

WE REMEMBER AND WE WILL NOT BE INDIFFERENT TO RAPE, 17 JAN 2013

Today, we remember 'Nirbhaya', which means 'fearless', a name given to a courageous young woman who fought for two weeks to survive horrific injuries from a brutal gang rape on 16 December 2012 in New Delhi. The 23-year-old was on the way home from the cinema with her male companion when they boarded a bus that would take them closer to home. They were instead thrown out of the bus after being brutalised. The young woman was raped and tortured by men on the bus and her companion was beaten up. Nirbhaya and her companion were left in the streets for almost an hour before the police arrived, and passersby had not come to their aid.

In Malaysia, we too have our share of terrible rape incidents that have been etched in our collective consciousness. We remember Noor Suzaily Mukhtar, a 24 year old computer engineer who was raped and strangled in a bus by the driver; and Canny Ong, a 28 year old computer analyst who was abducted from a basement car park, raped and set on fire. We also remember our children – Nurul Hanis Kamil, a 16 year old who was brutally raped and murdered on the way home from school, Nurul Huda Ghani, a 10 year old, who was abducted and killed by a security guard, and 8 year old Nurin Jazlin Jazimin, who was sodomised and murdered. Between 2001 and 2011, police statistics show that incidences of reported rape have increased from 1217 to 3301. These statistics are only the tip of the iceberg as research demonstrates that many victims do not report rape for various reasons including stigmatisation, victim blaming and fear of not being believed.

Today, we honour Nirbhaya's memory by renewing our call to the government to implement the demands in the JAG Memorandum on Rape submitted in 2003. While some amendments have been taken on board, many more need urgent attention. This includes widening the definition of rape in the Penal Code to include rape with an object. Currently, rape with an object is called "sexual connection with an object", which is an "unnatural offence" that carries a lesser length of maximum imprisonment compared to rape.

As a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Malaysia has an obligation to ensure that laws and policies are in line with its obligations under CEDAW. Under CEDAW, violence against women (VAW), including rape, is a form of discrimination against women. Under article 5 of CEDAW, in addition to legal reform, the state has an obligation to take measures to address prejudices and harmful stereotypes regarding expected behaviour and roles of women and men based on ideas of inferiority or the superiority of either of the sexes. There must be equality both in the law and in reality. While

today, more than ever, women are in the public and political sphere, we still grapple with harassment and sexism in these spaces.

Nirbhaya's brutal rape has brought to our attention the consequences of letting sexism and misogyny thrive. Reportedly, one of the reasons given by the perpetrator for the rape of Nirbhaya was that she had the audacity to be out in public with a male companion who was not related to her. It was also reported that she was further brutalized for fighting back. While we have laws against rape in our Penal Code, we need more than the law to protect us from rape. We need a change in mindset.

Rape is a crime of violence and power. As a society, the larger issue of sexual violence against women and children need to be prioritised. We need to see that rape is not a private matter between the individuals concerned, but a violation of human rights. Ineffective investigation and prosecution must be addressed immediately, especially since under-reporting of sexual violence is a great concern. We need to change stereotyped ideas about the roles and position of women and men in society and question the power imbalance between women and men. It is time to stop asking women and children to avoid getting raped. It is time to start asking men and boys to NOT rape. Rape is one of the only crimes where the victim is asked what he or she was wearing at the crime scene. Sexist attitudes must be addressed and we all must share the responsibility for addressing the root problem of sexual violence. VAW is a public concern, and men and boys are part of the solution to this issue.

Today, we remember Nirbhaya's bravery in standing up to her attackers, her courageous struggle to survive and her will to live. We will not forget all the other faces and names which have come to symbolize our collective failure to teach not just our daughters but also our sons. We remember and we must, each of us, make a conscious decision that sexual violence is not acceptable and take collective responsibility not to be indifferent to this great injustice.

Joint Action Group for Gender Equality (JAG), which comprises: All Women's Action Society (AWAM) Perak Women for Women Society (PWW)
Persatuan Kesedaran Komuniti Selangor (EMPOWER)
Persatuan Sahabat Wanita Selangor (PSWS)
Sabah Women Action Resource Group (SAWO)
Sisters in Islam (SIS)
Tenaganita
Women's Aid Organisation (WAO)
Women's Centre for Change (WCC)