

Scoping the development of specialised and trauma-informed legal services for victims and survivors of sexual assault

Name of organisation

Centre for Women's Health Research and the Australian Longitudinal Study on Women's Health.

How can we best ensure legal services are trauma-informed, victim- and survivor-centric, culturally-safe and accessible for victims and survivors and service providers?

The development of specialised and trauma-informed legal services for victims and survivors of sexual assault should aim to reduce barriers to accessing legal services, support those engaging with the legal system for sexual assault cases and create integrated referral pathways to other services that may assist in their recovery from sexual violence. As a priority, the following service delivery approaches should be explored, which are expanded on below:

- Multidisciplinary centres incorporating specialist legal services or legal services co-located with other support services;
- End-to-end legal service support, including in-court legal advocacy and ongoing support program/s; and
- Formal mental health support during legal proceedings and integrated referral pathways to mental health services.

What legal service delivery approaches or models should the pilot explore as a priority?

Some examples of possible models are listed below (and expanded upon in the discussion paper). Please select up to two legal service delivery approaches or models below, or tell us about alternative models:

legal services co-located with other support services (like health or social services)

- multi-disciplinary centres incorporating specialist legal services
- funding for civil proceedings

end-to-end legal service support, including in-court legal advocacy

- expanded access to choice and control over how and when victims and survivors report to police, submit to forensic examination, provide other evidence, and engage with prosecutors and the court
- restorative justice
- other

Please expand on your response.

Legal services co-located with other support services (like health or social services)

In developing specialised and trauma-informed legal services for victims and survivors of sexual assault, the pilot should explore legal services co-located with other support services as a priority. Data from the Australian Longitudinal Study on Women's Health (ALSWH) show that sexual violence has a long-term impact on women's health and wellbeing. Women who had experienced sexual violence had poorer general health, increased risk of chronic conditions, and increased risk of sexually transmitted infections, compared to women who had not experienced sexual violence. Similarly, those who had experienced sexual violence had poorer mental health, including an increased risk of recent anxiety, recent depression, psychological distress, and high stress [1].

Specialist legal services that are co-located with health services offer an opportunity to promote these services and assist women in their recovery from sexual violence by addressing health deficits.

ALSWH data have also demonstrated that a history of sexual violence is associated with an increased risk of experiencing violence in later life. For example, women who had experienced childhood sexual violence were twice as likely to have experienced recent sexual violence in adulthood than those who did not report sexual violence in childhood [1]. There is a need to develop integrated referral pathways from the legal system to formal external social support to assist women in escaping violent relationships and situations. Developing a multidisciplinary service or providing specialist legal services that are co-located with social support services would improve accessibility and promote uptake of services.

End-to-end legal service support, including in-court legal advocacy and ongoing support program/s

The pilot should also explore an end-to-end legal service support model, including in-court legal advocacy, as a priority. Women who have experienced sexual assault face many obstacles and challenges while navigating the legal system, including having inadequate information about legal processes and insufficient support in court preparation [2, 3]. The development of a trauma-informed, victim- and survivor-centric legal service should focus on ensuring victims and survivors are supported in their legal journey, through the provision of legal representation in court and legal assistance to navigate the justice system.

There is also evidence that informal support-based interventions may be effective in assisting women taking legal action in response to sexual violence. For example, an eight-week group program conducted in NSW provided survivors of sexual assault with legal process information and training on resilience, mindfulness, and emotional regulation. After the program, results indicated that women felt empowered and less socially and emotionally isolated while preparing for court proceedings [2]. Additionally, ALSWH data have highlighted the potential of social support (emotional support and guidance, and affection and social interaction) to promote good mental health among those who have experienced sexual violence [1]. To meet the needs of sexual assault victims and survivors throughout the legal journey, integration of or referral to similar programs would be beneficial in providing women with information, mental and emotional preparation for legal proceedings, and a support network.

What legal service gaps and barriers should the pilot prioritise addressing?

When developing specialised and trauma-informed legal services for victims and survivors of sexual assault, there is a need to ensure victims and survivors are supported and not subjected to further trauma. Evidence shows that women who have experienced sexual assault can be re-traumatised by legal proceedings [2, 3]. Qualitative data from ALSWH participants have also highlighted negative experiences when engaging with the legal system after sexual violence. Women have described challenges such as long trial periods, emotional distress, and a lack of support during the process:

I am currently fighting numerous sexual abuse charges against several people. This is a long drain-out process which is preventing me from getting on with life and enjoying my life...

– **Rochelle***, aged 50

I was sexually, mentally & physically abused by mothers ex-boyfriend from the age of 11-16 years. That is all going through court now & alot of emotional problems are stemming from it.

– **Siobhan***, aged 18

... I experienced sexual abuse as a child (5-12 years of age) and went to court regarding this when I was 20. I thought court was the answer to dealing with all this and thought my issues were "solved". Last [year] I found myself standing in the place where some traumatic events occurred and had a breakdown. Since then I have had flashbacks -and discovered that I had only "remembered" certain events. Ones that were too painful (e.g rape) were buried. I have experienced anxiety, depression and flashbacks related to these events and have been seeing a psychologist weekly since last October...

– Meredith*, aged 36

The legal system is lacking in assistance for women's issues. Violence to women is still not recognised as an important issue and there are little control or protective measures in place. Ongoing support is lacking... My daughter was raped and stalked frequently ... The offender was found not guilty on a "legal technicality". Victims and family members of the victim have little resources to use for support during and after court appearances...

– Lauren*, aged 45

The pilot should prioritise addressing re-traumatisation as a barrier to engaging with the legal system for sexual assault cases. For example, the accessibility of a court-appointed psychologist as a support person would be helpful for those at risk of re-traumatisation during legal proceedings. Further, formal mental health services should be promoted and made available through integrated pathways throughout the legal experience.

**Participant names have been changed to protect their privacy.*

How should we measure the success and impact of the pilot? What data do we need to collect?

The pilot should be implemented alongside a comprehensive evaluation plan (including baseline and follow up data collection) to measure the success and impact of the service. Both quantitative and qualitative data should be collected to determine enablers and barriers to successful navigation and positive experience while engaging with the legal system. Further, the lived experience of violence should be considered both in the development and evaluation of the service. Research and consultation directly involving those who have experienced sexual violence is essential to identify system shortfalls and mechanisms to respond to unmet needs.

References

1. Townsend, N., Loxton, D., Egan, N., Barnes, I., Byrnes, E., & Forder, P. (2022). *A life course approach to determining the prevalence and impact of sexual violence in Australia: Findings from the Australian Longitudinal Study on Women's Health (Research report, 14/2022)*. ANROWS. Available from: <https://www.anrows.org.au/publication/a-life-course-approach-to-determining-the-prevalence-and-impact-of-sexual-violence-in-australia-findings-from-the-australian-longitudinal-study-on-womens-health/>
2. Zangger M. (2015). *"Women of courage": comprehensive court preparation and support for women survivors of sexual assault*. Research Doctorate - Doctor of Philosophy (PhD), University of Newcastle. Available from: <https://nova.newcastle.edu.au/vital/access/manager/Repository/uon:19150>
3. Clark, H. (2010). *"What is the justice system willing to offer?" Understanding sexual assault victim/survivors' criminal justice needs*. Family Matters, 85, 28-37. Available from: <https://aifs.gov.au/research/family-matters/no-85/what-justice-system-willing-offer>