

Culture of Impunity in Sexual Assault Cases Must End Now

By MU SOCHUA

‘All human beings are born free and equal, with dignity and rights.’ These are the famous words of the Universal Declaration of Human Rights, adopted by the UN General Assembly, 61 years ago today.

Today also marks the end of the 16 Days Campaign to stop violence against women. Despite progress made by governments and NGOs the world over to raise public awareness and to change society’s attitude toward violence against women because of their gender, crimes committed against women and girls remain pervasive. And statistics show a picture that should alarm us all and that unless strong measures are taken urgently, time might be running out.

Sexual assault, and the lack of access to justice as a result of Cambodia’s current culture of impunity, threaten women’s and children’s basic human rights to personal security, equality, and due process.

As reported by Adhoc in July, there were 201 rape cases identified during the first 5 months of 2009, out of which 134 cases (66.6 percent) concerned minors (under 18 years old). Moreover, out of these 134 cases, 28 involved girls under 10 (20.8 percent) and 106 involved victims aged from 10 to 17 years (79.2 percent). In 2008, there were 419 reported cases of rape of women and young children. Many of these victims were also victims of incest, torture, gang rape and murder. In 34 of these cases, victims were raped then brutally killed. Of the 419 cases, 280 or 67 percent of victims were rapes of minors under the age of 15. Among adult victims there were elderly, mentally ill, and disabled women.

The actual number of such crimes is much higher, as these crimes are underreported. Under reporting is due to many factors, including the victim’s shame or perceived fault for the rape, distrust of the legal and judicial system because of corruption, and unlawful compensation settlements. Limited legal aid and the high cost of medical certificates proving sexual assault are also severe deterrents to women reporting abuse.

As a result of impunity, women and children who are victims of sexual assault are denied access to justice in the courts. According to a report by Licadho, “perpetra-

tors regularly pay victims to avoid criminal charges, [and] bribe legal and judicial authorities to escape punishment.” According to Adhoc, in early 2009, out of 201 rape cases, only 32.3 percent were handled through the justice system, 16 percent were illegally “settled” outside of court, and 51.7 percent were not even taken into consideration by the authorities for legal action. The following case, reported by Licadho, is representative of the problems of rape and impunity that keep perpetrators from being brought to justice. The case of Mona (not her real name) is typical:

Mona was 18 years old, living with her aunt and sisters in a farming village, when she was raped by a stranger while she was out grazing cows in the rice fields. Mona was with her sisters, but when they went for a swim in a pond nearby, a man approached and started talking to her. He stayed for half an hour, then leaned over and put his arms around her. She was shocked since she did not know the man. He then grabbed her and dragged her to a nearby canal. She tried to escape, and started to scream for help, but the man covered her mouth and held her down. Then he raped her. When Mona told her aunt what had happened, she immediately reported the rape to the police. The next day the man was arrested, but he was able to buy his freedom by coercing Mona to drop her complaint against him: A few weeks after the rape, local police and the man’s father came to her family’s home and offered them compensation in exchange for dropping the complaint. The girl only received 70 percent of the agreed payment since the police had taken the rest as a “fee” for organizing the payoff.

Another typical case of impunity is the recent case of a 19-year-old woman in a karaoke parlor who was allegedly raped by a policeman while another man, initially identified as a police officer also, held her down. The case was reported by local and international media.

The first answer provided by the municipal police was that the case had been resolved as the victim had accepted compensation. When pressed harder, the municipal police claimed that the two police officers were detained at the police station. The next day, the municipal police went even farther and claimed that report of the rape had been sent to court with the two sus-

pects. The court denied the transfer of the two suspects and the blame went back and forth till today. My letter to the Ministry of Interior remains unanswered on the issue of this rape. Should it be hard to try to think where the two suspects might be?

Women lawmakers from the Sam Rainsy Party to the Chair of the parliamentary Commission on Women and Social Affairs have recommended the establishment of a parliamentary task force to address sexual assault against women. Their call has been ignored.

The government’s failure to take adequate action to prevent such violence and impunity against women and children, and to acknowledge the severity of the problem must be condemned. In its recent submission to the Universal Periodic Review at the Human Rights Council in Geneva, the Royal Government of Cambodia failed to mention the existence of any form of violence against women aside from domestic violence.

To stop violence against women in the light of the current climate of impunity, the following measures must be taken:

1. Fully enforce the current criminal law proscribing sexual assault;
2. Eliminate compensation payments as a form of justice;
3. Prosecute officials for not reporting rape and for arranging for compensation without reporting or filing for prosecution;
4. Create a neighborhood watch system for the safety of young children and vulnerable women;
5. Increase the number of female judges and law enforcement officials;
6. Increase the national budget to establish victim support measures, including shelters and legal, medical and psychological support.

Sexual assault against women will not be reduced in this culture of impunity through 16 days of campaign. Rapists who can walk free will continue to find new victims.

Victims and their families will continue to live in shame while corrupt policemen and court officials bargain for a price to settle the crime.

The time to act against sexual assault is now.

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