

INTIMATE PARTNER SEXUAL VIOLENCE UNPACKING THE REALITY



Di Macleod

**New ways of working: Queensland
Gendered Violence Practitioner Forum**

Hilton Brisbane 1-2 November 2017



ACKNOWLEDGEMENT

I would like to pay my respect and acknowledge the traditional and historic custodians of this land. We would also like to pay respect to the elders past and present and extend that respect to other Aboriginal and Torres Strait Islander people in this room today.





IPSV DEFINITION

Sexual violence occurring in a broad range of intimate relationships including married, unmarried, dating, heterosexual and same sex relationships (Winters, 2008)



IPSV IS A CRIME

- **Section 349 of the *Queensland Criminal Code*** deals with Rape (penetrative)
- **Section 352 of the *Queensland Criminal Code*** deals with of sexual assault (non penetrative)
- No specific legislation on IPSV, marital exemption was simply removed from the Criminal Code in Queensland in 1989
- The relationship between the offender and victim makes no difference in the charges relating to adult rape. The issue is lack of CONSENT
- The Criminal law (Domestic Violence) Act 2016 will now affect sentencing with DV as an aggravating circumstance



CONSENT IN QUEENSLAND LAW

Section 348 of the *Queensland Criminal Code*

Must be freely and voluntarily given by a person with the cognitive capacity to give such consent. NO consent if obtained by

- a) by force; or
- b) by threat or imitation; or
- c) by fear of bodily harm; or
- d) by exercise of authority; or
- e) by false and fraudulent representations about the nature or purpose of the act or
- f) by a mistaken belief induced by the accused person that the accused person was the persons sexual partner

Age of consent

16 for both vaginal and anal sex (Sept 2016)



IPSV STATISTICS

- Up to 80% of women experiencing physical assault within a relationship also report sexual violence (Evans, 2007)
- More than half (51.1%) of female victims of rape reported being raped by an intimate partner (Black et al., 2011)
- Australian study found 9.2% of women had experienced IPSV (ABS PSS, 2012)
- Australian domestic violence workers believe that 90 – 100% of the women they work with have experienced IPSV (Heenan, 2004)



IPSV IS A COMMON REALITY

No Domestic Violence WITHOUT Sexual Violence
EVER never met a batterer that wasn't a rapist

Dr Dean Hawley (2014)

“If a partner is controlling, abusive, and violent in the kitchen, the living room, and in public, why would he stop the abuse at the bedroom door?”

Hon. Jeffrey Kremers, Chief Judge, First Judicial
Administrative District, Milwaukee, WI



IPSV IS THE INTERSECTION OF DV AND SV





IPSV IS BOTH DV AND SV

**IPSV
is
BOTH
domestic violence
AND
sexual violence
NOT
either/or**



WHY HAS IPSV BEEN INVISIBLE?

- Mythology
- History of legislation
- History of service development
- Duality of the issue
- Lack of ownership
- Hidden in the intersection of the two issues
- Reluctance to acknowledge the issue
- Lack of common language
- Failure to identify and name behaviours as IPSV



LANGUAGE AROUND IPSV

Domestic violence

Sexual coercion

Intimate partner sexual assault

Rape in marriage

Intimate partner rape

Forced sex

Domestic sexual assault

Wife rape

Marital rape

sexual pressure from partner

Unwanted sex with partner

Dating violence

Partner rape



UNPACKING IPSV BEHAVIOURS



Di Macleod 2011

CURRENT INFLUENCES ON IPSV

- Societal acceptance and minimisation of Violence Against Women
- Technology and social media
- Pornography



SERIOUSNESS OF IPSV

- Frequency of the violence
- Intensity of the violence
- Higher levels of physical injury
- Multiple rapes
- Increased psychological effects
- Longer lasting trauma

(McOrmond-Plummer, L. , 2013).



SEXUAL VIOLENCE AS A RISK FACTOR FOR DV HOMICIDE

A physically-abused woman also subjected to forced sex is over ***seven times*** more likely than other abused women to be killed.

(Campbell, J, Assessing Risk Factors for Intimate Partner Homicides, Vol.250 NIJ JOURNAL 15, 2003)



SEXUAL VIOLENCE AND STRANGULATION

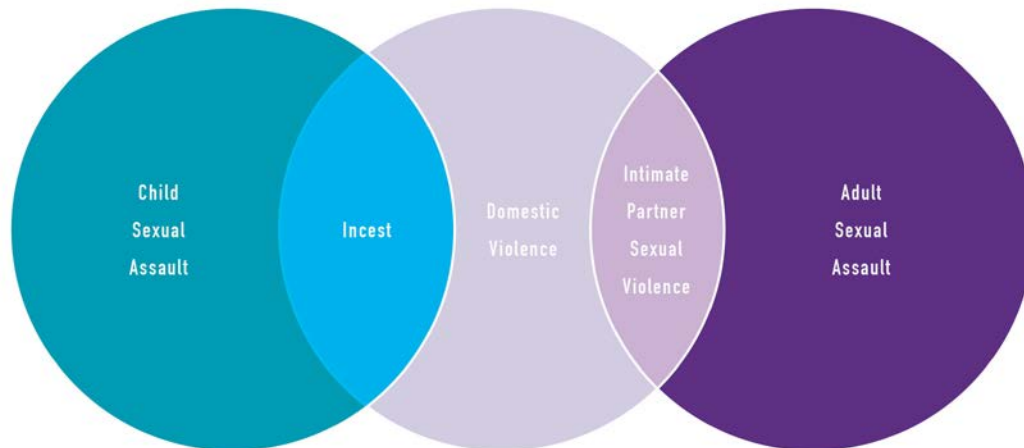
- Most strangulation occurs on the bed so very connected to SV either manual or ligature
- Where power and control the dynamic is “I have total control over your life when and if you get to breathe”
- Certain behavioural links batterers to go for the throat, sex offenders, elder abusers and serial killers do too ... very strong connections
- Boston strangler sexual assault and strangulation in every case
- Vast majority of strangled dead women have been raped immediately before being murdered

Dr Dean Hawley (2014)



CO-OCCURRENCE AND INTERSECTION OF DV AND SV

INTERSECTION OF DOMESTIC AND SEXUAL VIOLENCE



"Intersection of Domestic and Sexual Violence" Di Macleod (2012)



IPSV INTERSECTIONALITY & VULNERABLE GROUPS

Oppression such as

- Sexism
- Racism
- Heterosexism
- Ableism
- Classism
- Ageism

Makes certain groups more vulnerable

- Indigenous women
- CALD women
- LGBTIQ Communities
- Women with a Disability
- Younger Women
- Older Women



NOT ASKING ABOUT IPSV

- Not sure how to ask
- Worried about making things worse
- NOT asking doesn't keep women safe
- Silence prolongs danger
- Denies women's reality



ASKING ABOUT IPSV

- Ask
- Name
- Acknowledge
- Respond
- Follow up

(Adapted from Parkinson, D., 2008)

MUST UNDERTAKE TRAINING FIRST

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Thank you