

## Best practice guidelines for lawyers

# Working with people who have experienced sexual violence

### Principle 1. Improve your understanding

**Guideline 1 - Develop and maintain your own knowledge of the social context of sexual violence including power, control and gender.**

#### PRACTICE POINTS:

- Continually update your knowledge about the current theoretical perspectives on sexual violence.
- Attend relevant professional development opportunities to keep your knowledge base current.
- Engage report writers and professionals who have knowledge about the current sociological, psychological and political perspectives explaining sexual violence.

### Principle 2. Prioritise safety

**Guideline 2 - Take appropriate precautions for the client's emotional and physical safety.**

#### PRACTICE POINTS:

- Allocate sufficient time for the initial interview to develop a rapport with the client.
- Be aware of the trauma of sexual violence and the subsequent emotional safety needs. Ensure interactions with the client are sensitive to their experiences of sexual violence. For example:
  - ensure the interview room is client-friendly
  - ask the client if they prefer the door open or closed
  - allow the client to sit where they feel comfortable.
- Be aware of the definition of sexual violence, the behaviours it encompasses and the likely impact on the client. Sexual violence includes behaviours ranging from:
  - sexual harassment
  - unwanted touching
  - rape
  - sexual torture, and
  - ritual abuse.

- Understand the impact on the client will depend not only on the form of the sexual violence but also on other variables such as age, psychological make up, support levels, relationship with the perpetrator etc.
- Validate the client's feelings and experience when helping them identify the impact of sexual violence. Make sure you acknowledge and are empathetic to the client's needs and there are no judgements made about their experience.
- Be aware that discussing the case may cause the client to re-live the sexual violence and become distressed.
- Ensure you have access to a support worker or that the client has a support person with them, for example, a sexual assault worker, a counsellor, or if necessary a Legal Aid Queensland Violence Prevention and Women's Advocacy social worker.

*See Notes section for electronic links for specialist services.*

### Principle 3. Facilitate empowerment

**Guideline 3 - Fully inform the client about the legal process.**

#### PRACTICE POINTS:

- Provide the client with a Victim Assist Queensland brochure and contact details.
- Set expectations about the process and the documents required to make a claim with Victim Assist Queensland.
- Do not make promises you cannot keep. Remember when a person is sexually abused/assaulted, trust is a big issue.
- Always let the client make up their own mind and provide them with enough information to assist them to make an informed decision.
- Resources are available from a number of services assisting women (see Notes for electronic links of useful resources).
- Encourage communication with the client at an early stage and encourage participation and communication with a support person.

### Principle 4. Foster respect

**Guideline 4.1 - Be non-judgemental when interviewing the client and hearing about their experience of sexual violence.**

#### PRACTICE POINTS:

- Listen, respond respectfully and behave sensitively when clarifying or asking for further information about sexual violence.
- Ask the client if they prefer a female or male solicitor.
- If the client is angry or depressed, validate the client's feelings by acknowledging their distress, for example: "I acknowledge/can hear you are feeling angry/upset about ...". Your response should be genuine and you should clarify/restate the purpose of the interview.

**Guideline 4.2 - Make reasonable attempts to locate evidence to support the client's allegations of sexual violence when representing the client at court.**

#### PRACTICE POINTS:

- Collect appropriate police reports, medical reports and statements from witnesses.
- Ensure you know the court's processes.
- When organising specialist reports check the background and experience of the people you engage.

### Principle 5. Acknowledge sexual violence is a crime

**Guideline 5 - Give the client appropriate information about legal options.**

#### PRACTICE POINTS:

- Acknowledge that violence is a crime whether it happened in public or in private.
- The client may not recognise rape/sex as an act of "violence".
- Give clients accurate and realistic information about their options and the legal process.
- Be aware of referral options for support services.

- If sexual violence has occurred within a spousal relationship, an intimate personal relationship, family or informal care relationship, the client should be informed about protection orders under the *Domestic and Family Violence Protection Act 2012*.

### Principle 6. Respect diversity

**Guideline 6.1 - Ensure you are familiar with cultural issues.**

#### PRACTICE POINTS

- Do not make assumptions about the client based on their background.
- Obtain current international information about the political situation, social situation and cultural norms in the clients' country of origin relevant to sexual violence.
- Consider contacting established migrant/refugee or Indigenous welfare services, women's disability support services or gay or lesbian organisations for relevant information and support. Be aware when contacting these agencies that some communities are small and your inquiry may affect the parties.
- If the client has a disability, check how that might impact on them giving instructions, understanding legal advice and coping with the court process.
- Recognise that people may respond to sexual violence in different ways.
- Be aware of the impact of culture, religion, education, socioeconomic background and refugee experiences. For example, people from some backgrounds may:
  - smile when recounting their experience of sexual violence. This is appropriate behaviour in their cultural context and is used to "save face" and maintain self-esteem and dignity
  - may not report because of lack of trust of people in authority
  - won't discuss events of sexual violence in front of community elders.

**Guideline 6.2 - Ensure language requirements have been met prior to the interview.**

- Consider the barriers that may limit the client's understanding of complex legal language and meaning and adapt your practice accordingly. For example the client may require an interpreter, support worker or social worker.
- Be aware of Legal Aid Queensland's Language Services Policy:
  - trained interpreters should be organised if you think language is an issue or the client has requested an interpreter
  - always check that a client from a culturally and linguistically diverse background is comfortable to proceed without an interpreter, even if they have declined to use one on a previous occasion
  - organise a telephone interpreter for any interviews
  - Legal Aid Queensland will fund interpreters
  - use separate interpreters for both parties in a dispute
  - ask if the client would prefer a male or female interpreter.
- Interpreters must be independent of the parties – don't use friends or neighbours.
- Interpreters must not be part of the negotiations. Their role should be only to interpret for the client.
- Allocate extra time when an interpreter or support worker is involved in a matter.

## Best practice guidelines for lawyers continued

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#### Principle 7. Respond collaboratively

**Guideline 7.1 - When giving legal information to the client also provide information about services that could address their other needs and those of their children.**

##### PRACTICE POINTS:

- Ensure you know or can find out about appropriate non-legal support and referral services and ensure this information is provided to the client, such as sexual violence services, refuges, children's contact centres and other organisations listed in Legal Aid Queensland's online organisations directory [www.legalaid.qld.gov.au/legalinformation/Pages/Organisations.aspx](http://www.legalaid.qld.gov.au/legalinformation/Pages/Organisations.aspx)
- If in doubt, contact a lawyer or social worker in Legal Aid Queensland's Violence Prevention and Women's Advocacy team.

**Guideline 7.2 - When preparing the client's case, ensure there is appropriate liaison with the client's support networks.**

##### PRACTICE POINTS:

- If the client is seeing a counsellor or health professional, consider asking for a report from them if the client agrees, and it would help their case and not breach the client's privacy.
- Make arrangements for a refuge worker or support worker to sit with the client when they are giving instructions or when they are appearing in court.

#### Notes

The following are some sources of information available online:

- Zig Zag Young Women's Resource Centre is a resource centre for young women aged 12 to 25 years. The organisation is currently focused on homelessness and associated support issues and sexual assault [www.zigzag.org.au](http://www.zigzag.org.au)
- Brisbane Rape and Incest Survivors Support Centre (BRISSC) has fact sheets and online resources [www.brissc.org.au](http://www.brissc.org.au)
- Gold Coast Centre Against Sexual Violence Inc has information on myths and facts, statistics, resources and information for survivors of sexual assault [www.stopsexualviolence.com](http://www.stopsexualviolence.com)
- The Immigrant Women's Support Service (IWSS) has publications, resources and forum papers. Ph 3846 5400
- The Centre Against Sexual Violence Inc (CASV) has information sheets for adult survivors of sexual assault, survivors of childhood sexual assault and those supporting survivors of sexual assault [www.casv.org.au](http://www.casv.org.au)
- The Working Alongside People with Intellectual and Learning Disabilities Sexual Violence Prevention Program (WWILD-SVP) has specific resources about working with women with an intellectual and learning disability [www.wwild.org](http://www.wwild.org)
- Queensland Health has some resources and information sheets online, including for Indigenous women, and information on services [www.health.qld.gov.au/sexualassault](http://www.health.qld.gov.au/sexualassault)
- The Australian Centre for the Study of Sexual Assault has research papers, articles and other publications online [www.aifs.gov.au/acssa](http://www.aifs.gov.au/acssa)
- The Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT) has a range of resources and referrals [www.qpastt.org.au](http://www.qpastt.org.au)
- The Gay and Lesbian Welfare Association Queensland provides confidential peer telephone counselling [www.glwa.org.au](http://www.glwa.org.au)

LINKS FROM THESE WEBSITES TO OTHERS ARE ALSO USEFUL.