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Sex-abuse victims deserve more time to come forward

By Adriana Ramelli

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-- ADVERTISEMENT -- This session, Hawaii lawmakers unanimously passed two bills that will, if signed by Gov. Neil Abercrombie, allow survivors of sexual assault more time to come forward and pursue legal action to hold abusers accountable.

Sexual assault is a life-altering experience and the healing process takes time. We thank the Legislature for its understanding of this, and for its commitment to seeing that sexual violence is not tolerated in our community regardless of when it takes place.

These measures recognize how common it is for survivors of sexual assault, especially children, to wait some time before telling anyone about the assault.

A sexual assault is a physical and emotional violation, and there are many different ways that survivors respond: fear, guilt, shock, disbelief, anger, confusion, shame, helplessness, anxiety.

Survivors may need time to work through their feelings before they disclose to anyone, let alone engage with the legal system.

House Bill 2034 and Senate Bill 2687 are intended to help survivors feel empowered to share their stories when they are ready.

HB 2034 would remove the statute of limitations for criminal actions arising from sexual assault in the first and second degree and continuous sexual assault of a minor under the age of 14. It acknowledges the severity of the crime by putting sexual violence on the same level as homicide, which also has no statute of limitations. It also would put Hawaii on par with the majority of states that have eliminated the statute of limitations for certain sex crimes.

SB 2687 would extend the period during which a survivor of child sexual abuse can bring a time-barred civil action against the perpetrator or the negligent entity owing

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a duty of care to the survivor of child sex abuse, including state entities that were previously exempt. Since 2012, when the window first opened, a number of survivors came forward to expose horrendous abuses. These survivors would have had no course of action without the window.

We also support the inclusion of lawsuits against state entities, as all survivors should have the opportunity for justice regardless of whether the entity that could have protect-ed them is private or public.

Opponents have argued that "memories fade" and "documents are lost," making it difficult for a defendant to defend against the allegations. Sexual assault is a highly traumatic experience, and generally time does not erase the knowledge of the abuse. A survivor may develop ways to cope with the trauma and reduce or eliminate time spent thinking about the abuse, but it is not forgotten.

In addition, lost or destroyed evidence works against both parties, if not more heavily against the state or plaintiff. The burden of proof is on the state in criminal cases and the plaintiff in civil cases, and a lack of evidence can make it harder for them to prove their case.

Again, we commend the Legislature for making this issue a priority, and are hopeful that these bills will receive the same consideration from the governor. We welcome the public to contact the governor to show support of these important measures for survivors of sexual violence.



Adriana Ramelli is the executive director of the Sex Abuse Treatment Center, a program of Kapiolani Medical Center for Women and Children.

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