

Women's Rights Fact Sheet

» 5 minutes is all it takes

To learn more about women, sexual assault and abuse

Sex discrimination in employment, sexual assault, rape and domestic and family violence are now all considered human rights violations by the international community which means governments bear the responsibility to protect women from, and respond appropriately to, these violations.

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Sexual assault is perhaps one of the most serious, core components of sexual violence. Sexual assault is a public health matter with potential human, economic and public health related costsⁱ and attracts criminal justice sanctionsⁱⁱ.

Sexual assault offences are often under-reported and unrecorded, making it difficult to measure the prevalence of sexual assault in the community. The available evidence suggests that most victims of sexual violence do not report the crime to police, and that many do not access the services available to provide support.

Women who have been sexually assaulted are at risk of being killed by the perpetrator of the assault, experiencing significant stress-related symptoms, and increased detrimental health effects (physical, emotional, mental health)ⁱⁱⁱ.

Sexual assault and abuse: can be actual or threatened, and can be a single incident or a series of incidents that are located on a continuum of behaviours from sexual harassment to life-threatening rape perpetrated by an intimate partner, ex-partner or other known or unknown person. The following is a list of potential sexual assault and abuse acts but is not an exhaustive list:

- » rape
- » marital rape
- » indecent assault
- » any form of pressured and unwanted sex
- » any form of sexual degradation or humiliation

ⁱ Carmody, M. (2009). *Conceptualising the prevention of sexual assault and the role of education Australian Centre for the study of sexual assault (ACSSA) Issues No. 10*. Australian Institute of Family Studies (AIFS): Melbourne

ⁱⁱ National Council to Reduce Violence against Women and their Children. (2009). *The cost of violence against women and their children*. Department of Families, Housing, Community Services & Indigenous Affairs (FaHCSIA): Canberra.

ⁱⁱⁱ Wall, L. (2012). *Asking women about intimate partner sexual violence, ACSSA Resource Sheet*. AIFS: Melbourne.

Sexual assault and rape is a crime whether it occurs in public or in private.

- » non-consensual sexual acts
- » causing pain during sex
- » assaulting genitals
- » forcing or coercing a person to have sex without protection against pregnancy or sexually transmitted disease
- » making the victim perform sexual acts unwillingly (including taking explicit photos and or videos)
- » sexting and distributing images taken without consent
- » forced viewing of pornography
- » sexual harassment
- » stalking

Evidence suggests that women, are primarily assaulted by people they know, such as by partners, friends, colleagues and acquaintances, and often in contexts of trust and familiarity^{iv}. Sexual violence can also be a form of abuse perpetrated as part of ongoing domestic and family violence. Sexual assault can affect anyone and knows no geographical, socioeconomic, age, ability, cultural or religious boundaries and can happen in private or in public spaces.

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Laws on sexual violence in Queensland

The sections of the *Queensland Criminal Code* which cover various sexual offences against adults are grouped together as follows:

- » Section 349 of the *Queensland Criminal Code* deals with rape and defines it as follows:
 - carnal knowledge (sexual intercourse) without consent
 - penetration of the victim's vulva, vagina or anus to any extent with a thing or any body part without consent (an example of this may be inserting a finger, stick or bottle)

^{iv} Clark, H & Quadara, A. (2010). *Insights into sexual assault perpetration and giving voice to victim/survivors' knowledge, ACSSA Research Report No 18*. AIFS: Melbourne.

- penetration of the victim's mouth by a penis without consent.

Rape by a partner and rape in marriage has been a crime in Queensland since 1989.

- » Section 350 of the *Queensland Criminal Code* deals with attempted rape.
- » Section 352 of the *Queensland Criminal Code* deals with the general category of sexual assault. Other types of sexual violation which do not fit the definition of rape in Section 349 may be an offence in Section 352. This section includes:
 - unlawful or indecent assault (an example of this may be touching a woman's breasts)
 - procurement of another person without their consent to commit or witness an act of gross indecency (an example of this would be when a man exposes his penis to a person then invites them to have oral sex).
- » Consent is defined in section 348 of the *Queensland Criminal Code* as "consent freely and voluntarily given by a person with the cognitive capacity to give such consent." Consent is not deemed to be freely and voluntarily given if it is obtained by:
 - force
 - threat or imitation
 - fear of bodily harm
 - exercise of authority
 - false and fraudulent representations about the nature or purpose of the act (an example of this may be a health professional inserting an instrument into a woman's vagina and pretending it is necessary when it is really about sexual gratification)
 - a mistaken belief induced by the accused person that they were the victim's sexual partner
- » Incest is covered by Section 222 of the *Queensland Criminal Code* where a person commits incest if they have carnal knowledge (sexual intercourse) of their children or another lineal descendant including brother, sister, parent, grandparent, uncle, aunt, nephew or niece. Carnal knowledge in half, adoptive or step relationships is also defined as incest.
- » There are separate offences against intellectually impaired persons including Section 208 of the *Queensland Criminal Code* covering sodomy and Section 216 covering carnal knowledge (sexual intercourse and indecent treatment).
- » Sexual offences against children are set out in Section 208, 210, 215 and 229b of the *Queensland Criminal Code*.

Law on drink spiking in Queensland

The crime of 'drink spiking' is described in Section 316A of the *Queensland Criminal Code* as "A person who administers, or attempts to administer, in drink a substance to another person (the other person) without

the other person having knowledge of the substance with intent to cause the other person to be stupefied or overpowered".

The substance referred to can be alcohol, a drug or another substance. The act of drink spiking is unlawful whether the drink is swallowed partly, wholly or not at all. The act of drink spiking is unlawful, even without intent to commit a further offence such as sexual assault.

Sexual violence affects a large proportion of the population – with the majority of those directly experiencing such violence being women and the majority perpetrating it being men. The harm they cause can last a lifetime and span generations, with serious adverse effects on health, education and employment^v.

Sexual Violence and Women's Rights

Violence against women is recognised by the United Nations as a violation of women's rights and a violation of their entitlement to freedom as a human being, with particular concern for equality, security, liberty, integrity and dignity in political, economic, social cultural and civil life^{vi}.

Sexual violence infringes on women's reproductive rights, particularly the right to bodily integrity and the right to control their sexuality and reproductive capacity. Sexual violence also threatens women's right to health, not only physical health but also psychological, reproductive and sexual health.

Turn your smart phone into a safety device

With the push of a button you can alert selected contacts that you are in danger and share your current location. Some apps allow real time GPS tracking, can trigger a fake call to provide you with an opportunity to remove yourself from an uncomfortable situation or quickly and easily notify family and friends when feeling unsafe or in case of an emergency. Check out these apps and others in your app store, read the reviews and decide which app best suits you.

- » Safety 4 U 24-7
- » Circle of 6

Sexual assault is a violation of basic human rights.

^v WHO. (2010). *Preventing intimate partner and sexual violence against women: Taking action and generating evidence*. Geneva: World Health Organisation.

^{vi} United Nations. (1993). *Declaration for the Elimination of Violence Against Women*. New York: United Nations.