

Gov't response to Penan rape cases a mockery
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The case of seven more Penan women being raped received mixed responses from the state government, public authorities as well as relevant stakeholders. The opposition viewed this as a violation of human rights and had urgently called for an urgent motion to be passed in the Parliament to address this report. The state government of Sarawak and the police's responses were far from satisfying.

Claims such as the Penan girls are always known to be promiscuous or 'easy' are not only degrading but reflect poorly on how our public authorities and state agencies deal with violence against women cases.

At the international level, the Malaysian government has indicated immediate response to the case during the last Universal Periodic Review session. In our report to the Human Rights Council, we stated how an inter-agency committee has been established at the national level to investigate the report of alleged sexual harassment and abuse of Penan women in Sarawak by logging company workers.

Based on the expected findings put forward by the police as well as Suhakam regarding the alleged abuse of Penan women, the committee will formulate intervention programmes and provide counseling services to help the Penan women. This includes an awareness-raising campaign for the Penan society, particularly women, so that they would be able to recognise and address issues of sexual harassment and abuse.

I sincerely support efforts by civil society and Pakatan Rakyat to address this issue seriously and to bring the perpetrators to justice. I am disappointed, however with how the Sarawak state government, police and Ministry of Women, Family and Community responded to the whole issue.

The explanation given on how easy and promiscuous the Penan women are reflected the sad mindset of the authorities in addressing and dealing with violence against women (VAW) cases in the community. The rape case might be forgotten in the years to come, but I wonder, what kind of reform will the government undertake to ensure that such incidents can be prevented or handled more effectively and judiciously should they recur?

Another major disappointment is attributed to the fact that our response to the whole furore marks our failure in observing our obligations as a state party to two main human rights treaties, the the Convention on the Elimination of All Forms of Discrimination against Women (Cedaw) and Convention on the Rights of the Child (CRC). Both conventions offer principles and recommendations on how to address sexual abuse or violence against women (or girls) through rights-based approach and non-discriminatory ways.

As much as we like to think that these international treaties are comatose documents, the underlying principles and provisions of both treaties not only suggest viable preventive measures to overcome VAW, they also serve as a mechanism for civil society and public at large to monitor the government's responses and responsibilities towards the victims as well as the perpetrators of sexual violence.

The systemic pattern of sexual violence suffered by the victims reflects how girls under 18 years of age in the Penan community are highly at risk as prime targets for sexual abuse and exploitation. Being illiterate and detached from information and facilities relevant to sexual health and reproductive rights as well as access to criminal justice have proven to be dis-empowering to the Penan women. Similar concerns have been raised by the CRC Committee as well.

The committee recognised how the effects of poverty and urban migration expose indigenous children to the risk of being sexual abuse victims. To break the vicious cycle, action required to address this problem should not be limited to rehabilitation of victims only. The proactive preventive measure needed here is to accord the girls in the Penan community with education and healthcare information and facilities. Furthermore, birth registration can reduce indigenous children's vulnerability to sexual exploitation too. This is due to the fact that official identification provides formal visibility that offers legal protection and

security to the children.

Hence, the government should not view its actions to address the Penan rape issue on a case-to-case basis approach. Instead, the core problem of the Penan community that are poverty and inaccessibility to education, need to be tackled as well. Not only does this require study and analysis of the root causes by the government but proper consultation must also be done with the indigenous community including the children in order to determine and come up with preventive measures that are suitable to their needs and conditions.

As such, the state government as well as the authorities need to steer clear from making remarks that are unfair towards the victims until proper documentation and studies made are proven to support their claim. In fact, the government should look into providing rehabilitative service or security mechanism for victims of sexual violence in rural areas. The excuse that the authorities do not have the budget to provide such facilities in the rural areas for the victims are unfounded. Rosmah Mansor had recently announced that 'Wisma Wanita' will be set up in all states. Where would the money come from, if we may ask?

In addition to that, the Sarawak state government's lack of political will in bringing the perpetrators to justice is highly suspect and uncalled for. General Comment No.19 of Cedaw suggests that state is bound to ensure justice prevails for the victims even if the perpetrator of the sexual crimes or exploitation belongs to an enterprise or private companies. This also indicates the need for the government to focus its plan on ensuring that the victims are recovered and rehabilitated. The government must also ensure that justice is restored by charging those responsible in a court of law.

Last but not least, the government should not continue to accuse the civil society and opposition as being foreign agents with hidden agenda as a defence against these sectors' call for effective action from the government. We don't need to have foreign agents with ulterior motives among us since our own international human rights card has so much to offer for worldwide mockery.

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