

Protecting the rights of children

WITH increasing competition between various newspapers and news channels, the rights of children are being infringed.

The law is clear that a child who is in conflict should not be named

nor his photograph be published. Unfortunately, we have seen numerous breaches of privacy, especially information that identifies a child who is believed to have suffered severe injuries from alleged rape or other abuses.

Their personal details have been spread via the many news reports and, even worse, on social media.

The urgency is to treat the child's physical and emotional injuries, considering the probable

severity of their physical and mental traumas. Similar protection should also be given to the "alleged young offender" where we must first recognise that, being a child, he or she acts without experience or knowledge of what he or she is doing.

According to Section 83 of the Penal Code (Act 574), nothing is an offence which is done by a child above 7 years of age and under 12 years, who has not attained sufficient maturity of understanding to judge the nature and consequences of his or her conduct on that occasion.

It should also be noted that children below the age of 7 are deemed incapable of criminal offence as per Section 82 of the Penal Code. When it comes to the protection of a child from the media, a simple reference can be made to the existing Child Act 2001 (Act 611).

It serves to consolidate the Juvenile Courts Act 1947 (Act 90), the Women and Young Girls Protection Act 1973 (Act 106) and the Child Protection Act 1991 (Act 468).

It was enacted partially to fulfil Malaysia's obligations under the United Nations Convention on the rights of the Child.

The Child Act 2001 provides protection for every child in the country. According to Section 2 of the act, a child means a person under the age of 18 years.

Apart from the various regulations and the international convention, the media needs to be sensitised on the issue and on the right to privacy and information of children.

Many young people who come into the juvenile justice system are sufferers of the consequences of inadequate care and protection.

They are shamed in ways that may detrimentally affect their self-concept, understanding of life options and hopes for the future.

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