WHAT DO END USERS WANT TO KNOW ABOUT SEXUAL ASSAULT, THE LAW AND VICTIM RIGHTS?

A Report to South Eastern Centre Against Sexual Assault (SECASA)

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Background
The present booklet prepared by Victorian Legal Aid for use with victims of sexual assault is titled: Sexual assault: The law, your rights as a victim (March 2010). It is 30 pages long on A4 halved with only one column per page. The material in the booklet has eleven sections with subsections underneath each of them. The booklet was written to help victims understand your legal right after sexual assault. A secondary purpose was for workers to use it when working with victims and as a resource for them also.

Dr Ruth Webber was invited by SECASA to conduct two focus groups of people who had used the booklet and had some experience of sexual assault. The purpose was to get the group members’ feedback on what was useful to them as end users, what was their experiences of using the booklet and in what ways, if any, it should be altered to make it more user-friendly, and relevant to their experiences.

Method
Two focus groups were conducted at SECASA sites in Seafor (Group 1) and Clayton (Group 2). There were eleven participants including one male and nine females. A social worker from SECASA attended the second group. Coffee, tea and cake were served during the discussion.

Participants were first asked about their experiences with using the booklet, followed by a discussion on what they found particularly helpful and what they would like to be added based on their own experience and on other material or information that they had found or accessed.

During the session seventeen booklets that were targeted at similar audiences were handed around to participants who were asked to look at them and discuss if there was anything about the layout, design and content that they would like to see included in the booklet. The formats in many of the booklets that were handed around were similar in presentation to the existing Victorian Legal Aid ‘Sexual Assault: The Law, Your Right as a Victim’ booklet. These were discarded quickly by members of the groups because they were not engaging enough. Two booklets (one from Canada and one from UK) elicited a lot of responses in terms of design and layout, particularly from group 1. These are referenced at the end of the report.

Feedback
All focus group participants were given a copy of the booklet some time prior to the focus group sessions. The participants stated emphatically that there was a need for such a booklet and that it should be updated, with the content easier to access by being presented in a more user friendly manner with simplified language.
The participants said that it should be more widely distributed and were disappointed that it was not
given to them when they sought support for a sexual abuse. Many of them were unaware of its
existence until they were asked to participate in the focus group. Two people said that it would have
been useful to give to a family member or other person who was going to support them in court.

1. Comparison between responses of worker to a survey and
   participants in the focus groups

A survey titled The New Look Sexual Assault Booklet - Have Your Say Survey was administered to
sexual assault support workers to seek their feedback about the booklet. There was general
agreement between the survey participants and the focus group participants in response to four of
the questions:

- **How useful is it to have legal information and definitions, the court process and options for
  compensation included in the one booklet?** The majority of the survey respondents and all
  the focus group participants said it was useful or very useful.

- **Do you think the scenarios assist in understanding the content of the booklet?** Ninety-seven
  percent of the survey participants said ‘yes’ while the focus group members liked the idea of
  the scenarios, they wanted a range of different people involved.

- **Would you prefer to have the information divided into separate booklets?**

- **Would this information be useful to you if it was available online?** While the majority of both
  survey and focus group members said ‘Yes’, focus groups members stated emphatically that
  only if this was in addition to the booklet.

The participants of the focus groups gave a different interpretation than the support workers in
respect to how easy it is to understand and comprehend the information contained in the booklet. In
response to the question: *How easy is it for your clients to understand/comprehend the information
contained in the booklet?*, eighty-three percent of workers said that they found it was easy or very
easy. No-one in the focus groups found the booklet particularly easy to comprehend for a variety of
reasons. Their responses are expanded in sections 2 to 7 below.

The next sections provide greater detail about the responses of the focus group participants.

2. Usage by end-users

*Group 1 & 2.* Most participants did not know that the booklet existed until they were provided with a
copy of it for the focus groups. Those that had received it prior to the focus group distribution said
they had only given it a quick glance in the period around the time of the sexual assault. One person
said that she had used it many months later as a resource to check what was happening and likely to
happen during the trial. The participants indicated that had they been given the booklet during the
time when they were involved in the legal process they would have been reluctant to access it
because it was not user friendly. They explained that:

- It was overwhelming.
- There was too much information to take in at once.
- The print was too small print which made it difficult to find headings, and
- It was difficult to locate a specific topic for which they were looking.

3. Layout and design

*Group 1 & 2.* Participants said that the text and layout reads like it is for workers rather than users. It
is not user friendly and appears too much like a government document. It was unclear to
participants which group of people was the intended target audience for the booklet. The
participants in the focus group wanted the booklet to be aimed at clients or end users rather than workers. They said that the workers could use it to help clients but the language should be directed at end users.

**Layout - Heading size, font, colour, design - Group 1 & 2**

Group members had a great deal to say about the layout and the design of the existing booklet. The layout is not in the order that someone who has been sexually abused needs. Information is not easy to find and is not user friendly. When victims of sexual assault are under stress already, they do not want to have to read complex material. They want to be able to locate specific information quickly and to be able to comprehend it without a struggle. Group members found it difficult to locate the area in which they were interested or involved. The present booklet does not allow for this. Headings need to be larger and in different fonts, different styles (italics, underlined etc) and in different colours for different levels of headings. Each section could have a panel at the edge of the page in a colour just for that section. The index could have that colour for that section so that people know where to locate it. For example you could make the *Reporting to the Police* section in **BLUE**. They also wanted the material to be presented in a simpler manner and in steps. For example, what is the process that occurs in court? It could list steps, number them and put them in a box.

The presentation of the existing booklet is confronting and off putting. It needs to be brighter and less depressing. It also needs to be easier to navigate and to understand. They really disliked the continuous and unbroken text that occurred in the booklet. They preferred issues/areas to be broken up with boxes, circles, headings with possibly dot points indicating the sequence or stages. For example, the group members liked the friendly figures and use of graphics and images that appeared in the Canadian booklet (see Appendix A).

The participants liked the page size as it is now and did not want a change to bigger page sizes. It was easy to handle and to put in a handbag.

**4. Appropriateness of content to end users**

**Definitions (Groups 1 & 2)**

Participants said that there was a need to maintain the definitions in the booklet as often they were unclear about legal concepts and terminology. However, they indicated that the way the definition section is set out is too complex. Some sentences contain language or concepts that an ordinary person will fail to grasp.

Participants also stated that the language used in the definitions assumed knowledge and background that many women and men in this situation do not have. For example, in the booklet the definition of a barrister is ‘a lawyer that specialises in appearing at court’. Many participants had no idea what this meant. It told them nothing about what a barrister would do in court or the role that they play. All legal jargon should be avoided in defining terms and explaining processes. The writer needs to simplify language and not to expect that the reader will understand even simple legal processes.

Participants said that they found that definitions were hard to locate on the page. It also required the reader to keep going back to the section if they came across a word they didn’t understand. This was too difficult for members of the group so they gave up. There are too many definitions in the one
section. There could be a few key ones right at the front of the booklet, or in appropriate section and in boxes, rather than long lists. Alternatively, definitions could be at the back of the booklet. This was not the group’s first choice.

Scenarios (Groups 1 & 2)
The participants liked the idea of having scenarios and found them useful. However, they said that the booklet should contain new scenarios that describe the present social life of young people and the places or circumstances in which they could be in danger. They went on to say that most sexually assaults will be towards young people so there ought to be scenarios relevant to them. There needs to be at least one scenario of a situation that occurred as a result of social networking or on-line dating. The participants wanted different people in each scenario not the same ones as occurs now.

The participants said that the booklet and the scenarios were too female orientated and it gave the impression that there were no male sexual assaults. It needed to be more inclusive of men and contain a male scenario.

Order of material (Groups 1 & 2)
The section ‘Compensation and financial help’ should be last. This is so far down the track in the legal process that it may not be considered for months or even years.

They didn’t like the resources all going at the end. No-one would read the booklet from beginning to end but a person would access the material as they needed it. The resources and where to go for help or information should be at the end of each section.

5. New or expanded information (Groups 1 & 2)

Medical
The group said that there was no description of what happened regarding medical examinations. For example, there is no mention that police are going to keep your clothes for evidence and that you may never get them a back. There is no information saying that you might like someone to bring in some fresh clothes for you.

Age of consent
Group 1 wanted something about differences in the law when it is legal for someone to have sex with you in respect to age of consent. They suggested using a simple table with age on one side and the legal status on the other (see Appendix).

Process – police, court (Groups 1 & 2)
The group members were most insistent that there was more information about the legal process as indicated in the following list:

- They were emphatic about the need to let people know the process that would occur after the police i.e. they didn’t know that they would have to go straight off to get a medical.
- They wanted more about the police questioning and explanations of why the police kept asking the same questions but in a different way as if they didn’t believe them.
- They were disappointed that it was not clear that when they gave evidence in court that the accused would be looking at them. They had no idea how to address the magistrate or the protocol. They had no idea of what a court looked like and the seating arraignments. Even if
this was not in this booklet, there was no indication where they could find out this information. They wanted to know who would be there, is it open to the public? (see page 30 of Canadian booklet)

- They didn’t know that all the graphic details of what happened to them in the assault would be read out in court and that family members who were there would be hearing things that they would not have heard before. This was both distressing and embarrassing for parents and for the victim.
- They would like a check list of things that they might need to consider about going to court and the things they should take with them.
- They had no idea how sentencing worked, so that it was a shock to find out that what they thought the sentence of the perpetrator would get was not that at all. They wanted a section on how sentencing operates.
- They had no idea that if a person was on bail they would be around until the court case.
- They had no idea of the different options and the likely result and impact on them:
  - The Committal process (not clear at all).
  - Accused pleads not guilty
  - Accused pleads not guilty and during the trial a deal is done that certain charges are dropped for a change in plea.
  - Accused pleads guilty from the start.
  - Verdict – not clear about why and how a decision is made.
  - Jury version magistrate.
  - There should be more information about the reasons why an accused is likely not to be convicted.
- They wanted a description of what was the court etiquette and rules. They had no idea what they were meant to wear in court or how they were meant to behave or they couldn’t speak unless the magistrate or lawyer asked them a question. They didn’t know that could bring a friend, counsellor or support person with them to the court. It would have helped it was explained that the process is so stressful that you would benefit from having someone else there with you to explain what was going on and to help process it.
- They wanted a list of things that they should bring with them to the court and the things that they were not allowed to have with them.

**Other**

Group 2 said that they wanted some information on where to get help and what are the legal issues associated with sexual assault in a marriage. They wanted a clearer definition of sexual assault that included date rape, rape in marriage and being forced to watch pornography.

Both groups said the resource sections should be strengthened and links to website put after each major section. All members thought that the booklet could be broken up into component parts and made into one page handouts/ flyers and used separately when the need arose. These would also be on SECASA website.

Group 2 suggested that a cd be attached at the back of the booklet or available with resources listed. The members also suggested that some references to additional reading could be included. They wanted a link to the SECASA website with a court scene on it so they could see what a court looked like and where everyone would sit.
6. Deletion of material from booklet or move to end

The group thought the topics in the booklet were highly relevant and generally did not want any topics to be deleted. There was one issue where the two groups had a slightly different view. Group 1 participants said that they didn’t think there needed to be a section on ‘Do you need an interpreter?’. Group 2 participants said that it should be there or if it was removed there should be a link to a flyer, website or handout. Group 1 and 2 said that if it stayed in the booklet but it should be at the end. Presumably a worker would help you with this and it you needed an interpreter you couldn’t read the booklet.

7. Other comments

Group 2 were most concerned that there was no equivalent booklet for other forms of abuse such as psychological or emotional abuse. They said that there needs to be to a flyer, website or handout on this and where people can get assistance or help or access resources.

Group 2 also wanted greater effort to change the law so that other types of abuse can be addressed and women feel safer and protected. In this should be a section of what abuse looks like for the victim. They didn’t like the term ‘victim’ of sexual assault but couldn’t come up with something more appropriate.

Group 2 wanted to have comparable booklet on violence in a relationship or family and to indicate what were the supports available and the legal issues associated with reporting family violence.

Group 2 wanted a booklet aimed at children so they would know what happened in the legal process if they were required to be interviewed etc.

Group 2 wanted to include in the booklet or in another publication practical ways of helping you survive the legal process and the trauma of the assault.

References


Appendix A

The following pictures have been taken from the Canadian booklet as a guide to what the group liked in respect to colour and layout. They really like the figure used in different poses as she/he pointed to some of the material or boxes. They liked the text, boxes and checklists, use of colour and graphics but they did not want any photos as background or other graphic/shapes that made the text hard to read i.e. like the photo and green circle in picture 1. They really liked the checklist in the second picture and the table in the third picture.

Note: The pictures are only part of the material in the pages in the booklet – other material was cut off. The layout was what was intended to be illustrated here.
Picture 1

There are some acts that are not sexual assault, but ARE acts of sexual abuse and are still crimes:

- Being forced to watch or make pornography
- Being forced into a sexual act with someone for money or presents

Picture 2

Can I give consent if:

- I am drunk or high? NO
- I am threatened or bullied? NO
- The other person is in a position of trust to me (teacher, religious leader, boss or babysitter)? NO
- The other person is an older family member (a relative, extended family or foster family)? NO
**what if I'm under 16 years old?**

According to the Criminal Code of Canada, there are some people who cannot consent to sexual activity based on their age and the age of their partner. The age rules apply to both girls and boys.

This table will tell you who you can consent to vaginal or oral sex with, based on your age and your partner’s age:

<table>
<thead>
<tr>
<th>Younger partner’s age</th>
<th>Younger partner can consent to...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 12 years old</td>
<td>No consent possible</td>
</tr>
<tr>
<td>12-13 years old</td>
<td>The elder partner is less than 2 years older than younger partner</td>
</tr>
<tr>
<td>14-15 years old</td>
<td>The elder partner is less than 5 years older than younger partner</td>
</tr>
<tr>
<td>16 years old or older</td>
<td>The elder partner is any age</td>
</tr>
</tbody>
</table>

Many victims who are assaulted by a partner are confused about what to do. They may love the person who assaulted them, and not want them to get into trouble or be made at them. It's normal to be confused and not ready to tell anyone about what happened right away.