



**MEDIA STATEMENT
THE OFFICE OF THE CHILDREN'S COMMISSIONER OF THE
HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)**

EDITOR, NEWS DESK

FOR IMMEDIATE RELEASE

PRESS STATEMENT

KUALA LUMPUR (13 FEBRUARY 2022) - The Children's Commissioner of the Human Rights Commission of Malaysia (SUHAKAM), Prof Dato' Noor Aziah Mohd Awal (CC) is saddened by the case of a 15-year-old girl stabbing her own newborn baby in Cukai, Kemaman. It is understood that the girl was a rape victim, and her family was unaware that she was pregnant, as she has been missing from home. The girl has dropped out from school soon after the MCO was implemented due to lack of access to online learning.

The Office of the Children's Commissioner (OCC) was informed that the girl is now under police custody and currently being detained in a police lock-up. While the CC is aware that the case is being investigated, detaining a 15-year-old girl who had just given birth is clearly not in the best interest of the child. The CC is of the view that the approach taken in dealing with a child who is in conflict with the law should be in line with the Convention on the Right of the Child (CRC) to which Malaysia is a Party. The CC believes that the girl is definitely suffering from a horrible mental health condition that led her to act in such a way.

The CC stresses that:

- i. It is paramount that the girl must first be given proper postpartum treatment including psychological treatment before taking her through the prosecution process. The Social Welfare Department (SWD) should ensure that both treatments are given appropriately to the girl;
- ii. The girl should be given the necessary legal aid, in particular, the right to a legal representative (lawyer) as well as a Social Welfare Officer who would act as her probation officer and protector. The SWD is urged to arrange for the legal aid to be provided to the girl on a pro bono basis;
- iii. The children in conflict with the law must be treated in accordance with the provisions under the Child Act 2001 (Act 611) and the CRC. By virtue of Section 83A of Act 611, a child being arrested should not be handcuffed, and the parents or guardian must be informed of the child's whereabouts. Under the same Act and the CRC, the child's identity should be protected and not be disclosed. Furthermore, the child's right to consult a counsel of his or her choice should be fulfilled. In addition, children in detention should not be placed with an adult who has been charged with an offence.

The CC is concerned with the statement issued by the Deputy Minister of MWFCD through social media, which has since been deleted that the girl did not suffer from any mental health conditions and the CC believes that a comprehensive psychological assessment on the mental health of the girl should be conducted before such statement is issued. In this instance, the CC also wishes to reiterate that the child/ girl is a rape victim, irrespective of consent and this is a statutory rape case under the Section 375 of the Penal Code. The CC emphasizes that the principle of the best interest of the child, as envisioned in Article 3 of the CRC, should be applied in all criminal cases involving children.

"Human Rights For All"

For enquiries contact the Commission's front desk on 03-2612 5600



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This incident has again highlighted the importance of a comprehensive syllabus of sex, sexuality, and reproductive education which must be developed by the Ministry of Education (MoE) with cooperation and collaboration with the Ministry of Health (MoH) and the Ministry of Women, Family and Community Development (MWFCD). This syllabus should be taught to all children in all government and private schools. More effective collaboration and coordination should be fostered among relevant Government agencies such as MoE, Ministry of Communication and Multimedia (MCM) and MFWCD to intensify efforts in promoting greater awareness among children regarding such education through various medium, including social media.

The CC also urges the Government to implement effective program in providing emotional support to all pregnant teenagers/girls in a safe environment. The MWFCD must publicize services provided by SWD so that families of pregnant teenagers/girls will be more prepared to address the situation.

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**Professor Dato' Noor Aziah Hj. Mohd Awal, Children’s Commissioner
13 February 2022**

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