



Consultation Paper Submission: Good Character at Sentencing

The Survivor Hub

The Survivor Hub is a survivor-led initiative harnessing our knowledge and lived experiences to support, inform and empower people impacted by sexual assault. The Survivor Hub is a safe and inclusive space where survivors can connect, be informed and feel supported.

Our MeetUps and private Facebook group are safe spaces to connect; we want survivors to know their options and feel supported and empowered in their healing journey. As survivors ourselves, we know that feeling, and being supported by people who can relate to your experiences is a key part of the healing process. We currently run in-person MeetUps throughout NSW and VIC, as well as online. We also have an online Facebook forum where survivors can connect, vent and ask questions.

1.0 Good character references, a long-standing component of the common law process when considering an offender's sentence, is an utterly inappropriate mitigation mechanism in the context of sentencing a convicted child sexual abuse offender. It is a nonsensical flaw in the sentencing process, as by societal and moral standards, one cannot be considered "good" and have sexually abused a child.

2.0 Child sexual abusers intentionally seek to curate "good" reputations for the purposes of deceiving others and further facilitate their abuse – not for genuine reasons. They frequently assume positions of power and prestige, and position themselves as charitable in their community, to function as a disingenuous, deceptive moral armor.

2.1 This is aimed at shielding themselves from the perception that they are capable of committing such heinous offenses. By doing charitable work in their community, or making donations, offenders carefully curate a reputation for themselves amongst community members, so that they can avoid accountability or skepticism for as long as possible. They also do this to gain trust in others, such as parents and caregivers, only to exploit this trust and sexually abuse children.

2.2 Abusers also do this to create doubt in the victim-survivors' allegations. If victim-survivors assume their allegations will not be believed or taken seriously because the offender is seen among the community as a "good" person, they are less likely to come forward and pursue their complaint, and the abuser is likely to reoffend. Additionally, if the abuser is participating in charitable or community-focused work that improves their reputation, the victim-survivor may doubt themselves as to the severity/legitimacy of their own experience of abuse.

2.3 Further, abusers do this to gain greater power over others and enable abuse. Child sexual abuse is largely enabled through a dangerous difference and subsequent exploitation of power. When abusers participate in their community and are further elevated to positions of power, they are provided with greater opportunity to abuse others – particularly children.

3.0 The emotional and mental impact that "good" character references can have on victim-survivors is immense, especially as these character references are considered after a successful conviction of the abuser. It undermines their experience of abuse and creates an offensive sense of equivalency of the abuser's offence and their 'contributions' to society.

3.1 This can discourage future victim-survivors of child sexual abuse from coming forward, further empowering child sex abusers to offend and delaying justice.