

RAPE VICTIMS NEED SUPPORT AND BETTER LAWS, 10 SEP 2004

The Women's Centre for Change (WCC) Penang is disappointed by the Attorney General's statement that his office has to withdraw rape cases with no specific dates. At the same time he expressed that most rape victims could not provide detailed dates of time and date of incidents.

We all realise that at the end of the day we have to be conscious of balancing the rights of the victims against the rights of the accused.

On the one hand, sexual abused victims especially young children who are traumatised and scared often cannot give detailed information. This is opposed the allegation of a grown man that he was sodomised. The law should acknowledge and accommodate the difference in treatment of these cases.

We may not expect a six year old child to remember the months let alone the dates of the rape incident(s) particularly if the rape is reported years after the alleged incident(s). A child of 14 to 15 years may have a different capacity to recollect events and may benchmark a certain incident against, let's say birthdays, school exams, festivals. These are markers which the prosecution could draw on and reduce the period within which the alleged rape is supposed to have occurred. In the United States, the priests who were accused of sexually abusing children for decades came to light when these abused children reported their abuses after they became adults. In this situation, these victims would not have been able to receive due justice if they are required to remember the dates with certainty.

If necessary, the Attorney General Chambers can review and proposed amendments to our laws. For example, with regard to criminal breach of trust, it is sufficient for the prosecution to specify the gross sum in which the offence is alleged to have committed and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates. (see S153 of the Criminal Code Procedure). If need be, the CPC can be amended to provide for a certain level of flexibility in preferring charges in relation to sexual offences particularly in repeated rape cases like incest and where children are affected.

We need to look for solutions. Dropping charges is not the answer. Victims of sexual violence need support and better laws.

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