

Rape Crisis Network Ireland

Guidance for survivors considering going public with their experience

The media experience can be exhilarating, empowering, confirming, devastating, belittling and bewildering. Much of what happens when you tell your story publicly is beyond your control. Staying safe when you choose to go public is about preparing well, anticipating possible reactions and being very clear about what you want to achieve when you tell your story.

Below are a set of questions and answers that will help you to decide what is best for you. *It is a good idea to work through these guidelines with the support of a trained Rape Crisis Centre counsellor.*

What do the media want from me?

You and your story are very important and valued by the media. However, while social, political and personal concerns motivate most journalists, ultimately they have to sell newspapers/attract viewers. They have an interest in getting your story to promote their newspaper or programme. Their need to sell should not necessarily put you off, but you should be mindful of this reality, you cannot rely on them (no matter how nice, or caring) to take care of your interests, especially if your interest may mean you don't end up telling your story.

1. Would going public damage your case?

Is your case being processed in the criminal justice system? Does it still have a chance of going further or have *all* legal avenues, criminal and civil, been exhausted already? For example, a criminal case still in progress that gets into the public arena may collapse as the defendant can argue that he can no longer receive a fair trial.

Legal Advice: All media outlets will have their own legal advice, but their client is the media outlet, not you, and their job is to ensure the media outlet cannot be prosecuted for libel or contempt of court etc. If you need legal advice - **talk to your own solicitor.** You do need legal advice in any case that is still in process before the Courts. This includes any conviction where an appeal is still an option for either the perpetrator or the DPP, or where the appeal has been lodged by either side and a decision is still pending.

2. What do you want to achieve?

- a. **Justice I:** If the DPP has informed you that he has decided not to prosecute in your case and you have then requested him to review that decision, do await his response before you make a decision on whether to go to the media. If his response is positive, be aware that if you go to the media before the trial, this includes the sentence **and** any resulting appeal have **both** been concluded, you risk damaging your case.

- b. **Justice II:** Where the criminal justice system has failed you, going to the media unfortunately will *not* deliver that justice to you. Even if there is a huge public storm about your case, the law must be impartial to public or political pressure. For example a media storm will not make the DPP change his mind about not prosecuting a case.
- c. **Being heard:** Where the State has failed to process your case all the way and so it has not gone to trial and not been heard on that level, going to the media is another way to have the opportunity to tell your story and to be heard. Many survivors find this empowering and a positive part of their healing process. But bear in mind, if the perpetrator is not convicted, he may sue you and/or the paper or TV/radio channel for damages through the civil courts.

However, when going into a trial you will know something of the process you will go through, there are very clear rules, with a limited set of possible outcomes. . When going to the media it is much less clear what the process will be like and what you get at the end.

How you are portrayed in the media, once you have done your interview, is largely beyond your control. Editing, cutting and how they contextualise your story again happens after you have given them the interview. It is very rare for a newspaper to give you the right to edit a story (even if the journalist promised it). Most will let you see it in advance.

Public response may be immediate, vocal and visible or you may hear very little feedback at all. Often times how your story is received is all about timing and what other stories are breaking that day. Therefore it is outside your control and rarely any reflection on your experience.

Lastly it is difficult to measure an impact of a story like this as it may have a profound impact on many individuals but you may never hear from them.

- d. **Compensation:** Again this is one you would need to *speak to your solicitor* about.
- e. **Making sure this doesn't happen to anyone else:** What in particular does your story highlight? What changes do you want to recommend?

Some questions to help you figure out what in your experience you want to highlight:

- Who do you wish to speak to?
 - Victims past or future
 - Perpetrators
 - Your friends and family
 - Society
 - Professionals eg Gardaí, lawyers etc
 - Politicians etc
- Did you choose to report?
- Why did you choose to report/not report?
- Were you happy with how the Gardai treated you and the case?
- Did you get proper medical and forensic care?

- Were you kept informed?
- How did you feel when the DPP's office took/didn't take action on your case?
- How was the court case?
- Did you get to give a victim impact statement?
- What went wrong or right about your case?
- What went right or wrong about the support and care you received from friends, family, professionals?

It may be that the people or agencies you need to speak to is not the public at large through the media but others such as politicians, a government department, the Garda ombudsman etc. ***Talk this over with your RCC who will be able to guide and support you in this.***

In effecting real change your going public can:

- highlight an issue
- apply pressure to society or particular agencies to behave differently (such as Gardai, courts etc)
- apply pressure to politicians to change the law
- apply pressure to courts to change how they do bail, and sentencing etc
- support lobby groups (such as the RCNI or your local Rape Crisis Centre) when they push for changes

Your experience, trauma and healing may have changed you. If you want to go public to help effect positive change in society, planning carefully, being clear in your objectives and becoming part of a wider movement (eg by working with your RCC and/or the RCNI) can all increase the impact of your efforts.

3. What does it 'ask' of you?

Telling your story again. By now you have already gone over your story a number of times. This would be one more occasion where you had to go back to the start and take someone new through your story. Is that ok with you? (see above for the possible impacts on your criminal case.)

4. Who will be affected besides you?

Your loved ones? Do your loved ones already know, if not, will they find out if you go public? You may need to consider the impact your story will have on them, prepare for that impact and how it may affect you in turn. In today's Ireland we still have a long way to go in terms of social acceptance. The impact will vary depending on the circumstances of the sexual assault and your own circumstances. ***It is a good idea to explore this with your counsellor.***

The perpetrator? Will the perpetrator be exposed when you tell your story? Was he found guilty or is he still 'innocent until proven guilty'. If he has not been found guilty, he can sue you and the paper/ TV channel and any actual or prospective prosecution could be fatally damaged. ***You should speak to your solicitor*** about your legal position in your particular case. (This largely only applies if you choose to

waive your anonymity.) A large stumbling block here is that a media outlet will generally not risk liability, and so may refuse to run your story.

Your community? Will those in your community know it is you? How will that affect you when you are in the supermarket and someone approaches etc. Are you ok with people, both friends and strangers knowing? Bear in mind some may react negatively towards you. Will that have an impact on your life? Are you ok with that? *Again explore this with your counsellor.*

Staying anonymous or putting your name and face to it?

Staying anonymous: This allows you to tell your story but protect yourself and your family from unwanted public attention. Also the newspaper may require it as they are open to libel if your case did not go to court and if the perpetrator wasn't convicted. The downside, is that an anonymous story never has the same impact as one where there is someone identified with it. Also anonymity cannot be 100% guaranteed those who know you may figure it out from the detail. The question 'what do you want to achieve' should help tell you decide whether to stay anonymous or not.

Going public: Putting your name and face to a story makes it is a much stronger media story. People will identify more with the story when they can see you and see that you are a real person, just like them. This means the story may have more impact. The risk you take when you put yourself out there is higher for all the reasons above.

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Last updated: August 2009