

United Nations Study on Violence against Children

Response to questionnaire received from the
Government of Malaysia

QUESTIONNAIRE

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

- 1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.**

Malaysia acceded to the Convention on the Rights of the Child (CRC) in 1995 and subsequently The Child Act (611) was formulated. It is an Act to consolidate and amend the laws relating to the care, protection and rehabilitation of children and to provide for matters connected there with and incidental thereto. This act was implemented on 1st August 2002 and that the Act –

RECOGNIZING that the country's vision of a fully developed nation is one where social justice and moral, ethical and spiritual developments are just as important as economic development in creating a civil Malaysian society which is united, progressive, peaceful, caring, just and humane:

RECOGNIZING that a child is not only a crucial component of such a society but also the key to its survival, development and prosperity:

ACKNOWLEDGING that a child, by reason of his physical, mental and emotional immaturity, is in need of special safeguards, care and assistance, after birth, to enable him to participate in and contribute positively towards the attainment of the ideals of a civil Malaysian society:

RECOGNIZING every child is entitled to protection and assistance in all circumstances without regard to distinction of any kind, such as race, colour, sex, language, religion, social origin or physical, mental or emotional disabilities or any other status:

ACKNOWLEDGING the family as the fundamental group in society which provides the natural environment for the growth, support and well-being of all its members, particularly children, so that they may develop in an environment of peace, happiness, love and understanding in order to attain the full confidence, dignity and worth of the human person:

RECOGNIZING the role and responsibility of the family in society, that they be afforded the necessary assistance to enable them to fully assume their

responsibilities as the source of care, support, rehabilitation and development of children in society.

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

Violence against children, such as physical, sexual, mental and emotional violence as well as abandonment and neglect are addressed in the Child Act 2001.

3. Provide details of any specific legislative provisions on:

- **Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;**
- **Protection of children from all forms of violence;**
- **Redress, including compensation, for child victims of violence;**
- **Penalties for perpetrators of violence against children;**
- **Reintegration and rehabilitation of child victims of violence.**

Section 17(1) of Child Act 2001 provides protection

- (1) A child is in need of care and protection if -
- (a) the child has been or there is substantial risk that the child will be physically injured or emotionally injured or sexually abused by his parent or guardian or a member of his extended family;
 - (b) the child has been or there is substantial risk that the child will be physically injured or emotionally injured or sexually abused and his parent or guardian, knowing of such injury or abuse or risk, has not protected or is unlikely to protect the child from such injury or abuse;
 - (c) the parent or guardian of the child is unfit, or has neglected, or is unable, to exercise proper supervision and control over the child and the child is falling into bad association;
 - (d) the parent or guardian of the child has neglected or is unwilling to provide for him adequate care, food, clothing and shelter;
 - (e) the child -
 - (i) has no parent or guardian; or
 - (ii) has been abandoned by his parent or guardian and after reasonable inquiries the parent or guardian cannot be found, and no other suitable person is willing and able to care for the child;
 - (f) the child needs to be examined, investigated or treated -
 - (i) for the purpose of restoring or preserving his health; and
 - (ii) his parent or guardian neglects or refuses to have him so examined, investigated or treated;
 - (g) the child behaves in a manner that is, or is likely to be, harmful to himself or to any other person and his parent or guardian is unable or

unwilling to take necessary measures to remedy the situation or the remedial measures taken by the parent or guardian fail;

- (h) there is such a conflict between the child and his parent or guardian, or between his parents or guardians, that family relationships are seriously disrupted, thereby causing him emotional injury;
- (i) the child is a person in respect of whom any of the offences specified in the First Schedule or any offence of the nature described in sections 31, 32 and 33 has been or is suspected to have been committed and his parent or guardian -
 - (i) is the person who committed such offence or is suspected to have committed such offence; or
 - (ii) has not protected or is unlikely to protect him from such offence;
- (j) the child is -
 - (i) a member of the same household as the child referred to in paragraph (i); or
 - (ii) a member of the same household as the person who has been convicted of the offence referred to in paragraph (i), and appears to be in danger of the commission upon or in respect of him of a similar offence and his parent or guardian -
 - (aa) is the person who committed or is suspected to have committed the offence;
 - (bb) is the person who is convicted of such offence; or
 - (cc) is unable or unwilling to protect him from such offence;
- (k) the child is allowed to be on any street, premises or place for the purposes of -
 - (i) begging or receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale; or
 - (ii) carrying out illegal hawking, illegal lotteries, gambling or other illegal activities detrimental to the health and welfare of the child.

(2) For the purposes of this Part, a child is -

- (a) physically injured if there is substantial and observable injury to any part of the child's body as a result of the non-accidental application of force or an agent to the child's body that is evidenced by, amongst other things, a laceration, a contusion, an abrasion, a scar, a fracture or other bone injury, a dislocation, a sprain, haemorrhaging, the rupture of a viscus, a burn, a scald, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth;
- (b) emotionally injured if there is substantial and observable impairment of the child's mental or emotional functioning that is evidenced by, amongst other things, a mental or behavioural disorder, including anxiety, depression, withdrawal, aggression or delayed development;
- (c) sexually abused if he has taken part, whether as a participant or an observer, in any activity which is sexual in nature for the purposes of -

- (i) any pornographic, obscene or indecent material, photograph, recording, film, videotape or performance; or
- (ii) sexual exploitation by any person for that person's or another person's sexual gratification.

Penalties for perpetrators of violence against children

OFFENCES IN RELATION TO THE HEALTH AND WELFARE OF CHILDREN in the Child Act 2001

Sec 31. Ill-treatment, neglect, abandonment or exposure of children

- (1) Any person who, being a person having the care of a child -
 - (a) abuses, neglects, abandons or exposes the child in a manner likely to cause him physical or emotional injury or causes or permits him to be so abused, neglected, abandoned or exposed; or
 - (b) sexually abuses the child or causes or permits him to be so abused;commits an offence and shall on conviction be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding ten years or to both.
- (2) The Court -
 - (a) shall, in addition to any punishment specified in subsection (1), order the person convicted of an offence under that subsection to execute a bond with sureties to be of good behaviour for such period as the Court thinks fit; and
 - (b) may include in the bond executed under paragraph (a) such conditions as the Court thinks fit.
- (3) If a person who is ordered to execute a bond to be of good behaviour under subsection (2) fails to comply with any of the conditions of such bond, he shall be liable to a further fine not exceeding ten thousand ringgit or to a further imprisonment for a term not exceeding five years or to both.
- (4) A parent or guardian or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause him physical or emotional injury if, being able to so provide from his own resources, he fails to provide adequate food, clothing, medical or dental treatment, lodging or care for the child.
- (5) A person may be convicted of an offence against this section notwithstanding that -
 - (a) suffering or injury to the health of the child in question or the likelihood of suffering or injury to the health of the child in question was avoided by the action of another person; or
 - (b) the child in question has died.

Sec 32. Children not to be used for begging, etc.

Any person who causes or procures any child or, being a person having the care of a child, allows that child to be on any street, premises or place for the purposes of -

- (a) begging, receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale; or
- (b) carrying out illegal hawking, illegal lotteries, gambling or other illegal activities detrimental to the health and welfare of the child,

commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Sec 33. Offence to leave child without reasonable supervision

Any person who, being a parent or a guardian or a person for the time being having the care of a child, leaves that child -

- (a) without making reasonable provision for the supervision and care of the child;
- (b) for a period which is unreasonable having regard to all the circumstances; or
- (c) under conditions which are unreasonable having regard to all the circumstances,

commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Sec 43.

(1) Any person who -

- (a) sells, lets for hire or otherwise disposes of, or buys or hires or otherwise obtains possession of, a child with intent that the child is to be employed or used for the purpose of prostitution, either within or outside Malaysia, or knowing or having reason to believe that the child will be so employed or used;
- (b) procures a child for purposes of prostitution or for the purposes of having sexual intercourse with any other person, either within or outside Malaysia;
- (c) by or under any false pretence, false representation, or fraudulent or deceitful means made or used, either within or outside Malaysia, brings or assists in bringing into, or takes out of or assists in taking out of, Malaysia, a child with intent that the child is to be employed or used for purposes of prostitution, either within or outside Malaysia, or knowing or having reason to believe that the child will be so employed or used;

- (d) brings into Malaysia, receives or harbours a child knowing or having reason to believe that the child has been procured for purposes of prostitution or for the purposes of having sexual intercourse with any other person, either within or outside Malaysia, and with intent to aid such purpose;
- (e) knowing or having reason to believe that a child has been brought into Malaysia in the circumstances as set out in paragraph (c) or has been sold, let for hire, or hired or purchased in the circumstances as set out in paragraph (a), or in contravention of any other written law receives or harbours the child with intent that he is to be employed or used for purposes of prostitution either within or outside Malaysia;
- (f) detains a child in a brothel against the child's will;
- (g) detains a child in any place against the child's will with intent that the child is to be employed or used for purposes of prostitution or for any unlawful or immoral purpose;
- (h) by means of any advertisement or other notice published in any manner or displayed in any place offers a child for purposes of prostitution or seeks information for that purpose or accepts such advertisement or notice for publication or display;
- (i) acts as an intermediary on behalf of a child or exercises control or influence over the movements of a child in such a manner as to show that the person is aiding or abetting or controlling the prostitution of that child;
- (j) engages or hires, for any valuable consideration, a child to provide services for that person's sexual gratification;
- (k) attempts to do any act in contravention of this section,

commits an offence and shall on conviction-

- (aa) in the case of offences under paragraphs (a) to (h) or paragraph (k), be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding fifteen years or to both; and
- (bb) in the case of an offence under paragraph (i) or (j), be liable to a fine not exceeding fifty thousand ringgit and to imprisonment for a term of not less than three years but not more than fifteen years and shall also be punished with whipping of not more than six strokes.

(2) Any person who is convicted of a second or subsequent offence -

- (a) under paragraphs (1)(a) to (g) or paragraph (1)(k), shall be liable to whipping of not more than ten strokes; and
- (b) under paragraphs (1)(i) or (j), shall be punished with whipping of not less than six strokes but not more than ten strokes, in addition to any term of imprisonment imposed in relation to such offence.

(3) Sections 173A and 294 of the Criminal Procedure Code shall not apply in respect of offences under paragraphs (1)(i) and (j).

Malaysia has a **CO-ORDINATING COUNCIL FOR THE PROTECTION OF CHILDREN**, which is responsible in relation to issues pertaining to violence against children.

Sec 3. Establishment of the Co-ordinating Council for the Protection of Children

(1) There shall be established a Council which shall be known as the "Co-ordinating Council for the Protection of Children".

(2) The Council shall -

- (a) be responsible for advising the Minister on all aspects of child protection;
- (b) design an efficient and effective management system throughout Malaysia incorporating information channels for reporting cases of children in need of protection;
- (c) recommend services that are specifically oriented to meet the needs of persons, children and families in need of child protection services;
- (d) co-ordinate the various resources of any Government Department which is involved with child protection;
- (e) develop programmes to educate the public in the prevention of child abuse and neglect;
- (f) advise on the management, operation and practice of Child Protection Teams throughout Malaysia;
- (g) advise on the development of training programmes for members of Child Protection Teams throughout Malaysia;
- (h) resolve any conflict that may arise within Child Protection Teams; and
- (i) perform such other functions as may be prescribed by regulations made under this Act.

4. Membership of the Council

A. The Council shall consist of the following members:

- (a) the Director General who shall be the Chairman;
- (b) the Deputy Director General who shall be the Deputy Chairman;
- (c) a representative from the Ministry responsible for child protection;
- (d) a representative from the Ministry responsible for health;
- (e) a representative from the Ministry responsible for education;
- (f) a representative from the Ministry responsible for human resources;
- (g) a representative from the Ministry responsible for information;
- (h) a representative of the Attorney General;

B. Establishment of Child Protection Teams

(1) The Council shall establish throughout Malaysia groups of persons, each group to be known as a "Child Protection Team", for the purpose of co-ordinating locally-based services to families and children if children are or are suspected of being in need of protection.

(2) A Child Protection Team shall consist of the following members:

- (a) a Protector to be named by the Council on the advice of the Director General, who shall be the chairman;
- (b) a medical officer; and
- (c) a senior police officer.

(3) A Child Protection Team shall have the authority to co-opt from time to time such other persons as it may reasonably require to assist it in the performance of its functions and duties or as the circumstances of each case may require, including any person qualified to advise on relevant indigenous, ethnic, cultural or religious factors.

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:

- **The family/ home;**
- **Schools and pre-school care and education (both formal and non-formal, state and private);**
- **Military schools;**
- **Institutions including care, residential, health and mental health;**
- **The context of law and public order enforcement including in detention facilities or prisons;**
- **The neighbourhood, street and the community, including in rural areas;**
- **The workplace (informal and formal);**
- **Sports and sporting facilities.**

The Child Act 2001 address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:

- The family/ home by having the provision of -

Sec 28. Duty of member of the family

(1) If any member of the family of a child believes on reasonable grounds that the child is physically or emotionally injured as a result of being ill-treated, neglected, abandoned or exposed, or is sexually abused, he shall immediately inform a Protector.

(2) Any member of the family who fails to comply with subsection (1) commits an offence and shall on conviction be released on a bond on conditions to be determined by the Court.

(3) Any member of the family who fails to comply with any of the conditions of the bond provided for in subsection (2) commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years or to both.

- The Child Care Centre by having the provision of

Sec 29. Duty of child care provider

(1) If a child care provider believes on reasonable grounds that a child is physically or emotionally injured as a result of being ill-treated, neglected, abandoned or exposed, or is sexually abused, he shall immediately inform a Protector.

(2) Any child care provider who fails to comply with subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years or to both.

5. ***Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.***

If children are confirmed to be abused as the result of corporal punishment, then the perpetrators can be dealt with under the Child Act 2001.

6. ***Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.***

Under the Child Act 2001, a child could be punished under the following provisions-

91(1)(g) order the child, if a male, to be whipped with not more than ten strokes of a light cane -

- (i) within the Court premises; and
- (ii) in the presence, if he desires to be present, of the parent or guardian of the child;

91(1)(h) impose on the child, if he is aged fourteen years and above and the offence is punishable with imprisonment and subject to subsection 96(2), any term of imprisonment which could be awarded by a Sessions Court.

Offences punishable with death is provided under Section 97 of the Child Act 2001:-

Sec. 97 Death

(1) A sentence of death shall not be pronounced or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was a child.

(2) In lieu of a sentence of death, the Court shall order a person convicted of an offence to be detained in a prison during the pleasure of -

(a) the Yang di-Pertuan Agong if the offence was committed in the Federal Territory of Kuala Lumpur or the Federal Territory of Labuan; or

(b) the Ruler or the Yang di-Pertua Negeri, if the offence was committed in the State.

Although the Child Act 2001 has the provision on imprisonment, there is provision restrictions, as contained in -

Sec 96. Restrictions on order of imprisonment

(1) A child under the age of fourteen years shall not -
(a) be ordered to be imprisoned for any offence; or
(b) be committed to prison in default of payment of a fine, compensation or costs.

(2) A child aged fourteen years or above shall not be ordered to be imprisoned if he can be suitably dealt with in any other way whether by probation, or fine, or being sent to a place of detention or an approved school, or a Henry Gurney School, or otherwise.

(3) A child aged fourteen years or above shall not, if ordered to be imprisoned, be allowed to associate with adult prisoners.

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

Nil

8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

Nil

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

Nil

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:

- **The sex or sexual orientation of the victim and/or of the perpetrator;**
- **The age of the victim and /or of the perpetrator;**
- **The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.**

Nil

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

Nil

12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

Nil

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

Nil

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

Sexual activities are permissible only through legal marriage.

15. Provide information on the minimum age of marriage for women and men.

For Muslims, the minimum age of marriage for women is 16 and for men is 18.

For non-Muslims, the minimum age of marriage is as follows:-

- Below 18 years, to obtain consent from Minister
- Below 21 years, to obtain consent from parents/guardians

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not

criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

In Malaysia, there are provisions under the Child Act 2001 that provides protection for children (male and female) from sexual exploitation of children, including through prostitution and other sexual activities. Child victims of such acts are not criminalized. The Child Act 2001 also prohibits all forms of sale or trafficking in children, including by their parents. Details are as follow :-

Sec 42 Inquiries and detention of a child who has been bought or acquired under false pretences, etc.

- (1) If the Protector has reasonable cause to believe that a child -
 - (a) has been brought into or is to be sent out of Malaysia and the custody of the child has been acquired either -
 - (i) after having been purchased; or
 - (ii) by fraud, false representation or false pretence, whether or not for the purpose of prostitution;
 - (b) has been procured either within or outside Malaysia for the purpose of being used, trained or disposed of as a prostitute; or
 - (c) is being detained against his will for the purposes of -
 - (i) prostitution or for immoral purposes; or
 - (ii) being sent out of Malaysia for the purposes of prostitution or for immoral purposes,

the Protector may order the child to be removed to a place of refuge and the child shall be temporarily detained in such place of refuge.

(2) Every child who is temporarily detained under subsection (1) shall be brought before a Court For Children within twenty-four hours exclusive of the time necessary for the journey from the place where the child was so removed to the Court For Children.

(3) If it is not possible to bring a child before a Court For Children within the time specified in subsection (1), the child shall be brought before a Magistrate who may direct that the child be placed in a place of refuge until such time as the child can be brought before a Court For Children.

(4) The Court For Children before whom a child is brought shall order the child to be detained in a place of refuge until -

- (a) an inquiry into the circumstances of the child's case has been completed; and
- (b) a report of the inquiry has been submitted to the Court For Children by the Protector under subsection (6).

(5) An inquiry referred to in paragraph (4)(a) shall be made by a Protector.

(6) The Protector shall complete the inquiry and submit the report of the inquiry to the Court For Children within a period not exceeding one month from the date of the admission of the child to the place of refuge.

(7) If after considering the report submitted under subsection (6) the Court For Children is satisfied that a child brought before it is in need of protection and rehabilitation, the Court may -

- (a) order the child to be detained in a place of refuge for such period not exceeding three years from the date of the order as the Court may in the best interests of the child deem fit; or
- (b) make an order placing the child under the supervision of a Social Welfare Officer appointed by the Court for such period not exceeding three years from the date of the order as the Court may in the interest of such child deem fit.

(8) The order made under subsection (7) may have the effect of extending the period of such detention or supervision, as the case may be, beyond the date on which the child attains the age of eighteen years.

(9) Subsections 40(12) to (14) shall apply in respect of any order made under subsection (7) as they apply to an order made under section 40.

(10) If the Court For Children is not satisfied that the child brought before it is in need of protection and rehabilitation, the Court For Children shall order the child to be returned to the care and custody of his parent or guardian.

Sec 43 Offences

(1) Any person who -

- (a) sells, lets for hire or otherwise disposes of, or buys or hires or otherwise obtains possession of, a child with intent that the child is to be employed or used for the purpose of prostitution, either within or outside Malaysia, or knowing or having reason to believe that the child will be so employed or used;
- (b) procures a child for purposes of prostitution or for the purposes of having sexual intercourse with any other person, either within or outside Malaysia;
- (c) by or under any false pretence, false representation, or fraudulent or deceitful means made or used, either within or outside Malaysia, brings or assists in bringing into, or takes out of or assists in taking out of, Malaysia, a child with intent that the child is to be employed or used for purposes of prostitution, either within or outside Malaysia, or knowing or having reason to believe that the child will be so employed or used;
- (d) brings into Malaysia, receives or harbours a child knowing or having reason to believe that the child has been procured for purposes of prostitution or for the purposes of having sexual intercourse with any other person, either within or outside Malaysia, and with intent to aid such purpose;

- (e) knowing or having reason to believe that a child has been brought into Malaysia in the circumstances as set out in paragraph (c) or has been sold, let for hire, or hired or purchased in the circumstances as set out in paragraph (a), or in contravention of any other written law receives or harbours the child with intent that he is to be employed or used for purposes of prostitution either within or outside Malaysia;
- (f) detains a child in a brothel against the child's will;
- (g) detains a child in any place against the child's will with intent that the child is to be employed or used for purposes of prostitution or for any unlawful or immoral purpose;
- (h) by means of any advertisement or other notice published in any manner or displayed in any place offers a child for purposes of prostitution or seeks information for that purpose or accepts such advertisement or notice for publication or display;
- (i) acts as an intermediary on behalf of a child or exercises control or influence over the movements of a child in such a manner as to show that the person is aiding or abetting or controlling the prostitution of that child;
- (j) engages or hires, for any valuable consideration, a child to provide services for that person's sexual gratification;
- (k) attempts to do any act in contravention of this section,

commits an offence and shall on conviction-

- (aa) in the case of offences under paragraphs (a) to (h) or paragraph (k), be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding fifteen years or to both; and
- (bb) in the case of an offence under paragraph (i) or (j), be liable to a fine not exceeding fifty thousand ringgit and to imprisonment for a term of not less than three years but not more than fifteen years and shall also be punished with whipping of not more than six strokes.

(2) Any person who is convicted of a second or subsequent offence -

- (a) under paragraphs (1)(a) to (g) or paragraph (1)(k), shall be liable to whipping of not more than ten strokes; and
- (b) under paragraphs (1)(i) or (j), shall be punished with whipping of not less than six strokes but not more than ten strokes,

in addition to any term of imprisonment imposed in relation to such offence.

(3) Sections 173A and 294 of the Criminal Procedure Code shall not apply in respect of offences under paragraphs (1)(i) and (j).

Sec 44 Presumptions relating to section 43

For the purposes of section 43, it shall be presumed until the contrary is proved that a person -

- (a) who takes or causes to be taken into a brothel a child has disposed of the child with the intent or knowledge mentioned in paragraph 43(1)(a);
- (b) who receives a child into a brothel or harbours a child in a brothel has obtained possession of the child with the intent or knowledge mentioned in paragraph 43(1)(a);
- (c) has detained a child in any brothel or in any place against the child's will if, with intent to compel or induce him to remain in the brothel or the place, that person -
 - (i) withholds from the child any wearing apparel or any other property belonging to the child or any wearing apparel commonly or last used by the child;
 - (ii) threatens the child with legal proceedings if the child takes away any wearing apparel or any other property which has been lent or hired out or supplied to the child;
 - (iii) threatens the child with legal proceedings for the recovery of any debt or alleged debt or uses any other threat; or
 - (iv) without any lawful authority detains the child's identity card issued under the law relating to national registration or the child's passport.

Sec. 45 Detention pending proceedings

(1) Any Court inquiring into or trying any offence specified in the Second Schedule (in this Act referred to as "scheduled offence") may order a child-

- (a) with respect to whom a scheduled offence is alleged to have been committed; and
- (b) whom the Court considers to be in need of protection,

to be detained temporarily in a place of safety until the determination of the proceedings against the person charged but the detention shall not extend beyond the date on which the child attains the age of eighteen years.

(2) Notwithstanding the determination of the proceedings, the Court may, on an application made by the Protector and if the Court is satisfied that a child is in need of protection, order the detention of the child in a place of safety in accordance with paragraph 30(1)(d).

TRAFFICKING IN AND ABDUCTION OF CHILDREN

Sec 48 Unlawful transfer of possession, custody or control of child

(1) Any person who takes part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of a child for any valuable consideration commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(2) Any person who without lawful authority or excuse harbours or has in his possession, custody or control a child with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by any other person within or outside Malaysia commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(3) For the purposes of subsection (2), if any person harbours or has in his possession, custody or control a child without lawful authority or excuse, the child shall, until the contrary is proved, be presumed to be a child with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration.

(4) It shall be a defence in any prosecution under this section to prove that -

- (a) the transfer took place in contemplation of or pursuant to a *bona fide* marriage or adoption; and
- (b) at least one of the natural parents of the child or the of the child was a consenting party to the marriage or to the adoption by the adopting party, and had expressly consented to the particular marriage or adoption.

Sec 49 Importation of child by false pretences

Any person who -

- (a) by or under any false pretence or representation made; or
- (b) by fraudulent or deceitful means used,

either within or outside Malaysia, brings or assists in bringing a child into Malaysia commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Sec 50 Examination of child and person in charge

A Protector or any person authorized in writing by a Protector may require-

- (a) a child who has entered or been brought into Malaysia; and
- (b) any person who may appear to have the custody or control of such child,

to appear before him, at any reasonable time and at any convenient place, to be examined pursuant to section 113.

Sec 51 Protector may require security

If a Protector has reasonable cause to believe that a child -

- (a) has been brought into Malaysia either -
 - (i) after having been transferred for valuable consideration; or
 - (ii) by fraud, misrepresentation or any false pretence;
- (b) has been transferred to the custody or control of any person for valuable consideration either within or outside Malaysia; or
- (c) is being detained against his will by some person other than his parent or guardian,

the Protector may -

- (aa) require any person in whose custody or under whose control the child appears to be -
 - (i) to furnish him with copies of the child's and that person's own photographs; and
 - (ii) to furnish security to the satisfaction of the Protector that the child -
 - (A) will not leave the area or the State in which he then is without the prior written consent of the Protector;
 - (B) will not be transferred to the care or custody of any other person without the prior written consent of the Protector; and
 - (C) will be produced before the Protector whenever the Protector requires; or
- (bb) in the first instance, or if default be made in complying with any order made under paragraph (aa), make an order that -
 - (i) the child be taken out of the custody of the person in whose care, custody or control the child is and place the child in a place of safety; or
 - (ii) on such security and on such conditions as the Protector may require, the child be placed in the custody of a relative or other fit and proper person,

until the child attains the age of eighteen years or for any shorter period.

Sec 52 Offence of taking or sending out a child without appropriate consent of person having lawful custody

- (1) Any parent or guardian who -
 - (a) does not have the lawful custody of a child; and
 - (b) takes or sends out a child, whether within or outside Malaysia,

without the consent of the person who has the lawful custody of the child commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(2) A person has lawful custody of a child under this section if he has been conferred custody of the child by virtue of any written law or by an order of a Court, including a Syariah Court.

(3) It shall be a defence under this section if a parent or guardian takes or sends a child away without the consent of the person having lawful custody of the child if -

(a) the parent or guardian -

(i) does it in the belief that the other person consented, or would have consented, if he was aware of all the relevant circumstances; or

(ii) has taken all reasonable steps to communicate with the other person but has been unable to communicate with him;

(b) the parent or guardian has reasonable grounds to believe that the child is being abused, neglected, abandoned or exposed in a manner likely to cause the child physical or emotional injury; or

(c) the other person has unreasonably refused to consent although he was aware of all the relevant circumstances.

Sec 53 Recovery order

(1) If it appears to the Court that there is reason to believe that a child had been taken or sent away without the consent of the person who has lawful custody of the child as described in section 52, the Court may make a recovery order.

(2) A recovery order may be made by the Court on application being made by or on behalf of any person who has the lawful custody of the child.

(3) For the purposes of this section, a "recovery order" may -

(a) direct any person who is in a position to do so to produce the child on request to any authorized person;

(b) authorize the removal of the child by any authorized person;

(c) require any person who has information as to the child's whereabouts to disclose that information to the authorized person;

(d) authorize any police officer to enter into any premises specified in the order and search for the child, using reasonable force if necessary.

(4) Any person who intentionally obstructs an authorized person from exercising the powers under subsection (3) commits an offence and shall on

conviction be liable to imprisonment for a term not exceeding three years and to whipping not exceeding six strokes.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.

Nil

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

Nil

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

Every Social Welfare Officers (SWO), on being given the power as Protector, is directed to adhere strictly to the child protection procedures. The protector will visit the place where the abuse has taken place immediately on receiving a report. He/she has to meet the parent or guardian of the child and inform them the purpose of the visit and check the body of the child if there any marks, interview the father/ mother or the guardian or the child individually. If there is any reasonable suspicion of abuse, the protector will choose one of the three alternatives, that is

- To take the child into temporary protective custody (with temporary court order) that is to a place of safety.
- To bring the child to the medical officer, and
- To direct the parent or guardian to take the child to a medical officer.

Once a Medical Officer has confirmed that a child has been abused, the Protector must decide whether to report the matter to the police. After the Protector has conducted the social investigations, a social report will be done. The social report will be based on the interviews with the child, the parent/guardian, the family members, teachers, nurses, doctors or anyone else close to the child and it will be tendered to the Court for Children before the court made the final decision of the case. When a permanent court order is obtained, if the child is sent home, usually the parent/guardian will be asked to tie a bond to guarantee that there will not be any further abuse. The child may be put under the care of a fit person or the child be put into Children's Home or the child will be fostered up.

All citizens are required to report so as the medical officer or medical practitioner, the member of the family and child care provider. According to the Child Act 2001, any medical officer or medical practitioner or even the family member and the child care provider fail to comply with the section mentioned in the Act, will commit an offence.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:

- **The family/ home;**
- **Schools and pre-school care and education (both formal and non-formal, state and private);**
- **Military schools;**
- **Institutions, state and private, including care, residential, health and mental health;**
- **The context of law and public order enforcement including in detention facilities or prisons;**
- **The neighbourhood, street and the community, including in rural areas;**
- **The workplace (informal and formal);**
- **Sports and sporting facilities.**

The Department of Social Welfare had introduced a Toll Free Line known as "Teledera". This service was operated since 1992. It's main objective is to received complaints regarding violence against children. This is one effort by the Department of Social Welfare to ensure effective and efficient management of complaints regarding abuse children in need of care and protection in accordance to the provisions of the Child Act 2001.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

This service is a useful mechanism and helpful to the public. Once a complaint is lodged, the Social Welfare Officers who are gazetted as protectors will investigate the reports received, evaluate the situation and take appropriate steps in the best interest of the child.

22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

Steps taken by the Department of Social Welfare in order to raise/create awareness are through road show, flyers, pamphlets, posters, courses, seminars, workshops, and campaigns through media.

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

Besides punishment to the perpetrators and family therapy, the court for children can issue an order for parents or guardian of the victim to attend interactive workshops.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

Nil

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

Nil

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?

If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

The Department of Social Welfare works in collaboration with other agencies such as the Police Department, hospitals, Courts and even non-Government organizations all levels - Federal, State and District.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children?

If YES, provide details.

The Department of Social Welfare is the focal point and thus given the mandate to address the issue of violence against children.

28. Are specific financial and/or human resources allocated by your country to address violence generally?

If YES, indicate the extent of these allocations.

The government provides financial aid to all Child Protection Teams and Child Activity Centres. In the year 2003, there were 105 Child Protection Teams and the Government allocated a sum of RM 1,785,000.00. There are 132 Child Activity Centres and the Government allocates RM 1,020,000.00 for 15 new centres. In 2002, UNICEF allocated a sum of RM50,000.00 for Child Activity Centres.

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

If YES, provide details.

The Child Act 2001 provides for Child Protection Teams to be set up throughout the country, at State, district and local levels. The main members of the Committee will be the Social Welfare Officer, a medical doctor, a police officer and other members of the local community who will serve on a voluntary basis. The Committee will serve the community by organizing preventive activities for children and their families. This includes the setting up of Child Activity Centres in high risk areas to provide multiple activities according to the needs of the local community. The Team can act as a catalyst for change by creating awareness in the society, especially among the disadvantaged and marginalized groups.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

If YES, indicate the extent of these resources and the way in which they are used.

Nil

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?

If YES, provide details.

Nil

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

If YES, provide details.

The National Commission on Human Rights (SUHAKAM) will provide details relating to this area.

33. Are there any particular parliamentary structures (for example special committees) to address violence against children?

If YES, provide details.

Nil

34. Have there been any recent parliamentary initiatives to address violence against children?

If YES, please give details.

Nil

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

Non-Governmental Organizations (NGO) in Malaysia is considered as a potent force in social and economic development and nation-building. Welfare is a shared responsibility between the Government and NGOs.

In Malaysia, NGOs working with children have taken various initiatives and undertaken many activities related to advocacy, rehabilitation, provision, research of services, provision of services and resources in the effort to address problems related to violence against children. Among activities organised include:

- i. Organizing conferences, workshops, seminars related to Child Sexual Abuse Awareness. Convention On Rights Of Children Awareness Workshops, Conference on Child Abuse & Neglect
- ii. Exchange visits between other countries for exchange of information knowledge, skills and experiences.
- iii. Exchange of information related to rehabilitation and prevention through video presentation; pamphlets, brochures and electronic media.
- iv. "Study Tour" to various countries for exchange and sharing of information related to children.
- v. Multi-sectoral networking between other NGO bodies related to children and government agencies in program advocating children.
- vi. Providing information with NGOs; related agencies individual and community and individual involving in research related to children.
- vii. Services and programs regarding child development for mutual benefit.

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

To effectively prevent and combat all forms of violence against children, the government provides grants to the NGO's to support and provide services to children in relation to advocacy, awareness-raising, prevention and rehabilitation. The government of Malaysia under the Social Welfare Department, Ministry Of Women, Family and Community Development provides grants to these welfare related NGOs.

For activities on prevention, rehabilitation, provision of services and resources, the Government provides grants in the following form:

- Administrative grant
- Maintenance grant
- Per capita grants
- Grants for Programs and Activities to related target groups.

37. Describe the role played by the media in addressing violence against children.

Nil

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children's activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

Malaysia has formulated a National Plan of Action for Children 2001-2020 (NPA), which has identified areas of action to ensure the well-being of the Malaysian child. The State has the responsibility of providing facilities and opportunities for the child to grow and develop in a positive manner as described in the Convention of the Rights of the Child. Malaysia has moved beyond Survival and the child is able to develop and is protected by several legislation and supportive programs. Programs now emphasis on providing avenues for child participation at all levels of decision-making.

The program for the development and well-being of children has been in motion since 2002. Members of the Interagency Committee comprising of relevant government departments and children worked together at an annual strategic planning workshop to prioritize issues, design and produce materials for dissemination. In 2004, the move is towards empowering children to be facilitators of CRC for other children. These Child Participation Training has been carried out in a three states. The core group of children who have been trained as facilitators conduct sessions pertaining to current issues, including protection against violence. The ages of the children range from 12-17 years and they are all school going children. Selection of children is made by the Department of Social Welfare through the school system.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

Nil

40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.

Government-UNICEF Co-operation Program

1. Advocacy Programs that is public education on the Rights Of The Child – printing of posters-RM 30,000
2. Capacity Building Programs that is training of Child Protection Teams by using manuals for the management of Child Activity Centres run by the Child Protection Teams -RM20,000.
3. Advocacy Programs- by the Interagency Committee of the National Plan of Action for Children 2001-2020
 - Strategic Planning Workshop
 - Booklets/pamphlets/website/postcards (RM120,000.00)
4. Capacity Building Program-Child Participation Workshop 2004 – RM89,486.00

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children?

If YES, provide details and describe any gender-specific provisions included in the policy.

Nil

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home	✓	✓	✓	✓		
Schools	✓	✓	✓	✓		
Institutions	✓	✓	✓	✓		
Neighbourhood/ Community	✓	✓	✓	✓		
Workplace	✓	✓	✓	✓		
Law enforcement						
Other						

The Government has specific and direct program to prevent violence against children by giving protection to victims. The Government also run homes for children and have funds allocated yearly. Besides that the government also gives financial support to Non-Government organizations which run homes for children who are victims of violence.

The Government also provide grants for research purposes from any NGO or Higher Institute of Education pertaining to violence against children. With the baseline knowledge, it will lead to improve public policy and programs.

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

Nil

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

If YES, please provide details.

Nil

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

Nil

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?

If so, please give details.

A study of cases pertaining to child abuse and neglect reported to the Department of Social Welfare Malaysia in 1991. The aim of the study was to provide an empirical overview of what is currently known about child abuse and neglect in Peninsular Malaysia based on studies of a group of abused children reported to the Department of Social Welfare. It specifies the individual and social factors connected with each of its forms: physical abuse and neglect, sexual abuse and emotional maltreatment. It provides information on victims and abusers and the families economic, demographic and common family patterns. It also examines the roles of the different agencies involved- social welfare, medical and police – what they actually do and the difficulties and constraints they face when handling child abuse and neglect cases. This study was carried out in two phases. Phase one focus on the child victim, their abuser and families, their social variables correlated with them and the contributory factors of child maltreatment. Phase two focus on the fate of the children after the intervention of the authorities and examined the roles and responses of the Social Welfare, Medical and Police Officers and the difficulties and constraints they faced when managing the cases.

The study was fully sponsored by the United Nations Children’s Fund (UNICEF) to provide data and insights which will assist in the formulation of appropriate and comprehensive policies for the management and prevention of child abuse and neglect. The field work for phase one started in May 1992 and that for phase two started in November 1992. In phase one, 327 cases (out of the 970 cases reported) which had evidence of abuse and neglect were studied. The questionnaires were filled in by their caseworkers at the various district social welfare offices. In phase two, visits were made to all the 327 cases but only 150 children and 127 abusers could be interviewed. 46 Social Welfare Officers, 31 Medical Officers, 9 Paediatricians and 34 Police Officers who were responsible for handling child abuse cases in their districts responded to the questionnaires given to them.

The results corroborate existing demographic and social data with regard to the identity of the abuser, gender distribution and social structure and background. The findings are useful for defining at-risks populations and identifying specific variables correlated with reported cases. Out of this findings, it is hoped that strategies for strengthening professional, governmental and community responses to child abuse and an integrated network of local and private organizations offering families on-going educational and support services will evolve. Children constitute one of the most valuable resources in any country and they are also among the most vulnerable. This study provides a forum for identifying and sharing better solutions and strategies for the prevention of child abuse and neglect, not only in Malaysia, but in the Asian region as well.

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

Research in Malaysia has focused primarily on the issue of child abuse in general and Child Sexual Abuse is a problem that is gradually being forced into

social awareness. This fact is supported by an increase in reports of cases, opinions and awareness-raising articles in all the local major newspapers in the country. Hospitals, the Police and the Welfare Department have also seen a marked increase in cases of Child Sexual Abuse. In addition, there is a greater demand for harsher penalties in cases involving incest and rape. There is no doubt that there is a clearer recognition now that children are in need of greater protection.

In 1993, the Department of Social Welfare released a study entitled "Child Abuse and Neglect-A Study of cases reported to the Department Of Social Welfare, Malaysia has revealed a discrepancy in recorded cases reported, in particular pertaining to cases of Child Sexual Abuse. Numerous studies have also shown that survivors of sexual abuse often are not able to or do not report the offence. Therefore figures as recorded by the police and welfare departments are just the tip of the iceberg and a valid measure of scope would have to be obtained from victim or offender self-reports. This study, therefore, aimed to provide a clearer representation of the extent of child sexual abuse in Malaysia. As a first study of its kind conducted in the country, it looked to explore the prevalence of child sexual abuse among the student population nation-wide.

A Study of the Prevalence of Child Sexual Abuse Among School-going Children in Malaysia – collaborative research with Protect and Save The Children and Department of Social Welfare undertook a national survey on the prevalence of sexual abuse among school-going children, ages 13-17 which was carried out in 2002. This research is the first major study on the prevalence of child sexual abuse amongst school-going adolescents carried out in Malaysia. Financial support for the study was provided by the United Children's Fund (UNICEF).

The objectives of the study are as follows:-

- a) To determine the nature and prevalence of child sexual abuse amongst school-going children between the ages of 13 to 17 in Malaysia.
- b) To identify strengths as well as areas for improvement in the existing network of social services consisting of welfare, police, hospitals and non-government organizations so as to increase effective and efficient protection and intervention for the survivors. Areas to be included in the study are reporting, protection and treatment and
- c) To utilise results from the study to benchmark the current practices while setting a baseline for development to propose solutions to strengthen national policy.

The study has been completed and the report is in draft stage.

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

If YES, provide details or references, or attach.

Nil

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

Provide details.

The Judiciary Department would carry out an inquest.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

If YES, what proportion of all homicide deaths are under the age 18?

Nil

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Nil

Sex	
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	
External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other:	

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

Types of abuse by Gender

Types of abuse	2000			2001			2002			2003		
	M	F	T	M	F	T	M	F	T	M	F	T
<i>Abandon</i>	50	21	71	35	35	70	53	68	121	50	48	98
<i>Neglect</i>	99	84	18	15	14	303	18	16	357	18	20	389
<i>Physical</i>	17	18	36	15	13	287	18	17	354	20	21	410
<i>Sexual</i>	5	7	2	5	2	2	2	2	2	0	0	410
<i>Sexual</i>	24	23	25	26	22	251	22	30	324	28	40	430
<i>Emotional/Psychology</i>	4	4	8	5	5	5	2	2	2	2	2	430
<i>Emotional/Psychology</i>	3	21	24	22	34	56	15	17	32	5	27	32

<i>Others</i>	12	24	36	36	33	69	31	23	54	13	18	31
Total	36	57	93	42	60	1,03	49	75	1,24	48	91	1,39
	3	1	4	8	8	6	2	0	2	0	0	0

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

Nil

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.).

"Say Yes For Children" Campaign

Malaysia has come a long way since its pledge in 1990 of the World Summit for Children to give every child a better life and future. Believing that every child has a right to proper health, education and development, Malaysia has been diligent in its mission to ensure every child grows up fit, respected and confident. However, there are still groups of children that have been deprived of their rights.

The "Say Yes For Children" campaign by The Global Movement For Children began on March 2001 as an international crusade where children and adults from all over the world will be able to speak out on Ten Imperative Actions which must be undertaken in order to improve the lives of children.

1. Leave no child out

All children are born free and equal and should not be discriminated because of the colour of their skin, their gender, disabilities or their rank in society. Should a child be made to feel inferior to other children, for whatever reason, it is discrimination. And it must end.

2. Put Children first

Every child has the right to survival and opportunity, to protection from abuse and exploitation, and to have a say in decisions that affect them. The governments of the world have made these commitments to children. Now it is up to us as adults, organisations, religious groups, and corporations to make them keep this promise.

3. Care for every child

All children have the right to the healthiest possible start in life. We must make sure that every child are given adequate care and protection; through immunization, medication, education, healthy diet, proper sanitation, and a healthy and safe environment to grow up.

4. *Fight HIV/AIDS*

The HIV/AIDS epidemic and its devastating impact deprive many children of a proper home, education or health care. Many innocent lives are lost and many others possess only a slim chance to lead the life they deserve. This is intolerable. As adults, let's bear in mind that our actions will have an impact on these children lives.

5. *Stop harming and exploiting children*

Every child has a right to grow up in a safe and nurturing environment. Whether in the home, school, streets, or workplace a child should never be subject to harm, violence and abuse. We must all work together to stop child labour and exploitation of children.

6. *Listen to children*

Children have the right to have their voices heard on the issues that affect them. All too often, children are denied this right. It is our duty to listen and consider their opinions and feelings with respect and involve them during the decision making process.

7. *Educate every child*

Children are born into the world eager to learn. Thus, every child regardless of gender, race or state of health owns a fundamental right to a quality education. We should not deny our children their education and this applies even more so for those who live in poverty.

8. *Protect children from war/violent conflicts*

We must spare our young and innocent ones from the violence and harm that could exist at home, at school, or the streets. It is our responsibility to ensure that our children are given a secure and stable environment to live in. Peace and harmony exist through tolerance, understanding and respect for one another.

9. *Protect the earth for children*

The world belongs to our children; we are its caretakers. We must preserve our natural resources even as we use them, to ensure our children's rights to a safe and healthy environment, and the opportunities it provides.

10. *Fight Poverty: Invest in children*

Because children suffer the most from poverty, then all efforts to overcome it should begin with them. This includes the investment in social services which provides benefits to the children and their family, like basic health care and quality education.

Child Participation Programme

The Department of Social Welfare, in collaboration with other organizations, undertakes to run activities promoting the rights of children. The objective of the Child Participation Programme is to create widespread public familiarity

with the Convention on the Rights of the Child and Malaysia's new NPA, children's views taken into account in decisions that affect them especially NPA process and discussions on National Unity.

Activities promoting the element of participation:

- Giving information and skills: May 2003 a group of 17 children of diverse races, religion, age and sex (including 4 disabled children)- as partners in workshops designing programs/activities for all the 6 sub-groups in the National Plan of Action, participated in discussions, did literature review and designing of pamphlets and books.
- As partners building on existing skills: 17 children produced materials and designed a website for children which was launched on children's day that is October 2003. Currently children (including a spastic child) contributes articles to keep the website going. Designed a poster on "Rights and Responsibilities" for Department of Social Welfare.
- Empowerment of the Child: One of the children gave the speech in the Stadium on Children's Day in October 2003 as representative to a crowd of 4000 people and the King as guest.
- Members in a research where 6 children participated in a study on child participation in Malaysia (the process of NPA) on September 2003.
- As facilitators where 4 children at a children's forum in Kuala Lumpur organizes by National Children's Council Malaysia become group leaders and also a panel discussion moderator in the workshop in October 2003.
- As paper presenters and resource persons where a child presented a paper at the Children's Forum in Kuala Lumpur in October 2003 and at the Forum for Asian Children and Young People in Seoul Korea in November 2003 where 3 children became panel speakers.
- Dissemination of information on Child Right's over TV and Radio: December 2003 TV 2 where 6 children participated, Radio 2 where 4 children, including a disabled child, participated.
- Child Participation training in three states where young children Facilitators conducted sessions for other teenage children.

55. How were the campaign messages and information disseminated (check all that apply)?

Print media	✓
Radio	✓
Television	✓
Theatre	✓
Schools	✓
Talks	✓
Seminars	✓
Workshops	✓

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)					
Public health practitioners					
Social workers and Psychologists	✓	✓	✓	✓	
Teachers and other educators					
Court officials (including judges)					
Police					
Prison officers					
Juvenile offenders personnel Institution personnel Parents/guardians	✓	✓		✓	
Other (please specify)					