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AWAM's Press Statement on Statutory Rape

KUALA LUMPUR, 13th May 2015 - The All Women's Action Society (AWAM) would like to express our great disappointment in the Malaysian legal system for failing to understand the importance of punishing perpetrators of child sexual abuse by allowing a man convicted of rape to walk free from the crime he committed. AWAM condemns the Court of Appeal's latest decision to allow such an outcome. A man who caused his colleague's 14-year-old daughter to conceive, was held not guilty despite the fact that DNA evidence proved his paternity. Originally convicted in 2013 by the Sibu Sessions Court and sentenced to imprisonment of 42 years in jail, 11 strokes of the cane and a fine of RM40,000, the man was subsequently acquitted by the Court of Appeal.

Sexual intercourse with a child under the age of 16 is a crime under Section 375(g) of the Penal Code. However, the perpetrator has alleged that the pregnancy occurred through his inserted finger smeared in sperm.

AWAM condemns the Court's narrow interpretation of sexual intercourse in this circumstance and would like to reiterate that Section 17(2)(c)(ii) of the Child Act 2001, specifically provides that a child is sexually abused if he or she has taken part, whether as a participant or an observer, in any activity which is sexual in nature for the purposes of sexual exploitation by any person for that person's or any person's sexual gratification. The Court's decision will inevitably make it more difficult to successfully bring cases of statutory rape to Court and will deter these already under-reported cases from being reported.

For the past 20 years, AWAM, together with other women's groups within the Joint Action Group for Gender Equality (JAG) have held numerous meetings with the authorities on legal reforms that would expand the definition of what constitutes rape. We wish to reiterate our stance on expanding the definition of rape to cover rape with objects and penetration into any other orifice to ensure comprehensive protection to the vulnerable groups. With this deplorable case of "digital rape" also known as rape with fingers, AWAM calls for the authorities to conduct an urgent investigation as to the reasons for the acquittal so as to prevent such a decision from recurring in the future, and for the Attorney General to take immediate action in amending the existing law to provide justice for the victims of cases such as these.
