

No place for blaming and shaming in sexual violence cases

The National Commission for the Promotion of Equality (NCPE) is very concerned about the recent Court judgement in a case of alleged rape and sexual harassment where considerable attention was given to the alleged victims' sexual conduct and personality. The accused was acquitted on three of four counts, including that of rape, and found guilty on the count of harassment.

Beyond this specific case, questions about past or present sexual behaviour, in the context of Court cases dealing with rape and other forms of sexual violence, only serve to humiliate the alleged victim and dismiss her/his version of events, without shedding any light on the occurrence of the crime or otherwise. When this happens, not only is the victim turned into the accused, but such irrelevant considerations, coupled with sexist tropes, can easily lead to perpetrators walking free. It is to be underlined that non-consensual sexual act is a crime regardless of the victim's sexual experience, lifestyle and personality traits.

Sexual violence is an exercise in power and control where, very often, its victims experience a strong sense of fear and helplessness. This reality leads to most cases of sexual violence remaining unreported. The NCPE, as the national equality body that can investigate cases of sexual harassment in employment, education and the provision of goods and services, witnesses first hand the difficulty for victims to report a case of sexual harassment. Many persons who experienced sexual harassment do not report their case due to fear of the perpetrator, fear of not being believed, fear of public shame and fear of consequences on their employment and private life.

If institutions do not actively prevent victim blaming and shaming, they will be sending a very negative message to those deliberating whether to report or not sexual violence. Both the alleged victim and the accused have a right to due process, and everyone - the police, the Courts of Justice, the prosecution and the defence – has a responsibility to ensure that re-victimisation of persons reporting sexual violence is not part of this process.

24th March 2023