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HUMAN RIGHTS COMMISSION OF MALAYSIA

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PRESS STATEMENT

SPECIAL SAFEGUARDS AND CARE FOR CHILD VICTIMS MUST BE UPHELD ALWAYS

The Human Rights Commission of Malaysia (the Commission) views with great concern the sentences that were meted out recently on two offenders who were found guilty of statutory rape. While not denying that there have been similar sentences in the past in cases of statutory rape committed by young first offenders, the Commission is alarmed that the consent of the child victims appeared to be one of the mitigating factors in both cases. That our penal laws recognize that a child may lack the necessary maturity to give real consent or may be unduly influenced into giving apparent consent, is underscored by the legal prohibition against sexual relations with a female child under the age of 16, regardless of consent on her part.

The vulnerability of the child is also recognized by the Convention of the Rights of the Child (CRC) which states, inter alia, that the child by reason of his/her physical and mental immaturity needs special safeguards and care, including appropriate legal protection. Whether the rights, protection and best interests, not to mention the future, of our minors have been and will be upheld and safeguarded in cases involving statutory rape is now doubtful in the light of those sentences. It is also of great concern that the lenient sentences meted out might send the wrong message to would-be offenders, thus would not be an effective deterrence for statutory rape cases.

The Commission also views very seriously the public disclosure of the names of the offenders which may lead to the exposure of the identity of the child victims. The best interests of the child in such cases, including the protection of the victim's identity, her safety and well-being, should have been of paramount concern as enshrined under Articles 19 and 34 of the CRC. The Government shall protect the child from all forms of sexual exploitation and sexual abuse and take appropriate measures to ensure recovery and integration in to the society that would enforce the health, self-respect and dignity of the child as provided for by Article 39 of the CRC.

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"HUMAN RIGHTS FOR ALL"

TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia (SUHAKAM)

30 August 2012

"Hak Asasi Untuk Semua"
"Human Rights For All"