

**TREATING MARITAL RAPE DIFFERENTLY MAKES NO SENSE IN  
CASES WHERE EVIDENCE IS CLEAR.**

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I REFER to Mr Heng Cho Choon's letter suggesting that marital rape should be regarded with less severity than other forms of rape.

I agree that false rape accusations have dreadful consequences for men. However, Mr Heng errs by claiming that false rape allegations are easy to make and difficult to refute.

Women alleging rape are often seen as in some way defiled, and are often disbelieved, which is a deterrent even to many genuine victims coming forward. Moreover, falsely alleging rape against one's own husband would lead to complete breakdown of the marriage, which means few women will undertake it lightly in a mere fit of pique.

In addition, for a defendant to be convicted, all elements of rape - including non-consent - must be proven beyond reasonable doubt in a court of law. The burden is on the prosecution, not the defence.

And rape and sexual assault cases of any kind - whether involving strangers, friends, unmarried lovers or married couples - are all extremely difficult to prove.

Physical evidence of sexual intercourse is often lost because of time or because victimised women - understandably - remove it from their bodies. Lack of consent is also difficult to establish, leading to a he-said-she-said scenario. Without proof beyond a reasonable doubt, even genuine rape allegations will lead to acquittal.

It is sometimes argued that the emotional involvement of the partners may lead to grudges being taken out in the courts. But this can easily happen just as much with friends or lovers or colleagues who fall out, as with a married couple.

Nobody would reasonably suggest that we take the laws against non-marital rape off the statute books because rape is difficult to prove. Our approach is rather to criminalise the act, since there is no instance when (if all the relevant elements were proven) it would be acceptable behaviour. However, we prosecute - and convict - only when the

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evidence is strong enough. Just because many cases are difficult to prove is no reason to deny justice in the cases where non-consent (whether or not evidenced by further violence) and sexual intercourse can indeed be proven.

Treating marital rape differently from non-marital rape makes no sense in those cases where the evidence is clear. It wrongly suggests that the crime, where it is adequately proven, is less severe. If there are evidential difficulties, this should be reflected in an acquittal, not in the sentencing.

Finally, criminal prosecution occurs at the discretion of the Attorney-General's Chamber, not that of the alleged victim. We trust that organ to decide when the evidence is sufficient in all manner of criminal cases - why not also marital rape?