

#SupportSurvivors Series:

Naming & Tagging Sexual Assault Perpetrators on Social Media



THINGS TO CONSIDER & RISK ASSESSMENT

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A collaboration between Speak Up Malaysia & KRYSS Network

Before we start...

What is sexual assault?

Sexual assault refers to sexual behaviours which are inflicted upon another person without consent. Sexual assault is a form of violence typically committed to assert power, dominance or control upon another person.

What is the difference between rape, sexual assault, sexual abuse and sexual harassment?

Although these terms often overlap and are used interchangeably, they may refer to different types of sexual violence.

- Rape specifically refers to penetration of a woman against her will and without her consent, including if the consent is given because of obligation or pressure.
- Sexual assault is a wide range of criminal acts of a sexual nature which include various forms of unwanted touching or forcing someone to perform sexual acts.
- Sexual abuse is commonly used to describe sexual assaults on children.
- Sexual harassment on the other hand refers to a wider range of unwanted sexual behaviour, ranging from quid pro quo sexual coercion, unwanted sexual attention or gender harassment.



Varying Severity & Harms

We have all heard of many stories being shared on social media as well as news reports involving rape, sexual assault, sexual abuse and sexual harassment. It is important to note that each of these forms of violence is different. Therefore, it is a good idea to **correctly identify the category of sexual violence committed against you when telling your story.**

In the formal court process, the punishment given to perpetrators for each of the above acts would differ as judges would mete out punishments based on their nature and severity. For example, the punishment for rape could go up to 20 years of imprisonment, but for assault of a person with intent to outrage modesty it is imprisonment for up to 10 years only.

Additionally, the punishment given for the same category of sexual violence is also different based on the circumstances of the case as well as the degree of harm inflicted on the survivor. Let's take assault of a person with intent to outrage modesty as an example. Based on the facts of the case, if it can be established that the act committed was really serious and heinous, the punishment would be more severe compared to a case where the facts are not as serious or heinous.

Therefore, it is also important to note that **people may react differently to different stories based on their perspective on the severity and degree of harm in each case.** It might also not be a good idea to lump together all perpetrators of these various categories of sexual violence and treat them all as the same.

C O N S E N T

What is consent?

Consent means voluntarily agreeing to perform or participate in any sexual acts.

In sexual relations, it is important to know how to ask for consent and give consent effectively. This means that consent is about communication. You need to be honest with your sexual partner about what you want and don't want. Consenting and asking for consent are all about setting personal boundaries and respecting them – and checking in if things aren't clear.

When consent is not given or if the person is unable to give consent, such sexual acts amount to rape, sexual assault or sexual harassment.

Let's just note for a minute that a person below the age of 16 is unable to give consent under the Malaysian law.

Components of Consent

- F - Freely Given
- R - Reversible
- I - Informed
- E - Enthusiastic
- S - Specific



Freely given means without coercion, pressure, manipulation and not when a person is intoxicated or incapacitated.

Reversible means someone can change their mind and withdraw at any point.

Informed means the full story is told in absolute honesty, without breaking promises or any misrepresentation of facts.

Enthusiastic means making sure there is no reluctance or confusion. Consent is given when someone wants to do something and does not feel expected or obliged to do it.

Specific means consent is given for every single act, every single time.

#MeTooMalaysia

#MeToo is a historic global movement which anchors on the voices of survivors and their allies in speaking up against sexual harassment and sexual assault. While the movement started with an article published in the New York Times exposing allegations of sexual assaults and harassment by Harvey Weinstein, fast forward to almost three years later, many survivors continue to speak up via social media.



In Malaysia, many women have drawn courage from the #MeToo movement to also speak up on social media. These stories continue to inspire many others to do the same while highlighting how pervasive the issue is and how difficult it is for survivors to report the matter to authorities.

This document is produced as a show of support to all survivors. For those who have spoken up, we celebrate your courage and we are inspired by you. For those who have yet to speak up but want to, we want to help you make an informed decision and strategise to minimise your risks of facing further trauma, while ensuring that you are well supported at all times, be it emotionally or otherwise.

If you are a survivor reading this, we hear you and we want to be there for you.

5 Things To Consider Before Naming & Tagging Your Sexual Assault Perpetrator on Social Media

If you are thinking about speaking up on social media, one of the things you are probably thinking about is whether you should name and tag the perpetrator. Regardless of what you decide, we support you.

Here are five (5) things you can think about that can help you strategise, assess your risks and hopefully mitigate backlash, without compromising on your ability to tell your story. Remember, you need to think **CALMS**.

- C - Credible
- A - Accurate
- L - Legal Advice
- M - Motive
- S - Support



Credible Allegations

If you are ready to talk about your sexual assault and choose to do it on social media, it is advisable to think about how you can tell your story in the most credible way possible.

While many social media users will show their support when you speak your truth, there are also others who will immediately respond to your story with disbelief and doubt. Therefore, it is worth thinking about what can be done to mitigate this backlash by **presenting your story as a credible sexual assault allegation** against the perpetrator. This put others in the position where it is hard for them not to give your story the respect it deserves.

In a research published in the Journal of Psychopathology and Behavioural Assessment in 1997, the following perceptions on credibility of allegations were highlighted:

- Allegations of child sexual abuse were rated more credible than allegations of rape or sexual harassment.
- Females found all allegations more credible than males.
- Males were more likely to believe allegations of child sexual abuse than rape or sexual harassment.
- Females were more likely to believe sexual harassment allegations.

What makes an allegation credible?

It is important to understand that a mere allegation has zero credibility. If we were to assign credibility to an allegation just because it was verbalised, then “anything” said on social media would be “credible”.

Therefore, to make your allegation more credible, it is advisable to **support your allegation with details of the sexual assault, and if available, evidence to show that your story did happen.**

Since we are not talking about a formal court process, the details and evidence that you share to support your allegation on social media could be more **flexible**. They do not have to meet the high standards of proof that are typically used in a court of law.

Sometimes, just providing the details of your story is enough to establish credibility, even without any evidence.

It is completely up to you to decide what, how and when you want to share your story. If you are not ready to share the details and evidence of the allegation, it is okay. While establishing your story as a credible allegation may help in minimising the disbelief and doubt you receive on social media, it is not your sole responsibility to convince people that it did happen. Our society should also be more willing to **#BelieveSurvivors.**



Accurate Details

This section is applicable if you decide to share your story on social media with details of the sexual violence. It is important to ensure the details that you are sharing are accurate.

Accurate details in the allegation don't just help to maintain your credibility; they could also help to **establish trends or the modus operandi of the perpetrator**. Often times, a serial perpetrator uses similar methods, either in the process of gaining the trust of would-be victims, in their attack, or post-attack behaviour. Therefore, this might encourage other survivors to speak up against the same perpetrator.

In addition, accurate and detailed allegations of sexual assault make it **difficult for the perpetrator to deny or dismiss the allegations**. This is especially relevant because we have seen many named perpetrators feel obliged to respond to the allegations against them.

If you are sharing your story years after it has happened and are not able to remember every tiny detail about the incident, it is fine. Do not feel discouraged from sharing just because you cannot recall everything perfectly. You remember the details that matter to you, and those are the details that you should share as accurately as possible.



Legal Advice

Being able to seek legal advice is definitely a privilege. Legal fees can be expensive, which means that not everyone can afford to hire a lawyer. However, it is worth thinking about consulting a lawyer so that you are **aware of the legal risks involved**, and plan accordingly to mitigate those risks. There are some lawyers who would be willing to help you with **minimal cost or on pro bono basis**. On top of that, lawyers usually do not charge for the first consultation session where you can briefly inform them of the situation and get preliminary advice. Therefore, it might be a good idea to speak to a lawyer and try your luck.

If you are going to name the perpetrator, a lawyer might warn you about **threats of defamation** from the perpetrator. However, the seriousness of this risk might differ based on your specific circumstance. Some perpetrators would lose more if they sue, so the risk can be low. If the risk is high, you can assess your ability to defend yourself in court. Survivors could argue that they are speaking the truth supported with the relevant evidence to show that the sexual assault did happen, and this is an absolute defence against such defamation suits.

A lawyer can help you **assess your likelihood of being sued, and the strength of your defence if it happens**. Therefore, this will allow you to make an informed decision. Remember that your relationship with your lawyer should be **based on trust**. If at any point you do not feel comfortable with or lose trust in your lawyer, you can seek a different lawyer.

M O T I V E

There are a myriad of reasons why survivors want to speak up on social media. No matter what your reason is, you are entitled to talk about your experiences in whatever way you choose and no one should question your motive.

However, it is important for you to identify your personal motive for the benefit of yourself and no one else. Thinking about your motive can help you identify the intended outcome which you desire. This can help you manage your expectations after sharing your story.

Some survivors choose to share their motive when they are speaking up on sexual assault and naming the perpetrator. If you decide to share your motive as well, others may better understand where you are coming from and what you want to achieve. However, this does not, and should not, affect the credibility of your story.

Here are some motives and outcomes which you can explore:

- To warn other vulnerable individuals who may fall victim to the same perpetrator.
- To obtain a sense of catharsis for being able to speak up and release your repressed emotions.
- To obtain closure as speaking up may help you move forward with your life.
- To get a sense of justice in the hopes that others will see the perpetrator's gross behaviour and attitude.
- To contribute to the growing conversation surrounding the #MeToo movement to push for legal reforms and societal changes.

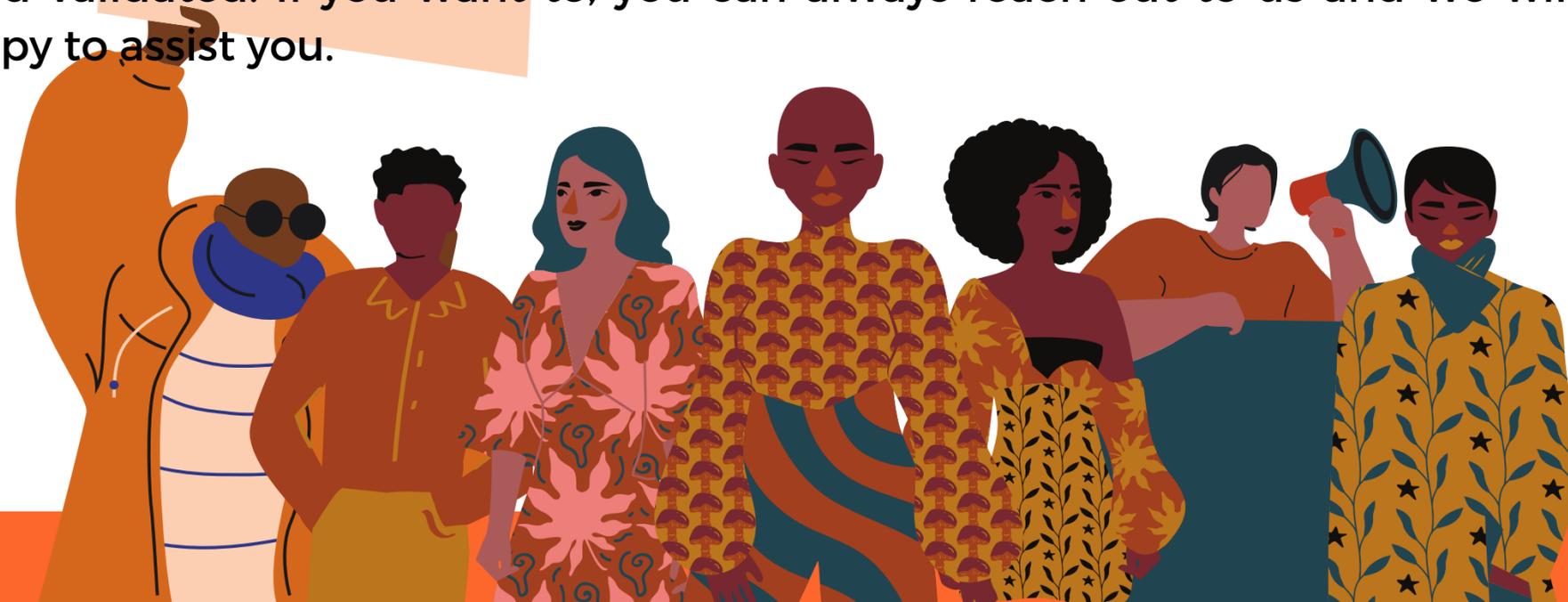
It is important to remember that you cannot control other people, their behaviour or how they will react. Therefore, focusing on things that are within your control as your outcome may help you feel less powerless.



Support System

Last but not least, it is definitely worth thinking about mustering all the support you can get. The process of telling your story on social media can be traumatising enough, even more so if you decide to name and tag your perpetrator because this might evoke a bigger reaction amongst social media users. Do **talk to your most trusted friends and family beforehand** so that they are aware of the situation and can be on stand by if you need to urgently talk to them about anything. If need be, **talk to a counsellor or mental health professionals.**

On social media, support can come in many shapes and forms. It could be likes, retweets, shares or encouraging messages. Try to **focus on the support you're getting** after sharing your story rather than the disparaging or nasty reactions. There will be many that will stand behind you and believe your story. Invest your energy into the circles that make you feel heard and validated. If you want to, you can always reach out to us and we will be more than happy to assist you.





So... should I name and tag the perpetrator?

Now, let us tie this conversation back to the main question of whether you should name and tag the perpetrator. Generally speaking, **people take allegations of sexual assault more seriously, and give your story more attention, when the perpetrator is named.** This is because they have a face and identity to associate to your story. However, as the reputation of the perpetrator may be tarnished, people may be extra cautious before supporting your story.

Therefore, in this instance, **it is even more important for you to be CALMS.** Ensure that your story is presented as a credible sexual assault allegation, supported by accurate details and evidence. Surround yourself with a good support network, manage your expectations by being clear with yourself on your personal motive and outcome, and if possible seek legal advice. You would also need to ask yourself **if tagging the perpetrator is necessary to achieve your objective as it may heighten the confrontation.** Ultimately, do what is best for you.

However, it is **not advisable to tag the family and friends of the perpetrator.** They are not responsible for the perpetrator's actions and may not deserve being outed publicly. It is important to respect their privacy, especially if they do not support or enable the actions of the perpetrator. If you want to talk to them, you can contact them personally.

We are all ears!

This guide is prepared as part of a collaborative effort between Speak Up Malaysia and KRYSS Network. If you have any questions or feedback regarding this deck, do let us know.



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