

Why Victims of Sexual Assault Are Turning to Social Media Instead of the Police

By Sasha Borissenko April 21, 2016, 8:00pm

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It started with a few stories shared by women on social media. All centered around Andrew Tidball, the founder of popular [music site Cheese on Toast](#). All had similar experiences of sexual and emotional abuse by Tidball when they were teenagers. Now, [The Spinoff has released](#) an investigation into Tidball by reporters Alex Casey and Duncan Grieve.

Since these accusations went public there’s been resounding silence from Tidball, and mere ripples from the justice system. A police spokesperson told VICE, “We have offered specialist services to the complainants and asked if they would like to discuss the investigation process. Attempts have been made to speak with Mr. Tidball, however, at this stage, he has declined to make a statement about the allegations.”

Using this fairly soft response as an example, it might seem for assault victims that social media sometimes offers a more satisfying means of closure.

For every 1,000 instances of rape in New Zealand, only 90 will be reported. Just 12 of those will end in a conviction. So for many survivors, there’s little incentive to come forward. Naming and shaming perpetrators online can give voice to victims who are repeatedly failed by the system. But it also denies their alleged abusers one of the justice system’s most important principles: innocent until proven guilty.

On Rachael Elder’s 27th birthday, she met a guy at a party and they decided to go for a late night swim at the beach. The tide was out, so they started having sex.

“It started to get rough, I told him to stop and, when he didn’t, I physically pushed him off of me. A steady stream of blood started trickling down my thighs, into my socks and boots,” she told VICE. “I had no idea what was going on, he thought I was on my period. We jumped in a taxi and when I arrived home, I remember looking back and seeing a pool of blood collected in the seat dip of the taxi.”

Elder ran inside to take a shower and go to bed but she recalls how she wouldn’t stop bleeding. When an ambulance arrived, Rachael says the paramedics asked her questions that made her feel embarrassed and shamed. “Everyone at the hospital assumed I was raped and I tried to convince everyone I wasn’t,” she explains. “As if admitting I had lost control meant I was a weak woman.”

Although she had suffered so much blood loss her heart rate was too low to safely operate, Elder signed a liability waiver and went into surgery. When she woke, the doctor told her they had sewn up a deep tear in her cervix.

Six months later she started coming to terms with the fact she was raped. She started having panic attacks, and began to see a psychologist to deal with the fallout.

A year after the incident Elder wrote a status update explaining to her friends what had happened. “I became so bored of social media being used as a platform for superficial bullshit, that after not using it for a year I posted a couple of paragraphs letting my peers know I was raped, no naming, no blaming.”

She went out to lunch and came back to find her Facebook page was going crazy. Hundreds of people commented on the status, her inbox was filled with messages from people who were grateful that she’d spoken out. There were only a few negative responses: one from her then-housemate who felt sorry for the guy. Inevitably, a guessing game ignited. “I felt awful that innocent people were being suspected so I put a firm stop to that,” Rachael Elder says. She also decided not to go to the police.

“I’ve taken a landlord to court, tried to hold someone accountable for identity fraud, and laid a formal complaint of sexual harassment in the workplace. Doing the ‘right’ thing is incredibly emotionally draining. I’m not surprised many people don’t bother,” she explained. “I have lost faith in the systems to find me justice. I think the community needs to take more responsibility for keeping their peers in check. Sexual assault seems like it’s systematically perpetuated by the justice system.”

Rape Crisis community educator and support worker Jessica Hayden says survivors of sexual abuse do what they need to do to heal. They must be listened to, believed, receive affirmation, and offered various forms of support.

“Not all survivors want legal justice, and that is okay.” —Jessica Hayden, Rape Crisis

“Sometimes, going public through social media is helpful for the healing process. We note that not all survivors find this useful, and that is okay too. Survivors did not ask for that abuse to happen to them, so they can do what they want with their story. It’s theirs and no one else’s.”

Hayden explains that the justice system has its limits and is not the end-all approach, even if our society tends to view it that way. She describes how the amount of evidence required to convict someone of sexual violence is often unachievable, while it’s a daunting task for a survivor to have to relive the experience of abuse by going through the court process. The he said/she said nature of the justice system can also be very re-traumatizing for survivors. Sexual abuse is all about power, control, and manipulation. The court system has the capability to replicate this act, she says.

“Not all survivors want legal justice, and that is okay. Social justice and self-empowerment can provide similar or sometimes better results.”

Despite these endorsements, New Zealand’s University of Canterbury Dean of Law Professor Ursula Cheer warns that using social media as a form of social justice can also be a form of vigilante justice—something the legal system was fundamentally designed to avoid.

“Although it is very easy for people to vent online and anonymously, I would suggest it is always a good idea to take care and think about what the purpose of using social media in this way,” Ursula told VICE.

“If you get it wrong and the [person hasn’t] committed rape in terms of the law, then you have defamed them. You may also be inviting people to harass or assault the alleged rapist, which could be a form of incitement and that in itself is a crime.”

“This is completely unfair and goes against all of the basic principles of justice— Ursula Cheer, law professor

“If someone publicly alleges a serious crime took place, the police will be obliged to investigate so why not go to them in the first place?” She asks. “By going public it denies the accused a right of the reply and leaves the “evidence” entirely untested. This is completely unfair and goes against all of the basic principles of justice we need to maintain civil order and a fair society.”

What’s more, if a trial were to take place, using social media may affect the fairness of the process, because an online rape accusation could be accessible by potential members of the jury.

Ursula is right to urge caution, but her concerns also don’t address the more intangible benefit of sharing online—catharsis.

“Being able to talk about horrible shit you have had to deal with can be really healing.” —Katie, survivor

When 25-year-old music industry volunteer Katie was sexually assaulted by a colleague she went to the police but didn’t go through with pressing charges. “It was a horrible experience of essentially being blamed for my own assault based on trivial bullshit like what I was wearing and how much I had been drinking or whether I had led them on.”

Only once she decided to move cities did she feel safe to begin to understand her experiences and write about them online. Social media is a way to find solidarity amongst other people who have had similar experiences, says Katie.

“I use social media because although it has its pitfalls, especially in terms of privacy, it is ultimately cathartic as it enables me to communicate my frustrations with the bureaucratic process of coming forward, the lack of support from my community, and the fact that these men were in such positions of power.

“It leaves you vulnerable, but sometimes being able to talk about horrible shit you have had to deal with can be really healing for you and others.”