



RAPE

You are not alone

Information for the survivor
All Women's Action Society
(AWAM)

What is rape?

Rape is a crime of violence using sex as a weapon. The law defines rape as the penetration of the penis into the vagina of a woman without the woman's consent. Sex with or without the consent of a girl below the age of 16 is considered rape.

Punishment for rape is prescribed under Section 376 of the Penal Code. Anyone who commits the crime of rape shall be punished for a term of not less than five years and not more than 20 years, and shall be liable to whipping. Rape by a husband on his wife is not recognised as rape in our law.

If you are sexually assaulted in other ways, such as forced anal sex, insertion of objects into the vagina, mouth or anus, the assailant can also be charged under other sections of the law — for instance, sodomy, molest, outrage of modesty, carnal intercourse or attempted rape.

If you are raped...

Do not wash or clean yourself even if you really feel like doing so. Get the support of a friend, family member, or a women's NGO like AWAM. If you decide to make a police report, evidence on your body (seminal fluid, bruises, blood, hair) is important at the event of your rape trial. Go to a government hospital immediately. A police report can be made there.

You are not alone...

Rape is not your fault. Do not blame yourself. Rape is not provoked by women wearing sexy clothes or behaving seductively. Rape is a violation against your will and your body. No woman asks to be raped.

Your rights as a rape survivor?

Report / Complaint

You can make a complaint at any police station, welfare department or government hospital. You have a right to a woman police inspector who will take your statement after you have made a police report. Once you have made the report at a police station, you will be taken to the hospital for a medical examination in an unmarked car.

Admission

You will be admitted to the One-Stop Crisis Centre at the Accident & Emergency Department if the hospital is a major government hospital. A general examination will be conducted to determine what kind of injuries you have sustained, and the appropriate treatment you will need.

Medical examination

This examination is to check for penetration in order to prove rape. The examination will only be performed with your informed consent, that is, after you have been given all the necessary information. A pregnancy test and a blood test will be done to determine if you are pregnant and/or you have contracted any sexually transmitted diseases. You have a right to obtain information on any examinations done to you.

Emotional support / Psychological treatment

After the medical examination, you will be referred to the medical social worker or a counsellor who can counsel you. If necessary, you may be referred to the Psychiatric Department for additional psychological support and treatment.

Follow-up

This includes referral to the welfare department or to an NGO shelter if you are unable to return home because it is unsafe for you. You will also need to return to the hospital for medical follow-ups — to obtain results of the blood test, and to check for any complications as a result of the rape.

RAPE MANAGEMENT



The legal process

After a police report is made and you have gone through the medical system, police will investigate the case and arrest the suspect.

You may be asked to identify the suspect in an identification parade made up of about ten men, of which one (or more) is your assailant. You have to identify him by tapping his shoulder. However, in some places, you may identify the assailant through the one-way mirror.

The Deputy Public Prosecutor (DPP) decides whether your case gets to be heard in court or not. You cannot employ a lawyer to fight your case because this is a criminal offence against the state. You will have to wait until you are called to court as a witness. This may take weeks or even months.

The DPP, on behalf of the state, is responsible for prosecuting your case. But you may engage your own lawyer for additional support before and during the trial (by holding a watching brief).

When you are relating the details of the rape in court, the court may request the public to leave the courtroom. This is called hearing in camera and is done as a matter of practice to respect your privacy as a survivor.

You can also be assured that the press is not allowed to publish your name or address in the newspapers.

Going to court may be an intimidating experience. You may want a friend or someone from a women's organisation to go with you. You may be asked many uncomfortable questions (especially during cross-examination) by the accused's defence lawyer. The trial may also stretch to many months and even years.

According to AWAM's National Rape Research in 1999, out of the number of cases reported, more than half of rape cases were successful in the conviction of the rapist.

SOME USEFUL CONTACTS

NON-GOVERNMENTAL ORGANISATIONS

All Women's Action Society, PJ	03 7877 4221
Women's Aid Organisation, PJ	03 7956 3488
Women's Crisis Centre, Penang	04 228 0342
Sabah Women Action Resource Group	088 238 000
Sarawak Women for Women Society	082 416 053

POLICE DEPARTMENTS

Kuala Lumpur (Dang Wangi)	03 2070 2222
Penang	04 222 1522
Kota Bahru	09 748 5522
Johor Bahru	07 225 4422
Sarawak(Kuching)	082 245 522
Sabah(K.K.)	088 212 222
General Emergency	911

WELFARE DEPARTMENTS

Jabatan Kebajikan Masyarakat Wilayah Persekutuan	03 4044 1188
Georgetown, Penang	04 263 0558
Kota Bahru, Kelantan	09 748 2117
Johor Bahru, Johor	07 224 3555
Kota Kinabalu, Sabah	088 255 133
Kuching, Sarawak	082 412 577

GOVERNMENT HOSPITALS

Kuala Lumpur Hospital	03 2692 1044
Penang Hospital	04 229 3333
Hospital USM, Kota Bahru	09 765 1711
Johor Hospital	07 223 1666
Queen Elizabeth Hospital, Kota Kinabalu	088 242 126
Sarawak General Hospital, Kuching	082 256 566

