

Proposed marital rape law welcomed

But some say enforcing the law will not be easy

By TAY SUAN CHIANG & SHULI SUDDERUDDIN

LAWYERS and non-governmental organisations (NGOs) have welcomed calls to look into making marital rape a crime, an issue that was discussed in Parliament this week.

They said the move could encourage victims to come forward, knowing that their complaints will be taken seriously.

Marital rape is a crime elsewhere in Asia, including in Thailand, Japan, the Philippines and Taiwan.

In Thailand, a man can be jailed for up to 20 years and fined up to 40,000 baht (S\$1,600) for raping his wife – the same as the penalty for rape outside marriage.

But some warned it may be difficult to enforce this law because it is harder to prove that the husband raped his spouse.

The issue was raised in Parliament this

week, when Mr Vikram Nair, an MP for Sembawang GRC, called for the repeal of a section of the Penal Code that grants immunity to men who force their wives to have sex.

He brought this up during a debate on amending the Evidence Act to prevent a rape victim's sexual history from being used to discredit her in court. Law Minister K. Shanmugam then replied that he found the arguments for criminalising marital rape worth looking into.

Speaking to The Straits Times yesterday, Mr Nair said victims of rape should be protected, whether or not they are married. He revealed that he was initially sceptical about making marital rape a crime, as he feared the law could be abused, for example, through false allegations. "But it is an unnecessary fear as there would be ways to check on the proof," he said.

There are no figures on marital rape cases in Singapore. Counsellors and NGOs say some victims may be reluctant to come forward because they fear their complaints will not be taken seriously.

Under existing laws, a man accused of

forcing himself on his wife can be charged with voluntarily causing hurt, which carries a maximum penalty of two years in jail and a \$5,000 fine.

Ms Wong Pei Chi, founder of the volunteer project No To Rape, said: "A change in the law to remove marital rape immunity will be the first step towards assuring survivors that they will be taken seriously and receive the support they need."

The group met Mr Shanmugam last year to present its case.

Mrs Seah Kheng Yeow, head of family development at the Centre for Promoting Alternatives to Violence, said: "Criminalising marital rape will provide a platform for victims who are genuinely facing such situations."

Others pointed out that the decision to introduce this law should not hinge on whether marital rape is a problem in Singapore.

Ms Corinna Lim, executive director of the Association of Women for Action and Research (Aware), said: "Even one case is too many and even if it is a married couple, no consent is no consent."

Last year, Aware launched the Sexual

Assault Befrienders Service, the first dedicated support service for victims here. Its pilot programme had received 24 calls between May and November, 14 of which were about rape. But only six of the 24 callers made police reports.

Ms Anita Fam, chairman of Marriage Central, an agency that helps forge stronger and healthier marriages, said that in the past, women did not talk about sex openly and might have felt husbands had the right to demand sex. "But now women have greater opportunity to speak out," she said.

Some, however, say a marital rape law may be hard to enforce.

Family lawyer Rajan Chettiar said: "For example, if the couple are separated or divorced, this can be easily enforced, but what if they are married and the wife is claiming rape because of a quarrel?"

"It is easy to abuse and I would personally be careful about laying out what kind of circumstances would warrant a criminal charge."

He added that in cases like this, there should be protection for both men and women to ensure the law is not abused.

Criminal lawyer Subhas Anandan acknowledged that it is "harder to prove that the husband raped the wife". "But that should not discourage us," he said.

He suggested that signs such as bruises

or the children hearing their mother scream could be taken as possible evidence of rape.

Aware's Ms Lim added that there are mechanisms in place to protect people from false allegations. "For example, if the police cannot find enough evidence, they won't prosecute," she said.

"So there is little damage to the accused. The only issue we might want to

look at in terms of protecting the accused before he is convicted, is whether his name should be printed in the papers."

Mr Abdul Mutaif Hashim, president of male self-help group the Association for Devoted and Active Family Men, said the intentions behind a possible marital rape law were good. But he asked: "Is our culture ready for it?"

He felt that a lot of men "will not be happy, as to most, it is their right to have sex with their wives".

Mr Abdul Mutaif, whose group has about

200 members of various religions and races, said the first step should be raising awareness that it is not right for husbands to demand sex. "If that doesn't work, then there should be a law."

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ASSURANCE

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