



WE ARE WOMXN'S SUBMISSION TO THE INQUIRY INTO JUSTICE RESPONSES TO SEXUAL VIOLENCE.

ABOUT US

We Are Womxn is an educational organisation empowering young people across Western Australia. We work with young people to ensure they have healthy, confident and consensual relationships through evidence-based, relevant and trauma-informed education that they can relate to. We are driven by a collective of 24 relatable young professionals, all of which bring their own life experiences and passion for empowering young people.

We refuse to let young people figure out the vital aspects of life on their own, where the consequence may be a traumatic experience for one and the inside of a courtroom for the other. This is why we have taken matters into our own hands and delivered education to young people on consent, healthy relationships, and social media literacy. This is the education we did not receive growing up in our school systems.

In Australia, 22 per cent of women and 6.1 per cent of men have experienced sexual assault. At We Are Womxn we believe that these confronting statistics can only change if we ensure every young person has access to quality education about sex, their bodies, and consent. By doing this, we empower all young people to have healthy, confident, and consensual relationships with themselves and others.

By extension of this belief, we further advocate for the protection of victims and survivors of sexual abuse ("victim-survivors"). The discourse, attitudes, and behaviour regarding sexual harassment and abuse will not change if victim-survivors are not appropriately supported after experiencing sexual violence and throughout their subsequent journey with the criminal justice system. In Australia, only 13 per cent of victim-survivors report their abuse. A range of barriers to reporting exist, including personal, cultural and social barriers, in addition to systemic barriers precipitated by the criminal justice system. Victim-survivors experience a range of physical, psychological, and social impacts following sexual violence, including adverse physical health outcomes and injuries, trauma, post-traumatic stress disorder, addiction, social isolation, and financial insecurity. Trauma-informed approaches help create safe environments within which victim-survivors may be able to manage these ongoing impacts, heal, and seek justice for the harms perpetrated against them.

In August 2023, The Australasian Institute of Judicial Administration (AIJA) published *Specialist Approaches to Managing Sexual Assault Proceedings: An Integrative Review*, which highlighted 'barriers to reporting' and 're-traumatising features of the criminal legal process' as two critical issues in the management of sexual assault proceedings that call for



0492 138 540
hello@wearewomxn.com.au
www.wearewomxn.com.au
@we.are.womxn
wearewomxnau
wearewomxnau



specialist approaches. The publication identifies four general justice system requirements that embody the fundamental requirements for a trauma-informed approach:

1. Specialist, trauma-informed professionals;
2. Provision of information, communication;
3. Victim-survivor needs/safety; and
4. Reduced delays in the time to finalise proceedings.

Trauma profoundly influences how survivors navigate legal proceedings and their resulting outcomes. Judicial officers work within a system that commonly dehumanises and re-traumatises victim-survivors by failing to use trauma-informed practice in their interactions throughout reporting and subsequent legal proceedings. Re-visiting traumatic events risks re-traumatising victim-survivors and may lead to disengagement and withdrawal from the justice system, robbing them of their right to justice.

Building a justice system that victim-survivors feel safe to work within is crucial in fostering trust in these systems. It demands a comprehensive dismantling of the barriers that victim-survivors face when advocating for themselves and seeking justice for the harms perpetrated against them. This process necessitates the implementation of trauma-informed practices that prioritise the wellbeing of victim-survivors in all interactions with the criminal justice system.

The palpable fear of not being believed, coupled with the emotional toll exacted by legal proceedings, creates a formidable barrier to reporting of sexual violence. It's a stark reflection of the prevailing lack of understanding around consent, which further dissuades survivors from reporting. The deep-seated lack of trust that victim-survivors harbor toward the reporting system is entrenched in a history of disbelief, victim-blaming, and the insensitive handling of cases. The true measure of justice is not just in convictions but in the creation of a system that survivors can navigate with trust and dignity.

Victim/survivor-focused justice responses and reforms to criminal court practice (2014) identifies victim-survivor justice needs as:

- Receiving emotional support and counselling;
- Having a voice and being heard;
- Being believed;
- Having their version of events vindicated;
- Being informed about the status of their case;





- Being educated as to how the criminal justice system works, the reason for processes such as cross-examination what acquittals and convictions mean, and so forth;
- Avoiding having to constantly retell their story;
- Being able to give evidence remotely;
- Confronting their perpetrator in a public setting;
- Their perpetrator being brought to justice or being convicted; and
- Having closure and a sense of finality to their experience

The police investigation and court process wield a lasting and profound influence on a victim-survivor. In the immediate aftermath, heightened anxiety, stress, and the involuntary reliving of traumatic events characterise victim-survivors' engagement with the legal system. These processes can be emotionally draining and leave survivors with a profound sense of vulnerability and risk re-traumatisation. Over the long term, the repercussions extend to an erosion of trust in institutions, the exacerbation of mental health challenges, and difficulties in forging and sustaining healthy relationships on personal, interpersonal, and professional levels. Lack of support services, time delays and the lack of communication between reporting, charging of offenders, and the commencement of court proceedings further compromise the safety and wellbeing of victim-survivors and exacerbate the ongoing impacts of experiencing sexual violence. These inadequacies in system responses may cause victim-survivors to doubt the effectiveness and legitimacy of court proceedings, feel as if they are being denied access to justice, and experience re-traumatisation and ongoing psychological impacts. Victim-survivor safety and needs must be prioritised throughout these processes to minimise adverse outcomes for these individuals and ensure the delivery of justice.

A victim-survivor-centred approach to listening is grounded in openness, receptivity, attentiveness, and response, and hold the power of transformative change (Ailwood et al., 2023). Shifting the focus of reporting processes and court proceedings to prioritise protecting the safety of victim-survivors and truly listening to their experiences may provide meaningful evidence to support law reform to address Australia's epidemic of violence against women. At We Are Womxn we are hopeful that processes like this submission are beginning to become recognised as a useful tool to foster this listening, however, emphasise the urgent need for meaningful action.





WE ARE WOMXN'S STANCE ON IMPROVED JUSTICE RESPONSES TO SEXUAL VIOLENCE: RESPONSE TO QUESTIONS

Question 3. How can accessing the justice system and reporting be made easier for victim-survivors? What would make the process of seeking information and help, and reporting, better?

Accessing the justice system and reporting sexual violence must be transformed to prioritise the needs and experiences of victim-survivors. Central to this transformation is the provision of comprehensive support services and counselling, ensuring that victim-survivors have access to the emotional and psychological care they need to navigate the aftermath of their trauma. This support should be readily available and come at no additional cost to the victim-survivor, removing financial barriers that can hinder their pursuit of justice.

Equally important is the accessibility of legal aid. Many victim-survivors are deterred from engaging with the legal system due to the prohibitive costs associated with legal representation and advice. By providing accessible legal aid, we can empower victim-survivors to seek justice without the added burden of financial strain.

The legal system itself must be more navigable. Clear, straightforward instructions and guidance through the legal process are essential. This means demystifying the often complex and intimidating procedures that victim-survivors must follow to report a crime and pursue legal action. Simplifying these processes can help alleviate some of the anxiety and confusion that victim-survivors may feel.

The deep-seated lack of trust that many victim-survivors have toward the reporting system is a significant barrier. This mistrust is rooted in a history of disbelief, victim-blaming, and insensitive handling of cases. The glaring example of Brittany Higgins and the intense media scrutiny she faced highlights why many survivors might question the very system meant to protect them. The fear of not being believed, coupled with the potential for judgment and re-traumatisation during legal proceedings, instills a profound reluctance to engage with the formal reporting process.

To cultivate an environment where victim-survivors feel empowered to report crimes, the Western Australia Police must embark on a comprehensive journey of reform. This involves a fundamental shift in the training paradigm for police officers, emphasising trauma-informed and survivor-centric engagement. Understanding and responding empathetically to survivors is not just a skill; it's the cornerstone of establishing trust. Creating safe spaces for reporting is crucial. These spaces must ensure confidentiality and provide transparent, empathetic responses from law enforcement.





The palpable fear of not being believed and the emotional toll exacted by legal proceedings create formidable barriers to reporting. These barriers reflect a broader societal lack of understanding around consent, further dissuading survivors from coming forward. To address this, we urgently need a paradigm shift in how sexual assault cases are approached. This shift requires the criminal justice system to prioritise empathy, support, and the well-being of victim-survivors, fostering an environment where survivors can report their experiences without fear of further trauma.

In summary, making the justice system more accessible and supportive for victim-survivors involves providing comprehensive support services, accessible legal aid, and clear guidance through legal processes. It also necessitates a fundamental shift in law enforcement training and the creation of safe, empathetic spaces for reporting. By addressing these areas, we can begin to rebuild trust and empower survivors to seek justice.

Question 6 What reforms or recommendations have been implemented in your state or territory? How are they working in practice? What is working well? What is not working well?

In August 2023, the Western Australia Police introduced the Safe2Say platform, a groundbreaking online reporting system designed to allow community members to anonymously report sexual crimes, including child sexual abuse. This platform represents a significant step forward in addressing the barriers that often prevent victim-survivors from coming forward. By offering anonymity and direct access to specialist sex crime investigators, Safe2Say has created a safer and more accessible avenue for reporting.

Since its launch, the Safe2Say platform has received nearly 600 anonymous reports from vulnerable sex crime victims. This high level of engagement underscores the need for such a tool, as it allows victims to report crimes from the safety and comfort of their own homes. The platform facilitates a two-way conversation between investigators and victims, enabling law enforcement to gather more detailed information while allowing victims to share their experiences at their own pace.

The initiative's success is also reflected in its partnership with Crime Stoppers, which is working towards a national rollout of this approach. The collaboration between the Sex Crime Division and Crime Stoppers highlights the potential for Safe2Say to serve as a model for other regions, promoting a more inclusive and supportive reporting environment across the country.

However, while the platform has shown promise, there are areas that require further attention and improvement. One significant issue is ensuring that the anonymous nature of



0492 138 540
hello@wearewomxn.com.au
www.wearewomxn.com.au
@we.are.womxn
wearewomxnau
wearewomxnau



the reports does not compromise the thoroughness of investigations. While anonymity is crucial for encouraging reporting, it can sometimes limit the ability of investigators to gather all necessary evidence and provide comprehensive support to the victims.

Moreover, the platform's success depends heavily on the training and responsiveness of the investigators involved. It's essential that these professionals are adequately trained in trauma-informed practices to handle reports sensitively and effectively. Any gaps in this training can undermine the trust that Safe2Say aims to build with victim-survivors.

Additionally, while the platform allows for anonymous reporting, there must be robust measures in place to ensure the security and confidentiality of the information shared. Victim-survivors need to trust that their anonymity will be preserved without any risk of exposure or retaliation.

In summary, the Safe2Say platform is a commendable and innovative reform that has shown significant potential in making the reporting process more accessible for victim-survivors in Western Australia. Its ability to facilitate anonymous reporting and provide a direct line to specialist investigators is a crucial step towards breaking down barriers to justice. However, to fully realise its potential, continuous improvements are necessary, particularly in ensuring comprehensive investigations, providing trauma-informed training for investigators, and maintaining the security and confidentiality of reports. By addressing these areas, Safe2Say can continue to enhance the support and protection offered to victim-survivors.

Question 7. What are your ideas for improving police responses to reports of sexual violence? What can be done?

To create an environment where victim-survivors feel truly empowered to report crimes, the Western Australia Police must embark on a transformative journey of reform. This journey begins with the fundamental task of building a justice system that survivors can trust—a task that demands the comprehensive dismantling of existing barriers and the implementation of trauma-informed practices that prioritise the well-being of survivors.

The decision not to report, as highlighted in our submission, often stems from a justifiable fear of stigma and disbelief. This fear is compounded by a history of victim-blaming and insensitive handling of cases. To address this, we need a paradigm shift in how police engage with survivors. Our approach must be centered on empathy, support, and a commitment to fostering an environment where survivors can come forward without the fear of re-traumatisation.





First and foremost, there needs to be a profound change in the training paradigm for police officers. Trauma-informed and survivor-centric engagement should be the cornerstone of this training. Officers must be equipped with the skills to understand and respond empathetically to survivors. This is not merely a skill; it is the foundation of establishing trust. When survivors feel heard and understood, they are more likely to engage with the justice system.

Creating safe spaces for reporting is crucial. These spaces must be designed to offer confidentiality, transparency, and empathy. They should be environments where survivors can share their experiences without fear of judgment or re-traumatisation. Police stations should have designated private areas for reporting, staffed by officers who are specially trained in trauma-informed practices.

Furthermore, the police must develop clear, accessible instructions and guidance for navigating the legal system. Survivors often find the legal process daunting and confusing. Providing easy-to-understand information can help demystify the process and reduce anxiety. This includes detailed explanations of what to expect during the reporting process, the investigation, and any subsequent legal proceedings.

Support services and counselling should be readily available and easily accessible for victim-survivors. These services are essential for helping survivors cope with the aftermath of their trauma and supporting them throughout the legal process. Accessible legal aid at no additional cost is also vital. Many survivors may hesitate to report due to financial constraints, and providing free legal assistance can remove this significant barrier.

The Western Australia Police must also commit to continuous improvement and accountability. Regular reviews and assessments of police responses to sexual violence should be conducted to identify areas for improvement. Feedback from survivors should be sought and valued, ensuring that their voices are central to any reforms.

In conclusion, improving police responses to reports of sexual violence requires a holistic approach that prioritises the needs and well-being of survivors. By embracing trauma-informed practices, creating safe reporting environments, providing clear guidance and support services, and committing to ongoing improvement, we can build a justice system that survivors can trust and navigate with dignity. This comprehensive approach is essential for fostering an environment where survivors feel empowered to come forward and seek justice.





Question 10. Do you have ideas for improving ODPP (Office of the Director Public Prosecutions) responses to the prosecution of sexual violence?

Trauma profoundly shapes how survivors navigate legal proceedings and affects their outcomes. Unfortunately, the current judicial system often dehumanises and retraumatises victim-survivors, failing to employ trauma-informed practices throughout the reporting and subsequent legal processes.

Consider the recent case in May 2024, where a Perth woman alleged she was repeatedly sexually assaulted and throttled during an overnight ordeal with a man she met on a dating app. When she testified, she explained that fear had immobilised her, preventing her from fleeing. Yet, during cross-examination, she faced invasive and insensitive questions from the defense counsel, questioning her actions and responses during the assault. This kind of interrogation only serves to retraumatise survivors, potentially leading to disengagement from the justice system and denying them their right to justice.

To improve the ODPP's responses to prosecuting sexual violence, we must mandate trauma-informed training for all individuals working within the legal system, including judges and magistrates. This training is not just beneficial but essential. It should ensure that everyone who interacts with victim-survivors—from initial reporting through to the court proceedings—understands the impacts of trauma and engages in a way that fosters safety and encourages justice.

A trauma-informed approach should be embedded across all levels of the justice system. This includes:

- **Mandatory Trauma-Informed Training:** All personnel, from police officers to judges, should receive comprehensive training on how trauma affects survivors. This training should cover how to interact empathetically and supportively, recognising the profound impact of their conduct on survivors' willingness to engage with the legal process.
- **Sensitive and Respectful Questioning:** During cross-examination and other legal procedures, defense counsels and prosecutors should be required to engage in questioning that is respectful and sensitive to the survivor's experience. The adversarial nature of our legal system should not come at the cost of further traumatising the survivor.
- **Creating Safe Spaces:** Courtrooms and police stations should have designated areas that provide a sense of safety and confidentiality for survivors. These spaces should be designed to make survivors feel secure and supported during the entire legal process.





- **Holistic Support Services:** The legal system should integrate support services like counseling and legal aid accessible to survivors. These services should be provided at no additional cost, ensuring that financial constraints do not hinder a survivor's ability to seek justice.
- **Ongoing Review and Improvement:** Regular assessments of how the ODPP handles sexual violence cases should be conducted. Feedback from survivors should be actively sought and valued to continuously refine and improve practices.

Extending trauma-informed training beyond the judiciary to all sectors that interact with survivors—such as healthcare, education, and social services—is also crucial. This comprehensive approach ensures that survivors are met with understanding, support, and a commitment to their well-being across all facets of their interactions with institutional systems.

Ultimately, by adopting these measures, we can create a legal system that not only seeks convictions but also supports survivors through every step of their journey, ensuring they are treated with the dignity and respect they deserve.

Question 13. Do you have other ideas for improving court processes for complainants when they are giving their evidence?

Building a justice system that survivors can trust is an imperative task that demands a comprehensive dismantling of existing barriers. It necessitates the implementation of trauma-informed practices that prioritise the well-being of survivors. The decision not to report, as highlighted in this submission, should not stem from a justified fear of stigma or disbelief. Our approach should be centered on empathy, support, and a commitment to fostering an environment where survivors can come forward without enduring further trauma. The true measure of justice is not just in convictions but in the creation of a system that survivors can navigate with trust and dignity.

Here are some ideas to improve court processes for complainants:

- **Trauma-Informed Training for Legal Professionals:** All court personnel, including judges, lawyers, and court staff, should undergo mandatory trauma-informed training. This training will help them understand the psychological impacts of trauma and how to interact with survivors in a way that minimises re-traumatisation.





- **Use of Pre-Recorded Testimonies:** Allowing survivors to provide their evidence through pre-recorded testimonies can help reduce the stress and trauma of appearing in court. This method ensures that survivors do not have to face their abuser or endure the often-hostile environment of a courtroom.
- **Support Persons and Advocates:** Survivors should have the right to be accompanied by a support person or advocate during their testimony. This presence can provide emotional support and help the survivor feel more secure.
- **Closed Courtrooms:** To protect the privacy and dignity of survivors, courtrooms should be closed to the public when they are giving their evidence. This measure can help reduce the fear of public scrutiny and media exposure.
- **Flexible Testimony Options:** Providing options for survivors to give their evidence via video link or in a separate room from the defendant can help create a safer and less intimidating environment.
- **Empathetic Questioning:** Legal practitioners must adopt a respectful and sensitive approach to questioning survivors. Cross-examinations should be conducted in a manner that does not further traumatise the survivor, and judges should actively intervene if questioning becomes inappropriate or abusive.
- **Regular Breaks:** Allowing for regular breaks during testimony can help survivors manage the emotional strain of recounting their experiences. Courts should be flexible in accommodating the needs of survivors to ensure they can give their evidence in the most comfortable manner possible.
- **Clear Communication:** Survivors should be provided with clear and concise information about the court process, their rights, and what to expect during their testimony. This transparency can help alleviate anxiety and empower survivors through the legal process.
- **Post-Testimony Support:** After giving their evidence, survivors should have access to ongoing support services, including counseling and legal advice, to help them process their experience and navigate any further legal proceedings.

By implementing these measures, we can create a court process that respects and supports survivors, ensuring they are treated with the dignity and compassion they deserve. The aim is not only to secure justice through convictions but also to foster a legal system where survivors feel safe, heard, and valued.





Question 21. What is your view about a trial by judge alone in relation to sexual offending?

Strengths – Victim-Survivor Centered Approach:

- **Minimises Re-traumatisation:** A trial by judge alone can significantly reduce the trauma experienced by survivors. They avoid the distress of recounting their experiences multiple times and facing a jury of strangers.
- **Reduces Bias and Misconceptions:** Judges are trained to focus on the law and evidence without the personal biases or misconceptions that jurors might have about sexual violence and survivors.
- **Shorter Trial Length:** Judge-alone trials tend to be shorter, which can lessen the emotional and psychological burden on survivors.
- **Use of Written Evidence:** There is often an increased use of written evidence rather than requiring survivors to testify in person, reducing the stress associated with court appearances.
- **Flexible Scheduling and Quicker Evidence Presentation:** These trials can be scheduled more flexibly and proceed more quickly, providing a more streamlined and less stressful process for survivors.
- **Greater Transparency:** Judges are required to provide detailed reasons for their verdicts, enhancing transparency and helping survivors understand the decision-making process.

Drawbacks – Criminal Justice Perspective:

- **Higher Acquittal Rates:** Studies indicate that perpetrators might be more likely to be acquitted in judge-alone trials. This could be due to weaker prosecution cases being directed to judge-alone trials or possibly due to judges applying the law more rigorously.
- **Nuanced Judgements Required:** Judges may need to exercise greater nuance and care to ensure that their decisions protect the rights of survivors while also adhering to legal standards.
- **Need for Increased Protection:** Implementing judge-alone trials requires additional measures to protect the interests of survivors, ensuring that their voices are heard and their experiences are validated throughout the legal process.

In conclusion, while judge-alone trials offer several advantages that align with a victim-survivor centered approach—such as reducing trauma and ensuring a more controlled, bias-free environment—they also present challenges that need to be carefully managed.





Ensuring that judges are thoroughly trained in trauma-informed practices and providing robust support systems for survivors throughout the trial process can help mitigate some of these drawbacks. Ultimately, the goal should be to create a justice system that balances the needs and well-being of survivors with the principles of fairness and justice.

Question 23. Are the legislative provisions adequate to protect complainants during cross-examination? If not, how could they be improved? Should they be harmonised?

Current legislative provisions regarding the cross-examination of complainants in sexual violence cases are a good start but require significant improvements to better protect the safety and well-being of victim-survivors. To ensure that the legal process is as trauma-informed and supportive as possible, we need to adopt more robust measures.

Current Improvements and Recommendations:

- **Pre-recorded Evidence:** Queensland's recent allowance for victim-survivors to provide evidence via pre-recorded video rather than in-person cross-examination is a positive step. This approach minimises the direct confrontation between the survivor and the accused, reducing the potential for re-traumatisation.
- **Victoria's Legislative Recommendations:** The Victorian Law Reform Commission's recommendations from 2021 offer a comprehensive framework to further protect complainants:
 - o **Recommendation 44:** Accused individuals should not be allowed to personally cross-examine complainants or protected witnesses in any criminal proceeding for sexual offenses.
 - o **Recommendation 45:** Courts must inform the accused that they are not permitted to personally cross-examine and must invite them to arrange legal representation for this purpose.
 - o **Recommendation 46:** If the accused refuses legal representation, the court must direct Victoria Legal Aid to provide legal assistance specifically for the cross-examination. This appointed lawyer acts as a "friend of the court" solely for cross-examining the complainant.
 - o **Recommendation 47:** The appointed person can only question the complainant on general matters requested by the accused, adhering to standard cross-examination rules.





- **Recommendation 48:** Guidelines for the conduct of these appointed lawyers should be developed with input from relevant legal bodies to ensure consistency and fairness.
- **Recommendation 49:** If the accused declines legal assistance or fails to provide necessary instructions, they forfeit the right to cross-examine the complainant.
- **Recommendation 50:** Courts must inform the jury about the cross-examination arrangements, emphasising that this procedure is routine, should not be viewed negatively towards the accused, and should not affect the weight of the witness's evidence.

Improving and Harmonising Legislative Provisions:

To further enhance protections and ensure consistency across jurisdictions, the following measures should be considered:

- **Nationwide Adoption of Trauma-Informed Practices:** All states and territories should adopt the above-mentioned recommendations, ensuring that the legislative framework is uniform and consistently applied across Australia.
- **Mandatory Training for Legal Professionals:** Judges, lawyers, and court staff should receive mandatory training on trauma-informed practices to better understand the impact of trauma on survivors and to handle cases with the necessary sensitivity and care.
- **Enhanced Support Services:** Provide comprehensive support services for complainants, including access to legal aid, counselling, and advocacy throughout the legal process to ensure they are fully supported.
- **Continuous Review and Improvement:** Establish a mechanism for the continuous review and improvement of laws and practices related to the cross-examination of complainants in sexual violence cases. This should involve regular consultations with survivors, advocacy groups, and legal professionals to identify and address gaps in the system.

By implementing these measures, we can create a more just and compassionate legal system that prioritises the dignity and well-being of victim-survivors while ensuring that the process remains fair and transparent.





Question 24. Should cross-examination that reflects myths and misconceptions about sexual violence, such as the belief that a 'rape victim' would be expected to complain at the first reasonable opportunity be restricted on the ground that it is irrelevant or on any other ground?

Cross-examinations that perpetuate myths and misconceptions about sexual violence must be restricted. These misguided beliefs, such as the expectation that a "real" rape victim would immediately report the assault, are not only irrelevant but deeply harmful.

The Impact of Myths and Misconceptions:

The police investigation and court process wield a lasting and profound influence on victim-survivors. In the immediate aftermath, heightened anxiety, stress, and the involuntary reliving of traumatic events characterise survivors' engagement with the legal system. Emotionally draining, the process leaves survivors with a profound sense of vulnerability and a feeling of re-traumatisation. Over the long term, the repercussions extend to an erosion of trust in institutions, the exacerbation of mental health challenges, and difficulties in forging and sustaining healthy relationships.

Why These Myths Must Be Challenged:

- **Irrelevance:** Myths like the immediate reporting expectation do not hold up under scrutiny. Survivors of sexual violence may delay reporting for numerous valid reasons, including fear of not being believed, shock, confusion, and concerns about retaliation or further harm. These reasons are well-documented and widely understood within the fields of psychology and trauma-informed care.
- **Harmful Impact:** Allowing cross-examinations based on these myths not only undermines the credibility of the complainant but also perpetuates harmful stereotypes that can deter other survivors from coming forward. This perpetuates a cycle of silence and injustice.
- **Trauma and Re-traumatisation:** Survivors often experience significant trauma during cross-examination, especially when subjected to questions rooted in misconceptions. These types of questions can force survivors to relive their trauma, causing significant emotional and psychological harm.

Recommendations for Improvement:





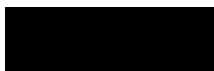
- **Legislative Reform:** Legislation should be updated to explicitly restrict cross-examination questions that reflect outdated and debunked myths about sexual violence. This includes barring any insinuations that question a survivor's credibility based on their reporting timeline or behavior following the assault.
- **Judicial Training:** Judges must be trained to recognize and disallow such irrelevant and harmful lines of questioning. Judicial education should include comprehensive modules on the psychology of trauma and the impacts of sexual violence, ensuring that courtroom procedures are informed by contemporary understandings of these issues.
- **Supportive Legal Practices:** Courtrooms should adopt trauma-informed practices that prioritize the well-being of survivors. This includes providing clear guidelines for cross-examination that focus on relevant facts without perpetuating harmful myths.
- **Public Education Campaigns:** Beyond the courtroom, public education campaigns are essential to dispel these myths and foster a broader understanding of the realities of sexual violence. By shifting societal perceptions, we can create a more supportive environment for survivors at every stage of the legal process.

In conclusion, restricting cross-examination that perpetuates myths and misconceptions about sexual violence is not just a matter of relevance but of justice and compassion. By fostering an environment that is informed, respectful, and supportive, we can better serve survivors and uphold the integrity of our legal system.

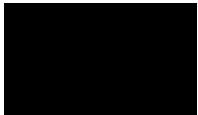
Kate Raston (Co-founder)



Lucy Stewart (Government Relations Coordinator)



Laura Meachim (Outreach Coordinator)



0492 138 540
hello@wearewomxn.com.au
www.wearewomxn.com.au
@we.are.womxn
wearewomxnau
wearewomxnau



References

Ailwood, S., Loney-Howes, R., Seuffert, N. *et al.* Beyond Women's Voices: Towards a Victim-Survivor-Centred Theory of Listening in Law Reform on Violence Against Women. *Fem Leg Stud* **31**, 217–241 (2023). <https://doi.org/10.1007/s10691-022-09499-1>

Bluett-Loyd, N., & Fileborn, B. (2014) *Victim/Survivor-focused justice responses and reforms to criminal court practice*. Australian Institute of Family Studies. Australian Government, Canberra.



0492 138 540
hello@wearewomxn.com.au
www.wearewomxn.com.au
 we.are.womxn
 wearewomxnau
 wearewomxnau