



Suffer the rape victim

Recently, a number of Malay and English language publications had widely reported a gang rape in Kelantan, where it was surmised that more than 30 men were suspected to have raped 2 teenage girls aged 15 and 17 years, respectively.

Women's Centre for Change, Penang (WCC), together with the Reproductive Health Association of Kelantan (REHAK) are extremely concerned about the welfare of the two alleged victims, who are victims of what is suspected to be the largest gang rape ever reported in Malaysia.

The Child Act 2001 clearly states that any person below 18 years of age is a child. The said Act also states that by virtue of their immaturity, every child shall receive full protection and assistance in all circumstances.

Unfortunately we have found numerous breaches of the privacy of the younger child victim, where information which identifies the child, who is believed to have suffered severe injuries from the alleged rape, has been widely circulated. Her personal details have been spread by many news reports, and worse through social media such as Facebook. WCC and

REHAK are very puzzled how such details could be published when police investigations are still ongoing and confidentiality is of extreme importance. We believe that the proper focus and urgency here should be to treat the child's injuries, considering the probable severity of her physical and mental trauma, including that of her reproductive health.

Such mass distribution of her personal details is very distressing as such a breach is not only a crime under the Child Act, it further burdens the victim who should instead be supported to readjust to life in the local community. As a child survivor of sexual assault, she deserves full protection and it is the duty of us all to assist her as far as necessary. This is consistent even with Syariah principles, where Muslims are advised to respect the sensitivity of others and are prohibited from spreading information that could stigmatise others.

Further, WCC and REHAK are seriously worried over the handling of the elder child who has been reported to have been put placed remand for a week. One news report contained a photo that clearly depicted the girl in handcuffs as if she has been convicted of a serious crime. If the news reports are correct in that the girl had reported that she was also raped, why is there a need for her as a complainant of rape to be arrested and detained? Even if there was suspicion of her supposedly being an accomplice, it is unsuitable to continue to detain her under remand while the case and her alleged report are being investigated, by virtue of her tender age.

Conversely, if there has been no physical examination conducted on the elder girl, WCC and REHAK suggests that the child be referred immediately to the relevant hospital, as per the procedures of the One Stop Crisis Centre (OSCC). A professional criminal investigation should proceed with the support of a medical examination, without it being necessary to detain the child concerned for a week. Such examination by a doctor is crucial and urgent especially for the collection of evidence, which is one of the pillars of any criminal prosecution undertaken. Further, there were no reports that suggest this child is a hardcore criminal nor is she suspected to have



committed a grave crime. Therefore, it is imperative that this child be released on bond to her parents or guardian as enumerated by the Child Act 2001 as soon as possible.

The culture of disbelieving a child reporting rape, of wide spread circulation of the facts of a case while it is still under investigation, or of “prison first, full investigation later”, must be stopped. If this is the effect when reports are lodged, more segments of the public especially children will be afraid to report the crimes committed against them and thus continue to suffer in silence. Is this the practice that we want established and continued in our society?

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