



Engender
Equality

Upholding the presumption of innocence does not preclude believing victims

Published in The Mercury, 19 May 2021

With distressing regularity, women in Australia are disclosing their experiences of sexual and interpersonal abuse at the hands of male politicians and men in senior public office. As we come to grips with the pervasiveness of a culture of sexual impunity that, it seems, reaches even the highest echelons of Parliament, we are witnessing another unsettling trend: the failure of our leaders to condemn the abuse in question.

The default explanation is all too familiar: the individual against whom the allegations have been made has denied any wrongdoing; they are entitled to the presumption of innocence; it's a legal matter and no comment can be made.

And yet, we know the prevalence of violence against women is abhorrently high in Australia. We also know that sexual and interpersonal crimes often go unreported and are even less frequently prosecuted in the courts. According to the Australian Bureau of Statistics, fewer than one in five women have reported their most recent sexual assault to police.

For many women and children who have been abused, disclosing the experience comes at an enormous personal cost. Their integrity is doubted, their mental health is called into question; at some level we ask, "What could she have done to prevent it?". If a case does reach court, the ensuing stress will cause a lasting impact on the victim-survivor. For many, the justice process becomes the defining story that shapes the rest of their life.

The barriers to reporting sexual crimes are only heightened when we insist that the law itself prevents us from condemning acts of abuse and expressing support for victim-survivors. The presumption of innocence should never be positioned in opposition to the fundamental principle of listening to, believing, and supporting people who have experienced abuse. While we continue to feel that we must do one or the other we are missing a critical opportunity to address broader cultural values that condone violence against women.

When our leaders and others in positions of influence feel compelled to 'take a side', they immediately declare that one account of events deserves to be upheld, inevitably suggesting that the other account should be called into question.

If we unpack this automatic positioning of a disclosure of abuse in opposition to the principle of law, we understand the reluctance of victim-survivors to report their experience. Each time a public figure refrains from commenting on a disclosure of interpersonal abuse they reinforce the common myth that women fabricate sexual crimes. Furthermore, they demonstrate that the wellbeing and discretion of people who use abuse will be protected by their contemporaries.

Supporting survivors alongside upholding the principle of law isn't only possible, it is essential. The contemporary spotlight on gender-based violence brings with it an expectation that our political and cultural leaders will demonstrate compassion and respect towards all victims of violence and abuse.

Allegations of abuse will continue to arise and the response must be to offer an expression of gravity to the allegation. Leadership must deliver a statement of empathy and extend dignity to the people who have potentially exposed the misconduct.

The challenge for this decade is to shift the complacency that tolerates gender-based violence. The insidious belief that violence against women is an unfortunate but inevitable ill must be addressed at every opportunity. Our goal must be to bring to light the everyday behaviours that perpetuate this complacency. Talking about abuse should not create more harm than the abuse itself.

As for the alleged behaviour, whether it has occurred or not, its very possibility should be condemned by our leaders. Condemning an act or indeed a culture of abuse is entirely possible without defaming individuals.

Improving the way our leaders respond to accusations, against themselves and their peers, will invite a new level of accountability, new standards of behaviour and play a key role in the culture change that is so vital to reducing sexual violence in Australia. The time to develop this maturity is now.

Authors:

Alina Thomas, CEO Engender Equality

Elinor Heard, Policy & Communications Officer Engender Equality.