

## KERRY BURNS

In setting out to research partner rape, sceptical colleagues asked 2 questions:

- 'What makes it rape?'

(its compromise isn't it?)

They said things like:

- ◆ 'Hmm, it's such a grey area.'
- ◆ 'What's the line between rape and just getting it over and done with?'
- ◆ 'You don't feel like it, but you do it for him.'

What makes it rape is a culture of fear and control in the relationship; knowing 'No' is not an option; and that consent is not gained. The law is clear that it's rape when there is no consent. In fact, recent changes have increased the onus on the man to give 'thought to whether the person is consenting or might not be consenting'.

All 21 women in our sample were raped according the legal definition:

- 17 women **said no**
- 1 could not because she was unconscious
- Another because she was drugged by her husband
- One cannot remember because she has Post traumatic stress disorder, and has lost chunks of her memory
- One said she did not say no – because she had learned it was either rape or a beating. Rape was quieter and would not wake the children

The second question colleagues asked was:

'What's the prevalence?'

(It would be one in a million, wouldn't it?)

So, how prevalent is it?

Police disagreed about prevalence. Health professionals disagreed. Perhaps it comes down to an individual's willingness to hear?

If we look to statistics,

The ABS 2005 Personal Safety Survey reported 0.4% of women experienced rape by a current partner since the age of 15. We do not accept this figure.

The survey has significant limitations. It excluded remote Australians, and excluded rapes from more than 20 years ago – so only women who were raped within the past 20 years were counted. Nine years earlier,

In 1996, the ABS Women's Safety Survey reported that 10% of women ever in a relationship disclosed an incident of sexual violence in a previous relationship – in our estimation, a more credible figure.

There is a great deal of evidence to suggest that 0.4% is not credible. It is interesting to note, though that this figure is 15 times the rate of the road toll in Australia! And we care about the road toll.

Why 10% seems more likely than 0.4%

- (i) With very little advertising (once in 13 rural newspapers and word of mouth from regional services) there was no difficulty attracting participants. We had to turn people away.
- (ii) 4 of 23 workers mentioned it happened to them personally
- (iii) 17 of the 23 workers stated it was very common to hear of such experiences
- (iv) Other statistics show high rates of violence against women, e.g. the International Violence Against Women Survey (IVAWS) found that:
  - o 57% Australian women experience physical violence in their lifetime , and
  - o 34% experience sexual violence<sup>1</sup>

IVAWS was conducted across Australia between December 2002 and June 2003. A total of 6,677 women aged between 18 and 69 years participated. The Aust. Institute of Criminology contracted Roy Morgan Research to conduct this research. As an independent and well respected research company, their task was to ensure the sample was representative.

The final reasons for guessing that prevalence is more like 10% are that rape is under-reported and conviction rates are low. Specifically,

- (v) The IVAWS survey states that women under-report partner rape
- (vi) ABS (2006) estimates only 19% of ALL sexual assaults were reported in 2005
- (vii) From 2000-2003 in Victoria, police laid charges in only 15% of cases (Heenan & Murray, 2007)
- (viii) Conviction rates were 4.2% in Victoria between 97-99 (Heath, 2005) for all sexual assaults. Rates are not known for partner rape.

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<sup>1</sup> 'Sexual violence' Includes any form of non-consensual or forced sexual activity or touching including rape. It is carried out against the woman's will using physical or threatened force, intimidation or coercion. Includes sexual touching.

There is indeed: Nowhere to go, no-one to tell. There is such shame surrounding rape, and this is exacerbated in partner rape. More than half the women in our sample talked **to no-one** about what was happening to them. Of the 21 women interviewed, only 6 actively sought help from anyone at the time of the rapes. This is a profound failure of our society. Perhaps the most startling thing we learned from every woman in this research is they believe their partner would not have recognised his actions as rape – even in the most stark circumstances. For example, where one woman had her back broken by her husband anally raping her; where another woman thought she was going to die as her husband held a pillow over her face while raping her; and when, after 12 months in a happy relationship, a young woman's partner raped her in a public park and then incarcerated her for two weeks. When she escaped, he stabbed her several times at the railway station. She was helped by the quick action of railway employees. None of these women thought the man would recognise his actions as rape.

What kind of man does this? It seems they are mostly 'Good citizens and great blokes'

- The men were farmers, business men, military officers, shift workers, tradesmen, health workers, fruit pickers and two held very senior and respected posts within community service organisations
- 16 of the 21 women also suffered other forms of violence from their partner
- 15 woman lived in fear or felt threatened by their partner
- 9 women still do

Why don't these men see it as rape? The women thought he saw it in these terms – that women are their property and sex is their right:

- She's mine
- I married her
- I'm entitled
- I work hard
- I can do what I want with her

Do community leaders agree?

'[It's basically] domestics with a bit of sex thrown in.... No, men would not call their actions rape, they would classify it as their right. If they had to be 100% honest they'd say, 'I did take advantage of her but stuff it, she's my wife, it's Saturday night ...' (Police officer)

We heard from health professionals and women that police, ministers, nuns and doctors knew what was happening and did nothing.

Worse, we heard that women who spoke up would suffer recriminations from their local community – the smaller the community, the worse the recriminations.

'One woman in a small country town was raped very badly by her husband. She told the local minister and the local police about it and they counselled her to keep her mouth shut, and that if she revealed this it would affect a lot of people in the community and she would get a very bad name.' (HP #9)

'It's the reaction from police and people in high places – you think the whole point of them being there is to help and you'll be treated fairly and all that sort of thing, and then ... they doubt you ... [you're] turned away and not believed.' (HP #7)