

# Reporting Sexual Violence in Aotearoa New Zealand

Taiwi Prevention Project,  
Taiwi Caucus of TOAH-NNEST  
Nicola Wood and Sandra Dickson

**TOAH-NNEST**  
Te Ohaakii a Hine - National Network Ending Sexual Violence Together

### **Acknowledgments:**

Thanks to Nicola Wood, a media studies student who collated and analysed the articles in the media audit and contributed to an early draft of this report.

Thanks also to the Tauwiwi Project Advisory Group and the Tauwiwi Project Academic Advisory Group for their comments on an early draft of this report. Both Advisory Group members are named in Appendix 1.

Thanks to my colleagues in Ngā Kaitiaki Mauri, Prevention Kaiwhakahaere Huhana Mason and Ray Ropata, for their ongoing support in our prevention journeys together across the two caucuses that make up Te Ohaakii a Hine - National Network Ending Sexual Violence Together (TOAH-NNEST).

Finally, thanks to Dr Kim McGregor, member of the Tauwiwi Caucus Executive of TOAH-NNEST, for her ongoing support.

The Tauwiwi Prevention Project is funded by the Ministry of Justice. Information and analysis in this report do not represent government policy.

# Contents

---

Summary.....	4
Recommendations to Journalists.....	5
Expert Commentary.....	7
New Zealand Facts and Figures .....	8
Reporting on Sexual Violence: Our Study.....	9
Fact Sheet: Sexual Violence.....	17
Appendix 1: Tauwi Prevention Project Advisory Groups .....	19

# Summary

---

The general public learn about social and community issues through the media. This means news reporting is crucial to how our communities act, understand and think about sexual violence.

Sexual violence is **common**, affecting one in three women and one in ten men; **serious**, with a wide range of negative effects on survivors; and **expensive**, costing the New Zealand economy more per incident than any other crime.<sup>1</sup> These factors make sexual violence an important community issue.

This resource has been developed to assist journalists to write accurate news stories. It includes recommendations based on current reporting, statistics, a guide to the law and contact information for sexual violence specialists with a variety of roles, all of whom are happy to talk to the media and contribute to good news stories.

## ***News reporters want to tell good news stories – stories that are accurate and newsworthy for their communities.***

Every reporter can be part of responding to the serious issue of sexual violence by accurate reporting. The public need stories about the consequences of sexual violence for survivors, perpetrators, families and communities; links to helping services and stories about how sexual violence can be stopped before it takes place.

In our print media audit of 2012 news reporting in New Zealand, sexual violence stories seldom included expert commentary. Instead – and unsurprisingly – commonly held but untrue beliefs featured prominently. Reporting was largely restricted to events surrounding the investigation and trial of those accused of sexual violence, rather than coverage of sexual violence as a community issue.

Crucially, there was confusion between “sex” and “sexual violence” and what consent means.

**Sexual violence** can include any sexual act, attempted sexual act, sexual harassment, sexual coercion and sexual contact with force.

**Lack of consent is crucial to sexual violence.** Physical resistance or protest is not required to prove lack of consent.

**Child sexual abuse** is involving a child or young person in sexual activities, touching them in a sexual way, or using a child for sexual gratification. Children cannot give consent to sexual activities under the age of 16 years.

The easiest way to tell more accurate news stories is to talk to experts – New Zealand Police; the specialist sexual violence sector; survivor support organisations and organisations and researchers who understand how sexual offenders operate. There is a resource list of such experts – all of whom are prepared to give media commentary – on page 7 of this report.

---

<sup>1</sup> **Ministry of Justice (2009)**, *Te Toiora mata Tauherenga – Report of the Taskforce for Action on Sexual Violence*.

# Recommendations to Journalists

---

These recommendations will help reporters tell an accurate, newsworthy story, in combination with the most up-to-date New Zealand statistics, and a list of experts in sexual violence who are happy to provide media commentary.

**Get the language right:** Rape or assault is not “sex”.  
A pattern of abuse is not an “affair”. Rape or sexual assault is in no way associated with normal sexual activity.

*DART Centre for Journalism and Trauma <http://www.dartcentre.org/>*

## Good news reports.....

### 1. Describe sexual violence accurately

- ▲ Avoid euphemisms and common misconceptions
- ▲ Provide accurate information about:
  - ▲ the severity of sexual violence and the impacts on survivors
  - ▲ sexual violence as a broad and prevalent social problem
  - ▲ laws which protect against child sexual abuse and adult sexual assault



### 2. Discourage sexual offending

- ▲ Describe sexual offending behaviour patterns accurately
- ▲ Provide contact details for specialist agencies who work with people with harmful sexual behaviour, so they can get help to stop this behaviour
- ▲ Do not make excuses for sexual violence or give undue weight to those who do
- ▲ Tell prevention stories of sexual violence being stopped by community members
- ▲ Describe accurately cases where the Police choose not to charge someone accused of sexual offences. They have not been “cleared” of rape or child sexual abuse



### 3. Respect and support survivors of sexual violence

- ▲ Encourage survivors to seek help and report sexual violence
- ▲ Provide contact details for survivor support agencies to protect and help survivors and their families
- ▲ Avoid victim-blaming language which increases social stigma and shame for survivors
- ▲ Use graphic content warnings to protect and help survivors and their families



# *Recommendations to Journalists*

---

Our media audit revealed six key areas where news reporting of sexual violence could be more accurate. To increase accuracy, contact the experts over the page.

## **1: Sexual violence is not “just sex”**

Sexual violence is a crime, and is harmful to survivors, their families and our communities. Sexual violence does not involve consent.

## **2: It is rare for a survivor to lie about being raped**

New Zealand Police categorise 8% of sexual violence cases reported to them as false complaints, which is lower than many other crimes.<sup>2</sup> Sexual violence is the fifth most common offence in New Zealand, but most survivors do not tell anyone because of fear, shame and beliefs they will be blamed.

## **3: Violent stranger danger sexual violence is rare**

Most sexual violence involves pressure, coercion and threats, often by people known to the survivor, and often in their own home or the home of the accused. The use of weapons is unusual. Sexual abuse or rape does not always leave physical injuries.

## **4: Unfortunately, rapists do not stand out**

People who perpetrate sexual violence come from all racial, cultural, age and socio-economic groups. They are more likely to be male. Reporters cannot expect they will be easily identifiable as rapists in the rest of their lives, where they may well be good employees, neighbours and family members.

## **5: Being raped is worse than being accused of rape**

Experiences of sexual violence can be extremely traumatic for survivors. Media articles often focus on the consequences faced by those accused of sexual violence rather than impacts on survivors. This can make the consequences for the accused – even when they are found guilty – seem unfair or too severe.

## **6: Sexual violence has no excuses**

Most sexual violence is perpetrated by people known to the survivor. The responsibility for sexual violence lies with the perpetrators of the crime. Sexual violence happens when one person decides what they want is more important than what the other person wants.

---

<sup>2</sup> Ministry of Women's Affairs (2009), *Attrition in the New Zealand Criminal Justice System*.

# Expert Commentary

---

These sexual violence experts are happy to give media comment from a range of perspectives:

## Te Ohaakii a Hine – National Network Ending Sexual Violence Together

- **Russell Smith**  
Ngā Kaitiaki Mauri  
027 422 6282  
[korowai@korowaitumanako.org](mailto:korowai@korowaitumanako.org)
- **Dr Kim McGregor**  
Tauwi Caucus  
021 378 991  
[kim@rapecrisis.org.nz](mailto:kim@rapecrisis.org.nz)

## Survivor Advocates

- **Louise Nicholas**  
National Survivor Advocate  
021326505  
[louise@rapecrisis.org.nz](mailto:louise@rapecrisis.org.nz)
- **Ken Clearwater**  
Male Survivors of Sexual Abuse Trust  
0273533854  
[mssat@survivor.org.nz](mailto:mssat@survivor.org.nz)

## National Rape Crisis

- **Georgia Knowles**  
0800 552 813  
[rcaotearoa@gmail.com](mailto:rcaotearoa@gmail.com)
- **Andrea Black**  
021 244 5589

## New Zealand Police

- **Detective Inspector Tusha Penny**  
Child Protection and Sexual Violence  
Police National Headquarters  
DDI: 04 474 9504  
[tusha.penny@police.govt.nz](mailto:tusha.penny@police.govt.nz)

## Doctors for Sexual Abuse Care

- **Victoria Larbolestier**  
09 376 1422 or 027 376 1425  
[victoria@dsac.org.nz](mailto:victoria@dsac.org.nz)

## Research - Sexual Offenders

- **Associate Professor Ian Lambie**  
School of Psychology  
University of Auckland  
027 2809948  
[i.lambie@auckland.ac.nz](mailto:i.lambie@auckland.ac.nz)

- **Dr Neville Robertson**  
Senior Lecturer in Psychology  
University of Waikato  
021 408 558

## Research - Sexual Violence Survivors

- **Dr Nicola Atwool**  
Senior Lecturer, University of Otago  
DDI 03 479 5442  
[nicola.atwool@otago.ac.nz](mailto:nicola.atwool@otago.ac.nz)
- **Associate Professor Nicola Gavey**  
Associate Professor, School of Psychology,  
University of Auckland  
09 373 7599 ext 86877  
[n.gavey@auckland.ac.nz](mailto:n.gavey@auckland.ac.nz)
- **Associate Professor Jan Jordan**  
Associate Professor, Institute of  
Criminology/Te Pou Haratutanga, Victoria  
University of Wellington  
04 463 5811  
[jan.jordan@vuw.ac.nz](mailto:jan.jordan@vuw.ac.nz)

# New Zealand Facts and Figures

---

## Sexual violence is common

- 1 in 3 women and 1 in 10 men report they experience unwanted and distressing sexual contact over their lifetime. Much of this will be child sexual abuse<sup>3</sup>

## Sexual violence is serious

- Common impacts on survivors include flashbacks; avoiding people, places or things that remind you of what happened; sleep disturbances; hypervigilance; and frequent 'zoning out'. Sexual violence is correlated with almost every indicator of deprivation and poor health<sup>4</sup>
- Girls who experience child sexual abuse are more likely to be re-victimised as adults<sup>5</sup>
- Sexual offences have the most negative impacts on victims of all crimes<sup>6</sup>
- Sexual violence is the most costly crime per incident to individuals and society. New Zealand Treasury estimate the costs to the New Zealand economy at \$1.2 billion each year<sup>7</sup>

## Sexual violence is most likely to be committed by someone you know<sup>8</sup>

- More than 1 in 3 sexual offences are committed by current partners; 1 in 4 by friends; 1 in 10 committed by boyfriends; and 1 in 20 by a work colleague<sup>9</sup>
- Just 16% of adult sexual violence reported to the Police is perpetrated by strangers.<sup>10</sup>
- 90% of child sexual abuse is committed by someone known to the family

## Sexual violence can be perpetrated by, or against, anyone regardless of age, gender, sexuality, ethnicity or ability

- Adult sexual assault is overwhelmingly perpetrated by men against women. Figures reported to New Zealand Police indicate 99% of adult sexual violence is perpetrated by men.<sup>11</sup>

## New Zealand Police believe they are aware of only 10% of sexual violence<sup>12</sup>

- Sexual violence is the fifth most common offence in New Zealand, but the crime least commonly reported to New Zealand Police<sup>13</sup>
- Most survivors do not report sexual violence because of fear, shame and beliefs they will be blamed. Cases in the criminal justice system are the tip of the iceberg.

---

<sup>3</sup> Mayhew, P. and Reilly, J., (2007), Ministry of Justice, *The New Zealand Crime and Safety Survey 2006*.

<sup>4</sup> Ministry of Justice (2009), *Te Toiora Mata Tauherenga – Report of the Taskforce for Action on Sexual Violence*.

<sup>5</sup> Ministry of Women's Affairs, (2012), *Lightning Does Strike Twice: Preventing Sexual Revictimisation*.

<sup>6</sup> Ministry of Justice (2010), *The New Zealand Crime and Safety Survey: Main Findings Report*.

<sup>7</sup> Roper, T. and Thompson, A., (2006), *Estimating the costs of crime in New Zealand in 2003/04, New Zealand Treasury Working Paper 06/04*.

<sup>8</sup> Ministry of Justice (2006), *The New Zealand Crime and Safety Survey: Main Findings Report*.

<sup>9</sup> Ministry of Justice (2009), *Te Toiora mata Tauherenga – Report of the Taskforce for Action on Sexual Violence*.

<sup>10</sup> Ministry of Women's Affairs (2009), *Attrition in the New Zealand Criminal Justice System*.

<sup>11</sup> Ministry of Women's Affairs (2009), *Attrition in the New Zealand Criminal Justice System*.

<sup>12</sup> Ministry of Justice (2009), *Te Toiora mata Tauherenga – Report of the Taskforce for Action on Sexual Violence*.

<sup>13</sup> Mayhew, P. and Reilly, J., (2007), Ministry of Justice, *The New Zealand Crime and Safety Survey 2006*.



# Reporting on Sexual Violence: Our Study

---



The general public learn about social and community issues through the media. News reporting is crucial to how our communities act, understand and think about sexual violence.

The Ministry of Justice estimate 29% of women and 9% of men experience unwanted and distressing sexual contact in their lifetime. Sexual violence is New Zealand's fifth most common offence, but the crime least commonly reported to New Zealand Police.

Impacts on survivors, families and communities are serious and potentially long-term. Sexual violence is correlated with the majority of deprivation and poor health indicators. Physical and mental health impacts include physical injury, sexually transmitted infections, post-traumatic stress disorder and depression.

**Intro: A Beginners Guide to Professional News Journalism** provides this guidance for journalists on reporting on sexual violence in New Zealand:

*"It is illegal to report the victims' names in any sex crime; it can be unethical and untasteful to describe a sexual crime in graphic detail. It is particularly important to be cautious about taking sides in the reporting: with emotions running high, false complaints are often made regarding sexual offences. Both sides can be very believable in their differing accounts." p190*

These three sentences – in a 453 page book – are both inadequate and inaccurate. Journalists need better grounding for their role in reporting on such a significant social issue.

To support journalists in telling accurate news stories about sexual violence, we undertook an audit of 2012 print media. Our research identified 102 news reports about sexual violence between April 1<sup>st</sup> 2012 and September 30<sup>th</sup> 2012 published online by Fairfax Media and the Associated Press. These were gathered using online search engines for Stuff and the New Zealand Herald websites.<sup>14</sup>

Analysis of the news reports examined how sexual violence was described and who was quoted in the article. We also noted where prevention strategies or interventions were described. This approach highlighted the trends discussed in this report.

In this report we use 'sexual violence' to refer to all offenses falling under sections 127-135 of the Crimes Act 1961 (see Fact Sheet: Sexual Violence at the end of this resource). 'Survivor' refers to people who have reported sexual violence. 'Accused' refers to people who have been investigated, charged or prosecuted for sexual violence. One news report in our study featured a male survivor; all the accused were male.

---

<sup>14</sup> **Stuff** and **New Zealand Herald** are the two largest print news outlets in New Zealand. Their websites include national and local content from *The Dominion Post*, *The Waikato Times*, *The Taranaki Daily News*, *The Marlborough Express*, *The Nelson Mail*, *The Press*, *The Timaru Herald*, and *The Southland Times*.

# Our study

## Which papers?

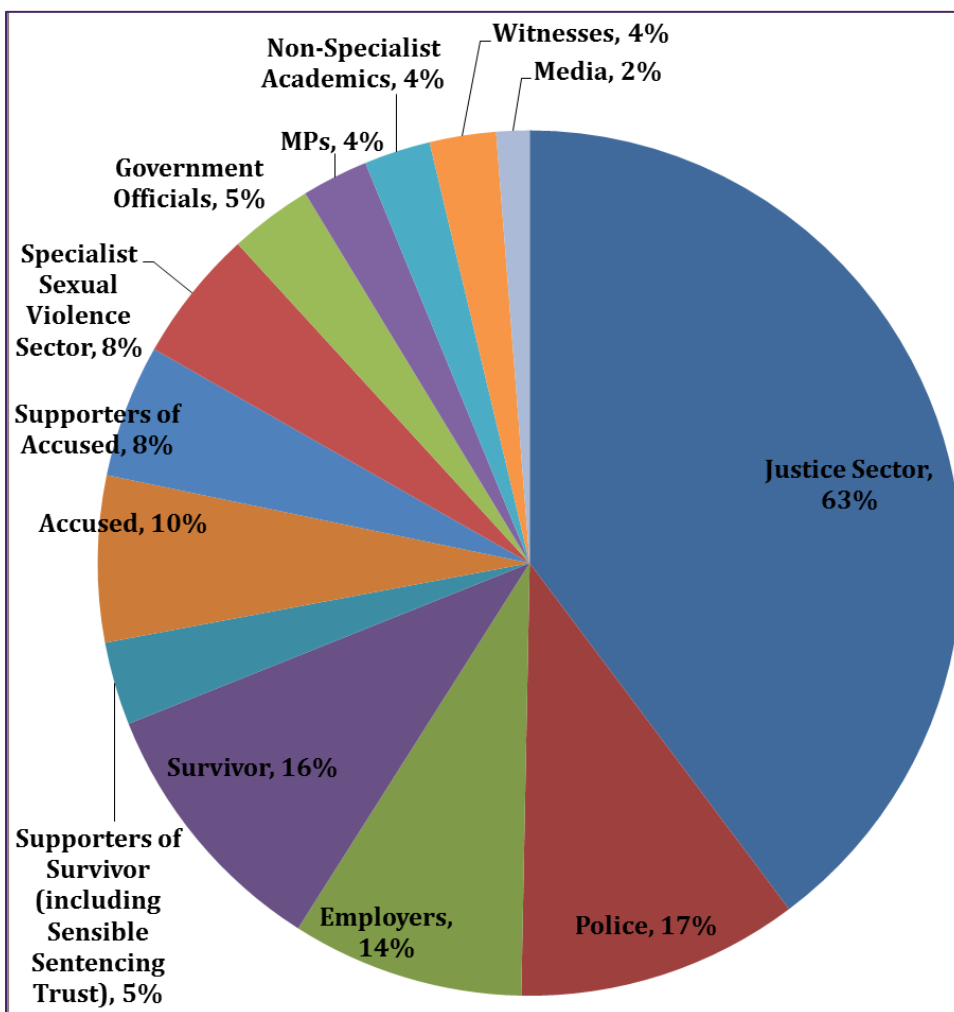
- 70% of stories reported on a nationwide level – local stories and general public interest
- 16% were written just for urban papers and 14% just for rural papers

## What kinds of stories?

- 96% of the articles were responding to a specific event of sexual violence
- Court proceedings were the main focus of 70% of the stories, including trials, appeals and sentencing. A minority covered parole applications and considerations
- 4% of articles explored sexual violence as a social issue. These stories were notable for the complete absence of expert commentary
- 22% of the articles covered child sexual abuse. Nearly all were stories about court cases relating to historical abuse
- Just two strategies of intervention and prevention were covered in the articles. The most frequently covered was the criminal justice sector. In a minority of stories women were offered tips to avoid being raped

## Who is talking about sexual violence?

161 people were quoted in the 102 articles. Most frequently quoted were those working in the justice sector, including Judges, defence lawyers and Crown prosecutors.



Employers of those accused were also frequently quoted, without exception in support of the accused.

Survivors were quoted most often in court stories, usually focussed on the event(s) and how it had affected them. The accused and their supporters were only quoted on the impacts of being accused of rape.

Those with expertise in responding to sexual violence were rarely quoted. New Zealand Police are quoted in just 17% of articles.

Specialist sexual violence sector agencies are quoted in just 8% of articles.

Sexual violence academics and researchers were not quoted in any articles.

# Our study – the findings

---

In the media audit, news stories about sexual violence often supported commonly held – but untrue – beliefs about sexual violence. We discuss more accurate information in six key areas below.

## 1: Sexual violence is not “just sex”

**Sexual violence is a crime, and is harmful to survivors, their families and our communities. Sexual violence does not involve consent.**

Euphemisms are often used when speaking about sexual violence. This makes it difficult for readers to recognise child sexual abuse, rape and sexual violence as a serious crime, or even a crime at all. It also minimises the trauma experienced by survivors.

### Comedian’s sex sentence ‘not enough’

*(Stuff, 28/07/12)*

While every survivor is different, common impacts include flashbacks or feeling like you are reliving the event again and again; avoiding people, places or things that reminds you of what happened; sleep disturbances; frequent ‘zoning out’ or difficulty concentrating; and hypervigilance or always being on alert. Sexual violence has been correlated with almost every indicator of deprivation and poor health, as well as other ‘social problems’ including increased smoking, drug and alcohol overuse, relationship breakdowns, truancy, teenage pregnancy, the ability to parent well, and suicidality.

Sexual violence was talked about euphemistically in 22% of the articles audited.

The kind of language which does this describes sexual violence as “sex” and lacks clarity on legal definitions of consent.

### Sex attacks increase but overall crime down

*(New Zealand Herald, 03/04/12)*

### Ex-Olympian on rape charges

*(Stuff, 16/07/12)*

Defence lawyer Hugh Leabourne told the jury the defence case was that there was no unlawful sex and no incidents of violence or kidnapping.

**Describing sexual violence as “sex” is inaccurate. If those quoted in the article do so, it can be countered by featuring expert commentary from specialists in sexual violence, including sexual violence researchers and New Zealand Police.**

**A fact sheet on sexual violence and the law is at the end of this resource.**

# Our study – the findings

---

**2: It is rare for a survivor to lie about being raped**  
New Zealand Police categorise 8% of sexual violence cases reported to them as false complaints, which is lower than many other crimes.<sup>15</sup> Sexual violence is the fifth most common offence in New Zealand, but most survivors do not tell anyone because of fear, shame and beliefs they will be blamed.

Just one in ten of all sexual violence incidents are reported to New Zealand Police.<sup>16</sup> The cases in the criminal justice system are the tip of the iceberg.

When survivors do report, conviction rates are low, often because many survivors decide not to proceed with a complaint due to how traumatic it can be to go to court. This is widely recognised by those involved in the justice sector.

*“I wouldn’t put myself through this and certainly would let a friend or family know how degrading it is and that they will be re-victimised and the chances of a guilty verdict are very, very low.” (New Zealand Police)<sup>17</sup>*

Defence lawyers rely heavily on the myth that women and children lie about being raped. This idea also features in other stories which rely on inaccurate stereotypes about how sexual violence *usually* happens. It will often be implied there has been no sexual violence if there is no sign of struggle or injuries; if the allegation is against a current or ex-partner; or if the accused does not fit stereotypes of a “pedophile.”

It was implied survivors were lying about rape or sexual abuse in 29% of the articles audited.

News stories which inaccurately describe the accused as “cleared” when the Police decide not to press charges also contribute to the commonly held misconception that survivors, including children, lie about being raped.

## SA police drop rape case against Baby Black

(New Zealand Herald, 28/09/12)

Baby Blacks hooker Nathan Harris has been cleared of the alleged sexual attack that took place on the NZ U-20 tour of South Africa earlier this year.

South African police have closed their investigation into the allegation, advising the NZRU today that they will not be prosecuting Harris.

**Writing stories which imply survivors often lie about being raped is inaccurate. If those quoted in the article do so, it can be countered by featuring expert commentary from specialists in sexual violence, including sexual violence researchers and New Zealand Police. Balanced stories will also include the survivor’s perspective.**

**When New Zealand Police choose not to charge those accused of rape, that is how it should be described. They have not been cleared.**

---

<sup>15</sup> Ministry of Women’s Affairs (2009), *Attrition in the New Zealand Criminal Justice System*.

<sup>16</sup> Ministry of Justice (2009), *Te Toiora mata Tauherenga – Report of the Taskforce for Action on Sexual Violence*.

<sup>17</sup> Ministry of Women’s Affairs (2009), *Responding to Sexual Violence, Environmental scan of New Zealand agencies*

# Our study – the findings

---

## 3: Violent stranger danger sexual violence is rare

**Most sexual violence involves pressure, coercion and threats, often by people known to the survivor, and often in their own home or the home of the accused. The use of weapons is unusual. Sexual abuse or rape does not always leave physical injuries.**

New Zealand Police figures<sup>18</sup> show:

- Just 16% of adult sexual violence is perpetrated by strangers
- 67% of adult sexual violence occurs in a private dwelling

Ministry of Justice figures<sup>19</sup> show:

- 43% of assaults and sexual offences cause physical injuries for survivors
- 13% of assaults and sexual offences resulted in the survivor receiving medical attention

While rare cases which are very dramatic – the stereotypical image of a stranger in a dark alleyway launching a violent attack with a weapon – may seem to make for more “exciting” news, sexual violence is a serious crime and all instances are newsworthy for that reason.

A lack of physical injury does not mean sexual violence has not occurred. Physical resistance or protest is not required to prove lack of consent. News reporting contributes to a narrow idea of what “counts” as sexual violence by paying little attention to how most sexual violence happens and writing longer and more in-depth stories about stranger rapes.

20% of the articles we looked at constructed a narrow idea of what gets to “count” as sexual violence.

### **Jury considers sex charges against man**

*(Stuff, 06/09/12)*

The doctor who examined one of the complainants the same day she said she was raped found only a small area of bruising in the genital area and a 1cm tear diagonally opposite, Harrison said. Other medical evidence suggested the girl had not been raped.

**Writing stories which suggest rape usually involves injuries and is perpetrated by strangers is inaccurate. This can be countered by including accurate statistical information about how most sexual violence happens and featuring expert commentary from specialists in sexual violence, including sexual violence researchers, Doctors for Sexual Abuse Care and New Zealand Police.**

**Clear information about the law and consent would greatly improve the accuracy of news stories about sexual violence.**

---

<sup>18</sup> Ministry of Women’s Affairs (2009), *Attrition in the New Zealand Criminal Justice System*.

<sup>19</sup> Ministry of Justice (2010), *The New Zealand Crime and Safety Survey: Main Findings Report*. It is likely the figures for sexual offences alone would be even lower.

# Our study – the findings

## 4: Unfortunately, rapists do not stand out

**People who perpetrate sexual violence come from all racial, cultural, age and socio-economic groups. They are more likely to be male. Reporters cannot expect they will be easily identifiable as rapists in the rest of their lives, where they may well be good employees, neighbours and family members.**

Most perpetrators are undetected precisely because they do not “look like a rapist.” People often find it difficult to understand horrific crimes being perpetrated by people with status and respect who they may see as role models.

Research shows:

- 90% of child sexual abuse is committed by someone the child known to the family
- Adult sexual assault is more likely to be committed by a person known to the survivor<sup>20</sup>
  - Over 1 in 3 sexual offences are committed by current partners
  - 1 in 4 are committed by friends
  - 1 in 10 are committed by a boyfriend
  - 1 in 20 are committed by a work colleague

It is not unusual for supporters, neighbours and employers to tell reporters the accused is a great guy.

In our media audit, these groups were quoted in nearly a third of stories. During the investigation this is often used to imply that the accused could not be a rapist.

### **Kaitaia school warned about sex teacher** *(Stuff, 23/08/2012)*

Parker pleaded guilty in court yesterday to 49 charges of indecent assault, performing an indecent act and of unlawful sexual connection. "Jamie was a pillar of the community and he was supposed to be someone people could go to," said community leader Ricky Houghton.

### **Wairarapa nurse 'obsessed with rape'** *(Stuff 05/05/2012)*

He was a skilled, experienced and respected nurse who had worked at the DHB for a number of years without complaint, until he was fired in December 2010.

The evidence of the two students was both unreliable and improbable, she said.

On Thursday, the tribunal heard that sexual banter and flirting was common at the hospital unit where Mr N worked.

26% of the stories in this audit reinforced the idea you can spot a rapist.

**Rapists do not usually stand out. More accurate information can be provided by stories which describe offending behaviour, and feature expert commentary from specialists in sexual violence, including sexual violence researchers and New Zealand Police.**

**Such stories will help communities prevent sexual violence.**

<sup>20</sup> Ministry of Justice (2006), *The New Zealand Crime and Safety Survey: Main Findings Report*.

# Our study – the findings

---

## 5: Being raped is worse than being accused of rape

**Experiences of sexual violence can be extremely traumatic for survivors. Media articles often focus on the consequences faced by those accused of sexual violence rather than impacts on survivors. This can make consequences for the accused – even when they are found guilty – seem unfair or too severe.**

While there is no doubt that being accused of sexual violence would have serious impacts on your life, focussing solely on the impacts for the accused leaves the public with a very partial picture.

**Rape allegation ‘horrible stress’ for Baby Blacks**

*(Stuff 27/06/12)*

Sexual violence has a wide range of negative effects on survivors, and is correlated with almost every indicator of deprivation and poor physical and mental health.

This idea is tied to an assumption that survivors, including children, often lie about being raped, but can be seen operating even after the accused is successfully prosecuted and imprisoned.

## **Good men live in fear**

*(Nelson Mail 24/09/12)*

Yesterday, the jury unanimously found him guilty. For the average person following the case this week, it was impossible to read the daily news reports and predict what decision they'd make. There was no physical evidence; it seemed to come down to his word against hers..... Once the accusation has been made, it sticks. The feeling must be akin to being buried alive..... I do not want to undermine victims of rape and sexual abuse, and nor do I want to suggest this girl was lying. But I do wonder how many good and decent men - coaches, carers, teachers and fathers - live with this persistent worry on their shoulder; going between work and home every day with the fear that it will happen to them.

28% of the articles in the audit paid significantly more attention to the impacts on the accused than those on the survivor. Some of the ways news stories tend to focus on the accused rather than survivors included a focus on how stressful a trial/accusation is for the accused and a focus on how a conviction will affect the employment and social life of the accused. It was also often supported by exaggerated or inaccurate information about false allegations.

**The myth that those accused of rape are the real victims can be countered by featuring expert commentary from specialists in sexual violence, including sexual violence researchers, Doctors for Sexual Abuse Care and New Zealand Police.**

**Sexual violence has proven traumatic impacts on survivors, which should be acknowledged in accurate news reports.**

# Our study – the findings

---

## 6: Sexual violence has no excuses

**Most sexual violence is perpetrated by people known to the survivor. The responsibility for sexual violence lies with the perpetrators of the crime. Sexual violence happens when one person decides what they want is more important than what the other person wants.**

Focusing on the survivor's behaviour – what they were wearing, how they were acting, where they were, their job if they are a sex worker – imply sexual violence is their fault. Such language also implies men cannot control themselves and will inevitably rape women who are dressed a certain way.

### **Prostitute was a drug addict at time of alleged rape**

*(The Press 25/09/12)*

Journalists do not focus on the behaviour of the victim for any other type of crime. This focus can make survivors feel ashamed and to blame for being targeted for sexual violence.

Even when people are consciously sending signals that they might like to have sex, consent for every activity is still needed.

Quotes which tell women to do certain things to be safe from rape imply sexual violence is women's responsibility.

Targeting women for prevention also leaves offender behaviour unexamined, losing an opportunity to prevent sexual violence through good reporting.

32% of the articles we looked at used victim-blaming language.

### **Motueka woman escapes after attempted rape**

*(Nelson Mail 23/08/12)*

Mr Nicholls said the attack was a “timely reminder” to not walk the streets alone at night.

“There are people out there who will prey on those in a vulnerable state and this is a possible example of that.”

**Sexual violence can be prevented, but not by victim blaming. Shifting the focus to offender behaviour makes it easier to prevent sexual violence. Focusing on what community members can do to protect one another will help stop sexual violence.**

**This focus is possible by featuring expert commentary from specialists in sexual violence, including sexual violence researchers and New Zealand Police.**



# Fact Sheet: Sexual Violence<sup>21</sup>

---

**Sexual violence** can include any sexual act, attempted sexual act, sexual harassment, sexual coercion and sexual contact with force. **Lack of consent is crucial to sexual violence.** **Child sexual abuse** is when another person sexualises a child, or uses a child for their sexual gratification. Abuse can involve both non-contact and contact acts.

## Sexual Violation Section 128

The Crimes Act 1961 protects everyone in New Zealand from sexual violation. Under Section 128 of the Crimes Act, the crime of sexual violation can be committed in one of two ways: either by “rape” or by “unlawful sexual connection”.

“Rape” means the penetration of the genitalia by the penis, without consent. It is a man-on-woman offence (although either the offender or victim may have had gender reassignment surgery).

“Unlawful sexual connection” includes a much wider range of offending - forcing someone to give or receive anal sex or oral sex, same-sex offending, and offending with an object. It is still a “sexual connection” no matter how slight the contact with the offender’s genitalia or anus, or with the survivor’s genitalia or anus – it includes penetration, and it includes touching.

## Consent

To convict someone of sexual violation, the prosecutor must first prove that the accused committed one of these acts (that is, rape, or one of the acts defined as “sexual connection”). The prosecutor also has to prove the survivor did not consent and either:

- that the accused knew the survivor did not consent, or
- that if the accused believed the survivor consented, it was not a reasonable belief (in other words, there were no “reasonable grounds” for that belief that the survivor consented).

Whether the accused had “no reasonable grounds” to believe that the survivor consented will depend on the facts of the case. Even if there was no physical resistance or protest, this does not mean that the survivor consented.

It is not consent if:

- the survivor allowed the sexual activity to happen because the survivor or someone else was threatened with force, or because the survivor was forced
- it happened when the survivor was asleep or unconscious
- the survivor was so affected by alcohol or drugs that they were unable to consent or refuse to consent
- the survivor was affected by an intellectual, mental, or physical condition or impairment so that they were unable to consent or refuse to consent
- the survivor was mistaken about the identity of the person (for example, they were tricked into thinking he was someone else)
- the survivor was mistaken about the nature of the act (for example, they consented only to a medical examination, not to sex – or they consented to vaginal sex but not to anal sex)
- the survivor changed their mind and withdrew consent after giving consent to begin with.

---

<sup>21</sup> This draws on the **Wellington Community Law Centre (2011)**, *Rape Survivors Legal Guide*.

## Sexual abuse and other sexual crimes

“Sexual abuse” is used to explain any act which is sexual in nature that someone does not, or cannot consent to. It is sometimes used to describe rape or unlawful sexual connection, but also refers to other sexual acts that are illegal under various sections in the Crimes Act 1961. This may include:

- Sexual touching (e.g. touching genitals, breasts)
- Being made to touch another person sexually, or being made to touch yourself sexually in front of another person
- Some non-touching behaviour (e.g. being made to watch sexual behaviour, being watched while doing sexual behaviour).

The Crimes Act 1961 legislates for the following sexual crimes:

**Section 129** – Attempted sexual violation and assault with intent to commit sexual violation.

A person can be charged for attempting to sexually violate someone.

**Section 130** – Incest.

It is illegal to have a sexual connection between two people when their relationship is that of parent and child, siblings, half siblings or grandparent and grandchild.

**Section 131** – Sexual conduct with dependent family member.

It is illegal to have, or attempt to have a sexual connection with a dependent family member under the age of 18 years old. It is illegal to do an indecent act to a dependent family member under the age of 18 years old. A dependent family member is defined as:

1. A person having authority of another person, who is their:
  - Parent, step-parent, foster parent, guardian, uncle, or aunt, or
  - A parent, step-parent or foster parent of the above, or
  - A child of their parent, or step parent, or
  - The spouse or de-facto partner of any of the above.
2. A member of the same family, Whanau, or other culturally recognised family group, and the person has responsibility for, or significant role in their upbringing.
3. They are living with the person as a member of their family, and the person has responsibility for, or significant role in their upbringing.

**Section 131B** – Meeting a young person under 16 following sexual grooming.

It is illegal to meet with, or to travel with the intention of meeting with, a person under the age of 16 with the intention of having a sexual connection or doing an indecent act.

**Section 132** – Sexual conduct with a child under 12 years old.

It is illegal to have a sexual connection, attempt a sexual connection, or do an indecent act on a child under the age of 12 years old. Consent is not an issue in this charge (as the child is under 12 years and unable to consent) and also that the child is not able to be charged.

**Section 134** – Sexual conduct with a young person under 16 years old.

It is illegal to have a sexual connection, attempt sexual connection, or do an indecent act to a young person under the age of 16 years old. Consent is not an aspect of this charge (if it was then a more serious charge would apply) and it is important to note that both parties can be charged for this offence – meaning it is illegal to have any sexual conduct with another person while under 16 years of age. In order to have any defence under this section, reasonable steps must be taken to find out whether the young person concerned was over the age of 16 years old.

**Section 135** – Indecent Assault.

It is illegal to assault (touching in any way) another person, male or female, in an indecent manner or way without their consent.

## Appendix 1: Tauwi Prevention Project Advisory Groups

Tauwi Prevention Project Advisory Group members are community and statutory stakeholders actively involved in the primary prevention of sexual violence in Aotearoa New Zealand, or with an interest in this field and expertise in related community issues. The members for this piece of work were:

**Shasha Ali** (Shakti's Ethnic Family Services)  
**Cornelia Baumgartner** (Kidpower Teenpower Fullpower Trust)  
**Ken Clearwater** (Male Survivors of Sexual Abuse Trust)  
**Lynzi Armstrong** (Wellington Sexual Abuse Network)  
**Tom Hamilton** (Rainbow Youth)  
**Sheryl Hann** (It's Not OK, Ministry of Social Development)  
**Sonya Hogan** (Ara Taiohi)  
**Ruth Jones** (Disability Representative on Taskforce for Action on Violence within Families)  
**Ann Kent** (Abuse and Rape Crisis Support Manawatu)  
**Georgia Knowles** (National Rape Crisis)  
**Liz Paton** (Family Planning)  
**Sue Paton** (Alcohol Advisory Council ALAC)  
**Miriam Sessa** (Rape Prevention Education)  
**Aimee Stockenstrom** (Auckland Sexual Abuse Help)  
**Poto Williams** (WAVES Trust)  
**Tusha Penny** (New Zealand Police)  
**Elizabeth Kerekere** (Bicultural Advisor, Tiwhanawhana Trust)

Academic Advisory Group members are national and international academics who have agreed to support the Tauwi Prevention Project. The group features specialists in sexual violence, primary prevention, and evaluation of prevention programmes. The Academic Advisory Group members for this piece of work were:

**Dr Nicola Atwool**, University of Otago  
**Professor Victoria Banyard**, University of New Hampshire, USA  
**Professor Moira Carmody**, University of Western Sydney, Australia  
**Dr Pauline Dickinson**, Massey University  
**Dr Janet Fanslow**, University of Auckland  
**Associate Professor Nicola Gavey**, University of Auckland  
**Associate Professor Jan Jordan**, Victoria University of Wellington  
**David Lee, Director of Prevention Services**, PreventConnect, Calcasa  
**Dr Teuila Percival**, University of Auckland  
**Dr Neville Robertson**, University of Waikato