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Making the impossible, possible

AFTER a gruelling 15 hours of debate, the Dewan Rakyat finally passed the Sexual Offences Against Children 2017 bill with a majority voice vote around 6pm on April 4. Despite being thoroughly scrutinised, the atmosphere in the Parliament was filled with excitement as MPs from both sides consensually agreed for the passing of the bill.

Let me take you on a journey of making 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 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 was the one who 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 Chamber, the Ministry of Women, Family and Community Development, 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 (IWRAW-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 that have been tirelessly working and actively involved in the fight to protect children against sexual crimes.

This meeting was an eye-opener as it exposed us to difficulties and realities on the ground. There are existing laws for children but inadequate to cover all issues particularly on sexual offences against children.

After the meeting adjourned, there were doubts on 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 Act 2017 was unveiled to the task force members.

Many said that the model legal framework covered a wide-range of long-standing issues on child sexual crimes in Malaysia. More importantly, the legal framework will cover child pornography and sexual grooming, making it a breakthrough bill to be proposed

in this country.

The Star's RAGE 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 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 that day that putting a bill together is one thing, but getting it passed is another. We needed everyone's help to reach out to their respective MP to gather support for this bill. I have always been of the view that it's not the Parliament who should be telling Rakyat what to do. It's the other way around - the Rakyat should be directing the Parliament.

Following the meeting, I further organised a luncheon among the Women's Parliamentary Caucus that consist of female MPs from both sides of the house and the Women's 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 Act 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 to Permata to explore this further and they agreed to lead the awareness campaign. Taking it one step further, Permata's patron, Datin Paduka Seri Rosmah Mansor also suggested that a national seminar on child sexual crimes should be held on March 13-14 to create public awareness. The National Seminar on Child Sexual Crimes lasted for two days and was the talk of the town.

The highlight of the conference was when Prime Minister Datuk Seri Mohd Najib Razak announced that the Sexual Offences against Children Act 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

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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 the state level and I hope the public will continue to support our effort.

As I pen this article, the Sexual Offences Against Children 2017 is on the queue to be presented to the Dewan Negara. Once the bill is passed in Dewan Negara, it will be presented to the Yang di-Pertuan Agong for the 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 the Chief Justice of Malaysia Tan Sri Md Raus Sharif to discuss the establishment 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 in principle agreed to the formation of these courts and approved for a specialised training to be held for the judges and law practitioners handling cases of child sexual offences.

However, a separate special criminal court for child sexual offences alone is not going to make much difference until other fundamental changes are made to 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-orienting their approach.

Real change in court practices requires the judiciary, AGC and Malaysian Bar to: 1) develop new court rules for child sexual abuses cases; 2) develop a structured, skills-oriented and certificate-based training

programme that all magistrates, judges and DPP are required to complete before they can be assigned child sexual abuse cases; and 3) develop a training programme and tools for defence counsel on ethical approaches to cross-examining children.

I am certain the judiciary 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 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 prime minister 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 Act 2017.

The good news is that we are going to have a new law and the establishment of a 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, #UCanRunButUCantHIDE

Datuk Seri Azalina Othman Said
De Facto Law Minister
Minister in the Prime Minister's
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