



REVENGE, LIES, AND HYPOCRISY: EXAMINING
THE ROLE OF CORRUPTION IN RAPE CASES
AROUND THE WORLD

October 2021

**COMMON GOOD
FOUNDATION**
Dignity Rights Justice

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I. INTRODUCTION: THE ROAD TO NOWHERE

In September 2020, a mother found her 19-year-old daughter lying on the ground in a field of crops in Uttar Pradesh, India. The victim's mother recalled that her daughter was "battered and bruised, and barely conscious and naked from the waist downwards...she was bleeding, she couldn't move her neck, her arms and legs were lifeless, she was vomiting blood."¹ The young Dalit woman was brought to the police station where they questioned her. She repeated that she was attempting to stop zabardasti (rape). While she was alive, she named four perpetrators and one was a person in a higher caste. Complicating matters in the case was the behavior of police who did not properly document the report into police records nor did they call an ambulance for the victim despite her condition. The obstetrics and gynecology doctor that examined her concluded that "there was signs of force" in her vaginal area, yet the forensic report that would later come out after her death, would find no semen in her viscera sample.² The victim died on September 29, 2020 and her body was quickly cremated, without consent of the family, on September 30, 2020.³ Friends of the young victim have started to come forward, detailing how the victim had been "eve teased"⁴ by the perpetrators in the matter and the victim was afraid to tell her family as the perpetrators had threatened her family if she spoke out.⁵

This Common Good Foundation (CGF) report began in response to the events that took place in Hathras. The report quickly (and easily) expanded to an examination of how corruption plays a role in rape cases around the world. Sadly, the Hathras, Uttar Pradesh case from its inception to its current state is not an exception to rape cases that are reported around the world. This report will examine two major themes connecting rape and corruption and will conclude with

¹ BBC, "Hathras case: a woman repeatedly reported rape. Why are police denying it?" October 10, 2020, <https://www.bbc.com/news/world-asia-india-54444939>

² Ibid

³ The Hindu, "Hathras victim was gang-raped, murdered: CBI" December 18, 2020, <https://www.thehindu.com/news/national/other-states/hathras-case-cbi-invokes-charges-of-gangrape-and-murder-against-four-accused/article33363072.ece>

⁴ Term used mainly in India, for sexual harassment. See S.L. Talboys *et al.* 'What Is Eve Teasing? A Mixed Methods Study of Sexual Harassment of Young Women in the Rural Indian Context', *SAGE Open*, 2017, doi: [10.1177/2158244017697168](https://doi.org/10.1177/2158244017697168).

⁵ Nidhi Suresh, "A year after Hathras gangrape, victim's friend details history of harassment" NewsLaundry, September 22, 2021, <https://www.newslaundry.com/2021/09/22/a-year-after-hathras-gangrape-victims-friend-details-a-history-of-harassment>.

recommendations on what “next steps” governments can do to further increase protections for women and girls from rape.⁶

II. CORRUPTION: FAST AND LOOSE

The United Nations Convention against Corruption (UNCAC) does not define the term “corruption.”⁷ UNCAC is a legally binding instrument that has been ratified by a large majority of UN member states. UNCAC is intended to achieve cooperation among states to prevent and combat corruption and integrity, accountability, and proper management of public affairs and public property.⁸ There are four major UNCAC articles that come into play when examining rape cases around the world. UNCAC Article 11 discusses the importance of a strong judiciary and prosecution in combatting corruption. In addition, several articles ask state parties to create legislation around certain crimes such as bribery of officials (Article 15 and 16), abuse of functions (Article 19), and obstruction of justice (Article 25).

In May 2021, several UN human rights treaty bodies issued a statement that identified the impact corruption has on human rights. Treaty bodies such as the Convention on the Elimination of Discrimination against Women (CEDAW) noted,

“Corruption in all its forms disproportionately affects women and undermines their empowerment, leadership and agency on an equal footing with men in political, economic, social and other spheres of public life. By exacerbating pre-existing gender inequalities, corruption impedes, among others, women’s access to justice...”⁹

The statement went on to say,

“[c]orruption also undermines the right to a fair trial and access to truth, justice and reparation. This occurs for example where pressure is put on authorities involved or when

⁶ This report examines women and girls, although the Foundation is aware that the crime of rape takes place against men and boys as well. It would be unfair to assume that the same types of variables exist for men and boys. Therefore, a specific report which calls attention to those challenges is warranted for that population.

⁷ For the purposes of this report, we will adopt the definition that is utilized by Transparency International, one of the largest non-governmental organizations dedicated to raising awareness on corruption. Transparency International defines the term as “abuse of entrusted power for private gain.”

⁸ United Nations Convention against Corruption, Article 1.

⁹ The United Nations Office of the High Commissioner for Human Rights, Joint Statement on “Corruption and Human Rights” May 31, 2021, para 8, available at: <https://www.ohchr.org/Documents/HRBodies/TB/AnnualMeeting/JointStatementonCorruptionandHR20May2021.docx>.

courts hear cases only if parties bribe judicial staff and judges. Such practices directly put at stake the possibility for victims to access the truth in their cases, and more broadly affect the rule of law, democracy, good governance and the administration of justice.”¹⁰

CGF also notes with interest the report that was issued by the UN Special Rapporteur on Violence against Women, Dubravka Simonovic, in April 2021 on rape as a human rights violation. In the report, the Special Rapporteur focuses on the shortcomings of national legislation and the problems laws have posed for the rape prosecutions.¹¹ The report makes no assessment nor mention of the role corruption may play in proceedings and how the inadequacies in procedures during the pre-trial stage may lend itself to corrupt practices and influences.

There are two other regional conventions that are noteworthy. In the Americas, the Convention of Belem do Para (1994) and in Europe the Istanbul Convention (2011) which are both binding instruments to prevent and stop violence against women.¹² Turkey recently pulled out of the Istanbul Convention.¹³ Regardless, it appears that the theme of corruption in rape cases has hardly made an appearance in most conversations within these regions despite these instruments.

III. RAPE AND CORRUPTION

CGF has determined that given the overall trend of information¹⁴ that has been published in the last four years, that there are two strong themes that directly relate to corruption that continue to resurface in the handling of rape cases around the world. These two themes are (1) mishandling of rape cases by police, notably prior to the pre-trial stage and (2) moral turpitude of law enforcement.

¹⁰ Ibid, para 10.

¹¹ See Report of the Special Rapporteur, “Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention” A/HRC/47/26, April 19, 2021.

¹² See Organization of American States and the Council of Europe, “Regional tools to fight violence against women: The Belem do Para and Istanbul Conventions” 2014, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680465f70>.

¹³ Al Jazeera, “Turkey pulls out of the treaty protecting women from violence” March 20, 2021, <https://www.aljazeera.com/news/2021/3/20/turkey-pulls-out-of-treaty-protecting-women-from-violence/>.

¹⁴ It should be noted that there is a lack of information related to the handling of rape cases around the world (specifically at the pre-trial stages). In some instances, the Foundation examined research as far back as 2012, but this report utilizes newer sources.

Barriers to Reporting

Operating in the background of these two themes are barriers to reporting. Barriers to reporting the crime of rape cannot be separated from situations that lead to corruption because those barriers can create pathways to make corruption thrive. In many cases, the attitude of law enforcement towards the victims may be a result of profiling, due to their race or socio-economic class compounded by the crime they are reporting. In addition, the lack of confidence around police response, whether or not a victim will be believed, also deters many from feeling comfortable enough to report crimes. As we have discussed in the Introduction, in the Hathras case, the victim's caste and the caste of those accused appeared to play a significant factor in how the police handled the case.

In 2021, Finland reported a rise in sexual violence related cases.¹⁵ Helsinki police claim that raising awareness about these particular crimes have given people more confidence to call and report such crimes.¹⁶ However, other reports indicate that victims of rape in Finland have different reasons not to report such crimes to the police due to a lack of supportive responses during the first point of contact with law enforcement.¹⁷ In 2017, statistics in Finland highlighted that out of 50,000 women who reported sexual abuse, only 209 convictions were made.¹⁸ Human rights researchers indicate that this correlates to the inability of women to report rape due to “rape myths.”¹⁹

In countries such as Australia, Aboriginal and Torres Strait Islander and Indigenous women face a number of complex barriers to accurately reporting sexual assault, including cultural interpretation of violent behavior, lack of culturally appropriate services, language differences and lack of trust in police.²⁰ Indigenous women in Australia who seek help from authorities, “are

¹⁵ Tahira Sequeira, “Latest figures indicate alarming rise in sexual offences in Helsinki” Helsinki Times, July 28, 2021, <https://www.helsinkitimes.fi/finland/news-in-brief/19686-latest-figures-indicate-alarming-rise-in-sexual-offences-in-helsinki.html>.

¹⁶ Ibid.

¹⁷ Amnesty International (Finland), “Fighting the lottery – Overcoming barriers to justice for women rape survivors in Finland” March 6, 2019, p.5., https://s3-eu-west-1.amazonaws.com/frantic/amnesty-fi/2019/03/19144800/Fighting-the-lottery_final.pdf.

¹⁸ Julia Naftulin, “Women in Nordic nations deal with high levels of rape and abuse even as the countries lead in gender equality” Insider, April 16, 2019, <https://www.insider.com/women-in-nordic-countries-high-levels-of-rape-2019-4>.

¹⁹ See University of Richmond, “Rape Myths” <https://prevent.richmond.edu/prevention/education/rape-myths.html> (accessed October 10, 2021).

²⁰ A. Olsen A & R. Lovett, “Existing knowledge, practice and responses to violence against women in Australian Indigenous communities,” State of knowledge paper. Sydney: ANROWS, 2016,

often met with negligence or further violence.”²¹ Researchers have noted that the “media often frame Indigenous women as somehow deserving of such violence.”²²

In Israel the government has made a commitment to undergo a review on the way police handle sexual offense cases.²³ Israel’s Association of Rape Crisis Centers noted that “rape was the offense with the least amount of indictments issued versus cases closed, with an indictment in just 8% of the cases.”²⁴

It is also important to recognize that some survivors of sexual assault may not want to open up about their experiences right away or have troubling classifying what happened to them as “sexual assault” or “rape” which may also stop them from reporting the crime.²⁵ This in turn may be interpreted as a victim “making up” stories due to the delay in reporting.

a. Theme 1: Law Enforcement Mishandling of Cases pre-trial

The first theme involves how law enforcement handles cases once they are presented to them and other factors such as collecting evidence and witness interviews. Most of these events take place prior to the pre-trial stage of a case. Unfortunately, this is a large area of concern as it presents the largest opportunities for corruption to appear. Perpetrators of crime benefit from corruption at this stage because in rape cases, the gathering of evidence is usually considered by police to be time sensitive. CGF has found that there are instances of direct cash bribes which are offered to police officers, purposeful (which appears negligent) mishandling of evidence, and inappropriate influences and interventions which are all contrary to the spirit and intent of UNCAC Articles 15 and 16 (bribery) and Article 25 (obstruction of justice).

<https://www.anrows.org.au/publication/existing-knowledge-practice-and-responses-to-violence-against-women-in-australian-indigenous-communities-state-of-knowledge-paper/>.

²¹ Bronwyn Carlson, “No public outrage, no vigils: Australia’s silence at violence against Indigenous women” The Conversation, April 16, 2021, <https://theconversation.com/no-public-outrage-no-vigils-australias-silence-at-violence-against-indigenous-women-158875>.

²² Ibid.

²³ Eve Young, “Stern scandal: Israel must address sexual assault complaints – analysis” The Jerusalem Post, October 10, 2021, <https://www.jpost.com/israel-news/stern-scandal-israel-must-address-sexual-assault-complaints-analysis-681589/>.

²⁴ Ibid.

²⁵ Bri Lee, et. al “Delays in Reporting Alleged Rape are common – even years later. This isn’t a barrier to justice.” The Conversation, March 1, 2021, <https://theconversation.com/delays-in-reporting-alleged-rapes-are-common-even-years-later-this-isnt-a-barrier-to-justice-156201>.

Some concrete examples are worth mentioning here.²⁶ Cash bribes are the most obvious form of corruption which appear in rape cases. Officers may take cash bribes to dispense of cases against perpetrators. One example took place in New Delhi, India where two police officers were arrested for attempting to settle a rape case for 50,000 rupees. The officers were caught as a result of a sting operation.²⁷ Other instances of cash bribes have taken place in Ahmedabad, where the public-sub-inspector investigating a rape case accepted a bribe worth 2,000,000 rupees from the accused- managing director of a company.²⁸ In another incident of a similar nature, a police officer demanded a bribe of 20,000 rupees for approving a rape victim's claim of compensation.²⁹ Similarly in South Africa, officers were arrested when they asked the accused to pay 25,000 rand to stop investigating the accused for rape.³⁰ In South Africa there are other instances of police officers taking bribes, even to drop charges against spouses, in rape cases.³¹

In Nepal, researchers have documented that while rape cases have increased, the “systemic corruption in the police force enhances a culture of impunity towards rapists, even if they are also murderers.”³² In a case that took place almost three years ago, Nirmala Pant, a 13-year-old, went to visit her friend on her bicycle. Nirmala's body was found the next day in a field in between her and her friend's home. It appeared evident that the young girl had been raped and

²⁶ CGF solely used media reports for the examples as they are publicly available for further examination and study by the reader.

²⁷ Times of India, “Woman cop among 2 held in Delhi for taking bribe to settle rape case” October 11, 2021, <https://timesofindia.indiatimes.com/city/delhi/woman-cop-among-2-held-for-taking-bribe-to-settle-rape-case/articleshow/86919360.cms>.

²⁸ ‘PSI held for ‘accepting bribe of Rs 20 lakh from rape accused’ (4 July 2020) < <https://indianexpress.com/article/cities/ahmedabad/psi-held-for-accepting-bribe-of-rs-20-lakh-from-rape-accused-6490403/> > (accessed 12 April 2021)

²⁹ ‘Uttar Pradesh: Cop caught taking Rs 20,000 from rape survivor’ (28 March 2021) < <https://timesofindia.indiatimes.com/city/varanasi/uttar-pradesh-cop-caught-taking-rs-20000-from-rape-survivor/articleshow/81731965.cms> > (accessed 12 April 2021)

³⁰ Nicole McCain, “Three cops in court for allegedly requesting R25 000 bribe to make rape charge disappear” News24, June 8, 2021, <https://www.news24.com/news24/southafrica/news/three-cops-in-court-for-allegedly-requesting-r25-000-bribe-to-make-rape-charge-disappear-20210608>.

³¹ Alex Mitchley, “Cope accused of using Bushiri money as bribe to quash rape charge to stand trial in September” News24, June 23, 2021, <https://www.news24.com/news24/southafrica/news/cop-accused-of-using-bushiri-money-as-bribe-to-quash-rape-charge-to-stand-trial-in-september-20210623>.

³² Saul Mullard and Jenny Bentley, “Police corruption and rape case cover-ups in Nepal” U4 Anti-Corruption Resource Centre, October 25, 2018, <https://medium.com/u4-anti-corruption-resource-centre/police-corruption-and-rape-case-cover-ups-in-nepal-7b2d10f7ee2e>

murdered.³³ The police were caught on video engaging in unethical behavior, including tampering with the victim's body. The police continue to point the finger at another person, even though DNA evidence clearly excluded the person as a suspect.³⁴ Subsequently, the brother of the falsely accused and the mother of the victim pressed charges against the officers for unlawfully extracting a confession under torture and destroying evidence. In a not so shocking turn of events, the court absolved the officers of all the charges.³⁵ To date, the case remains unsolved. This may not come as a surprise as in Nepal where "more often than not, culprits use personal connections, money, and power to remain beyond the scope of the judiciary, activating existing social networks of corruption between police, politicians, and other rich and powerful players."³⁶

It would come as no surprise then that in some cases, there are undesirable internal and external influences that may corrupt a rape investigation or case from moving forward. In an article written by Shuva Das, prosecutors in Bangladesh are not likely to get convictions in rape cases due to factors such as "illegitimate political intervention." The author explains that "many political demagogues back up rapists on the grounds that they are politician's relatives, nurtured or hired hooligans, or political bedfellows."³⁷ In 2018 in Halifax, Canada, the victim alleged that she was abducted and raped by two men. She reported the crime to police but the officer who was investigating her case was allegedly asked to shut down the investigation and the investigating officer was subsequently moved out of the sex assault unit.³⁸ Workforce issues and organizational challenges have been asserted as the reason it has taken over two years for the victim's case to be appropriately handled.³⁹

³³ Nayak Paudel, "Everything you should know about Nirmala Pant rape and murder case" The Kathmandu Post, September 11, 2019, <https://kathmandupost.com/national/2019/07/25/everything-you-should-know-about-the-rape-and-murder-of-nirmala-pant>.

³⁴ Ibid.

³⁵ Bhawani Batta, "Court acquits eight police officers charged in connection with Nirmala Pant rape-murder case" The Kathmandu Post, July 30, 2020, <https://kathmandupost.com/sudurpaschim-province/2020/07/30/court-acquits-eight-police-officers-charged-in-connection-with-nirmala-pant-rape-murder-case>.

³⁶ Mullard, note 19.

³⁷ Shuva Das, "Rape in Bangladesh: An Epidemic Turn of Sexual Violence" Harvard International Review, January 11, 2021, <https://hir.harvard.edu/rape-in-bangladesh-an-epidemic-turn-of-sexual-violence/>.

³⁸ CBC News, "Charges laid in high-profile rape case following accusations of police negligence" February 13, 2020, <https://www.cbc.ca/news/canada/nova-scotia/sexual-assault-police-crime-justice-investigations-1.5462322>.

³⁹ Ibid.

b. Theme 2: Moral Turpitude by Law Enforcement

Common dictionary definitions define “abuse of power” as a person who uses their position of authority to promote their own self-interest or to influence others. Abuse of power or alternatively – cases of moral turpitude - are perpetrated by law enforcement towards rape victims who are reporting a crime or they perpetrate rape against women and girls using their position of power. Sadly, several recent cases highlight this theme.

A German Court has handed jail terms to two police officers for using their office to sexually abuse a woman they were investigating. The men claimed they were seduced while checking the woman's documentation.⁴⁰ Multiple cases of moral turpitude and abuse of power by police in France have been reported over the last three years. In 2019, after a five year wait, two police officers from one of France’s elite units have been sent to jail for seven years for the gang-rape of a Canadian tourist at 36 Paris Police Headquarters.⁴¹ In another case in March 2021, a court mitigated the charges against firefighters for raping a minor (the Julie case) because it had not been proven the men “used moral restraint.”⁴² It was alleged the firefighters had obtained the minor’s information after she attended the station for medical help and continued to groom her for a period of time before raping her.⁴³

In the United States, research from Bowling Green State University states that over a nine-year period, police officers in the U.S. were charged with over 400 offenses of rape.⁴⁴ Experts say the statistics on sexual assaults by police are almost nonexistent.⁴⁵ "Police sexual misconduct and cases of police sexual violence are often referred to as hidden offenses, and studies on police

⁴⁰ Deutsche Welle (DW), “Germany: Policemen jailed for using office for sexual abuse” July 13, 2020, <https://www.dw.com/en/germany-policemen-sex-abuse/a-54164885>

⁴¹ The Guardian, “French police officers jailed for raping Canadian tourist”, January 31, 2019, <https://www.theguardian.com/world/2019/jan/31/french-police-officers-jailed-for-raping-canadian-tourist>.

⁴² Kim Willsher, “Firefighters should not face charge of raping girl, French Court rules” The Guardian, March 18, 2021, <https://www.theguardian.com/world/2021/mar/18/firefighters-should-not-face-charge-raping-girl-french-court-rules>.

⁴³ Ibid.

⁴⁴ Bowling Green State University, Henry A. Wallace Police Crime Database, “Forcible Rape Offense lists 517 charges” <https://policecrime.bgsu.edu/Home/Crimes#>, (accessed on May 27, 2021).

⁴⁵ WVLT News, “US police officers charged with more than 400 rapes over 9 years, research says” October 19, 2018, <https://www.wvlt.tv/content/news/US-police-officers-charged-with-more-than-400-rapes-over-9-years-research-says---498041931.html>.

sexual misconduct are usually based on small samples or derived from officer surveys that are threatened by a reluctance to reveal these cases."⁴⁶

Mexican police forces have gained visibility for abuse of power and moral turpitude. In August 2019, six police officers in Mexico City had been suspended as part of investigations into the alleged rape of two teenage girls. A year prior, the Inter-American Court of Human Rights condemned Mexico for sexual abuse and rape against various protesters in the State of Mexico by members of the police forces.⁴⁷ A similar situation unfolded in Colombia with allegations that police forces sexually abused protestors and perpetrators enjoying impunity for their actions.⁴⁸

CGF notes that the digital dimension cannot also not be forgotten within the realm of abuse of power and moral turpitude. Recent reports indicate that in Egypt police have been using social media to bait people who may belong to the LGBTQ community and upon their arrests for violating laws, the people detained are subject to sexual violence in the prisons.⁴⁹

IV. RECOMMENDATIONS

CGF recommends the following in response to the challenges corruption poses in rape cases:

- Examination by the UNODC on the role of corruption in rape cases and guidelines on how states can utilize UNCAC to further prevent the role of corruption in rape cases.
- Examination by the UN Special Rapporteur on Violence against Women and the CEDAW Committee on the role that corruption plays in rape cases.
- Examination by state parties to the Belem do Para Convention and Istanbul Convention on the role corruption plays in rape cases.

⁴⁶ Ibid.

⁴⁷ Albinson Linares, "Mexican women have been physically, sexually abused for participating in protests" Telemundo, March 10, 2021, <https://www.nbcnews.com/news/latino/mexico-women-physically-sexually-abused-participating-protests-rcna373>.

⁴⁸ Human Rights Watch, "Colombia: Egregious Police Abuses Against Protesters" June 9, 2021, <https://www.hrw.org/news/2021/06/09/colombia-egregious-police-abuses-against-protesters#>.

⁴⁹ Daniel Villarreal, "Egyptian Police Using Social Media to Trap and Rape Suspected LGBTQ People" Newsweek, October 5, 2020, <https://www.newsweek.com/egyptian-police-using-social-media-trap-rape-suspected-lgbtq-people-1536493/>.

- Appropriate methods for collecting data and statistics on rape cases from pre-trial to closing stages.
- An increase in the amount of training local police officers receive on “rape myths” and an increase in training on best practices for documenting rape cases and evidence collection.
- Facilitating and providing an ability for women and girls to report incidences such as sexual harassment and “eve teasing” in order to prevent a further escalation of violence. In addition, training law enforcement to take these types of behaviors seriously when reported.
- Cross jurisdictional training on best practices in combatting corruption within the police force, in line with the goals and spirit of UNCAC.
- CGF encourages states to encourage the use of trained independent experts from pre-trial to closure stages in rape cases so that victims can feel that their needs are attended to directly. In some jurisdictions, a person from “victim’s services” are assigned to walk the victim through the case and offer psycho-social support while their case is being processed.

V. CONCLUSION

Since the death of the young victim in the Hathras case, the family continues to live in an uncomfortable type of isolation because of the threats that they face from neighbors as the case continues.⁵⁰ The family hopes the perpetrators will be convicted soon, so they can finally scatter their daughter’s ashes.

CGF hopes this brief report can open the door to further conversations about rape in the justice system and how corruption wreaks further havoc on these cases which are extremely challenging to navigate.

⁵⁰ BBC, note 1.