



7. Sexual Assault

There is no single nationally or internationally agreed definition of what constitutes “sexual assault”. There are broad definitions which are based on the experiences of victims/survivors of sexual assault. There are narrower definitions, based on perpetrators’ behaviours that are offences under the criminal law.

One definition is that “sexual assault is unwanted behaviour of a sexual nature directed towards a person:

- which makes that person feel uncomfortable, distressed, frightened or threatened, or which results in harm or injury to that person
- to which that person has not freely agreed or given consent, or to which that person is not capable of giving consent
- in which another person uses physical, emotional, psychological or verbal force or (other) coercive behaviour against that person.

Sexual assault may be located on a continuum of behaviours from sexual harassment to life-threatening rape. These behaviours may include lewdness, stalking, indecent assault, date rape, drug-assisted sexual assault, child sexual abuse, incest, exposure of a person to pornography, use of a person in pornography, and threats or attempts to sexually assault.”ⁱ

The societal belief that sexual violence is only perpetrated by strangers who are pathologically deviant may provide many members of society with a sense of comfort. It provides a logical excuse for the attacker’s actions as being those of someone who does not know the victim, is sick or deranged or ‘not quite right’. While acknowledging that some cases like this do exist, the unfortunate reality remains that the vast majority of sexual violence attacks do not conform to this stereotype.ⁱⁱ

Date rape

“Date rape is a type of sexual assault where the victim and the offender are in, or have been in, some form of personal social relationship, ranging from a first date to an established relationship. Date rape may be easily recognised as “rape”, or it may involve coercive sex that has left the victim feeling confused and traumatized.

Victims of date rape often experience emotional but not physical injury.”ⁱⁱⁱ

Sexual consent is central to the problem of date rape according to the Australian Institute of Criminology. Sex forced on a date or a partner who has not consented clearly constitutes rape. However, the often held beliefs that “no means yes” and that consent within relationships is not required mean that sexual assault is occurring a lot more often than is reported. In a date rape situation, consent is sometimes coerced by using physical, emotional or verbal threats and tactics and while the physical threats can be clearly seen as rape, categorising verbal or emotional coercion is less clear.^{iv}

Drugs and alcohol can also be used to facilitate date rape. Drink spiking with prescription drugs such as rohypnol and illegal drugs such as gamma-hydroxybutyrate (GBH) can seriously affect the way a victim makes decisions or keeps things safe. ‘Drink spiking’ is defined as the surreptitious addition of drugs or alcohol to a drink (alcoholic or non-alcoholic), without consent of the person ingesting it (Australian Drug Foundation 2002). ‘Drug facilitated sexual assault’ refers to non-consensual acts which take place when the victim is incapacitated due to the influence of drugs and/or alcohol, which prevents them from resisting and/or giving meaningful consent (Abarbanel 2001).

ⁱ Commonwealth of Australia (2003) *Sexual Assault Information Development Framework*, Australian Bureau of Statistics Information Paper Catalogue number 4518.0.

ⁱⁱ Sourced from the Queensland Police Website www.police.qld.gov.au/pr/program/p_safety/rape/rasa.shtml

ⁱⁱⁱ Russo, L (2000). *Date rape: a hidden crime*. Trends & issues in crime and criminal justice no 157. Canberra: Australian Institute of Criminology. Viewed at <http://www.aic.gov.au>

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