

CALL FOR INPUT TO THE REPORT OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN AND GIRLS TO THE HUMAN RIGHTS COUNCIL ON PROSTITUTION AND VIOLENCE AGAINST WOMEN AND GIRLS - REPORT TO THE 56TH SESSION OF THE HUMAN RIGHTS COUNCIL (HRC56)

Malaysia offers the following comments and feedback, for the call for input to the report of the Special Rapporteur on Violence Against Women and Girls to the Human Rights Council, on prostitution and violence against women and girls.

2. Malaysia's input is not limited to providing a response to the call for input but also reflective of our long-standing commitment in promoting and protecting the rights of women and girls in the country.

3. Malaysia remains fully committed to upholding its treaty obligations to CEDAW by prioritising women empowerment and gender equality. In line with the recommendations made in the Concluding Observations of the CEDAW Committee, Malaysia continues to establish legislation, improve its policies and implement various initiatives to protect the rights of women and girls, and to ensure their safety and security.

4. This feedback is provided in consultation with the relevant Government agencies to ensure a balanced presentation of the overall situation in Malaysia.

Legal Frameworks

5. Prostitution is not a criminal offense under Malaysian federal law, however soliciting is illegal under Article 372B of the Penal Code. Several activities linked to the profession are also prohibited. These include:

- i. Acts such as benefitting from the profits made by a prostitute;
- ii. Soliciting or persistently approaching people for prostitution; and
- iii. Exploiting and pimping sex workers.

6. A comprehensive framework of laws and regulations in Malaysia have been effective in preventing and responding to violence against women and girls in general such as the Domestic Violence Act 1994, Child Act 2001 and Children and Young Persons (Employment) Act 1966.

7. The 12th Malaysia Plan (2021-2025) also highlights efforts in moving towards a substantive campaign on violence against women. In ensuring women are safe, secure and healthy, various measures have been undertaken by the government to enhance the well-being of women.

NO.	QUESTION	INPUTS
1.	Provide examples of the hidden forms of prostitution, and explain to what extent they are recognized and dealt with as such?	Prostitution in Malaysia is prohibited in all states and related activities such as soliciting and brothels are illegal. In Malaysia, hidden forms of prostitution include sex trafficking through massage parlour services and illicit trafficking in hotels.
2.	Describe the profile of women and girls affected by prostitution in your country, and provide disaggregated data, where possible.	The Royal Malaysian Police reported 661 people arrested for prostitution-related offences in Malaysia in 2021 compared to 1,274 cases in 2020. Of these numbers, a majority of cases are non-citizens who have been trafficked into the country under sex-trafficking rings. Median age ranges from 25 years – 45 years of age.
3.	Describe the profile of those who solicit women in prostitution and whether such relations are regulated, and provide supporting data, where possible.	No data available.
4.	What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?	No data available.
5.	Who is responsible for the perpetration of violence against women and girls in prostitution?	No data available.
6.	Describe the linkages, if any, between prostitution and the violation of the human rights of women and girls.	Prostitution is a complex issue with several linkages to the violation of the human rights of women and girls. Among factors that contribute to these linkages are:

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		<p>Exploitation and Coercion: In many instances, women and girls may enter prostitution due to economic vulnerabilities, coercion, or lack of viable alternatives. This can lead to situations where their right to freely choose their occupation is compromised.</p> <p>Violence and Abuse: Prostitution often exposes women and girls to a heightened risk of violence, including physical and sexual abuse. The lack of legal protection and societal stigma can contribute to a culture of impunity for perpetrators, further violating the right to security and physical integrity.</p> <p>Trafficking and Forced Prostitution: Human trafficking for the purpose of prostitution involves a severe violation of human rights, as individuals, often women and girls, are coerced or deceived into engaging in prostitution against their will. This infringes upon their right to freedom, dignity, and personal security.</p>
7.	What links are there between pornography and/or other forms of sexual exploitation and prostitution?	No available data
8.	How is the issue of consent dealt with? Is it possible to speak about meaningful consent for prostituted women and girls?	No available data
9.	How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?	<p>A comprehensive framework of laws and regulations in Malaysia have been effective in preventing and responding to violence against women and girls in general such as the Domestic Violence Act 1994, Child Act 2001 and Children and Young Persons (Employment) Act 1966.</p> <p>Children who have fallen victim to prostitution and are exposed to its dangers can find appropriate remedies and protection under the Child Act 2001. Additionally, child victims undergo a year of after-care</p>

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		<p>supervision conducted by a Social Welfare Officers following their release from rehabilitation centres. This supervision aims to ensure a smooth reintegration into the community and to prevent the relapse into prostitution or other immoral activities.</p> <p>Additionally, the Royal Malaysia Police through the Sexual, Women and Child Investigation Division of the Criminal Investigation Department (D11) is responsible for investigating crimes against women and children including in prostitution. D11 has been actively conducting awareness campaigns (Women Awareness Campaign - WAC) through talks and exhibitions in schools, universities and for the public. This campaign focuses on the importance of safety as well as advice on coming forward to lodge police reports against the abusive condition they are facing.</p> <p>The National Anti-Trafficking in Persons Council (MAPO) also provides support to victims of trafficking based on a victim-centred approach. A Victim Assistance Specialist (VAS) programme was established to strengthen enforcement and improve Standard Operating Procedure (SOP) for enforcement agencies. Other services for victims include shelter, food, medical assistance and psycho-social support and Technical and Vocational Education Training (TVET). This victim-centred and trauma-informed approach (TIA) has been successful in preventing victim re-traumatisation and strengthening the effectiveness of interactions with victims.</p> <p>The TIA has since been institutionalised in training curriculums for shelter personnel and other service providers. Training workshops and knowledge-sharing sessions have also been conducted with enforcement agencies, prosecution, and the judiciary to raise awareness and educate the government and judicial officials on trauma and its impact on victims.</p>

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		<p>For Muslims, Sharia Law is the governing legal framework whereby under Section 21 of the Syariah Criminal Offences Act. The Department of Islamic Development Malaysia (JAKIM) through the Islamic Social Action Plan has developed initiatives to address the growing issues among the community including prostitution.</p>
10.	<p>What measures are in place to collect and analyse data at the national level with a view to better understanding the impact that prostitution has on the rights of women and girls?</p>	<p>Utilisation of data and statistics from the Department of Social Welfare (DSW)</p> <p>The DSW utilizes the data from cases from the relevant enforcement agencies for administrative and operational improvements, as well as a means to enhance the training and competency of DSW officers.</p> <p>At the national level, relevant data is shared for research purposes by academia in higher education institutions (public or private). Data from the DSW is then published for public consumption through the department's annual report, contributing to a broader understanding of the issue and informing policy and decision-making processes.</p> <p>All data on trafficking victims (including women and girls in prostitution) are sent to MAPO monthly for analysis and recommendations.</p> <p>Intra-government collaboration</p> <p>The Malaysia Internet Crime Against Children Investigation Unit (MICAC) under PRDM works closely with other law enforcement divisions and government agencies. Among collaborations include:</p> <ul style="list-style-type: none"> • The formation of an internal Committee between the Malaysian Communications and Multi-Media Commission (MCMC) and PDRM

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		<p>to discuss matters related to enforcement, including content enforcement.</p> <ul style="list-style-type: none"> • Sharing of information between the National Cybersecurity Agency and law enforcement agencies by providing digital forensics services such as onsite evidence preservation, evidence analysis, professional training and expert witnesses in court proceedings under Section 399 of the Criminal Procedure Code. • The Sexual Offenders against Children in the Child Registry Check (eDKK) which took effect in April 2019 enables employers to check whether an (potential) employee has committed any sexual offence against children. <p>Interactions with INTERPOL and Access to the International Child Sexual Exploitation database</p> <p>In 2019, Malaysia was connected to INTERPOL’s International Child Sexual Exploitation database¹. The database, allows investigators from 68 countries to exchange information and share data on cases of child sexual abuse has proven to be an invaluable tool for law enforcement. MICAC has since been trained in victim identification.</p>
11.	What measures are in place to assist and support women and girls who wish to leave prostitution?	MWFCD with support from DSW and Department for Women's Development (DWD) is responsible for the care and protection of trafficked victims, whereas children who have fallen victim to prostitution

¹ ECPAT International. (2019). [Briefing Paper: Sexual Exploitation of Children in Malaysia](#)

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		<p>and are exposed to its dangers can find appropriate remedies and protection under the Child Act 2001.</p> <p>To date, there are eight Government shelter homes (one shelter for men, five shelters for women and two shelters for children). MWFCD is also planning to have two additional shelters in the states of Kedah and Sarawak. A wide range of services are available for trafficked victims such as food and clothing, psycho-social support, income generation programme, language and vocational training and communication services.</p> <p>Taman Seri Puteri (TSP) is an institution established for the care and rehabilitation of children designated under the Child Act 2011 [Act 611]. This institution provides services including protection and rehabilitation, guidance and counselling, formal and informal education including skills and vocational training as well as religious and moral education. Young people who reside in the centres are victims of abuse, runaways and those who are pregnant out of wedlock. The institution also houses victims of prostitution and children who are exposed to the danger of prostitution.</p> <p>A pilot Technical and Vocational Education and Training (TVET) project for victims of trafficking which covers eight programme areas is being carried out at these shelters. Trafficked victims are allowed to take the course at the shelters or join the programme at the nearest training institute. They will also be awarded certificates upon completion of the programme. This will allow the victims to generate income while in Malaysia and when they return to their home countries.</p> <p>Apart from that, DSW also provides care and rehabilitation to juvenile delinquents through education institutions. These institutions also</p>

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		<p>provide guidance and counselling, formal and informal education including skills and vocational training as well as religious and moral education. Following their release from the institution, these children undergo a year of after-care supervision conducted by a Social Welfare Officer. This supervision aims to ensure a smooth reintegration into the community and to prevent the relapse into immoral activities.</p>
12.	<p>What are the obstacles faced by organizations and frontline service providers in their mission to support victims and survivors of prostitution?</p>	<p>The DWD is dedicated to empowering women and eliminating discrimination against women and girls, aligning with Clause 2, Article 8 of the Federal Constitution, the National Women's Policy, and the Women's Development Action Plan. While there isn't a specific policy addressing support for victims and survivors of prostitution, DWD remains committed to fulfilling the country's international obligations under CEDAW and the Beijing Declaration and Action Plan. DWD's focus on empowerment and gender equality reflects its proactive approach to advancing the rights and well-being of all women in the nation.</p> <p>As such, DWD is fully committed to protecting women against sexual harassment and domestic violence including protection for female trafficked victims. Through the enforcement of ATIPSOM, DWD provides shelters for women which deliver care and protection services to trafficked female victims. One of the main obstacles faced by care and protection service providers is the language barrier as most of the victims are foreigners. This delays the process of identifying the country of origin and clerking the history of the issue faced by the victims. However, the Department has taken many proactive steps to overcome this obstacle by collaborating with the NGO, International Justice Mission (IJM) which provides translators for foreign languages.</p>

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		<p>Another issue faced by staff of shelter homes, is the difficulty in managing the mental health of the rescued victims. Most of the trafficked victims have undergone different levels of traumatic experience. Hence, each victim requires a tailored approach and care to help ease their trauma. Therefore, the need to sensitize shelter staffs with victim-centered and trauma-informed approach when delivering services to the survivors is a challenge as there are limited resources for continuous training and upgrading of knowledge in handling the victims, from time-to time.</p>
13.	<p>What are some of the lessons learned about what works and what does not when it comes to stemming any negative human rights consequences from the prostitution of women and girls?</p>	<p>Lessons learned</p> <p>The unique challenges faced by individuals who have experienced violence in the context of prostitution have been highlighted when implementing trauma-informed care within support services.</p> <p>MWFCD always endeavors to provide the best service based on a victim-centric and trauma-informed approach for women and girls who have been identified as trafficked victims. This approach stresses the needs and well-being of the victims and takes into consideration the psychological and emotional condition of victims.</p> <p>MWFCD has always been steadfast in enhancing its care and protection services at shelters under its purview and shelters run by NGOs. A wide range of services are available for trafficked victims such as shelter, clothes, personal needs, food a psychosocial support a medical treatment. In order to take care of the welfare of the victims in the shelter, they are allowed to make phone calls to their families in their countries of origin. In addition, to ensure that victims undergo the protection order period in a healthy and positive environment, the MWFCD has implemented various programmes that focus on aspects of counselling,</p>

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		<p>language, faith, skills, emotional management, health, including income generating activities.</p> <p>MWFCD provides Care and Protection services to victims not only while they are in the shelter but also include their presence in court as witnesses. When the victims are called to court, the victims will be accompanied by Protection Officers and enforcement officers and placed in a witness room. MWFCD collaborates with IJM Malaysia to conduct a program called <i>legal briefing</i> in the shelter to ensure that the victims are aware of their rights and court proceedings. The victims are also supported logistically which include transport and accommodation as well as food and drinks. Apart from Protection Officers who are responsible for the wellbeing of the victims while under the Protection Orders, the Government has introduced the Victim Assistance Specialist (VAS) service to support the victims. The VAS employs a victim-centred approach in victim response, which means that the needs and safety of the person rescued from trafficking are prioritised, with the aim of minimising harm or further re-traumatisation.</p>
14.	Are frontline organizations and survivors' organisations sufficiently included in policymaking at the national and international level?	<p>Yes. The Ministry has actively engaged with relevant stakeholders, including civil societies, to gather inputs, suggestions, and recommendations for legislative and policy reforms concerning women and girls.</p> <p>The Ministry, through DWD is fully committed to protecting women against sexual harassment and domestic violence and often works closely with NGOs and agencies which share the same vision in helping the victims. Strategic collaboration with various stakeholders too has been made a priority in addressing issues pertaining to women and children.</p>

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		<p>As a proactive measure, the National Council for Women and Family (NCWF) has been established as an institutionalised platform that involves government policymakers, academicians, representatives from the private sector and NGOs to identify and discuss current issues related to women and families to ensure policies, laws and programmes are carried out effectively at all levels. NCWF also reviews existing policies and strategies related to women and the family and identify areas that requires attention or improvement. The proposed strategies through this council are ensured to be in line with the broader national development goals and policies.</p>
15.	<p>What recommendations do you have to prevent and end violence associated with the prostitution for women and girls?</p>	<p>Addressing and preventing violence associated with prostitution for women and girls involves adopting a comprehensive and multifaceted approach. Among recommendations to consider are:</p> <p>Supportive Services: Supportive services are essential in addressing the challenges associated with prostitution for women and girls. It is recommended to establish and fund more support services, including counseling, healthcare, and rehabilitation. These services aim to assist individuals leaving prostitution and those who have experienced violence.</p> <p>Education and awareness: Both elements play a crucial role in preventing and addressing violence associated with prostitution for women and girls. It is recommended that both government and non-state actors implement educational programmes to raise awareness about the risks and consequences of prostitution. These programmes should target both potential clients and individuals vulnerable to exploitation.</p> <p>Additionally, continuous advocacy programmes through mass media can be an excellent way to repeatedly remind women and girls about the</p>

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		<p>dangers that surround them and how to be cautious at all times. Continuous advocacy through multiple available platforms to seek assistance and support services if encountered with such distress can become handy in times of need. Moreover, this approach is very effective in educating women about their rights and empowering them to lead dignified lives.</p> <p>Economic Empowerment: Instead of merely addressing the symptoms, focusing on the common root of all trafficking cases - poverty could prove more effective and straightforward. People often turn to prostitution or end up in forced labor due to their economic circumstances. Therefore, programmes that offer alternative economic opportunities and job training for women and girls at risk of entering prostitution, are timely.</p> <p>Research and Data Collection: There is a need to support research to better understand the dynamics of prostitution, violence, and exploitation. This will allow the use of evidence-based approaches to guide policy and programme development.</p> <p>Empowering youth: Adolescence, especially for girls, is a critical stage for early interventions to prevent violence. Many projects chose to empower young people as agents of change to enhance the outcome of prevention interventions.</p>