

# **SAFETY ISSUES IN PENANG FROM A GENDER PERSPECTIVE**

By Tan Pek Leng

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## **I INTRODUCTION**

Public and personal safety is an issue of grave concern in Malaysia in general, and in Penang in particular, as the state has been identified as one of the four having the highest crime rates in the country – the others being Selangor, Kuala Lumpur and Johore. Some indications of the seriousness of the issue include:

- Overall index crime rate was at a distressing level of 746 per 100,000 population in 2006, rising to 767 per 100,000 in 2007 and 2008, and falling somewhat to 740 per 100,000 in 2009.<sup>i</sup> In comparison, only two states in the USA – Washington DC (1369 per 100,000) and South Carolina (790 per 100,000) – have index crime rates that are above that of Malaysia. Not surprising then that the Prime Minister's Department identified fighting crime as one of six the National Key Result Areas in the Government Transformation Programme launched in April 2009.
- The 2004 Malaysian Quality of Life Report found that 'Public Safety' and 'Environment' were the only two indices to have declined among the 11 monitored, with 'Public Safety' having deteriorated more significantly, recording a fall of close to 20 out of 100 points from the base year of 1990.<sup>ii</sup>
- 'The Report of the Royal Commission to Enhance the Operation and Management of The Royal Malaysian Police', completed in 2005, found that 17.6% of respondents surveyed reported that they had been victims of crime in the year 2004 alone. The survey also found that 89% of the respondents were 'worried' to 'extremely worried' about the occurrence of crime in their neighbourhood.<sup>iii</sup> There was, however, no gender breakdown in these statistics.
- The President of 3Gs Chong Eng recounted how she fell victim to snatch thefts twice within a matter of 3 days in 2003 – resulting in her taking up the issue of safety as a key concern in Parliament. Unfortunately, the reaction from the Home Minister to her highlighting the issue in Parliament was that she had been careless and therefore invited the crime. This is an underlying attitude of those in authority, which is found in relation to various crimes that are targeted against women.

## **II SAFETY ISSUES AFFECTING WOMEN AND MEN, GIRLS AND BOYS IN PENANG AND MALAYSIA**

Table 1 provides the data on index crimes in Malaysia for the years 2007-2009. Index crimes are defined as 'crimes that are reported with sufficient regularity and with sufficient significance to be meaningful as an index to the crime situation' and comprises two components – violent crimes and property crimes.<sup>iv</sup> As the table shows, property crimes – which affect the population across the board, especially the adults – make up more than 80% of total index crimes. Only two crimes that affect women in particular are included in the Crime Index, i.e. Rape and Snatch Thefts. By virtue of frequency of occurrence, other Violence against Women (VAW) crimes such as Domestic Violence (DV) and Outrage of Modesty should also be included in order to draw attention to their prevalence (see Table 3). This is especially true since VAW cases tend to be under-reported. Further, at the 7<sup>th</sup> Forum on 'Crime and Policing in Malaysia' on 2 June 2011,<sup>v</sup> the Chief Police Officer (CPO) of Penang Dato' Wira Ayub bin Yaakob explained that only DV cases that result in grievous

hurt enter the police crime statistics. The selection of types of crimes to be included in the index needs to take cognisance of the difference between actual number of cases and number of reported cases and it also needs to be more gender sensitive.

**Table 1: INDEX CRIMES IN MALAYSIA, 2007-2009**

TYPE OF CRIME	2007			2008			2009		
	No of Cases	% of Total Cases	No of Cases Per 100,000 population	No of Cases	% of Total Cases	No of Cases Per 100,000 population	No of Cases	% of Total Cases	No of Cases Per 100,000 population
Murder	590	0.15	2.16	654	0.31	2.37	598	0.29	2.11
Rape	3,176	0.83	11.63	3,494	1.65	12.66	3,816	1.82	13.48
Gang robbery with firearm	75	0.02	0.27	182	0.09	0.66	128	0.06	0.45
Gang robbery without firearm	7,093	1.85	25.97	21,804	10.30	79.03	24,523	11.71	86.63
Robbery with firearm	197	0.05	0.72	76	0.04	0.28	55	0.03	0.19
Robbery without firearm	17,235	4.49	63.10	4,959	2.34	17.97	4,936	2.36	17.44
Voluntarily causing hurt	6,793	3.24	24.87	6,648	3.14	24.10	6,682	3.19	23.61
<b>Total Violent Crimes</b>	<b>35,159</b>	<b>16.78</b>	<b>128.72</b>	<b>37,817</b>	<b>17.87</b>	<b>137.07</b>	<b>40738</b>	<b>19.45</b>	<b>143.91</b>
Theft	44,646	21.30	163.46	41,215	19.47	149.38	39,874	19.04	140.86
Theft of lorries/vans	5,047	2.41	18.48	6,263	2.96	22.70	5,720	2.73	20.21
Theft of cars	12,428	5.93	45.5	15,198	7.18	55.08	13,888	6.63	49.06
Theft of motorcycles	67,606	32.26	247.52	67,359	31.83	244.14	61,054	29.15	215.69
Snatch theft	11,106	5.30	40.66	8,205	3.88	29.74	9,687	4.63	34.22
Housebreaking by day	9,160	4.37	33.54	9,118	4.31	33.05	11,396	5.44	40.26
Housebreaking by night	24,430	11.66	89.45	26,470	12.51	95.94	27,060	12.92	95.60
<b>Total Property Crimes</b>	<b>174,423</b>	<b>83.22</b>	<b>638.61</b>	<b>173,828</b>	<b>82.13</b>	<b>630.03</b>	<b>168,679</b>	<b>80.55</b>	<b>595.90</b>
<b>Total Index Crimes</b>	<b>209,582</b>	<b>100.00</b>	<b>767.33</b>	<b>211,645</b>	<b>100.00</b>	<b>767.10</b>	<b>209,417</b>	<b>100.00</b>	<b>739.81</b>

Sources: Royal Malaysian Police, Annual Report, 2008 & 2009

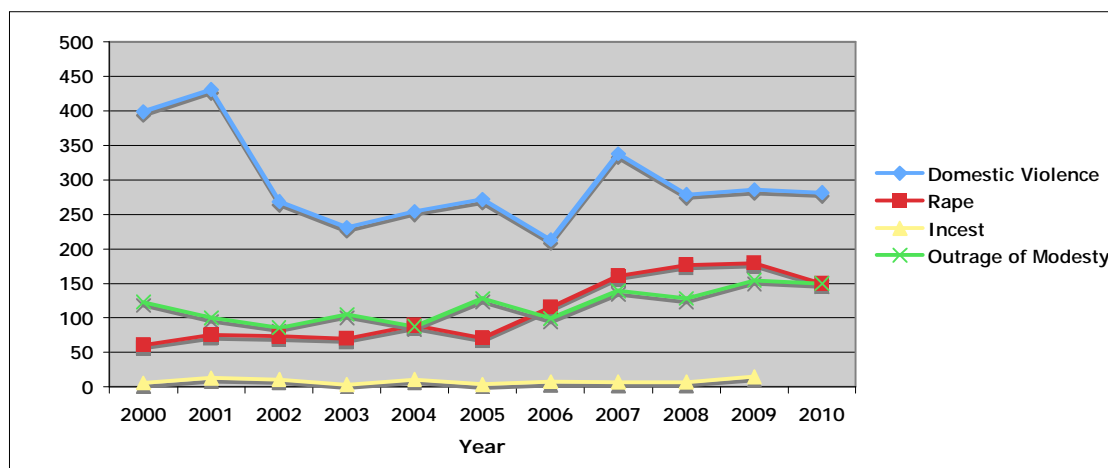
Based on the crime statistics obtained (Tables 3-11) and interviews with male and female respondents, Table 2 shows the key safety issues confronted by women and men, girls and boys in Penang. As can be seen, there are definite gender orientations to most of these crimes, except for property crimes, which normally affect the whole family; bullying in school and abuse of foreign residents. There is no gender-disaggregated data for child abuse, but it is understood that the incidence amongst girls is higher due to the occurrence of child sexual abuse, which predominated affects the female child. The lists of safety issues that affect women (both local and foreign) and girls are substantially longer than those affecting men and boys – VAW crimes and snatch thefts being the most prominent. Two key issues that claim more male than female victims are drug abuse and Mat Rempitism (illegal motorcycle racing). Road safety is a major issue as the high incidence of road accidents and fatalities due to such accidents documented in Table 9 testify. At the 2 June 2011 forum, the CPO confirmed that, despite frequent taunts of women being bad drivers and the cause of most accidents, the contrary is true – the majority of road accidents are caused by male drivers.

**Table 2: KEY SAFETY ISSUES THAT IMPACT WOMEN, MEN, GIRLS AND BOYS IN PENANG**

Malaysians				Foreign Residents	
Women	Men	Girls	Boys	Women	Men
Property Crimes Domestic Violence Rape Outrage of Modesty Sexual Harassment Snatch Thefts Road Accidents	Property Crimes Road Accidents Drug Abuse	Rape Outrage of Modesty Sexual Harassment Snatch Thefts Road Accidents Bullying in School Child Abuse Abduction	Drug Abuse Mat Rempitism Child Abuse Abduction Bullying in School	Rape Outrage of Modesty Sexual Harassment Snatch Thefts Human Trafficking Abuse at the Work Abuse by Authorities	Abuse at Work Human Trafficking Abuse by Authorities False Accusations

In terms of VAW crimes for the country as a whole, there is a clear upward trend for cases of rape, incest, sodomy and outrage of modesty over the period 2000-2010 (Figure 1 and Table 3). The number of DV cases fluctuated over the same time period, but has stayed within the range of 2555 and 3709 cases a year. As noted earlier, due to under-reporting, the actual number of VAW cases is likely to be substantially higher. With respect to VAW cases in Penang over the 2000-2010 period, the number of DV cases is on the decline – having fallen from the peak of 431 cases in 2001 to 282 cases in 2010 (Table 4). The number of outrage of modesty cases and rape cases are on the rise, in both cases more than doubling over the period concerned (Tables 5 & 6). The number of incest cases in Penang have fluctuated over the years, but the 15 cases registered in 2009 represents the highest in the ten years shown in Table 7. It should be noted that the figures shown are absolute numbers, and therefore do not take into consideration the rise in population of the state from 1,313,400 in 2000 to 1,609,900 in 2010. Similarly, it is not possible to rank these crime rates in Penang in comparison with the other states as the population in these states has not been factored in.

**FIGURE 1: CRIMES OF VIOLENCE AGAINST WOMEN IN MALAYSIA, 2000-2010**



Sources: Women's Centre for Change, Penang, [www.wccpenang.org](http://www.wccpenang.org)  
Royal Malaysian Police

**Table 3: CRIMES OF VIOLENCE AGAINST WOMEN IN MALAYSIA, 2000-2010**

TYPE OF CRIME	YEAR/ TAHUN											TOTAL/ JUMLAH
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	
1. Domestic Violence	3,468	3,107	2,755	2,555	3,101	3,093	3,264	3,756	3,769	3,643	3,173	<b>35,684</b>
2. Rape	1,217	1,386	1,431	1,479	1,760	1,931	2,431	3,098	3,409	3,626	3,595	<b>25,363</b>
3. Incest	213	246	306	254	335	295	332	360	334	385	n.a.	<b>3,060</b>
4. Sodomy	133	141	135	154	177	202	180	231	243	227	218	<b>2,041</b>
5. Outrage of Modesty	1,234	1,393	1,522	1,399	1,661	1,746	1,972	2,243	2,131	2,110	2,054	<b>19,465</b>

Sources: Women's Centre for Change, Penang, [www.wccpenang.org](http://www.wccpenang.org)  
Royal Malaysian Police

**Table 4: DOMESTIC VIOLENCE CASES IN MALAYSIA, 2000-2010 (BY STATE)**

STATE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Perlis	39	27	39	32	53	21	27	46	10	54	47
Kedah	177	179	177	179	264	328	198	378	387	288	135
Penang	399	431	269	231	255	272	213	338	279	286	282
Perak	269	185	135	123	85	186	151	261	241	290	345
Selangor	877	855	942	805	932	845	520	811	1,102	1,015	626
K/Lumpur	264	162	131	96	95	71	42	189	92	71	123
N/Sembilan	349	318	242	301	262	253	206	289	252	274	239
Melaka	92	56	67	68	104	159	112	106	89	62	64
Johor	377	379	187	234	465	320	259	315	273	231	300
Pahang	150	161	202	188	206	167	86	197	186	149	164
Terengganu	24	29	10	9	21	23	24	82	90	68	45
Kelantan	33	36	47	19	27	80	53	184	252	173	242
Sabah	102	86	85	69	124	114	56	144	218	342	301
Sarawak	316	203	222	201	208	254	224	416	298	340	260
<b>Total</b>	<b>3,468</b>	<b>3,107</b>	<b>2,755</b>	<b>2,555</b>	<b>3,101</b>	<b>3,093</b>	<b>2,171</b>	<b>3,756</b>	<b>3,769</b>	<b>3,643</b>	<b>3173</b>

Sources: Women's Centre for Change, Penang, [www.wccpenang.org](http://www.wccpenang.org)  
Statistics on Women, Family and Social Welfare (2006), Ministry of Women, Family and Community Development  
Written Reply to Questions in House of Representatives, Parliament of Malaysia (2010), Reference: 2517  
Royal Malaysian Police

**Table 5: OUTRAGE OF MODESTY CASES IN MALAYSIA, 2000-2010 (BY STATE)**

STATES/NEGERI	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Perlis	16	8	8	9	17	24	14	18	17	27	31
Kedah	104	116	121	97	136	146	124	161	162	216	170
Penang	123	100	86	105	88	128	99	139	128	154	150
Perak	74	61	87	121	126	123	87	201	158	182	151
Selangor	244	340	342	302	340	343	227	427	405	371	429
K/Lumpur	111	187	149	81	103	136	136	308	247	140	151
N/Sembilan	71	90	80	97	115	111	82	115	117	100	103
Melaka	36	37	78	51	60	60	69	102	79	59	45
Johor	199	211	214	204	266	214	189	233	273	330	309
Pahang	44	49	72	69	101	121	64	132	124	118	125
Terengganu	49	37	31	46	48	55	45	55	71	48	36
Kelantan	49	67	81	76	82	92	69	82	92	102	111
Sabah	52	42	92	65	105	125	110	161	159	167	153
Sarawak	62	48	81	76	74	68	34	109	99	96	90
<b>TOTAL</b>	<b>1,234</b>	<b>1,393</b>	<b>1,522</b>	<b>1,399</b>	<b>1,661</b>	<b>1,746</b>	<b>1,349</b>	<b>2,243</b>	<b>2,131</b>	<b>2,110</b>	<b>2054</b>

Sources: Women's Centre for Change, Penang, [www.wccpenang.org](http://www.wccpenang.org)  
 Statistics on Women, Family and Social Welfare (2006), Ministry of Women, Family and Community Development  
 Written Reply to Questions in House of Representatives, Parliament of Malaysia (2010), Reference: 2517  
 Royal Malaysian Police

**Table 6: RAPE CASES IN MALAYSIA, 2000-2010 (BY STATE)**

STATE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Perlis	12	10	13	11	21	26	28	27	41	43	40
Kedah	110	123	132	119	127	163	221	313	314	344	339
Penang	61	75	73	70	89	71	115	161	177	179	150
Perak	91	79	100	118	121	148	183	226	234	257	294
Selangor	216	269	253	280	289	368	421	562	630	623	639
K/Lumpur	67	97	120	77	116	111	142	221	186	155	152
N/Sembilan	59	82	62	69	89	97	103	153	194	210	182
Melaka	43	43	57	67	100	77	125	139	130	110	106
Johor	194	234	235	312	323	324	343	473	535	589	585
Pahang	74	79	79	70	102	84	143	194	206	221	223
Terengganu	48	48	45	38	58	99	127	130	141	122	137
Kelantan	52	74	70	66	82	90	152	167	246	308	307
Sabah	109	94	115	111	149	156	199	196	236	261	239
Sarawak	81	79	77	71	94	117	129	136	139	204	202
<b>TOTAL</b>	<b>1,217</b>	<b>1,386</b>	<b>1,431</b>	<b>1,479</b>	<b>1,760</b>	<b>1,931</b>	<b>2,431</b>	<b>3,098</b>	<b>3,409</b>	<b>3,626</b>	<b>3,595</b>

Sources: Women's Centre for Change, Penang, [www.wccpenang.org](http://www.wccpenang.org)  
 Statistics on Women, Family and Social Welfare (2006), Ministry of Women, Family and Community Development  
 Written Reply to Questions in House of Representatives, Parliament of Malaysia (2010), Reference: 2517  
 Royal Malaysian Police

**Table 7: CASES OF INCEST IN MALAYSIA, 2000-2009 (BY STATE)**

STATES	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Perlis	1	1	4	1	4	4	1	3	5	3
Kedah	21	12	31	21	28	32	21	31	33	32
Penang	6	13	11	3	11	4	8	7	7	15
Perak	16	14	27	29	27	33	25	36	35	33
Selangor	29	32	47	35	40	41	33	46	45	58
K/Lumpur	9	15	10	9	21	12	4	17	10	10
N/Sembilan	7	17	10	14	22	14	12	17	18	30
Melaka	13	8	10	15	14	17	11	17	13	11
Johor	29	34	47	47	52	39	17	61	56	42
Pahang	13	18	35	19	21	13	13	32	30	29
Terengganu	16	18	15	6	13	21	10	13	6	11
Kelantan	9	21	16	11	16	10	10	21	23	38
Sabah	24	30	27	29	44	38	28	37	44	42
Sarawak	20	13	16	15	22	17	16	22	9	31
<b>Total</b>	<b>213</b>	<b>246</b>	<b>306</b>	<b>254</b>	<b>335</b>	<b>295</b>	<b>209</b>	<b>360</b>	<b>334</b>	<b>385</b>

Sources: Women's Centre for Change, Penang, [www.wccpenang.org](http://www.wccpenang.org)  
 Statistics on Women, Family and Social Welfare (2006), Ministry of Women, Family and Community Development  
 Written Reply to Questions in House of Representatives, Parliament of Malaysia (2010), Reference: 2517  
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There have been far too many horrific cases of VAW in the past ten years. On the rape front, one such high profile case was that of Canny Ong, an IT analyst who had returned from the United States for a vacation in Kuala Lumpur. After dinner with her family on June 14 2003, she was abducted in the car park of the restaurant, raped and murdered, and her charred body stuffed into a manhole at a highway construction site. It took six years before a final verdict of death was pronounced on the perpetrator by the Federal Court. Penang was rocked by the case of a four-year old who was raped between January and April 2008 by the owner of the kindergarten she attended. It was with the persistent help and support of the Women's Centre for Change (WCC) that the case was successfully prosecuted in court and the perpetrator sentenced to 20 years' jail on 29 March 2011. The cases of the abduction of Nurin Jazlin Jazmin, 8, and Sharlinie Mohd Nashar, 5, however, remain unsolved. Nurin was reported missing while on her way to the night market near her house in Kuala Lumpur on 20 August 2007. Her naked body was found stuffed in a sports bag and left in the stairwell of a shophouse in Petaling Jaya. A cucumber and a brinjal were found stuffed inside her genitals and they had caused her rectum to rupture. Sharlinie was reported missing while playing outside her house in Petaling Jaya on 9 January 2008 – not far from where Nurin's body was found. The number of statutory rapes have also been on the rise, with 9,575 cases reported between 2005 and 2009 – a large number of these cases are, however, believe to be consensual sex where the girl is below the age of 16.



In terms of DV, on 24 October 2009, a civil servant in Penang splashed acid on his sleeping wife and daughter. His wife suffered acid burns on 80% of her body, slipped into a coma and died 10 hours later; his daughter suffered 20% burns on her face and it was feared she might lose her eyesight. In a case in Kuantan an enrage husband beat his wife to death apparently because she was having a telephone chat with another man. He was believed to have slammed his wife's head against the floor and stomped on her abdomen, chest and thigh in the presence of their 12-year-old son. In a landmark case in August 2009, a mechanic was given the maximum sentence of five years' jail for using violence to force his wife to have sex with him. This was believed to be the first case charged under a new provision, Section 375A of the Penal Code, which came into force in 2007 and provides that 'where a man, during the subsistence of a valid marriage, causes hurt or fear of death or hurt to his wife or any other person in order to have sexual intercourse with his wife shall be imprisoned for up to five years'. Marital rape is still not recognised in Malaysia.



In 2000, four female employees of the Copthorne Orchid Hotel in Penang filed complaints with the hotel and made police reports against their former General Manager, a German national, for incidents of verbal and physical sexual harassment. The employees were dismissed by the hotel after these complaints were made. The General Manager was charged in the Magistrate's Court for outraging the modesty of the three of these employees. However, he left the country before the criminal proceedings were over. Although the court issued a warrant of arrest against him, the warrant could not be executed, resulting in a verdict of discharge not amounting to acquittal. Alongside the criminal charges, the four women had sought redress from the Industrial Court for wrongful dismissal by the hotel. After a seven-year battle, on 30 October 2007, the Industrial Court finally ruled in favour of these four former employees of the hotel and awarded them a total of RM308,642 in back wages and compensation in lieu of reinstatement.



The cases of VAW are many but the cases of successful prosecution of these crimes are few. Although one of the goals of the NKRA programme for reducing crime is to 'improve performance across the criminal justice system', Home Ministry statistics show that the percentage of perpetrators of rape who are prosecuted in court fell from 12.69 in 2005 to 4.41% in 2009.<sup>vi</sup> This would mean that conviction rate in 2009 would be lower than the 4% WCC's research indicated for the period 2000-2005 – this figure was met with disbelief when it was presented to the public prosecutors in 2007 although some members of the Penang

judiciary did not find it surprising. There is no comparable data available for the other VAW crimes.

In terms of prevention of such crimes, the CPO of Penang was of the opinion that the only measure available to the police is conducting awareness programmes for potential victims so that they can be more vigilant in protecting themselves. The police contingent in Penang is in the midst of setting up a trauma centre in George Town for victims of VAW.

Snatch Thefts first became a category in police statistics in 2000, and as the data in Table 8 shows, incidence of this crime was extremely high – both for Malaysia and for Penang state over the period 2001-2003. Snatch thefts aroused even greater concern as a result of a spate of deaths, which occurred when victims fell or otherwise fatally injured themselves in the course of the crime being committed. There were widespread media coverage and campaigning, especially in the Chinese press. The NKRA crime reduction programme is focused on reducing street crimes, of which snatch theft is a major component. When the Municipal Council of Seberang Prai (MPSP) conducted a customers' survey in the process of drafting its KRA on Safety, snatch theft and housebreaking were identified as the two crimes that aroused the greatest concern among the residents of the municipality. The data from the survey was not analysed according to the sex of the respondents, but snatch thefts are mainly targeted at the handbags carried and jewellery worn by women.

**Table 8: SNATCH THEFTS, 2001-2009 (BY STATE)**

STATE	2001	2002	2003	2004	2005	2006	2007	2008	2009
Perlis	43	33	17	15	21	11	17	17	8
Kedah	593	886	943	619	572	333	763	589	563
Penang	1,967	1,723	1,736	1,133	1,220	1,167	1,222	1,103	1,199
Perak	1378	808	779	864	824	659	456	387	482
Selangor	2,796	3,182	4,262	2,819	1,737	3,867	2,867	2,181	3,312
Kuala Lumpur	2,920	3,629	4,149	2,858	2,194	2,237	2,855	1,840	2,030
Negeri Sembilan	276	233	338	209	185	288	397	272	268
Melaka	555	340	331	221	359	216	184	191	228
Johor	2745	2,722	2,031	1,405	1,186	980	780	15	82
Pahang	190	117	190	183	231	178	264	248	172
Kelantan	107	99	86	217	246	223	305	315	391
Terengganu	224	148	231	138	106	180	173	230	131
Sabah	191	170	159	233	227	232	285	419	336
Sarawak	383	550	546	622	509	503	538	398	485
<b>Total</b>	<b>14,368</b>	<b>14,640</b>	<b>15,798</b>	<b>11,536</b>	<b>9,617</b>	<b>11,074</b>	<b>11,106</b>	<b>8,205</b>	<b>9,687</b>

Source: Written Reply to Questions in House of Representatives, Parliament of Malaysia (2010),  
Reference: 2391



As mentioned above, the high incidence of road accidents is a major safety issue, especially since it is accompanied by a high fatality rate (Table 9). As the Penang CPO noted, the larger proportion of road users who cause accidents are males, but the statistics are not analyzed according to gender. Road bullies are also a threat to safety on the roads, but no statistics are available on this problem.

**Table 9: ROAD ACCIDENTS AND FATALITIES IN MALAYSIA, 2008-2009 (BY STATE)**

STATE	2008	2009	Change (%)
Perlis	69	90	+30.4
Kedah	469	550	+11.6
Penang	354	395	+10.9
Perak	829	829	0
Selangor	1,083	976	-9.9
Kuala Lumpur	237	230	-3.0
Negeri Sembilan	389	377	-3.1
Melaka	243	248	+2.1
Johor	1,065	1,060	-0.5
Pahang	446	512	+14.8
Kelantan	380	453	+19.2
Terengganu	293	348	+18.9
Sabah	325	345	+6.2
Sarawak	318	332	+4.4
<b>Total Fatalities</b>	<b>6,527</b>	<b>6,745</b>	<b>+3.3</b>
<b>Total Road Accidents</b>	<b>397,330</b>	<b>373,071</b>	<b>+6.5</b>

Source: Royal Malaysian Police, Annual Report, 2008 & 2009

Drug abuse is a problem that displays an obvious gender dimension. More than 90% of habitual drug users in the country are male. There are also direct links between drug abuse and other crimes – in particular property crimes as the addicts resort to crime in order to support their habits. Although a tremendous amount of resources are directed to the rehabilitation of drug abuses, these programmes have not met with great success because of the structure of the programmes and also because ex-drug addicts are often not accepted back into society, especially in terms of gaining employment. Many, therefore, retrace their route to ruin, resuming their drug habits and lives of crime.

**Table 10: DRUG ABUSE IN MALAYSIA, 2008-2010**

	2008	2009	2010 (Jan-June)
New addicts apprehended	5,939	7,123	8,984
Repeat addicts apprehended	6,413	8,613	3,095
Total	12,352	15,736	12,079
Penang cases (% of Total)	13.13	14.33	9.95
Addicts aged 19-39 (%)	69.37	77.29	77.11
Male Addicts (%)	97.76	98.23	97.20

Source: National Anti-Dadah\* Agency, Dadah Report, December 2009 and June 2010

\*Dadah is the Malay word for narcotic drugs.

Child Abuse was another crime that attracted a lot of attention and public outrage, resulting in protocols being set up in hospitals and other medical establishments to be on the lookout for indications of abuse and to report such cases to the police.

**Table 11: CHILD ABUSE, 2007-2010 (BY STATE)**

STATE	2007	2008	2009	Total
Perlis	27	63	81	171
Kedah	54	153	45	252
Penang	216	177	183	576
Perak	185	138	219	542
Selangor	816	949	525	2,290
Kuala Lumpur	444	595	332	1,371
Negeri Sembilan	171	209	148	528
Melaka	55	64	125	244
Johor	163	208	22	393
Pahang	46	108	139	293
Kelantan	19	30	34	83
Terengganu	23	48	40	111
Sabah	19	8	7	34
Sarawak	41	30	0	71
<b>Total</b>	<b>2,279</b>	<b>2,780</b>	<b>1,900</b>	<b>6,956</b>

Source: Written Reply to Question, House of Representatives, Parliament of Malaysia (2010), Question No. 290

According to a 2005 study on crimes in schools, conducted by the Socio-Economic and Environmental Research Institute (SERI) in a total of 86 secondary schools, i.e. 77% of secondary schools in Penang, 521 cases of criminal activities were recorded. Top on the list was threatening other students (24% of all cases), followed by theft (23%), and threatening the prefects (10%). Other criminal acts which were committed in significant numbers were gambling, threatening teachers, extortion and sexual harassment. Again, these data were not disaggregated by gender.

As is true of any country where there is the presence of a large number of foreign residents – especially if they make up the lower echelons of the work force, and worse if a big proportion of them are undocumented workers – Malaysian society often blames the rising crime rate on them. However, data adduced from Parliament show that in most years, less than 2% of the crimes in the country are committed by foreigners as shown in Table 12. Nonetheless, foreign residents in the country are often subjected to profiling and wrongfully accused of crimes they did not commit. In addition, they are subjected to all manner of abuses by their employers and law enforcers alike. There have been numerous cases of wrongful arrest – including detention of refugees whose status is not recognised despite being holders of identity passes issued by UNHCR. The mistreatment, abuse, torture and even rape of migrant workers and refugees while under detention have been well documented.<sup>vii</sup> *The Revolving Door* also contains accounts of collusion between RELA (Volunteers of the Malaysian People: a paramilitary civil volunteer corps formed by the Malaysian government), the police and immigration Department in human trafficking of refugees and undocumented workers.

**Table 12: Index Crimes Involving Foreigners in Malaysia, 2005-2009**

Year	Total No of Criminal Cases	No of Cases Involving Foreigners	Percentage (%)
2005	157,365	3,108	1.98
2006	186,453	3,495	1.87
2007	209,559	3,643	1.74
2008	211,645	4,882	2.31
2009	209,417	3,060	1.46

Source: Written Reply to Question in House of Representatives, Parliament of Malaysia (1 April 2010)  
Question No. 39.

### **III POLICY, PROGRAMMES AND PROJECTS TO IMPROVE PUBLIC SAFETY**

#### **National Programmes**

##### National Key Results Areas (NKRA)

This NKRA on *Reducing Crime* is aimed at delivering the following outcomes:

- Reduced overall reported index crimes, with focus on street crimes;
- Improved public perception of safety, especially through public participation and volunteerism;
- Improved performance across the criminal justice system to build public confidence and strengthen professional pride across the system.

The main initiative for crime reduction under this NKRA is the **Safe Cities Programme** implemented through local authorities – with particular focus on the four states with the highest crime rates: Selangor, Kuala Lumpur, Johore and Penang. It has no particular gender focus and involves mainly physical upgrading of ‘hotspots’ identified by the police. The hotspots on Penang Island are mainly located in George Town whilst those in Seberang Prai are concentrated in the Seberang Prai Central District – both being the more urban areas in the respective municipalities – and the upgrading work comprises improvement of lighting, construction of bollards, upgrading of pedestrian walkways, installation of CCTVs, etc. PEMANDU, the unit in the Prime Minister’s Department tasked with implementing the Government Transformation Programme (GTP) determines the nature of the programme and provides the budget for it. Local Authorities mainly implement what has been decided centrally, no additional budget or resources are ploughed in by the Local Authorities. No assessment of impact, whether generally or with regards to gender, are being conducted by the Local Councils. The Penang Police Contingent claims that it has exceeded the set target for crime reduction for the year 2010 – achieving 26% reduction for index crimes and 27% for street crimes. Many states claim even greater reduction than Penang for that same year. Sabah, for instance, claims to have reduced index crimes by 49% and street crimes by 70%, while both Kuala Lumpur and Selangor claim to have reduced street crimes by 35%. However, these achievements speak little for dealing with safety issues faced by women. According to Police data (2000-2007), more than 70% of rapes occur within buildings; hence this Safe Cities Programme will not have any impact in preventing such sexual crimes. Rape cases are still very much on the rise, and a recent estimate based on Police data has it that 10 women get rape every day in Malaysia. According to the 2010 Malaysian Report on the Millennium Development Goals, the incidence of rape in this country ranks among the highest in the world.

##### National Anti-Dadah Agency (AADK)

AADK conducts educational programmes to prevent drug abuse in educational institutions, from pre-schools to universities; in work places, public and private sector; and community

organisations. As of June 2010, 6,984 drug addicts were being treated in drug rehabilitation centres – 97.74% of them being male. 8.24% of them were HIV positive. 17 of the 22 rehabilitation centres were housing inmates above their capacities. 46,830 persons were undergoing rehabilitation in the community as of June 2010 – the highest number (7107, or 15.18% of the total) being in Penang. Enforcement is done through urine tests in entertainment spots, at road blocks, government departments and at the country's borders. The educational programmes are directed irrespective of gender, but the treatment programmes are necessarily focused on male abusers due to their sheer numbers. However, their effectiveness is questionable as drug abuse figures continue to rise and the number of repeat users is also high. These programmes are trying to treat the symptoms rather than the cause.

### Ops Sikap

These campaigns are mounted during the peak festive season each year in an attempt to reduce road accidents. Actions taken include:

1. Stationing members of the police force at hotspots which have been known to record a high rate of accidents;
2. Monitoring of express buses;
3. Monitoring the highways with unmarked patrol cars;
4. Reducing the speed limit;
5. Restricting the use of the highways by heavy vehicles.

Over the period 2002-2009, the number of traffic accidents recorded over the period of the Ops Sikap has increased from 12,239 to 17,335; the number of fatalities has stayed in the 200-280 range; and the number of deaths a day ranged from 13.3-18.7. There is no clear indication of the effectiveness of the campaigns. There is no gender disaggregated data of those involved in the accidents.

### Sexual Crimes

There are no obvious programmes implemented for prevention of sexual crimes and the CPO of Penang did not see what the police could do besides awareness raising programmes. Tips posted on the Royal Malaysian Police website for avoiding rape include:

1. Taking precautions to ensure that members of the family who are mentally unsound or disabled are not left unsupervised and therefore exposed to the risk of rape;
2. Providing religious and moral education on the harm that can arise from illicit sex;
3. Supervising and monitoring the interactions of children to ensure that they are not excessive;
4. Avoid walking alone in dark, quiet or isolated places;
5. Being wary of food and drinks offered by strangers or new acquaintances as they may contain drugs or stimulants;
6. If using public transport, making sure that there are other women passengers present as well.

Obviously, these tips betray a lack of understanding of the dynamics of rape and an adherence to stereotypes. This is all the more disappointing as the police's own data indicates that from 2005 to 2007, only about 30% of rapes are committed by strangers or new acquaintances and this figure was around 20% for the period 2000-2004.

## **State Programmes**

### Crime Prevention

The State Executive Committee Member in charge of Women, Family and Community Development has collaborated with the police in conducting awareness raising talks in each district of the state. Topics covered in these talks include tips on crime prevention, awareness of crime and violence against women, and demonstration of techniques of self-

defence. The State Executive Committee also works closely with and supports the WCC and other NGOs in their awareness campaigns against sexual crimes. A 'Walk Against Sexual Crimes' was held in conjunction with International Women's Day 2011 and a 'Citizen's Campaign against Child Sexual Abuse' is on-going. The State Executive Committee has also been funding the operation of the Pusat Perkhidmatan Wanita (Women's Service Centre) in Seberang Perai, which is managed by WCC. Community policing has become very widespread in Penang, as citizens groups patrol their own neighbourhoods to make up for the slack in police presence. The State Government assists these groups by providing them with walkie-talkies. A further discussion on community policing is included in the section on **Civil Society Programmes** below.

### **Local Authority Programmes**

Besides implementing the Safe Cities Programme that is overseen by the Town and Country Department and the Ministry of Housing and Local Government, the Penang Island Municipal Council does not have any specific programmes aimed at enhancing safety in the area under its jurisdiction. A senior officer in the Council is of the opinion that most safety requirements are taken care of under building by-laws and the various by-laws governing fire-safety, street lighting, etc. Where new townships are being planned, considerations are being given to accessibility of markets, schools, shopping and entertainment establishments to ensure that they are not located in isolated areas and hence compromise the safety of users.

The Seberang Perai Municipal Council, however, has more proactively integrated the NKRA Safe Cities Programme with its own KRA No. 3 (out of six in total) on 'Improving the Standard of Safety'. Five strategies have been identified for achieving the objective of this KRA:

1. Designing the Physical Environment based on the concept of Safe Cities;
2. Encouraging Gated Communities in new developments;
3. Preparing a policy on Guarded Communities;
4. Enhancing the education and awareness programmes related to safety;
5. Maintaining omnipresence (of the council's enforcement squad, traffic wardens and auxiliary police) in public places.

The action plan for the implementing the strategies of KRA No. 3 closely follows those drawn up from the NKRA and MPSP draws on the allocations provided for the NKRA programmes to implement its action plan for KRA No. 3.

### **Civil Society Programmes**

For the past 26 years, since its establishment in 1985, the WCC has played a leading role in the fight against VAW in Penang. Going beyond its initial functions as a women's crisis centre, WCC's programmes now include:

1. Services: providing counselling, legal advice and temporary shelter to women and children who are the victims of violence. In the past few years, WCC has also set up a Rape Survivor Support network at the Penang General Hospital;
2. Community Outreach: conducting gender sensitization programmes and awareness raising programmes on VAW, personal safety, child sexual abuse and sexuality for women, children and youths. WCC also conducts gender sensitization training and talks for service providers, such as the police and hospital personnel, in order to improve their handling of cases of sexual violence.
3. Legal Reform: working primarily within the context of Joint Action Group for Gender Equality (JAG), WCC has been actively involved in advocacy for better laws and policies for Malaysian women and children – including the Domestic Violence Act, sexual assault provisions of the Penal Code, family law and Sexual Harassment Act.

4. Statistics, Research and Publication: compiling data on VAW, conducting research on sexual crimes, divorce and maintenance, etc. as well as publishing and disseminating resource materials.

In October 2010, WCC joined 21 other NGOs in launching the Kempen Rakyat to stop sexual crimes against children. In this connection, numerous public talks and public events, including the “Walk Against Sexual Crimes”, have been organised.

As mentioned earlier, community policing has become a widespread practice for self-help crime prevention in residential neighbourhoods. While such community policing has been effective to a certain extent in reducing crime in residential areas, there are other problems associated with such vigilante groups – for instance, incidents of suspects being beaten up in the course of citizens’ arrests and certain self-interested groups making use of the community policing schemes for their own advantages. There are also questions as to why citizens should take over the work of the police force.

However, the CPO sees it differently. As he enunciated in his keynote speech on ‘Community Policing: The Penang Police Experience’ at the 7<sup>th</sup> *Forum on Crime and Policing in Malaysia*, collaboration and partnership between the police and the community are indispensable for effective crime prevention and busting and also to boost public confidence in the police force. The police force in the state has been divided into neighbourhood teams in order to ensure that they are familiar with their designated area of duty and has close rapport with the residents in the neighbourhood concerned so that they are fully apprised of the needs of the neighbourhood and are able to engage the communities and work collaboratively with them to solve their problems. The CPO admitted, however, that a greater buy-in and change of attitude among the police personnel is necessary.

#### **IV FINANCIAL AND RESOURCE ALLOCATIONS**

Besides the NKRA and Safe Cities Programme, there are no specific allocations for safety programmes. Indeed, both MPSP and the police are concerned about the sustainability of programmes they have launched if funding for the NKRA is terminated. As noted, there is no gender element in the NKRA programmes, and hence similarly none or minimal for those conducted by the Local Authorities and the police. Since 2007, however the Penang Police Contingent has been operating a Child Interview Centre so that the testimony of victims of child abuse can be recorded on video in an atmosphere that is less intimidating than that in court. This programme was initiated as part of a human rights project sponsored by the British High Commission. In addition, the Penang Police Contingent is about to launch a trauma centre for women, which is funded out of the force’s operating budget. As to the other programmes, the resources – both financial and human – come out of operating budgets that are not gender specific, the exception perhaps being the allocations under the State Executive Committee for Women, Family and Community Development – but this budget is rather limited. In this context, organisations like WCC have been filling the vacuum in lieu of a more gender responsive budget allocation for dealing with safety issues. A promising new development is that the State Government is considering setting up a ‘Women’s Council’ which will provide a better-endowed and more effective mechanism for implementing gender-based programmes. On the whole though, a lot of groundwork has to be done to lay the basis for gender responsive budgeting (GRB). There is a need for greater awareness and knowledge of GRB and conscious incorporation of it as standard operating procedure (SOP) for budget planning and implementation at all levels of government.

## V IMPACTS AND OUTCOMES OF SAFETY PROGRAMMES

The Safe Cities Programme appears to have been partially successful in bringing down the rate of index and street crimes. However, the rising rate of other crimes indicates that the safety programmes are still inadequate. A key problem is that these programmes are primarily targeted at dealing with the symptoms rather than the real causes behind these crimes. A more comprehensive programme designed specifically – with gender perspectives embedded in it – needs to be drawn up and implemented. Adequate resources – both financial and human – have to be allocated for it. Civil servants at all levels of government – federal, state and local – need to be oriented towards Gender Responsive Budgeting.

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<sup>i</sup> Royal Malaysian Police (2008 and 2009) *Annual Report*

<http://www.rmp.gov.my/defaultbase.cfm?path=about/AR.cfm?mod=57>, accessed on 28 May 2011.

<sup>ii</sup> Economic Planning Unit (undated) *Malaysian Quality of Life Report 2004*, Kuala Lumpur: Economic Planning Unit, Prime Minister's Department, Malaysia, p. 20.

<http://www.google.com/search?q=malaysian+quality+of+life&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla.en-US:official&client=firefox-a>, accessed on 28 May 2011.

<sup>iii</sup> Amar Singh Sidhu (2006) 'Crime Levels and Trends in the Next Decade' in *Journal of the Kuala Lumpur Royal Malaysian Police College*, No. 5, p. 1.

<http://www.rmpckl.rmp.gov.my/Journal/BI/crimelevels.pdf>, accessed on 27 May 2011.

<sup>iv</sup> Amar Singh Sidhu (2005) 'The Rise of Crime in Malaysia: An academic and statistical analysis' in *Journal of the Kuala Lumpur Royal Malaysian Police College*, No. 4, p. 4.

<http://www.mpk.rmp.gov.my/jurnal/2005/riseofcrime.pdf>, accessed on 27 May 2011

<sup>v</sup> 7<sup>th</sup> Forum on Crime and Policing in Malaysia on the theme 'Community Policing: The Penang Police Experience', 2 June 2011, University Sains Malaysia, Penang.

<sup>vi</sup> Reply to Written Reply in House of Representatives, Parliament of Malaysia (undated), Reference: 2498.

<sup>vii</sup> See for instance, Tenaganita (2008) *The Revolving Door*, Kuala Lumpur: Tenaganita and Amnesty International (2010), *Trapped: The exploitation of migrant workers in Malaysia*, London: Amnesty International Publications.

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