of growth for the women in relation to self-care. They were able to move away from self-blame and acknowledged and embraced the importance of looking after themselves and discovering they were worthy of that.”

Julie explained her perception of the value of the various self-soothing, distress tolerance and emotion regulation skills the women had learnt during the group program:

“The self-soothing, distress tolerance and emotion regulation activities were really practical and helpful and the women continued to use those activities in their daily lives to care for themselves. For example, they used mindfulness and emotion regulation activities at home throughout the eight weeks of the intervention to great benefit.”

Sharon described participants’ self-care strategies, including their ability to reach out to others, allowing their emotions, breathing strategies and other helpful ways of coping with stress and anxiety:
“The women developed many self-care strategies such as journaling, writing helpful messages down and developing coping strategies such as reaching out to others in times of stress. Also they learnt about giving themselves permission to be themselves, to feel the emotions they are feeling, without judging themselves.”

8.12.5 Mindfulness skills

Group facilitators highlighted the benefits of mindfulness for participants.

As Julie explained:

“The women learnt many strategies for coping with stress and anxiety. They all took to the mindfulness, and the focus on breathing allowed them to take care of themselves when they felt stressed or upset. They also practised mindfulness at home in their daily lives. They learnt to breathe through their fear and they saw that emotions come and go; they do not stay forever. The mindfulness helped them appreciate the very basic things in life that can nourish us, such as food, nature, breathing and resting the body during times of stress.”

8.12.6 Emotion regulation and distress tolerance

Sharon described the value of the distress tolerance and emotion regulation skills the women had learnt in the group sessions:

“The weekly distress tolerance activities allowed the women to develop coping skills and strategies for dealing with difficult emotions. For example, one of the women started caring for herself through improved hygiene, and she became much more clear-minded. She washed her hair and dressed with more care. And she went to the doctor to address her health issues.”

8.12.7 Participant resilience

Group facilitators also described the increase in resilience, hope and inspiration they had witnessed in each of the participants.
Julie stated that participants experienced a reduction in social isolation, allowing them to become more resilient:

“Seeing the women from the beginning to the end, I am amazed how they have become so much stronger. They gained a lot of resilience. The biggest thing that they learnt that made them more resilient was that they were not alone. That was huge for them. Other people have been through similar experiences and have survived the legal journey. That’s given them a lot of hope, inspiration and resilience.”

8.12.8 Making connections

Both group facilitators nominated participants’ ability to make connections as having been of therapeutic benefit.

Julie described the benefits of the women’s development of supportive connections:

“The connections the women made also helped the women develop a feeling of resilience. They actually made quite strong connections. You could see that through the things they would say to each other. They gave each other gifts and exchanged phone numbers and they clearly demonstrated that they wanted to be there for one another, supporting each other through the challenges they were experiencing.”

Sharon explained her perception of women’s resilience as one of making supportive connections with one another:

“The group allowed the women to discover a wealth of untapped strengths and resilience. The friendship bonds were clearly helping the women enormously. The women were from various socio-economic backgrounds and yet there was this sense of ‘all being one’. Hearing each other’s stories and providing encouragement of one another allowed the women to become stronger.”
“And Amy learnt to reach out without fear of being a burden to others. Through reaching out, she realised that she was loved and worthwhile, that many people cared about her.”

8.12.9 Caring for one another

Julie identified participants’ willingness to care for one another as having been helpful for participants:

“The participants really looked after and cared for each other. For example, if one of them was having a bad day, the others would lift her up, through kindness, encouragement and even humour. This had the effect of making each participant more resilient.”

8.12.10 Identifying a support network

Group facilitators described participants’ ability to identify a support network as having enhanced their mental and emotional well-being:

“In the group, the women were helped to identify a support network. Connecting and reconnecting with supportive loved ones really enhanced the women’s resilience.”

8.12.11 Participant assertiveness

Facilitators also described their perception of enhanced participant assertiveness.

Julie defined the women’s gains in assertiveness as participants having learnt to take ownership of their needs:

“The women became more assertive and less passive with regards to their legal journeys, as well as in their day-to-day lives. They took ownership of their experience and of their needs. They made phone calls and demanded their rights. They each became more vocal. For example, Kelly really came out of herself and she became much more bold. She spoke out and started standing on her own two feet much more."
She discovered her own courage and strength through having a voice. She palpably evolved out of her victim stance.”

Sharon also described participants’ assertiveness in terms of the women taking ownership of their legal journeys:

“The women all became more assertive; they took ownership of their legal journeys. They spoke out! For example, one of the women insisted on meeting her DPP and witness assistant and drove down to Sydney to meet with them, despite her fear of driving. The DPP had told her they didn’t have time to meet with her, but she insisted!”

8.12.12 Facilitators’ recommendation of the group program

Both facilitators recommended the “Women of Courage” program.

Sharon stated she intended to run the program again at the Sexual Assault Service in the coming year:

“This has been a much-needed group for our service because it is a much more comprehensive program than the usual court preparation we have always done to date. The feedback from the participants was very positive, with participants saying they would love to see the group continue. We would ideally like to run the group once or twice a year.”

Julie also recommended the group program, stating the experience had been helpful both to participants and to facilitators:

“I would definitely recommend the group, and the women themselves said that this is something they would like to see continuing. I would like to see the group being run here again next year, because this service needs a group like this. The group was really helpful for us as the facilitators, to be able to debrief with you (the researcher) after every session, to discuss what went well and what could have been better, and
to prepare for the coming week, to problem-solve together. It made the program very easy and smooth to run.”

8.12.13 Benefits of group work

Julie also described the benefits of group work from the point of view of the facilitators:

“Group work is like soul food for me. It energised and reinvigorated me, and I feel lighter as a result of having run the group. I was part of a transformative process, and I felt that I was receiving more than I was giving. We don’t feel like this with our one-on-one work with clients.”

Sharon also discussed the effectiveness of the group program, compared to one-on-one counselling and court preparation:

“The women’s journeys to court were certainly altered as a result of the group and they were able to learn information they would never have got through the usual one-on-one support and court preparation. The group's content and information were very rich, and the group was well-paced, with plenty of time for discussion.”

8.12.14 Reaching out

Julie discussed the benefits of the participants learning to reach out to others, thus reducing isolation:

“The women learnt about reaching out to various people in their lives and they actually saw that they got a lot back from that. They gained strength from reaching out, and this helped heal some of their relationships. Reaching out also helped the women with their mental and emotional health. They weren't just helped with the court stuff, but also with their personal healing. The group had some very positive unintended consequences. It helped break down the women's isolation and that's what is so powerful about groups, it is something that cannot be achieved in one-on-one counsellings.”
8.12.15  **Group structure**

Sharon also commented on the advantage of a consistent group structure during each of the eight weeks:

“I like how each week had the same structure, allowing participants to know what to expect. The consistency of structure helped calm the women who had fairly chaotic lives.”

8.12.16  **Access to one-on-one counselling**

Group facilitators also discussed the value of ongoing access to one-on-one counselling.

As Julie explained:

“The women are all continuing to attend counselling here at the Sexual Assault Service, which will allow them to hold onto the gains they have made in the group.”

In conclusion, thematic analysis of post-group interviews with the two group facilitators identified a number of themes, including participant knowledge and skills gained, the benefits of audio-visual learning, linking the personal to the political, participant self-care strategies, mindfulness skills, distress tolerance and emotion regulation, participant resilience, making connections and caring for one another. Other themes identified included the development of a support network, participant assertiveness, facilitators’ recommendation of the group program, the benefits of group work, reaching out, consistency of group structure and, finally, access to one-on-one counselling. Some of the post-group interview themes with facilitators mirrored those of participants. This occurred as a result of the similarity of the evaluation interview questions for both participants and facilitators. Common themes included knowledge and skills gained, participants’ self-care strategies, participant resilience and recommendation of the group program.
8.13 Researcher’s critique of the intervention

An objective evaluation on a larger scale is seen to be the next logical step for this research, since a limitation of the current study is that the person who designed the research also conducted the evaluation. This is seen as a limitation and will be discussed in Chapter 9 of this study. Further, the sample size of the intervention was very small. While the sample size was seen to be sufficient for a pilot program, the intervention would benefit from being conducted and evaluated at several other Sexual Assault Services using larger sample sizes.

8.14 Conclusion

This chapter described the process and outcomes of the “Women of Courage” pilot program, exploring the experiences of the women who participated in the eight-week “Women of Courage” court preparation and support program. The chapter detailed themes identified in pre-group interviews with participants, in-group observational data by the researcher, and documented post-group evaluation interviews with group participants and with group facilitators.

Pre-group interviews broadly posed the following question: What are the specific needs of survivors of sexual assault when they decide to take legal action, and what can be done to better assist them on their legal journeys? Themes identified in pre-group interviews mirrored many of the findings of the in-depth interviews that had been conducted during Phase One of this study, which have been previously outlined in Chapter 5. These included participants’ needs for cognitive learning, participants’ emotional and social support needs, as well as participants’ personal struggles with self-care. Several of the women’s coping strategies appeared to be detrimental to their well-being, including the excessive use of alcohol and other drugs, as well as remaining involved in emotionally abusive familial relationships. While participants were typically able to nominate one or two supportive people in their lives, each of the six participants also identified experiences of emotional abuse from important family members and friends, with participants describing
repeatedly being judged, put down and criticised by significant others. Participants’ resilience and their existing support networks were also identified.

Researcher observations presented the researcher’s observational data and analysis of the group program, through the provision of a week-by-week account of the significant processes and procedures of the intervention (Patton, 2002). Post-group interviews with participants inquired into participants’ experiences of the “Women of Courage” pilot program. Themes identified included participant knowledge and skills gained, participant self-care strategies, participant resilience, acceptance of difficult emotions, acceptance of one another, development of trust, learning from one another, support from a counsellor, interpersonal skills development and participant recommendation of the “Women of Courage” court preparation program.

Post-group interviews with facilitators identified a number of themes, including participant knowledge and skills gained, the benefits of audio-visual learning, linking the personal to the political, participant self-care strategies, mindfulness skills and distress tolerance and emotion regulation. Other themes identified in post-group interviews with group facilitators included their perception of participant resilience, participant connections, caring for one another, identifying a support network, participant assertiveness, facilitators’ recommendation of the group program, the benefits of group work, participants’ ability to reach out to others, consistency of group structure and, finally, access to one-on-one counselling. Four of the post-group interview themes with facilitators mirrored those of participants. This was due to the similarity of the evaluation interview questions for participants and facilitators. Common themes included participant knowledge and skills gained, participant self-care strategies, participant resilience and recommendation of the group program.

In conclusion, the response and feedback from both participants and group facilitators was overwhelmingly positive. However, there were challenges that were met through professional problem-solving strategies between the facilitators and the researcher, as well as by ensuring the provision of ongoing professional
and holistic support for participants throughout the program and beyond. The concluding chapter of this study aims to discuss the findings of this study, as well as making comment on its strengths and limitations and making recommendations for future clinical practice and research.
Chapter 9

Discussion and Conclusion

9.1 Introduction

This chapter discusses the findings of this study and makes recommendations for comprehensive court preparation programs for survivors who choose to take legal action in relation to sexual violence. This study has entailed in-depth interviews with survivors of sexual assault who have attended court, as well as having conducted focus groups with key stakeholders involved with survivors taking legal action in relation to sexual assault. Further, this study has entailed the development, facilitation, and evaluation of a holistic court preparation intervention, which has been outlined in Chapter 7 and Chapter 8 of this study. The group intervention included the provision of thorough and accurate psycho-education regarding all aspects of the legal process, as well as evidence-based resilience enhancing skills and strategies and long-term emotional and social support for survivors navigating the legal process. This chapter outlines the main findings, strengths and limitations of this research project, and makes recommendations for future research and improved legal and court preparation practices that may better assist survivors who decide to take legal action in relation to sexual assault.

9.2 Main findings

Chapter 5 of this study provided an analysis of in-depth interviews with nine survivors who have attended court in relation to sexual violence. Analysis of in-depth interviews found that survivors frequently experienced re-traumatisation by the legal system, as well as having experienced various systemic difficulties and obstacles during the legal process, including lack of adequate support, information and court preparation, societal victim-blaming myths and attitudes and the issue of
frequent of legal delays. Re-traumatising factors identified in the current study also included difficulties regarding the court experience itself, including cross-examination, as well as survivors having nominated difficulties with regards to negative experiences with some key stakeholders. The findings described in Chapter 5 are consistent with the literature on sexual assault and the legal system, which has identified re-traumatisation of survivors by the legal process and lack of adequate support during survivors' legal journeys as an important concern needing to be addressed (Bieneck and Krahe, 2011; Campbell, Wasco, Ahrens, Seft and Barnes, 2011; Larcombe, 2002; Maier, 2008; Taylor, 2007; Wagner, 2007).

Chapter 6 of this study presented an analysis of six focus groups with 21 key stakeholders involved with survivors of sexual assault. Analysis of focus groups found that stakeholders' concerns mirrored the difficulties survivors experienced. Stakeholder concerns included the issue of re-traumatisation, as well as the issue of legal delays, survivor powerlessness and frustrations regarding the societal myths that continue to judge and blame those who experience sexual violence. Focus group findings of the current study are consistent with the research, which has found that survivors who choose to take legal action after sexual assault are typically disempowered and insufficiently informed and supported as they navigate the legal journey (Lievore, 2005; Morrison, Quadara and Boyd, 2007; Parkinson, 2010).

In response to the findings on the re-traumatisation and disempowerment of survivors that were outlined in Chapter 5 and Chapter 6, this study developed, facilitated and evaluated a pilot group court preparation and support intervention "Women of Courage," for women in the process of taking legal action in response to sexual violence. This eight-week group program aimed to ameliorate and address the issue of survivor re-traumatisation and powerlessness, offering a holistic approach to supporting participants during the legal journey, through the provision of comprehensive psycho-education and information on all aspects of the legal process, as well as through the provision of evidence-based resilience-enhancing strategies including mindfulness training, distress tolerance and emotion regulation skills. The program also offered long-term social and emotional
support to participants who typically identified themselves as experiencing social isolation and lack of emotional support. Long-term support of participants included the provision of ongoing counselling with a one-on-one counsellor following the completion of the group intervention, ensuring that the gains made by participants were maintained. Chapter 7 described the methods of the “Women of Courage” intervention, while Chapter 8 documented the processes and outcomes of the eight-week group program and evaluation. The structure of the current Chapter is to demonstrate the main contributions of this intervention research study, including: The empowerment of survivors on the legal journey through challenging victim-blaming attitudes, the development of effective communication skills, reducing social isolation, addressing the issue of familiarity between offenders and survivors, preparing participants for giving evidence in court, the provision of social and emotional support and psycho-education strategies including mindfulness, emotion regulation and distress tolerance, the rationale of group court preparation and feminist group work and finally strengths and limitations of this study and recommendations of this study.

9.2.1 Empowerment of survivors on the legal journey

As outlined in Chapter 5, the current study found that each participant was faced with both societal and familial attitudes of blame and disbelief, and that these attitudes negatively affected participants’ ability to recover from sexual assault. The group intervention was developed in an effort to provide long-term social and emotional support, and to encourage participants to speak out about sexual violence without fear. The provision of social and emotional support and the encouragement of participants to have a voice with which to discuss their experiences of sexual violence allowed the women to gain inner strength and courage along their legal journeys, as outlined in Chapter 8 of this study. The group intervention allowed participants to express and exchange stories and to provide emotional support of one another. This allowed the women to discover a new and stronger identity in the process of participating in the eight-week group program. Participants reported being empowered through the opportunity to connect with others who had also experienced the trauma of sexual violence, allowing the
women to feel that they were not alone, but rather all together and “in the same boat”.

One of the most significant difficulties evident in the literature hindering survivors from reporting sexual violence is the fear that if they do disclose having been sexually assaulted, they will be judged or simply not be believed, due to the continuing deeply entrenched societal mythology that women are either to blame for sexual assault or may lie about sexual assault (Ahrens et al., 2010; Belknap, 2010; Bluett-Boyd and Fileborn, 2014; Bieneck and Krahe, 2011; Cossins, 2013; Fergus and Keel, 2005; Klettke and Simonis, 2011; Tarczon and Quadara, 2012). The “Women of Courage” group intervention therefore aimed to empower survivors to speak out fearlessly and without shame about their experiences, allowing them to discover enhanced inner strength and empowerment in the process.

9.2.2 Challenging victim-blaming attitudes

The thematic analysis of in-depth interviews documented in Chapter 5 and Chapter 8 of the current study demonstrated that negative reactions from professionals, friends and family members were common among each of the “Women of Courage” group participants, as well as the interview participants. This led to feelings of self-blame, shame and uncertainty as to whether the assault they had experienced qualified as rape. Many of the women felt unsupported and blamed for the sexual violence they had suffered. These findings are consistent with past research on sexual assault and the legal system outlined in Chapter 2 of this study.

The current study’s intervention therefore aimed to address and ameliorate the prevalent issue of victim blaming, allowing participants to feel respected, believed and supported on their legal journeys. Victim-blaming messages were challenged through weekly psycho-education sessions, and participants were encouraged to identify and create a strong support network, assisting them throughout the various stages of their legal journeys. As discussed in Chapter 8, at the conclusion of the group program, participants chose to stay in touch with one another, and
remained connected with their one-on-one counsellors, in order to ensure ongoing social and emotional support that entailed challenging deeply entrenched societal victim-blaming mythologies. The process of consistently challenging negative societal attitudes towards survivors allowed group participants to take ownership of their legal journeys, increasing participant assertiveness, including being able to reach out and ask for support from relevant key stakeholders, family members and friends.

### 9.2.3 Development of effective communication skills

As described in Chapter 5 and Chapter 6, survivors and key stakeholders who participated in interviews and focus groups consistently disclosed having experienced or witnessed inadequate implementation of legislative reforms, as well as having commonly experienced court practices that demonstrated a lack of respect, belief and support of survivors of sexual violence. Since rape law reforms have not managed to adequately achieve many of their desired results, survivors of sexual assault require practical support and information as they navigate the legal process. In response to the findings of Chapter 5 and Chapter 6, the current study entailed the design, implementation and evaluation of a comprehensive court preparation program, which assisted participants to develop effective communication skills, enhancing participants’ confidence, as well as empowering participants as they emotionally prepared themselves for court. Communication skills developed during each of the eight group sessions included gaining a thorough understanding of legal language, emotional preparation for court and learning to give effective evidence in court. Participants took part in weekly informal conversations with other participants during each of the eight group meetings, allowing the women to gain enhanced self-confidence and skills in effective communication.

Since legislative reforms have been found to be inconsistently implemented (Daly, 2011), this group intervention was designed to enhance participants’ assertiveness and awareness of their rights in court, assisting them to become effective witnesses, as well as empowering them to communicate with increased
assertiveness throughout the various stages of legal process, with the additional goal of improving the psychological well-being of participant survivors. Participants of the “Women of Courage” group intervention took ownership of their legal journeys and developed necessary skills for court, as well as having made the significant link between the personal and the political. The women realised that sexual assault was not merely a personal issue, but also an important political and community concern (Heath, 2005; Herman, 2005). Participants gained awareness of the gendered nature of violence against women (Boyd, 2011) and became empowered by standing together as sisters in solidarity. As outlined in in-depth interviews with group participants documented in Chapter 8, each participant described an enhanced sense of empowerment, resilience and inner strength as a result of having learnt important skills in effective communication for the legal journey throughout the eight sessions of the “Women of Courage” pilot program.

The findings of the current study adds to and extends the literature on sexual assault and the legal system. A study of survivor-focused responses and reforms to criminal court practice entailed interviews with 81 key stakeholders across each Australian State and Territory (Bluett-Boyd and Fileborn, 2014). The study found that a disjuncture continues to exist between reforms as they are developed, and as they occur in everyday practice. Each of the stakeholders who participated in this study nominated various factors that hindered implementation of legislative reforms, including lack of awareness of reforms, unwillingness by legal actors to enforce reforms and continued lack of understanding about the dynamics of sexual violence. Bluett-Boyd and Fileborn (2014) argue that justice must not simply be defined by the outcome of a case in court, but also by survivors’ experiences of the legal process itself. The authors state that survivors’ justice requirements must always include the right to be believed and validated, as well as the right for accurate information, choice and respect, and for legal staff to be thoroughly informed about legal reforms and the rights and needs of survivors. Hence, the current study educated and empowered survivors through the provision of enhanced communication skills, as well as by bringing awareness to participants’ rights in court.
9.2.4 Reducing social isolation

As documented in the review of the literature in Chapter 2, survivors of sexual assault typically experience various stresses during the legal journey, including feelings of isolation and lack of support (Lievore, 2004; Maier, 2008; Parkinson, 2010; Taylor, 2004). Participants of the current study corroborated these findings, which have been outlined in Chapter 5, Chapter 6 and Chapter 8, with participants describing the effects of social isolation as feeling powerless, alone and unsupported on the legal journey, as well as feeling blamed for the violence they had suffered. One in-depth interview participant of the current study stated in Chapter 5 that the legal process had been as painful as the sexual violence itself, and that social and emotional isolation had been one of the most difficult aspects of the legal process for her. Participants of the current study discussed the high personal cost of taking legal action and described the effects of sexual violence as having been “lonely,” “humiliating,” “isolating,” and “heartbreaking.” The negative effects of the lack of support participants experienced meant that many of the women who took part in this study became emotionally destabilised and psychologically unwell during their legal journeys, with the participants requiring intensive support from counsellors and other professionals, due to a lack of support from family and friends. As described in Chapter 5, some participants became so unwell they were unable to attend work, resulting in further isolation as well as loss of income. The eight-week “Women of Courage” program directly addressed the issue of social isolation through the provision of emotional and social support from the other participants and facilitators, as well as through the additional assistance of long-term engagement with one-on-one counsellors. This was hoped to ameliorate the issue of social isolation described in the review of the literature in Chapter 2 of this study. Further, the benefit of this program being run at a local Sexual Assault Service supported this objective.

9.2.5 The issue of familiarity between offenders and survivors

Stubbs (2003) argues that one of the difficulties survivors face when they decide to take legal action continues to be the fact that convictions remain highly correlated
with the survivor and offender being strangers, and negatively correlated with a prior relationship between survivors and offenders. Given that the majority of survivors are sexually assaulted by someone known to them, this issue continues to be of concern for most survivors who make the decision to take legal action (Australian Bureau of Statistics, 2012; Easteal and Ormond-Plummer, 2006; Lievore, 2003). The issue of familiarity between offenders and participants was a much-discussed concern for the women in the current study. Each of the in-depth interview and group intervention participants knew their offender well. Offenders were participant survivors’ fathers, stepfathers, uncles, brothers, brothers-in-law, cousins, former boyfriends and husbands, neighbours, teachers and employers. Further, because of the issue of familiarity between survivors and offenders, each of the participants of this study disclosed experiences of having been disbelieved and blamed by important family members and friends for taking legal action. Family members and friends pressured participants of this study to drop the charges or otherwise discontinue with the legal process. The experience of being judged and blamed for taking legal action, as well as not being supported by important family members and friends was one that made the legal process a painful journey for participants of this study. The “Women of Courage” program provided strategies to ameliorate negative judgments by those close to participants, as well as assisting them throughout their experiences of having been unfairly treated and blamed for choosing to take legal action. In Chapter 8, the women described the benefits of finding recognition and encouragement from the other group members and expressed having learnt to trust and accept one another. The women also described the beneficial effect of having received consistent support and encouragement regarding their choice of taking legal action in relation to sexual violence. As Herman (2003) argues, continued therapeutic and emotional support is key to survivors’ wellbeing and mental health during the legal journey.

9.2.6 Preparation for giving evidence in court

Chapter 5 documented survivors’ experiences of giving evidence in court, with each of the nine in-depth interview participants disclosing having been inadequately prepared for the distress, pain and humiliation of the cross-
examination process. Each interview participant agreed that cross-examination had been extremely traumatic and stressful.

Research on sexual assault and the legal system has found that Australian court preparation practices fail to prepare survivors for the limitations that severely limit survivors’ evidence, nor do they prepare survivors for the victim-blaming types of questions they will be faced with (Taylor, 2004). Cross-examination has been referred to as a “trial by ordeal” and the defence has been described as routinely attacking survivors' characters so as to damage their credibility in the eyes of the jury, causing fear, anger and emotional trauma to survivors of sexual violence at trial (Taylor, 2004). Kennedy and Easteal (2010) use the metaphor of a boxing match to describe the cross-examination process, which has been found to cause extremely painful emotional states and responses in survivors of sexual violence, including fear, powerlessness and helplessness.

One of the main intentions of the Evidence Act 1991 (NSW) has been to give increased protection to complainants during court proceedings. For example, Section 41 of the Evidence Act 1991 (NSW) states that witnesses must not be subjected to cross-examination that is intimidating, harassing and offensive. However, research and the current study have found that these tactics continue to be regularly used by defence lawyers representing the accused person in sexual assault trials. As discussed in Chapter 5 and Chapter 6, survivors and key stakeholders reported that survivors were still regularly harassed and humiliated by the defence, as well as being hindered from being able to tell their story truthfully and fully when they appeared as witnesses in court. Chapter 5 and Chapter 6 documented survivors’ experiences of having been inadequately prepared for these tactics.

In response to these findings, the eight-week “Women of Courage” pilot court preparation and support program aimed to provide specific skills for coping with the process of cross-examination, including psycho-education and evidence-based resilience-enhancing skills and strategies such as mindfulness, emotion regulation and distress tolerance, as well as skills in clear and effective communication. Tips
for staying calm and composed during cross-examination were rehearsed during each of the eight group sessions. These have been described in Chapter 8 and were of vital importance for survivors to be equipped to deal effectively with the most challenging aspect of the legal process. The provision of thorough and realistic court preparation throughout the “Women of Courage” program assisted in preparing survivors to give effective evidence during the cross-examination process.

As evident in the review of the literature documented in Chapter 2 of the current study, survivors of sexual violence have been found to receive insufficient or inadequate court preparation in Australia and the U.K. (Lievore, 2005; Ellison, 2007; Solomon, 2010). In contrast, U.S. prosecutors and court preparation specialists typically meet several times with survivors prior to having to appear in court, with the explicit purpose of preparing survivors to be confident witnesses and assisting them to give their best evidence in court (Ellison, 2007; Konradi, 2007; Lewis, 2005; Boccaccini, 2002). U.S. court preparation aims to reduce the stress of cross-examination by bringing survivors’ attention to the various tactics used by the defence, as well as providing survivors with practical guidance and strategies for managing their emotions during the process of cross-examination. However, Konradi (2007) claims that this type of court preparation is still inconsistently applied, with many participant survivors arguing that what they received was “too little too late.”

While the eight-week “Women of Courage” pilot court preparation and support program did not attempt to replicate U.S. court preparation practices, its intention was to provide accurate and comprehensive court preparation for participant survivors. A particular aim was to provide psycho-education on all aspects of the legal process, including the challenges of giving evidence during cross-examination. Another aim was to provide relevant evidence-based resilience-enhancing skills and strategies, allowing participants to remain resilient and composed while in court, and assisting them through the provision of long-term social and emotional support. This process is outlined in Chapter 7 and Chapter 8 of this study. The “Women of Courage” court preparation program aimed to
ameliorate participants’ court-related fears, and to assist survivors to develop a support network for appearances in court. It also aimed to help survivors acquire the skills required to testify as confidently and fully as possible when they appear as witnesses in court. The practice of thoroughly familiarising survivors with defence tactics was anticipated to allow survivors to respond with increased confidence and resilience when testifying in court, assisting survivors to learn the strategies required to become competent witnesses able to participate fully in the legal process.

9.2.7 The provision of social and emotional support

Finally, a strong support network allowed participant survivors to be supported throughout their legal journeys, as well as during the most stressful aspect of giving evidence in court.

Lievore’s (2005) Australian research involving in-depth, qualitative interviews with 30 women survivors found that 83 per cent of participants claimed they received inadequate information, support and court preparation. The current study aimed to assist participant survivors to build strong social and emotional networks of support, including support from the group facilitators, other participant survivors and appropriate key stakeholders. Each of the eight sessions provided a safe place to build strong networks of support. As outlined in Chapter 8, each of the group participants who completed the group program described the benefits of the social and emotional support they had gained through attending the eight-week “Women of Courage” program, resulting in increased self-reported resilience, confidence and psychological well-being.

Participants of the group intervention claimed that participation in the legal process was an important aspect of their recovery, despite the many challenges they had to face along the way. The decision to take legal action was seen by each of the intervention participants as having been a necessary ordeal that would ultimately aid their healing process. During interviews, participants disclosed they would not have coped as well without the social and emotional support of the
The current study aimed to assist those vulnerable survivors who require additional social and emotional support while navigating the legal journey. As documented in Chapter 5 and Chapter 8 of the current study, many survivors do not have a support network and may be too traumatised to deal assertively with the legal system without the assistance of comprehensive court preparation and support programs. Adequate social and emotional support may be seen as an important factor ensuring survivors of sexual assault are being equitably equipped and supported to participate fully in the legal process. The “Women of Courage” program was designed with the aim of assisting participants to acquire the practical skills and emotional resilience required throughout the legal journey, as well as ensuring longer-term support, during the delivery of the group program and beyond through the provision of ongoing one-on-one counselling after the conclusion of the group intervention.

9.2.8 Development of relevant skills and strategies

As outlined in Chapter 8, the “Women of Courage” program was developed and delivered in an easy-to-comprehend language and style, with sufficient time for participants to become familiar with the legal journey, including a total of 16 hours of psycho-education and skills development, as well as the provision of a 21-page manual covering every aspect of the legal process. A copy of the participant manual is located in Appendix 14. Participants were able to refer to the manual in the weeks and months ahead, allowing them to maintain the gains made during the intervention. The eight-week “Women of Courage” intervention was designed using simple language and strategies and included a combination of verbal, audio-visual, creative and written psycho-education in order to maximise participants’ learning opportunities, as well as taking into consideration participants’ different styles of learning.

The “Women of Courage” program also assisted participants in the development of evidence-based resilience-enhancing skills and strategies that have been outlined in Chapter 7 and Chapter 8 of the current study. These included mindfulness skills,
which assisted participants in regulating some of their painful emotional states occurring during survivors’ legal journeys.

Emotion regulation and distress tolerance skills and strategies have been found to assist survivors in their recovery from traumatic events (Linehan, 1998). Chapter 8 documented some of the evidence-based emotion regulation and distress tolerance activities taught during the “Women of Courage” program. These included weekly exercises and strategies involving self-care such as journaling, letter writing, art therapy, positive affirmations, poetry, music and craft. The use of creative activities has been found to be effective in reconnecting cognition and counteracting the rigidity of traumatic reactions in survivors of trauma (Huss et al., 2012; MacIntosh, 2003; Orr, 2013). The “Women of Courage” program incorporated weekly evidence-based distress tolerance and emotion regulation activities, in order to ameliorate the effects of the secondary victimisation so frequently experienced during the legal journey. Emotion regulation and distress tolerance were promoted through a range of structured activities, assisting group participants to manage painful emotions through the use of creativity and self-soothing, allowing enhanced coping skills.

9.2.9 Rationale for group court preparation

Research documented in Chapter 2 found that the opportunity to connect with similar others in a safe and caring environment may be an important step in participants’ healing and recovery (Clemans, 2005; Foy, Eriksson and Trice, 2001; Gorey, Richter and Snider, 2001). In-depth interviews with participants and facilitators documented in Chapter 8 found that the eight-week “Women of Courage” interventions assisted participants in discovering new ways of helping themselves and one another. Since the experience of trauma has been found to be one of isolation, group support allowed survivors to experience recovery through the development of new and supportive networks (Herman, 1992). During the group process, participants exchanged stories and provided care and kindness towards one another, finding a new and stronger identity in the process of attending the “Women of Courage” intervention.
The "Women of Courage" pilot group court preparation program was designed to offer a time- and cost-effective way of preparing survivors to participate as fully and confidently as possible in the legal system, and to reduce trauma-related symptoms such as alienation and experiences of isolation. The opportunity for weekly formal and informal discussion intended to allow participant survivors to feel less isolated and to reduce feelings of stigmatisation through the opportunity to connect with other “normal” women who had also experienced sexual assault. During evaluation interviews documented in Chapter 8, the women described the benefits of connecting with the other group participants and described having learnt to trust one another during the eight-week group process. Each participant reported having felt very alone when they first came to the group. By participating in the group intervention, they realised they were not alone and they reported having gained strength through supporting one another. The opportunity to connect with one another in a safe and emotionally supportive environment signified an important step towards participants’ healing and empowerment.

9.2.10 Enhanced resilience

The current study identified a number of themes that were found to enhance participants’ resilience and inner strength. Resilience has been defined in this study as a woman’s capacity to find ways of resisting, adapting and strengthening herself following an experience of harm. Chapter 5 documented the theme of participant resilience and revealed the numerous ways in which interview participants showed inner strength and determination in the face of the many difficulties they encountered during the legal process. Themes of resilience and inner strength documented in Chapter 5 included participants receiving formal and informal support, positive experiences with key service providers and individual coping strategies that assisted survivors during the legal process. Further, Chapter 5 documented the finding that participant resilience was enhanced through the theme of survivor altruism, with each of the nine interview participants expressing the desire to assist other survivors through sharing their stories, advice and insights for the benefit of survivors taking legal action in the future.
Chapter 8 documented the week-by-week steps of the "Women of Courage" intervention, which allowed group participants to develop resilience and inner strength, through the provision of formal and informal support and education, as well as through participants being given the opportunity to demonstrate altruism and consistent caring towards one another. The women offered kindness and support to one another and encouraged each other on their journeys towards healing and recovery. The emotional support participants offered one another allowed the women to discover important inner resources and strengths, with participants displaying spontaneous acts of altruism, including giving each other small gifts, meeting up for coffee, providing words of encouragement and sending each other caring or humorous text messages. The desire to help others was expressed by each of the in-depth interview and group intervention participants and was an unexpected positive finding of this study. Interview and group participants explained that helping others allowed them to make meaning of their own painful experiences, as well as assisting them to feel stronger and more resilient.

9.2.11 Intervention research

As described in Chapter 3 and Chapter 4, the current study made use of an intervention research methodology, through the development of an intervention aimed at assisting survivors through the design and provision of a comprehensive group court support and preparation intervention. The intervention was based on the lived knowledge of survivors with recent experience of the legal system outlined in Chapter 5, with participants having generously shared insight, support and advice with other women taking legal action, thus contributing to the improvement of group participants’ health outcomes and resilience. In-depth interviews and focus groups documented in Chapter 5 and Chapter 6 allowed a thorough understanding of the needs of survivors of sexual assault engaged in the legal process, and assisted in the development, facilitation and evaluation of a holistic and comprehensive court preparation and support intervention, "Women of Courage". The group intervention was designed to reduce risk by ameliorating
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participant vulnerability, and to improve participant resilience. See Appendix 13 for a complete outline of the pilot program.

According to Reinke, Herman, Stormont, Brooks and Darney (2010), successful interventions entail cooperative partnerships between agencies and researchers, ensuring agencies receive sufficient knowledge, training, support and resources. The pilot program involved a collaborative effort between community members, key stakeholders, program facilitators, the researcher and supervising researchers in all facets of project development, delivery and evaluation. Intervention research has been found to be particularly successful when working with marginalised communities, contributing to improved outcomes in participants’ health and well-being, as well as ameliorating the social inequities experienced by survivors of sexual assault when they navigate the legal system (Fraser, 2009; Israel et al., 1998; Rothman and Thomas, 1994). This intervention research project identified and developed new ways of bringing about change and empowerment for vulnerable survivors by developing thorough and comprehensive court preparation practices, as outlined in Chapter 7 and Chapter 8.

9.2.12 Feminist group work

The feminist group work model of the “Women of Courage” program brought a strong commitment to egalitarian relationships of support, care and mutual respect, as well as having developed a curative counter-culture, instilling hope and providing new bonds, and promoted social and emotional support through participant altruism (Black, 2003; Herman, 1992; Hyde 2013). As discussed in Chapter 8, the weekly psycho-educational segment of the program challenged structural and societal barriers, including the victim blaming, disbelieving, and minimising attitudes that continue to pervade society in general and the adversarial justice system in particular. A feminist approach to group work allowed participant survivors to understand and examine negative societal attitudes to women, and directly confronted issues of inequality, including the injustice of violence against women (Gorey et al., 2002; Larcombe, 2002; Lievore, 2004). Feminist group work encouraged participants to examine and recognise
gender as a part of a socio-political context that continues to experience a high prevalence of sexual assault against women (Tseris 2013; Wall and Quadara, 2014). A feminist group work model brought awareness to the social microcosm that includes those cultural values that are at the roots of gender discrimination and violence against women (Herman, 1992). This feminist group work program promoted the development of skills that allowed participants to stand up against sexual violence, and encouraged participants to place the blame with those who perpetrate sexual assault, rather than with themselves. A feminist group work model empowered participants to acquire attitudes of survival, courage and active resistance, and helped the women to build on inner strengths and resources they could rely on in the future, as well as to develop strong networks of social and emotional support.

9.3 Strengths and limitations

Care was taken to minimise the limitations of this research project. However, there are a number of limitations that must be noted. This study’s focus has been on the needs and experiences of women survivors aged 18 years and over. While this qualitative research project involved women from a diverse range of ages, backgrounds, races and ethnicities, the voices of children, young people and men who have experienced sexual violence are missing from this study. Other limitations include the confines of qualitative research, the issue of participant attrition from the group intervention, problems regarding group programs for traumatised client groups and the issue of in-group challenges.

Strengths of this study include the use of a feminist qualitative research method, which allowed this study to shape and inform all aspects of this research project, including in-depth interviews, focus groups and the “Women of Courage” intervention. A feminist perspective to interviewing acknowledged and honoured participants as the experts in their own lives (Patton, 2002), bringing an egalitarian perspective to each of the various processes of this study. Honouring women’s voices and wisdom was essential to this research project, which strongly valued the knowing and expertise of women who choose to take legal action in response to sexual violence, as well as their key service providers. In-depth interviews, focus groups and the group intervention involving a total of 38 women
provided rich and detailed information, and the process of learning from female participants was seen to redress traditional research methods that tended to ignore women’s voices and ideas. A perceived strength of this study was therefore seen to be its qualitative, collaborative and feminist research approach, which allowed the researcher to bring respect and understanding to women participants’ lived experience. Another perceived strength of this court preparation program was seen to be its cost-neutrality, which would allow for it to be implemented across various services in the future.

A limitation of qualitative research methods is that the results are not generalisable. Since this study consisted of a relatively small number of participants, this is seen to be a limitation of this research project. However, the rich detail gathered from the 38 participants allowed the provision of insight into the needs and experiences of women navigating the legal process and formed the basis of an intervention aimed at supporting women through the legal process.

As discussed in previous chapters, while group court preparation was seen to be a time- and cost-effective way of preparing survivors to participate more fully and confidently in the legal process, as well as reducing shame, stigma and trauma-related symptoms including alienation and isolation, some survivors of sexual assault may find it difficult to participate in group programs. This may be due to some women not being interested in participating in groups, common interpersonal relationship difficulties arising as a result of the traumatic nature of sexual assault, or they may be related to survivors’ mental health and/or substance use, making it problematic for some traumatised survivors to engage in a group process. Court preparation programs must therefore remain flexible and adaptable and must always attempt to fit survivors’ unique and individual requirements. An adaptable combination of individual and/or group court preparation may ensure all survivors wishing to take legal action have access to individualised and effective court preparation practices.

As discussed previously, there are strengths and limitations to women-only programs and interventions. Since the majority of survivors of sexual violence are
women who have been sexually assaulted by men, interviews and focus groups were conducted with female participants only. Further, the group intervention was made available to women only, allowing participants to feel safe and supported by their sister survivors. Women shared stories, tears and laughter and became stronger in the process of attending the eight-week group program. The women developed attitudes of trust, altruism and generosity and assisted one another through the ups and downs of navigating the legal journey. However, one of the limitations of this program is that it was not made available to children, young people and men who may also have benefitted from a group court preparation program. Since children, young people and men also experience sexual violence, this program may be adapted to fit the needs of each of these groups, thus ensuring all survivors choosing to take legal action will have access to comprehensive and holistic court preparation and support.

As discussed in Chapter 8, attrition refers to group members dropping out early from a group program. Attrition from the group intervention was another limitation of the “Women of Courage” program. Of the six participants who initially began attending the group intervention, only three completed the program. A dropout rate of 50 per cent is not unusual in traumatised client groups. According to Jacobs et al. (2002), attrition rates for survivors of sexual violence are particularly high, and attrition was an issue during the “Women of Courage” pilot program. It is imperative to consider the problem of attrition and retention of group members for traumatised groups. A recommendation for future programs may be to recruit more participants than needed to ensure successful group dynamics, since dropout is to be expected in this population, as well as due to unforeseen legal changes that may occur while participants are navigating the legal process. Making available one-on-one counselling for group members who discontinue the program may be one way of addressing the needs of those participants who drop out of the group intervention. However, the benefits of attrition in this study was the resulting close-knit supportive group atmosphere.

Care was taken to apply rigour to the qualitative research methods employed in each of the various stages of this study. However, there are well-known limitations
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to qualitative approaches to research, such as the small sample size of this study, which included a total of 38 participants.

Further, Chapter 8 outlined the various difficulties that arose during the process of conducting this group program. As previously described, there were several unforeseen in-group challenges that had to be dealt with promptly and with sensitivity by the group facilitators and the researcher. These included participants’ substance use, problems regarding dominant and disruptive group members and the issue of participant suicidal ideation. The opportunity for the researcher and the group facilitators to debrief and problem-solve collaboratively throughout the group program was seen as vitally important and allowed these challenges to be effectively managed.

9.4 Recommendations

There are several recommendations that may assist survivors of sexual assault to experience greater equity, support and understanding as they traverse the legal system after sexual assault. Recommendations include the need for legal reforms to be more consistently implemented, with the provision of ongoing education of key stakeholders focusing on understanding the dynamics, prevalence and effects of sexual assault. Comprehensive court preparation practices and consistent long-term support for survivors of sexual assault choosing to take legal action must be consistently available and implemented. Court preparation programs must be delivered flexibly to suit individual survivors’ needs, with both individual and group programs being made available.

One of the main strengths of this group intervention is the fact that it is cost-neutral, and it can be delivered at Sexual Assault Services during their normal working hours. A recommendation for future research is that this may program to be delivered across several different Sexual Assault Services, using qualitative and quantitative evaluation methods. Finally, comprehensive, holistic and evidence-based court preparation programs must also be made available for children, young people and men. In future, this court preparation program may be adapted and
made available for the benefit of each of these groups. In future, this program may also be adapted to include survivors of intimate partner- and domestic violence.

9.5 Conclusion

This chapter discussed the findings of this study and made recommendations for holistic court preparation for survivors who decide to take legal action in relation to sexual assault. This research project included the design, development, delivery and evaluation of a comprehensive court preparation intervention. The group intervention included the provision of thorough psycho-education regarding the various stages of the legal process, as well as having delivered evidence-based resilience-enhancing strategies and long-term social and emotional support for survivors throughout the legal journey. This chapter has outlined the strengths and limitations of this study, as well as having made recommendations for future research and improved court practices that may provide consistent and empathic assistance to survivors taking legal action in relation to sexual violence.

The “Women of Courage” program was developed in response to the findings of the review of the literature, as well as in response to in-depth interviews with survivors and focus groups with key service providers, which found that survivors are typically insufficiently prepared and supported when they decide to take legal action in relation to sexual violence.

Evaluation of the intervention indicated that participants felt empowered by the “Women of Courage” program, with group members stating they had been assisted to develop important practical skills, inner resources and strengths preparing them for the legal process, as well as having benefitted from long-term social and emotional support from peers and counsellors along their legal journeys.

This study signifies a single step towards the provision of enhanced support for survivors taking legal action in relation to sexual assault, with the intended aim of encouraging and empowering survivors through comprehensive psycho-education
and holistic, evidence-based skills and strategies, and through the provision of long-term emotional and social support.
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Appendix 1

Information Statement (Focus Groups)

From Assault To Verdict: Court Preparation for Survivors of Sexual Assault

Dr. Debbie Plath, Dr. Melanie Boursnell, Dr. Deb Loxton, Martina Zangger

You are invited to participate in a research project being conducted by Dr. Debbie Plath from the School of Humanities and Social Sciences at the University of Newcastle. The research is part of Martina Zangger’s PhD studies at the University of Newcastle.

Why is the research being done?

The purpose of this research is to gather information through a focus group with key service providers working with survivors of sexual assault who are wishing to take legal action. The aim of this research is to understand the needs of survivors of sexual assault when they take legal action.

Who can participate in the research?

We are seeking key service providers such as prosecutors and witness assistants of the DPP, police involved in the prosecution of sexual assault and sexual assault counsellors to participate in this research project.

What choice do you have?

Participation in this research is entirely your choice. Only those people who give their informed consent will be included in the project. Whether or not you decide to participate, your decision will not disadvantage you. If you do decide to participate, you may withdraw from the project at any time without giving a reason.
**What would you be asked to do?**

If you agree to participate, you will be asked to attend a one-off focus group. The focus group will be conducted by Martina Zangger, a social worker and victims of crime counsellor currently undergoing PhD studies at the University of Newcastle.

**How much time will it take?**

The focus group will be of 1½ to 2 hours duration and will be held at University House, King Street, Newcastle.

**What are the risks and benefits of participating?**

There will be no benefit to you in participating in this research.

**How will your privacy be protected?**

Any information collected by the researchers that might identify you will be stored securely and will only be able to be accessed by the researchers unless you consent otherwise, except as required by law. Data will be retained at the University of Newcastle for seven years and a copy of the data used for analysis will be held at the University of Newcastle. Confidentiality will be ensured through the use of pseudonyms. Focus group participants are requested to maintain confidentiality of the group discussion.

**How will the information collected be used?**

The data will be reported in a thesis to be submitted for Martina Zangger's PhD degree. Individual participants will not be identified in any reports arising from the project. A summary of the results will be made available to you upon request.

**What do you need to do to participate?**
Please read this Information Statement and be sure you understand its contents before you consent to participate. If there is anything you do not understand, or you have questions, contact the researcher.

If you would like to participate or receive further information, please contact Martina Zangger on 0428 976 054, or attend the focus group meeting to be held at University House, King Street, Newcastle on______.

Thank you for considering this invitation.

Signature:

Name: Dr. Debbie Plath

Position: Chief Investigator

Signature:

Name: Martina Zangger

Position: Student Researcher

Corrections about this research

This project has been approved by the University's Human Research Ethics Committee. Reference number: 14/05/21/4.05. NSW HREC reference number: HREC/14/HNE170.

Should you have concerns about your rights as a participant in this research, or you have a complaint about the manner in which the research is conducted, it may be given to the researcher, or, if an independent person is preferred, to the Human Research Ethics Officer, Research Office, The Chancellery, The University of Newcastle, University Drive, Callaghan NSW 2308, Australia, telephone (02) 4921 6333, email Human-Ethics@newcastle.edu.au.
Appendix 2

Information Statement (In-depth Interviews)

From Assault To Verdict: Court Preparation for Survivors of Sexual Assault

You are invited to take part in a research project on sexual assault and the legal system.

Why is the research being done?

To find out about women's experiences of going to court after a sexual assault, and to find out what could make the court process better for survivors of sexual assault.

Who can take part in the research?

If you are a woman over 18 years old and have been to court about a sexual assault, you are invited to take part in this research.

What choice do you have?

Taking part in this research is entirely your choice. Only those people who give written consent will be included in the project. Whether or not you decide to take part, your decision will not disadvantage you in any way. Also, you may change your mind at any time without giving a reason.

What would you be asked to do?

This research involves being interviewed by Martina Zangger, who will ask you questions about your experience of going to court after a sexual assault. Everything you say in the interview is completely confidential. The information you give will be used for a PhD thesis and in academic journals.
How much time will it take?

The interview will take about one hour and will be held at a venue of your choice, or by phone.

What are the risks and benefits of participating?

There will be no direct benefit to you in taking part in this research. Taking part in this research will give you the chance to help other survivors wanting to take legal action after a sexual assault. There is a risk that talking about your experiences might cause you discomfort. If this happens, you have the right to stop the interview at any time. You will also be able to have free counselling if you need support after the interview.

How will your privacy be protected?

Any information you give will be completely confidential. Anything you say will be stored securely and will only be able to be seen by the researchers unless you consent otherwise, except as required by law. You can also choose to use a pseudonym to protect your privacy (a name of your choice).

What do you need to do to participate?

If you would like to take part, or you have any questions, contact Martina Zangger on 0428 976 054.

Thank you for considering this invitation.

Signature:

Name: Dr. Debbie Plath

Position: Chief Investigator

Signature:
Name: Martina Zangger

Position: Student Researcher

**Complaints about this research**

This project has been approved by the University's Human Research Ethics Committee. Reference number: 14/05/21/4.05. NSW HREC reference number: HREC/14/HNE170.

If you have concerns about your rights as a participant in this research, or you have a complaint about the manner in which the research is conducted, you can contact the researcher, or an independent person, the Human Research Ethics Officer, Research Office, The Chancellery, The University of Newcastle, University Drive, Callaghan NSW 2308, Australia, telephone (02) 4921 6333, email Human-Ethics@newcastle.edu.au.
Appendix 3

Consent Form Focus Group

From Assault To Verdict: Court Preparation for Survivors of Sexual Assault

Dr. Debbie Plath, Dr. Melanie Boursnell, Dr. Deb Loxton, Martina Zangger

Document Version 1; 1st September 2011

I agree to participate in the above research project and give my consent freely.

I understand that the project will be conducted as described in the Information Statement, a copy of which I have retained.

I understand I can withdraw from the project at any time and do not have to give any reason for withdrawing.

I consent to attend a focus group of 1½ to 2 hours duration at University House, King Street, Newcastle.

I understand that my personal information will remain confidential to the researchers, except as required by law. I have had the opportunity to have questions answered to my satisfaction.

Print Name: ____________________________________________________________

Signature: ___________________________ Date: _________________________

Witness: (Print Name): _________________________________________________

Witness Signature: ___________________________ Date: _________________________
Appendix 4

Consent Form Interviews

Consent Form for the Research Project

From Assault To Verdict: Court Preparation for Survivors of Sexual Assault

Document Version 1; 1st September 2011

I agree to take part in this research and give my consent freely.

I have read and understand the Information Statement.

I understand I can change my mind any time, and do not have to give any reason for this.

I consent to attend an interview of 1 to 1½ hours duration in a place of my choosing.

I understand that my personal information will be confidential to the researchers, except as required by law. I have been able to have questions about this research.

Print Name: ________________________________

Signature: ______________________ Date: ________________

Witness: (Print Name): ________________________________

Witness Signature: ______________________ Date: ________________
Appendix 5

Focus Group/Interview Schedule

Focus group schedule

The focus group will invite key stakeholders to comment on their views of the needs of survivors wishing to take legal action, by asking some of the following open-ended questions:

- What are the needs of survivors of sexual assault during the legal process?
- Are survivors adequately supported when they decide to take legal action?
- What can be done to better assist survivors during this process?
- What changes need to occur to assist survivors to give their best evidence in court?
- What are some of the gaps in current court preparation programs and practices?

In-depth interview schedule

In-depth interviews with survivors of sexual assault who have completed the court process will ask some of the following open-ended questions:

- Could you please describe your experience of the legal system?
- What were some of the things you found helpful during this process?
- Who supported you during this time? (Friends/family/professional help/police/DPP)
- Did you receive the information and support you needed?
- What else would have helped you?
- What do you wish you had known prior to embarking on the legal process?
- What was the outcome of your case in court? How did you feel about this?
- Would you make the decision to report again?
- What advice would you give others taking legal action about a sexual assault?
Appendix 6

Information Statement 1

“Women of Courage”

Pilot Court Preparation and Support Group for Survivors of Sexual Assault

Martina Zangger, A/Prof. Deb Loxton, Dr. Colin James and Dr. Jane Rich

Invitation:

You are invited to take part in a research project being conducted by Martina Zangger from the School of Public Health and Medicine at the University of Newcastle. The research is part of Martina Zangger's PhD studies at the University of Newcastle.

Why is the research being done?

The “Women of Courage” program aims to assist women to become confident witnesses in court, and to provide a support network for women who are involved in the legal process after sexual assault.

Who can participate in the research?

If you are a woman over 18 years old and are taking legal action about a sexual assault, you are invited to take part in the “Women of Courage” court preparation and support program.

What choice do you have?

Taking part in this research is entirely your choice. Only those people who give written consent will be included in the project. Whether or not you decide to take
part, your decision will not disadvantage you in any way. Also, you may change your mind at any time without giving a reason.

**What would you be asked to do?**

If you agree to participate, you will be asked to attend eight two-hour “Women of Courage” court preparation and support sessions, which will be held over an eight-week period.

You will also be asked to attend a brief interview at the beginning and at the end of the program. The first interview will ask you about what you would like to learn about the legal process and the second interview will ask you about your experience of the “Women of Courage” program.

The interviews will be conducted by Martina Zangger, a social worker involved in PhD studies at the University of Newcastle.

**How much time will it take?**

The “Women of Courage” program will be held over a period of eight weeks, and will be held at the Newcastle Sexual Assault Service.

The two interviews will take 15 to 30 minutes. Everything you say in the group and interviews is completely confidential.

**What are the risks and benefits of participating?**

Taking part in the “Women of Courage” program will help you learn important skills to be an effective witness in court, and help you connect with other survivors who are also taking legal action about a sexual assault.

There is a risk that talking about your experiences might cause you discomfort. However, you do not have to talk about the trauma you have experienced at any stage. You also have the right to stop the group program and the interviews at any
time. You will be able to continue to have free counselling with your usual counsellor at the Newcastle Sexual Assault Service if you need further support at any time.

**How will your privacy be protected?**

Any information you give will be completely confidential. Anything you say will be stored securely and will only be able to be seen by the researcher, unless you consent otherwise, except as required by law. You can also choose to use a pseudonym (a name of your choice) to protect your privacy.

**How will the information collected be used?**

The information will be reported in a thesis to be submitted for Martina Zangger’s PhD degree. Individual participants will not be identified and a summary of the results will be made available to you upon request.

**What do you need to do to participate?**

If you would like to participate or receive further information, please contact Martina Zangger on **0428 976 054**, or talk to your counsellor at Newcastle Sexual Assault Service.

Please read this Information Statement and be sure you understand its contents before you consent to participate. If there is anything you do not understand, or you have questions, contact the researcher.

Thank you for considering this invitation.

Signature:

Name: Martina Zangger

Position: Chief Investigator/Student Researcher
Ph. 0428 976 054

Name: Dr. Deb Loxton

Position: Investigating Supervisor

Ph. (02) 4042 0000

**Complaints about this research**

This project has been approved by the University's Human Research Ethics Committee. Reference number: 14/05/21/4.05. NSW HREC reference number: HREC/14/HNE170.

Should you have concerns about your rights as a participant in this research, or you have a complaint about the manner in which the research is conducted, it may be given to the researcher, or, if an independent person is preferred, to the Human Research Ethics Officer, Research Office, The Chancellery, The University of Newcastle, University Drive, Callaghan NSW 2308, Australia, telephone (02) 4921 6333, email Human-Ethics@newcastle.edu.au.
Appendix 7

Information Statement 2 (Facilitators)

“Women of Courage”

Pilot Court Preparation and Support Group for Survivors of Sexual Assault

Martina Zangger, A/Prof. Deb Loxton, Dr. Colin James and Dr. Jane Rich

Invitation:

You are invited to facilitate the “Women of Courage” group program. You are invited to play a vital part as program facilitator in this research project being conducted by Martina Zangger from the School of Public Health and Medicine at the University of Newcastle. The research is part of Martina Zangger’s PhD studies at the University of Newcastle.

Why is the research being done?

The “Women of Courage” program aims to assist women to become confident witnesses in court, and to provide a support network for women who are involved in the legal process.

Who can participate in the research?

You are invited to facilitate the “Women of Courage” court preparation and support program because you have the necessary skills and qualifications to do so.

What choice do you have?

Taking part in this research is entirely your choice. Only those people who give written consent will be included in the project. Whether or not you decide to take part, your decision will not disadvantage you in any way.
**What would you be asked to do?**

If you agree to participate, you will be asked to facilitate eight two-hour “Women of Courage” court preparation and support sessions, which will be held over an eight-week period.

You will also be asked to attend a brief interview at the end of the program. The interview will ask you about your views on the effectiveness of the “Women of Courage” program. The interview will be conducted by Martina Zangger, a social worker involved in PhD studies at the University of Newcastle.

**How much time will it take?**

The “Women of Courage” program will be held over a period of eight two-hour sessions, and will be held at the local Sexual Assault Service. The interview will take 15-30 minutes. Everything you say in the interviews is completely confidential.

**What are the risks and benefits of participating?**

Facilitating the “Women of Courage” program will allow you to teach important skills for participants to be effective witnesses in court, and to assist survivors to have improved self-care and resilience. You also have the right to stop the interview at any time. You will be able to access professional supervision if you need further support at any time throughout the eight weeks.

**How will your privacy be protected?**

Any information you give will be completely confidential. Anything you say will be stored securely and will only be able to be seen by the researcher, unless you consent otherwise, except as required by law. You can also choose to use a pseudonym (a name of your choice) to protect your privacy.

**How will the information collected be used?**
The data will be reported in a thesis to be submitted for Martina Zangger’s PhD degree. Individual participants will not be identified and a summary of the results will be made available to you upon request.

**What do you need to do to participate?**

If you would like to participate or receive further information, please contact Martina Zangger on 0428 976 054.

Please read this Information Statement and be sure you understand its contents before you consent to participate. If there is anything you do not understand, or you have questions, contact the researcher.

Thank you for considering this invitation.

Signature:

Name: Martina Zangger

Position: Chief Investigator/Student Researcher

Ph. 0428 976 054

Signature:

Name: Dr. Deb Loxton

Position: Investigating Supervisor

Ph. (02) 4042 0000

*Complaints about this research*
This project has been approved by the University's Human Research Ethics Committee. Reference number: 14/05/21/4.05. NSW HREC reference number: HREC/14/HNE170.

Should you have concerns about your rights as a participant in this research, or you have a complaint about the manner in which the research is conducted, it may be given to the researcher, or, if an independent person is preferred, to the Human Research Ethics Officer, Research Office, The Chancellery, The University of Newcastle, University Drive, Callaghan NSW 2308, Australia, telephone (02) 4921 6333, email Human-Ethics@newcastle.edu.au.
Appendix 8

Consent Form (Participants)

“Women of Courage” Group Program

Martina Zangger, A/Prof. Deb Loxton, Dr. Colin James, Dr. Jane Rich,

Document Version 1; 10th April, 2014

I agree to participate in the above research project and give my consent freely.

I understand that the project will be conducted as described in the Information Statement, of which I have retained a copy.

I understand I can withdraw from the program at any time and do not have to give any reason for withdrawing.

I consent to attend the eight-week “Women of Courage” court preparation and support program, as well as two interviews. I understand that my personal information will remain confidential to the researchers, except as required by law. I have had the opportunity to have questions answered to my satisfaction.

Print Name:  ____________________________________________

Signature: ____________________________ Date: ________________

Witness: (Print Name):  ____________________________________________

Witness Signature: ____________________________ Date: ________________
Appendix 9

Consent Form (Facilitators)

“Women of Courage” Group Program

Martina Zangger, A/Prof. Deb Loxton, Dr. Colin James and Dr. Jane Rich

Document Version 1; 10th April, 2014

I agree to participate in the above research project and give my consent freely.

I understand that the project will be conducted as described in the Information Statement, of which I have retained a copy.

I understand I can withdraw from the program at any time and do not have to give any reason for withdrawing.

I consent to facilitate the eight-week “Women of Courage” court preparation and support program, and to attend an interview at the conclusion of the program. I understand that my personal information will remain confidential to the researchers, except as required by law. I have had the opportunity to have questions answered to my satisfaction.

Print Name: ________________________________________________________________

Signature: ___________________________ Date: _________________________

Witness: (Print Name): ________________________________

Witness Signature: ___________________________ Date: ______________________
Appendix 10

Pre-Group Interview Schedule (Participants)

(To be conducted prior to the “Women of Courage” pilot group program)

- How do you feel about the legal process so far?
- What do you already do to look after yourself in times of stress?
- How resilient/strong are you currently feeling?
- What would you like to learn from attending the “Women of Courage” program?
- What else do you think you need to feel better prepared for the legal process?
- Any other comments?
Appendix 11

Post-Group Interview Schedule

(To be conducted at the conclusion of the “Women of Courage” group program)

• Do you feel this group has helped you gain knowledge and skills for the legal journey and for going to court?
• Are there any self-care strategies you learnt in the program that you found helpful?
• How resilient/strong are you feeling after the group program?
• Are there other skills and knowledge that you gained in the program that you found helpful?
• What would you change about the “Women of Courage” group program?
• Is there anything you didn't like about the program?
• Would you recommend this group to other women going through the legal system?
• Any other comments?
Appendix 12

Interview Schedule (Facilitators)

(To be conducted at the conclusion of the “Women of Courage” group program)

- Do you feel this group has helped participants gain knowledge and skills for going to court?
- What specifically do you think is effective about the “Women of Courage” program?
- Do you think the program is effective in increasing participants’ resilience?
- Is there anything you think is not effective about the “Women of Courage” program?
- What would you change about the “Women of Courage” group program?
- Would you recommend the “Women of Courage” program to other women going through the legal system?
- Any other comments?
Appendix 13

Women of Courage Group Support Program
(Facilitators Manual)
Women of Courage Group Support Program
“Women of Courage” Program Outline:

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“Women of Courage” Court Preparation and Support Program:

Introduction:

This eight-week pilot group court support and preparation program “Women of Courage” aims to provide a supportive learning environment for women survivors of sexual assault while they are in the process of taking legal action. The pilot program offers a setting in which participants feel safe and have the opportunity to learn relevant skills required while navigating the legal process, and an opportunity to create supportive connections with other women participants who are experiencing similar concerns with regards to their legal journeys.

This program offers a holistic approach to supporting women during the legal process, through the provision of easy-to-understand, practical information and relevant skills with regards to the court process itself (ECAV, 2002; Konradi, 2007; Taylor, 2004), and aims to provide resilience-enhancing skills including mindfulness training (Brach, 2003; Harris, 2007, 2009; Kabat-Zinn, 2003), distress tolerance and emotion regulation skills (Arden, 2009; Linehan, 1993; Want and Crew, 2003; Wehrenberg, 2012).

The court preparation program “Women of Courage” aims to recognise participants’ inner resources and strengths, with a commitment to empowering participants throughout each group session.

Each of the eight two-hour group sessions follows the same structure, allowing participants to feel safe and supported and optimising participant learning throughout the “Women of Courage” group program.
Week One: Getting to Know Each Other

And Knowing Your Rights

Exercise 1: Welcome and Introduction to the “Women of Courage” Group Program and to This Week’s Topic: (5 mins)

Facilitators welcome the participants to the group and explain:

“Welcome to the eight-week court preparation and support program ‘Women of Courage’. We are hoping to create a setting in which you will feel safe and have the opportunity to learn relevant skills while you are navigating the legal process, as well as having the opportunity to create supportive connections with other women who are experiencing similar concerns on their legal journeys.

“We applaud your courage in being here today and understand that it has certainly required a lot of bravery on your part.

“This program offers a holistic approach to supporting you during the legal process, by providing you with practical information and relevant skills about the court process, as well as by helping you develop the resilience you need to help you through this challenging journey.”

Participants are handed folders containing an outline of the aims and content of the eight group sessions, as well as relevant handouts and information on the legal process and on ways of enhancing resilience.

Facilitators explain: “Your folders are an important tool that will support you throughout this group program and on your legal journeys. You can refer to your folders in times of difficulty and you can write down your ideas on ways of coping in your folders. The folders are yours to keep and to bring to each of the eight group sessions.”
Exercise 1.1: Group Discussion: How Can We Make This a Safe Group? (15 mins)

Prior to commencement of collaboratively creating a Group Agreement, facilitators explain:

“It is important that we all feel safe during the next eight weeks while we attend this group, because safety will allow you to gain the most benefit from the ‘Women of Courage’ program (Anderson et al., 2006). How can we make this a safe group? Do you have any ideas?”

Participants are encouraged to contribute their thoughts and ideas about a “Women of Courage” Group Agreement. These may include:

- Respect for one another.
- Acceptance towards each other, including acceptance of differences.
- One person speaks at a time.
- What is said in the group stays in the group (confidentiality).
- Switch off mobile phones, as it is important that you take this time for yourself.
- Starting and finishing the group on time.
- You do not have to speak if you don’t want to.
- Let the group facilitators or our receptionist know if you can’t come to the group.
- It is OK to leave the room if you need a break at any stage, but please do not leave the building without letting one of the facilitators know, as we will be concerned about you.
- We encourage you to continue to attend counselling with your individual counsellors for extra support in between sessions.
The Group Agreement is documented by group leaders on the whiteboard, as well as by participants in their folders. When needed, the Group Agreement can be referred to as a reminder throughout each of the eight sessions.

**Exercise 2: Sharing Exercise: Photo Language: (20 mins)**

Photo Language is a projective technique that elicits rich verbal data. Participants choose an existing photograph as a metaphor and then discuss it in the group. This method is an innovative process that uses photographs as a means of communication so as to encourage and facilitate personal expression in small groups. The key is to use photographs that have been specially chosen for their aesthetic qualities as well as for their capacity to stimulate the imagination, memories and emotions, and their ability to challenge the viewer to thoughtful reflection. Each participant is encouraged to recognise the associations that spring up when they look at the picture, and to understand herself better by trying to put this inner sentiment into words and to communicate it to the group (Laidlaw, 2014).

Participants are invited to look at the photographs, not so as to analyse them, but to respond to them on an emotional level. The point here is not to “unpack” the pictures, but to respond intuitively and be moved inwardly by them.

This exercise allows participants to get to know something about each other in a safe way.

Facilitators explain: **“Pick two of the photos that have been laid out on the floor:**

- The first one represents the attitude of acceptance: Where I am now.
- The second one represents the attitude of hope: Where I would like to see myself in the future.

“Let’s go around in the circle and we will get you to each say your name and show us the two photos you have chosen, including what the photos mean to you.”
"You don’t have to share your photographs verbally if you do not feel comfortable doing so. Instead, feel free to just state your name and show us the two pictures you have chosen."

**Exercise 3: Mindfulness Exercise: (10 mins)**

**“Sensory Mindfulness”**

Facilitators explain:  "Each week in the coming eight weeks, we will be doing a mindfulness exercise. Mindfulness introduces us all to the practice of bringing awareness into the present moment. Mindfulness is a technique that has been used in the East and West for thousands of years in order to help calm the mind and reduce stress. It is a skill that we will be practising for a few minutes each week. Its aim is to help you connect with yourself and with the present moment, and to help you deal with challenging situations. We will get you now to make yourselves comfortable. You can stay sitting in your chair, or you can sit or lie down on the floor if you prefer.

“Bring your awareness to your body being in this room, right here and now, sitting in the chair or perhaps sitting or lying on the floor.

“Notice the things you see around you in this room and outside the window.

“Notice the things you hear inside this room and outside.

"You may want to close your eyes for a few moments if that’s comfortable for you.

"Notice your body on the chair or on the floor. What parts of your body are touching the chair or floor?

"Notice your feet on the floor and your shoes on your feet.

"Notice the touch of your clothes on your skin.

"Notice the flow of air touching your skin."
“Notice your body breathing in and out, your belly and chest rising with each in breath and your belly and chest falling again with each out breath, a bit like the gentle waves on the ocean.

“Can you feel the air entering and leaving your nostrils?

“Notice how you feel about being here today, participating in this group program. It’s often a bit scary to try something new. Praise yourself for the courage it has taken for you to be here today.

“Before we finish, take a few moments to reflect on why it’s important for you to be here today, with other courageous women who are travelling a similar journey.”

This mindfulness exercise is adapted from Giarratano (2004).

Exercise 4: Psycho-Education Regarding the Legal Process, Including Weekly Group Discussion:

4.1 Project Unbreakable: (15 mins)

Facilitators explain: “Today we are going to look at an inspiring clip called Project Unbreakable. It represents women’s experiences of sexual assault.”

http://www.youtube.com/watch?v=5YN_GQStLbM&feature=youtu.be

4.2 Charter of Victims Rights: (20 mins)

(Attorney General and Justice Victims Rights and Support Act, 2013):

Facilitators explain: “In this exercise, we will go through each of the rights victims of crime have been assured of in NSW. We’ll be discussing how these may help you on your legal journeys. Turn to Page 5 in your folders (see Appendix), and together, we will go through each of the rights victims of crime have been assured of in NSW.”
The group then discusses:

- What do these rights mean to you?
- What feelings come up for you as you read these rights?
- How might knowing the Charter of Victims Rights help you on your legal journeys?
- Has there ever been a time when you felt those rights were disrespected?
- What was that like for you?

Group facilitators take time to validate and normalise participants' experiences.

**Exercise 5: Tea Break: (10 mins)**

Facilitators explain: “The weekly 10-minute tea break is an important opportunity for you to connect and support one another more informally, helping you reduce social isolation and provide mutual support and increasing resilience through connection with other women going through similar challenges (Drumm, 2008; Hyde, 2013). We will set a timer for 10 minutes at the beginning of the tea break and we invite you to return to your seats when the timer sounds.”

Participants are provided with tea, coffee, biscuits and fruit during the weekly tea break.

**Exercise 6: Emotion Regulation/Distress Tolerance Activity: (20 mins)**

Weekly emotion regulation and distress tolerance activities involve self-care and self-expression exercises such as journaling, art therapy, positive affirmations, poetry and craft (Cologna et al., 2011; Hayes and Povey, 2011; Orr and Stevenson, 2013).
6.1 Balancing the Scales:

Facilitators explain: “Each week, we will be doing an emotion regulation and distress tolerance exercise after the tea break. The legal journey brings up many emotions and this exercise will help you deal with the challenges you will be facing along the way.

“Today’s emotion regulation exercise will allow you to identify difficult emotions in relation to the legal process, and to discover helpful ways of dealing with these.”

Participants are handed out post-it notes and are asked: “What are some of the difficult feelings and worries that have come up for you during the legal process? It is normal for feelings of fear, anxiety and loss of control to come up when you are navigating the legal journey. Waiting for a court date, going to court and facing the offender may trigger strong emotions. There is no right or wrong way to feel. So go ahead, write down as many feelings and worries as you can come up with. Go ahead and write as many emotions as you can think of separately on the post-it notes you’ve been given. Really go to town with this exercise! Don’t hold back! Allow yourself to write down all your feelings and worries, big and small.”

Participants spend a few moments writing the feelings, reactions and worries they are experiencing with regards to the legal process on post-it notes and then stick them on the left side of the scale located on the whiteboard labelled “Feelings, reactions, worries”.

This first part of the exercise allows participants to see that they share very similar concerns and that they are not alone or crazy. Facilitators name and validate each of the participants’ emotions. This validation can be very reassuring for participants.

Participants are then encouraged to: “Name some of the things you have found helpful in dealing with difficult emotions in the past. Write down as many ideas as you can think of for coping, big or small. Put these on post-it notes and place them on the right side of the scale labelled: Coping Strategies And Things That May Help”.
Facilitators explain to the group: “We are not trying to get rid of our difficult emotions, in this group we want to pay respect to all our emotions. What we want to do is to identify and encourage behaviours that may be helpful during times of difficulty, behaviours that allow us to tolerate some of the painful emotions that inevitably arise during the legal journey.” The therapeutic stance of acceptance of painful emotions is based on Acceptance and Commitment Therapy Principles (Harris, 2008, 2012).

Example prompts for “things that help” may include:

- Slow breathing
- Talking to a supportive friend
- Noticing something beautiful in your world
- Mindfulness
- Watching a DVD
- Taking a photo of something beautiful on your phone or camera
- Going for a walk
- Patting your dog or someone else’s dog

Participants are encouraged to: “Write down any of the activities you are drawn to in your folders and try these out during the week. You can also keep adding to this list over the coming eight weeks.”

This activity is based on the IPV Support Group (Levy-Peck, 2005).

**Exercise 7: Closing Exercise: (5 mins)**

The weekly closing exercise is aimed at consolidating and enhancing participant learning. Participants are encouraged to take turns in identifying:
“Name one skill, supportive strategy or helpful idea that you will take with you into the coming week.”

Participants are also asked to:

“Please bring a picture of something that offers you joy in your life that you are willing to share with the group next week.”
Appendix 1. Week One:

You Have Rights!

This charter applies to all NSW Government departments, non-government agencies and service providers who provide support to victims of crime:

- You have the right to be treated with courtesy, compassion and cultural sensitivity.
- You have the right to be told about services that can help you.
- You have the right to get medical, legal, counselling and other help.
- If the police are investigating your crime, you have the right to be told what is happening if you ask.
- You have the right to know where the legal process is up to, including where the court hearing will be, what the charges are and why the offender hasn't been charged.
- If you are going to be a witness in court, you have the right to know how the trial will work and what your role will be.
- You have the right to be protected from contact with your offender.
- Your privacy is important! You have the right to keep your address and phone numbers private.
- You have the right not to attend your offender's preliminary and committal hearing unless the court directs you.
- You have the right for your protection needs to be considered when your offender is applying for bail.
- You have the right to know about your offender's bail conditions. The offender may be released on bail on condition that they do not contact you.
• If your case does go to court and you want to make a statement to the court about how the crime has affected you, you have the right to support and information about this process.

• You have the right to know when your offender is released from custody.

• You have the right to know about your offender’s parole.

• You have the right to claim for victim’s compensation.

• To talk confidentially about what happened to you and any concerns you have about your rights, contact the Victims Access Line on 1800 633 063 or (02) 8688 5511 or visit www.lawlink.nsw.gov.au/vs.

Adapted from “NSW Charter of Victims Rights” (Attorney General and Justice, 2013).
Week One:

Charter of Victims Rights

If you are a victim of crime, you have rights. These rights are called the Charter of Victims Rights. This is what it says:

**Respect**
You will be treated with respect, dignity and compassion. At all times your culture will be respected.

**Information about services**
You will be told as soon as possible about the different services that can help you, including counselling and legal services.

**Access to services**
If you need medical, counselling, and legal help you will be able to get it if it is available.

**Information about investigation of the crime**
If you ask, you will be told about how the police investigation is going. But in some cases there may be some things the police can’t tell you.

**Information about the prosecution**
Prosecution is about taking the offender to court for the crime. This is done by the police, or, in serious cases, the Director of Public Prosecutions.

As a victim, you will be told:
- what the charges are OR why the offender has NOT been charged;
- any decision of the prosecution to change or drop charges;
- the date and place of the court hearing;
- the final court result, including any appeal or gaol sentence given.

If the prosecution is thinking about changing or dropping the charges they will have a talk to you about this if the crime:
- was a serious sex crime, OR
- caused you physical harm, psychological or psychiatric harm.

**BUT** the prosecution don’t have to talk to you if:
- you don’t want to talk about it, OR
- they can’t find you.

**Information about being a witness**
If you have to give evidence as a witness in a trial you will be told about HOW the trial works and WHAT you have to do.

**No contact with the offender**
While your case is in court you will be protected from contact with the offender and the offender’s witnesses.

**Protection of your privacy**
You can keep your address and phone numbers private unless the court says different.

**Court business before the trial**
You do NOT have to go to any committal hearing (like a mini trial) or other court business before the trial UNLESS the court says you must.

**Returning your goods used as evidence**
If the police or prosecution took any of your goods as evidence you have the right to get it back as soon as possible.

**Your protection**
If you need protection tell the police or prosecution when the offender applies for bail.

**Special bail conditions**
You will be told about any special bail conditions the offender is given, which are meant to protect you or your family, like a condition which says the offender must not contact you.

**Bail decision**
If you were the victim of sexual assault or other serious assault you will be told if the offender gets bail or not.

**Victim impact statement**
In some cases you may be able to tell the court about how the crime has affected you and you will be given help and support to do this. This is called giving a “victim impact statement.”

**When the offender gets released**
If the offender is in gaol you can be told if the offender is going to be released from gaol soon, has escaped gaol or is on day release.

**When the offender applies for parole**
You can have a say if your offender applies for parole.

**Financial assistance**
If you have been injured as a result of a serious personal violence criminal act, you may be eligible for financial assistance.

**Information about complaint procedures**
You can make a complaint if you think your rights under the Charter have not been met and can ask for information about how to do this.
Appendix 13

If you are a victim of crime you have rights
Call the Victims Access Line on 1800 633 063 for information and support.

Charter of Victims Rights
In New South Wales there is a Charter of Victims Rights to protect and promote your rights if you are a victim of crime. The Charter applies to all NSW government departments. It also applies to any non-government agencies and contractors (excluding private legal officers and medical practitioners), funded by the State who provide support to victims. The Charter states how you should be treated and assisted if you are a victim of crime. The Charter is contained in the Victims Rights and Support Act 2013.

Who is a victim of crime?
In the Victims Rights and Support Act 2013, a victim is a person who suffers harm as a direct result of a criminal offence.

What can I do if I think my rights under the Charter are not being met?
1. You should talk to the person you are dealing with about the problem. Usually the problem can be fixed that way.
2. If you are still not satisfied, you have the right to ask the person to tell you how to make a complaint to their department. The department should be able to arrange interpreters or other assistance if required. You can get a support person to help you make the complaint. This can be a friend or worker.
3. If you are still not satisfied after the complaint has been looked at by the department you can contact the Victims Services. Their job is to help you with your complaint and tell you what can be done about it.

Contact details
Phone .................................................................................................................. 1800 633 063
Sydney metropolitan area ......................................................................................... (02) 8688 5511
Aboriginal Contact Line .......................................................................................... 1800 019 123
Fax ............................................................................................................................ (02) 8688 9632
Hours ....................................................................................................................... 8.00am to 6.00pm, Mon to Fri (exc public holidays)
Email ..................................................................................................................... vs@agd.nsw.gov.au
Website .................................................................................................................. www.lawlink.nsw.gov.au/vs
Address all mail to .................................................................................................... The Commissioner of Victims Rights
Victims Services
Locked Bag 5118
Parramatta NSW 2124

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(Victims Services Attorney General & Justice, 2013a)
Week Two: Dealing with Frustration and Delays:

Exercise 1: Welcome and Introduction to This Week’s Topic: (5 mins)

Facilitators explain: “Welcome back to the ‘Women of Courage’ group. It is great to see you all here again today. Today’s topic is about dealing with frustration and delays.

“Before we start, let’s quickly go over some of the ways we can make sure this is a safe group for all of us. What do you remember from last week’s Safety Agreement?”

  Respect

  Acceptance of one another, including differences

  One person speaks at a time

  Switch off mobile phones

  Let facilitators or receptionist know if you can’t come to the group

Facilitators elicit participants’ other ideas that were identified in last week’s group.

Exercise 2: Sharing Exercise: (20 mins)

This exercise allows participants to get to know something about each other in a safe way. During today’s exercise, facilitators ask participants: “Did anyone bring a photo or picture of something that offers you joy? Remember that you don’t have to share verbally if you don’t feel comfortable doing so.”
Participants go around the circle and share a picture they brought or a photo on their mobile phones. Group facilitators also share a picture in order to convey that they share many similarities to group participants.

**Exercise 3: Mindfulness Exercise: “Mindful Eating Exercise” (10 mins)**

This mindful eating exercise has been found to be effective for clients experiencing anxiety and depression (Harris, 2009). A plate with chocolate balls (and raisins and marshmallows for those who do not wish to eat chocolate) is circulated among group participants. Participants are invited to select one of these to be eaten mindfully:

“Today's mindfulness exercise is about eating slowly and mindfully. Take hold of a chocolate, marshmallow or raisin and observe it as if you’re a curious scientist who has never seen one of these before.

“Notice the shape, colour and texture.

“If you have chosen a chocolate, slowly unwrap it now. Hear the crinkle of the wrapper.

“Notice the weight of the chocolate, marshmallow or raisin in your hand.

“Notice the feel of it against your skin.

“Hold it up to the light and notice how it glows.

“Now raise it to your nose and smell it.

“And now raise it to your mouth and rest it against your lips and pause for a moment before putting it in your mouth.

“Notice what’s happening in your mouth, notice the urge to bite.
“In a moment, I’m going to ask you to bite it in half, keeping hold of one half and letting the other drop onto your tongue.

“And so now, as slowly as you are able, bite the chocolate ball or raisin or marshmallow in half and notice what this is like.

“I invite you to close your eyes now if you are comfortable doing so and to just experience all the sensations in your mouth.

“Notice the taste and texture and the sounds of chewing.

“Notice where you can taste the sweetness.

“Notice when you swallow and when you’ve swallowed, notice the taste fading.

“And then, in your own time, slowly eat the other half of the chocolate, marshmallow or raisin.”

At the conclusion of the mindfulness exercise, facilitators ask: “What was it like to eat slowly and mindfully?” Facilitators encourage a discussion on the benefits of slowing down and taking note of the present moment.

This mindfulness exercise is adapted from Harris (2009: 163-164).

**Exercise 4: Psycho-Education Regarding the Legal Process, Including Weekly Group Discussion: “Dealing With Legal Delays” (30 mins)**

This week’s topic focuses on the issue of dealing with legal delays, which the research has identified as being both common and distressing for survivors of sexual assault when they are navigating their legal journeys (Lievore, 2003; Taylor, 2004). It is centered on two poems from *A Hand to Hold* (Want and Crew, 2003). These are listed in the Appendix at the end of today’s Session Outline, and are also documented in participants’ folders.
Facilitators explain: “Today’s topic deals with legal delays. We are going to be hearing from a daughter and a mum who have been through the legal journey and who have both written a poem about their experiences of dealing with legal delays. The poems are located on pages 5 and 6 of your folders.”

Facilitators and group participants read the two poems *Time After Time* and *The Hardest Thing* and participants are asked: “What are your responses to the two poems?”

The following discussion points may be covered:

- What emotions came up for the daughter and for the mum?
- How did each of the writers deal with legal delays?
- What emotions came up for you as we were reading the two poems?
- What did the daughter and mum find helpful?
- What was most difficult for the daughter and mum?
- What have you found most difficult while you have been on your own legal journey?
- Have you had to deal with legal delays?
- How might these two poems help you deal with the issue of legal delays?

Participants are encouraged to write helpful strategies for dealing with legal delays in their folders.

**Exercise 5: Tea Break: (10 mins)**

The weekly 10-minute tea break is an important opportunity for participants to connect and support one another more informally, assisting participants to reduce social isolation, provide mutual aid and increasing resilience through social connection (Drumm, 2008; Hyde, 2013). A timer is set for 10 minutes at the
beginning of the tea break and participants are encouraged to return to their seats when the timer sounds.

**Exercise 6: Emotion Regulation/Distress Tolerance Activity: “Reaching Out” (30 mins)**

Weekly emotion regulation and distress tolerance activities involve self-care and self-expression exercises such as journaling, art therapy, positive affirmations, poetry and craft (Cologna et al., 2011; Hayes and Povey, 2011; Orr and Stevenson, 2013).

Today’s emotion regulation activity requires coloured paper, envelopes, coloured pens and textas to be put out on the coffee table for participants to make use of as they wish.

Facilitators explain: “Today’s emotion regulation activity is about reaching out to others in your world.

“Choose a person in your world who offers you a sense of safety, understanding and connection who you could reach out to in the coming week, simply to touch base. If you feel like doing so, you can make use of the coloured paper, envelopes, coloured pens and textas that have been put out on the coffee table for you to use in today’s activity. You can draw a picture for the person you wish to reach out to, or you can create a card or write a few words or a letter to this special person.”

Facilitators explain: “Some ideas might be:

- **Write a card to a friend whom you appreciate.**
- **Write and put a note under a family member’s pillow or in their lunch box and tell them how you feel about them.**
- **Phone, email or text someone you care about during the coming week.**
• Perhaps the person you choose to reach out to is also dealing with life’s struggles.

• If you are finding it difficult to think of a person, why not write a card to yourself and post it or put it under your pillow?"

• If you have chosen to send a letter or card to your special person, we are happy to post this for you in the coming week.”

Discuss what it was like for you to do this exercise. Were there any obstacles for you?

Facilitators normalise and validate participants’ experiences.

**Exercise 7: Closing Exercise: (10 mins)**

The weekly closing exercise is aimed at consolidating and enhancing participant learning. Participants are encouraged to take turns to:

• Identify to the group who you might reach out to during the week.

• Name one skill, supportive strategy or helpful idea that you will take with you into the coming week.
Appendix 1. Week Two:

The Daughter’s Perspective

Time After Time

The first time we went to Court I was so nervous

When we were told it was not going to go ahead that day

And we wouldn’t be back for many months

I was very upset but also a bit relieved

I tried not to think about Court that much

Until we had to go again

We went over what would happen again

Before the next time

But it didn’t go ahead then either

It was five times that I went to Court

Before the trial actually happened

By the end I didn’t really think it would
I felt like it was all just a story I was in

Every time before we left to go to Court

Mum would get me a gift to make the day special

And then we came home upset and disappointed

And Mum had to try hard not to show her upset

And do things to make me feel better

I had to have days off school and didn’t want anyone to know why

So we made up that I had appointments

In between times I would do my usual things and have good times

But always having to go to Court would be on my mind

It sat on my shoulder like someone watching me

I could never feel that I was allowed to forget about the bad stuff

I had to make sure I could always remember it

And that made me want to keep thinking about it
I really wanted to think about other things that made me happy

But I had to think about things that other kids don’t even have to know

That horrible things can happen to kids

Just like me.

(Want and Crew, 2003: 200-201)
Appendix 2. Week Two:

The Mother’s Perspective

Rituals

We had to go to Court five times before the trial actually went ahead.

It was hard to go on that roller coaster so many times.

Each time the counselor did Court preparation

But it became a bit of a joke for us all.

She started to prepare us for trepidation,

and then anticipation and then resignation.

We had plans about what to do when it got adjourned just one more time.

But each time we had to be ready just in case.

We would have a special outing the weekend before

and go buy a new outfit to wear.

It became one of those not so funny jokes,

that this was the best way to get a new wardrobe.

The seasons were always different and during
those three years she grew out of many of her dresses.

Every morning before we went we would have a
	nice breakfast together and talk about things

that made us feel good.

We would make plans about how to spend the day

If the trial didn’t get a start.

Then I would give her a special gift

for her day at Court and tell her how great she was

and how proud I was of her.

We would dress up and I would do her hair

in some pretty way with ribbons.

We had a bag with all our Court stuff in it

And we were very practiced at collecting activities, food and Teddy.

It became a bit like going for a picnic for the day.

And then when it actually went ahead

It was a sort of shock but we felt very at home in the Court
And felt like we had known the prosecutor for years.

Well, we actually had!

The rehearsals were over and this was it.

And her performance was great.

(Want and Crew, 2003:206-207)
Week Three: Challenging Myths and Stereotypes:

Exercise 1: Welcome and Introduction to This Week’s Topic: (5 mins)

Facilitators say: “Welcome back to Week Three of the ‘Women of Courage’ group. Today’s topic is about challenging the myths and stereotypes that exist in our society and in the media about sexual assault.

“We want to remind you also about the Group Agreement designed so that we can all feel safe in this group.”

Exercise 2: Sharing Exercise: (15 mins)

This exercise allows participants to get to know more about each other in a safe way. Group facilitators ask participants:

“Does anyone want to share who they reached out to during the week and what this was like? If no one volunteers, one of the facilitators may share her story of having reached out to someone during the past week, so that others may feel encouraged to share their own stories and experiences of reaching out.

Facilitators lead a discussion on the benefits (and difficulties) of reaching out.

Exercise 3: Mindfulness Exercise: “Ten Breaths” (5 mins)

Facilitators explain: “Today's mindfulness exercise is a simple exercise to centre yourself and connect with your environment. Practise it throughout the day, especially any time you find yourself getting caught up in your thoughts and feelings.

Take 10 slow, deep breaths. Focus on breathing out as slowly as possible, until the lungs are completely empty, and then allow them to refill by themselves.
“Notice the sensation of your lungs emptying. Notice them refilling. Notice your chest and tummy rising and falling. Notice the gentle rise and fall of your shoulders.

“See if you can let your thoughts come and go as if they’re just passing clouds, drifting past outside your window.

“Expand your awareness: simultaneously notice your breathing and your body.

Then look around the room and notice what you can see, hear, smell, touch, and feel.”

(This mindfulness exercise is adapted from Harris, 2007)

Exercise 4: Psycho-Education Regarding the Legal Process, Including Weekly Group Discussion: Challenging Societal Myths and Stereotypes: (60 mins)

Facilitators explain: “Today’s group discussion will focus on the societal myths and stereotypes that continue to exist in our society and in the legal system (NSW Rape Crisis Centre, 2002). We are going to watch a brief TED talk by Clementine Ford, a feminist researcher into myths around sexual assault: Your Vagina Is Not A Car.

https://www.youtube.com/watch?v=ATISgVUKetI

“What are some of the judgments in our society and in the media about women and girls who experience sexual assault?” Examples may include:

- A delay in reporting sexual assault means the story has been fabricated.
- Children and young people commonly lie about sexual assault.
- A woman's failure to fight or scream is evidence of her consent.
- A victim of sexual assault is more to blame when she knows her perpetrator.
- A woman who dresses provocatively is asking for it.
- A young person who has been drinking only has herself to blame.
• Women lead men on.

• She’s always been slut anyway.

• Rape only happens when men lose self-control.

• Rape is only committed by a stranger in a dark alley.

• People can recognise a rapist.

• It was her husband/boyfriend, so it wasn’t rape.

• Only young women are sexually assaulted.

Participants come up with as many myths and stereotypes as possible and facilitators document and challenge these on the whiteboard.

Group facilitators ask and discuss with participants:

"What effect do these myths and stereotypes have on you and on other people who have experienced sexual assault?"

"Are they empowering or disempowering to survivors of sexual assault?"

"Who ends up wearing the blame for sexual assault? The survivor or the offender?"

Group facilitators then ask participants to think about the following question:

"How do perpetrators of sexual assault evade or deny responsibility for sexual assault?" Discussion points may include:

• Perpetrators are often very clever in denying responsibility for the crime they have committed.

• Perpetrators may convince survivors and family members that the sexual assault was the victim’s fault.

• They may convince their victim that she had consented to sex.
Facilitators then discuss the facts and figures regarding sexual assault including:

- One in five women experience sexual assault (Clark and Quadara, 2010; Heath, 2005).
- Women and children are 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 (NSW Violence Against Women Specialist Unit, 2006).

One of the group facilitators reads out the following quote that is also documented in participants’ folders and encourages participants to discuss:

“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)

**Exercise 5: Tea Break: (10 mins)**

The weekly 10-minute tea break is an important opportunity for participants to connect and support one another more informally, assisting participants to reduce social isolation, provide mutual aid and increasing resilience through social connection (Drumm, 2008; Hyde, 2013). A timer is set for 10 minutes at the beginning of the tea break and participants are encouraged to return to their seats when the timer sounds.

**Exercise 6: Emotion Regulation/Distress Tolerance Activity: (20 mins)**

Weekly emotion regulation and distress tolerance activities involve self-care and self-expression exercises such as journaling, art therapy, positive affirmations,
poetry and craft (Cologna et al., 2011; Hayes and Povey, 2011; Orr and Stevenson, 2013).

Facilitators explain: “Today’s emotion regulation and distress tolerance activity involves the use of ‘strength cards’ (Lane, 2013).”

Facilitators explain that: “Everyone has strengths! Sometimes they are hidden and sometimes they shine like blazing lights. And sometimes, especially when things get tough, we may wonder where our strengths have gone!

“We may think of strengths as qualities we inherit (such as patience, resilience or kindness), resources we gather (such as a computer or a car) or skills we learn as we journey through life (such as being a good mum) or other skills and talents such as growing a garden or baking a cake. But we can also think of our strengths as choices we make.

“We can choose to see ourselves as a ‘victim’ or a ‘survivor’. We can choose to see the glass half-full or half-empty. We can choose to see ourselves as possessing hopes, dreams and untapped potential or as filled with deficits and problems. We can choose to focus on and practise a particular strength from a huge array of potential strengths.”

Choosing Strengths is a set of 36 cards and a booklet published by Innovative Resources in early 2013. This conversation-building resource is founded in the tradition of strengths-based practice (Smith, 2006). Each card identifies a potential strength that anyone can choose to cultivate and make their own.

Facilitators explain:

- “Choose one or two strength cards representing a strength you already have.”
- “Now choose another strength card representing a strength you wish to develop.”

Participants then go around the circle showing and discussing the cards they have chosen and elaborating on:
• “What these strengths mean to me.
• How these strengths may help me during the legal journey.
• One thing I can do to help make these strengths grow stronger.
• One thing I can do in the coming week to demonstrate these strengths in my life.

Exercise 7: Closing Exercise: (5 mins)

The weekly closing exercise is aimed at consolidating and enhancing participant learning. Participants are encouraged to take turns in identifying one skill, supportive strategy or helpful idea they will take with them into the coming week.
Week Four: My Support Network

Exercise 1: Welcome and Introduction to This Week’s Topic: (5 mins)

Facilitators explain: “Welcome back to Week Four of the ‘Women of Courage’ group. Today’s topic is ‘My Support Network’. It is important to know that as courageous women, it is OK and, in fact, healthy to ask for support during times of difficulty. A good support network is essential, both after sexual assault and during the legal journey.”

Exercise 2: Sharing Exercise: (15 mins)

Facilitators ask the group:

- “How did you go with using your strengths during the week?
- How did you go looking after yourself during the week?
- Did anyone try anything different they would like to share with the group?”

By this stage of the group process, participants may be feeling more relaxed and trusting of the group process and of each other, and this weekly opening discussion may become a source of rich information, encouragement and support.

Exercise 3: Mindfulness Exercise: (10 mins)

Loving Kindness Meditation

Facilitators explain: “Today’s mindfulness exercise is called Loving Kindness Meditation. This is an exercise based on a loving kindness, with a focus on self-compassion.

“Take a comfortable position in your chair or on the floor, and let your eyes close over. Settle into your posture, notice how your body feels in your chair or on the floor. Feel the ground beneath your feet, and allow your body to become heavy.”
“Become aware of your breathing, and slowly begin to lengthen and deepen your inhalations and exhalations. We’ll take a few moments just to rest with our breath. Notice the peacefulness of being quiet, just resting, as you simply breathe.

“And now I would like to ask you to bring to mind the image of someone you love without reserve. Picture their face and feel the unconditional love you have for them. This may be a child, a pet or anyone else you feel love for, and start sending them wishes for peace and well-being:

May you be safe.

May you be peaceful.

May you be free from fear.

May you be happy.

“Repeat these phrases silently to yourself, really try to get in touch with the intention behind the words, to offer your loved one compassion, kindness and love.

“If your mind wanders, as it inevitably will, gently bring it back to these loving phrases and refresh them in your mind.

“And now bring to mind all the women in this room, including yourself. Create a picture in your mind of everyone sitting in this circle. You are all on a journey that requires courage and endurance. Start sending the other women, including yourself, wishes for peace and well-being:

May we all be safe.

May we all be peaceful.

May we all be kind to ourselves.

May we all accept ourselves as we are.
“See if you can feel what the compassionate self feels like, the good qualities of an open heart that is filled with compassion: connectedness, wholeheartedness. Perhaps you can return to this state of self-compassion during the week whenever the need arises.

“When you feel ready, bring your attention back to the room and slowly open your eyes.”

This mindfulness meditation is adapted from Brach (2003).

Exercise 4: Psycho-Education Regarding the Legal Process, Including Weekly Group Discussion: (40 mins)

Facilitators explain: “Today’s discussion will focus on identifying a support person for the legal journey in general, and for court days in particular. This could be a friend, family member or professional support person, such as a witness assistant from the DPP or your counsellor from the Sexual Assault Service. It is important to have a support person and all survivors of sexual assault deserve support when they go through the legal system. It is one of the basic rights survivors have and is stated in the NSW Charter of Victims Rights. In today’s session we are going to each identify a support person for court.”

Your Support Person:

Facilitators ask participants: “What qualities do you need in a support person?

“The support person will be someone who cares about you and who believes and encourages you and who is willing to walk alongside you during the legal journey. The support person will also be able to help you on a practical level. For example, the support person may drive you to court; they may help you arrange child care; they may pack your lunch for the day; they may help you choose an outfit for court; they may take you for a coffee after court.

“Who comes to mind when you think of a support person for you?”
“Your support person can be with you in court when you are giving your evidence.

“The support person will be in eye contact with you at all times when you are giving evidence in court.

“Seeing the support person may remind you that you are believed, supported and that you are brave.

“Seeing them may also remind you to breathe and take the time necessary to think about and answer the questions you will be asked while you give your evidence.”

Discussion: Facilitators encourage the group to have a discussion about the above questions.

Facilitators tell participants: “After the tea break, you will be able to write a letter to your chosen support person, asking that person for their support. This letter can be handed to the person or may be posted or emailed.”

It is important that by the end of today's session, participants each have a support person in mind. Facilitators may need to help participants to identify a suitable and safe support person. This may be a staff member of the Sexual Assault Service, or a volunteer from one of the non-government legal support services available to assist victims of crime.

This activity is based on the NSW Educational Centre Against Violence Nothing But The Truth handbook (2002).

Exercise 5: Tea Break: (10 mins)

The weekly 10-minute tea break is an important opportunity for participants to connect and support one another more informally, assisting participants to reduce social isolation, provide mutual aid and increasing resilience through social connection (Drumm, 2008; Hyde, 2013). A timer is set for 10 minutes at the
beginning of the tea break and participants are encouraged to return to their seats when the timer sounds.

**Exercise 6: Emotion Regulation/Distress Tolerance Activity: (30 mins)**

Weekly emotion regulation and distress tolerance activities involve self-care and self-expression exercises such as journaling, art therapy, positive affirmations, poetry and craft (Cologna et al., 2011; Hayes and Povey, 2011; Orr and Stevenson, 2013).

Facilitators explain: “We have provided coloured paper, cards, pens and envelopes and we would like you now to write a letter to your chosen support person. Your support person may be a professional involved with survivors of sexual assault, or may be a friend or family member.”

Facilitators read out and distribute an example letter to a support person:

“Dear ________,

*Today in the “Women of Courage Group” we talked about choosing a support person to help us through court.*

*I thought of you because you are _____________________________. The legal journey will be a challenging time for me, and your support will make a huge difference to me. If you are willing, you could help me with the following things __________________________.*

*Just knowing you are there for me already to talk to is such a comfort to me! Take some time to think about whether you are able to be my support person for court and I will be in touch soon.*

*Love from ________”*
Exercise 7: Closing Exercise: (10 mins)

The weekly closing exercise is aimed at consolidating and enhancing participant learning. Participants are encouraged to take turns in identifying one skill, supportive strategy or helpful idea they will take with them into the coming week, perhaps with regard to identifying what they may need from their support person while they go through this challenging journey.
Week Five: Understanding Confusing Court Lingo

Exercise 1: Welcome and Introduction to This Week’s Topic: (5 mins)

Facilitators explain: “Welcome back to Week Five of the ‘Women of Courage’ group. Today’s topic is all about understanding confusing court language.”

Exercise 2: Sharing Exercise: (15 mins)

This exercise allows participants to get to know something about each other in a safe way. Today’s sharing exercise will focus on last week’s topic of identifying a support person for court.

Facilitators ask: “How did you go with seeking out a support person? Did you encounter any problems?”

At this point, facilitators may need to assist with ideas to ensure each participant has a support person for court.

Exercise 3: Mindfulness Exercise: (5 mins)

Acknowledging Our Courage

Facilitators explain: “Today’s mindfulness exercise is about acknowledging our courage.

“Make yourselves comfortable and focus your awareness on the breath coming in and out of your body.

“Bring your awareness to your body sensations. Notice how your body is supported by the chair or floor beneath you.

“Is your body warm, cold, heavy or light?”
“Place one hand on your stomach and the other on your chest and notice the flow of your breath.

“Notice how your body rises and falls with each breath that you take.

“Connect with the reason why you are here today and acknowledge the courage it has taken for you to be here today.

“Acknowledge the bravery you have displayed during this journey so far and take this opportunity to connect to why it is important for you to go through this journey.

“Some ideas may come up for you around wanting to have a voice, or wanting to stand up against injustice or perhaps recognising that it wasn’t OK for you to be hurt.

“Or there may be some other reasons that have come up for you today.

“Again, praise yourself for the courage and willingness that you have inside you. Feel the rising and falling of your stomach and chest beneath your hands and connect with yourself in this simple way.

“Remind yourself that you are a human being, deserving of kindness and support.”

**Exercise 4: Psycho-Education Regarding the Legal Process, Including Weekly Group Discussion: (30 mins)**

Facilitators explain: “Today, we will have a quick look at a couple of YouTube clips on the justice system. Then we will go through the Confusing Court Lingo Dictionary together and answer any questions you may have.”

Facilitators play the following two clips:

http://www.youtube.com/watch?v=ikq4uvg2gZO

http://www.youtube.com/watch?v=JkM69
Facilitators open up a discussion with participants: “What was it like for you to watch the two clips? Do you have any comments or concerns? Do you have any questions?”

**A Brief Legal Dictionary:**

Facilitators then go through the legal dictionary and discuss responses throughout:

**Accused/Defendant** – The person charged with committing a crime.

**Acquitted** – When there is any reasonable doubt that the accused has broken the law, he will be allowed to go free.

**Adjournment** – When the case is put off to another day/week or month.

**Barrister** – A lawyer who represents people in court and wears a robe and wig in the courtroom.

**Committal hearing** – At this hearing, the magistrate decides if there is enough evidence to go to trial. You may or may not be required to attend this hearing.

**Complainant** – The person who is the victim of sexual assault and has made a complaint to the police.

**Crown Prosecutor** – This barrister does not represent you personally but they represent the State’s case against the accused.

**Defence Counsel** – This is the name for the legal team who represents the defendant/offender. It is their job to try to put doubt in the jury’s minds that the crime may not have happened.

**Judge** – His job is to make sure the trial is run fairly. The judge will also interrupt and offer legal advice to the jury. If you need a break, you can ask the Judge for one.
Jury – Twelve people from the community whose job is to decide if there is enough evidence to prove that the accused has broken the law. The jury has to be convinced beyond reasonable doubt on each individual charge.

Mention – A brief hearing to sort out what is happening with the case, such as setting the date for the committal hearing or deciding bail. A mention is NOT the trial and you usually don’t have to attend a mention.

DPP – This stands for the Director of Public Prosecutions. Their role is to convince the court that the accused is guilty.

Prosecution – The name of the legal team representing the State and your case. They believe a crime has been committed against you. The Crown Prosecutor and the DPP are part of this team.

Subpoena – A court order to make a witness come to court to give evidence, or to bring documents to court.

Trial – The hearing where it is decided whether the accused has broken the law or not. This may go on for days.

Victim Impact Statement (VIS) – A victim has a right to prepare a VIS about the effect the sexual assault has had on her, after the accused has been found guilty. A counsellor or friend can help you write this and you or a support person can read it out in court. This process allows you to have a voice and to stand up against the injustice you have experienced.

Witness – You are a witness. The job of the witness is to tell the court the truth regarding the crime.

The group discusses: “What is it like to get your head around the court lingo? What have been your experiences with legal language so far? Confusion? Frustration? Fear?”
Participants are reminded: "If you do not understand what your solicitor or the police are talking about, it is completely OK to ask them to explain."

**Exercise 5: Tea Break: (10 mins)**

The weekly 10-minute tea break is an important opportunity for participants to connect and support one another more informally, assisting participants to reduce social isolation, provide mutual aid and increasing resilience through social connection (Drumm, 2008; Hyde, 2013). A timer is set for 10 minutes at the beginning of the tea break and participants are encouraged to return to their seats when the timer sounds.

**Exercise 6: Emotion Regulation/Distress Tolerance Activity: (45 mins)**

Weekly emotion regulation and distress tolerance activities involve self-care and self-expression exercises such as journaling, art therapy, positive affirmations, poetry and craft (Cologna et al., 2011; Hayes and Povey, 2011; Orr and Stevenson, 2013).

**Box of Courage and Affirmation:**

Facilitators explain: “Today's emotion regulation and distress tolerance exercise involves an art and craft activity.”

Participants are handed out small coloured cardboard boxes purchased from Spotlight.

- Participants are encouraged to write “Messages of Courage and Affirmation” on small pieces of coloured paper and to place these into their decorated boxes.

- Participants are also encouraged to write “Messages of Courage and Affirmation” for one another, and to place these positive messages in other participants’ boxes.
Examples of statements of “Courage and Affirmation” may be written on the whiteboard by facilitators and may include:

- I have many strengths.
- I am good enough.
- I am perfectly imperfect.
- I am always doing the best I can!
- I am OK just the way I am.
- Progress, not perfection!
- I can deal with this!
- This too will pass.
- Breathe!
- Be kind to yourself.

Include any other helpful positive affirmations that come to mind.

Facilitators explain: “Remember that the messages must be positive and encouraging statements.

“The Boxes of Courage and Affirmation can be used at any time to encourage you in times of stress or difficulty.

“For example, you can take them to court as a reminder that you have support and strengths you can draw on at any time.”

Exercise 7: Closing Exercise: (10 mins)

The weekly closing exercise is aimed at consolidating and enhancing participant learning.
Participants are encouraged to: “Please take home the Box of Courage and Affirmation and read one message every day and bring an attitude of openness to the meaning of the message.

"Name one skill, supportive strategy or helpful idea that you will take with you into the coming week.”
Week Six: Tips for Coping In Court

Exercise 1: Welcome and Introduction to This Week’s Topic: (5 mins)

Facilitators explain: “Welcome to Week Six of the ‘Women of Courage’ group. Today’s topic will focus on tips for coping during the days of court.”

Exercise 2: Sharing Exercise: (10 mins)

Facilitators ask:

“Have any of you had any successes while using the Box of Courage and Affirmation?

“What does it feel like to encourage and care for yourselves with kindness?

“Did you experience any obstacles to self-kindness?

“What was it like to read other women’s messages of affirmation and encouragement?”

The group discusses their experiences of using the Box of Courage and Affirmation, with facilitators explaining the value of self-care and validating how difficult it can be to be kind to oneself.

Exercise 3: Mindfulness Exercise: (10 mins)

Mindfully Connecting with Music:

Participants watch and listen to YouTube clip of What Doesn’t Belong To Me by Sinead O’Connor.
“Today’s mindfulness exercise is about mindfully connecting with a song. As you listen to this song, notice the message and story, but don’t put pressure on yourself to understand it.

“Notice the beat, tone and pitch of the music.

“Notice the different instruments.

“Notice the sound of the singer’s voice.

“Notice the feelings the singer expresses.

“Notice what feelings come up in you while you are listening to the song.”

This mindfulness exercise is followed by a brief group discussion about the mindfulness experience the women had, as well as about the feelings that participants identified.

**Exercise 4: Psycho-Education Regarding the Legal Process and Weekly Group Discussion: (50 mins)**

Facilitators explain: “Today, we will look at two YouTube clips about the days of court and then we will go through tips about going to court, giving evidence, cross-examination and ways of taking care of yourself after court.”

Facilitators play the two Justice Journey YouTube clips:

http://www.youtube.com/watch?v=sgHfjP29GA#t=10

http://www.youtube.com/watch?feature=player_embedded&v=H6RV8uYMEo

Facilitators open up a discussion with participants: “What was it like for you to watch the two clips? Do you have any comments or concerns? Do you have any questions?”
Tips for Coping in Court

Facilitators explain: “In today’s group discussion, we will talk about looking after yourself during the days of court. We will discuss tips for being a witness in court, dealing with cross-examination, and talk about ways of caring for yourself after court is over.”

Discussion points include:

- How do you feel about the possibility of being a witness in court?
- What are some of your fears and worries?

After a few minutes of discussion, facilitators go over the various points in the handouts and continue to facilitate an open discussion about this challenging stage of the legal process.

4.1 Tips for the Days of Court:

- Wear something smart casual, comfortable and bring a warm layer of clothing with you in case you get cold.
- Request and read your statement prior to being a witness in court.
- You can ask for expenses to be paid for the days you have to go to court. Witness expenses are for your meals, some lost wages and for childcare.
- You will be allowed to wait in a Safe Waiting Room with your support person(s). The offender is not allowed to enter this Safe Room.
- The offender will be at court to hear all the evidence. If he is on bail, he will be allowed to enter and leave the court through the public entrance.
- You may see the offender and his family members around the court complex. This may be uncomfortable for you and it is therefore important to have your support person with you.
• The days of court sometimes involve long hours of waiting, so bring some activities to distract yourself and to help pass the time: Some magazines, snacks, a book, games on your phone, a crossword, sudoku or knitting.

4.2 Tips on Giving Your Evidence:

Facilitators say: “The following tips on giving your evidence have been put together by other survivors who have been to court, and they are found in your folders.”

• As a witness, you are not allowed into the courtroom until it is time to give your evidence.

• The court officer will come and get you when it’s time for you to give your evidence in court, usually after quite a bit of waiting.

• As a witness, you have a very important job to tell the court about what happened to you. It is also your job to answer questions truthfully.

• You will be taken to the witness box and asked to make an oath by swearing on the bible, or to make an affirmation to promise to tell the truth. Both are of equal value, and you are free to choose the option you are more comfortable with. You will be asked to say “I do” as you promise to tell the truth.

• Don’t forget you can look at your support person any time you need to, as they believe you and are backing you up completely.

• After making the promise to tell the truth, you will be asked questions by the DPP solicitor representing your case and the State. They will ask you about the statement that you made to police and about the crime that happened to you. This is why it’s important that you have read your statement carefully before court.

• After this, you will be asked questions by the defence, the offender’s solicitor. This is called cross-examination and we will talk more about this a little later.
• Giving evidence will perhaps be the hardest part of the legal journey for you. Remember and acknowledge the courage it has taken for you to stand up and take this brave step!

• You may be able to request a screen in the courtroom through the DPP Witness Assistant, so that you do not have to see the offender.

• Remember that as a witness, you have a very important role to inform the court about what happened to you.

• Speak up clearly and speak slowly.

• Listen carefully to what you are being asked.

• Don’t answer a question you don’t understand. Ask for it to be repeated or put more simply.

• Only answer what you are asked. Don’t feel you need to give more detail. Silence is OK and you do not have to fill it.

• If you don’t remember or don’t know something, then it’s OK to say so.

• If you need more time to remember or think about your answer, ask for some time. You can ask to have a break or have a drink of water.

• If your answer needs further explanation, ask the judge if you can explain it.

• Try to breathe evenly and stay as calm as you can. Count your breaths slowly: In, two, three, and out, two, three. This will help you manage your feelings. Remember that the feelings you are having on the stand will pass.

• Remember that the police and DPP solicitor believe you and are working hard to make the offender take responsibility for the crime he has committed.

• Remind yourself how brave you are to be giving evidence in court and remember that you have very good reasons why you have chosen to be there.
• Remember that all the women from your group are proud of you and are sending you their support and wishes for strength and courage.

• Remember your support person is cheering you on.

(ECAV, 2002:10; Victims Services Attorney Generals Department, 2011)

4.3 Tips for Cross-Examination:

Facilitators then discuss the specific process of cross-examination and explain:

• Cross-examination will be the most challenging part of the legal journey for many of you. The defence lawyer might ask you very upsetting questions and you will be asked to talk about specific acts in explicit detail. In other words, you will have to repeat what you have told the police and what is written in your statement. This is why it is important for you to have read a copy of your statement before court and to be very familiar with your statement.

• Remember that the defence lawyer is being paid to prove that your story of sexual assault is untrue. The defence lawyer can try all sorts of tricks and suggest that you consented to sex, or that it was not the accused that sexually assaulted you.

• Try to remember that the defence lawyer is merely playing a role, and remember that you do not have to take his comments personally. He is being paid to get the offender off, and so he will use any tactic that will put doubt in the jurors’ minds.

• Defence lawyers can be rude and aggressive. Even though you may feel angry with the defence lawyer, try not to let your anger get in the way of you giving evidence in a clear way. Remember that the defence lawyer is doing their job, which is trying to get the offender off. They are playing a role, a bit like an unlikeable character in a play or in a movie.
• Questions asked by the defence lawyer are often deliberately upsetting. The
defence lawyer will suggest you are lying, exaggerating or deliberately
changing what happened. Try to stay calm and answer the questions as best
you can, even if you feel hurt, scared or offended.

• Sometimes the defence lawyer will ask you questions you don’t expect,
sometimes from long ago. He or she may ask questions like: “I put it to you .
..” or “I suggest to you . . .” These may not sound like questions, but they are.

• If you don’t understand a question the defence lawyer is asking you, ask
them to say the question again in an easier way. If you don’t agree
with what’s being asked, it’s OK to say you don’t agree.

• The defence lawyer may ask you about personal things, such as your use of
drugs and alcohol or your mental health history. Remember that you are
not in trouble or on trial! The offender is in trouble and on trial.

• You can ask the judge whether you have to answer a question if you find it
is not relevant or if it the question is rude or confusing.

• If you become upset, don’t blame yourself. Ask for a break, have a drink of
water and remember to breathe. Remember also to look at your support
person. They believe and support you and they are here for you during this
difficult process.

• Remind yourself that you are very brave, that you are a survivor who has
found within herself the courage to navigate the legal journey.

(ECAV ,2002:10-11; Victims Services, Attorney General’s Department, 2011)

4.4 After You Have Given Your Evidence:

• Once you have given your evidence, you can stay and watch the rest of the
proceedings or you are free to leave, unless you are told you have to give
further evidence during a later part of the trial.
• When all the evidence has been heard, the prosecution and defence lawyers will give their closing speeches.

• The lawyers will speak directly to the jury at this time. The judge will then explain the law and summarise the facts and explain the duties of the jury before they go to the jury room to decide on the verdict.

• The time of waiting for the verdict is a stressful one. Remind yourself that you have done all that you could do. Praise yourself for your courage, for having stood up for yourself and having told the truth, no matter what the outcome is! It is now up to the jury to decide whether the prosecution has decided beyond reasonable doubt that the offender is guilty of what they have been charged with.

• If the offender is found guilty, he will be sentenced, usually after a few weeks. It is the judge who will decide on the sentence.

• If the offender is found not guilty, they will be free to leave the court. This will be very hard for you and you will need and deserve support at this point.

• Depending on the outcome, you may feel all sorts of emotions: happy and relieved or sad, angry and let down. Remember that you have done your very best!

• Try to remember that even if the offender is found not guilty, he has had to face embarrassment and humiliation. He has had to pay a lot of money to be represented by a lawyer in court and he has been charged by police and has had to appear in court not knowing what the outcome will be.

4.5 Caring For Yourself After Court:

• You may need emotional support after court and that is perfectly OK. You have been through a truly challenging journey!

• Allow yourself to seek support from friends, family or professional help from the people who believe in you. You may want to go back to see your
counsellor at the Sexual Assault Service for a while to come to terms with everything that’s happened.

- Be patient with yourself and allow yourself time to heal. There is no rush. Respect your need to recover slowly and gradually.

- Look through your “Women of Courage” folder and try some of the self-care activities that have helped you in the past.

- Remind yourself that you are a courageous woman who has stood up for herself, no matter what the outcome of court.

4.6. Mindfulness Connection:

Before the tea break, facilitators encourage participants to make a Mindfulness Connection:

“Is anyone noticing fear or anxiety in their bodies after talking about court? What sensations are in your body? If you are having these feelings, it is probably for a very good reason. This part of the legal journey is a challenging and often frightening process. Don’t try to get rid of these feelings, but instead allow your body to be host to them with acceptance and compassion. The other women in this group are experiencing similar fears. You are all in the same boat, sharing a sometimes stormy journey.”

Exercise 5: Tea Break: (10 mins)

The weekly 10-minute tea break is an important opportunity for participants to connect and support one another more informally, assisting participants to reduce social isolation, provide mutual aid and increasing resilience through social connection (Drumm, 2008; Hyde, 2013). A timer is set for 10 minutes at the beginning of the tea break and participants are encouraged to return to their seats when the timer sounds.

Exercise 6: Emotion Regulation/Distress Tolerance Activity: (25 mins)
Weekly emotion regulation and distress tolerance activities involve self-care and self-expression exercises such as journaling, yoga and stretching, art therapy, positive affirmations, poetry and craft (Cologna et al., 2011; Hayes and Povey, 2011; Orr and Stevenson, 2013).

**Emotional Acceptance and the Willingness to be with Difficult Emotions:**

Facilitators explain: “Today’s emotion regulation and distress tolerance activity is about emotional acceptance and the willingness to be with difficult emotions and situations. This is about allowing ourselves to have painful experiences, so we can do the things that are important to us, like giving evidence in court.

“Acceptance is commonly misunderstood as meaning a sense of resignation, putting up with it, or even liking it. This is not the case, and for this reason we will sometimes use the word willingness instead of acceptance. Emotional discomfort is a very normal, universal human experience. Painful emotions such as sadness, anger and fear are part of being human. These emotions are not just common, normal and OK, they are actually important and useful to us.

“For example, the Buddha has said: ‘Life holds ten thousand joys and ten thousand sorrows’. What he meant with this statement is that it is a normal part of every human life to experience sorrow, loss and fear.

“For example, fear is extremely helpful to our survival. Fear is helpful when it kicks in at appropriate times, like when there is a real threat to our safety (for example, when a wild ferocious animal is coming our way) or when the fear is proportional to the situation (such as feeling fearful before court). At these times, the fear we experience and all the physiological sensations that accompany that fear help us to effectively deal with that situation. Heart pumping, breathing faster, feeling hot and sweaty, all these are signs that the body has gone into ‘fight/flight or freeze’ mode, preparing us to either face the danger (for example preparing for court) or to escape the danger (for example, running away quickly from the wild animal, or freezing so the wild animal can’t see us).
“Similarly, anger is another helpful emotion we have. Anger can spur us into action to try to change things for the better when we haven’t been treated fairly. It is an emotion that can motivate us to stand for what is right (for example facing a defence lawyer in court).

“Have a look at the hand-out in your folder on Emotional Acceptance. Which saying might help you on the days of court or during the weeks leading up to court?”

“Act made simple” (Harris 2009)
Willingness

Expansion

Allowing thoughts
and feelings to be
as they are

Open up and
make room for it

Give it permission
to be where it
already is

Allow it to be there

Acceptance

Stop wasting your energy on pushing it away

Stop wasting your energy on pushing it away

Stop fighting with it

Make peace with it

Breathe into it

Let go of struggling with it

Give it some space
"Emotions are like waves in the ocean,

Emotions are like waves in the ocean,

Coming and going,

Passing through your body.

You are the “you” that notices your emotions,

And allows them to come and go.

Facilitators or a volunteer participant read and discuss the above statement and facilitators ask: “How do you think this quote relates to emotional acceptance and willingness?”

Facilitators validate: “Emotional acceptance can be difficult because it is really normal and natural to want to push away painful emotions.”

Facilitators then relate emotional acceptance to participants’ willingness to go through the pain and challenge of the legal process: “Despite the painful emotions that are arising in you during the legal process, you are willing to tolerate these to stand up for what you believe in. Be proud of yourself for your courage and willingness!”

Exercise 7: Closing Exercise: (10 mins)

The weekly closing exercise is aimed at consolidating and enhancing participant learning. Participants are encouraged to take turns in identifying:

“Name an emotion that has been challenging for you, and over the coming week, give that emotion permission to be there. Trust that the emotion is there for a reason.”
Week Seven: A Visit from Lani Brennan

Exercise 1: Welcome and Introduction to This Week’s Topic: (10 mins)

This week’s group session allows for normalisation and validation of difficult emotions, as well as skills building and the provision of hope and courage for participants. In Week Seven, the “Women of Courage” receive a guest visit from Lani Brennan, an Aboriginal survivor of sexual assault who has navigated the legal system and who is a frequent public speaker on the issue of sexual assault and the legal system. Lani Brennan’s experience has also been featured on the ABC’s Australian Story.

Facilitators explain: “We welcome Lani Brennan to the group. Lani is a survivor of sexual assault who has been through the legal process two times. This is an opportunity for you all to hear Lani’s story of courage and perseverance and to ask her any questions you may have. This week’s session is about hearing and learning from a strong Aboriginal woman who has travelled the same journey that you are all on.”

Facilitators add: “Because of today’s guest visit, the structure of today’s group is slightly different to other weeks. We apologise if this is inconvenient.”

Exercise 2: Psycho-Education Regarding the Legal Process and Group Discussion: (60 mins)

Lani Brennan tells her story of courage, gives tips on surviving the legal system and answers participants’ questions, providing information, hope and encouragement to participants.

Exercise 3: Tea Break: (10 mins)
The weekly 10-minute tea break is an important opportunity for participants to connect and support one another more informally, assisting participants to reduce social isolation, provide mutual aid and increasing resilience through social connection (Drumm, 2008; Hyde, 2013). A timer is set for 10 minutes at the beginning of the tea break and participants are encouraged to return to their seats when the timer sounds.

**Exercise 4: Emotion Regulation/Distress Tolerance Activity: (15 mins)**

Weekly emotion regulation and distress tolerance activities involve self-care and self-expression exercises such as journaling, art therapy, positive affirmations, poetry and craft (Cologna et al., 2011; Hayes and Povey, 2011; Orr and Stevenson, 2013).

Today’s emotion regulation and distress tolerance exercise is documented by facilitators on the white board and in participants’ folders. Facilitators check in with the group around Lani’s visit and inquire: “What feelings have come up for you today in relation to Lani’s story? What have you learnt from Lani’s visit? Are there any specific tips you learnt from Lani’s visit that may be particularly useful for you on your legal journey?”

**Exercise 5: Mindfulness Exercise: (10 mins)**

**Drop Anchor**

Facilitators explain: “This is a simple grounding exercise to centre yourself and to connect with the world around you, as well as connecting with the support of Mother Earth and the ground beneath you.

“This mindfulness exercise may be useful for you during times of stress, such as preparing for and attending court. Practise it throughout the day, especially any time you find yourself getting caught up in fear and worry.”
“Make yourself comfortable. Become aware of your breathing as you are sitting in the chair or on the floor. Become aware of your feet on the floor. Really plant your feet into the floor. This is a bit like ‘dropping anchor’. Really feel your feet on the floor. And notice the floor and Mother Earth beneath you, supporting you at all times. Notice the muscle tension in your legs as you push your feet down slightly.”

“Notice your entire body, and the feeling of gravity flowing down through your head, spine and legs, right down into your feet. Remind yourself that the earth has supported you from the moment you were born, in good times and difficult times.

“Gently try saying the following words to yourself: ‘I am welcome and wanted on this earth’. “Connect with your breath again, as it comes into and flows out of your body. When you are ready, gently open your eyes and look around and notice what you can see and hear.” (Adapted from Harris, 2012)

Exercise 6: Closing Exercise: (15 mins)

Facilitators explain: “During the coming week, we would like you to visit the courthouse and sit in a courtroom to familiarise yourself with this environment. This will help you feel more confident when it is your turn to attend court. Perhaps you can go with your support person or another supportive friend or family member. Alternatively, one of our group facilitators can organise a time during the week to take a few of you through the process of visiting court.” Facilitators pass around a sheet for participants to add their name if they are interested in going to the courthouse with a facilitator and members of the group. The weekly closing exercise is aimed at consolidating and enhancing participant learning. Participants are encouraged to take turns in identifying:

“Name one skill, supportive strategy or helpful idea that you learnt, perhaps from Lani’s visit, that you will take with you into the coming week.”
Week Eight: Saying Goodbye and Talking About Self-Care, Because You’re Worth It!

Exercise 1: Welcome and Introduction to This Week’s Topic: (5 mins)

Facilitators introduce today’s final topic, which includes: “Today, we are saying goodbye to the group and talking about self-care, because you’re worth it!”

Exercise 2: Sharing Exercise: (10 mins)

Facilitators explain: “Today’s group is our last group. You may be feeling many different emotions today. We feel sad that this is our last week together, but we also feel proud to have travelled this amazing journey together.”

Facilitators encourage participants to name some of their emotions and validate participants’ experiences and feelings. Facilitators may also name and share some of their own emotions about the ending of the “Women of Courage” group.

Exercise 3: Mindfulness Exercise: (10 mins)

Sensory Mindfulness

This is the same mindfulness exercise the group experienced in Week One, and allows participants to practise bringing awareness into the present moment. Practising the same mindfulness exercise allows the group to experience having come “full circle”.

Facilitators explain: “This is the same mindfulness exercise we practised in Week One. Sit in a chair, or sit or lie down on the floor and make yourselves comfortable.

“Bring your awareness to your body being in this room, right here and now, sitting in the chair or perhaps sitting or lying on the floor.”
“Notice the things you see around you in this room and outside the window. Notice the things you hear inside this room and outside.

“Notice your body on the chair or on the floor. What parts of your body are touching the chair or floor?

“Notice your feet on the floor, your shoes on your feet. Notice the touch of your clothes on your skin. Notice the flow of air touching your skin.

“Notice your body breathing in and out, your belly and chest rising with each in-breath and your belly and chest falling with each out-breath, a bit like the gentle waves of the ocean. Can you feel the air entering and leaving your nostrils?

“Notice how you feel about being here today, on the last day of this group program. Allow any feelings to be there and welcome them, whether they are pleasant or unpleasant. Praise yourself for the courage it has taken to attend this eight-week group. You are a courageous woman indeed!

“Before we finish, take a few moments to reflect on what you have gained during the past eight weeks and in your mind, send wishes for courage and strength to the other courageous women who have travelled this journey with you.”

(Adapted from Giarratano, 2004).

**Exercise 4: Psycho-Education Regarding the Legal Process, Including Weekly Group Discussion: (20 mins)**

Facilitators explain: “Today’s final session is about self-care during the days of court. In the lead-up to court, it is important to take good care of yourselves. You may have strategies and ideas that have helped you to cope with other stressful events in your life in the past, and these could help you now. It is very important to take care of yourself now, both physically and emotionally.”
Facilitators ask the following questions and document participants’ ideas on the whiteboard, as well as encouraging participants to document any ideas they may find useful in their folders:

- How can you best look after yourself during the days of court?
- What have you found helpful when you have coped with challenging times in the past?

Facilitators explain: “Here are some of the ideas that other survivors have shared that have helped them when they were going to court. They are documented in your folders and you can add your own ideas to them:

- Exercise has been found to reduce stress and anxiety. You could perhaps go for a walk along the beach, go for a swim or bike ride.
- Stay in touch with supportive friends or relatives.
- Keep in touch with your professional support people (for example, your counsellor here at the Sexual Assault Service).
- Don’t be afraid to ask for help.
- Have a coffee or a meal with friends.
- Try to eat well.
- Do something relaxing and nurturing (perhaps a visit to the hairdresser, a massage, window shopping, a DVD or a bubble bath).
- Listen to your favorite music.
- Look through your “Courage and Affirmation” Box or your “Women of Courage” folder.
- Spend some time sitting in the garden or outdoors.
- Allow yourself plenty of opportunity to sleep and rest.”
• Allocate yourself a day to do and achieve nothing.

• Let go of unnecessary chores and responsibilities until court is over.

• Your thoughts might try to talk you out of going to court. Your thoughts may also tell you that you won’t be good enough. This is completely normal. Be kind to yourself.

The group discusses any other ideas for self-care and facilitators continue to write these on the whiteboard.

Facilitators explain: “Take some time to quietly reflect and document your ideas for self-care in your folders:

“Things I would like to do for me, because I’m worth it:”

_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________

4.2 Staying In Touch: (5 mins)

Before the tea break, facilitators explain: “This activity is an optional activity: Feel free to write down your email address on this piece of paper to share with the other women in the group.

“Remember that this is entirely optional and it is absolutely OK to choose not to give out your contact details.

“At the end of today’s session, we will be handing out photocopies of those email addresses that have been written on this paper, so that you can choose to stay in touch and continue to encourage and support one another if you wish.”
Exercise 5: Tea Break: (10 mins)

The weekly 10-minute tea break is an important opportunity for participants to connect and support one another more informally, assisting participants to reduce social isolation, provide mutual aid and increasing resilience through social connection (Drumm, 2008; Hyde, 2013). A timer is set for 10 minutes at the beginning of the tea break and participants are encouraged to return to their seats when the timer sounds.

Exercise 6: Emotion Regulation/Distress Tolerance Activity:

Weekly emotion regulation and distress tolerance activities involve self-care and self-expression exercises such as journaling, art therapy, positive affirmations, poetry and craft (Colina et al., 2011; Hayes and Povey, 2011; Orr and Stevenson, 2013).

The Rainy Day Letter: (30 mins)

Facilitators explain: “Today’s final emotion regulation exercise is called The Rainy Day Letter. Sometimes, when we most need comfort is when it’s most difficult for us to find that comfort and support within us. The Rainy Day Letter will provide you with comfort, helpful ideas and encouragement when you most need it. You can carry it with you to support you wherever you are, or you can seal it and save it for a rainy day. It offers the wisdom of the person who knows you best: Yourself.”

Participants are provided with coloured paper, pens and envelopes and are instructed to:

Write this letter from you, to you:

- List the activities you find comforting.
- Record the names and phone numbers of supportive and safe people.
- Remind yourself of your strengths and virtues.
• Remind yourself of your talents, abilities and interests.

• Remind yourself of some of your hopes and dreams for the future.

• Give yourself special advice and other reminders that are important to you.

• Place your letter into an envelope labelled: For A Rainy Day.

At the conclusion of this activity, facilitators invite participants to share what it was like to write a loving and supportive letter to themselves.

Exercise 7: Closing Exercise: Celebrating the “Women of Courage” (20 mins)

This final closing exercise is the same as the Week One Photo Language Activity, with the group having come “full circle”. Photo language is a projective technique eliciting rich verbal data where participants choose an existing photograph as a metaphor and then discuss it. The method is an innovative process that uses photographs as a means of communication so as to encourage and facilitate personal expression in small groups. Each participant is encouraged to recognise the associations that spring up when they look at the pictures, and to understand herself better by trying to put her inner sentiments into words and to communicate these to the group (Laidlaw, 2014).

Participants are invited to look at the photographs spread out on the floor, in order to respond to them on an emotional level.

This exercise allows participants to communicate something to themselves and to each other in a safe way. Participants pick two of the many photos that have been laid out on the floor:

• The first one represents an attitude of acceptance: “Where I am now”.

• The second one represents an attitude of hope: “Where I would like to see myself in the future”.


Participants then go around in the circle and share the meaning of two photos they have chosen. (Participants are reminded that they don’t have to share their photographs verbally if they do not feel comfortable doing so).

**Exercise 7: Closing Exercise: (10 mins)**

The final closing exercise is aimed at consolidating and enhancing participant learning. Participants are encouraged to take turns in identifying:

“Name some of the skills, supportive strategies or helpful ideas that you will be taking with you into the coming weeks and months on your legal journeys.”

Facilitators explain: “Feel free to continue to see us for counselling in the coming weeks and months. Please remember that we at the Sexual Assault Service are here to support you throughout your legal journeys. It has been a privilege and a joy travelling alongside each of you over the past eight weeks.”
Evaluation Questionnaire:

(Provide enough space so that participants can elaborate)

- Do you feel this group has helped you develop skills for going to court?

- What did you find helpful about the “Women of Courage” group program?

- What would you change about the “Women of Courage” group program?

- Would you recommend this group to other women going through the legal system?

- Any other comments?
Appendix 14

Women of Courage Group Support Program
( Participant Manual)
Women of Courage
Group Support Program
“Women of Courage” Participant Manual:

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Introduction and Welcome:

This eight-week pilot group court support and preparation program “Women of Courage” aims to provide a supportive learning environment for women survivors of sexual assault while they are in the process of taking legal action. The pilot program offers a setting in which participants feel safe and have the opportunity to learn relevant skills required while navigating the legal process, as well as having the opportunity to create supportive connections with other women participants who are experiencing similar concerns with regards to their legal journeys.

This program offers a holistic approach to supporting women during the legal process, through the provision of easy-to-understand, practical information and relevant skills with regards to the court process itself, as well as providing resilience-enhancing skills including mindfulness training.

The court preparation program “Women of Courage” aims to recognise participants’ inner resources and strengths, with a commitment to empowering participants throughout each group session.

Each of the eight two-hour group sessions follows the same structure, allowing participants to feel safe and supported and optimising participant learning throughout the “Women of Courage” group program.
Week One: Getting to Know Each Other and Knowing Your Rights:

Exercise 1: How Can We Make This a Safe Group?

- Respect for one another.
- Acceptance towards each other, including acceptance of differences.
- One person speaks at a time.
- What is said in the group stays in the group.
- Switch off mobile phones, as it is important that you take this time for yourself.
- Starting and finishing the group on time.
- You do not have to speak if you don’t want to.
- Let the group facilitators or our receptionist know if you can’t come to the group.
- It is OK to leave the room if you need a break at any stage, but please do not leave the building without letting one of the facilitators know, as we will be concerned about you.
- We encourage you to continue to attend counselling with your individual counsellors for extra support in between sessions.

Write down any other group agreements that were discussed:
You Have Rights!

This Charter applies to all NSW Government departments, non-government agencies and service providers who provide support to victims of crime:

- You have the right to be treated with courtesy, compassion and cultural sensitivity.
- You have the right to be told about services that can help you.
- You have the right to get medical, legal, counselling and other help.
- If the police are investigating your crime, you have the right to be told what is happening if you ask.
- You have the right to know where the legal process is up to, including where the court hearing will be, what the charges are and why the offender hasn't been charged.
- If you are going to be a witness in court, you have the right to know how the trial will work and what your role will be.
- You have the right to be protected from contact with your offender.
- Your privacy is important! You have the right to keep your address and phone numbers private.
- You have the right not to attend your offender’s preliminary and committal hearing unless the court directs you.
- You have the right for your protection needs to be considered when your offender is applying for bail.
- You have the right to know about your offender's bail conditions. The offender may be released on bail on condition that they do not contact you.
- If your case does go to court and you want to make a statement to the court about how the crime has affected you, you have the right to support and information about this process.
- You have the right to know when your offender is released from custody.
- You have the right to know about your offender’s parole.
- You have the right to claim for victim's compensation.
To talk confidentially about what happened to you and any concerns you have about your rights, contact the Victims Access Line on 1800 633 063 or (02) 8688 5511 or visit www.lawlink.nsw.gov.au/vs.

Adapted from “NSW Charter of Victims Rights” (Victims Services Attorney General and Justice, 2013b)
Week One:

Charter of Victims Rights
appendix 14

murderers of the community for their actions, not for the needs of the victims themselves.

If you are a victim of crime, you have rights. These rights are called the Charter of Victims Rights. This is what it says:

**Respect**
You will be treated with respect, dignity and compassion. At all times your culture will be respected.

**Information about services**
You will be told as soon as possible about the different services that can help you, including counselling and legal services.

**Access to services**
If you need medical, counselling, and legal help you will be able to get it if it is available.

**Information about the investigation of the crime**
If you ask, you will be told about how the police investigation is going. But in some cases there may be some things the police can't tell you.

**Information about the prosecution**
Prosecution is about taking the offender to court for the crime. This is done by the police, or, in serious cases, the Director of Public Prosecutions.
As a victim, you will be told:
- what the charges are OR why the offender has NOT been charged;
- any decision of the prosecution to change or drop charges;
- the date and place of the court hearing;
- the final court result, including any appeal or gaol sentence given.
If the prosecution is thinking about changing or dropping the charges they will have a talk to you about this if the crime:
- was a serious sex crime, OR
- caused you physical harm, psychological or psychiatric harm.

**Information about being a witness**
If you have to give evidence as a witness in a trial you will be told about HOW the trial works and WHAT you have to do.

**No contact with the offender**
While your case is in court you will be protected from contact with the offender and the offender's witnesses.

**Protection of your privacy**
You can keep your address and phone numbers private unless the court says different.

**Court business before the trial**
You do NOT have to go to any committal hearing (like a mini trial) or other court business before the trial UNLESS the court says you must.

**Returning your goods used as evidence**
If the police or prosecution took any of your goods as evidence you have the right to get it back as soon as possible.

**Your protection**
If you need protection tell the police or prosecution when the offender applies for bail.

**Special bail conditions**
You will be told about any special bail conditions the offender is given, which are meant to protect you or your family, like a condition which says the offender must not contact you.

**Bail decision**
If you were the victim of sexual assault or other serious assault you will be told if the offender gets bail or not.

**Victim impact statement**
In some cases you may be able to tell the court about how the crime has affected you and you will be given help and support to do this. This is called giving a ‘victim impact statement.’

**When the offender gets released**
If the offender is in gaol you can be told if the offender is going to be released from gaol soon, has escaped gaol or is on day release.

**When the offender applies for parole**
You can have a say if your offender applies for parole.

**Financial assistance**
If you have been injured as a result of a serious personal violence criminal act, you may be eligible for financial assistance.

**Information about complaint procedures**
You can make a complaint if you think your rights under the Charter have not been met and can ask for information about how to do this.
Week Two: Dealing with Frustration and Delays

A Poem on the Daughter's Perspective:

*Time After Time*

*The first time we went to Court I was so nervous*

*When we were told it was not going to go ahead that day*

*And we wouldn't be back for many months*

*I was very upset but also a bit relieved*

*I tried not to think about Court that much*

*Until we had to go again*

*We went over what would happen again*

*Before the next time*

*But it didn't go ahead then either*

*It was five times that I went to Court*

*Before the trial actually happened*

*By the end I didn't really think it would*

*I felt like it was all just a story I was in*

*Every time before we left to go to Court*
Mum would get me a gift to make the day special

And then we came home upset and disappointed

And Mum had to try hard not to show her upset

And do things to make me feel better

I had to have days off school and didn’t want anyone to know why

So we made up that I had appointments

In between times I would do my usual things and have good times

But always having to go to Court would be on my mind

It sat on my shoulder like someone watching me

I could never feel that I was allowed to forget about the bad stuff

I had to make sure I could always remember it

And that made me want to keep thinking about it

I really wanted to think about other things that made me happy

But I had to think about things that other kids don’t even have to know

That horrible things can happen to kids

Just like me.

(Want and Crew, 2003: 200-201)
A Poem on the Mother’s Perspective:

Rituals

We had to go to Court five times before the trial actually went ahead.

It was hard to go on that roller coaster so many times.

Each time the counsellor did Court preparation

But it became a bit of a joke for us all.

She started to prepare us for trepidation,

and then anticipation and then resignation.

We had plans about what to do when it got adjourned just one more time.

But each time we had to be ready just in case.

We would have a special outing the weekend before

and go buy a new outfit to wear.

It became one of those not so funny jokes,

that this was the best way to get a new wardrobe.

The seasons were always different and during

those three years she grew out of many of her dresses.

Every morning before we went we would have a

nice breakfast together and talk about things

that made us feel good.
We would make plans about how to spend the day

If the trial didn’t get a start.

Then I would give her a special gift

for her day at Court and tell her how great she was

and how proud I was of her.

We would dress up and I would do her hair

in some pretty way with ribbons.

We had a bag with all our Court stuff in it

And we were very practised at collecting activities, food and Teddy.

It became a bit like going for a picnic for the day.

And then when it actually went ahead

It was a sort of shock but we felt very at home in the Court

And felt like we had known the prosecutor for years.

Well, we actually had!

The rehearsals were over and this was it.

And her performance was great.

(Want and Crew, 2003:206-207)
Week Three: Challenging Myths and Stereotypes

The Truth about Perpetrators of Sexual Assault:

“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)

A List of my Strengths:

(Here are some ideas if you are finding it hard to identify your strengths)

- You are here today, which has taken a great deal of courage.
- You have had the bravery to make a report to police.
- You have survived sexual assault.

So go ahead, don’t’ be shy. Write your own list now:
Week Four: My Support Network

A Letter to your Support Person:

“Dear __________,

Today in the “Women of Courage” group we talked about choosing a support person to help us through court.

I thought of you because you are ____________________. The legal journey will be a challenging time for me, and your support will make a huge difference to me. If you are willing, you could help me with the following things ________________________.

Just knowing you are there for me already to talk to is such a comfort to me! Take some time to think about whether you are able to be my support person for court and I will be in touch soon.

Love from _______”

Week Five: Understanding Confusing Court Lingo
A Brief Legal Dictionary:

Accused/Defendant – The person charged with committing a crime.

Acquitted – When there is any reasonable doubt that the accused has broken the law, he will be allowed to go free.

Adjournment – When the case is put off to another day/week or month.

Barrister – A lawyer who represents people in court and wears a robe and wig in the courtroom.

Committal hearing – At this hearing, the magistrate decides if there is enough evidence to go to trial. You may or may not be required to attend this hearing.

Complainant – The person who is the victim of sexual assault and has made a complaint to the police.

Crown Prosecutor – This barrister does not represent you personally but they represent the State’s case against the accused.

Defence Counsel – This is the name for the legal team who represents the defendant/offender. It is their job to try to put doubt in the jury’s minds that the crime may not have happened.

Judge – His job is to make sure the trial is run fairly. The judge will also interrupt and offer legal advice to the jury. If you need a break, you can ask the Judge for one.

Jury – Twelve people from the community whose job is to decide if there is enough evidence to prove that the accused has broken the law. The Jury has to be convinced beyond reasonable doubt on each individual charge.

Mention – A brief hearing to sort out what is happening with the case, such as setting the date for the committal hearing or deciding bail. A mention is NOT the trial and you usually don’t have to attend a mention.

DPP – This stands for the Director of Public Prosecutions. Their role is to convince the court that the accused is guilty.
Prosecution – The name of the legal team who represents the State and your case. They believe a crime has been committed against you. The Crown Prosecutor and the DPP are part of this team.

Subpoena – A court order to make a witness come to court to give evidence, or to bring documents to court.

Trial – The hearing where it is decided whether the accused has broken the law or not. This may go on for days.

Victim Impact Statement (VIS) – A victim has a right to prepare a VIS about the effect the sexual assault has had on her, after the accused has been found guilty. A counsellor or friend can help you write this and you or a support person can read it out in court. This process allows you to have a voice and to stand up against the injustice you have experienced.

Witness – You are a witness. The job of the witness is to tell the court the truth regarding the crime.

Statements of Courage and Affirmation:

- “I have many strengths”
- “I am good enough”
- “I am perfectly imperfect”
- “I am always doing the best I can!”
- “I am OK just the way I am”
- “Progress, not perfection!”
- “I can deal with this!”
- “This too will pass”
- “Breathe!”
- ”Be kind to yourself”

Week Six: Tips for Coping in Court
Tips for the Days of Court:

- Wear something smart casual, comfortable and bring a warm layer of clothing with you in case you get cold.
- Request and read your statement prior to being a witness in court.
- You can ask for expenses to be paid for the days you have to go to court. Witness expenses are for your meals, some lost wages and for childcare.
- You will be allowed to wait in a Safe Waiting Room with your support person(s). The offender is not allowed to enter this Safe Room.
- The offender will be at court to hear all the evidence. If he is on bail, he will be allowed to enter and leave the court through the public entrance.
- You may see the offender and his family members around the court complex. This may be uncomfortable for you and it is therefore important to have your support person with you.
- The days of court sometimes involve long hours of waiting, so bring some activities to distract yourself and to help pass the time: some magazines, snacks, a book, games on your phone, a crossword, sudoku or knitting.

Tips on Giving Your Evidence:

- As a witness, you are not allowed into the courtroom until it is time to give your evidence.
- The court officer will come and get you when it’s time for you to give your evidence in court, usually after quite a bit of waiting.
- As a witness, you have a very important job to tell the court about what happened to you. It is also your job to answer questions truthfully.
- You will be taken to the witness box and asked to make an oath by swearing on the bible, or to make an affirmation to promise to tell the truth. Both are of equal value, and you are free to choose the option you are more comfortable with. You will be asked to say “I do” as you promise to tell the truth.
- Don’t forget you can look at your support person any time you need to, as they believe you and are backing you up completely.
- After making the promise to tell the truth, you will be asked questions by the DPP solicitor representing your case and the State. They will ask you about the statement that you made to police and about the crime that happened to you. This is why it’s important that you have read your statement carefully before court.
After this, you will be asked questions by the defence, the offender’s solicitor. This is called cross-examination and we will talk more about this a little later.

Giving evidence will perhaps be the hardest part of the legal journey for you. Remember and acknowledge the courage it has taken for you to stand up and take this brave step!

You may be able to request a screen in the courtroom through the DPP Witness Assistant, so that you do not have to see the offender.

Remember that as a witness, you have a very important role to inform the court about what happened to you.

Speak up clearly and speak slowly.

Listen carefully to what you are being asked.

Don’t answer a question you don’t understand. Ask for it to be repeated or put more simply.

Only answer what you are asked. Don’t feel you need to give more detail. Silence is OK and you do not have to fill it.

If you don’t remember or don’t know something, then it’s OK to say so.

If you need more time to remember or think about your answer, ask for some time. You can ask to have a break or have a drink of water.

If your answer needs further explanation, ask the judge if you can explain it.

Try to breathe evenly and stay as calm as you can. Count your breaths slowly: In, two, three, and out, two, three. This will help you manage your feelings. Remember that the feelings you are having on the stand will pass.

Remember that the police and DPP solicitor believe you and are working hard to make the offender take responsibility for the crime he has committed.

Remind yourself how brave you are to be giving evidence in court and remember that you have very good reasons why you have chosen to be there.

Remember that all the women from your group are proud of you and are sending you their support and wishes for strength and courage.

Remember your support person is cheering you on.

Tips for Cross-Examination:

Cross-examination will be the most challenging part of the legal journey for many of you. The defence lawyer might ask you very upsetting questions and you will be asked to talk about specific acts in explicit detail. In other words, you will have to repeat what you have told the police and what is written in your statement. This is why it is important for you to have read a copy of your statement before court and to be very familiar with your statement.
• Remember that the defence lawyer is being paid to prove that your story of sexual assault is untrue. The defence lawyer can try all sorts of tricks and suggest that you consented to sex, or that it was not the accused that sexually assaulted you.

• Try to remember that the defence lawyer is merely playing a role, and remember that you do not have to take his comments personally. He is being paid to get the offender off, and so he will use any tactic that will put doubt in the jury's minds.

• Defence lawyers can be rude and aggressive. Even though you may feel angry with the defence lawyer, try not to let your anger get in the way of you giving evidence in a clear way. Remember that the defence lawyer is doing their job, which is trying to get the offender off. They are playing a role, a bit like an unlikeable character in a play or in a movie.

• Questions asked by the defence lawyer are often deliberately upsetting. The defence lawyer will suggest you are lying, exaggerating or deliberately changing what happened. Try to stay calm and answer the questions as best you can, even if you feel hurt, scared or offended.

• Sometimes the defence lawyer will ask you questions you don’t expect, sometimes from long ago. He or she may ask questions like: “I put it to you ...” or “I suggest to you ...” These may not sound like questions, but they are.

• If you don’t understand a question the defence lawyer is asking you, ask them to say the question again in an easier way. If you don’t agree with what’s being asked, it’s OK to say you don’t agree.

• The defence lawyer may ask you about personal things such as your use of drugs and alcohol or your mental health history. Remember that you are not in trouble or on trial! The offender is in trouble and on trial.

• You can ask the judge whether you have to answer a question if you find it is not relevant or if it the question is rude or confusing.

• If you become upset, don’t blame yourself. Ask for a break, have a drink of water and remember to breathe. Remember also to look at your support person. They believe and support you and they are here for you during this difficult process.

• Remind yourself that you are very brave, that you are a survivor who has found within herself the courage to navigate the legal journey.

(ECAV, 2002:10-11; Victims Services, Attorney General’s Department, 2011)

After You have Given your Evidence:
• Once you have given your evidence, you can stay and watch the rest of the proceedings or you are free to leave, unless you have to give more evidence during a later part of the trial.
• When all the evidence has been heard, the prosecution and defence lawyers will give their closing speeches.
• The lawyers will speak directly to the jury at this time. The judge will then explain the law and summarise the facts and explain the duties of the jury before they go to the jury room to decide on the verdict.
• The time of waiting for the verdict is a stressful one. Remind yourself that you have done all that you could do. Praise yourself for your courage, for having stood up for yourself and having told the truth, no matter what the outcome is! It is now up to the jury to decide whether the prosecution has decided beyond reasonable doubt that the offender is guilty of what they have been charged with.
• If the offender is found guilty, he will be sentenced, usually after a few weeks. It is the judge who will decide on the sentence.
• If the offender is found not guilty, they will be free to leave the court. This will be very hard for you and you will need and deserve support at this point.
• Depending on the outcome, you may feel all sorts of emotions: happy and relieved or sad, angry and let down. Remember that you have done your very best!
• Try to remember that even if the offender is found not guilty, he has had to face embarrassment and humiliation. He has had to pay a lot of money to be represented by a lawyer in court and he has been charged by police and has had to appear in court not knowing what the outcome will be.

**Caring for Yourself after Court:**

• You may need emotional support after court and that is perfectly OK. You have been through a truly challenging journey!
• Allow yourself to seek support from friends, family or professional help from the people who believe in you. You may want to go back to see your counsellor at the Sexual Assault Service for a while to come to terms with everything that’s happened.
• Be patient with yourself and allow yourself time to heal. There is no rush. Respect your need to recover slowly and gradually.
• Look through your “Women of Courage” folder and try some of the self-care activities that have helped you in the past.
• Remind yourself that you are courageous woman who has stood up for herself, no matter what the outcome of court.
“Life holds ten thousand joys

And ten thousand sorrows”
Stop wasting your energy on pushing it away

Open up and make room for it

Allowing thoughts and feelings to be as they are

Give it permission to be where it is

Give it some space

Let it be

“Emotions are like waves in the ocean,

Coming and going,

Passing through your body.”
You are the ‘you’ that notices your emotions,

And allows them to come and go.”

Week Seven: A Visit From Lani Brennan

Helpful Tips from Lani’s Talk:
Week Eight: Saying Goodbye & Talking About Self-Care, Because You’re Worth It!

Here are some of the ideas that other survivors have shared that have helped them when they were going to court:

- Exercise has been found to reduce stress and anxiety. You could perhaps go for a walk along the beach, go for a swim or bike ride.
- Stay in touch with supportive friends or relatives.
- Keep in touch with your professional support people (for example your counsellor here at the Sexual Assault Service).
- Don’t be afraid to ask for help.
- Have a coffee or a meal with friends.
- Try to eat well.
- Do something relaxing and nurturing (perhaps a visit to the hairdresser, a massage, window shopping, a DVD or a bubble bath).
- Listen to your favourite music.
- Look through your “Courage and Affirmation” Box or your “Women of Courage” folder.
- Spend some time sitting in the garden or outdoors.
- Allow yourself plenty of opportunity to sleep and rest.
- Allocate yourself a day to do and achieve nothing.
- Let go of unnecessary chores and responsibilities until court is over.
- Your thoughts might try to talk you out of going to court. Your thoughts may also tell you that you won’t be good enough. This is completely normal. Be kind to yourself.

Take some time to quietly reflect and document your ideas for self-care in your folders:

“Things I would like to do for me, because I’m worth it:”

The Rainy Day Letter:

Today’s final emotion regulation exercise is called “The Rainy Day Letter”. Sometimes, when we most need comfort is when it’s most difficult for us to find that comfort and support within us. The Rainy Day Letter will provide you with comfort, helpful ideas and encouragement when you most need it. You can carry it with you to support you wherever you are, or you can seal it and save it for a rainy day. It offers the wisdom of the person who knows you best: Yourself.

Participants are provided with coloured paper, pens and envelopes and are instructed to:

“Write this letter from you, to you.”

- List the activities you find comforting.
- Record the names and phone numbers of supportive and safe people.
- Remind yourself of your strengths and virtues.
- Remind yourself of your talents, abilities and interests.
- Remind yourself of some of your hopes and dreams for the future.
- Give yourself special advice and other reminders that are important to you.
- Place your letter into an envelope labelled For A Rainy Day.

Example of a Rainy Day Letter:

“Dear _____,

When you read this in the future, you will probably be feeling down, saddened, weary or upset about something. Whatever you are feeling right now, this letter is for you.

Find a comfortable place to sit down while you read this.

Would it help to make yourself a nice cup of tea first so you can sip it as you read?

If you are being hard on yourself right now, I want to remind you that while you are not perfect, you do have some really good qualities: You are a good mum, you try hard to be a loyal friend, and you have a good sense of humour. Also, you are courageously taking legal action, even though this is a scary process. I am very proud of you!

Have you eaten? If not, why not make yourself some spaghetti with tomato sauce? Or some avocado on toast? What is your favourite comfort snack? And if you’re hungry, let yourself have it!

Have you been sleeping OK? If not, how about a hot water bottle and a nap?

What about exercise? Maybe you need to get outdoors. Maybe it would help to go for a walk, either by yourself or with a friend.

Would it help to phone a friend? Maybe you need to talk to Donna, your best friend. Or maybe you need to call your Auntie Jackie. You could call ___ or ____ (add phone numbers).

Or maybe you’re emotionally drained, worried about something you can’t control, perhaps the court case. If so, why not shut the door and turn off the phone, and watch your favourite movie or comedy?

The bottom line here, my darling, is that it’s OK, in fact it’s important to take some time right now to figure out what you need to do in order to feel better, and then do it. And remember, whatever it is, this too will pass. Whatever else happens, I will always be here for you, because I am you.

Love from Me xxx
My Rainy Day Letter:

**Congratulations:**

We at the Sexual Assault Service would like to congratulate you for the courage it has taken you to be part of the first “Women of Courage” program. Please feel free to continue to see us for counselling in the coming weeks and months. And remember that we at the Sexual Assault Service are here to support you throughout your legal journeys and beyond. It has been a privilege and a joy travelling alongside each of you over the past eight weeks. We wish you ongoing courage and healing on your journey.