

ACT IN THE BEST INTEREST OF CHILDREN, 20 FEB 2013

In January, the police took action against a baby trafficking syndicate in Penang where babies were sold to couples. While the Women's Centre for Change (WCC) fully supports police action in stopping human trafficking, we are extremely concerned with the way the nine children "rescued" by the police have been handled.

According to reports, these children, ranging from 2 months to 8 years, were removed abruptly from the care of their adoptive parents by the police in the middle of the night. Some of these children were very traumatised at the sudden separation, were crying non-stop, and some were sickly. They were subsequently sent all the way to an undisclosed shelter home outside Penang.

It has been over ONE month since these children have been separated from their adoptive parents. Up to today, attempts to contact the welfare officers and the police for information about these children including their whereabouts have been met with silence, as this case is deemed a "police case" and investigations are on-going.

While WCC respects the criminal justice process, it is equally important to recognise that Malaysia is a signatory to the UN Convention on the Rights of the Child 1989 and its principles as incorporated in the Child Act 2001. Therefore the best interest of the child must be paramount in all cases that involve children. The emotional and physical well-being of these children cannot be made secondary to police investigations.

While the buying and selling of babies or children cannot be condoned, these innocent children are facing the brunt of the implementation of the law. The sudden and on-going separation from their adoptive parents has caused trauma and distress which will lead to emotional damage which can be permanent. Government agencies must be more caring and sensitive in their handling of children. Children need proper care and protection and cannot be treated as objects.

It is therefore imperative that the Social Welfare Department and the Child Protection Team implement the Fit and Proper Persons Regulations 2009 under the Child Act 2001. It is necessary to urgently assess whether the adoptive parents can be fit caregivers for these children. If so, these children should be returned to the adoptive parents as soon as possible to provide a caring environment while the criminal investigation and trial is on-going.

The best interests of the child and proper support for trafficked victims must be core aspects in the way law enforcement is carried out. This case also raises the larger societal issues in child trafficking including poor parents that have to give up their babies, unwanted pregnancies, the desperation of childless couples, and the

difficulties in registering adopted babies. These must be addressed to prevent similar crimes from recurring.

Women's Centre for Change, Penang (WCC)

20 February 2013

Media Statement