

Information on support,
sexual assault, consent,
contacting the police, victim's
rights, how to make formal
complaints and more.

DEALING WITH SEXUAL ASSAULT

IT IS NOT YOUR FAULT

THERE IS SUPPORT AVAILABLE

IT IS NEVER TOO SMALL OF AN EXPERIENCE TO GET
SUPPORT FOR

IT'S ALRIGHT TO FEEL CONFLICTED, CONFUSED, SCARED,
ANGRY AND ANY OTHER EMOTIONS

YOU DID NOT DESERVE TO BE TREATED THAT WAY

Support

Sexual assault can leave you with many emotions so it may be a good idea to reach out to support systems such as:

- **Trusted friends and family**
- **School counsellors**
- **Victim support** (0800 650 654)
- **Victims information line** (0800 650 654)
- **Lifeline** - free counselling (0800 543 354)

Safetotalk

Freephone 0800 044 334 or text 4334.

If you want to use their Language Line for a translation service into your own language, just tell them when you call, saying the name of your language.

Email: support@safetotalk.nz

Live webchat at [safetotalk.nz](https://www.safetotalk.nz)

Wellington Rape Crisis (04 801 8973) or email support@wellingtonrapecrisis.org.nz

Wellington Sexual Abuse HELP (04 801 6655 and push '0' at the menu)

Email: support@wellingtonhelp.org.nz

Website: www.wellingtonhelp.org.nz

HVSASH - support in the Hutt Valley
(0800 22 66 94)

Sexual assault

"Sexual assault is a term used to describe a range of sex crimes committed against a person.

It is any unwanted or forced sex act or behaviour that has happened without a person's consent.

Sexual assault may include:

- Rape (sexual intercourse without consent)
- Indecent assault (unwanted sexual touching)
- Acts of indecency (exposure)

Sexual assault is a violent crime and it is not always committed by strangers. Often the offender is known to the victim, and it can occur within relationships. It can be a terrifying experience that may have long-term effects on the victim regardless of their age, gender, status, culture, ability or sexuality."

- New Zealand Police (2023)

(<https://www.police.govt.nz/advice-services/sexual-assault-and-consent/understanding-sexual-assault-and-consent>)

Consent

- You have the right to take a pause or stop entirely at ANY moment and your partner has to respect that. Your partner has the right to stop at ANY point as well
- Consenting looks like... nodding, smiling, participating, initiating, and verbal consent
- Consenting sounds like... “YES! I like that!”
(Remember that being forced to say yes is not consenting)
- Not consenting looks like... staying quiet, hesitating, being still, frowning, pulling away, crying
- Not consenting sounds like... “Not today, no, maybe later, I don’t want to”, avoiding the topic. You cannot consent when unconscious or under the influence of drugs/alcohol
- If you did not consent then you have every right to ask your friends and trusted people for support, to talk to the police and counsellors, or contact helplines like Youthline. You deserve a trusting and consensual relationship; if someone can’t provide that basic safety, then it may be best to leave that relationship.

Actions to take after being sexually assaulted

Certain steps should be taken as soon as possible in order to ensure that you will be able to take legal action more easily in the future

S (safe and call) - Get to a safe space and call 111

E (evidence) - Avoid showering, avoid removing clothing and avoid moving any items from where the assault occurred

Sexual assault can be reported at any point after the incident (even years later). Contact the New Zealand police by phone (call 105 for non-emergency) or in person at the police station.

This information was based on information on the New Zealand Police website:

<https://www.police.govt.nz/>

New Zealand Police Nga Pirihimana O Aotearoa. (accessed 2023).

What happens in a police investigation

Victim support - independent from police, are applied for by specialist support agency, there to support you and help you through the process. Helps with mental support.

Preliminary interview - A trained Police investigator will conduct a short interview to provide information and plan the investigation process with your safety in mind.

Medical examination - addresses injuries/sexually transmitted infections/pregnancy and collecting forensic evidence in case you decide to press charges in the future

Formal interview - uninterrupted police interview from your preference of female or male interviewer. This may be recorded on video for court but cannot be copied or shared without the court's consent

Investigation - Police talk to people who could have information about the sexual assault (your privacy is protected), police usually talk to suspects after key enquiries. This may take a long time but police will let you know what's happening throughout the investigation. The police will let you know before they talk to other people to find evidence.

This information was taken from:

Information for victims of sexual assault booklet: New Zealand Police Nga Pirihimana O Aotearoa. (accessed 2023).

New Zealand Police website: (<https://www.police.govt.nz/advice-services/sexual-assault-and-consent/what-can-i-do-if-i-have-been-sexually-assaulted>) (2023)

Prosecution

Prosecutions - It will be decided whether or not you can prosecute (press charges and proceed to the court process) after evidence is collected. You will be consulted by the police before the decision is made and you decide if you still want to continue with the charge.

Victim Advisor - Victims of sexual assault will be given access to specialist advisors. They will explain the court process so that you understand, and help you with finding a support system. They are different to victim support.

Being A Witness - The formal interview video may be showed to the court and then you will be called in as a witness. An official notice will be sent to your home about when and where you need to be, or a police officer or your sexual violence victim adviser will let you know. They will also talk to you about what you will do in court.

The court will be a 'closed' court, meaning that the public cannot attend when you present your evidence.

This information was taken from the:

Information for victims of sexual assault booklet:

New Zealand Police Nga Pirihimana O Aotearoa. (accessed 2023).

For victims of sexual violence booklet:

Victims information, Ministry of Justice Te Tāhū o te Ture (accessed 2023)

Media coverage - “In cases of sexual violence, media are automatically forbidden to report your name or any details that may identify you.”

Safety at court - “If at any time you are concerned about your safety at court, talk to a police officer or court security officer.”

At court - “The court will be a ‘closed’ court. This means that members of the public cannot be there. [...] Most courts have separate waiting areas for people who have been called as witnesses, but it is likely that you will still see the defendant’s family and friends in and around the court.”

You can do a court visit beforehand to meet the prosecutor and see the layout of the court.

The verdict and sentence - At the end of a trial the defendant will be found either guilty or not guilty. Sometimes the jury may not reach a decision, in that case there might be another trial.

“If the defendant was found not guilty it doesn’t mean you weren’t believed. Cases are a matter of law and evidence.”

This information was taken from the For victims of sexual violence booklet:

Victims information, Ministry of Justice Te Tāhū o te Ture (accessed 2023)

Appeals - “Both the prosecutor and the offender have the right to appeal the verdict and the sentence. This means a higher court will look at the case again. If this happens, the prosecutor will let you know about the process.”

Release from prison- “An offender can be released from prison before their sentence ends if they are granted parole. [...] Offenders often have to meet certain conditions for at least the first six months after they are released on parole. [...] These conditions may cover where they can live, who they can contact, whether they have a curfew, and other factors that will help protect the community.”

The Parole Board - “To have your say about an offender’s early release from prison, you need to be registered on the victim notification register so the Parole Board can contact you whenever the offender is going to have a Parole Board hearing. To make sure your contact details are up to date on the register, contact the police, the Department of Corrections or your support agency. You can tell the Parole Board how you feel in writing, by video conference or in person.”

This information was taken from the For victims of sexual violence booklet:

Victims information, Ministry of Justice Te Tāhū o te Ture (accessed 2023)

Your rights in the prosecution process

The right to information about services and options available to you, for example medical treatment, financial support and legal services

The right to be told within a reasonable time what's happening with your case , for example which charges are being laid, the dates of court appearances and how the accused/offender will be dealt with

The right to speak Māori or use New Zealand sign language in court as a witness

The right to tell the court how sentencing has effected you. This will be written in a victim statement which you are someone you chose can read out in court.

The right to have your opinion heard on key matters
for example if the accused should have name
suppression, be released on bail and/ or be granted
parole or home detention

**The right to have a support person with you
throughout the court process**

**The right to be updated on what's happening to
the offender.** You will hear about this through the
Victim Notification System.

**(Any questions - ask police officer in charge of
your case or your support agency)**

**The right to have your opinion heard by the
Parole board.** You can attend the parole
hearings and make submissions to the board

**The right to request copies of court
documents to do with your case**

**The right to get back personal
property taken as evidence**

Financial support

The Victim Financial Assistance Scheme

“The Victim Financial Assistance Scheme (VAS) helps survivors of serious crime in New Zealand to cover some of the costs related to the crime. It is administered by victim support on behalf of the Ministry of Justice. Under VAS, Victim Support can help survivors of sexual violence to contribute to costs that result from when the crime happened, reporting the crime, or for the survivor and a support person to attend court proceedings.”

Support for costs

“The Sexual Violence Grant is a one-off cash grant of up to \$500. Eligibility depends on the date of the crime.

See below for details:

- **If the crime occurred on or after 1 July 2020:** If reported to police within 12 months, the full \$500 can be claimed with no proof of costs required.
- **If the crime occurred between 1 Jan 2011-1 July 2020:** Up to \$500 can be claimed for the cost of reporting to police.
- **The crime occurred between 1 Jan 2010-31 Dec 2010:** Up to \$250 can be claimed for the cost of reporting to police
- **Crimes prior to 2010:** Not eligible”

This information was taken from the Financial assistance available for survivors of sexual violence booklet:

Victim Support Manaaki Tāngata. (2022 edition).

Financial support

Support for travelling to court

“Travel: return flights (domestic or international) booked by Victim Support OR kilometres for personal vehicle travel, whichever is the lowest cost. To claim travel costs, you must be travelling a minimum of 16km return.

Accommodation : a maximum of \$200.00 per night. [...]

Meals : \$20 for breakfast, \$20 for lunch, \$35 for dinner for adults. Different rates apply for children.”

Support people

“The survivor can decide whether they wish to travel alone or bring a support person.” “The Sexual Violence Court Attendance Grant provides survivors and their support person with a small daily allowance towards other costs when attending court.” “The support person must be 18yrs+”

Other financial support

“If you suffer an injury as a result of sexual assault or sexual violence or would like therapy, ACC may be able to help cover some of your costs. Contact ACC Sensitive Claims on 0800 735 566.

If you suffer an injury as a result of sexual assault or sexual violence, Work & Income may be able to help you with your living expenses. [...] Contact Work & Income on 0800 559 009”

This information was taken from the Financial assistance available for survivors of sexual violence booklet:

Victim Support Manaaki Tāngata. (2022 edition).

Myths and facts

Myth: Sexual assaults are only committed by strangers.

Fact: The majority of people who commit sexual assaults know their victims and in some cases are relations, friends or work colleagues. Partners and spouses can also commit sexual assaults.

Myth: It is not that serious. I don't need to report it as it won't happen again.

Fact: Rape and/or sexual assault are criminal offences which carry sentences of imprisonment. The perpetrator may re-offend if they are not challenged by the Police.

Myth: 'Women always lie about rape.'

Fact: Women are more likely to deny or minimise sexual assault experiences than make them up. Those working with male sex offenders say one of the hardest things is overcoming the men's denial that they did anything wrong.

Myth: 'Alcohol causes rape.'

Fact: Alcohol can reduce inhibitions, but does not remove the responsibility of raping, or justify a victim being raped. 'Having sex' with a person too drunk to consent, or asleep or unconscious, is rape.

Myth: 'Men rape women.'

Fact: Anyone, regardless of gender may be raped. This can happen in male/female relationships, male/male relationships or female/female relationships. Males may be the victims of rape, and females could be the perpetrator, it may not always be the female who is the victim.

- New Zealand Police

(<https://www.police.govt.nz/advice-services/sexual-assault-and-consent/understanding-sexual-assault-and-consent>)

Supporting someone who was sexually assaulted

“Let your friend [the victim] know right away that you believe them, care and want to help. Four of the most important and basic messages that sexual assault survivors most need to hear from you are:

- I believe you.
- The assault was not your fault.
- Help is available.
- You are not alone.

Listen to your friend [the victim] without judging them. The survivor likely came to you because they consider you to be a person of they can trust. Remember to reassure them and validate their feelings. Tell them that you believe them and reinforce that they are not to blame for what happened.”

This information was taken from the Government of Newfoundland and Labrador website: Violence Prevention Initiative - Tips to Help a Friend Who Has been Sexually Assaulted

(<https://www.gov.nl.ca/vpi/tips-and-tools/tips-to-help-a-friend-who-has-been-sexually-assaulted/>)