

# Stopping predators in their tracks

**PREDATOR  
IN MY PHONE**  
rage.com.my/predator

The Hentikan!! national seminar was a ground-breaking moment in Malaysia's war against the child sexual crimes epidemic.

Stories by LIM MAY LEE  
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IT was an event several decades in the making. Child rights advocates, NGOs, lawyers, police officers, lawyers and educators in Malaysia have been diligently fighting child sexual crimes on their own for what must have seemed like an eternity, and they finally had their day to speak out.

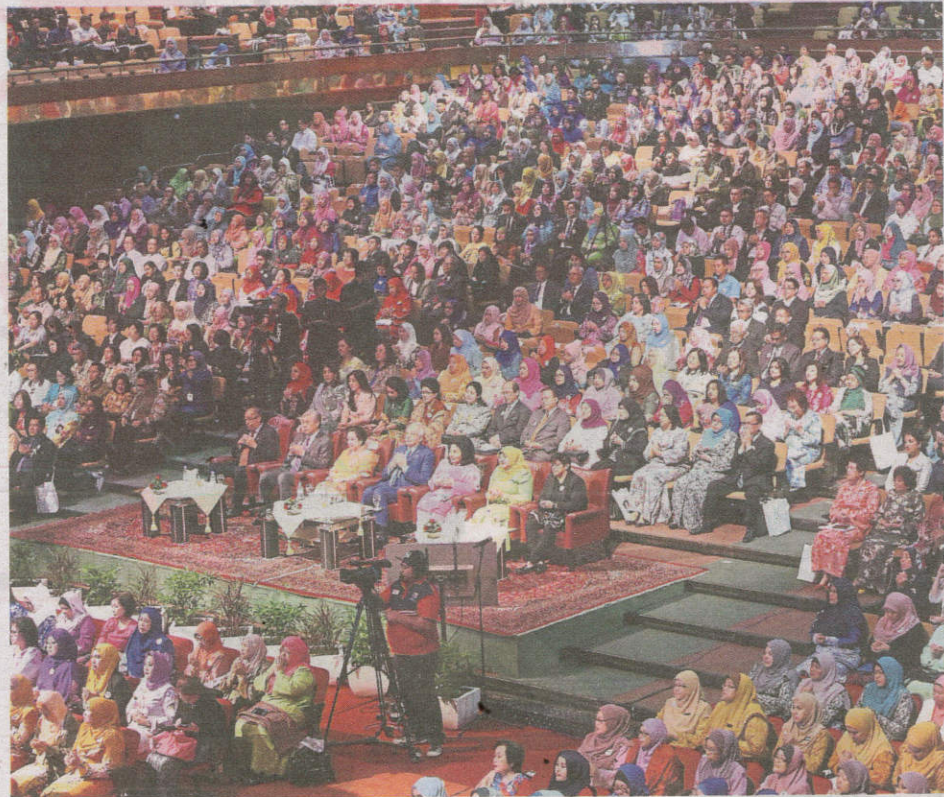
The *Jenayah Seksual Kanak-Kanak: Hentikan!!* (Child Sexual Crimes: Stop It!!) national seminar on March 13-14 saw over 2,000 representatives of various stakeholders come together to discuss solutions to end the child sexual crimes epidemic in Malaysia.

Representatives of the highest levels of government came to hear them out, and they don't get any higher than the Prime Minister, Datuk Seri Najib Tun Razak.

His wife, Datin Seri Rosmah Mansor (patron of the Permata Programmes, the main organisers of the seminar), closed the event with a rousing call-to-arms for all levels of society to join the war against child sexual crimes, and pledged to help ensure the best solutions put forward are implemented.

It has been a long journey for us at RAGE, from the launch of our *Predator In My Phone* investigation last year to being part of the Hentikan!! team. But, as we were constantly reminded during the seminar, this is just the beginning.

Countless issues were discussed throughout the seminar, from the new child sexual crimes bill (to be tabled in Parliament next week) to the need for better sex education, but here are the four biggest issues you should know about.



Over 2,000 representatives from various government ministries, education groups, NGOs, legal associations and more showed up in force to discuss solutions to child sexual crimes at the Hentikan!! seminar. — AZHAR MAHFOF/The Star



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# Special courts

Children should be given a protected environment to have their cases heard.

21/3/17 The STAR Tuesday.



Prime Minister Datuk Seri Najib Razak sent shockwaves – of the good sort – rippling through the crowd when he announced the government's plans to set up a special court specifically for sexual crimes against children.

"This court will help the government in its aim to protect children holistically, and speed up as well as ease court proceedings involving child survivors (of sexual crimes)," he said to huge applause.

But while some lawyers and NGOs expressed concern that it may have been a spur-of-the-moment announcement, the government appears ready to walk the talk.

Minister in the Prime Minister's office Datuk Seri Azalina Othman Said, who is also head of the government's child sexual crimes task force, is already laying the groundwork for the special court to be implemented.

"We'll need to look into special training for magistrates, judges and prosecutors," she said. "For example, public prosecutors will need to be well-versed and trained in child psychology, and even the judges will need to be trained in child laws and protocols related to child victims."

"This issue won't just sit there, it will be followed through, and I'll ensure that everybody receives proper training," said Azalina.

Azalina also told *R.AGE* she plans to draft a Cabinet paper on the specialised training required by court personnel and public prosecutors.

Malaysian Bar Council member Srividhya Ganapathy welcomed Azalina's statements on the plan of implementation, adding that the special courts "shouldn't be a knee-jerk reaction".

Srividhya was one of several lawyers at the seminar who made additional recom-

mendations.

She called for the Evidence of Child Witness Act 2007, which provides special considerations to protect child witnesses in court, to be amended to cover children up to 18 years old. At the moment, it only covers children below 16.

"Also, other countries have removed the need for corroboration (for child witnesses' testimonies).

"Our new special court should do the same, in order to make it easier for children to testify," she said.

She also suggested equipping the court with the technology required for testimony via video link.

In countries like Britain, the United States, and Uganda, child witnesses can testify remotely via video, making the process less traumatic. Under the Evidence of Child Witness Act, Malaysian courts accept this form of testimony, but many courts lack the necessary amenities.

In some courtrooms, child victims still need to sit in the same room as the abuser, albeit behind a screen, but they would still be able to hear their abuser's voice.

That unnecessary trauma, she said, could easily be corrected in the special court. But that wasn't all she was concerned about.

"What I'm worried about is that the bill may be passed and the special courts set up, but the existing infrastructure to protect children won't be strengthened," she said.

"There are plans to implement the necessary training, but people are still taking pictures of children in court, and disclosing confidential information like the kampung the arrest took place in, which could ostracise the child and his or her family."

## Plan for the nation

Sharmila Sekaran, lawyer and chairperson of NGO Voice of the Children, urged the government to implement the special courts consistently throughout the country.

"We need to think about the practicalities involved in setting up a new court," she said. "The costs, for example. Do we have the budget to set up special courts in every town? Or will it be in major cities only?"

In big cities like Kuala Lumpur, she said, there's a special children's court that's brighter and friendlier than adult courts. But in smaller towns, "children's court" is held in the same courthouse, but on a designated day due to budget constraints.

In courthouses like those, any child whose hearing has been delayed would have to wait a week for the next designated "child court" day to proceed with their case.

But a special court shouldn't just be about having a designated building for children. Sharmila also suggested having specially-assigned prosecutors, and ensuring that all judges, from magisterial to high court levels, are properly trained, in the event a ruling is appealed and tried in a higher court.

"Our prosecutors are overworked," she added. "Ensuring they work specifically with this court will give them the time they need to fully focus on giving the children the attention they need, instead of treating them like another file in their caseload."

"I applaud the idea (of the special courts), but we have to remember that we need different procedures for it to work. It's a lot to think about, but if it helps the children, it'll be worthwhile."





announcing plans for a special child sexual crimes court, prompting a thunderous round of applause from the audience.  
— NORAFIFI EHSAN/  
The Star

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## Support systems for child survivors

The seminar discussed some of the support services currently available, and the need for improvement.

By **SAMANTHA CHOW**  
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MOST survivors of child sexual abuse in Malaysia have to go through a long, complicated, and often traumatic, court process, which can take years to resolve.

Lawyers, NGOs and child rights groups have railed against the system for decades, with little success. Until now.

Datuk Seri Rohani Abdul Karim, the Minister of Women Family and Community Development (KPWKM), told *R.AGE* in an exclusive interview during the Hentikan!! seminar that there are support systems in place for child survivors, and that the Ministry will seek to improve their delivery.

"We have child protectors, psychologists and witness support service officers available to all child witnesses including child offenders," said Rohani. "It is standard operating procedure for JKM (the Social Welfare Department, under Rohani's purview) every time a child has to go to court."

The Witness Support Service Programme in particular provides emotional support to the child, and acts as a communication channel between the police, prosecutors and children involved.

While the officers do not give any legal advice, they make the court process smoother for the child by familiarising the child with court procedures, and providing assistance such as transportation.

There are currently over 300 Witness Support Service Officers nationwide who also act as Child Protection Officers. They are assigned to the child once a police report is made and ensure the child is kept safe while awaiting court hearing.

However, with JKM receiving almost 5,000 child sexual abuse cases in 2016 itself, there is a severe lack of manpower.

This is where some remarkable NGOs and watching brief lawyers come in, taking up the torch to meet this incredibly important need for children across the country.

"Most of our cases are referred from the hospitals' One Stop Crisis Centre process," said Penang-based NGO Women's Centre for Change (WCC) senior advocacy officer Melissa Mohd Akhir.

"From there, we match our services to the survivor or client, and determine what the child needs – does she or he need to see a doctor, psychiatrist or the police?" she explained.



"For survivors already at the court stage, we usually try to connect to JKM first, but if there are complications, we step in."

Melissa has assisted in about 60 child sexual abuse cases in the past six years.

As a former prosecutor, Melissa said lawyers who come in contact with child sexual crime cases should go through compulsory training on how to handle these cases as they are usually very complex.

"Child-specific training and handling of child witnesses should be compulsory for everyone who handles child sexual crime cases," she said.

Association of Women Lawyers exco member Daniella Zulkifli added that it is crucial to have a trained social worker in cases involving a child.

"The social worker has to spend time with the child in order to build rapport and gain his or her trust," she said.

"Otherwise, the child may not be so forthcoming with their information during the police report and court process, and if they're not willing to speak up, then it's going to be very difficult because verbal testimony is still important."

As a watching brief lawyer, Daniella attends the child's hearings to ensure the child gets a fair trial. They provide legal counsel, often for free, while social workers provide emotional support.

"Although conviction is not in our hands, having a support system makes it easier for child survivors to speak up and not be traumatised all over again," said Daniella.

The police have also set up their own support systems for child survivors. Bukit Aman's Sexual, Women and Child Investigation Division (D11) has Child Interview Centres (CIC) in every state to pro-

### Helplines:

- > **Protect and Save The Children**  
03-7957 4344 / 7956 4355
- > **Women's Aid Organisation**  
03-956 3488 / 018-988 8058
- > **Voice of The Children**  
03-7960 4776
- > **Women's Centre for Change (Penang, Kedah, Perak)**  
04-228 0342
- > **Bukit Aman Malaysia Control Centre**  
03-2266 3333 / 2266 3344
- > **Talian Nur 15999**

vide emotional support for the child while collecting evidence to be used in court.

The child-friendly CICs (which look more like childcare centres than police stations) have sophisticated recording technology manned by trained personnel to interview child survivors. Children are also provided with anatomically-correct toys to describe what happened between the child and the perpetrator.

The recordings done in the CIC can be used as evidence in court, which means the child does not have to relive his or her experience multiple times. However, there aren't enough CICs to deal with the number of reports received by the police.

But despite all these support services being available, the majority of child sexual crimes cases are still not being reported in Malaysia.

Many NGOs and child advocates say the services are not being implemented properly and don't receive enough funding. Also, the agencies do not communicate enough.

"Based on our experience in Penang, Kedah and some areas of Perak, it's very rare that we receive support from JKM for child witnesses," said Melissa.

"We have a dialogue every six months with JKM and DPP, and they told us they only provide support for child witnesses in court about once a year.

"We went to the Sungai Petani court and the JKM officer there was helpful, but she wasn't told there was a child witness. There's a disconnect between JKM and the prosecutors."

Nevertheless, the NGOs acknowledge there are now steps being taken to address these concerns.

WCC is working together with KPWKM, JKM and the judiciary to launch a document of recommendation and action plans, which is supported and paid for by the Prime Minister's Department.

Representatives from JKM and the Attorney-General's Chambers have also assured us that they are aware of the hurdles they have to overcome, and are in the midst of implementing new procedures to ensure a better court experience for children.





# Law and order

The new child sexual crimes bill will be tabled in Parliament next week. Here's what we already know.

By **NATASHA VENNER-PACK**  
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WHEN Datuk Ilani Mohd Ibrahim stepped up to talk about the proposed child sexual crimes bill and amendments to existing laws, everyone waited with bated breath.

As the bill is still under wraps, Ilani, parliamentary draftsmen in the Attorney-General's Chambers (AGC), kept the topic firmly on existing laws, which led to many questions being asked by the audience during the Q&A.

Here are the five points Ilani made during the Q&A session, which we translated into layman's terms with help from Tham Hui Ying, vice-president of the Association of Women Lawyers:

**1.** Current laws are too general. Looking at how technology has affected the way predators approach children, the AGC is working to include more detailed laws against sexual crimes, as well as child-specific laws in the new bill. Punishments will also be changed to suit the severity of the crime.

**2.** Guardians – and the term includes parents, teachers and health professionals – who have the highest responsibility towards the child will receive a heavier punishment if found guilty of child abuse.

**3.** The definition of rape will be amended to include bodily objects. Previously the legal definition was penile intercourse without the woman's consent.

**4.** The Evidence of Child Witnesses act currently defines a child witness as 16 and below. According to Ilani, there may be an amendment to include children up to 18.

This will allow them the protection provided under the act, such as allowing the victim to testify via video link to lessen any potential trauma stemming from having to be in the same room as his or her abuser.

**5.** The bill will also cover online pornographic material. Previously it only included printed pornographic materials or photographs.



## Statistics by MCMC Focus Group Study on Child Online Protection (COP) 2015.

Information shared by these children on social networking sites:

Use real names  
**77%**

Post self-related images  
**61.8%**

Show real age  
**46.6%**

Show school name  
**37.1%**

Phone number  
**29.2%**

House location  
**21.3%**

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\* Azalina (second from left) has been the driving force behind the new child sexual crimes bill. — NORAFIFI EHSAN/The Star

By **CARLOS RUBEN DOURADO & THAI LI YIN**  
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HERE are some suggestions for the child sexual crimes bill ahead of its tabling in Parliament next week.

### Laws against child marriages

Despite Malaysia having adopted a United Nations' resolution to end child marriage in 2013, child marriages are still allowed under special provisions of the syariah courts.

"We should outlaw child marriages because sexual intercourse with a girl under 16 is still considered a sexual crime against children according to the Penal Code," said Kulai MP

## Experts' suggestions for the new bill

Teo Nie Ching.

### Sex offender registry

Sharmila Sekaran, chairperson of Voice of The Children, suggested creating a sex offender registry. "It should also be mandatory for all bodies, organisations and schools that work with children to find out whether a prospective employee is on the registry," she said.

### Redefining rape

Datuk Ilani Mohd Ibrahim confirmed that the new bill will broaden the definition of rape

to other body parts, but there are still other aspects that could be included, specifically the use of objects, said Srividhya Ganapathy, member of the Bar Council Child Rights Committee.

"The current definition of rape is only restricted to unwanted penile intercourse with a woman. It does not cover boys (as victims) or objects," she said.

According to the old definition of rape, boys cannot possibly be victims, but as statistics from the Royal Malaysian Police show, there were a total of 422 reported cases of *seks luar tabii* (unnatural sex) from 2015 to

2016, which include male victims.

### Widening the scope of child sexual crimes

The new bill should also cover other types of child sexual offences apart from rape, especially online and offline sexual grooming, said Sharmila. "The reality is that children have been exposed to certain things earlier and with the whole grooming process, they eventually consent to the sex. Sometimes they're even told they won't get pregnant and they believe it," said Sharmila.



# Let's talk about sex... education

Finally, we're having an actual conversation about sex ed in schools.

By NATASHA VENNER-PACK  
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OF the many developments in the war against child sexual crimes announced at the Hentikan!! seminar, perhaps the most significant one happened behind closed doors.

During an exclusive interview with R.AGE, Women, Family and Community Development Minister Datuk Seri Rohani Abdul Karim pledged to improve sex education for children.

"There's a need to educate our children because they're now able to get all their answers from the Internet," said Rohani.

However, she admitted the ministry wouldn't be able to call it "sex education".

"We won't name it sex education per se, as the name is taboo. The programmes are about knowing your body, and we also try to dissuade children from making the wrong decisions if there's an accidental pregnancy," said Rohani.

Deputy education minister Datuk P. Kamalanathan, who was also at the Hentikan!! seminar, agreed with the need for sex education, but cautioned that it would be a difficult process deciding the content and age-appropriateness of the syllabus.

While there is no specific subject for sex education at the moment, Moral Studies, Biology and Islamic Studies all touch on the matter, said Kamalanathan.

"We're always open to suggestions, but every idea has to be carefully examined before being implemented. Each parent has their own definition of what's acceptable for children, but the ministry is open to the possibility of expanding sex education into a subject," he said.

But he was quick to add that "parents should be the first line of contact for children to discuss sex education".

Second deputy education minister Datuk Chong Sin Woon echoed Kamalanathan, saying the ministry was open to ideas to improve the syllabus.

## Expert suggestions

The current scientific approach to sex education may be a start, but it's simply not enough, said Datin Wong Poai Hong, honorary president of the Association of Registered Childcare Providers Malaysia.

"We need to teach them about sexually transmitted diseases (STDs), and also gender roles. We once ran a corporate project, with teenagers living in a plantation aged 13-18, and discovered the girls felt obliged to have sex if a boy wanted it. We had to teach them to say no!" said Wong. The project was cancelled after four years when a new CEO who was less open to sex education took over.

Instilling fear and pushing an abstinence-focused curriculum isn't helping either.

"The children will turn to the Internet instead. Learning should be interactive, so children will be comfortable enough to ask and tell you anything," said Madeline Yong, founder of NGO Protect and Save the Children and one of the speakers at Hentikan!!.

"More importantly, the teachers need to be trained so they don't let their own judgement affect their teaching."

Datuk Prof Dr Noriah Mohd Ishak, director of the Permata Pintar Negara complex in Universiti Kebangsaan Malaysia, added that school teachers also needed to undergo counselling training.

"They don't know the symptoms of a victim, so they can't detect if a child is showing signs of being sexually abused. Based on the feedback received during the PIBG, teachers and lecturers breakout session (at the seminar), it also seems parents don't understand the sex education provided by the ministry," said Prof Dr Noriah.

School counselor Khairul Irwan agreed, adding that improved sex education would prevent "experimentation" by students.

"Early exposure in the proper context is better for prevention. More importantly, with information, children have a choice and can make informed decisions," he said.

## The educators' role

Clearly, teachers play a huge role in getting the message out to children, but without any training or guidelines, most are left to fend for themselves in the classroom.

"There isn't any training for teachers regarding sex education. I graduated from teacher's college in 1993, and until now, I haven't seen a single training manual on teaching children about sexual health," said Nancy, a secondary school teacher from the Klang Valley who spoke on condition of anonymity as she feared repercussions at work for speaking out about the issue.

Primary school teacher Jessica Yong agreed, adding that many teachers have taken it upon themselves to figure out ways

to get the message across.

"We teachers discuss among ourselves how to deliver the material effectively since we're essentially just given a textbook and told to teach it, on top of our main subject," said Yong, 29.

"There's barely any time for children to absorb the material that's been mixed in with Moral Studies or Physical Education.

"They're interested in learning, but by the time I've finished explaining what little there is, the class is over. It should be a separate subject!"

However, Nancy and Yong may be in the minority.

According to Loke Yim Pheng, former secretary general of the National Union of the Teaching Profession (NUTP), the Education Ministry ran a survey among teachers and found that the majority didn't want to teach sex education.

"The problem is that some of them are very conservative, so it's hard to shift their way of thinking," said Loke.

The possibility of legal repercussions has also scared teachers off the idea of teaching sex education.

"Many teachers are worried they might teach the wrong thing or say the wrong word and be hauled off to court," said Loke.

## Improving sex education

Social activist Rabiathul Badariah, who works closely with an NGO that deals with child sexual abuse, said it has been a long, uphill battle for sex education.

"For many years, NGOs and activists have been trying to advocate the implementation of age-appropriate sex education, but there's been poor support and in some cases, outright rejection," said Rabiathul.

"Rohani mentioned the government will be more aggressive in taking action against child sexual crimes, as well as addressing loopholes in the law. I feel it's a great step but it's not an easy one," she said.

In the end, everyone needs to play a part in educating our children, and raising awareness is one solution, said Abby Latif, executive director for NGO WOMEN:girls.

"In order to protect and prevent, we need people to participate and make it their responsibility," said Abby, who is part of the organising team for #SayaSayangSaya, a nationwide tour of public town hall events aimed at educating children how to avoid child sex abuse and where they can find support.

"It's a platform for the whole community to come and ask questions of different experts, from the Federation of Reproductive Health Associations Malaysia, the Royal Malaysian Police, Unicef, Digi and R.AGE, and to realise it shouldn't be taboo. It's about constantly keeping the conversation going in a more informative way," said Abby.