

Fact Sheet 1:

# **Intimate Partner Sexual Violence**

This information is intended for specialist family violence practitioners working within the Victorian context to strengthen understanding, skills and confidence when responding to disclosures of sexual violence within the context of family violence.

# Intimate Partner Sexual Violence

The co-occurrence of family violence and sexual violence is well-established, and often occurs within intimate partner relationships. More than a third of sexual assaults occur within the context of family and domestic violence (ABS, 2020), with these rates likely to be an underestimation. This is commonly referred to as Intimate Partner Sexual Violence (IPSV).

Under the Multi-Agency Risk Assessment and Management (MARAM) framework sexual violence is a very high-risk indicator and indicates that the perpetrator may cause the victim survivor serious injury or death.

## Sexual Violence

Sexual violence is prevalent in Australia, with **20%** of women and **5.1%** men experiencing sexual violence since the age of 15 (ABS, 2023).

Sexual violence is a broad term that captures any sexual act or attempt to engage in a sexual act where consent is not obtained and freely and voluntarily given. Sexual violence is being forced, pressured or tricked into doing sexual things when you don't want to.

It represents any behaviour of a sexual nature that makes someone feel uncomfortable, frightened, intimidated or threatened. It is sexual behaviour that someone has not agreed to, where another person uses force, coercion, harm or threat for any type of unwanted sexual activity.

It does not always involve physical harm or touching. For example, forcing someone to watch pornography or the sharing of non-consensual intimate images are also forms of sexual violence.

Sexual violence is an abuse of power and is never the fault or responsibility of the victim survivor.



## Intimate Partner Sexual Violence

Victim survivors of IPSV report experiencing sexual violence from an intimate partner that may be accompanied by **physical violence**, **psychological abuse** and **threats**, as well as **controlling**, **monitoring** or **stalking behaviours** (Hamilton and Tidmarsh 2022).

Sexual violence in the context of family violence can occur both in person and online, and can include experiences such as:

- rape
- sexual assault
- sexual harassment
- creation and distribution of intimate images shared without consent
- control of sexual and reproductive health decision-making
- being pressured or forced to watch or participate in pornography
- sexual degradation
- any other unwanted sexual behaviour.

## Short & Long Term Impacts of Intimate Partner Sexual Violence

Victim survivors may experience varying short and long-term impacts following IPSV, which can be distinct from other forms of violence. This includes but is not limited to:

- **physical injuries** (including forced pregnancy, sexually transmitted infections and homicide)
- **mental health impacts** (for example, depression, anxiety, post-traumatic stress disorder and suicidal ideation)
- **trauma responses** (for example, eating and sleeping disorders, obsessive compulsiveness)
- **relationship difficulties** (for example, loss of social support and reluctance to enter new intimate or sexual relationships).

*(Hamilton, G. Ridgway, A., Powell, A. & Heydon, G. (2023)).*

## Consent and the Law

Sexual consent is 'a free and voluntary agreement' to engage in any type of sexual activity. Consent must be sought and given by all people involved before any sexual act, both in person and online. **No one should ever feel forced, pressured, coerced or threatened into a sexual act.**

It is crucial for practitioners to understand that, regardless of the nature and duration of an intimate partner relationship, everyone has the right to decline sexual acts or withdraw consent at any point in time. Familiarity with consent laws can help practitioners identify harm, support conversations and respond appropriately.

Victorian law follows an **affirmative model** of consent. This means that everyone has a responsibility to take steps to say or do something to find out if the other person(s) is consenting, within a reasonable time prior or during sexual activity.

However, sexual consent can become blurred in the context of intimate partner violence. Victim survivors often describe agreeing or complying with a partner's sexual requests to placate a violent partner or to prevent other forms of abuse from occurring or escalating. This does not meet the legal definition of consent in Victoria as a 'free and voluntary agreement'. (Hamilton, G. Ridgway, A., Powell, A. & Heydon, G. (2023).

Additionally, it can be difficult for victim survivors of IPSV to recognise their experiences as non-consensual or violent. Sexual assault may not always be subjectively experienced as 'violent' by a victim survivor; however, the behaviour from the perpetrator is still assault where it is unwanted (MARAM Practice Guides, 2021).

How sexual rights are understood and practiced intergenerationally and cross-culturally can impact upon a victim survivor's perception of their experience. Practitioners play a crucial role in providing support and guidance in navigating these complex issues.



## Age of Consent Laws

In Victoria, the **legal age of consent is 16 years**. If a person is 16 years or above, they can legally consent to sex with another person who is 16 years or above.

- **Under 12:** A person under 12 years of age cannot consent to any kind of sexual activity.
- **12–15:** A person aged 12 to 15 years of age can consent to sexual activity with someone within two calendar years of their age.
- **16–17:** A person aged 16 to 17 years of age can consent to sexual activity, except for anyone who is in a role of care, supervision or authority – for example a teacher, youth worker, foster carer.

For more information on age of consent laws – [VLA Age of Consent](#)

## Circumstances where there is no consent

There are different circumstances where, by law, people **cannot give consent**. These legal provisions acknowledge the different reasons why someone might be unable to agree to a sexual act free of force, fear, harm, threat or coercion. Some of these include where a person:

- **has not** said or done anything to communicate they are giving consent
- is **asleep, unconscious** or heavily affected by **alcohol** and/or other drugs
- only participated because of an **abuse of relationship of power** or trust
- **does not understand** the act is sexual
- only submits because of **coercion** or **intimidation**, whether a single incident or part of an ongoing pattern
- only submits because of **force, harm** or **fear** of any type, whether to that person, someone else or to an animal. This includes economic or financial harm, reputational harm, harm to the person's family, cultural or community relationships, harm to the person's employment, family violence involving psychological abuse or harm to mental health, and sexual harassment.

## Non-Fatal Strangulation

Non-Fatal Strangulation (NFS) is any pressure applied to the neck that compresses or blocks airflow and/or blood flow that doesn't cause immediate death. NFS is often perpetrated in context of both sexual and family violence.

NFS can lead to short- and long-term injuries including brain clots, stroke, acquired brain injury (ABI), and death. Injuries resulting from NFS may not be immediately apparent. NFS is a high-risk indicator of escalation of family violence including homicide.

Sexual Strangulation as a sexual practice is colloquially known as 'choking' has become an increasingly common part of sex for many younger people and is frequently featured in pornography.

While NFS can also occur within consenting sexual encounters, the normalisation of the practice via pornography and popular media, inability to withdraw consent while being strangled and a lack of awareness about the risks involved, undermine consent.

## References

Australian Bureau of Statistics (2023) *Personal safety, Australia: Rates of physical and sexual assault, family and domestic violence economic and emotional abuse, stalking, sexual harassment and childhood abuse*:

<https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release#sexual-violence>.

Hamilton, G. Ridgway, A., Powell, A. & Heydon, G. (2023). *Family Violence and Sexual Harm: Research Report*. RMIT University.

MARAM Practice Guides, Foundational Knowledge Guide. 2021. State of Victoria, Family Safety Victoria.