

the right to party safely

A REPORT ON YOUNG WOMEN, SEXUAL VIOLENCE & LICENCED PREMISE



First published in Australia in 2000 by
CASA House
(Centre Against Sexual Assault)
Royal Women's Hospital
Melbourne, Victoria, Australia

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Produced by CASA House

This research project was made possible through a grant provided by the
Victorian Women's Trust.

Publication of this report was funded by The Honourable Christine Campbell,
Minister for Community Services, Victoria

Photographs incorporated in report cover were supplied courtesy of Ponch Hawkes.

Cover, layout design and production by the
Educational Resource Centre, Women's & Children's
Health Care, 2000

Printed in Australia by

ISBN 0 9585595 2 X

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A REPORT ON YOUNG WOMEN, SEXUAL VIOLENCE & LICENCED PREMISES

**Juliet Watson
Project Worker**

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overview

A study on the fear of crime published by the National Campaign Against Violence and Crime in 1998 found that young women, in particular, were “subject to continuous sexual harassment (especially on trains) ranging from looks, through touching to actual assault” and that this harassment of young women is “often ignored or forgotten by professionals...”. This finding came as no surprise to CASA House as we had identified that a significant proportion of young women accessing our service had been sexually assaulted when they claimed their right to go out into public space. The origins of this project therefore are found in our concern to address the rights of young women to participate fully in public life, free from the fear of sexual violence.

With funds provided from Victorian Women’s Trust this project is a beginning step in identifying the experiences and fears of young women when they go out to party and working towards the development of a safer environment for young women. The aims of the project included:

- ▶ documenting young women’s fears and realities of violence within a feminist framework which gives primacy to the voices and experiences of young women and respects and reflects their understandings and perceptions
- ▶ identifying the incidence of sexual violence in and around licensed premises through a data collection system at CASA House
- ▶ researching and documenting strategies to enhance the safety of young women by working with them to identify effective measures.

This was done through providing avenues where young women’s voices could be heard and included street surveys, focus groups and the collection of additional data when young women contacting CASA House identified that drugs or alcohol was a factor in sexual assault. Young women were also involved as members of the reference group which provided advice to the project.

The background information indicates clearly that the issue of sexual assault on licensed premises or where alcohol or other drugs are a factor should be a major cause of concern to the community. It clearly highlights the role of social structures, myths and stereotypes in silencing and blaming young women who have been sexually assaulted. An analysis of media reporting brings a new slant to ‘blame/shame’ with an increased awareness of feminism being identified as responsible for placing young women in ‘dangerous’ situations. A possible direction for the future to address safety from sexual violence and harassment, is the utilisation of a safety audit specifically designed to place young women’s experiences and concerns as the central issue.

The most important aspect of this report, however is what the young women who participated have told us. We are indebted to them for their courage in speaking out about their experiences and their willingness to contribute time and share their ideas. The most striking finding of this research is the extent to which young women are expected to tolerate sexual violence and harassment if they want to exercise their right to go out and party. That experience is summed up by one of the participants:

Leering, unwanted touching, groping ... it occurs so often that you just get used to it ... you just deal with it.

While this finding reflects what we have been told by service users over the years and our own experiences as women, what these young women are saying should give cause for a high level of community concern. Despite the high level of violation of safety reported by the young women, the perception of the participants and their experiences suggest that hotel and club managers, owners and licensees are reluctant to treat such violence seriously and take steps to eradicate it. It would appear that the price young women must pay simply to go out and enjoy themselves is to sacrifice their right to a safe personal space.

The young women participating in the project also tell us about:

- ▶ the reluctance to report sexual assault to police, particularly where the victim/survivor has been using drugs or alcohol
- ▶ the prevalence of 'spiking' of drinks as a premeditated path to sexual assaults including cases where the offender is known to the victim
- ▶ a clear articulation of the types of behaviour that constitute violence or violation, ranging from threats and intimidation through to overt sexual or physical violence
- ▶ the degree of confusion in the community about the issue of consent where the victim/survivor has been using drugs or alcohol
- ▶ an understanding by young women of their rights to be in public places including licensed premises and to go out and have fun, free from the fear of sexual violence
- ▶ an identification of the ways in which young women's lives are controlled and restricted by family and friends, because of the fear of sexual violence and the controls which they place on themselves to avoid violence
- ▶ the double standard that is applied to girls when venturing into the public arena
- ▶ the impact of living with such a high level of threats to safety on a daily basis
- ▶ ideas for improving the safety of licensed premises.

Finally this report is the first stage of the *Right to Party Safely* project and suggests a range of recommendations about community education for young women and men, information packages and training for licensed premises staff and crowd controllers, law reform, safety audits and the prevention of drink spiking.

While this work cannot claim to be a comprehensive study as it has been undertaken with a minimum of funds and within a relatively short timeframe, its findings will be ignored at the community's risk. We cannot sit back and allow the continued and consistent violation of young women's rights to safety. The implications of this report are that for young women to participate fully in a range of recreational activities, they must be prepared to sacrifice their safety. It is important that as a community, as club and hotel owners, as local and state governments and as members of a democratic society we stand up loudly and strongly for the right to party without the constant threat of sexual violence.

Marg D'Arcy
Manager
CASA House

acknowledgements

The *Right to Party Safely* project expresses its debt of gratitude to the young women who shared their experiences, hopes and ideas which provided the material for this report.

The *Right to Party Safely* project also wishes to acknowledge the contribution of the following people:

- The Victorian Women's Trust for funding the research.
- The Honourable Christine Campbell, Minister for Community Services, for funding the publication of the report.
- The Counsellor/Advocates of CASA House for their collection of data.
- Felicity Munt and Liz Cameron for their significant input and enthusiasm in initiating the research.
- Rachael Green, Yvonne Pilatowicz , Marg D'Arcy and Heather Fraser for their support in the development of the project.
- The reference group for providing important contacts and ideas.
- Donna Swan for her assistance and feedback in the editing of this report.
- Gail Draper for her assistance in the layout of the initial report.
- Sarah Lantz for her input with the focus groups.
- The school and young women's organisation which agreed to participate in the research.

section 1

introduction

project background

The project, the *Right to Party Safely* was initiated by CASA House (Centre Against Sexual Assault) in response to the number of young women contacting CASA after being sexually assaulted at, or shortly after leaving licensed premises.

CASA House is attached to the Royal Women's Hospital and is one of fifteen such centres in Victoria. The centre was established in 1987 to provide crisis care, advocacy and short term counselling to adult survivors of recent or childhood sexual assault. CASA House is also involved in community and professional education and training, research and the development of publications, public policy and legislative reform in the area of violence against women.

In 1991, CASA House participated in the Westend Forum Project that designed and implemented a safety audit of the King Street nightclub precinct in Melbourne. CASA House focused attention on addressing women's safety at licensed premises as part of the audit process. The resulting safety audit provided practical steps for clubs and hotels to make licensed premises a safer place for patrons.

Over recent years, counsellor/advocates have become concerned at the anecdotal evidence that young women are still not safe at licensed premises. The consistency of young women's experiences and recurring themes, highlighted the need to revisit the issue of young women's safety at licensed premises.

CASA House then sought funding from the Victorian Women's Trust to set up a project that would investigate young women's experiences of sexual violence at and around licensed premises. The major aims of the project were to document young women's experiences of violence, establish data collection systems, initiate a consultation process with key stakeholders and make recommendations that would address the safety of young women at licensed premises.

A reference group made up of young women and representatives from Victorian Community Council Against Violence, Victoria Police, Melbourne City Council, Melbourne Licensees Accord and CASA House was set up to provide support and direction to the project officer undertaking the research.¹

A second phase of the project has been funded by the Victorian Women's Trust to implement the recommendations that are presented in this report.

¹ Refer to Appendix 1 for membership of reference group.

project rationale

There is a dearth of research on young women's experiences at and around licensed premises. What is known is that young women's experience of violence at these locations is not isolated and needs to be viewed within the broader context of violence against women, throughout Australian society.

CASA House's service delivery statistics, and particularly the information gathered from young women, illustrates that their experience of violence is largely unrecorded and hidden. General research on community safety has focused on experiences of violence that are public and visible, such as issues around street lighting and the 'public brawl'. Such research has not addressed the experience of sexual violence against young women.

In previous studies, such as the National Campaign Against Violence and Crime (1998), fear of sexual violence has been identified by women as one of the most significant and limiting impacts on their lives. Research has demonstrated that women's use of public space is subordinate to men's; that they utilise a narrower range of public sites and are frequently limited to daylight hours.² Hale commented that, "continual contact with sexual harassment sensitises women to the fact that their environment is unsafe and the need to adopt precautionary lifestyles to protect themselves from it".³

The threat of sexual assault and other forms of violence inhibits young women from claiming the same ownership over public space as men. Parks and Miller state that "both contextual and social factors associated with the bar environment could potentially increase risk for victimization".⁴

The right of young women to access public space without threat to personal safety was the impetus for this project. This publication documents the reality of young women's experiences at and around licensed premises. It seeks to make visible and public the shared experiences of young women, advocate for their right to party safely and reduce the fears and reality of violence in the community.

This project recognises the impact of the 'geography of fear' and how it limits all women's lives.⁵ Acknowledging and affirming the rights of young women to participate fully in our society is a fundamental and driving principle of this project.

CASA House philosophy

The impetus for this research was born out of the experiences young women brought to CASA House. As this agency provides the context for the project work undertaken, it is important to outline CASA House's philosophy as it underpins the research framework. CASA House recognises that:

- ▶ Sexual assault is a violation of human rights and is a crime against the individual and society. Therefore, the entire community and all levels of government must take responsibility for its prevention and elimination.

² Tulloch, J., Lupton, D., Blood, W., Tulloch, M., Jennett, C. & Enders, M., *Fear of Crime* (Vol.1), NCAVAC Unit, Attorney General's Department, A.C.T., 1998.

³ Hale, C., "Fear of Crime: A Review of the Literature", *International Review of Victimology*, (Vol. 4, No. 2), 1996, p.98.

⁴ Parks, K.A. & Miller, Brenda A., "Bar Victimization of Women", *Psychology of Women Quarterly*, (Vol. 21), 1997, p.510.

⁵ Tulloch et al., p.35.

- ▶ Sexual assault is both a consequence and a reinforcer of the power disparity existing between men and women. It is a violent act of power which in the main, is carried out by men against women and children.
- ▶ Sexual assault occurs along a continuum of violent behaviour which includes any sexual behaviour which makes the recipient feel uncomfortable, harassed or afraid.
- ▶ The impact of sexual assault on both the individual victim/survivor and society is multi-faceted and complex. It includes emotional, social, psychological, legal, health and political consequences.
- ▶ The impact of sexual assault can be compounded by factors relating to the stratification of society on the basis of socio-economic class, age, ethnicity and race.

language and definitions

The use of language and the meaning given to words holds significance in the counselling and in the advocacy role of CASA House. The appropriation of language provides the opportunity for young women to be heard in their own voices and offers clarity and delineation for the research.

Young Women - For the purpose of this research, young women are defined as aged between 16 to 30 years.

Licensed Premises/Licensed Venues - Public sites and spaces where alcohol is served and sold. For the purposes of this research, this includes nightclubs, pubs, licensed restaurants, hotels, gaming venues and sporting clubs.

Spatial Behaviour - How people use and interact with the environment. This includes patterns of visiting or avoiding places.⁶

Sexual Assault – Includes rape, indecent assault and sexual harassment. In the context of this report, the term refers to a range of unwanted sexual acts against a young woman without her consent. Sexual assault is referred to throughout the report as it encompasses both legal and social definitions, thus recognising that sexual assault is 'primarily an act of aggression, not the result of uncontrollable sex drives.'⁷

Consent - Consent was defined for the first time under the Crimes (Rape) Act 1991. Under Section 36, 'Consent' means 'free agreement'. One of the circumstances outlined under this section is where a "person is asleep, unconscious, or so affected by alcohol or some other drug as to be incapable of freely agreeing".

⁶ Altman, I. & Zube, E., *Public Places and Spaces*, Plenum Press, New York, 1990, as cited in Bruce, C., *Women's Fear of Violence in Public Places*, Royal Melbourne Institute of Technology, 1993, p.2.

⁷ Scott, D., Walker, L. & Gilmore, K., *Breaking the Silence: A Guide to Supporting Adult Victim/Survivors of Sexual Assault*, CASA House, Melbourne, 1995, p.4.

section 2

research methodology

research framework

Due to the paucity of research on young women's experience of sexual assault in and around licensed premises, this report aims to document young women's stories using qualitative methods of research. The analysis of findings will be used to provide recommendations at policy and practice levels as well as providing a basis for further study.

feminist methods

This research was based on three feminist ethnographic goals as outlined by Shulamit Reinharz in *Feminist Methods in Social Research*:

1. To document the lives and activities of women.
2. To understand the experience of women from their own point of view.
3. To conceptualise women's behaviour as an expression of social contexts.⁸

Accordingly, the research process aimed to assist young women to define their own reality by documenting their experiences, in their own voices. The project was mindful of non-feminist research that has trivialised the activities and thoughts of young women, and interpreted their experience from the standpoint of men.⁹

The project also acknowledges that feminist research encompasses both the methodology for collecting information and how the information is used.¹⁰ Concomitant to this process is the impact researchers had on the documentation and interpretation of young women's lived experience. It is within this context that the researchers have aimed to be non-exploitative of women, and to ensure young women's stories provide the primary source of information for the findings made.

ethical considerations

In all aspects of the research, women's consent to information being used in a confidential, non-identifying way was crucial. Providing safety and establishing trust was an important ethical consideration in designing the research methodology.

⁸ Reinharz, S., *Feminist Methods in Social Research*, Oxford University Press, New York, 1992, p.51.

⁹ Ibid, p.52.

¹⁰ Ibid, p.48.

An understanding of the trauma and impact of sexual assault on the lives of women meant that support to women participating in the project was viewed as an ethical responsibility of the project. Asking women to share their experience of sexual assault was done so in the context of providing a safe and confidential environment where their emotional needs were always paramount. As part of the research process, the counselling and support services of CASA House were explained and offered to participants in the focus groups.

The nature of conducting street surveys meant that questions were scrutinised for their potential impact and adjusted accordingly.¹¹ All participants were informed that they could terminate their involvement in the project at any time, and choose not to answer questions that made them feel uncomfortable.

aims of the project

aim 1

Document young women's experiences of violence within the context of licensed premises through a literature search and direct consultation with young women and service providers.

outcome

The literature search was completed, and young women and service providers were included in the consultation process.

aim 2

Develop a data collection system on the incidence of sexual violence around licensed premises.

outcome

A system of data collection was developed and piloted at CASA House over a period of three months. This will be incorporated into CASA House's existing methods of data collection in the second stage of the project.

aim 3

Research and document strategies to enhance the safety of young women.

outcome

This report proposes a number of recommendations to increase the safety of young women at licensed venues.

aim 4

Engage the co-operation of local governments, the Australian Hoteliers Association and the Nightclub Owners Association.

outcome

A small sample of nightclub owners and employees were consulted during the course of this project. Melbourne City Council greatly assisted in providing information and contacts. Wider connections with other local governments and the Australian Hoteliers Association will take place in the second stage of the project.

¹¹ Refer to appendix 2 for questionnaires.

aim 5

Initiate the process of developing a code of practice.

outcome

In the City of Melbourne, a Licensees Accord exists which effectively acts as a code of practice. The project will seek to have women's safety incorporated into the Accord in stage two of the project.

aim 6

Consult with young women and develop a reference group that will provide direction and support to the project officer undertaking research.

outcome

A reference group was established that included young women and representation from Victorian Community Council Against Violence, Melbourne City Council, Victoria Police, Melbourne Licensees Accord, and CASA House. The reference group will continue its role through the second stage of the project.

target age group

The project focused on young women aged between 16 – 30 years. Young women under eighteen years of age were incorporated into the research as anecdotal evidence from CASA House indicated that women between the age of 16 – 18 years frequently attended licensed premises, although their presence at such venues was restricted by law. There tended to be lower levels of reporting in this age group due to concerns about being discriminated against, fear of parents' reactions, or being charged for attending venues illegally. This was highlighted in the focus groups where young women described extreme reluctance in raising safety issues with venue staff.

young women's participation

One hundred and thirty-six young women participated in the research.

1. CASA House contact

Over a three month period, CASA House recorded seventeen contacts with young women who had been sexually assaulted at or after leaving licensed premises. This information was collected through the CASA House Business Hours Crisis Line and the Statewide After Hours Sexual Assault Crisis Line. Prior to this data collection, no equivalent research had been undertaken at CASA or any other services in Victoria.

These young women were asked for consent for their information to be used as part of this research. Upon consent, further questions were asked regarding the circumstances of the assault.¹² Due to the sensitive nature of the information being requested, it was difficult to gain a consistent level of qualitative data. The information that has been collated provides a base to

¹² Refer to appendix 3 for data intake forms.

conduct further research on the incidence and prevalence of sexual assaults in and around licensed premises.¹³

2. survey design and participants

The surveys were used to gain a snap shot picture of young women's experiences of licensed premises. The survey specifically sought to ascertain:

1. To what extent young women feel unsafe at licensed premises.
2. What behaviours and attitudes make young women feel unsafe.
3. What changes young women want to see made in order to improve their safety at licensed premises.

The survey was designed to take no longer than five minutes to complete. This provided an excellent opportunity to access and gain the opinions of a cross section of young women, in a range of environments.¹⁴ A total of eighty-seven young women filled out surveys.

The surveys collected information from three sources:

- ▶ young women on the street
- ▶ young women attending a conference
- ▶ young women visiting a community organisation.

Street surveys were carried out in the Bourke Street Mall during a Friday in November 1999. Young women were selected at random and were interviewed by counsellor/advocates from CASA House. A total of sixty-six were interviewed over a five hour period.

Young women attending the conference, *Young Women 2000: Health and all that stuff*, at the Royal Women's Hospital were approached to fill out the survey. A counsellor/advocate was available to talk through any issues that may have arisen out of the questionnaire. A total of fifteen filled out the questionnaires.

Six young women who were visiting a young women's community organisation agreed to participate in the survey.

3. focus group selection

Over a period of five months (February to June 2000), the project sought young women to participate in focus groups by contacting high schools and organisations that offer services to young women. The researchers and the young women who participated, decided that their respective organisations and schools would remain anonymous to prevent young women in the focus groups from being identified.

A total of four focus groups were held to gather more in-depth information on young women's experiences of licensed premises.¹⁵ Facilitators also aimed to provide young women with the space to articulate:

¹³ It should be noted that CASA House received a significant number of contacts regarding young women who had been sexually assaulted where alcohol and/or other drugs were used. However these figures have not been included as licensed premises were not involved.

¹⁴ Refer to Appendix 4 for information on ethnicity of participants.

- ▶ The difficulties and obstacles they experience in participating in the social space of licensed premises.
- ▶ How they would ideally like to participate in this social space.

Two groups, comprising of total of twenty-four students met through one school. Another group comprising of six young women was held at a young women's organisation, and a fourth group involved two young women who had either approached CASA individually, or had been approached directly by CASA to participate due to past contact with the agency.

In approaching schools, parental consent was gained for the students to participate. Prior to conducting the focus groups, CASA House agreed to take responsibility for providing information and support to participants who experienced emotional repercussions as a result of the focus group discussion.

The facilitators took into consideration the age of young women in the school focus groups when planning the discussion. For example, it was possible that these participants may have felt uncomfortable disclosing that they had attended licensed venues when they were underage. To address this, confidentiality was assured and participants were also asked about their experiences of underage events that occur at these venues.

Each group ran for approximately one hour. Participants in all four focus groups were given information on their rights and the opportunity to debrief with the facilitators at the end of the discussion. Young women were not expected to disclose any experiences of sexual assaults. Their rights as participants were outlined by the facilitators at the beginning of each group discussion. These included: the right not to answer questions, to be listened to, to not be judged, and to be guaranteed confidentiality. The young women were also made aware that they could contact CASA House for support and counselling.

research limitations

The project was initially intended to have a statewide focus. Limited resources reduced the capacity of the project to include all areas of Victoria in the research. Whilst the research mostly focused on the health region covered by CASA House,¹⁶ young women from rural areas and regional centres attending the Young Women's Health Conference at the Royal Women's Hospital, were able to participate in the research through the surveys. The Statewide After Hours Sexual Assault Crisis Service was also able to obtain information from young women who were from other regions in Victoria.

Although all forms of licensed premises were referred to in the collection of sexual assault data, women who participated in the surveys and the focus groups mostly referred to bars, pubs and nightclubs in their responses. Information was not collected on other venues such as sporting and gaming clubs, special events and dance parties. It would also be useful in further research to ask women the types of licensed venues they were attending and how this was affected by age.

The survey, whilst suited to the collection of snapshot information, was not designed to gather in-depth information about how young women view the culture of licensed premises. This

¹⁵ Refer to Appendix 5 for a question guide for the focus groups.

¹⁶ This includes the central business district, inner Melbourne and northern suburbs as far as Craigieburn.

method of research also did not question young women's experience of pressure to conform to certain kinds of behaviours or social expectations.

Young women from a variety of cultural backgrounds participated in the surveys. More specifically, the two focus groups at the high school provided an insight into the views of Italian-Australian young women. Unfortunately there were no indigenous women represented in this research, and only one survey respondent identified as having a disability. The sample population of this research makes it difficult to draw any meaningful conclusions about how culture and ethnicity potentially impacts on safety for young women at licensed premises. There is obviously scope for further research to address the diversity of our community and the impact on young women's experiences.

section 3

young women, sexual assault and licensed premises

Background Information and Research

There is very little information available on young women's experiences of attending licensed premises in Australia. A literature search of both Australian and overseas sources revealed a focus on date rape and how environments may relate to the occurrence of sexual assault.

In the United States, Boswell and Spade set out to examine 'rape culture', or the context of date/acquaintance rape. The writers wanted to provide a framework for understanding how environments can affect the likelihood of sexual assault.¹⁷ Cue, George and Norris, look at individual dating risk factors, that may increase a woman's "ability to recognise and extricate herself from dangerous situations early, thereby empowering her".¹⁸ Whilst acknowledging that exercising caution is important, Russo warns against placing the responsibility for avoiding sexual assault on young women. In her examination of date rape in Australia, she emphasises the link between gender and violence, and argues that any effective prevention programme needs to focus on changing attitudes and community education.¹⁹

incidence and prevalence of sexual assault

The 1996 Women's Safety Survey, conducted by the Australian Bureau of Statistics (ABS), concluded that 21.3% of sexual assaults are occurring at licensed premises.²⁰

According to 1997/98 Victoria Police Crime Statistics, thirteen rapes and thirty-one (non penetrative) sexual assaults that occurred at licensed premises, were reported to the police.²¹ These statistics represent a small percentage of sexual assaults as the crime, regardless of location, is largely unreported.

Since July 1998, the New South Wales Health Department has collected statistics on victims of sexual assault, where alcohol and other drugs were involved.²² Over a two year period, an average of twenty per cent of recent victims had been sexually assaulted where alcohol or other

¹⁷ Boswell, A. Ayres & Spade, Joan Z., 'Fraternities and Collegiate Rape Culture: Why are some fraternities more dangerous places for women?' *Gender, and Society*, Vol. 10, No. 2, April 1996, p.133.

¹⁸ Cue, Kelly L., George, William H. & Norris, Jeanette, 'Women's Appraisals of Sexual Assault Risk in Dating Situations', *Psychology of Women Quarterly*, 20, 1996, p.488.

¹⁹ Russo, L., "Date Rape: A Hidden Crime", *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology (No. 157), 2000, p.2.

²⁰ McLennan, *Women's Safety Survey Australia*, Australian Bureau of Statistics, 1996, p.21.

²¹ Crime Statistics 1997/98 – Victoria Police, pp.114-115.

²² Information provided by the Eastern and Central Sexual Assault Service, N.S.W. The research does not indicate the percentage of victims who attended licensed premises or who were unknowingly drugged.

drugs had been used. From July 1999 to June 2000, this figure increased to twenty-six per cent. These statistics provide a broader picture of the involvement of alcohol and other drugs in sexual assaults.

The 1999 National Research on Young People and Domestic Violence provided information on how young people experience and perceive violence.²³ The research was conducted with people aged between 12-20 years. The relevant features of this research are:

- ▶ 75% of males expressly disagreed with the statement: "it's okay for a boy to make a girl have sex if she had led him on" however, 12% of males agreed.
- ▶ 70% of males expressly disagreed with the statement: "It's okay for a guy to put pressure on a girl to have sex but not to physically force her" and 15% of males agreed.
- ▶ 14% of females and 3% of males said they had personally experienced rape or sexual assault.
- ▶ 14% of females said a boyfriend had tried to force them to have sex, and 6% said a boyfriend had physically forced them to have sex.
- ▶ 3% of males said they had tried to force a girlfriend to have sex, and 2% said they had physically forced a girlfriend to have sex.

These statistics reflect a community where young men still exert pressure and will use force with women to have sex.

sexual assault against young women

Young women have consistently represented a high proportion of victims of sexual assaults. For example, among the survivors of recent assaults who attended CASA House for crisis care in 1990-91, 29% were young women aged 15-20 years, and an additional 16% were women aged 21-30 years.²⁴ In 1992-93, the figures increased to 31% each for both age groups.²⁵

Other sources support this trend. Victoria Police recorded that over 32% of victims who reported rape in 1993-94 were aged 17-24 years. The 1992 national survey by the Australian Institute of Criminology reports that 18% of victims of sexual assault were aged 17-19 years, and an additional 25.80% were aged 20-29 years.²⁶

social context

A discussion of the nature and prevalence of sexual assault against young women needs to consider the interface between social and legal definitions of sexual violence, and issues such as the prevailing attitudes about sexuality and gender roles, as relevant to young women. An analysis of these definitions and attitudes reveals structural inequalities of young women in the context of relationships with men and thus their vulnerability to sexual assault and exploitation. It

²³ National Crime Prevention, *Young People and Domestic Violence: National Research on Young People's Attitudes and Experiences of Domestic Violence (Fact Sheet)*, Attorney General's Department, Barton, 2000.

²⁴ CASA House Annual Report, 1990-91.

²⁵ CASA House Annual Report, 1992-93.

²⁶ Drugs and Crime Prevention Committee, *Combating Sexual Assault Against Adult Men and Women (Final Report)*, Parliament of Victoria, 1996, pp.46-47.

also exposes the gender bias of community and legal responses to young women who experience sexual violence.

blaming the victim

Despite community education and law reform in the area of sexual assault, victim/survivors continue to express internalised messages or stereotypes that blame women for an assault occurring.²⁷ Through the crisis support and counselling offered to women at CASA House, workers have noted the continuing prevalence of such self perceptions as a barrier to healing from the trauma of sexual assault and a barrier to reporting the assault to police.

Women still blame themselves for drinking too much, flirting, talking to strangers, or leaving their drink unattended. This self-blame is subsequently reinforced through a woman's family, social networks and the broader social structures of the legal system and media. Within the process of counselling, women often make comments such as *"I never believed that sexual assault was something that could happen to me"*. Their notion of the type (read stereotype) of women who are sexually assaulted is challenged as is their self-perception and ideas around safety and trust.

Whilst social structures and institutions have been challenged around the messages they promulgate about sexual assault, young women are still feeling and expressing shame and guilt about a *crime* that has been committed *against* them. The prevalence of young women expressing internalised messages of self-blame, raised the importance of investigating how aware young women are of their right to party safely. And within this context, how aware are young women of the impact of negative messages sent by their immediate social networks and society?

alcohol and other drugs

The role that alcohol and other drugs play in sexual assault are most apparent in the area of perceived culpability. The law acknowledges the inability of someone to give 'free agreement' when unconscious or severely drug and alcohol affected. The significance of this definition of consent is obvious in considering the increased awareness of the use of alcohol and other drugs to facilitate sexual assaults against young women.²⁸

If a woman is sexually assaulted after consuming alcohol or taking drugs, she is held more responsible for the assault. Edwards and Heenan looked at the role of alcohol in court hearings in their research into rape trials in Victoria.²⁹ According to the researchers, if a rape victim has consumed alcohol, it is often used in court by defence counsel to suggest that:

- a) *such a woman is careless of her personal safety, putting herself at risk and conveying the impression that she would be a willing casual sex partner.*
- b) *that later, a woman may be confused or feeling guilty about what happened and bring a false allegation of rape.*³⁰

²⁷ Scott et al, p.59.

²⁸ Russo, p.3.

²⁹ Edwards, A. & Heenan, M., 'Rape Trials in Victoria: Gender, Socio-cultural Factors and Justice', *The Australian and New Zealand Journal of Criminology*, 27, 1994, pp.213-235.

³⁰ *Ibid*, p. 227.

There is a widely held public perception that there is a link between the use of alcohol, drugs and sexual assault. Schwartz and Dekeseredy offer suggestions as to why the link exists in their report commenting on various American studies. The report concluded that in relation to alcohol:

- ▶ Men see women who are intoxicated as more available for sexual acts because they are of lower character.
- ▶ Some men use alcohol to 'work a yes' out of a woman who has said no to sexual acts.
- ▶ College students generally believe that a woman who is raped after drinking with someone is not in as serious a situation as other victims of rape.³¹

In 'Women's Descriptions of Drinking in Bars: Reasons and Risks', Parks, Miller, Collins and Zetes-Zanetta discuss the results from focus groups involving 52 women that examined women's reasons for drinking, victimisation experiences, and behaviours that influence risk for victimisation, in bars.³² It was of interest to this project, that the research concluded that many women are highly judgmental of other women's behaviours.

The researchers noted congruence between stereotypes of women drinkers and victim blaming with the majority of women believing that other women 'are largely responsible for eliciting or provoking the aggression they encounter in bar settings'.³³

If the offender has been drinking or using drugs his responsibility for the crime he perpetrates is minimised. In Victoria, the case of *R v O'Connor* interprets the law in relation to criminal liability for actions performed while in a state of self-induced intoxication. The 'O'Connor's Principles' allow for evidence of self-induced intoxication to be raised to show that the defendant did not act intentionally and voluntarily at the time of committing a criminal offence.³⁴ In 1996, this principle was used in the appeal case, *R v Ev Costa*, against charges of rape, resulting in an acquittal.³⁵

It has been strongly argued both in Australia and overseas, that such legal principles discriminate against victims of gendered crimes of violence, such as sexual assault. Sheehy argues that almost exclusively, the cases where extreme intoxication defence has been successfully used, were cases involving men who assault women³⁶ Despite many arguments put forward to the Victorian Law Reform Commission's inquiry to abolish this principle, the law has remained unchanged.³⁷

barriers to reporting sexual assault

There is a significant amount of research that details the under-reporting of sexual assault to police. For example, evidence before the Parliamentary Crime Prevention Committee inquiring into sexual offences suggested that only 10% of adult female victims would report the offence to

³¹ Schwartz, M.D., & Dekeseredy, W.S., *Sexual Assault on the College Campus: The Role of Male Peer Support*, Sage Publications Inc., California, 1997, pp.100-103.

³² Parks, Kathleen A., Miller, Brenda A., Collins, R. Lorraine & Zetes-Zanetta, 'Women's Descriptions of Drinking in Bars: Reasons and Risks', *Sex Roles*, Vol. 38, Nos. 9/10, 1998, p 701.

³³ *Ibid*, pp.713-715.

³⁴ Victorian Law Reform Committee, *Criminal Liability for Self-Induced Intoxication*, Parliament of Victoria, 1999, p.2.

³⁵ Unreported Judgement, *R. v. Ev Costa*, Victorian Court of Criminal Appeal, 1996, reported: Hansard, Law Reform Committee, *Criminal Liability Subcommittee: Inquiry into criminal liability and self-induced intoxication*, Melbourne, 1999, p.42.

³⁶ Sheehy, E., "The Intoxication Defense in Canada: why women should care", *Contemporary Drug Problems*, Vol. 23, No. 4, 1996, pp.595-630.

³⁷ Victorian Law Reform Committee (Recommendation 3), p.ixi.

the police.³⁸ Similarly, the *Crime and Safety Victoria* study (1994) by the Australian Bureau of Statistics (ABS) showed that only 12% of persons who had been sexually assaulted in the previous 12 months had reported the offence to police.³⁹ According to the recent Crime and Safety Survey, about 30% of women who were assaulted in 1998 reported the crime to the police.⁴⁰ As outlined previously, a woman's reluctance to report is often associated with her internalised (stereotyped) perception of her responsibility for the circumstances surrounding the attack, particularly if alcohol or other drugs are consumed.

Parks et al note that 'attempts to educate women about the detrimental nature of these stereotypes might have important implications for increasing the number of victims who report crimes, even if they have been victimised during or after drinking'.⁴¹

Research has also shown the pervasive presence within the legal system of attitudes which hold that "women who engage in particular behaviour, such as being out at night and drinking, put themselves at risk and make themselves vulnerable to sexual assault or, worse, freely available for sexual activity".⁴²

Whilst this view represents a judgemental and largely outdated perception of women and their participation in the world, its prevalence creates significant barriers to reporting sexual assaults to police by attacking a woman's credibility and placing responsibility for the assault on her.

Among the main reasons for women not reporting sexual assault to the police were fear of retribution, not being believed, and a lack of trust in the criminal justice system.⁴³ These fears are more than substantiated by the evidence of gender bias against complainants in rape cases and the low prosecution and conviction rates for these crimes.⁴⁴

role of the media

There has been a recent trend in the media to blame feminism for increased sexual assaults of young women. In December, 1999 a *Herald Sun* article apportioned blame to what it called the "girl power brand of feminism".⁴⁵ The newspaper argued that young women have been placing themselves in increasingly dangerous situations because the feminism advocated by pop group, the Spice Girls, has encouraged them to become more sexually assertive. The article also implied that feminism has provided a false sense of safety for women choosing to attend licensed premises.

Thus the all encompassing tag of 'feminism' has been blamed for placing young women in danger. Whilst 'feminism' as a movement has resulted in women's greater participation (not

³⁸ Drugs and Crime Prevention Committee, p. 40.

³⁹ Ibid.

⁴⁰ Russo, p.2.

⁴¹ Parks et al., p.715.

⁴² Gender Bias and the Law Project, *Heroines of Fortitude: The experiences of women in court as victims of sexual assault*, Department of Women, 1996, p.177.

⁴³ D'Arcy, M., *Speaking the Unspeakable*, CASA House, Melbourne, 1999, p.48.

⁴⁴ Heenan, M. and McKelvie, H., *Evaluation of the Crimes (Rape) Act 1991, Executive Summary*, Attorney General's Legislation and Policy Branch, Department of Justice, 1997, pp.6-7.

⁴⁵ Mickelborough, P., "Girl Danger", *Herald Sun*, 6/12/1999, p.1.

necessarily equality) within social structures and use of public space⁴⁶, the media has sought to finger point and downgrade its role arguing the case that women are responsible for their own safety.

In contrast, a 1999 nationwide survey run by Young Women's Christian Association, involving almost 1000 young women, revealed that, next to equal pay for equal work, they ranked young women's right to be able to be out at night and safe as the most important issue for young women. These rights were closely followed by the right to be listened to and the right for equal participation of women in decision-making processes.⁴⁷

In contrast with the warnings being given to young women about the consequences of adhering to *Girl Power Feminism*, other media outlets have actively encouraged young women to be sexually aggressive, even providing rewards for doing so.

A highly publicised example of this was FOX FM's *Sex and the City* competition, held in October 1999, which selected women to attend licensed premises and consume alcohol. Women were chosen for the promotion based on the amount of alcohol they could drink and how often they had casual sex. These women were encouraged to compete against each other by dating and engaging in sexual activity with men they hardly knew.

The competition promoted the message to young women that to have a 'good time', it was necessary to party and socialise in the same way as men. The emphasis of the competition appeared to be on women meeting men on men's terms, without questioning the responsibility of men's behaviour at licensed premises. The competition seemed to endorse and promote the 'meat market' culture of nightclubs and used female contestants as commodities to be used in an exploitative and degrading manner.

culture of licensed premises⁴⁸

legislative controls

As a result of the 1999 Amendments to the Liquor Control Act, there has been an increase in licensed premises and their hours of operation. In the City of Melbourne alone, there are approximately 900 licensed premises, with many open twenty-four hours a day. This change in licensing practices has no doubt impacted on the way people access and use this public space. The general perception that illicit drug use has increased has also contributed to a change in nightclub culture.

security

The *Herald Sun* reported in May, 2000, that more than half of Victoria's employed crowd controllers have criminal records, including "two convicted murderers and several rapists".⁴⁹ An industry and police committee on security industry laws reported widespread changes were

⁴⁶ For examples, refer to: Trioli, V., *Generation F: Sex, Power and the Young Feminist*, Minerva, Port Melbourne, 1996; Kirner, J. & Rayner, M., *The Women's Power Handbook*, Viking, Ringwood, 1999.

⁴⁷ Trioli, p.50.

⁴⁸ Through discussion with the reference group, it was identified that special events such as the *Big Day Out* and dance parties were identified as an area where future research could be carried out.

⁴⁹ Papps, Nick, 'Get tough call on security', *Herald Sun*, 30/5/2000. p.2.

needed to stop unlicensed, unqualified and criminal people working in the industry.⁵⁰ The committee identified the following loopholes in the legislation regarding crowd controllers:

- ▶ In-house security guards do not need licenses, training or background checks.
- ▶ Restricted licenses are being used by crowd controllers to avoid training.
- ▶ Employees who have lost their license can continue working by changing their employer from a security firm to a liquor licensee.
- ▶ Crowd controllers can be listed as event staff and promotions managers to avoid training, background checks and licensing.⁵¹

As yet there have been no changes made to the legislation, however it is anticipated that recommendations will be made by the end of 2000, and a new Act will be in place by mid-2001.

the Melbourne City Licensees Accord (1999)⁵²

The Melbourne City Licensees Accord was established in 1999 as a measure to make licensed premises safer.

The Accord developed the following aims:

- ▶ To implement and encourage best management practices by city licensees.
- ▶ To encourage venue management to implement further training and improved systems.
- ▶ To promote responsible standards of behaviour by patrons.⁵³

Whilst the Accord does not specifically address the safety of young women or sexual assault and violence against women, the spirit of the Accord intends licensed premises to provide a safe environment for all patrons that is free from all forms of violence. The Accord works as an endorsement of a venue to show that it is well managed. At present there is no such Accord available for the whole of Victoria, and membership is voluntary.

safety audits

Safety audits are used to identify public places that are unsafe and to provide opportunities for the community, police and local government to collaborate in making public space safer.⁵⁴ A safety audit may result in identifying and rectifying a safety problem, such as mending a malfunctioning streetlight, or require longer term solutions such as changing planning procedures for future developments.⁵⁵

Kits are available to assist communities to carry out safety audits. An example is the Queensland Police Service's "Safety Audits: Making Your Community Safer", which aims to:

⁵⁰ Papps, Nick, 'An unguarded industry', *Herald Sun*, 30/5/2000, p.14.

⁵¹ Ibid.

⁵² Membership of the Accord is available to licensees in the Central Business District of Melbourne with a General Licence to 1.00 am or later.

⁵³ *Melbourne City Licensees Accord*, City of Melbourne, 1999, p.2.

⁵⁴ Reedy, L., Hickie, M. & Lake, R., *Liverpool Station Area Safety Audit Report*, 1995. p.10.

⁵⁵ *Safety Audits: Help Make Your Street Safer*, Vicsafe, p.4.

- ▶ Develop strategies to reduce risks to personal safety through identifying potential assault locations and taking steps to eliminate environmental crime opportunities.
- ▶ Provide a means for the local community to participate in the identification of problems and the development of strategies to make the local environment safer and more secure.
- ▶ Reduce the fear of crime through the provision of accurate information about the local conditions and through the conduct of concrete activities to reduce safety fears in public areas.⁵⁶

In 1991, the Westend Forum Project implemented a wide scale safety audit of the King Street area in Melbourne.⁵⁷ This is an example of a highly effective project which involved a large number of stakeholders and greatly improved general safety in the area including the reduction in the number of physical assaults that occur in the area. CASA House was involved in this project and fought hard to have women's safety addressed, however the primary focus of the Westend Forum Project was male to male violence. The safety improvements made as a result of the project, highlight the potential to implement a similar auditing process around women's safety, something which has largely been overlooked in the past.⁵⁸

The Liverpool Station Area Safety Audit Report (NSW) states that planners and local governments have not prioritised women's safety. This report emphasises the point that women must be consulted in the designing of public spaces in order to have a sense of freedom in that space.⁵⁹

Safety audits are currently seen as an effective, inclusive measure for addressing problems with safety in the community. It would be possible to design a safety audit that specifically addressed violence against women in licensed premises or to include this issue in current safety audit kits.

⁵⁶ *Safety Audits: Making Your Community Safer*, Queensland Police Service, 1993, p.5.

⁵⁷ *Westend Forum Project: Safety Audit Report*, City of Melbourne, 1991.

⁵⁸ Interestingly, the Westend of Melbourne now provides a number of tabletop dancing venues where the culture is notoriously sexist and exploitative in its use of women for a male audience. The growth in tabletop dancing, in this traditional nightclub precinct, has substantially restricted women's access to this public space.

⁵⁹ Reedy et al., p.11.

section 4

young women's experiences at licensed premises

The Findings

The findings are informed by three data sources:

1. CASA House data collection
2. Focus groups
3. Surveys

CASA House data collection

Over a three month period, from December 1, 1999, to February 29, 2000, seventeen of the young women who contacted CASA House had been sexually assaulted at or after leaving licensed premises.

location of assault

The sexual assaults occurred at or after leaving the following venues:

Nightclub	7
Bar/Pub	5
Gaming Venue/Sporting Club	2
Licensed Restaurant	2
Reception Centre	1

relationship to perpetrator

Although almost half of the women who contacted CASA House were sexually assaulted by strangers, six of the women were still assaulted by men they knew.

Stranger	7
Known	6
Taxi driver	2
No recollection	1
Unclear from data	1

Two of the women who were sexually assaulted by strangers indicated that they had been raped by multiple perpetrators.

drink spiking

Just under half of the women who contacted CASA House, eight in total, suspected that their drinks had been spiked or drugged

Nightclub	5
Bar/Pub	1
Gaming Venue/Sporting Club	0
Licensed Restaurant	2
Reception Centre	0

Of the eight women who suspected their drinks had been spiked, three were acquainted with the perpetrator.

reporting the sexual assault to the police

At the time that this data was collected, only four of the seventeen women had reported the sexual assault to the police.

	YES	NO
Nightclub	1	6
Bar/Pub	2	3
Gaming Venue/Sporting Club	0	2
Licensed Restaurant	1	1
Reception Centre	0	1

Of the women who reported the sexual assault to the police, one woman indicated that she was dissatisfied with the police response as she felt that she had not been believed. Another woman was told that the police did not want to pursue the matter due to previous contacts with her. One woman indicated that the police response had been appropriate.

focus groups

understanding of violence

The young women who participated in the focus groups were consistently clear about their understanding of violence. Violence was defined as ranging from threats and intimidation through to acts of physical, sexual and emotional violence. These included statements such as:

"Violence is any behaviour that is unwanted. It includes unwelcome sexual advances, leering, touching and groping"

"Violence includes physical, psychological and sexual coercion"

"It's being forced to do something you don't want to do or something that makes you uncomfortable or feel vulnerable"

"Violence is being scared or afraid"

When prompted to specifically discuss their understanding of *sexual violence*, the responses included:

"Sexual harassment"

"All unwanted or forced behaviour of a sexual nature, including rape and indecent assault"

"Sexual coercion of any kind"

understanding consent

The phrase *"No Means No"* was most commonly used when focus group participants were asked about their understanding of consent. However, when discussing the issues surrounding the consumption of alcohol and consent, their understanding became blurred and contradictory. The majority of women at the younger end of the target age group demonstrated a lack of clarity around the legal definition of consent. Many participants argued:

"Women must take responsibility for their actions...No means No, but you've got to say it"

This position assumes that even if some level of coercion or assault occurs, women must still take active responsibility by saying the word *"no"*.

The following is another example of young women being confused about the issue of consent.

"I know so many women who have had too much to drink and as a result sex has taken place. But most women are reluctant to say they were physically"

forced into sex. They feel that they have played some role in what's gone on, and therefore must take some responsibility because they were not in a state to coherently choose not to have sex. Women would rarely do anything about it"

The insinuation made by participants was that *"she shouldn't have gotten drunk in the first place"*.

young women's rights

The focus groups outlined their rights when attending licensed premises, clearly and assertively.

"We have the right to be there, to be safe, to have fun, to be comfortable"

"We have the right not be harassed or belittled"

"We have the right not to be hurt in any way"

"We have the right to be respected"

"To have fun without being abused by male macho pigs"

These rights, whilst confidently formulated, were not seriously considered a reality in most young women's lives. Indeed, there was no expectation that these rights would be respected or even acknowledged. Young women accepted the dichotomy between expectation and reality, expressing the belief that to challenge the prevailing culture of licensed premises would bring little, if any, change.

community perceptions

The focus group participants identified a range of what they called 'old fashioned ideas' which regularly impeded on their lives:

"We're often blamed for being loud and drawing attention to ourselves"

"Just because you wear a short dress or tight shirt, you're defined as a slut, and in being defined a slut, you're told "you're just asking for it" and if something violent happens to you then you're told "you probably deserved it".

"Parents are so concerned about your reputation"

"It always about what the community will think of you"

"Religion and reputation are two significant factors that affect what I do"

"Women are still always judged by what we wear...how much we drink... how we dance".

Participants in the school groups overwhelmingly identified with the Australian film *Looking for Alibrandi*, written by Melinda Marchetta. This movie sympathetically portrays a young woman coming to terms with her sexuality, ethnicity and an Italian community that is constantly

monitoring her behaviours – who she’s with, when and where she is sighted, and feeding this information back to her mother.

Similarly, participants recalled a myriad of situations when they felt their lives were constantly being monitored by their parents or the community at large. These ranged from being reported to their schools for kissing their boyfriends and smoking in their school uniforms, through to arriving home and having their parents reprimand them, after an ‘anonymous caller’ to the school provided information about who they were with and what they were doing.

These discussions shifted the discussion to one of ‘gender’ and the ‘double standards’ that exist between societal expectations of males and females. Participants were very clear about these double standards and how they impacted on their everyday lives:

“Parents are more protective of girls than boys, this means that we’re often less allowed to go out. We’re constrained and restricted by our parents’ old fashioned ideas”

“It’s about gender – boys are always seen to be able to look after themselves more than girls. Therefore they’re allowed to go out more and do more stuff”

Many of these young women described being allowed to attend licensed venues, but only in the company of an elder sibling, most often a brother. It was felt that parents gave far more freedom to sons than to daughters. For participants, this raised questions about parental trust and confidence. The argument most frequently used by parents in explaining their double standards was:

“It’s not that I don’t trust you, it’s just that I don’t trust anyone else”.

According to young women, this frequently used statement demonstrated that they were not trusted by their parents. Interestingly, the young women believed they could be trusted, but that other young women may not be as mature and would be more likely to be unsafe at licensed venues.

surveys

safety concerns

Survey participants were asked what were their principle safety concerns when attending licensed premises.

Women being touched physically against their will	61	70%
Getting home safely	60	69%
Sexual assaults at/around licensed premises	59	68%
Physical violence	53	61%
Spiking of drinks	49	56%
Overcrowding	39	45%

Some women added the following concerns to the survey options:

Safety outside licensed premises	3
Taxi drivers	2
Peer group pressure to consume alcohol and other drugs	2

general findings

lack of safety

The majority of young women involved in the project indicated that they had felt unsafe at licensed premises.

Fifty-eight (67%) of the eighty-seven women who were surveyed described having felt unsafe. Of these women, four (5%) said that they always feel unsafe at licensed premises. The main reasons given by women as to why they felt unsafe related to the behaviour of male patrons and the failure of licensed premises to provide a safe environment for women.

"Guys think they have the right to touch you and that you are there for them."

"Drunk, aggressive, testosterone driven males in packs."

"When my friends left me I felt unsafe."

"Repercussions of saying no."

"Spiking of drinks."

"Guys (not all but a fair few) feel like they can do anything, say anything to you, make you do stuff."

"Lack of security."

"Bouncers not responding to complaints."

"Bouncers too rough – have been pushed around by them."

"Men using women's toilets in gay friendly places."

male violence

The young women who participated in the focus groups frequently experience violence when attending licensed premises. Many stated that they came to expect violent and aggressive behaviours in licensed premises.

'Leering, unwanted touching, groping ...it occurs so often that you just get used to it ...you just deal with it'

"What's unacceptable at school or on the street or at home is all of a sudden OK when it's in a nightclub"

"They use drinking as an excuse to sleaze onto girls"

"...it's like being in a nightclub, with the lights dim and lots of girls around, gives them permission to act more agro and macho than usual"

"Women are treated so appallingly ...like meat in most places"

"Often I haven't realised until its too late that behaviour which was once funny and joking can turn violent and out of control very quickly..."

targeting women

According to the overwhelming majority of the focus group participants, men make conscious decisions to target specific women in venues. These women include:

'...younger women ...women who were out of their depth'

'...you see it all the time ... older boys targeting younger girls. And these girls don't know what to do so they just go along with it, so they look cool in front of their friends. But they are totally out of their league'

"Women who seem to be 'easy' are always targets of aggressive, macho guys"

While there was a general expectation that when attending a licensed venue a range of violent behaviours might take place, the young women agreed that these did not deter them. Once again, their right to party and have equal access to public space was asserted.

impact of violence

Young women in the focus groups expressed anger towards men and themselves as a result of male violence in licensed venues.

"You feel belittled by it"

"I feel really angry because I feel taken advantage of just for being a woman"

"Sometimes I blame myself instead of them – I think to myself, I should have stayed with my friends"

"I feel like I want to humiliate them in the same way they humiliated me. This is the only way I know how to regain a sense of control over my body and my life"

"I sometimes try to have fun after someone's hassled me but most of the time I can't and then I just have a really shitty night"

"It affects the way I interact or socialise with other people"

These responses also displayed frustration at losing control over their social space as a result of male behaviour.

self-protection

Most of the women involved in the project actively engaged in strategies they believed would help keep them safe. Of the twenty-six survey respondents who said that they never felt unsafe at licensed premises, twenty-two cited measures they employ to feel safe.

Overwhelmingly, the most common response from the young women surveyed was to go out with friends, trusted people or in groups in order to feel safe.

Go out with friends/trusted people/groups	50	57%
Attend with known men	17	20%
Stay with friends at venue	17	20%
Don't get drunk	11	13%
Don't drink alcohol	3	3%
Don't accept drinks from strangers	5	6%
Observe the person buying the drink	1	1%
Watch drinks	1	1%
Don't wear revealing clothing	5	6%
Be alert	3	3%
Be assertive	3	3%
Avoid potentially threatening situations	5	6%

(^{NB}These results were in response to multiple choice questions)

Young women in the focus groups provided more detailed information about the strategies they use to counter violent or aggressive behaviours. Again, going out in groups and with trusted people was a popular strategy.

'We always have a meeting place just in case we get separated at any stage'

'I make sure that I go out with people that I trust, so if I get hassled or drink too much they're there to help me'

'If you've got a boyfriend, or male friends, you're less likely to get hassled'

'You're more likely to be a target when you are on your own'

'We always look out for each other'

"...you just dance away or dance badly, either one usually works"

"You always know you can go to the girls' toilets and you'll be safe. Most of the time we meet in the girls' toilets"

"You just watch out for your friends ...you pick up on their uncomfortableness and then go up and get them out of the difficult situation"

"You go out with girlfriends and cover each other's backs"

"You always try to appear in control, even when you're not"

"You always have a plan with friends in advance"

In two of the focus groups women described pretending to be lesbians as a strategy to detract attention or deter men from making unwelcome sexual advances. Others contested this strategy, arguing that it *"only encourages guys"*.

Young women also identified using a range of hand signals, gestures and body language to attract a friend's attention in difficult and potentially violent situations. These signals often aided women in drawing the attention of their friends, who would in turn offer assistance. These included winking, nudging, nodding, rolling their eyes to display discomfort or gaining eye contact.

When asked where they learned or developed these behaviours, most of the participants said they were not conscious of learning them, *"you don't think about it, you just do it"*. These unconscious signals were considered an integral part of the socialisation process of growing up as a woman.

Interestingly though, when asked about whether they circumscribed or regulated their behaviours when they went out, all focus groups vehemently opposed such a suggestion.

how venues respond to violence

There were mixed responses about the safety and security of licensed venues. Most young women felt that the bouncers and security staff responded to male-to-male violence, such as physical fights, but failed to respond appropriately to sex-based violence. Many felt that their experiences were devalued, denied legitimacy or viewed as less significant by venue staff:

"I haven't been taken seriously on lots of occasions"

"I've felt that sometimes my complaints have been trivialised and the responsibility has been put solely back onto me to deal with the problem ...and it's not my problem"

"I tried to speak to someone working in the venue, but it didn't get me anywhere. Then the manager came up to me and said that if I was in any way worried that I should just leave"

One young woman recounted a story of a man who was harassing a woman in a nightclub. *"He just wouldn't leave her alone"*, she explained. The bouncers, instead of helping the woman, threw them both out of the club. She recalled being horrified at this action because of the further vulnerability of the woman being outside of the nightclub and on her own. Other women recounted similar experiences. This raised concerns for participants about the level of gender awareness of venue staff. Conversely, some women felt that their needs had been responded to efficiently and appropriately:

"Bouncers I've spoken to have taken action, and asked the offenders to leave"

"I have no problems asking bar staff if I have a problem... they're trained to deal with these situations"

"...they're usually not particularly perceptive, but when you bring the incident to their attention they usually act fairly quickly"

Most women, even those who recalled positive experiences from venue staff, still felt that staff were ill-equipped to deal with incidents of violent and sexist behaviour. Generally older women in the target group felt more confident to make complaints to bar staff and management. The younger women, particularly those who identified as underage and attending licensed premises, did not express the same level of confidence. These young women were extremely reluctant to report violent behaviours to venue staff for fear of being caught drinking.

whose responsibility?

The young women held a combination of people and places responsible for ensuring their safety:

"All premises, whether serving alcohol or not, should take full responsibility for what's going on in their venue"

"You've got to be responsible for your own actions and behaviour it's for your own sake as well as for the sake of others"

"Bouncers should bear a huge responsibility.... Instead of looking after the physical venue, like they usually do, they should make sure that everyone can get home safely"

"Safety is everyone's responsibility, we should have a much more of a social conscience. You just should never leave someone in a bad way"

"Friends have a responsibility to look after each other"

Many participants reflected prevailing social norms of young women taking responsibility for their own behaviour. Many believed that this affected their level of safety. The need to maintain some control over the situation or not to put oneself in a vulnerable situation in the first place was viewed as significant to the issue of safety. Even when participants identified that they had been in a potentially violent situation, where they did not have the power to exert control over the circumstances, most felt that they 'should have been able to do more'.

In this context participants were particularly hard on each other, challenging the choices and decisions they were making:

"You should always be able to look after yourself"

"You should always be aware and be careful"

"Women should respect themselves and stand their ground"

"If women are not capable of being able to deal with the situation then they shouldn't be there in the first place"

And while there was a significant amount of solidarity among friends who were always looking out for each other, this was contradicted by comments such as:

"I'm sick of looking after drunk friends"

"You just shouldn't put yourself in that position in the first place"

"You can only look after someone so much"

Underlying the collective approach to countering attacks of violence, there was a strong focus on individual responsibility for the shaping and carrying out of choices and decisions regarding conduct in licensed premises.

drink spiking

Forty-nine (56%) of the young women surveyed, listed drink spiking as a concern when attending licensed premises. Sixty (69%) of the young women agreed that safety at licensed premises would be improved if pharmaceutical manufacturers altered medications to include a dye that would be released to change the colour of drinks.

In the focus groups, the younger women in the target group were acutely aware of drinks being spiked.

"I won't accept a drink from anyone"

"If I leave my drink somewhere I won't go back and drink it again, even if it's only a few minutes"

"It's a serious problem, but I watch out for my friends all the time"

"Drugs, including spiking drinks are everywhere – I feel quite ignorant about it but I know it's happening"

One young woman who was surveyed disclosed that her drink had been spiked on two separate occasions. Whilst understanding the prevalence of spiked drinks, older women in the target group (25–30 years of age) were not nearly as conscious about taking precautions:

"I leave my drinks all the time and then come back to them a few minutes later, sometimes longer ...I'm aware that drinks can be spiked but that never equates to it actually happening to me"

"I read about it in newspapers and articles, but it's not something I really think about in relation to my own life"

The younger women credited their mothers for making them aware of drink spiking at licensed premises. This awareness led to them adopting safety strategies around their drinks.

changes to licensed premises

Survey participants and focus groups agreed that licensed premises could make improvements to offer a safer space for women.

Women who were surveyed rated easy access to taxis, eviction of intoxicated people, increased staffing and greater respect/belief by management/bouncers as key strategies for improving safety.

Easy access to taxis	59	68%
Eviction of intoxicated people	55	63%
Increase staffing	54	62%
Greater respect/belief by management/ bouncers	52	60%
Better lighting	42	48%
Adherence by management to regulation of crowd capacity	40	46%

(^{NB}These results were in response to multiple choice questions)

Fifty-three (61%) women surveyed also believed that they would feel safer at licensed premises if they had self-defence training.

Women offered the following strategies for improving safety:

Better educated staffing/security	5
Bouncers to organise taxis/transport	2
Women only nightclubs	1
More female staff	1
Eviction of any person harassing women	1

Young women in the focus groups also suggested that:

"Venues should have better security... maybe more women security guards"

"Staff should take more responsibility to ensure people can get home safely"

"There should be guards on all train carriages"

"Nightclubs are too crowded and there's no room to move – this leads to violence"

"Women, and not just men, should be checked for weapons when they go into nightclubs. Most boys will get their girlfriends to carry dangerous weapons, like knives, for them".

changing attitudes

Young women believed that changing attitudes, particularly of offending males, was not realistic. Participants were particularly pessimistic about being able to significantly alter or shift community attitudes of violence against women:

"I think it's impossible for people to change their attitudes unless they've experienced violence in some form"

"Attitudes are tough to change"

"You've gotta be wanting to change your attitude...and I don't think the majority of men would want to. Not when they've got so much power".

Focus groups expressed the view that making changes to licensed premises would be difficult because the culture is so entrenched.

section 5

themes and issues arising from research findings

equal access to public space – the reality

Licensed premises provide a space where young women can drink, dance, party and socialise. The young women in the focus groups described attending licensed premises as an opportunity “to socialise and hang with friends” and “to meet guys”. As a social space, young women feel able to express themselves in a way that is unrestrained when compared to their self expression in the context of family, school or work expectations. The focus group participants identified that when they went out “you’re able to get your mind off things such as study and family problems and get some freedom”.

Whilst society generally accepts the right of young women to be independent and sexually equal to men, if they are assaulted at or around licensed premises, an insidious double standard is invoked. As women increasingly claim the same social and sexual freedoms enjoyed by men, a moral judgement is still made around the character of a woman, and subsequently her level of responsibility, if she is assaulted.

Young women’s spatial behaviour is affected by the various forms of violence they encounter in licensed premises.

“When I go out to a place I usually try to gauge what kind of a place it is and whether I’m up to putting up with sexist behaviour or not. Sometimes I tolerate it more than other times.”⁶⁰

Being assertive and claiming ownership over space involves a negotiation process. Challenging existing social norms is not a simple procedure and many of the young women who told their stories, tested these boundaries in an attempt to claim equal space with men. As their stories attest, they have been criticised and held responsible for the sexual violence perpetrated against them.

“When I assert myself and say I don’t wish to talk to them I am often told that I’m uptight, a bitch, a lesbian, or have PMT!”⁶¹

⁶⁰ Focus group comment.

⁶¹ Survey response.

barriers to reporting sexual assault

The seventeen women who contacted CASA House provided consistent anecdotal evidence that when women had consumed alcohol or drugs, they believed that it presented a significant barrier to reporting the crime of sexual assault to the police. Of the seventeen women who were sexually assaulted, only four reported. Reasons for not reporting included the inability to recall the assault, either through being drugged or the consumption of alcohol, and the fear of being held responsible for the assault because of taking alcohol or drugs. This is supported by information provided by the focus groups which talked about the difficulties of reporting sexual violence to management and security at licensed venues. In particular, women who were underage described not raising problems with a venue or the police, for fear of getting into trouble. When young women have raised issues of safety with a venue, many have felt as though they have not been taken seriously.

drink spiking

At the outset of the project, it was not expected that the issue of drink spiking would become so significant. As stated previously, almost half the CASA House contacts collected from women who had been sexually assaulted at or after leaving a licensed venue, believed that their drinks could have been spiked. Drink spiking was also raised as a significant concern by the survey respondents and the focus groups.

During this first stage of the project, there was notable media attention focused on the issue of women's drinks being spiked at licensed premises. Print, radio and television media all reported on this topic.⁶² Media reports raised the possibility that in some instances bar staff were responsible for spiking drinks. It is obviously difficult for women to identify the perpetrators due to loss of memory and/or consciousness. The CASA House contacts indicate that women are being sexually assaulted after being drugged by both people they know and by strangers.

An American website set up by the Broward State Attorneys Office in Florida raises the issue that drink spikers often operate in groups and that "Each individual may tend to justify his actions based upon the actions of the group as a whole".⁶³ This is also occurring in Australia with two of the women who contacted CASA House having been sexually assaulted by multiple perpetrators.

In the year 2000, Roche, the manufacturers of Rohypnol (a tranquilliser), in Australia, introduced a blue dye into the medication that is released when placed in liquid. Rohypnol that was manufactured prior to the introduction of blue dye is, however, still available. Moreover, there are many other tranquillisers, besides Rohypnol, that are available that could be used to spike drinks.

culture of licensed premises

Young women have experienced a range of violent behaviours at licensed premises from feeling unsafe and unwanted touching, to rape and physical assault. This research has provided the opportunity for young women to define their experiences and the type of culture they would like

⁶² Jamieson, T., "Mum's spiked drinks warning", *Herald Sun*, 19/5/2000. Szego, J., "Nightclub sex assaults rising", *The Age*, 18/5/2000, Moore, M.K. & Hobson, F., "Slip, Sip, Shock: The New Date Rape Drug", *Cosmopolitan*, August, 2000. Reports were also made on various radio programmes including: *The Jon Faine Programme* (774 ABC), *News Radio*, and *PM. Today Tonight* (HSV7) also reported on the issue.

⁶³ *Date-Rape Drugs: Suggested Techniques for Investigating and Prosecuting Drug-Facilitated Rapes*, www.asksam.com/cgi-bin/as

to see prevail at licensed premises. Whilst positive suggestions such as increased staffing, crowd control measures and available transportation were made, young women consistently expressed a belief that the culture will never change and therefore it is more a matter of adapting to the environment as it exists.

This acceptance of the culture of licensed premises partly informs the insistence by young women that personal strategies be used to increase their personal safety. Some women choose to attend certain venues they feel safe in, others stay with friends and closely observe their drinks.

community attitudes

Community attitudes continue to reinforce negative and conflicting messages to young women. These messages come from the media, legal system, family and social networks. The focus groups highlighted that it is the behaviour of young women that is constantly being judged rather than the actions of the perpetrators of violence.

“Just because you wear a short dress or tight shirt, you’re defined as a slut, and in being defined a slut, you’re told ‘you’re just asking for it’ and if something violent happens to you then you’re told ‘you probably deserved it’”

Young women expressed an awareness of stereotypes and the scrutiny their behaviour is under by other members of the community. It was clear from the focus groups that the young women were not discouraged from attending licensed premises due to such attitudes. The young women were also clear that a double standard exists in what the community perceives to be acceptable behaviour for young men as compared with young women. Overall, it was evident that community attitudes do have a serious impact on young women’s access to support when they experience sexual violence.

young women’s understanding of sexual assault

Although legislative reform has clarified the issue of consent in rape law, this information is not known or understood by many young women or the broader community, particularly when alcohol and drugs are involved.

“I know so many women who have had too much to drink and as a result sex has taken place. But most women are reluctant to say they were physically forced into sex. They feel they must have played some role in what’s gone on, and therefore must take some responsibility because they were not in a state to coherently choose not to have sex. Women would rarely do anything about it.”⁶⁴

This lack of understanding impacts on a woman’s decision to report the crime of rape and to know what her rights are in relation to the law.

⁶⁴ Focus group comment.

young women's rights

Young women's freedom to express themselves sexually is censored and distorted by cultural myths, and conflicting social messages. This impacts on how women use public space, and their right to party safely within public environments. Young women who participated in the research articulated their right to behave as they want within these spaces, and actively challenge what they perceive as traditional stereotypes of appropriate behaviour for young women.

Young women have been receptive to alternative messages, particularly from the media, that promotes their right to assert themselves and experiment with their sexuality within specific public spaces. It is significant to note that this expression of freedom and identity is inhibited by avoiding difficult and potentially violent situations. The majority of young women in the research have not sought assistance and protection of their rights if they have experienced violence. They have developed codes with friends so they can be rescued if they are feeling uncomfortable. Young women will make assessments about the perceived safety of a venue and alter their spatial behaviour accordingly. The young women also demonstrated a lack of faith that systems and structures will change to provide safer space for women at licensed premises.

whose responsibility?

The research indicates that responsibility for ensuring the safety of young women is mostly placed on the women. This contrasts with young women's belief that a variety of people and places should co-operate to provide safe spaces. For some young women there was the attitude that, *"If women are not capable of being able to deal with the situation then they shouldn't be there in the first place"*, while others felt that, *"safety is everyone's responsibility ...you just should never leave someone in a bad way"*.⁶⁵ Security staff were often seen as insensitive to the needs of women in licensed premises. While male to male violence is readily addressed, male to female violence is often ignored and in some instances condoned. *"I've felt that sometimes my complaints have been trivialised and the responsibility has been put solely back onto me to deal with the problem ...and it's not my problem"*.⁶⁶

This experience reinforces the message that women are responsible for keeping themselves safe, even when they are in an establishment that should be providing a safe environment for all its patrons. The Melbourne City Licensees Accord does go some way to addressing these issues, but membership is voluntary.

⁶⁵ Focus group comment.

⁶⁶ Focus group comment.

section 6

recommendations

It is envisaged that a number of the following recommendations will be followed up in the second stage of the project.

community education

To target young women and men

- ▶ Develop a product such as stickers or postcards, with brief information about the legal definition of consent, young women's rights and where to get support. This should be distributed to young women attending licensed premises.
- ▶ Develop a product such as stickers or postcards, informing men about the legal definition of consent and what constitutes offensive and illegal behaviour. This should be distributed to men attending licensed premises.
- ▶ Develop an education programme aimed at young women, explaining the legal definition of consent, promoting rights and safety in the context of licensed premises. This programme could be piloted in schools and services that work with young women.⁶⁷
- ▶ Develop an education programme aimed at young men, explaining the legal definition of consent, promoting responsibility and appropriate behaviour in the context of licensed premises. This programme could be piloted in schools and services that work with young men.

information packages and training

To target licensed premises staff and crowd controllers

- ▶ In consultation with licensed premises, develop an information package for staff and crowd controllers.
- ▶ Conduct training sessions for management, staff and crowd controllers at licensed premises, on how venues can promote and provide a safer space for women.

⁶⁷ The *Whole New World* Project, piloted in 2000, involves people working in the licensed premises industry, talking to school groups about promoting safety when attending venues. A project such as this could incorporate information for young people about sexual assault and the responsibility of venues to respond appropriately to violence.

law reform, safety audits and the Melbourne City Licensees Accord

- ▶ Through research and consultation with key stakeholders (ie licensed premises, policy makers, young women), develop a law reform proposal that makes licensed venues more legally accountable for failing to provide a safe environment, or not responding appropriately to a violent situation.
- ▶ Broaden the current Melbourne City Licensees Accord to address the issue of violence against women.
- ▶ Develop a strategy to promote similar accords across Victoria.
- ▶ Promote Accord membership as a quality assurance measure amongst licensed premises.
- ▶ Design a safety audit to specifically address the issue of violence against women attending licensed premises.

prevention of drink spiking

- ▶ Introduce dye into medications that could be used for the purpose of spiking drinks.
- ▶ Provide education to bar staff regarding drug use and indicators that a woman's drink has been spiked.

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appendices

appendix 1

project reference group members

Anne Malloch – Safer Cities Projects (Melbourne City Council)

Liz Cameron – Young Woman

Brigid Henley – Victorian Community Council Against Violence

George Frantzeskos – Nightclub Owner

Snr Sgt Trish Duke – Victoria Police

Sgt Angela Hart – Victoria Police

Rachael Green – CASA House

Juliet Watson – CASA House

appendix 2

CASA House data collection form

Data Collection Form for the Right to Party Safely Project

LOCATION (if licensed premises) (Please tick)

- | | |
|----------------------------|--------------------------|
| Bar/Pub | <input type="checkbox"/> |
| Nightclub | <input type="checkbox"/> |
| Hotel | <input type="checkbox"/> |
| Casino | <input type="checkbox"/> |
| Gaming Venue/Sporting Club | <input type="checkbox"/> |
| Licensed Restaurant | <input type="checkbox"/> |
| Other..... | <input type="checkbox"/> |

NAME OF VENUE AND LOCATION (eg street, suburb)

.....

WERE THERE DRUGS AND/OR ALCOHOL INVOLVED? Provide details for both offender and victim/survivor. (Please circle)

VICTIM/SURVIVOR

Alcohol?

YES NO

If YES, was Victim/Survivor alcohol affected?

YES NO

Other Drugs?

YES NO

If YES, was Victim/Survivor drug affected?

YES NO

Were the drugs self administered?

YES NO

OFFENDER

Alcohol?

YES NO

If YES, was offender alcohol affected?

YES NO

Other drugs?

YES NO

If YES, was offender drug affected?

YES NO

WAS ANYONE AT THE PREMISES INFORMED OF THE ASSAULT?

YES NO

If yes, what was the response?

PLEASE DESCRIBE ANY LEGAL FOLLOW UP. eg Were the police informed? How did the police respond? Is the matter going to court? etc.

ANY FURTHER INFORMATION?

appendix 3

questionnaires

survey questions

How often do you attend licensed premises?

More than once a week
Once a week
Fortnightly
Monthly
Bi-yearly
Yearly
Never

Have you ever felt unsafe at licensed premises?

Always
Sometimes
Occasionally
Never

Can you describe why you have felt safe or unsafe at licensed premises?

Are you concerned about safety around pubs and clubs?

If YES, what are your concerns?

Drinks being drugged/spiked
Women being touched physically against their will
Verbal harassment
Sexual assaults at/around licensed premises
Getting home safely
Women not being able to make rational decisions after drinking
Overcrowding
Physical violence
Vomiting
Other

What would make you feel safer at/around licensed premises?

Increased staffing
Better lighting
Adherence by management to regulation of crowd capacity

Easy access to taxis
Greater respect/belief by managers/bouncers
Self defence strategies
Eviction of intoxicated people from licensed premises
Pharmaceutical manufacturers altering medications so that drinks will change colour if they are spiked/drugged
Other

What are some of the things that you do to help keep yourself safe when you are having a night out at licensed premises?

Age

15-17 18-20 21-24 25-29 30-39 40-49 60+

Where do you live?

Melbourne metropolitan
Regional centre
Rural Victoria
Homeless
Other

Occupation

Student (full time)
Employed
Self employed
Unemployed
Home duties
Sickness benefit
Other pension/benefit
Other

What is your country of birth?

Do you identify as Aboriginal or Torres Strait Islander?

What language so you speak at home?

How would you describe your cultural or ethnic identity?

Would you describe yourself as having a disability?

If YES, what kind?

appendix 4

ethnic background of survey participants

Anglo-Australian	55
American	1
Greek/French	1
Vietnamese	2
Hong Kong-Australian	1
Maltese-Australian	1
Taiwanese-Australian	2
Dutch-Australian	1
Italian-Australian	2
New Zealander	1
Polish	1
Chinese-Thai	1
Filipino-Australian	1
Lebanese-Australian	1
Korean	2
Somalian	1
Chinese	1
British	2
German	1
Iraqi-Australian	1
Cambodian	2
Fijian-Indian	1

appendix 5

question guide for focus groups

- ◇? What is your understanding of violence behaviour?
- ◇? Are you aware of different forms of violence ie physical, sexual, harassment, indecent assault?
- ◇? What do you expect from a venue?
- ◇? What would make it feel safe for you?
- ◇? What is your understanding of your rights within these environments?
- ◇? Have you ever felt unsafe within this context?
- ◇? If yes, were you able to do something about it?
- ◇? Who is responsible for young women's safety?
- ◇? What do you do to keep yourself safe?
- ◇? How does the community see young women who enjoy socialising in licensed/under-age venues?