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Making the impossible possible

By AZALINA OTHMAN SAID

AFTER a gruelling 15 hours of debate, the Dewan Rakyat finally passed the Sexual Offences Against Children Bill 2017 with a majority voice vote around 6pm on April 4.

Despite being thoroughly scrutinised, the atmosphere in Parliament was filled with excitement as Members of Parliament from both sides of the House agreed through consensus to the passing of the Bill.

Let me take you on a journey that made the impossible possible through the lenses of a de-facto Law Minister.

I started my career chambering in a small firm, which handled criminal and civil cases. I once acted for a man who was divorcing his wife and they were in a terrible tussle for their five-year-old daughter.

One day, I got a call from my client's mother saying that he had been arrested for sexually assaulting his daughter and that the child had contracted syphilis.

It was later discovered that his 40-year-old uncle had abused the child. When the Prime Minister announced during the National Women's Day celebration on Aug 25, 2016, that a special Task Force was to be set up to look into ways to combat sexual crimes against children, I felt then that the time had come to make a legislative difference.

The first Task Force meeting took place in September 2016, with various stakeholders joining us on board.

Among those present were representatives from the Attorney-General's Chambers, the Ministry of Women, Family and Community Development, Royal Malaysian Police, PS, The Children, The National Council of Women's Organisation (NCWO), United Nations Children's Fund (Unicef), International Women's Rights Action Watch Asia Pacific (IWRAP-AP), Women Centre for Change (WCC), Voice of Children, Malaysian AIDS Council, The Malaysian Bar Council, Shariah Lawyers Association of Malaysia, academicians and other individuals who have been tirelessly working and are actively involved in the fight to protect children against sexual crimes in our country.

This meeting was an eye-opener as it exposed us to ongoing difficulties and the realities on the ground.

There are existing laws for children but inadequate to cover all issues particularly sexual offences against children.

After the meeting adjourned, there were doubts as to whether this decision would go through entirely or whether it would remain as just another coffee-and-curry-puff affair.

Finally, in October 2016, the 'subsequent official Task Force meeting took place. In this meeting, the draft model legal framework for the Sexual Offences Against Children Bill 2017 was unveiled to the Task Force members.

Many said that the model legal framework covered a wide range of long-standing issues pertaining to child sexual crimes in Malaysia.

More importantly, the legal framework will cover child pornography and sexual grooming, making it a breakthrough Bill to be pro-

posed in this country. After much hard work and brainstorming, the Sexual Offences Against Children Bill 2017 is set to become a reality pending Dewan Negara approval. This is a major step in protecting our children from predators.



Way to go: Azalina (second right) and fellow MPs pledging support for the Sexual Offences Against Children Bill 2017.

The *Star's* R.AGE team, whom I invited to the Task Force meeting to present their undercover videos on sexual grooming of predators, had also expressed that it was way beyond what they had hoped for as the Bill was extensive and covered many areas of child sexual crimes including sexual grooming.

The ultimate objective of the model legal framework was to provide for better protection of children against sexual offences and to safeguard the well-being of children.

This model legal framework was principally agreed upon by those present at the Task Force meeting.

However, I reminded everyone then that putting a Bill together is one thing, but getting it passed in Parliament is another.

We needed everyone's help to reach out to their respective MPs to gather support for this Bill.

I have always been of the view that it's not Parliament which should be telling the *rakyat* what to do. It's the other way around – the *rakyat* should be directing Parliament.

Following the meeting, I further organised a luncheon among the Women's Parliamentary Caucus comprising female MPs from both sides of the House and the Women Ambassadors to Malaysia to present the model legal framework which saw positive comments on the overall efforts to end child sexual crimes.

The model legal framework on the policy consideration for the Sexual Offences Against Children Bill 2017 was then tabled to the Cabinet and later submitted to the Attorney-General's Chambers for drafting.

Despite the time constraints, the AGC's drafting team swiftly started the drafting process, without much hesitation.

A law can only do so much but to put a full stop to this, we needed to take charge of prevention by providing awareness about child



sexual crimes.

This raised the question of who should be the prime mover of the awareness campaign and we were of the view that Permata, which plays an important role in early childhood education, would be the best to take up this role.

I personally took the matter up with Permata to explore this further and they agreed to lead the awareness campaign.

Taking it one step further, Permata patron Datin Seri Rosmah Mansor also suggested that a National Seminar on Child Sexual Crimes should be held on March 13 and 14, to create public awareness.

The seminar lasted for two days and was the talk of town.

The highlight of the conference was when Prime Minister Datuk Seri Najib Tun Razak announced that the Sexual Offences Against Children Bill 2017 was to be presented to Parliament in the March sitting.

He also added that a special criminal court for children would be established to specifically focus on child sexual crimes cases.

The awareness campaign did not end with the conclusion of the National Seminar on Child Sexual Crimes.

Permata will now take the baton to lead a continuous campaign nationwide at state level and I hope the public will continue to support our effort.

As I pen this article, the Sexual Offences Against Children Bill 2017 is in the queue to be presented to the Dewan Negara.

Once the Bill is passed there, it will be presented to the Yang di-Pertuan Agong for royal assent and the Act will come into force, say by June.

No, the fight is not over. Well, as the saying goes, "Now this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning."

Earlier this week, I met with Chief Justice of Malaysia Tan Sri Md Raus Sharif to discuss the setting up of the Special Criminal Courts for cases involving child sexual offences.

I personally suggested that the court should consist of specialised judges and prosecutors equipped with sufficient training.

He principally agreed to the formation of the courts and approved for specialised training to be held for the judges and law practition-

ers handling cases on child sexual offences.

However, a separate specialised criminal court for child sexual offences alone is not going to make much difference until there are other fundamental changes on how children testify, judicial perceptions of children's credibility, and the exercise of greater judicial control over how children are cross-examined.

All of that will require the judiciary to look into the standards/court rules, as well as cooperation from the Malaysian Bar in re-orientating their approach.

Real change in court practices requires the judiciary, AGC and Malaysian Bar to:

- > Develop new court rules for child sexual abuse cases;
- > Develop a structured, skills-oriented and certificate-based training programme that all magistrates, judges and DPPs are required to complete before they can be assigned child sexual abuse cases; and
- > Develop a training programme and tools for defence counsel on ethical approaches to cross-examining children.

I am certain the judicial leadership today will re-shape children's experience in court.

Lastly, effective law requires an effective enforcement mechanism – law enforcement agencies particularly the DII Unit of the Royal Malaysian Police also need to be equipped with adequate skills, manpower and other resources to tackle child sexual offences.

I cannot be more proud and thankful to both the PM and his wife for being passionate to this cause and for giving me the utmost honour of leading a Task Force that has resulted in the Sexual Offences Against Children Bill 2017.

The good news is that we are going to have a new law and the establishment of specialised courts to curb sexual crimes against children.

While this is a step in the right direction, a legislative change itself is insufficient to combat this problem.

The burden of prevention has to involve society at large. Parents, teachers and guardians need to talk to children about body parts – what is appropriate and inappropriate touching.

And while we are teaching our children basic moral values like respecting their elders, let us also teach them to scream out loud for help when they feel uncomfortable or when someone touches them inappropriately.

I hereby warn all the child sexual predators out there to stop sexually abusing children.

Hentikan! Remember, #UCanRunButUCant-HIDE.

The writer is Minister in the Prime Minister's Department and De-facto Law Minister.