

Sentencing child sex abusers: When the victim becomes the offender

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Child sex abuse is one of the most heinous criminal offenses, so when a victim becomes an offender, it's evidence of a system failure.

When a 'victim-offender' is sentenced in [court](#), a University of South Australia researcher is recommending judges acknowledge the offender's early trauma, in conjunction with the consequences for the crime, in their sentencing comments.

The call for this to become best practice, follows new research that demonstrates multiple instances where judges implicitly or explicitly assumed knowledge that a victim-offender 'should have known better.'

UniSA researcher Dr. Bronwyn Arnold says it is important that judges recognize the unresolved trauma of [child sex abuse](#).

"In this study I looked at the end point of the cycle—when a child sex offender is sentenced by a [judge](#) for their crimes."

"The study found that, in several cases, judges assumed that the perpetrator should have been aware of the pain they were causing to their victims. But when the offender was also a victim of child sex abuse is this really appropriate?"

"Psychological research shows that victims of [sexual abuse](#) may experience cognitive distortions in relation to abuse, including normalization and positive associations of their sexual abuse experiences. What this means is that they are less likely to be able to empathize with their victims, or 'know better.'"

"The fallout from child sexual abuse is lifelong, with victims suffering serious long-term physical and psychological harms."

"So, while I am not downplaying the offense at all, I am saying that victim-offenders do not have a choice over the development of cognitive distortions which may facilitate offending behavior."

In Australia, about 1.4 million adults were victims of child sexual abuse, with the first instance of abuse occurring between the ages of 6-8 years old.

Victims of child sex abuse are almost five times more likely than the [general population](#) to be charged with any offense than their non-abused counterparts, with strongest associations found for sexual and violent offenses.

The study recommends avoiding the use of statements that impute knowledge of victims' harm onto the offenders in the future.

"The assumption that offenders should know that they were causing harm has intuitive appeal. Yet these assumptions do not necessarily reflect their lived experience," Dr. Arnold says.

"For judges to acknowledge the unresolved trauma of victim-offenders, they're taking one step towards healing that damage."

"If the acknowledgment of an offender's harm could reduce their risk of reoffending, it should be done help stop the cycle of abuse once the [offender](#) is (eventually) released into the community."

The findings are published in the journal *Current Issues in Criminal Justice*.

More information: Bronwyn Arnold, 'You, of all people': the inappropriateness of imputing knowledge of victim harm onto sexually abused child sexual offenders during sentencing, *Current Issues in Criminal Justice* (2023). [DOI: 10.1080/10345329.2022.2160225](https://doi.org/10.1080/10345329.2022.2160225)

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