



Is there such a thing as the 'right victim'?

Trigger Warning: this blog deals with difficult issues raised in the media recently and talks about the impact of rape and sexual abuse on victims. Do not read if you would find this subject distressing.

In the past couple of weeks there have been a lot of stories about victims of sexual assault, rape and abuse. Most commentaries on these stories seem to have included a lot of what I think are 'excuses' for the perpetrators of what are, rightly considered devastating crimes.

I'm wondering when the public perception of rapists and abusers changed? I mean does it depend on whether a victim is successful in the court process, whether they come from a 'nice, good family' (direct quote from Australian police about a 14 year old victim of a gang rape by 5 men!). Whether they are perceived as being 'unstable', or 'one of those women'. Does it really matter if a woman was drunk, when her rapist took advantage? Does that mitigate the crime, as has been suggested in some court proceedings? Really, what kind of man is satisfied with a sexual act with a semi comatose woman?

Surely, these kind of crimes say more about the perpetrators' distorted views of human relationships, than the failings of the victims. I don't normally use this blog to speak about victim issues, sometimes its too close to home for me and I need to know my own boundaries, but recent portrayals of victims of crimes ranging from sexual harassment to child rape have prompted me to respond with one or two thoughts

1) **Look at the Emotional Impact.** It has beggared belief that in some recent high profile court cases, victims who have sought to bear witness to their experiences have been castigated for 'gaps in memory' or 'being emotionally or mentally unstable'. Now anyone who has any knowledge of surviving traumatic experiences will tell you that emotional distress, especially when it is extreme, is indicative of highly damaging life experiences. Often, depersonalisation and detachment are essential tools for survival. Nowhere in the court process is there room to ask, what part do 'gaps in memory' serve in helping someone survive? No one in the process seems to have given the victim any opportunity to answer the question, 'what has happened to you to make you so distressed?' It seems that in an effort to present 'the facts' our court processes discount the emotional impact, when often that is the most powerful evidence of a crime having taken place.

2) **Visible Scars are easier to accept.** When someone has recovered from a serious physical assault and appears in court, there are often graphic images taken from all sorts of angles, of the wounds inflicted. For the victims of sexual crimes, often the wounds are so deep and so hidden, that it is hard to see the real impact on the victim. Especially, in the cases of historical abuse when adult survivors seek to give voice to child victims, the long term effects of abuse cause prosecutors to view their key witnesses with suspicion. I mean, who wants to take the risk of putting a witness in the dock who's going to 'go to pieces'. My question is, what training is there for police, prosecutors and others in talking to victims of abuse? In my ten year experience of working in the criminal justice system, victim issues and particularly the more problematic



area of victims of sexual and domestic abuse, receives scant attention in training for those involved in bringing perpetrators to justice.

3) Scapegoating the Victim lets the Perpetrator off the hook. I have extensive experience of working on rehabilitation programmes for perpetrators of domestic abuse and sexual abuse. No one wants to consider themselves the 'monster' that the papers portray, so victim blaming or total denial of the offences is the default for most of those who have been convicted of offences of this nature. If they are encouraged by media images of victims as being even partially to blame for their crime, then this allows an 'escape' route for them to avoid facing up to the impact of their own behaviour on their victims.

One the first hurdles to overcome is a strong sense of self pity and if we, as the public, give perpetrators 'an out' such as there being such a thing as a 'deserving victim' then, the hope of challenging deviant and criminal behaviour becomes so much harder. I have had conversations with men convicted of extensive sexual abuse of minors state to me that 'She (aged 7) was so provocative... she led me on...' It is horrifying enough to encounter this as men seek to avoid the inevitable realisation of the life long damage they have inflicted on their victims. What horrifies me even more is that on no fewer than two occasions this week I have read of court decisions and statements by Judges which have included 'mitigation' such as 'the (11 year old) victim gave consent to her (20 year old)' rapist. Am I alone in feeling that there is something significantly wrong with our society if the very system designed to punish and rehabilitate offenders is repeating the same justifications as convicted sex offenders?

4) Sex without consent is Rape. I don't care if it is a stranger on a street, someone that you have just met, or within the context of a marriage, if a person tells you that they do not want to engage in sexual activity, then to proceed against their wishes (even if they are unconscious - especially if they are unconscious) is to commit a serious sexual assault, no matter the nature of the sexual activity engaged in. Rape is rape is rape is rape. It seems simple, if you meet resistance of any kind, STOP. Ask. Check it out with your partner. If your 'partner' is so drunk they can make no sense, then to proceed is to make you a rapist and to inflict real emotional and physical damage on your victim. Be honest with yourself, if you wouldn't treat your sister or mother, or aunt in the way you are treating (and often talking about) the woman in front of you, then why do you think it is ok to carry on? I also don't know when the concept of 'playing hard to get' stopped being about avoiding dates, or saying no to a relationship and became 'saying no to sex' but meaning 'yes'.

Why assume that women who are feeling out of control because of alcohol or drugs, must be bound to 'enjoy' the experience of sex in those circumstances? Is it me, or is this similar to the justifications of the prisoners I worked with who were convicted of raping children? 'oh she was playing games', 'she led me on', 'she wanted it'. What part of 'no' or even just the inability to speak don't you get? Again, I ask what kind of man gets satisfaction from completing the sexual act with a woman, who to all intents and purposes is not present at all? Worst of all when did the courts buy into this farago as mitigation for rape?

5) Not Guilty doesn't mean that the victims have lied When alleged abusers have been found 'not guilty' it does not mean that the victims who have acted as witnesses have lied.



Rather, the constraints of the criminal justice system are such that there needs to be burden of proof that often is missing in historical abuse cases to allow juries to find, 'beyond reasonable doubt'. Unfortunately, for the victims of rape and abuse who have gone through this process recently there has not been enough support in place to help them survive the verdicts. In one tragic case, one victim was so distraught by the verdict that she took her own life.

Finally, when a victim of abuse or rape takes the steps to report the offence to police and then goes through the lengthy process of putting themselves in front of a court room, they do not do so lightly. There will be no balance in justice until victims of these offences are offered understanding and support through the trial and then in the aftermath, regardless of the verdict of the court. Certainly, the courts should not be forums where rapists and abusers can extend their abuse of individual victims, which unfortunately, due to the propensity of such offenders to plead not guilty often happens. Granted those who are innocent deserve their day in court, but it is rare and refreshing to find out that someone accused of such offences has 'pleaded guilty to prevent further injury to their victims'.

This post was first published [here](#) - thanks to author for permission to cross post.