

Law on Sexual Offences against Children

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ABSTRACT

The present article deals with crimes against children, specifically sexual abuse of children, especially young women. It examines how well-functioning the current legal systems are, as well as the contributions made by NGOs, law enforcement, and child welfare organisations to the investigation and prosecution of these crimes, by contrasting the legislation in India and highlighting the need for comprehensive strategies encompassing prevention, protection, prosecution, and rehabilitation. This study aims to improve the safe environment for children by emphasising the need for complete solutions that include prevention, protection, prosecution, and rehabilitation. Policy suggestions aim to lower the frequency of child sexual offences and protect victims by strengthening legal remedies, raising public awareness, and promoting education.

Keywords: Sexual Abuse, Children, Legal System, India, Prove

INTRODUCTION

Crime is inherently abhorrent, but it becomes especially vile when committed against minors, particularly in cases of sexual abuse. Among the various categories of crimes against children, sexual offences stand out as profoundly disturbing. Sexual abuse of children is described as when a perpetrator uses children for their own sex stimulation (The American Psychologies, 1999).¹

In August 2019, it was reported in Dewan Rakyat by Liew Vui Keong, the de facto law minister, that 3,738 cases of sexual offences against children had been brought to court since the implementation of the Sexual Offences Against Children Act 2017 (SOACA 2017), with 1,131 of those cases resulting in convictions under

the Act (Augustin, 2019). Recent local research found that ten percent of youngsters experience sexual abuse (Indramalar, 2019).² Sexual crimes against children represent a grave societal issue, often perpetrated by individuals known to the victim, such as family members or acquaintances. Nevertheless, such crimes can also involve strangers. These alarming realities underscore the pressing need for robust measures to safeguard children, whose well-being is fundamental to the future of any nation.

DEFINITION OF CHILD

A “child” is typically defined as an individual who is a minor, falling below the legal age of majority. In Malaysia, the

minority of all males and females shall cease and determine at the age of eighteen years, and every such male and female attaining that age shall be of the age of majority (Age of Majority Act 1971 (Act 21)). Being below this age implies that a child has fewer rights, but also fewer responsibilities compared to those who have reached the age of majority. It is crucial to recognise that the age of majority varies across states and countries.

The Child Act 2001 defines a “child” as a person under the age of eighteen years and, in criminal proceedings, as a person who has attained the age of criminal responsibility as prescribed in the Penal Code. According to the Penal Code, children under ten years of age are not criminally responsible for their actions. It also includes a *doli incapax* provision, which exempts children aged ten to twelve from criminal liability if they lack sufficient maturity to understand the nature and consequences of their conduct.

The Children and Young Persons (Employment) Act 1966 defined a “child” to mean any person who has not completed his fifteenth year of age; “young person” means any person who, not being a child, has not completed his eighteenth year of age. No child or young person is permitted to be engaged in any employment in Malaysia. Adoption Act 1952 states that a “child” means an unmarried person under the age of twenty-one and includes a female under that age who has been divorced (Adoption Act 1952 (Act 257)).

The laws in India address various aspects concerning children, with clear definitions that determine their applicability. Defining a “child” is crucial for ensuring that relevant laws are applied correctly, similar to the provisions in

Malaysia. For instance, The Child Labour (Prohibition and Regulation) Act (Act 61 of 1986) of India defines a “child” as a person who has not yet completed their fourteenth year. The primary objective of this Act is to prohibit the engagement of children in work. Thus, it specifically targets individuals who have not reached the age of fourteen. In 2016, the Act was amended through the Child Labour (Prohibition & Regulation) Amendment Act, which not only continued to prohibit the employment of children under fourteen but also introduced provisions banning the employment of adolescents (ages fourteen to eighteen) in hazardous occupations and processes (The Child Labour (Prohibition and Regulation) Amendment Act, 2016).

In the Prohibitions of Child Marriage Act 2006, child means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age. The main objective of this Act is to prevent child marriages, and it provides that a marriage involving a child is voidable at the option of the individual who was a child at the time of the marriage (The Prohibition of Child Marriage Act 2006 (Act 6 of 2007)). According to the Juvenile Justice (Care and Protection of Children) Act 2015, child means a person who has not completed eighteen years of age. This Act focuses on the welfare and development of juveniles, making it applicable to individuals under eighteen. These laws ensure that those in these age groups are protected, and any sexual crimes committed against them are punishable under these Acts. Protection of Children Act (POSCO) 2012 defines a “child” as any person below the age of eighteen years. The primary aim of this Act is to safeguard children from sexual offences and harassment.

DEFINITION OF SEXUAL OFFENCES

A sexual offence refers to any sexual act committed against an individual without their consent, even if that individual is unable to provide consent. In both Malaysia and India, the most prevalent sexual offences against children include child pornography, statutory rape, and sexual assault or harassment. However, this study will primarily focus on the issue of child sexual abuse. It is surprising to learn that there is a wider definition of child sexual abuse. Child sexual abuse, which frequently leaves children and teenagers traumatised, is illegal in many countries and is prosecuted as such. Any sexual act between an adult and a minor, or between two minors, in which one exercises dominance over the other, is considered child sexual abuse. Next, pressuring, threatening, or convincing a minor to participate in any kind of sexual act or non-contact behaviour, including voyeurism, exhibitionism, exposure to pornography, and sexual phone or online communication (Townsend & Rheingol, 2013).³

Those who molest children look and act just like everyone else. Some people have or will sexually abuse children in churches, schools, and youth sports leagues. Abusers can be neighbours, friends, and family members. People who sexually abuse children can be found in families, schools, churches, recreation centres, youth sports leagues, and any other place children gather. Significantly, abusers can be and often are other children. About 90% of children who are victims of sexual abuse know their abuser. Only 10% of sexually abused children are abused by a stranger (Greenfeld, 1997).⁴

Sexual crimes against children are a critical issue worldwide, often involving

perpetrators known to the victims, though strangers can also be involved. Legal definitions of a child generally refer to individuals under 18, with specific protections against child labour, marriage, and sexual exploitation. Common offenses include child pornography, statutory rape, and sexual assault. These crimes highlight the urgent need for robust protections and support systems to safeguard children, as their well-being is crucial for the future of society.

MALAYSIAN AND INDIAN LAWS ON SEXUAL OFFENCES AGAINST CHILDREN

Under the SOACA 2017, there are two main categories of offences: physical sexual assault, outlined in section 14, and non-physical sexual assault, detailed in section 15. Any individual who, for sexual purposes, touches any part of a child's body, makes a child touch any part of their own body or another person's body, makes a child touch any part of their own body, or engages in any other act involving physical contact with a child without engaging in sexual intercourse, is committing an offence. If found guilty, the person can be sentenced to imprisonment for up to twenty years and may also be liable to whipping. Non-Physical Sexual Assault, any individual who, for sexual purposes, utters words, makes sounds, performs gestures, or displays any object or part of their body with the intention that it is heard or seen by a child, makes a child exhibit their body or any part of it to be seen by them or others, or repeatedly follows, watches, or contacts a child by any means, is committing an offence. Additionally, threatening to use any visual, audio, written, or combined representation of a child engaged in sexual activity; engaging in sexual activity in the presence of a child; making a child watch

or hear representations of sexual activity; or making a child engage in sexual activity are also considered offences. If convicted, the person may be liable to imprisonment for up to ten years, a fine not exceeding twenty thousand ringgits, or both.

In the explanation of section 14 and section 15, the act of touching may involve the act of touching with any part of the body or with an object and may be done through anything including anything worn by the person touching or by the child touched. In determining what constitutes sexual purposes, the court may take into consideration, among others, the part of the body that is touched, the nature and extent of the act of touching or the physical contact, and all other circumstances surrounding the conduct. In determining what constitutes sexual purposes, the court may take into consideration, among others, the words uttered, the nature and extent of the gestures, and all other circumstances surrounding the conduct.

The application of section 14(a) of the SOACA 2017 is exemplified in the case of *Public Prosecutor v Sigol bin Singki* [2022] 7 MLJ 1.⁵ The respondent, a 61-year-old stepfather, was convicted on twenty counts of physical sexual assault under section 14(a) read with section 16(1) of the Act. Despite his guilty plea, the Sessions Court imposed what the prosecution contended was a disproportionately lenient sentence six years imprisonment for each charge, to run concurrently, alongside forty-two strokes of the cane. The defence advanced mitigating factors, including the respondent's advanced age, clean record, and expression of contrition. Conversely, the prosecution sought consecutive sentences, arguing that the offences were separate, not a single transaction, and underscoring aggravating factors such as

coercion, threats, and the sustained abuse of the victim from the age of ten. The court's balancing of deterrence, retribution, and rehabilitation in sentencing raised intricate questions about proportionality under SOACA 2017.

Similarly, in the case of *Chan Koh Poh v Public Prosecutor* [2024] 3 MLJ 180⁶, the appellant faced three charges under section 14(a), having been accused of committing heinous sexual offences against a minor. Despite his vehement denial, the prosecution succeeded in establishing a prima facie case, compelling the appellant to enter his defence. The case turned on the precise interpretation and application of section 14(a), which criminalises physical sexual assault on children absent of sexual intercourse. The court meticulously evaluated the probative weight of the prosecution's evidence, scrutinising whether it satisfied the stringent burden of proof requisite for securing a conviction under the statutory framework. The outcome of the trial would hinge upon the judiciary's discernment of the statute's language and the evidentiary thresholds necessary to substantiate such grave allegations.

Under the POCSO 2012, outlines stringent measures in Sections 3 to 8 to address sexual offences against children. Section 3 defines penetrative sexual assault, including acts involving penetration by body parts or objects, while Section 4 prescribes punishments ranging from a minimum of 10 years to life imprisonment. Sections 5 and 6 detail aggravated penetrative sexual assault, committed under specific circumstances such as by persons in authority or causing severe harm, punishable by rigorous imprisonment, life imprisonment, or the death penalty. Section 7 defines sexual

assault as non-penetrative acts involving sexual intent, with Section 8 mandating imprisonment of 3 to 5 years and fines. The Act also ensures fines are directed towards victims' medical and rehabilitation needs. Aggravated sexual assault, under sections 9 and 10, addresses non-penetrative assaults committed in aggravated circumstances, warranting enhanced punishment. Lastly, sections 11 and 12 define and penalise sexual harassment, encompassing acts such as unwelcome gestures, remarks, or behaviours performed with sexual intent towards a child.

Section 9 of the POSCO 2012, Aggravated sexual assault includes circumstances that elevate the severity of the crime. These include if the offender is a police officer, armed forces member, public servant, or staff of jails, hospitals, educational or religious institutions. It also covers gang assaults, use of deadly weapons, infliction of severe harm, repeated offences, assault on a child under twelve, by a relative or trusted person, and during communal violence or natural calamities. Other factors are the child being pregnant, attempts to murder the child, previous convictions, forcing the child to strip in public, and administering substances for early sexual maturity.

Section 10 outlines the punishment for those convicted of aggravated sexual assault as defined in section 9. The penalty for such an offence is imprisonment for a minimum of five years, which can extend up to seven years. Additionally, the offender is also liable to a fine. This section emphasises the severity of the crime and ensures that offenders face significant legal consequences.

Section 11 defines sexual harassment of a child. It includes acts done

with sexual intent, such as uttering words, making sounds, gestures, or displaying objects or parts of the body with the intention that they are heard or seen by a child. It also covers making a child display their body, showing pornographic material, repeatedly following or contacting a child through any means, threatening to use depictions of the child in any media, and enticing a child for pornographic purposes. The section clarifies that determining whether an act involves "sexual intent" is a matter of fact, to be decided based on the circumstances of each case.

Section 12 stipulates the punishment for committing sexual harassment upon a child as defined in section 11. An individual found guilty of this offence can be sentenced to imprisonment for up to three years. In addition to imprisonment, the offender is also liable to a fine. This section ensures that those who engage in sexually harassing behaviour towards children face legal repercussions.

FACTORS OF SEXUAL OFFENCES AGAINST CHILDREN OCCUR

The Out of the Shadows Index evaluates how countries address child sexual abuse and exploitation. It assesses legislation, policies, and responses across sixties countries, focusing on education, reproductive health, victim support, law enforcement, and online safety. The Index highlights the need for enhanced engagement from governments, the private sector, and civil society to meet the United Nations Sustainable Development Goals (Target 16.2) aimed at ending all forms of violence against children by 2030 (The Economist Intelligence Unit, 2019).⁷

ECPAT Country Overviews provide detailed analyses of the legal framework for SEC in specific countries. They assess achievements, and challenges, and suggest priority actions to advance national efforts against SEC (ECPAT International, 2019).⁸ Several factors influence children's vulnerability to SEC in Southeast Asia, including technological advancements and high levels of tourism (ECPAT International, 2017).⁹ Technology evolution has transformed the modus operandi of exploitation. Despite some industry engagement, only three of fourteen assessed middle- and lower-income Asian countries have telecommunications associations prioritising the prevention of sexual violence against children.

Malaysia ranked 23 out of 60 countries scored by the Out of the Shadows Index on the country's response to child sexual abuse and exploitation, with a score of 54.5. Malaysia's efforts include the Sexual Offences against Children Act (2017). Challenges include a dual legal system, which creates legislative gaps, and insufficient data and research. The Out of the Shadows Index reports Malaysia as having a relatively stable and safe environment (The Economist Intelligence Unit, 2019).¹⁰ Less than 1% of households live in extreme poverty (World Development Report, 2019)¹¹, contributing to a livelihood score of 80/100.

Social norms around sex and traditions of silence inhibit effective sexual education and reporting of abuse. Malaysia's geography and economic stability attract significant migration, exacerbating the risks of trafficking and exploitation. However, Malaysia's conservative social, political, and religious spheres impact progress against child

sexual abuse. Some voices within Malaysia argue for its continuation, maintaining that protecting people's right to marry children reduces casual sex prevents sexual immorality and relieves families of financial burden (Malaysian Child Resource Institute, 2013). However, steps are being taken, such as the inclusion of women and minorities in key governmental positions and the Human Rights Commission's opposition to procedures that could perpetuate child marriage.

Most refugees and asylum seekers in Malaysia are from Myanmar (UNHCR, n.d.), and Rohingya (UNHCR, 2019). These populations experience significant barriers to full participation in everyday life, particularly in regard to healthcare and Neducation. Despite some government and civil society programmes being available for support, unaccompanied children within these vulnerable groups find themselves at risk. They are often denied access to basic services, and are exposed to different forms of violence, including sexual exploitation in all its different manifestations.

Internet is another reason for children's exposure to sexual abuse and exploitation in Malaysia. Approximately 80% of the population in Malaysia used the internet in 2018 (International Telecommunication Union, 2018). Despite this high level of connectivity, significant gaps remain in the legislative framework addressing online child sexual exploitation. Internet service providers (ISPs) in Malaysia are not mandated to block, delete, or report content involving child sexual abuse and exploitation (UNICEF. 2016).

Malaysia has adopted national plans targeting child protection and trafficking. However, these plans need evaluation

mechanisms to measure effectiveness. Government sources have yet to report progress, despite advocacy from NGOs. Civil society's efforts in awareness and prevention are commendable. Technology companies are notably involved in preventing online SEC, achieving a score of 100/100 for industry engagement in this sector. However, the travel and tourism industry remain largely unengaged, with only one Malaysian company committed to The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Economist Intelligence Unit, 2019).¹²

COMPARATIVE ANALYSIS BETWEEN MALAYSIA AND INDIA

Worldwide, sexual offences against minors are a serious problem that necessitates the creation of efficient legal frameworks and social programs. In general, laws are enacted to facilitate the implementation of policies and policies that have been planned by the government. Law is a mechanism used to determine qualifications, procedures, the do's, and don'ts, and also as a guide to the implementation of a policy. Since 1924 when the growth of the United Nations recognized the first declaration of children's rights known as the Geneva Declaration of Human Rights of the Child. In 1959, the United Nations adopted the Declaration of the Rights of the Child

This comparative analysis looks at how Malaysia and India have approached this problem, comparing, and contrasting their legislative frameworks, methods of enforcement, and social reactions. Considerable development has taken place in this area of the law. What are the reactions of the Malaysian courts and

legislature to all these? How did the courts apply and define the concept? As we all know it is the parent's responsibility to maintain and provide shelter, food, clothing, education, and necessities. However, if the relationship between the mother, father, or guardian with the child is not good, then government intervention is required. This point was clearly stated by Judicial Commissioner Tay Yong Kwang in the case of *Public Prosecutor v Mesdi Hussain* [2002] 4 SLR 912.¹³ According to him, since the innocent child has only the voice of the law to speak for herself/himself, the law must speak clearly and loudly to fathers who sexually abuse their children by imposing severe sentences.

Among the early laws passed specifically to address children's issues in Malaysia is the Indian Act No XIX of 1850, an ordinance originating from India. This ordinance was introduced and applied in the Straits Settlements. It provided for an apprenticeship scheme where orphaned children were given opportunities to learn arts and other forms of skills, enabling them to lead better lives as adults. The Indian Act No XIX of 1850 was later abolished when Ordinance No. 5 (Apprentices) came into effect. In 1927, Chapter 28 Children Ordinance was enacted to replace Ordinance No. 5 (Apprentices).

The Children Enactment 1922 (Federated Malay States) and Children Ordinance 1927 (Straits Settlements) were specific laws addressing child-related offences. In both statutes, children were defined as those under 14 years old. Relevant provisions aimed at preventing child abuse included section 3(1) of the Children Ordinance 1927, which reads:

If any person over the age of fourteen years, who has the custody, charge or care of any child wilfully assaults, ill-treats, neglects, abandons or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause such child unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of an offence, and liable on conviction to imprisonment of either description for a term not exceeding two years or to a fine not exceeding five hundred dollars, or to both such imprisonment and fine, and for this section a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury.

The Malaysian government established the Sexual Crime Court Against Children Act 792 on June 22, 2017, to handle cases involving sexual offences against minors and relieve the load on the regular criminal courts, thus lubricating the working mechanism of Act 792. For several reasons, attempts to control pornography and other online content deemed detrimental to children have proven ineffective. The Communications and Multimedia Act of 1998, the Sexual Offences Against Children Act of 2017, and the Penal Code of Malaysia all make it illegal to disseminate such content in Malaysia.

Nevertheless, the attempts to regulate such offences appear inflexible since there are no such criteria. This is also because one of the primary barriers to criminal justice is the limited availability of legal aid. Research indicates that the judicial system lacks a defined process to support abused and vulnerable children.

In 2020, it was observed that the implementation of SOACA 2017 had a substantial impact on police investigations and prosecutions related to offences

against children. Before the enactment of SOACA 2017, police had to rely on provisions in the Penal Code to address cases involving child sexual abuse, such as child pornography, sexual grooming, and other forms of sexual abuse against children. Further, police were also granted additional investigative powers and authority to effectively handle cases involving child sexual abuse. SOACA 2017 has streamlined the investigation and prosecution processes, making it easier for the police's investigation and prosecution divisions, as well as the Deputy Public Prosecutors' divisions, to carry out their duties. The provisions within the SOACA 2017 provided clearer guidelines and marked a significant advancement in addressing the specific challenges posed by offences against children and providing improved support for victim.

To expedite the conclusion of cases involving sexual offenses against minors, Malaysia set up special courts. Additionally, the nation has special police teams trained to deal delicately with cases of child sexual abuse. Underreporting, social shame, and the requirement for law enforcement personnel to have more thorough training are still issues, nevertheless. NGOs and community groups actively participate in educating the public about child sexual abuse and offering victims support services in Malaysia. The goals of public awareness campaigns and educational initiatives are to lessen stigma and promote reporting of abuse. However, sensitive issues related to culture and religion might occasionally prevent candid communication and useful action.

The Constitution of India enjoins the social equality of people of all sexes, religions, castes, and communities and

prohibits discrimination and exploitation in any form. There are laws to enforce these principles and impose punishment for their violations. Special laws have been enacted for the protection of women against rape, cruelty by husbands and their relatives, dowry demands, sati, immoral trafficking, forced prostitution, pornography, child and bonded labour, and atrocities on Dalits and Adivasis. Special provisions have also been incorporated into existing laws for similar purposes.

India implemented the Protection of Children from Sexual Offences Act (POCSO) in 2012, which is a comprehensive law aimed at combating sexual abuse against Children. The act expands the definition of sexual crimes, mandates the reporting of abuse, and sets guidelines for assessing victims. POCSO emphasizes a multidisciplinary approach to providing medical care and ensuring justice for children who have experienced sexual abuse. Paediatricians and health care professionals need to acquire the necessary expertise for clinical evaluation of child sexual abuse, and its prevention, management, and reporting.

India has put in place several initiatives to improve the POCSO Act's implementation, such as the creation of special courts and judicial and police officer training. An important function of the National Commission for the Protection of Child Rights (NCPCR) is to oversee the Act's execution. India still confronts many obstacles despite these efforts, including a large number of cases, long courtroom delays, and sociocultural hurdles that impede reporting and prosecution (Dinesh et al., 2023).

Adding on India has a robust network of NGOs and civil society organizations

working to combat child sexual abuse. These groups fight for legislative changes, run awareness campaigns, and offer victims psychological and legal assistance. Deeply ingrained gender biases and cultural norms continue to be major barriers to properly addressing child sexual abuse despite these efforts. The RATI Foundation for Social Change is based out of Mumbai and primarily works to create spaces & communities where children are safe from sexual violence.

TOWARDS ENDING THE SEXUAL ASSAULT AGAINST CHILDREN

Children are among the most vulnerable members of society and protecting them from harm is a paramount responsibility. Unfortunately, child sexual offences continue to be a significant concern in countries like Malaysia and India, with statistics revealing alarming numbers of reported cases each year. To address this grave issue effectively, a comprehensive and multi-pronged approach is necessary, encompassing legal reforms, education, support services, cross-border cooperation, and corporate responsibility.

One of the fundamental steps in combating child sexual offences is the implementation of strict legal frameworks that ensure harsh penalties for offenders. In Malaysia, for instance, the case of *MD Jahangir v Public Prosecutor [2020] 10 MLJ 210*¹⁴ highlighted the critical need for stringent punishment for perpetrators of such heinous crimes. Similarly, India has witnessed a staggering number of cases, as reported by the National Crime Records Bureau. Strengthening legal mechanisms and ensuring swift prosecution of offenders are imperative steps toward justice and deterrence.¹⁵

Education and awareness play a pivotal role in empowering children and communities to recognize and report abuse (Bonyan, 2024). Organizations like Protect and Save the Children in Malaysia play a crucial role in combating child sexual abuse through educational workshops designed to raise awareness and empower individuals to recognize and respond to abuse effectively. These workshops typically cover a range of topics, including identifying signs of abuse, understanding the impact of abuse on children and families, legal rights, and protections, and how to report abuse safely. By educating communities, schools, parents, and children themselves, these organisations create a network of informed individuals who can actively work to prevent and address instances of abuse. In India, initiatives such as the POCSO 2012 e-Box (Protection of Children from Sexual Offences e-Box) serve as an innovative platform for children to report abuse anonymously. This initiative is part of the broader POSCO 2012, which aims to provide a comprehensive legal framework for addressing child sexual abuse.¹⁶ The POCSO e-Box allows children to report abuse online without disclosing their identity, thereby overcoming barriers such as fear, stigma, and retaliation that often prevent victims from coming forward. By offering a safe and confidential reporting mechanism, the POCSO e-Box encourages more victims to speak out, facilitates prompt intervention by authorities, and contributes to creating a safer environment for children.

Establishing robust support systems is equally crucial in aiding victims of child sexual abuse. The case of *Chan Kok Poh v Public Prosecutor [2024] 3 MLJ 180*¹⁷ in Malaysia underscored the importance of

providing psychological support and rehabilitation services to child victims and their families. NGOs like Childline India Foundation offer counselling and shelter services, providing much-needed assistance to victims in India.

Given the intricate and cross-border nature of child sexual exploitation, effective collaboration between Malaysia and India is paramount. This collaboration entails not only sharing intelligence to gain insights into trafficking routes and criminal networks but also conducting joint operations for coordinated law enforcement efforts (UNODC, 2024). By exchanging critical information and resources, both countries can enhance their capacity to identify and apprehend perpetrators, rescue and support victims, and dismantle trafficking syndicates that exploit children across borders. Furthermore, initiatives like the ASEAN Plan of Action against Trafficking in Persons underscore the regional commitment to combating human trafficking and child exploitation through collaborative strategies, highlighting the importance of cross-border cooperation in addressing these complex and pervasive challenges comprehensively.¹⁸

Furthermore, promoting corporate responsibility can significantly contribute to preventing child sexual offences. Initiatives like the Child Safe Tourism Campaign engage businesses in implementing child protection measures and training staff to identify and report suspicious activities, especially in sectors like tourism where children are vulnerable to exploitation.

In conclusion, safeguarding children from sexual offences requires a comprehensive strategy that addresses

legal, educational, support, cooperative, and corporate dimensions. By implementing these strategies and learning from real-life cases and research, Malaysia and India can make significant progress in protecting their children and securing a safer future for generations to come.

CONCLUSION

In conclusion, the battle against sexual offences targeting children necessitates a comprehensive and unified approach that spans the legal, educational, social, cooperative, and corporate realms. Both Malaysia and India have demonstrated significant progress in enacting and enforcing stringent legal frameworks, raising awareness through education initiatives, establishing robust support systems for victims, fostering cross-border collaboration, and encouraging corporate entities to take responsibility for safeguarding children.

However, this journey is far from over, and ongoing efforts must be sustained and enhanced. Governments, NGOs, communities, and businesses must continue to work together synergistically, drawing insights from real-life cases, research findings, and global best practices to continually refine and improve strategies. This includes strengthening legal mechanisms to ensure swift justice for perpetrators, expanding educational programs to empower individuals to recognize and report abuse, enhancing support services for victims and their families, deepening cross-border cooperation to combat trafficking and exploitation, and promoting corporate responsibility to create safer environments for children.

Ultimately, the protection of children from sexual offenses is not merely a legal obligation or a moral imperative; it is a collective responsibility that shapes the very fabric of our societies. By steadfastly pursuing these multidimensional strategies and learning from each other's successes and challenges, Malaysia and India can make substantial strides in safeguarding their children and securing a brighter, safer future for generations to come.

NOTES

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¹³*Yong Kwang in the case of Public Prosecutor v Mesdi Hussain* [2002] 4 SLR 912.

¹⁴*MD Jahangir v Public Prosecutor* [2020] 10 MLJ 21014

¹⁵Two recent reports from UNICEF's Innocenti Research Centre provide a detailed regional analysis of anti-trafficking initiatives in South Asia, from which this summary has been extracted: 'South Asia in Action: Preventing and responding

to child trafficking' and 'South Asia in Action: Preventing and responding to child trafficking: Child-rights-based programme practices'

¹⁶Paris Principles (Principles relating to the Status of National Institutions), GA resolution 48/134, 1993; Committee on the Rights of the Child General Comment No. 2 The role of independent national human rights institutions in the protection and promotion of the rights of the child, CRC/GC/2002/2.

¹⁷*Chan Kok Poh v Public Prosecutor* [2024] 3 MLJ 180

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