

UNDERSTANDING 'SOLVED' IN SEXUAL CRIMES, 22 MAR 2007

The Women's Centre for Change Penang (WCC) congratulates the Royal Malaysian Police for their surpassing of Interpol targets in the solving of crimes as recently reported in the media. According to Federal CID Director Datuk Christopher Wan Soo Kee, police solved close to 90% of the 4,458 rape and molestation cases reported last year and in 2005.

However, we need to sound a note of caution. The definition of 'solved' can be misleading. As far as the police are concerned, what is considered solved includes instances where the accused is identified (regardless of whether he/she is being detained, still at large or has died), where the accused is caught red-handed and where there is solid evidence against the accused. We therefore need to understand that "solved" does NOT necessarily mean that the perpetrator is convicted by the courts.

We are currently undertaking a European Union funded project looking at sexual crimes in Penang. Based on a preliminary analysis of 439 court cases of sexual crimes (including rape, incest and molestation), one third of the defendants pleaded guilty. Out of the two thirds who did not plead guilty, only 12 were found guilty. That amounts to an alarmingly low 4% conviction rate in contested cases and an overall conviction rate of 34%.

For victims of sexual crimes, access to justice is not within easy reach. Firstly, many victims do not make police reports for many reasons including shame and trauma. Studies suggest that only 1 in 10 rapes are reported. Secondly, of those cases reported, only a small percentage will get to court even though the police have "solved" these cases. Thirdly, of those "solved" cases which go to court, our study shows that the conviction rate is indeed appallingly low.

We have a long way to go before victims of sexual crimes obtain justice. The police are part of the bigger picture of the criminal justice system in Malaysia which also includes the courts and the prosecutors. How the different parts of our criminal justice system work, how supportive agencies are to receiving reports, what resources are available to investigations, what influences decisions to prosecute and what happens in courtrooms will determine the ultimate dispensation of justice for the victims.

As the Royal Malaysian Police commemorates their 200th Anniversary, WCC urges further strengthening and professionalism within the police force so that "solving" cases will one day include convicting the perpetrators of their crimes.

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