PROTECTING THE ANONYMITY OF VICTIMS OF SEXUAL CRIMES

Reasons for the legislation:

- “To encourage victims to report rape and sexual assault
- To protect victims from the harm identification may cause
- Identification causes distress that may lead to revelations about previous sexual history or other details that cause distress
- Media reports sexual assault cases ruthlessly and salaciously with little regard to the harm it causes” p 13 TLRI

Victims consent to the identification:

- ...compelling argument that the existence of stigma is because of historical community prejudice against sexual assault victims based on the notion of victim blaming – community attitudes including that victims should be ashamed. P 26 TLRI

Counter argument

- ... is that identifying victims may help community overcome this by demonstrating that victims do not feel ashamed and do not need to hide their identity...
- empowering and assist in the healing process ... p. 27 TLRI

Reasons why the legislation must protect the anonymity of victims of sexual assault

The stigma associated with rape and sexual assault is particularly evident when you look at the difference in community attitudes towards rape victims and victims of non-sexual assaults. The myths that surround rape and sexual assault blame the victims of such crimes by implying she/he deserved to be raped because of what they were doing, how they were dressed or acted. But when applied to non-sexual assault victims they receive empathic and sympathetic treatment and rightly so and should be applied to victims of sexual crimes.

This stigma silences victims and can further traumatize them, thus the high level of victims and survivors who seek out therapeutic interventions away from the police and legal areas.

Many people still believe sexual assault is perpetrated by strangers, that most people will be injured and that there will be forensic and medical evidence and there will be witnesses to the assault but this is untrue. The majority of rape and sexual assault victims, both adult
and children are sexually assault by people known to them thus implying that they victim gave consent. The added stress here is that in many cases the victim is isolated and ostracized by family and friends, thus silencing them even further.

Past years have seen a change in attitudes about rape, sexual assault and child sexual abuse and these changes can be seen in legislation, government policies and sexual assault support services. Sexual assault and rape are singled out in the crimes against the person to appear as the victims are receiving special treatment, however, the stigma still associated with these crimes suggest we have not shifted far enough to ensure that victims and survivors receive the same level of protection from all level of society.

Social attitudes at all levels must change in order for legislation to change to identify victims of rape and sexual assault so that they feel safe enough to come forward and report the crime, go through the court process and receiving appropriate interventions. The level of questioning in police and legal interviews need to change and not focus on what the victim was doing at the time of the assault. Victims are questioned at times as they are the perpetrators and must justify their actions whereas the perpetrators are not.

In terms of reporting the nature in which sex crimes are currently reported serves the needs of the perpetrator as the focus is on the victim justifying their actions where it should be ‘in the public interest’ and not catering to the voyeurs and those with prejudicial attitudes.

The legislation must protect victims and the media and those who wish to all publication of identifying information including the complainant need to apply for a court order to do so.