

The Trial of Rape:

Understanding the criminal justice system response
to sexual violence in **Thailand** and **Viet Nam**

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Study overview

- UN **inter-agency** initiative (UN Women, UNDP, UNODC) with strong involvement of **national partners** and researchers
- Focus on **reported cases of rape**/sexual assault against women and girls in two countries (Thailand and Viet Nam)
- Aims to understand the **specific factors** that are associated with the disposition of rape cases and which **undermine women's access to justice**
 - **Where** and **why** attrition happens and **how** it can be reduced
- Help inform evidence-based policies and programmes to **support effective enforcement** of policy commitments

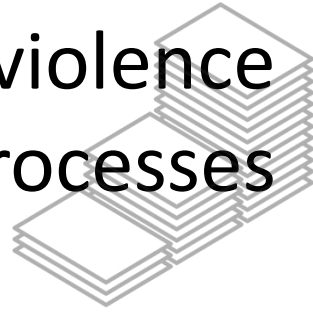
Understanding attrition

- **Attrition** is the process by which cases of rape and sexual assault fail to proceed through the criminal justice system, those cases that are discontinued and thus fail to reach trial and/or result in conviction
- **Non-recorded** cases per definition not available – “pre-attrition”



Research methods and scope

- **Mapping** of sexual violence legislation and legal processes in each country
- A **quantitative review** of a minimum of 120 police and/or court case files in each country
- **Qualitative interviews** and focus group discussions with a total of 213 key informants



Thailand



Viet Nam



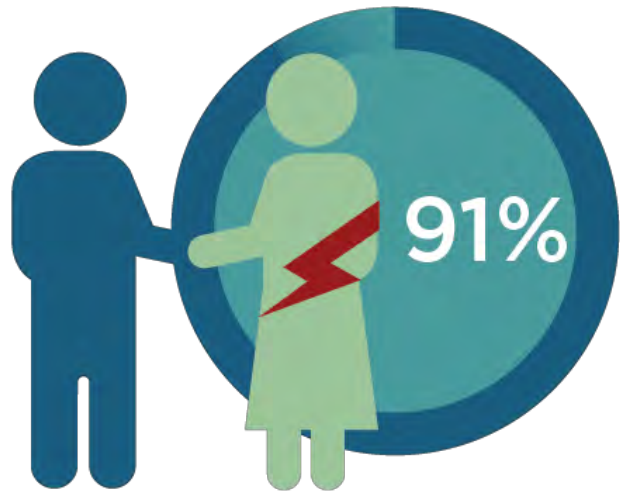
Three female police officers in uniform are standing side-by-side, smiling. They are wearing dark grey uniforms with purple peaked caps. Each officer is holding a spiral-bound booklet. The booklet has a blue cover with a large orange handprint in the center. Inside the handprint, the text reads "strong hands stop violence against women and girls". Below the handprint, the UNITE logo is visible. The background is slightly blurred, showing what appears to be an indoor setting with a banner in the distance.

Research findings

Myth | “Real rape” involves strangers

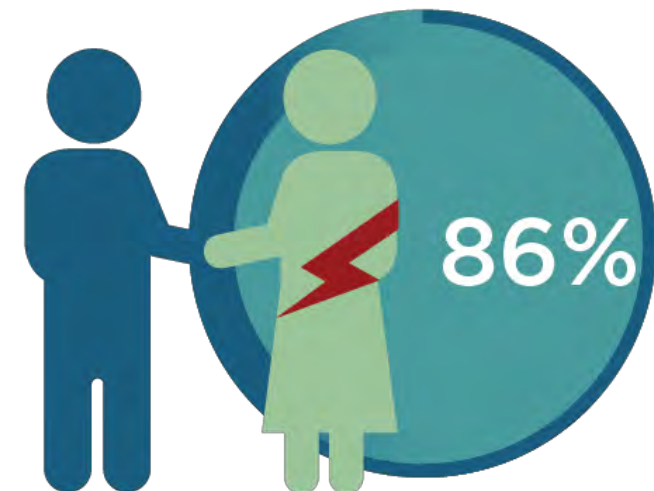
Finding | In the majority of cases, victims and suspects knew each other

Thailand



91 per cent of victims reported knowing the suspect

Viet Nam

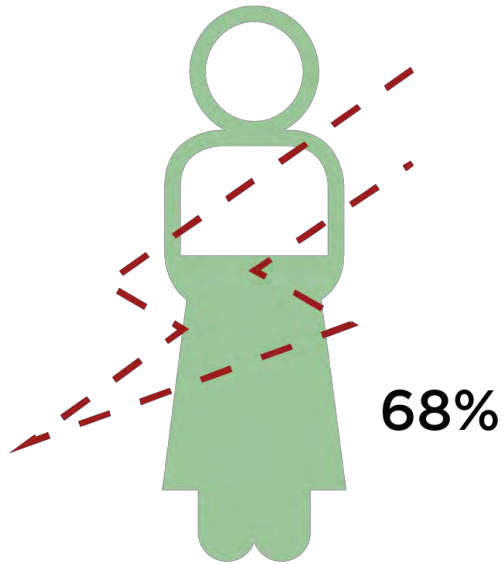


86 per cent of victims reported knowing the suspect

Myth | “Real rape” involves physical injury

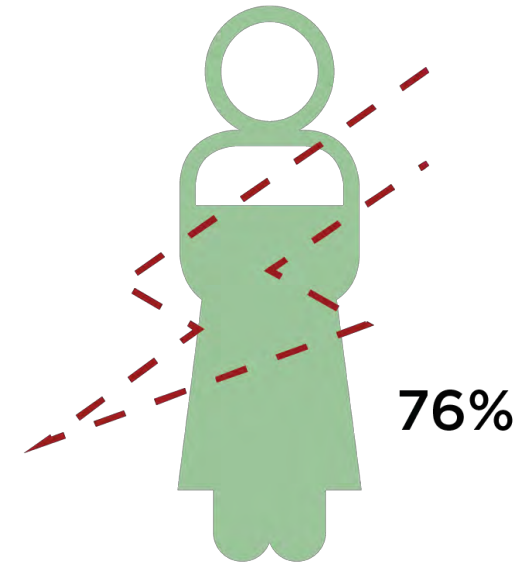
Finding | The majority of cases reviewed had no record or documentation of physical injury

Thailand



68 per cent of victims had no visible signs of injury

Viet Nam



76 per cent of victims had no visible signs of injury

Myth | “Real rape” occurs in public

Finding | The majority of cases took place in private spaces such as homes or hotels

The majority of rapes and sexual assaults took place in a private space: most frequently the home of the victim and/or suspect, followed by another person’s home or a hotel room.



Myth | Rape and sexual violence are problems only when they happen to 'good' or 'innocent' women and girls

"Raping a virgin is worse than raping a non-virgin."

- A male police officer

"Rape is something that only happens to 'low class' people, the uneducated or migrants."

- A female justice official

Myth | Sexual violence only happens in certain segments of society


Myth | A victim will report everything at the first available opportunity

"They are often not reported immediately but only after one or two days, a week or even a month after the incident, therefore it is hard to collect physical evidence... Even victims often find these acts so terrible that they wash themselves immediately after it happens."

- A male criminal investigator

Research findings - 1

- Women reporting cases of rape in Thailand and Viet Nam encounter significant societal, legal and institutional policies and practices that act as **barriers to justice**



"I was so embarrassed and scared. At the time, I also felt stupid for having trusted the person. I did not dare tell anyone. I only wanted to commit suicide."

- Female rape survivor

"The police and Women's Union do not believe rape can happen in marriage, so they try to solve these problems through reconciliation"



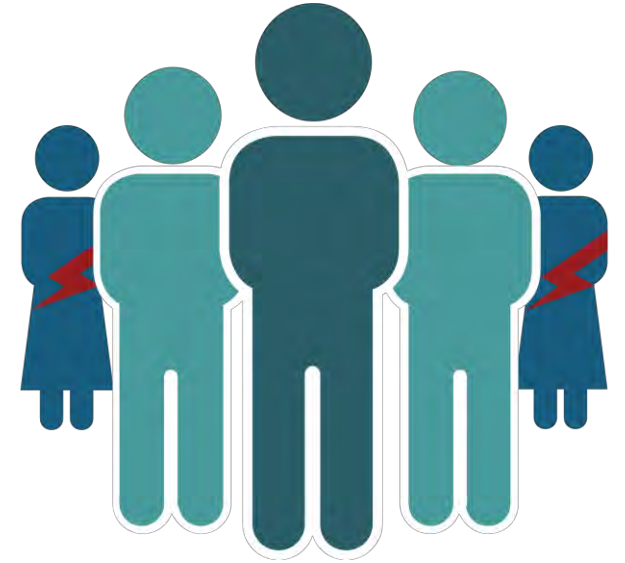
- A female academic

Research findings - 2

- The vulnerability of women and girls to sexual violence is embedded in and supported by **discriminatory** social and cultural values, patterns and practices

“...A girl who is drunk or showing a lot of cleavage might be the cause of the offence.”

- A male police officer



“You were raped because of the way you dressed; if not by this offender, you would have been abused by another.”

- A female social worker reporting a statement from a police officer handling a case of a rape victim who was 12 years of age

Research findings - 3

- Many women have **limited knowledge** and **limited access to information** about their rights and what they can should expect as they navigate complex criminal justice systems and processes



"I can easily sum up my experiences in the prosecution stage in three words: I don't understand. I don't understand the law, I don't understand why it takes so long, and I don't understand the language used in correspondence from the prosecutor's office. Of course I felt like quitting and leaving everything behind."

- A female rape survivor



Research findings - 4

- In both countries, attrition is high at the **initial contact** and **reporting stage**

“The first question that was put to me was, ‘Why didn’t you report earlier? So I explained that I did not know how. I did not have legal knowledge. Then the other police officer asked me ‘Why didn’t you simply accept compensation from him (the offender)? You already have children, why were you asking for so many things?’ I thought that was an insult. It was me who was raped and I had to be the one who understands and compromises?”

- A female rape survivor



Research findings - 5

- Court proceedings can be **long** and drawn out, and often focus on physical or forensic evidence or the **victim's credibility** rather than the credibility of the reported event or the victim's **lack of consent**



“In the case of a good woman, the person who reports the crime generally seems confused and timid... By looking at the way a subject dresses herself, you can guess her profession. If her attitude when answering questions about sexual matters is quite open, then you have to reconsider the case.”

- A male police officer

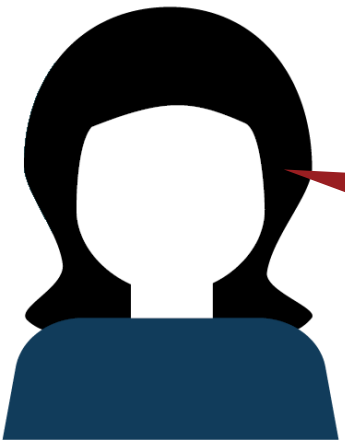
Research findings - 6

- There are few, **women-or victim- friendly facilities** in police stations, hospitals, and medical facilities where forensic examinations are conducted, or in courts.



“It was difficult for me to explain to male police officers. I was raped by men and I had to tell the story to men?”

- A female rape survivor



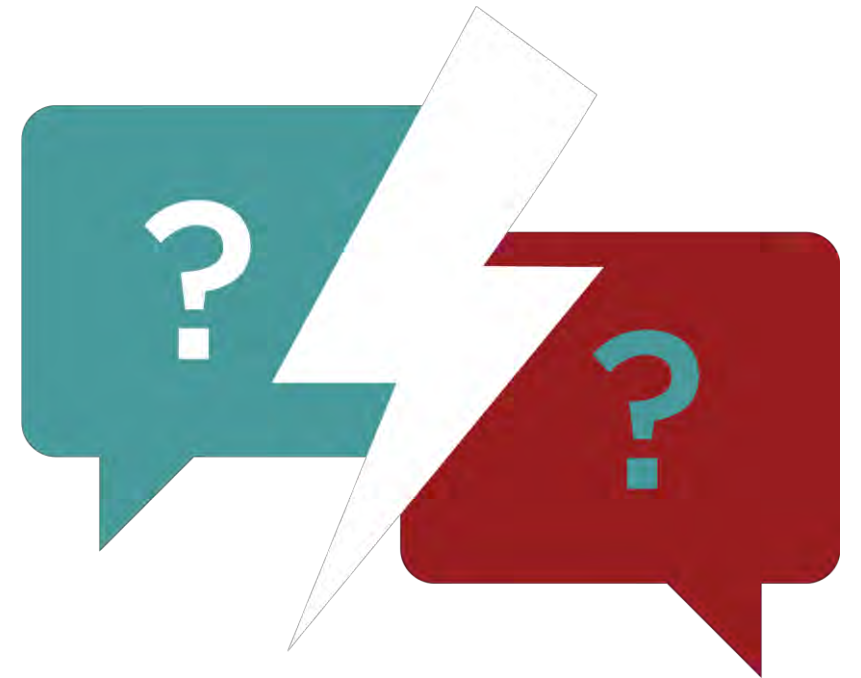
Research findings - 7

- **Data** collection and **analysis** mechanisms are limited
 - Inadequate or incomplete **administrative data** – lack of disaggregation
 - Poor record- and evidence-keeping
 - Limited **monitoring** of duration or outcomes of cases



Research findings - 8

- There are limited **referral** networks and **coordination** mechanisms within the justice system, and among government departments, justice system agencies, and civil society service providers. Often this results in **uncoordinated** and **inconsistent services**.



Research findings - 9

- **Good and promising policies** and practices have been introduced in both countries



Thailand	Viet Nam
<ul style="list-style-type: none">• Revision of the Criminal Code• Establishment and expansion of One-Stop Crisis Centres• Interdisciplinary teams in responding to sexual violence cases• Current Royal Thai Police campaign to recruit more female officers• Establishment of victim-centred court spaces• Ongoing training of Royal Thai Police, prosecutors and court personnel in partnership with UN Women	<ul style="list-style-type: none">• Revision of the Penal Code and Criminal Procedure Code• Revised codes that have expanded sexual violence offences and introduced gender-sensitive criminal procedures and evidentiary rules• Introduction of the right of legal counsel to represent victims in criminal proceedings• Development of curriculum for prosecutors and police officers on response to domestic violence and protocol for gender-responsive policing

A woman with dark, wavy hair is smiling at the camera. She is wearing a black and white patterned top. The background is a blurred indoor setting, likely a library or study, with bookshelves and other people visible. A white text box is overlaid on the bottom half of the image.

Recommendations and entry points for change

Recommendations

To address the challenges and to strengthen the criminal justice sector response to sexual violence



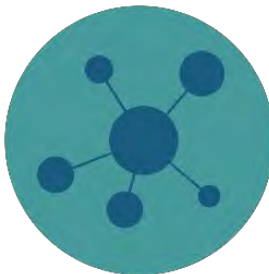
1.

Establish quality essential justice services for victims that prioritize their safety, protection and support.



2.

Build institutional capacities to transform organizational cultures and create gender awareness and sensitivity.



3.

Promote comprehensive legal and policy frameworks.

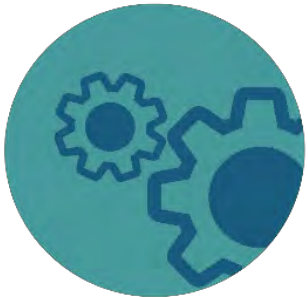


Recommendations



4.

Ensure approaches sensitive to sexual violence survivors are reflected in criminal justice policies, practices and resources.



5.

Develop effective internal and external oversight and accountability mechanisms.



6.

Promote specialized expertise at all stages of the criminal justice system.



Recommendations



7.

Promote an integrated and coordinated criminal justice, government and civil society response.



8.

Develop effective monitoring and evaluation mechanisms.



9.

Prioritize resources, both human and financial, for effective delivery of services.



“It was a complex process. The system is not women-friendly. But I couldn’t surrender just because of that. I continued to fight for my rights, for the justice that I deserve.”

- A female rape survivor

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