

Address the secondary victimisation of sexual assault survivors

Sexual assault survivors are often further victimised by the process of justice seeking. The criminal justice system does not take into account the emotional, social, and professional toll such an assault can have on a survivor's life. This needs to be rectified.



Redressal for sexual assault survivors is usually seen only in terms of the criminal justice system, without taking into account the massive emotional toll that very system can put on the survivor. (Ashok Nath Dey/Hindustan Times)

Though states have come up with victim-friendly laws to encourage participation in the criminal justice process, many survivors of sexual assault feel further traumatised by the way justice is dispensed. This reduces their willingness to come forward and report these crimes. A case in point is the recent one of a woman raped by three men, who also killed her 8-month-old child by throwing her out of a moving vehicle. The woman could only tell her husband and family about her assault much later; and reported it to the police after that.

In fact, even those cases that get as far as criminal proceedings often see the process itself becoming the source of another kind of victimisation. In legal parlance, this is called secondary victimisation. An important thing in this regard is to consider whether the survivor is satisfied with the severity of punishment meted out to the perpetrator. There is nothing worse for a victim than to feel that the perpetrator has got away lightly. In fact, survivors often feel that they are being treated worse than the perpetrator when it comes to dispensing justice. This is especially true in cases of sexual assault.

Sexual assault survivors are stigmatised in cultures with strong taboos about sex and sexuality. There are instances where a rape victim is viewed as "damaged", isolated, ostracised, disowned by the family and prohibited from marrying.

Agencies set up to assist the survivors, ironically, also have policies and procedures that lead to further or secondary victimisation. The first logical step in case of a sexual assault is to approach the medical agencies. But the questioning procedure and tests the victim is put through can be more traumatic than the offence itself.

The next step includes approaching the police; there have been several instances of debasement, and insensitive remarks against the survivor (for example asking what kind of clothes they were wearing at the time of offence) that lead to secondary victimisation (the police's refusal to file the case saying it is not serious enough, or worse, casting moral aspersions on the survivor). This sort of victim-blaming mindset has also permeated some social organisations and NGOs that are supposed to help the victim during the criminal proceedings.

Remedy worse than disease

Clearly, more often than not, the remedy is worse than the disease. It is therefore important that we pay due attention to secondary victimisation that takes place very often. Compensation should not only encompass monetary relief, but should also focus on soothing the mental and psychological trauma resulting from the crime. This, unfortunately, is lacking in the discourse on sexual assault today. It overlooks the fact that the crime affects the survivor's social relationships – with friends, family, colleagues – and brings about a change in the survivor's psyche. Survivors of violent crimes like sexual assault often become paranoid and see themselves as completely vulnerable. This adversely affects the quality of their life. Survivors also tend to lose personal and professional stability, leading to reduction in financial capacity as well. But this aspect is generally ignored. Quantifying emotional effects is complex and problematic. This is because emotional experiences and people's willingness to discuss emotional trauma are highly subjective and culture-specific.

Secondary victimisation is a social process of victimisation that needs to be addressed urgently. It is a major cause for offences going unreported and also for survivors not coming forward with their stories of victimisation and their failure to get justice. The judicial system needs to realise that a survivor's well-being is affected not only by the offence, but also by the interactions after the offence.

The way forward

We need to devise policies and methods to reduce this victimisation. This could be done by sensitising policy makers and making them realise that trauma associated with an offence extends far beyond the actual commission. The government has some provisions for addressing the concerns of victims, but these are hardly adequate and often leave out those from poor socio-economic backgrounds. What we need is to address the difficulties faced by survivors and prevent secondary victimisation. These policies should keep in mind the main causes of secondary victimisation- (1) the acceptance of myths and stereotypes about offences that lead to officials treating survivors in an insensitive manner; and (2) There have been instances where officials have refused to provide any form of assistance and as such contributed to delay. (3) The assistance that is offered is insensitive and invasive.

Secondary victimisation can be prevented by supporting and empowering survivors in all possible ways. This can be achieved by prioritising and targeting efforts. It is essential to involve the survivors in post-victimisation intervention as it gives them a framework for their recovery process. In fact, their non-involvement results in further victimisation. Lack of sensitivity by officials may influence the survivor's willingness to report crimes. Therefore, the need for sensitisation training for officials.

But none of these attempts at preventing secondary victimisation is possible without the active support of people in power. They have to be the agents of change. They must work closely with the community and society. The focus of the victimisation prevention must be on the well-being and social integration of the survivor.

Sanjeev P Sahni is principal director, Jindal Institute of Behavioral Sciences and a member of the governing body and advisor to the vice chancellor at Jindal Global University.

The views expressed are personal