



END SEXUAL VIOLENCE IN PRISON NOW!

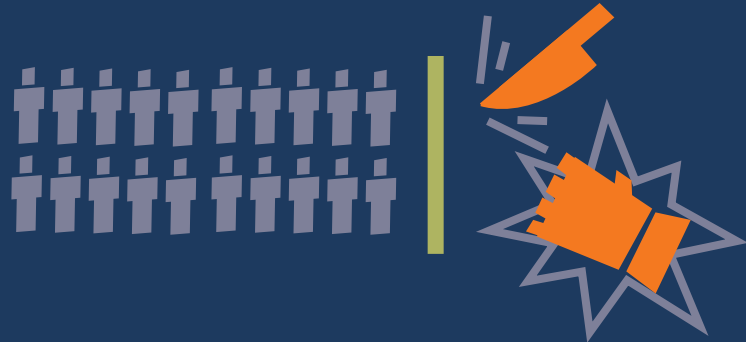
Sexual violence in prisons is a crime. All rape victims deserve acknowledgement, dignity, protection and care.

PRISON SENTENCE ≠ RAPE

1 Prisoners are already being punished by having their freedom taken away. They are not in prison to experience additional forms of punishment or harm.



2 The Department of Correctional Services and correctional centre staff have a duty to ensure that inmates are safe from intimidation and violence.



RAPE VS CONSENSUAL SEX

3 Rape and compelled rape, committed anywhere, are crimes.

DEFINITIONS

Rape:

- (1) When a person puts any body part or object into the anus or vagina of another person without their consent and
- (2) when a person puts their genitals on or around the mouth of another person without their consent.

Compelled rape: When person A forces person B to rape person C.

Consent: When a person freely agrees, and they know what is happening and what they are doing. They have not been pressured or threatened to agree.

4 A person does not consent to sex if:

- They have been tricked or forced against their will.
- They are pushed by someone who has power over them.
- They believe that unless they agree, their physical safety or the safety of others or their property is threatened.
- They do not know what they are doing because they are asleep, unconscious, mentally disabled, drunk or drugged.



5 Nobody asks or deserves to be raped. A person is justified in doing anything to survive being raped, including:

- yielding and pretending to co-operate
- bargaining
- fighting.



SEX, SEXUALITY, AND GENDER

- 6 In prison, as in the outside world, people have different gender identities and sexual practices. But no matter what your sex, sexuality, or gender – if you do not consent to sexual intercourse, then it is rape.



Biological or assigned sex: your reproductive and hormonal systems, and the sex you were assigned at birth – usually male or female, but can also be intersex.



Gender identity: your sense of yourself as a man, woman or gender non-conforming, which means that you don't feel that you are either a man or a woman. Not everyone's gender identity is the same as their physical sex.



Sexual identity: who you are attracted to emotionally, intellectually, physically and sexually.



Sexual practice: how you have sex with someone, or your sexual behaviour.

- 7 For a number of reasons, a person may have sex with another person of the same sex without identifying as gay or lesbian. We refer to these people as men who have sex with men (MSM) or women who have sex with women (WSW).



- 8 Remember that, although a lot of sex that happens in prisons is rape, if both parties consent, then it is not rape.



RESPONDING TO PRISON RAPE

- 9 **If an inmate reports that they have been raped, they need:**

- a safe space where they cannot be harmed
- acknowledgement and acceptance of their trauma
- good medical services including access to post-exposure prophylaxis (PEP) and ongoing counselling
- information about their rights
- ongoing protection from the alleged perpetrator
- a thorough investigation of the incident.

If the victim chooses to take the matter to court, they must be supported in their decision to do so and in the process that follows. Witnesses must be protected from intimidation.

- 10 DCS has a comprehensive policy to address and prevent sexual violence against prisoners. It provides detailed guidelines for preventing, detecting and responding to sexual violence in prisons.



If we are going to stop the sexual abuse of prisoners

DCS MUST IMPLEMENT THEIR SEXUAL ABUSE PREVENTION POLICY AT ALL PRISONS.