

**EDUCATIONAL PROVISION FOR YOUNG PRISONERS:  
TO REALIZE RIGHTS OR TO REHABILITATE?**

A thesis submitted for the degree of Doctor of Philosophy

by

Rosfizah Md Taib

School of Law, Brunel University

August 2012

## **Abstract**

This thesis examines the extent to which, and the reasons why, the government of Malaysia provides educational opportunities for children and young people who are being detained in the closed (penal) institutions on orders under section 91 (1) (f) and section 97 of the Child Act, 2001. This thesis presents a detailed analysis of the driving factor(s) that motivate the government of Malaysia in formulating and implementing policy and law in regards to providing educational opportunities for such young people. The thesis, therefore, examines the conceptualization by the Malaysia Prisons Department of children's rights, particularly their rights to education and offender rehabilitation. Analysis reveals that, educational rights in Malaysia have such priority because education is seen generally as the way to socialize (all) young people and to improve human capital and economic potential in Malaysia. Consequently, rehabilitation in Malaysian penal institutions is conceptualized almost entirely as education. The thesis argues that the Malaysian government has been using children's rights to education and also offender rehabilitation to improve the process of socialization of young people in prisons institutions to enable them to contribute to the achievement of the national goals.

## **ACKNOWLEDGEMENTS**

To My Beloved Late Parents,  
MD. TAIB JOHAN and MAIMUNAH AYOB,  
for Everything

My Husband, ZULKIFLI YAHYA  
for All the Truly Love

My only Son, AHMAD NABHAN HARRAZ ZULKIFLI  
for All the Sacrifices and Understanding

My Dear Supervisor, Prof. CHRISTINE PIPER  
for All Your Guidance that 'Makes' Me What I am Today

This Thesis is dedicated to:  
All of YOU.

This thesis is up to date as of 31 August 2012.

Rosfizah Md. Taib

United Kingdom, August 2012.

## TABLE OF CONTENTS

ABSTRACT.....	ii
ACKNOWLEDGEMENTS.....	iii
TABLE OF CONTENTS .....	iv

### Chapter 1: Introduction and Conceptual Framework

---

Introduction .....	1
Research Focus .....	2
Research Questions .....	3
Research Objectives .....	4
Background of Research .....	4
<i>Object of Study .....</i>	<i>4</i>
<i>The Rehabilitation Programme in the Malaysia Prisons</i>	
<i>Department – An Overview .....</i>	<i>6</i>
<i>Public Pressure .....</i>	<i>9</i>
<i>The Offender Management Division and the</i>	
<i>Rehabilitation Programmes for Offenders .....</i>	<i>12</i>
<i>Institutional (closed) Treatments for Young People in Malaysia.....</i>	<i>14</i>
<i>Young Offenders and Legal Provisions in Malaysia .....</i>	<i>17</i>
<i>Young People in Henry Gurney Schools.....</i>	<i>19</i>
<i>Educational Opportunities for Young People in closed</i>	
<i>Penal Institutions in Malaysia .....</i>	<i>22</i>
Research Methodology .....	25
Significance of Research .....	26
Theoretical Framework .....	29
<i>The Concept of Rehabilitation of Offenders .....</i>	<i>30</i>
<i>Children’s Rights .....</i>	<i>31</i>
Research Scope and Limitations .....	32
Organization of the Thesis .....	34
Conclusion: Summary of Chapter .....	37

### Chapter 2: Methodological Chapter: “Structuring the Field Work Strategies”

---

Introduction.....	38
Research Questions .....	38
Research Objectives .....	39
Justifying a Qualitative Approach .....	43
Research Design and Procedures .....	45
Data Collection .....	47
<i>In-depth interviews .....</i>	<i>47</i>

<i>Selection of Samples</i> .....	48
<i>Samples 1</i> .....	48
<i>Participation Selection Process</i> .....	49
<i>Samples 2</i> .....	51
<i>Participation Selection Process</i> .....	52
<i>Samples 3</i> .....	53
<i>Participation Selection Process</i> .....	54
<i>Procedure of In-depth Interviews</i> .....	55
<i>Interviews with Children and Young People in Detention</i> .....	59
<i>Observation</i> .....	61
<i>Information on Malacca</i> .....	64
Data Analysis .....	65
Ethical Considerations .....	70
Research Difficulties .....	72
Conclusion: Summary of Chapter .....	76

### **Chapter 3: A Concept of Rights of Children and their Rights to Education**

---

Introduction .....	77
<b>Part One: Approaches to Children’s Rights</b> .....	78
<i>Children and Rights</i> .....	78
<i>The United Nations and the Children’s Rights</i> .....	81
<i>The Convention on the Rights of the Child 1989 (“CRC”) and the Rights to Development</i> .....	83
<i>Children Who Offend and the Rights to Development</i> .....	90
<b>Part Two: Rights of Children in Malaysia</b> .....	96
<i>Definition of a “Child”</i> .....	96
<i>Relevant Provisions Pertaining to Children in Malaysia</i> .....	97
<i>The Government’s Stance</i> .....	97
<i>Malaysian Policies in Relation to Children</i> .....	101
<i>Education in the Course of Nation Building</i> .....	104
<i>General Principles Pertaining to Children Policies in Malaysia</i> .....	110
(i) <i>Non-discrimination (Article 2)</i> .....	110
(ii) <i>Best interests of the child (Article 3)</i> .....	112
(iii) <i>The right to life, survival and development (Article 6)</i> .....	113
(iv) <i>Respect for the views of the child (Article 12)</i> .....	115
<i>Specific National Policies on Children in Malaysia</i> .....	116
<i>The Children and Young People Who Offend in Malaysia</i> .....	117
Conclusion: Summary of Chapter .....	120
Summary of Chapter .....	123

## **Chapter 4: Rehabilitation of Offenders: A Theoretical Background and The Implementation of Rehabilitation of Offenders within the Malaysian Prisons Institutions**

---

Introduction: Summary Chapter .....	124
<b>Part One: The Concept of Rehabilitation: The Theoretical Concept .....</b>	<b>125</b>
<i>Introduction</i> .....	125
<i>Definition of Rehabilitation of Offenders: Literal Meaning</i> .....	128
<i>Rehabilitation from Various Perspectives</i> .....	133
(i) <i>Positivism</i> .....	134
(ii) <i>Classical Tradition</i> .....	135
(iii) <i>Utilitarian</i> .....	136
Types and Models of Rehabilitation .....	137
<i>Medical in Nature</i> .....	138
<i>Casework and Counselling</i> .....	138
<i>Group Work</i> .....	139
<i>Skills</i> .....	139
<i>Activities</i> .....	139
<i>Offences and Offending</i> .....	140
<i>Social re-integration</i> .....	140
<i>Multi-modal</i> .....	140
<i>The “Risk-Needs-Responsivity” Model</i> .....	141
<i>The “Good Lives Model”</i> .....	144
Understanding the Rehabilitation Concept .....	146
<i>Rehabilitation within the context of Treatment of Offenders</i> .....	147
<i>Rehabilitation within the context of Crime Desistance</i> .....	150
<b>Part Two: The Implementation of Rehabilitation of Offenders in Malaysia: An Overview of the Rehabilitation Programmes available within the Malaysian Penal Institutions</b>	
<i>Introduction</i> .....	152
<i>History</i> .....	153
<i>The Human Development Plan</i> .....	157
<i>Essential Contents pertinent to the Rehabilitation of Offenders Contained in the Human Development Plan</i> .....	159
<i>The Implementation of Lifelong Learning Plan towards Rehabilitating Prisoners within the Penal Institutions in Malaysia</i> .....	163
<i>Lifelong Learning Programme for Rehabilitation Purposes amongst Prisoners within the Malaysian Penal Institutions – the Four Main Rehabilitative</i> .....	164
<i>Learning Mechanism applied in the Implementation of Lifelong Learning Plan amongst Offenders within the Malaysian Penal Institutions</i> .....	172
a. <i>The Malaysia Prisons Department as the Key Player</i> .....	172
b. <i>External Agencies as the Supporting Key Players</i> .....	174

<i>The Approach adopted in the Implementation of Lifelong Learning Plan amongst Offenders within the Malaysian Penal Institutions</i> .....	175
<i>i. The Formation and Application of the Disciplinary Approach</i> .....	175
<i>ii. The Psychological Approach</i> .....	175
<i>iii. The Spiritual and/or Religious Approach</i> .....	176
<i>Methods Applied in the Implementation of Lifelong Learning Plan amongst Offenders within the Malaysian Penal Institutions</i> .....	177
<i>i. Training within the Group Sessions</i> .....	177
<i>ii. Speech Sessions and/or Educational Classes</i> .....	177
<i>Mediums of Learning Activities adopted in the Implementation of Lifelong Learning Plan amongst Offenders within the Malaysian Penal Institutions</i> .....	178
<i>i. Self Learning Method</i> .....	178
<i>ii. Internet Learning Method</i> .....	178
<i>Legal Provisions regarding “Educational Provisions” for Offenders within the Malaysian Penal Institutions</i> .....	179
<i>Rehabilitation Programmes for Young People in the Penal Institutions in Malaysia - the Putra Module</i> .....	180
<i>The Putra Module – categories of sub module</i> .....	182
<i>a. The Rehabilitation Module for Young People under the age of 18</i> .....	182
<i>b. The Rehabilitation Module for Young People above the age of 18</i> .....	183
<i>c. The Rehabilitation Module for Young People who have No Academic Backgrounds</i> .....	184
Conclusion: Summary of Chapter .....	185

**Chapter 5: Findings Chapter: Interview Data with Children and Young People of the Henry Gurney School, Malacca, Malaysia and the Kajang Prison, Selangor, Malaysia**

---

Introduction .....	189
Background of the Respondents .....	189
The Implementation of the Educational System for Young People within the Malaysian Penal Institutions .....	190
The Views of the Young Offenders about the Advantages of Educational Provision for them .....	198
<i>i. Academic Education Programmes</i> .....	198
<i>ii. Vocational/Skills Training Programmes</i> .....	202
<i>iii. Religious Knowledge and/or Moral Education Programmes</i> .....	203

iv. Counselling and/or Motivational Programmes .....	206
v. Computer Knowledge Programmes .....	208
Attitudes of the Academic Teachers and/or Vocational Training Instructors and the Management in the Prisons .....	208
<i>The Attitudes of the Young Offenders to their Academic     Teachers and/or Vocational Training Instructors</i> .....	210
<i>Attitudes of Young Offenders to the Management     Staff in the Institutions</i> .....	212
The Importance of Education and Personal Expectations.....	216
Facing the Society.....	219
Conclusion .....	221

**Chapter 6: Findings Chapter: Interview Data with the Academic Teachers and/or the Vocational Training Instructors at the Henry Gurney School, Malacca, Malaysia and the Kajang Prison, Selangor, Malaysia**

---

Introduction .....	222
Background of Respondents .....	222
Types of Educational Opportunities that are Available for Young People within the Malaysian Penal Institutions .....	223
The Implementation of the Educational System for Young People within the Malaysian Penal Institutions .....	225
The Advantages of Educational Provision for Young People who are detained within the Malaysian Penal Institutions .....	230
The Academic Teachers and/or the Vocational Training Instructors' Motivation to Teach in the Institutions .....	241
Educational Provision for Young People in Malaysian Penal Institutions – Prospects and Challenges .....	247
Poor Educational Facilities .....	247
Learning Interests of Young People.....	248
Conclusion .....	254

**Chapter 7: Findings Chapter: Interview Data with the Officials of the Malaysia Prisons Department**

---

Introduction and the Background of the Respondents .....	256
The Availability of Educational Programmes Provided for Young People within the Malaysian Penal Institutions .....	257
Educational Provision and the Significance of the Human	



Development Plan (“HDP”) .....	264
The Inclusion of Education and/or Knowledge-Based Content .....	264
Legal Provisions Relating to Educational Opportunities in closed Penal Institutions .....	267
The Relationship between Educational Provision and the Notion of Rehabilitation of Offenders .....	271
Definition of ‘Rehabilitation of Offenders’ .....	271
‘Dynamic Security’ .....	272
Potential of Young People .....	273
Lack of Sufficient Knowledge .....	274
Education and/or Knowledge-Based Rehabilitative Approach .....	275
Education and/or Knowledge as A Means to Discipline Young People .....	276
Attitude Changes .....	277
Education and/or Knowledge-Based Rehabilitative Approach as A Value Added to the Behavioural Reform of Young People .....	278
To Discipline and to Guide Young People .....	279
Education and/or Knowledge as a Tool to Change the Mind-Set of Young People .....	281
The Advantages of Educational Provision for Young People who are Detained within the Malaysian Penal Institutions .....	282
A Second Chance.....	282
“Students” not “Inmates” .....	285
Fulfilling Legal Duties.....	286
Worthwhile or in Vain?.....	287
“Young Offenders” are “Human Beings”.....	288
Types of Educational Opportunities that are Available for Young People within the Malaysian Penal Institutions .....	291
Scope of ‘Education’.....	291
A ‘Particular’ Mould .....	293
Integrity Schools - Unseal the Potential of Young People .....	295
Equal Education .....	297
The Commitment of the Malaysian Government .....	300
 Educational Provision for Young People in Malaysian Penal Institutions – Prospects and Challenges .....	303
<i>Physical Educational Facilities</i> .....	303
<i>The Environment Factor</i> .....	304
<i>The Role of Teaching Staff and Counsellors</i> .....	305
<i>The Role of Family</i> .....	306
<i>Support from Society</i> .....	307
 Conclusion.....	309

## **Chapter 8: Discussion Chapter and Conclusion**

---

Introduction.....	311
<i>Children’s Rights as a Means to Socialize Young People in</i>	

<i>Malaysian Prisons Institutions</i> .....	311
Rehabilitation in Malaysian Prisons is Conceptualized almost entirely as Education .....	313
The Availability of Educational Provision for Young People within the Malaysian Penal Institutions as to answer the Research Question 1.....	316
The Implementation of Law and Policy Pertinent to Educational Provision available for Young People in Malaysian Penal Institutions towards Answering the Research Question 2 and Research Question 3 .....	322
<i>(i) The Influences of the Children’s Rights Particularly     Educational Rights.....</i>	322
<i>Using Education as a Means to Fulfil National Interests .....</i>	322
<i>Applying the Notion of Rights of Children to Realize     National Interests .....</i>	324
<i>The Application of Lifelong Learning Plan as a Means     to Socialize Young People in Penal Institutions .....</i>	331
<i>(ii) The Influence on Policy and Practice of     Particular Concepts of Offender Rehabilitation .....</i>	336
<i>(a) The Meaning of “Offender Rehabilitation” .....</i>	337
<i>(b) The Conceptualization of Educational and/or Knowledge         Opportunities within the Notions of Offender Rehabilitation in         Malaysian Penal Institutions .....</i>	337
<i>Using Education as a Means to Rehabilitate     Young People in Prisons .....</i>	337
<i>Applying the Notion of Offender Rehabilitation to     Realize National Interests.....</i>	342
Conclusion .....	344

BIBLIOGRAPHY

Appendix 1:

**The Copy of the Ethics Application Approval by Brunel Law School**

Appendix 2:

**The Copy of the Informed Consent forms (signed) by All Respondents**

Appendix 3:

**Interview Schedules of Sample 3 – Senior Prison Officers  
(Respondent: The Director General of the Malaysia Prisons Department)**

Appendix 4:

**Interview Schedules of Sample 3 – Senior Prison Officers**

**Respondent: 1. The Director of the Kajang Prison and 2. The Director of the Henry Gurney School, Telok Mas, Melaka**

Appendix 5:

**Interview Schedules of Sample 3 – Senior Prison Officers**

**Respondent: 1. The Director of Rehabilitation and 2. The Education Section Officer, the Malaysia Prisons Department**

Appendix 6:

**Interview Schedules of Sample 3 – Senior Prison Officers**

**Respondent: The Legal Advisor, the Malaysia Prisons Department**

Appendix 7:

**Interview Schedules of Sample 2**

**Respondent: Academic Teachers and/or Vocational Training Instructors of the Kajang Prison and the Henry Gurney School, Telok Mas, Melaka**

Appendix 8:

**Interview Schedules of Sample 1**

**Respondent: Children and Young People of the Kajang Prison and the Henry Gurney School, Telok Mas, Melaka**

Chart 1:

**The Human Development Plan, Malaysia Prisons Department**

Chart 2:

**The Rehabilitation Module for Young People under the age of 18**

Chart 3:

**The Rehabilitation Module for Young People above the age of 18**

Chart 4:

**The Rehabilitation Module for Young People who have No Academic Backgrounds**

Table 1:

**Educational Facilities in the Kajang Prison and the Henry Gurney School, Malacca – Availability of the Educational Opportunities (Programmes)**

Table 2:

**Educational Facilities in the Kajang Prison and the Henry Gurney School,  
Malacca – Availability of the Academic Teachers and/or Vocational Training  
Instructors**

Table 3:

**Educational Facilities in the Kajang Prison and the Henry Gurney School,  
Malacca – Availability of the Physical Facilities**

## CHAPTER ONE

### Introduction and Conceptual Framework

---

#### Introduction

This thesis seeks to investigate the extent to which, and the explanations for, the provision of educational opportunities by the government of Malaysia for children and young people who are being detained in closed penal institutions on orders under section 91 (1) (f) and section 97 of the Child Act, 2001. As a result of collaboration between the Malaysia Prisons Department and the Ministry of Education (“MoE”), Integrity Schools were set up in 2008, staffed by academic teachers from the MoE who provide academic education to young detainees<sup>1</sup> in Malaysian penal institutions. This development would suggest that the government is committed to providing educational opportunities for children and young people behind bars. It also appears that the Malaysia Prisons Department is trying to promote the development of imprisoned children and young people in a broader educational sense rather than simply incarcerating them.

The thesis therefore explores why this current policy has been developed and how it has been conceptualized<sup>2</sup> by the relevant governmental institution of Malaysia namely, the Malaysia Prisons Department.

In particular, the thesis will assess whether the policy has been designed to implement the rights to education of the children or to serve the needs of the

---

<sup>1</sup> On 10 April 2008, the Minister of Home Affairs (former Minister), Dato’ Seri Syed Hamid Albar Syed Jaafar Albar has officiated the Kajang Integrity School in Kajang Prison substituting the Kajang Prison Young Offenders Training Centre. Five other Integrity Schools were also established within the selected prisons across Malaysia based on zones involving Sungai Petani Integrity School (Northern Zone), Kluang Integrity School (Southern Zone), Marang Integrity School (Eastern Zone), Kota Kinabalu Integrity School (Sabah Zone) and Kuching Integrity School (Sarawak Zone). Instead, the learning system in Henry Gurney School, Telok Mas, Malacca and Henry Gurney School, Keningau were also updated to ensure the practice is in line with all the newly established Integrity Schools. Refer Buletin Insaf, Malaysia Prisons Department, No. 2/2008 at page 3 – 5.

<sup>2</sup> “conceptualize” according to the Collins Dictionary means to “form a concept or idea of”; retrieved at <http://www.collinslanguage.com/results.aspx>; accessed 13 August 2010.

Prisons Department in finding the most effective methods of rehabilitating the young detainees or, indeed, any other factors relating to national policies. Understanding how officials in the Malaysia Prisons Department have conceptualized the provision of better educational opportunities for young detainees is an aim of this research to help identify the driving forces behind the Malaysian government's implementation of such a policy.

Initially, the researcher aims to explore whether the attitudes of the officials in the Malaysia Prisons Department towards the importance of education influences the policy to provide educational opportunities for young people who serve their imprisonment in prisons. In particular, the thesis will assess whether the attitudes and motivations of the officials were influenced by particular notion(s) of children's rights, particularly rights to education, by a desire to find a better method of reinforcing the rehabilitation process.

Accordingly, the present chapter aims to explain the purpose and the structure of the thesis. It begins with the focus of the study, a review of the background of the study, the research questions, the research objectives, the research methodology, the significance of the research, the theoretical framework of the study, the research scope and limitations and finally leads to the organization of the thesis.

### **Research Focus**

The broad focus of this study is to explore the driving factors that may motivate the government of Malaysia towards formulating and implementing the policy and law in regards to providing educational opportunities for young people<sup>3</sup> who are being detained in closed penal institutions in Malaysia. Therefore, this research is designed to enable the researcher to conceptualize the understanding of the

---

<sup>3</sup> "Child offenders" are inmates who are between 14 to 18 years of age and "young offenders" are inmates who are between 18 to 21 years of age. Refer "Definition and Prison Terms", retrieved at <http://www.prison.gov.my/portal/page/portal/hijau/soalan>; accessed 29 July 2010

relevant governmental institution of Malaysia namely, the Malaysia Prisons Department upon the implementation of such a policy.

In identifying the driving forces that led the government of Malaysia towards the implementation of the educational opportunities for young people in the closed penal institutions, the researcher presents a theoretical framework consisting of, first, concepts of offender rehabilitation and secondly, the notion of the children's rights, particularly their rights to education. Therefore, by capturing the respondents' perceptions and perspectives, the researcher will be able to reconstruct meanings attributed to the conceptualization of the motivation why the policy has been come into force.

### **Research Questions**

In order to achieve the aims and objectives of this study, the researcher has developed the specific research questions as follows:

1.

To what extent is the educational provision for children and young people in closed penal institutions in Malaysia similar in quality and quantity to that provided for children who are in state (government) schools?;

2.

To what extent are policy and law driven by a desire to implement children's rights, by particular notions of rehabilitation or by other factors?; and,

3.

How do the officials and teachers of the Malaysia Prisons Department conceptualize children's rights and offender rehabilitation?

## **Research Objectives**

The above research questions entail the following aims:

1.

To assess the extent to which educational provision for child and young offenders in closed penal Institutions is similar in quality and quantity to that provided for the children who are in state (government) schools;

2.

To assess the extent to which policy and law is driven by notions of children's rights, particular notions of rehabilitation or other factors; and,

3.

To provide insights into the ways in which the concepts of children's rights and offender rehabilitation are constructed by key governmental institutions in Malaysia, in the context of the provision of education.

## **Background of Research**

### *Object of Study*

In this study, the term "Young Prisoner(s)/Offender(s)" and Young Inmate(s)" will always be used interchangeably to describe the object of the study. This is because the two terms<sup>4</sup> have been adopted by the Prison Act, 2008 and also Prison Regulations, 2000 *via* the interpretation section(s) as follows:

Section 2 Prison Act, 2008: "young prisoner" means a prisoner who is below twenty one years of age<sup>5</sup>. In Prison Regulations, 2000, Section 6 (2) A prisoner

---

<sup>4</sup> Refer foot note 3

<sup>5</sup> Subsection 2 provides: For the purpose of the definition of "young prisoner" in subsection (1), it shall include a prisoner who —

(a) is not a young prisoner as defined under the Ordinances repealed by this Act;



who declares himself to be more than twenty one years of age but who, in the opinion of the Officer-in-Charge and the Medical Officer, should not, having regard to his character, constitution and antecedents, be classed with adult prisoners, shall be treated as a young prisoner.<sup>6</sup>

Whereas in Henry Gurney Rules 1949, the terminology used is “inmate(s)” in which under Section 2 of the same Act provides: “Inmate” means a person detained or ordered to be detained in an institution under the provisions of the Act ...”

However, by definition and for the purpose of this study, besides the above terms, the researcher will also use the term "young people"<sup>7</sup> to refer to young offender(s)/young prisoner(s)/young inmate(s) who is the object of this study as the term "young people" is more easily understood by most people, referring to the group of persons or youth(s) who are at the age of between childhood and adulthood.

---

(b) is below twenty one years of age; and

(c) is serving a term of imprisonment passed before the coming into force of this Act.

<sup>6</sup> Section 6(1) provides “Prisoners appearing to the Officer-in-Charge to be a young prisoner, whether male or female, shall be kept apart from adults.

<sup>7</sup> Collins Dictionary defines "youth" as a young person or the term indicates a group of young persons who are between the age of 15 to 25. (<http://www.collinsdictionary.com/dictionary/english/youth?showCookiePolicy=true>; accessed on 7th June 2013)

The definition of "youth" by The Commonwealth is 15 to 29 years of age. (<http://www.thecommonwealth.org/Internal/180392/>; accessed on 7th June 2013).

UNESCO defines "youth" as persons between the age of 15 and 24. (<http://www.unesco.org/new/en/social-and-human-sciences/themes/youth/>; accessed on 7th June 2013).

According to National Youth Development Policy (Malaysia) 1997: “Young people” refer to persons who are between the age range of 15 – 40 assuming the status of youth. Nevertheless, the main focus of youth development programmes and activities involve young people from 18 – 25 year of age. (Refer the website of the Ministry of Youth & Sports of Malaysia at [http://www.kbs.gov.my/index.php/index.php?option=com\\_content&view=article&id=136](http://www.kbs.gov.my/index.php/index.php?option=com_content&view=article&id=136); accessed on 7th June 2013)

As cited by Piper, C (2001), "...the 'word choice' of the drafters of the various versions of the Code becomes an indicator, not only of changing conceptions of children who offend, but also of political imperatives to legitimate changed policies. That word choice is, then, also part of the process of constructing new images of children<sup>8</sup>."

In line with the views expressed by Piper, C (2001) that the use of the term referring to "children and young people" can be "... reconfigured, reconstructed or replaced by other images and sensibilities..." by authorities, the researcher is more comfortable to use the term "children and young people" as it will imply a more positive connotation compared to other terms for instance, "young offender(s)/prisoner(s)/inmate(s)" or "juvenile(s)"<sup>9</sup> and by selecting the use of the term "children and young people", the researcher hopes it will further strengthen the main argument presented in this thesis namely, the children in the penal institutions were in need of education simply like all children outside the institutions. After all, the main focus of this study is to observe the attitudes and motivation of the officials in the Malaysia Prisons Department pertaining to the implementation of educational opportunities for young people in prisons and therefore, the positive tone of terminology applied referring to the object of study should be at the very best preserved throughout the thesis.

*The Rehabilitation Programme in the Malaysia Prisons Department –  
An Overview*

Besides providing a safe detention centre for prisoners upon court orders, the Malaysia Prisons Department is also responsible for certain rehabilitation programmes for prisoners during their imprisonment. As the professional correctional entity, the Malaysia Prisons Department has duties to formulate, implement and, enforce policy and regulations in regards to preparing suitable

---

<sup>8</sup> Read further [Piper, C D](#), *Who are These Youths? Language in the Service of Policy*, Youth Justice (2001) Vol. 1(2) pp 30-39 at <http://bura.brunel.ac.uk/handle/2438/665>

<sup>9</sup> See foot note 38 at page 16 later

programmes for training and educating offenders in preparation for their reintegration process.

It is notable too that in implementing rehabilitation programmes for prisoners, the Malaysia Prisons Department believes that they should act in accordance with specified rules and regulations which could encourage self-respect and the process of re-building of morale of prisoners during the detention period.

According to the Prison Act, 2008 and the Prison Rules, 2000,<sup>10</sup> the Malaysia Prisons Department has the power to detain and rehabilitate offenders. Both these statutes authorize the role of the Prisons Department as to provide lawful custody and detention for the prisoners.<sup>11</sup> Within the prison context, the function of the Prisons Department in rehabilitating offenders is to implement various rehabilitative programmes aimed to enable them to be useful and responsible citizens when reintegrating into the society. The Malaysia Prisons Department within its legal practice has been referring to the United Nations Standard Minimum Rules for the Treatment of Prisoners 1954 as 'a reference while writing the laws, regulations and standing orders [of the prison Commissioner General] suited to local needs'.<sup>12</sup>

Accordingly, the Malaysia Prisons Department has responsibilities and duties in designing, planning, managing and monitoring the entire rehabilitation process of

---

<sup>10</sup> Refer website of the Malaysia Prisons Department at [www.prison.gov.my](http://www.prison.gov.my) regarding details of the Prisons Department.

<sup>11</sup> Section 3, the Prison Act, 1995: "[T]he Minister may, by notification of the *Gazette*, declare any house, building, enclosure or place, or any part thereof, to be a prison for the purposes of this Act for the imprisonment or detention of persons lawfully in custody and may in like manner declare that any such prison shall cease to be a prison for the purposes of this Act."; and Regulation 3, the Prison Rule 2000 reads: "... (c) at all times the treatment of prisoners shall be such as to encourage their self-respect and a sense of personal responsibility, so as to rebuild their morale, to inculcate in them habits of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so."

<sup>12</sup> 28<sup>th</sup> Asian and Pacific Conference of Correctional Administrators (APCCA), 2008, "Developing Correctional Standards that Reflect International and Regional Best Practice and Measuring Performance", *Conference Report, Specialist Workshop One*, page 55; retrieved at [http://www.apcca.org/pubs/28th/final\\_APCCA\\_Report\\_2008.pdf](http://www.apcca.org/pubs/28th/final_APCCA_Report_2008.pdf); accessed on 12 August 2010. Besides, other relevant statutes that are used for the reference of the Prisons Department in their administrations are the Prison Act 1995, the Prison Rules 2000, Standing Orders of the Director General of Prison, Child Act 2001, Henry Gurney School Rules 1949, Orders of the Director of Institution (Henry Gurney School) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice; retrieved at <http://www.prison.gov.my>; accessed on 13 October 2007

offenders during imprisonment. The rule regarding the treatment of prisoners has been spelt out clearly in the United Nations Standard Minimum Rules for the Treatment of Prisoners 1954 where measures should be taken by the member countries in which for the benefits of the offenders, the treatment strategies 'shall to establish ... the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.'<sup>13</sup> And towards achieving this target, the offenders are eligible to gain various sorts of assistance provided by the authorities in utilizing professional services whenever possible.

It is acknowledged that according to the Regulation 3, the Prison Rules, 2000, the general principle underlying the administration of the Malaysian prisons is to provide treatment to all the prisoners at all times "*... as to encourage their self-respect and a sense of personal responsibility, so as to rebuild their morale, to inculcate in them habits of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so.*" Rule 55 further mentions on how the treatment to all prisoners to be provided by the prison officers: "*It is the duty of all prison officers to treat all prisoners with kindness and humanity, to listen patiently to and report their complaints or grievances, at the same time to be firm in maintaining order and discipline and enforcing the provisions of the Act, these Regulations and Director General's Standing Orders*".

It would appear that the Malaysia Prisons Department, in carrying out their duties, has been strongly influenced by particular concepts of treatment and rehabilitation. A policy paper issued by the Prisons Department states that the department believes that every offender has the potential to be treated and rehabilitated.<sup>14</sup> According to Omar, writing in 2000, the treatment process of the

---

<sup>13</sup> Article 65 United Nations Standard Minimum Rules for the Treatment of Prisoners 1954 reads: "The treatment of prisoners sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility."

<sup>14</sup> The philosophy of the Offender Management Division (previously known as the Rehabilitation and Treatment Division), the Malaysia Prisons Department; [www.prison.gov.my](http://www.prison.gov.my); accessed on 29 July 2010

offenders therefore, should be directed towards a preparation for the offenders to be law abiding and socially productive citizens once they have completed their sentence (Omar Z, 2000: 333).

This policy has been in place for over 20 years. For example, Rahman (1990) reported in 1990 that Malaysia had passed several preventive laws which aimed to control crime amongst offenders and as a result, the prisoners were provided with vocational and academic education for their rehabilitation process.

At present, the rehabilitation principles applied within the Malaysia Prison institutions are based on the Human Development Plan (HDP) or the *Pelan Pembangunan Insan (PPI)*<sup>15</sup> which focuses on developing positive attitudes among the prisoners as well as assisting them to undergo their reintegration process after release. The plan contains four distinct phases namely, Discipline Development, Personality Enhancement, Skills/Trade Development and pre-release programme. The designation of the Human Development Plan is motivated by the commitment of the Malaysia Prisons Department towards fulfilling the provision stated in the Rule 65, United Nations Standard Minimum Rules for the Treatment of Prisoners 1954, as mentioned earlier, that is to establish the 'will to lead law-abiding and self-supporting lives... to encourage their self-respect and develop their sense of responsibility.'

### *Public Pressure*

The Malaysia Prisons Department has received pressure from public opinion urging the authorities to change dimensions in treating the offenders – not just to confine prisoners but also to help change their bad behaviour. Though in the earlier days that is before the Second World War, the purpose of penal punishment in Malaysia was that of giving the offender his 'just deserts', a

---

<sup>15</sup> 28<sup>th</sup> Asian and Pacific Conference of Correctional Administrators (APCCA), 2008, "Best Practices in Rehabilitation for Women and Other Special Groups of Offenders", *Conference Report*, Agenda Item Three, page 38, retrieved at [http://www.apcca.org/pubs/28th/final\\_APCCA\\_Report\\_2008.pdf](http://www.apcca.org/pubs/28th/final_APCCA_Report_2008.pdf) ; accessed on 12 August 2010.

retributivist approach, the justification has changed over time (Omar Z: 2000). The public criticism over changing the pattern of treating offenders however, has been reviewed differently by certain group of people where the idea was seen as already contradicted to the nature of the “prisons” itself which all this while “prisons” have always been referred as closed institutions and should not be openly to the public scrutiny.<sup>16</sup>

As the Prisons Department understands, the public has started to realize the role of the department towards equipping offenders with useful opportunities during their incarceration so as to prepare them towards becoming better persons once they are released from the institutions.

In this regard, the Malaysian society expects the Prisons Authority to provide careful guidance and appropriate treatments allowing the offenders to be reformed and rehabilitated instead of only incarcerating them inside the prisons. In rehabilitating prisoners, the public urges the Prisons Authority to treat the offenders with respect for human dignity as per recommended by the United Nations Standard Minimum Rules for the Treatment of Prisoners 1954. Therefore, the Malaysia Prisons Department have taken several positive steps towards fulfilling these public “high” expectations in order to rehabilitate the offenders physically, mentally and emotionally before they completed their sentence.<sup>17</sup>

For instance, the lack of suitable rehabilitation programmes for young offenders in the Malaysian prisons has been highlighted by the Human Rights Commission of Malaysia Official (SUHAKAM)<sup>18</sup> in a workshop on 20<sup>th</sup> November 2001.<sup>19</sup> It

---

<sup>16</sup> However, the author of the article does not mention clearly which group of people in the country who has thrown different ideas with regards to the treatment of offender policies that has put pressure to the Prisons Department. Refer further the 24<sup>th</sup> Asian and Pacific Conference of Correctional Administrators (APCCA), 2004, Singapore, 3-8<sup>th</sup> October 2004, “Management of Public Expectations in the Treatment of Offenders”, retrieved at <http://www.apcca.org/publications/24th-APCCA/agenda-04/agenda-04-malaysia.pdf>

<sup>17</sup> “Management of Public Expectations in the Treatment of Offenders”, Agenda Item Four, retrieved at [http://www.apcca.org/publications/24th-APCCA/agenda-04/agenda-04\\_Malaysia.pdf](http://www.apcca.org/publications/24th-APCCA/agenda-04/agenda-04_Malaysia.pdf); accessed on 12 August 2010

<sup>18</sup> Suhakam or the Human Rights Commission of Malaysia was established by the Parliament under the Human Rights Commission of Malaysia Act 1999, (Act 597). For the purpose of discharging its functions, Section 4(2)(a) the Suhakam Act 1999 (Act 597) provides Suhakam may undertake research by conducting

was agreed from the resolutions of the workshop that the Malaysia Prisons Department should take measures in providing stronger rehabilitation programmes which may lead to the reintegration process of the young offenders. Further reports were also remarked by Suhakam including the lack of educational programmes offered by the Prisons Department for the young offenders whilst imprisoned whereas such programmes are helpful for their preparation upon returning into society when released.<sup>20</sup> In this regard, the Suhakam has been referring to the United Nations Rules for the Protection of Juveniles Deprived of their Liberty under the provisions of Education, Vocational Training and Work.<sup>21</sup>

Furthermore, due to the response from the public resulting from the increase in the crime rate<sup>22</sup> in Malaysia, the Prisons Authority is inspired to provide the rehabilitation programmes which would equip the offenders with necessary knowledge and positive attitudes and skills allowing them to become responsible and productive citizens towards reintegrating into the free society.

Measures undertaken by the Malaysia Prisons Department towards promoting various rehabilitation programmes among offenders have never changed the department's original role being the correctional institution in the country nor does it modify the prison setting standards or any legislative and procedural respects and impacts to the prison standards. It is also significant to point out that the formulation of the rehabilitation policy is identified to be necessary for the

---

programs, seminars and workshops and to disseminate and distribute the results of such research in order to promote awareness of human rights. Refer details at <http://www.suhakam.org.my>

<sup>19</sup> It is reported the workshop was held due to many reasons, among others; following series of local media reports revealed about the huge number of young offenders who were placed in prisons whilst waiting for their trials. However, the report does not state the statistics of the respective young offenders. Further reference, see "Workshop for Human Rights of Young Offenders" at <http://www.suhakam.org.my>

<sup>20</sup> Further details refer the "Report of Detentions by SUHAKAM" dated November 2001 at <http://www.suhakam.org.my>

<sup>21</sup> Rules 77 (1) and (2) provide educational provisions should be given attention by the administrations for the benefits of young prisoners in prison institutions.

<sup>22</sup> There were 42,282 inmates detained in prisons in Malaysia recorded in the first week of August 2004 while only 29,150 in 1998. Refer "National Report on Contemporary Issues in Corrections"; Agenda Item One, retrieved at [http://www.apcca.org/publications/24th-APCCA/agenda-01/agenda-01\\_Malaysia.pdf](http://www.apcca.org/publications/24th-APCCA/agenda-01/agenda-01_Malaysia.pdf); accessed 12 August 2010

purpose of continuously improving the quality of life of the members in public in general in that it helps to reduce crime and the fear of crime for the benefits of the public members.<sup>23</sup> As a matter of fact, the implementation of the rehabilitation programmes among prisoners may imply that the Prisons Department attempts to complement its aspiration towards achieving the vision of the department that is to become a professional correctional organization by the year 2020.<sup>24</sup>

To ensure a uniform and complete implementation of prison rules and regulations, the Malaysia Prisons Department adopted the international standard MS ISO since 1990 (now version 9001: 2008). Up to 2010<sup>25</sup>, the Prisons Department has been implementing international standards namely, MS ISO 9002:1994, MS ISO 9001:2000 and MS ISO 9001:2008 which then the department was consequently awarded the Certificate of MS ISO 9001:2008 by SIRIM QAS International and IQNet on 11th November 2009.<sup>26</sup>

### *The Offender Management Division and the Rehabilitation Programmes for Offenders*

In formulating, planning and implementing various offender programmes, the Offender Management Division or formerly known as the Rehabilitation and Treatment Division in the Malaysia Prisons Department has set its main objective as that of shaping offender attitudes to enable them to become more responsible and socially productive after their release. Accordingly, all the rehabilitation programmes are designed using the principles of "Knowledge, Attitudes, Skills,

---

<sup>23</sup> For details refer "National Report on Contemporary Issues in Corrections"; retrieved at [http://www.apcca.org/publications/24th-APCCA/agenda-01/agenda-01\\_Malaysia.pdf](http://www.apcca.org/publications/24th-APCCA/agenda-01/agenda-01_Malaysia.pdf); accessed 12 August 2010

<sup>24</sup> The vision of the Malaysia Prisons Department, the Malaysia Prisons Department; [www.prison.gov.my](http://www.prison.gov.my); accessed on 29 July 2010

<sup>25</sup> Refer the website of the Malaysia Prisons Department at <http://www.prison.gov.my> article "Majlis Penyampaian Sijil MS ISO 9001:2008, the Malaysia Prisons Department"; 12 January 2010; accessed 20 March 2011.

<sup>26</sup> SIRIM QAS International Sdn Bhd or SIRIM which is also a partner of IQNET, an international network of certification bodies is Malaysia's leading certification, inspection and testing body. SIRIM, an impartial, competent and efficient manner, offers value added services to customers, both locally and internationally. Read further <http://www.sirim-qas.com.my>



Intelligence and Humanity” (KASIH), and “KASIH” has been declared to be the motto of the division. In addition, in order to monitor the success of the above mentioned goals set in the Human Development Plan (HDP), as mentioned earlier, the division undertakes to monitor reports prepared by officers regarding activities carried out both in and outside the institutions.<sup>27</sup>

Despite being aware of the fact that offenders or so-called deviants are those who had previously strayed; having experienced failures of to meet the social norms of normal life, culture, education and family relationships; the Prisons Department still believes these offenders deserve another chance to be rehabilitated, thus contributing to the community.<sup>28</sup>

Therefore, the rehabilitation and treatment programmes are designed to focus on attitude formation, personal development, skills and knowledge. All these rehabilitation programmes are implemented in a comprehensive, integrated and dynamic way to mould inmates who are responsible, knowledgeable and skilful. Throughout the rehabilitation process by undergoing various activities including physical training, academic programmes, religious classes, counselling and vocational training, it is expected that the inmates will be developed in terms of their physical, mental and spiritual so as to instil their self-respect, discipline and responsibility.<sup>29</sup>

In respect of the young offenders who are detained within the penal institutions and the Henry Gurney Schools, the Prisons Department has specifically designed the “*Putra Module*” for the rehabilitation purposes of the youths.<sup>30</sup>

---

<sup>27</sup> Refer the same article cited in foot note 17.

<sup>28</sup> Malaysia Prisons Department, (undated), “*Pelan Pembangunan Insan*”, Malaysia Prisons Department, Selangor, Malaysia.

<sup>29</sup> Annual Review 2007, Malaysia Prisons Department at page 21–28.

<sup>30</sup> Rule 151, Prison Rules 2000 reads: “(1) At every prison program, of educational classes shall be arranged and reasonable facilities, under such conditions as the Director General may determine, shall be allowed to prisoners who wish in their leisure time to improve their education by correspondence courses or private, or private study or to practise handicrafts; Rule 38 Henry Gurney School Regulations 1949 reads: “Provision shall be made for educational classes for the benefit of all inmates.”

Since these youths were presumed to have been drop-outs from the national educational system as a result of their involvement in crimes, the Malaysia Prisons Department is seen as trying to emphasize more on the academic methods as reflected in the essence contained in the “*Putra Module*”. Not only allowing the institutionalized children and young people to continue their schooling activities (or half way schooling activities) during imprisonment, these youths are also exposed to other various fields of knowledge comprising counselling and co-curriculum activities based on the principles of “Knowledge, Attitudes, Skills, Intelligence and Humanity” (KASIH). In addition, other rehabilitative programmes for the purpose of fulfilling the young people’s spiritual needs including religious classes and/or moral or civic subjects are also available to support the morale development of the youths.<sup>31</sup>

It is notable the Malaysia Prisons Department has been prioritizing towards providing more academic, vocational and co-curricular opportunities for the rehabilitation of the young people in closed penal institutions. The Education Section under the Offender Management Division is the responsible unit that manages and co-ordinates all the above three programmes so that the young people will receive educational benefits in line with the national educational policies.<sup>32</sup>

#### *Institutional (closed) Treatments for Young People in Malaysia*

Institutional treatment for Malaysian children and young people consists of two modalities: a closed institution and an open institution. The open institution, known as an Approved School is under the administration and management of the Department of Social Welfare,<sup>33</sup> while the latter, which is recognized as an

---

<sup>31</sup> Refer “Bahagian Pemulihan dan Rawatan” (the Offender Management Division, previously known as the Rehabilitation and Treatment Division) retrieved at <http://www.prison.gov.my>; accessed 12 August 2010

<sup>32</sup> Read further on the Academic Section, the Offender Management Division (previously known as the Rehabilitation and Treatment Division) retrieved at <http://www.prison.gov.my>; accessed 12 August 2010

<sup>33</sup> The Department of Social Welfare is under the Ministry of Women, Family and Community Development.

advance Approved School or Henry Gurney Schools,<sup>34</sup> and the prisons<sup>35</sup> provide institutional treatments for children and young people who are punishable under the aforesaid sections. The closed institutions are administered and managed by the Malaysia Prisons Department.

In general, children and young people who have committed more serious crimes or those who have not made good in other modalities of treatment are normally admitted to the Henry Gurney Schools for treatment under more rigid security. Even though under different departments, the ultimate aim of the treatment in both modals are still same with the intention of to prepare them from the very instant he or she steps into the school for his or her ultimate reintegration to society (Bee, T. G, 2000: 205).

The infrastructure<sup>36</sup> for the treatment of juvenile delinquents which is consistent with social development in Malaysia, is closely linked to British colonial involvement in the region prior to independence in 1957. Many practices and some legislation governing the care and control of child offenders still date from this era of British colonial rule (Bee, T. G, 2000: 201). Further, Bee, T. G (2000) explains the Juvenile Courts Act, 1947 was introduced essentially to prevent offending and to 'save' children and adolescents who would have otherwise taken to a life of crime. Later in 1950, the Juvenile Court Ordinance (the Places of Detention Rules) was introduced. Another Act, the Children and Young Persons Act, 1947 was intended to protect and prevent child abuse and neglect. The Adoption Ordinance, 1952 and the Registration of Adoption, 1953 was intended to safeguard the rights and status of children.

---

<sup>34</sup> Section 2, Child Act 2001: "Henry Gurney School" refers to a school under the direction and control of the Director General of Prisons which detains the child and young offenders who are sent there in pursuance of Part X of the Act. Up to December 2007, there were three Henry Gurney Schools across the country that detained young people aged between 14 and 21: Malaysia Prisons Department, Annual Review 2007; page 9

<sup>35</sup> Section 96 (3), Child Act 2001 provides that the child and young offenders are to be placed separately from the adult offenders.

<sup>36</sup> The original policy of the establishment of Henry Gurney School was based on the England Borstal Institution, 1900 that is to educate, train and lead the child offenders to a better life. However, the system has been modified according to current needs. (See later in the chapter under "Young People in Henry Gurney Schools")

All these Acts were introduced in response to the social upheavals brought about by the Second World War. In a transition from a traditional society to an industrial one, the communities in Malaysia (Malays, Chinese, Indians and others) experienced a disruption to their traditional balance, so these Acts came into force.<sup>37</sup>

The Juvenile Courts Act, 1947 provided the legal and administrative infrastructure for the arrest, detention, trial and treatment of juvenile offenders but the Child Act, 2001, in force since 1<sup>st</sup> August 2002, has then become the principal Act governing the protection of Malaysian children. The implementation of the Act consolidated the three former Acts, namely, the Juvenile Courts Act, 1947, the Child Protection Act, 1991 (Act to provide care and protection to children) and the Women and Girls' Protection Act, 1973 (Act to protect women and children exposed and involved in immoral vices). Children accordingly, regardless whether they are victims or offenders are all governed by a single Act (Dusuki, F. N, 2006: 6).

In following the Convention of the Rights of the Child 1989 and by the time the Child Act, 2001 was passed, the government of Malaysia insisted not to use the word 'juvenile' or 'young offender' as both terms imply negative connotations.<sup>38</sup> Therefore, for the purpose of this study, the terminology used for the child offenders automatically refers to the rules and laws passed after the date of the implementation of the Child Act, 2001.

---

<sup>37</sup> Read further Bee, T. G (2000); *Institutional Treatment and Management for Juvenile Offenders in Malaysia*, retrieved at [http://www.unafei.or.jp/english/pdf/PDF\\_rms/no59/ch12.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no59/ch12.pdf); accessed 27 May 2008

<sup>38</sup> Dusuki, F. N. in *Implementation of Article 12 in Juvenile Justice System in Malaysia*, a report dated 24 July 2006 was commissioned by UNICEF Country Office Malaysia as input to the Day of General Discussion in Geneva on 15 September 2006, on the theme "Speak, Participate and Decide- The Child's Right to be Heard" organized by the UN Committee on the Rights of the Child, at page 4 ([www.crin.org/docs/GDD\\_2006\\_UNICEF\\_Malaysia2.doc](http://www.crin.org/docs/GDD_2006_UNICEF_Malaysia2.doc)) and Hussin, N: 2005 at <http://www.childjustice.org/docs/hussin2005.pdf>

## *Young Offenders and Legal Provisions in Malaysia*

Chapters 4, 5 and 6 of Part IX in the Child Act, 2001<sup>39</sup> specifically empower a Minister to send a child to an 'approved school' or Henry Gurney Schools and to prisons as a form of punishment resulting from their criminal offences; *"A child may be sent to one of these schools when he or she is found guilty of any offence which is punishable for imprisonment according to the Act."*<sup>40</sup>

Essentially, the children and young people who are detained in the closed penal institutions in Malaysia are children who have been sentenced according to section 91 (1) (f); section 91 (1) (h) of the Child Act, 2001 subjected to section 96 (2); and, section 97 of the same Act which respectively read as the following:

- Section 91 (1): *"If a Court for Children is satisfied that an offence has been proved the Court shall, in addition to any other powers exercisable by virtue of this Act, have power to –*
  - (f): *order the child to be sent to an approved school or a Henry Gurney School";*
  - (h): *impose on the child, if he is aged fourteen years and above and the offence is punishable with imprisonment and subject to subsection 96 (2), any terms of imprisonment which could be awarded by a Session Court";* and,
- Section 96 (2): *"A child aged fourteen years or above shall not be ordered to be imprisoned if he can be suitably dealt with in any other way whether by probation, or fine, or being sent to a place of detention or an approved school, or a Henry Gurney School, or otherwise."*

---

<sup>39</sup> Prior to 2001, the Act which was to provide the legal and administrative infrastructure for the arrest, detention, trial and treatment of juvenile offenders is the Juveniles Courts Act, 1947. According to Kuan (1995), the emphasis of this Act is on what the offender needs in the way of treatment and rehabilitation; and the severity of the offence has no correlation with the treatment plans prescribed by the Court.

<sup>40</sup> Section 75, Child Act 2001 provides conditions where the Court may use its powers to send a child to Henry Gurney Schools, and Section 97 of the same Act provides regarding a child who is punishable for death sentence to be sent to prisons for substituting the death punishment due to the fact that the offence was committed when the child was a minor.

- Section 97 (1) (f): *“A sentence of death shall not be pronounced or recorded against a person convicted of an offence if it appears to the Court that at that time when the offence was committed he was a child”* which later section 97 (2) of the same Act provides that, *“In lieu of a sentence of death, the Court shall order a person convicted of an offence to be detained in a prison during the pleasure of – (a) the Yang di-Pertuan Agong if the offence was committed in the Federal Territory of Kuala Lumpur or the Federal Territory of Labuan; or (b) the Ruler or Yang di-Pertua Negeri, if the offence was committed in the state”*.

Hence, the above sections imply that according to the Child Act, 2001, there are three groups of children and young people who may be sent into prisons including the Henry Gurney Schools, namely:

- a. When a child or young people is ordered by the Court for Children to the Henry Gurney School, due to his or her criminal wrongdoings according to section 91 (1) (f);
- b. When a child or young people is ordered by the Court for Children to prisons, due to his or her criminal wrongdoings according to section 91 (1) (h) that subjects to section 96 (2) – when the specific child or young people who aged fourteen and above is identified not to be suitably dealt by way of probation, or fine, or being sent to a place of detention or an approved school or the Henry Gurney School or other institutions; and,
- c. When a child or young people is ordered by the Court for Children to prisons, due to his or her criminal wrongdoings according to section 97 (1) (f), that the offence is punishable by death sentence provided that he or she was a child at the time the offence was committed.

## *Young People in Henry Gurney Schools*

The Henry Gurney School is an institution for the detention of inmates aged between 14 to 21 years by the order of the Court.<sup>41</sup> In the Child Act, 2001, 'Henry Gurney Schools' are defined as schools which are established or appointed under section 73 of the Child Act.

Section 73 of the Malaysia Child Act, 2001 provides that the institution is maintained under the direction and control of the Director General of Prisons.<sup>42</sup> The Director General of Prisons is responsible to the ministry for the direction, supervision and overall control of all penal establishments in Malaysia.

Historically, the school is named after Sir Henry Gurney, the British High Commissioner in Malaya (13<sup>th</sup> September 1948 – 6<sup>th</sup> October 1951) for his efforts and contributions to the country. He officiated the first Henry Gurney School in Telok Mas, Malacca on 19<sup>th</sup> July 1950.

The early establishment of juvenile rehabilitation centre in Malaysia began in the year 1948 whereby the first institution, named as the Advance Approved School was built in the Johor Prison. At that moment, there were fifty residents detained in the school. Later, in the year of 1950, the school was transferred to Telok Mas, Malacca. It was located approximately 4 kilometres from Bandar Melaka.

The original policy of the establishment of Henry Gurney School was based on the England Borstal Institution, 1900 that is to educate, train and lead the child offenders to a better life. However, the system has been modified according to current needs.

Certain principles of the Borstal Institution were adopted, among others:

---

<sup>41</sup> Refer <http://www.prison.gov.my/english/indev2.php?option=context&task=view7id=17&pop=1&page=0-19k>; accessed 12 August 2010

<sup>42</sup> Other than Henry Gurney School, the Prison Department is also responsible for the administration and management of 39 penal establishments in Malaysia including the Prisons Rehabilitation Centres, Drug Rehabilitation Centers. See further: Omar, Z., *Current Issues in Correctional Treatment and Effective Countermeasures*, @ ([http://www.unafei.or.jp/english/pdf/PDF\\_rms/no57/57\\_24.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no57/57_24.pdf)) at page 335

- i. The residents should possess their own personality and potential which may help them to expand their self-creativity;
- ii. Equal treatment to all; and,
- iii. All officers should unite together and establish the trustworthy principle at all times.

The motto used in the Henry Gurney School is RESURGAM which means *We Shall Rise Again*. The school logo of the Henry Gurney Schools is a picture of an eagle that is flying from a blazing fire. It symbolizes the enthusiasm that possessed by every resident in the institution who is preparing him or herself to accept the rehabilitation reintegration into the society.

As at December 2008, there are three Henry Gurney Schools in Malaysia, namely:

- i. Henry Gurney School, Telok Mas, Malacca;
- ii. Henry Gurney School, Kota Kinabalu, Sabah; and,
- iii. Henry Gurney School, Keningau, Sabah.

The total number of residents in the Henry Gurney School, Malacca as at 30th November 2008 is 303.<sup>43</sup>

By the year 2015, the Henry Gurney School, Malacca aims to be a centre of excellence for human development in terms of academic, vocational, spiritual, sports and co-curricular activities which would produce young persons who are knowledgeable, skilful and possess positive attitudes according to moral values which will enable them to be useful and loyal citizens.<sup>44</sup> In addition, the school is set to develop its residents towards being high personality young people based on good moral values, skilful and knowledgeable.<sup>45</sup>

---

<sup>43</sup> Source quoted from the documentary data conducted in the Henry Gurney School, Malacca, Malaysia during the field work undertaken in between November 2008 and January 2009

<sup>44</sup> "Vision" of the Henry Gurney School, Malacca

<sup>45</sup> "Mission" of the Henry Gurney School, Malacca



Section 75, Child Act 2001 provides grounds when a child can be sent into Henry Gurney School as follows:

a. He or she is found guilty of any offence punishable with imprisonment and the Court for Children satisfies with the probation report (earlier submitted) showing that:

- i. the parents or the guardian of the child can no longer exercise or incapable of exercising any control over him or her;
- ii. the child is habitually in the company of persons of bad character;
- iii. the child is not suitable to be rehabilitated in an approved school; and,

b. the child has committed a serious offence in nature; and,

c. by reason of the nature of the child's criminal habits and tendencies, it is expedient that the child be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime.

According to Section 75 (2) of the Child Act 2001, the rehabilitation period of child offenders in the Henry Gurney School is for a period of 3 years. The maximum period of rehabilitation process may extend until the child attains the age of twenty one.

The administration of the Henry Gurney School is guided by the following laws and regulations:

- i. Prison Act, 2008;
- ii. Prison Regulations, 2000;
- iii. Child Act, 2001;
- iv. Henry Gurney School Rules, 1949;
- v. Standing Orders of the Director General of Prison; and,
- vi. Orders of the Director of Institution (Henry Gurney School).

The rehabilitation process of young people in Henry Gurney Schools is based on the “Putra Module” which is basically same as the rehabilitation module that applies to rehabilitate young people who are detained in prisons.

Since, as explained earlier, the essence of the present study is to remark why and how the Malaysian prison officials would have been motivated to provide educational opportunities to young people who are being detained within the prisons institutions, therefore, next in the following section, the researcher seeks to deliberately provide an overview of the implementation of educational provision by the Prisons Authority that is available today.

#### *Educational Opportunities for Young People in closed Penal Institutions in Malaysia*

The Malaysia Prisons Department is responsible for providing educational opportunities for young people who are detained in prisons based on the provision stated in Rule 151, Prison Rules, 2000. The provision provides:

##### *Regulation 151 - Educational Classes.*

*(1) At every prison, programmes of educational classes shall be arranged and reasonable facilities, under such conditions as the Director General may determine, shall be allowed to prisoners who wish in their leisure time to improve their education by correspondence courses or private study, or to practice handicrafts;*

*(2) Special attention shall be paid to the education of illiterate prisoners within the hours determined by the Officer-in-Charge;*

*(3) Every prisoner who is able to profit by the educational facilities provided shall be encouraged to do.*

Accordingly, from the above provision; the Prisons Department is required by the law in Malaysia as to provide reasonable educational facilities for young people who are detained in prisons who wish to pursue his or her studies in order to improve his or her educational achievements. Furthermore, the provision also states that the Prisons Department should give priorities in providing educational

opportunities so as to encourage illiterate young people to gain education. Thus, the Prisons Department should encourage young people who have potentials to gain benefits from educational facilities provided within the penal institutions.

It would be remarkable to highlight that since the Prisons Department believes that every offender has the potential to be rehabilitated,<sup>46</sup> therefore, providing educational opportunities to all offenders particularly young people is one suitable method that would assist offenders to prepare for their own better future upon release.<sup>47</sup>

It has been reported that incarceration is no hindrance for Malaysian inmates to pursue their education. Teachers from non-governmental organizations and also the Ministry of Education were brought into the prisons to assist with the inmates' learning activities. There were 44 inmates<sup>48</sup> who sat for the *Peperiksaan Menengah Rendah*<sup>49</sup> (PMR) examination, 54 for the *Sijil Pelajaran Malaysia*<sup>50</sup> (SPM) examination and 17 for the *Sijil Tinggi Persekolahan Malaysia*<sup>51</sup> (STPM) examination throughout 2007.<sup>52</sup>

The educational provision among inmates in Malaysia is also due to the mission of the Prisons Department towards collaboratively support national educational-related policies which gives more opportunities in education in applying the concept of democracy in education.<sup>53</sup> In this context, it seems the Prisons Department intends to provide more educational opportunities particularly to

---

<sup>46</sup> "Philosophy" of the Offender Management Division (previously known as the Rehabilitation and Treatment Division), the Malaysia Prisons Department – as explained earlier

<sup>47</sup> "Integrity Schools", refer website of the Malaysia Prisons Department at <http://www.prison.gov.my>

<sup>48</sup> Source quoted from the documentary data conducted in the Malaysia Prisons Department during the field work undertaken in between November 2008 and January 2009

<sup>49</sup> or Lower Secondary Assessment

<sup>50</sup> or Malaysian Certificate of Examination

<sup>51</sup> or Malaysian Higher School Certificate

<sup>52</sup> Refer "Annual Review 2007, the Malaysia Prisons Department" at page 23

<sup>53</sup> Refer details in the Ministry of Education, Malaysia website at <http://www.moe.gov.my>

young people continuing their schooling activities and thus, sit for their examinations same as their peer group members outside the institutions. This at least was meant to fulfil one of the aims of the educational policy recommended by the Ministry of Education, Malaysia in reducing gaps among Malaysian citizens towards gaining education so that no one is left behind from enjoying the national development.<sup>54</sup>

Hence, the researcher would suggest that the collaboration between the Malaysia Prisons Department and the Ministry of Education towards setting up a more structured educational system within the penal institutions - the establishment of Integrity Schools in 2008 could be viewed as an astonishing achievement in pursuing the campaign “Education for All” as recommended by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

In addition, it has been highlighted the Malaysia Prisons Department has over the years been continuously promoting to provide educational opportunities to inmates based on the Lifelong Learning concept as it expects that through educational activities, offenders are encouraged to develop themselves towards becoming useful citizens who could contribute to the country upon their reintegration.<sup>55</sup>

Notably, young offenders are among group of inmates who are highlighted by the Malaysia Prisons Department as to be motivated in pursuing education whilst imprisonment. In addition to the statistics shown at the above, it has been reviewed that the number of young people who are detained in the Henry Gurney School, Malacca has proved an increase in their engagement in academic activities, namely, 79 students in 2006; 90 students in 2007; and, 107 students in 2008.<sup>56</sup>

---

<sup>54</sup> “2007 Master Development Education Plan”, Ministry of Education, refer at <http://www.moe.gov.my>

<sup>55</sup> “Life Long Learning”, the Malaysia Prisons Department, undated at page 1 – 4

<sup>56</sup> Source quoted from the Henry Gurney School, Malacca, Malaysia in December 2008

This is understandable as the Prisons Department confirms that young offenders do still need educational opportunities to equip themselves with knowledge and skills since they are the human capital of the nation towards becoming responsible and useful citizens upon their reintegration into the society.<sup>57</sup>

Finally, the seriousness of the Malaysian government's intention to enable the Prisons Department to provide more educational opportunities for young people in their institutions is evidenced by the placing of the management and co-ordination of education under the Special Education Division within the Ministry of Education.<sup>58</sup> This also indicates that the government policy of expanding educational opportunities also includes the children and young people inside the penal institutions.

### **Research Methodology**

In order to gather information for the purpose of answering the developed research questions, and for the data analysis procedures, the study used a case study research design, in-depth interviews and direct observations. Empirical research has been done by conducting interviews with three samples namely, prison officials from the Head Quarters of the Malaysia Prisons Department, academic teachers and/or vocational training instructors, and also young people from the Kajang Prison, Selangor and the Henry Gurney School, Malacca.

The objectives of employing in-depth qualitative interviews were to gain, first, data on the attitudes and beliefs of the Malaysia Prisons Department senior officials in identifying the reasons behind the implementation of this policy; secondly, to analyze the views of the academic teachers and/or the vocational training instructors regarding their engagement towards implementing the policy within the penal institutions; and, finally to gather thoughts and expressions of the

---

<sup>57</sup> Further details, refer "Integrity Schools" at the website of the Malaysia Prisons Department at <http://www.prison.gov.my>

<sup>58</sup> Refer the "Special Education Division" in website of the Ministry of Education, Malaysia at <http://www.moe.gov.my>

child and young offenders upon the availability and accessibility of the educational opportunities provided for them within the institutions. All the interviews were conducted in the Malaysia Prisons Department, Head Quarters Office; the Kajang Prison, Selangor; and the Henry Gurney School, Telok Mas, Malacca. In addition, observations were also conducted by the researcher within the two closed penal institutions in examining the availability of the educational opportunities provided for the young inmates.

Since this research employs a case study research design, details regarding how the data collection and analysis process were conducted will be discussed in detail in the following chapter.

### **Significance of Research**

It is hoped that this study will contribute to the academic knowledge since it intends to conceptualize how the relevant governmental institution of Malaysia, namely, the Malaysia Prisons Department, believes what were the driving forces prior to the implementation of the policy regarding the educational provision for the child and young offenders in closed penal institutions.

In exploring the officials' attitudes and thinking towards answering the objectives afore-mentioned earlier, the researcher assumed that the outcome of the study would present at least one or both of two motivations – rights of children and (particular notions of) offender rehabilitation. In the event particular notions of the nature and purpose of education proved to be crucial.

Therefore, this study will add significantly to academic knowledge about the development of policy and practice relating to the rights of children by doing three things. First, it identifies the particular notion(s) of offender rehabilitation held by Malaysian prison officials when formulating, planning, designing and implementing the rehabilitation programmes and educational opportunities for young offenders in the closed penal institutions.

Secondly, this identification in turn aids our understanding of the main motivational factor(s) that have driven the Malaysian government towards the implementation of such a policy. Therefore, the research also assesses the main driving forces which led the Malaysian government towards implementing educational provision for young detainees. It has tried to disentangle motivations arising from the policy imperatives to find more effective ways both to engage young detainees whilst they are in closed institutions and to reduce re-offending on their release and, further motivations arising from a commitment to children's educational rights as set out in the Convention on the Rights of the Child 1989. Such an understanding of the different priorities and also overlapping of these motivations may provide insights as to the most effective policy triggers for implementing children's rights.

Therefore, this study would suggest that the attitude and mindset of prison officials in understanding the role of education and its benefits in helping the Prisons Authority to encourage young people to realize their past mistakes and to be better persons influence the overall implementation of the rehabilitation programme available in penal institutions.

In addition, their thoughts on giving priority to the provision of education for young prisoners in the institutions resemble from their acknowledgements of the requirements of the local society that expect the institutionalization experience should be more on to educate and/or train offenders to be better citizens rather than confining them behind bars. In due response, the Malaysia Prisons Department formulates strategies aimed at rehabilitating young detainees leading to cease crime by adopting a lifelong learning plan - a learning medium that the department identifies to be the most appropriate means to be implemented among the prisoners during the institutionalization. Hence, guided by international measures beneath under the United Nations Standard Minimum Rules for the Treatment of Offenders 1954, the Convention on the Rights of the Child 1989 and the "Beijing Rules"; the Human Development Plan or *Pelan*

*Pembangunan Insan (PPI)*<sup>59</sup> underpinning the “Knowledge, Attitude, Skills, Intelligence and Humanity” principles (KASIH) was formulated by the Malaysia Prisons Department being the department’s blue print document.

Subsequently, through the Human Development Plan (HDP), which is widely applied in the overall rehabilitation activity across all prisons in Malaysia, especially to achieve the objectives of the department for the transformation of prisoners to become better persons, socially responsible and productive to society upon returning into society when released later; it is also expected this will help the department to meet the needs of the community who would like to see prisoners be given better treatments while in the detention.

Finally, the study wishes to critically argue the understanding of the Malaysian prison officials that the provision of a better and quality of education would be useful for the personal and self-development of young prisoners and that this thinking derives from the notions of children’s rights. In this regard, the researcher would like to draw attention on how the Malaysian prison officials believe that imprisonment is no hindrance for young prisoners and so the educational needs of young prisoners still exist even though the youths are now being institutionalized. Therefore, the officials further view that young prisoners deserve to receive similar educational opportunities as per provided to other youths outside the institutions in the continual development process of their self and personality throughout the imprisonment term.

Hence, the study would also like to recommend the desire of the Malaysian prison officials in providing educational provision for young detainees has been so much influenced by their motivation to fulfil the rights of education as applied by the Malaysian government to other young people outside the institutions. Therefore, the awareness of the officials recognizing the ex-convict youths are also the human capital of the nation; therefore, educational opportunities should be equally provided to the youths aiming to reduce necessary gaps with other

---

<sup>59</sup> The Human Development Plan was implemented in February 2002; refer the “Bahagian Pemulihan dan Rawatan” (“Rehabilitation and Treatment” division) at page 18, retrieved at <http://www.prison.gov.my>; accessed 12 August 2010



school children and young people outside the institutions within the context of their self development and skills. Considering the relevant international standards including Universal Human Declarations of Human Rights, the Convention on the Rights of the Child 1989 and the “Beijing Rules” as the ‘checklist’, the government is enthused to provide educational opportunities with concerns to “bridging the gaps” between the two groups of children and young people within their personal development context.

In due course, the government sets up “schools within the prison settings” or known as “Integrity Schools” within the penal institutions especially to allow the children and young people behind bars to continue their formal academic activities according to the national educational system by and/or through the implementation of the lifelong learning plan. By putting the institutionalized children and young people back into the educational system, the Malaysian prison officials expect these youths would realize that education is still and should be the most significant need that they should acquire in order to become better citizens for now and the future. Therefore, it is anticipated that education can guide the young people to cease from re-offending during the transformation process to become crime-free persons during and after the institutionalization period.

### **Theoretical Framework**

This thesis analyzes the data on the young people who offend with regards to their educational opportunities in the light of children’s rights particularly their rights to education and the notion of offender rehabilitation. Further, in order to investigate whether the rights to education of these institutionalized children and young people are implemented according to the minimum requirements laid down under the Convention on the Rights of the Child 1989, the researcher used the notion of the children’s rights particularly the rights to education as the ‘checklist’ whereby the interviews were designed to see whether the respondents were motivated by a commitment to rights or not (or whether they wanted to appear that they were not).

On the basis of these analyses, the thesis will assess whether the current implementation of educational provision for young people in closed penal institutions is influenced by any particular notions of offender rehabilitation and/or by notions of children's rights, particularly the rights to education or by other factors not specifically investigated in the research design.

### *The Concept of Rehabilitation of Offenders*

For the aims of exploring why the Malaysian government has been prompted into undertaking particular policies in regard to educational provision of children and young people who are being detained within closed penal institutions; the researcher would like to study the behaviour and thinking of the Malaysian prison officials within the scope of the notion(s) of offender rehabilitation.

Indeed, before the researcher will be able to do so, the researcher will attempt to review the literature review regarding the concept of rehabilitation of offenders in general towards gaining a better understanding before the thesis examines the data on the interviews with the Malaysian prison officials in the light of the notion(s) of offender rehabilitation.

Therefore, in this study, first, the researcher will be looking at how do the prison officials, academic teachers and/or vocational training instructors and, the young people in the institutions interpret the meaning of "rehabilitation of offender". Do the respondents adopt similar or opposite scope of definitions as explained from the existing literatures; or perhaps they have their own interpretations in understanding the definition of the term?

Also, the researcher attempts to discover whether the practice of the current educational opportunities in the closed penal institutions has relationships with any particular notion(s) of offender rehabilitation that the Malaysia Prisons Department look for.

Next; the researcher also looks at how the academic teachers and/or the vocational training instructors and the young people express regarding their views in relations to the educational opportunities provided in the closed penal institutions.

Finally, the researcher will be analyzing on how the prison officials conceptualize towards the better educational provision for the young people in penal closed institutions until the setting up of 'schools within prisons' or known as Integrity Schools in 2008.

### *Children's Rights*

In order to investigate whether the educational rights of the child and young offenders in closed penal institutions in Malaysia is being implemented according to the minimum requirements as laid down under the Article 28 and 29, Convention on the Rights of the Child 1989, the researcher discusses relevant aspects within the theory of the children's rights particularly regarding their rights to education. Therefore, the researcher explores aspects involving the nature and origin of the children's rights, core principles underlie within the Convention on the Rights of the Child 1989, how the notion of education has been formalized to be recognized as "rights" for the children regardless "who" and "where" they are, relevant child-specific instruments including international legislations; policies, declarations; educational principles; practice standards encouraged by the United Nations for the country members to be adopted particularly as measures to promoting the best interest of the child regarding educational rights; and, the indicators of measuring the minimum requirements to the standards recommended by the United Nations.

In addition, national policies on children-rights based that are being implemented in Malaysia are also discussed in order to depict efforts of the government towards maintaining the children's rights particularly the rights to education. Relevant national law and policies are also analyzed aiming to observe whether

the government gives adequate supports in promoting and maintaining educational provision for young people who are placed in the institutions.

Therefore, the relevant international standards that will be the 'checklists' in this study are:

- i. Convention on the Rights of the Child 1989;
- ii. Universal Declarations on Human Rights 1948;
- iii. United Nations Standard Minimum Rules for the Administration of Juveniles (the "Beijing Rules");
- iv. United Nations Standard Minimum Rules (Treatment of Offenders) 1954;
- v. Child Act 2001;
- vi. Prison Act, 2008;
- vii. Prison Rules, 2000; and,
- viii. Henry Gurney Rules, 1949.

Hence, the researcher will be analyzing the interview data by using the above 'checklist' in order to investigate whether the respondents have been conforming to the minimum requirements as laid down under the Article 28 and 29, Convention on the Rights of the Child 1989 when formulating, planning and implementing the educational provision for the institutionalized young people in Malaysia.

### **Research Scope and Limitations**

This thesis outlines a few limitations which can be explained as the following:

First, this research is confined to a study of children and young people in closed penal institutions. It cannot therefore necessarily be taken to apply to children and young people who are detained in open institutions, or to adult offenders.

Further, this research data was collected for the Kajang Prison, Selangor and the Henry Gurney School, Malacca, Malaysia. Therefore, it may not apply to jurisdictions other than Malaysia.

Since the samples of academic teachers and inmates were selected according to the choice of the officers-in-charge of both institutions based on the criteria underlined by the researcher, therefore the researcher may forecast that the samples should be amongst 'successes' in terms of educational achievements.

However, the real purpose of the interview with the young prisoners was to obtain their narration about the actual implementation of the educational opportunities available in prison institutions and the experiences they went through whilst seeking an education during imprisonment, as stressed later on page 50; therefore, the researcher had to concede that there existed the probability of young prisoners who are 'less' brilliant in educational attainment and thus were not selected by prison officials to be subjects in the interviews conducted by the researcher.

It is important to note that the participation of young prisoners in formal academic and/or vocational training programmes during incarceration in Malaysia is not mandatory whereas children who are not inside penal institutions do have to attend.<sup>60</sup> Therefore, the findings of this study specifically related to the similarities and differences in the provision of education for children in and outside prison service establishments must take this major difference into account. As is explained below, the young offenders who were interviewed may not be a representative sample of young offenders in a penal institution because of the method of selection. They may also not be representative because of the lack of legal compulsion to engage in education. Nevertheless, this thesis is concerned with provision and responses to that provision and whether engagement is compulsory or not is not relevant to that.

Because the selection of the academic teachers and young prisoners as respondents was based on the selections of the officials-in-charge, the

---

<sup>60</sup> The views of the respondents in relation to this issue of choice and voluntariness will be discussed in Chapter 6 at pages 222-255: Findings Chapter: Interview Data with the Academic Teachers and/or the Vocational Training Instructors at the Henry Gurney School, Malacca, Malaysia and the Kajang Prison, Selangor, Malaysia

researcher was at pains to assure herself that all the respondents were personally willing to be interviewed and be the subjects of this study. In this regard, the researcher concluded that any ethical issues relating to coercion were addressed prior to the interview sessions.

Finally, this study is also limited to the specific rights to education for the children and young people in closed penal institutions. Therefore, it may not include other aspects of rights which may have been provided by the institutions namely their welfare or protection.

### **Organization of the Thesis**

In order to achieve the aims and objectives of the thesis, this thesis is organized into eight chapters.

#### *Chapter 1 – Introductory and Conceptual Framework*

This chapter is an introductory chapter which gives the overview of the study followed by the focus of the study, research questions, the research objectives, the research methodology, the significance of the research and the scope and limitations of the research. The chapter also discusses the theoretical framework that is used in constructing the whole arguments of the thesis.

#### *Chapter 2 – Methodological Chapter: “Structuring the Field Work Strategies”*

This chapter further explains the research questions of the study, the types of data that are suitable to answer the research questions and also explains and justifies the research methods chosen. It also explains how and why certain theoretical perspectives are used to analyze the data.

#### *Chapter 3 – Children’s Rights*

This chapter comprises a lengthy discussion about the theory of the children’s rights with emphasis on why the notion of the educational rights for children is

recognized by the United Nations. The researcher then will identify what are the international standards pertinent to the educational rights of the child and young people who offend.

Further, the researcher will discuss how the Malaysian government has been implementing national policies on children-rights based particularly the rights to education. Relevant law and policies are also discussed towards observing whether the similar rights are also covered for young people in closed penal institutions.

International standards on children's rights based then will be discussed to observe whether – at least in theory - they play a significant role in motivating the Malaysian government towards promoting educational provision for young people in closed penal institutions. It is anticipated that the discussion of children's rights may enlighten the researcher towards examining the interview data undertaken with the Malaysian prison officials; justifying whether the rights discourse may appear as one driving factor that has prompted the government of Malaysia in providing educational opportunities for young people who are being detained within the penal institutions across the country.

#### *Chapter 4 – Rehabilitation of Offenders: A Theoretical Background and the Implementation of Rehabilitation of Offenders within the Malaysian Penal Institutions*

This chapter broadly explores the concept of the rehabilitation of offenders. Essentially, the researcher attempts to establish how the notion of the offender rehabilitation is applied within the institutional and prison settings with the purpose of identifying the main theory of rehabilitation of offenders that drives the government of Malaysia to provide educational opportunities for children and young people in the penal institutions.

In additional, the researcher will be discussing the current implementation of the rehabilitation of offenders within the Malaysian penal institutions. The researcher will ultimately attempt to relate as to which notion of the theory of rehabilitation of

offenders has been influenced the Malaysian prisons by observing their related policies, strategies, plans, rehabilitation programmes and/or modules. Relevant national and international standards, law and policies will also be remarked as to determine whether the Malaysia Prisons Department has been guided by those provisions towards promoting better rehabilitation practice among offenders.

*Chapter 5, 6 and 7 – “Educational Provision for Young Prisoners: to Realize Rights or to Rehabilitate: The Case Study in Kajang Prison, Selangor and the Henry Gurney School, Telok Mas, Malacca, Malaysia”*

These three chapters (Chapter 5: Findings Chapter: Interview Data with Children and Young People of the Henry Gurney School, Malacca, Malaysia and the Kajang Prison, Selangor, Malaysia; Chapter 6: Interview Data with the Academic Teachers and/or the Vocational Training Instructors of the Kajang Prison, Selangor and the Henry Gurney School, Telok Mas, Malacca; and, Chapter 7: Interview Data with the Officials of the Malaysia Prisons Department) encompass research findings which were obtained by the researcher throughout in-depth interviews and observations by which the presentation of the results will be systematically based on the research questions and the pre-determined research themes accordingly.

Data from interviews and observations will be analyzed using concepts of rehabilitation and of children’s rights to determine whether the main or subsidiary motivation(s) for Malaysian prison officials to provide educational opportunities for young people in closed penal institutions is children’s rights or crime control. This will require an analysis of the way rights and rehabilitation are conceptualized for this purpose.



## Chapter 8 – *Discussions and Conclusions*

The chapter presents a discursive analysis providing key information that will lead to a clarification based on the reasons and legal basis why the Malaysian government has spent large expenditure towards providing educational opportunities for children and young people who are being detained in closed penal institutions. The discussion will basically focus on the key facts taken from the results obtained from in-depth interviews and observations set out according to the research questions and research themes that have been set beforehand.

By the end of the chapter, the researcher would like to make conclusions on justifications on law and policy reasons why the Malaysian government was being induced to provide educational provision for children and young people who are being detained within the penal institutions.

### **Conclusion: Summary of Chapter**

The present chapter has sought to explain the purpose and structure of this thesis. The following chapter will discuss about the methodology of the research justifying the methods for the data collection and data analysis procedures in order to answer the developed research questions.

## CHAPTER TWO

### **Methodological Chapter: “Structuring the Field Work Strategies”**

---

#### **Introduction**

In this chapter, the researcher aims to explain the chosen research questions for the study, the research objectives, the general theoretical knowledge, the methods chosen to collect the data, the procedures used for data collection, the approach taken, and techniques used for data analysis, and the limitations which became apparent during the conduct of this study.

As mentioned in the first chapter, the purpose of the present study is to investigate the extent to which the relevant governmental department in Malaysia, namely, the Malaysia Prisons Department, conceptualizes the idea of providing better educational provision for young people in closed penal institutions. Therefore, this chapter seeks to review and explain the components of the empirical and documentary research completed in Malaysia in order to achieve the objectives of the study.

#### **Research Questions**

It goes without saying that the research question is vital as it is the gist of what the entire research is about. Bryman stressed that in doing social research, the most crucial early step is to provide a research question which is seen as a point of orientation for an investigation that links the researcher’s literature review to the kinds of data that will be collected (Bryman; 2007: 5).

In order to achieve the aims and objectives of this study, the researcher has developed the specific research questions as follows:

1. To what extent is the educational provision for child and young offenders in closed penal institutions in Malaysia similar in quality and quantity to that provided for children in state (government) schools?;

2. To what extent are policy and law driven by a desire to implement children's rights, by particular notions of rehabilitation or by other factors?; and,
3. How do the officials and teachers of the Malaysia Prisons Department conceptualize children's rights and offender rehabilitation?

### **Research Objectives**

The above research questions entail the following aims:

1. To assess the extent to which educational provision for child and young offenders in closed penal institutions is similar in quality and quantity to that provided for the children who are in state (government) schools;
2. To assess the extent to which policy and law is driven by notions of children's rights, particular notions of rehabilitation or other factors; and,
3. To provide insights into the ways in which the concepts of children's rights and offender rehabilitation are constructed by key governmental institutions in Malaysia, in the context of the provision of education.

The formulation of the above research questions derived from the recent commitment of the government to provide educational opportunities for children and young people behind bars in Malaysia.<sup>61</sup> The thesis therefore seeks to identify the driving forces that have inspired the Malaysian government towards realizing the related policy – whether the implementation of the policy and law was induced by the notion of children's rights and/or the notion of offender rehabilitation or any other particular notions?

---

<sup>61</sup> Loo, T E, 2008, "Pioneer Batch Set to Start Teaching in Prison Schools", *The Star*, 3 June 2008, viewed 7 June 2008; retrieved at <http://thestar.com.my>; and Lim, R, 2008, "Leave No One Behind", *The Star*, 22 June 2008, viewed 21 August 2008; retrieved at <http://thestar.com.my>

In this regard, the researcher intends to firstly analyze the attitudes of the Malaysian Prisons Department officials and teachers and/or vocational training instructors from the selected young offender institutions<sup>62</sup> regarding “what they are doing” with respect to educational opportunities that are available for young people in the institutions. Secondly, a conceptualization of their attitudes will allow the researcher to understand “why” they are motivated to do “what they are doing”. Particular focus will be directed on whether the government official and teachers are motivated by notions of children’s rights and/or notions of offender rehabilitation or any other particular notions.

Therefore, the broad focus of the current study is to explore the driving factors that motivate the government of Malaysia in implementing policy and law regarding educational provision for children and young people<sup>64</sup> who are detained in closed penal institutions<sup>65</sup> in Malaysia on orders under section 91 (1) (f)<sup>66</sup>, section 91 (1) (h)<sup>67</sup> of the Child Act, 2001 subject to section 96 (2); and, section 97<sup>68</sup> of the same Act.

---

<sup>62</sup> The selected institutions are the Kajang Prison, Selangor and the Henry Gurney School, Malacca, Malaysia.

<sup>64</sup> “Child offenders” are inmates who are between 14 to 18 years of age and “young offenders” are inmates who are between 18 to 21 years of age. Refer “Definition and Prison Terms”, retrieved at <http://www.prison.gov.my/portal/page/portal/hijau/soalan>; accessed 29 July 2010.

<sup>65</sup> The institutional treatment for Malaysian child offenders consists of two possibilities: detention in a closed institution or an open institution. The former, which is also known as an Advanced Approved School or Henry Gurney School or Prison itself falls under the administration and management of the Prison Department; while the latter, also known as an Approved School, is under the Department of Social Welfare. Refer Hussain, Mohamad, “Juvenile Delinquencies: Malaysian Laws and Juvenile Justice System – Rehabilitation”, (11-13<sup>th</sup> May 1993), A Paper presented in the Seminar: “Juvenile Delinquencies Seminar”, Kuala Lumpur

<sup>66</sup> Section 91 (1) (f) of the Malaysia Child Act, 2001 – If a Court For Children is satisfied that an offence has been proved the court shall, in addition to any other powers exercisable by virtue of this Act, have power to order the child to be sent to an approved school or a Henry Gurney School.

<sup>67</sup> Section 91 (1) (h) of the Malaysia Child Act, 2001 – If a Court For Children is satisfied that an offence has been proved the court shall, in addition to any other powers exercisable by virtue of this Act, have power to impose on the child, if he is aged fourteen years and above and the offence is punishable with imprisonment; and subjects to section 96(2) that provides a child aged fourteen years or above shall not be ordered to be imprisoned if he can be suitably dealt with in any other way whether by probation, or fine, or being sent to a place of detention or an approved school, or a Henry Gurney School, or otherwise.

<sup>68</sup> Section 97 of the Malaysia Child Act, 2001 –  
(1) A sentence of death shall not be pronounced or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was a child.

To answer the above three research questions, the researcher applied the documentary research method and conducted empirical research by applying the in-depth interview method. Both these research methods were adopted to help the researcher seek suitable data sources for the following aims:

First, by applying the documentary research method, the researcher gathered evidence and collected relevant materials to answer Research Questions 1 and 2 which will cover the following matters:

- Educational provision for child and young offenders in closed penal institutions in Malaysia and educational provision for children who are in state (government) schools;
- Written national laws, policies, rules and/or regulations which would provide evidence of the motivation of the Malaysian government in providing educational opportunities for child and young offenders in closed penal institutions and for children who are outside the institutions;
- Written national laws, policies, rules and/or regulations which would provide evidence showing the Malaysian government's policy and stance on the notion of rights of children, particularly their rights to education;
- Written national laws, policies, rules and/or regulations which would provide evidence indicating the Malaysian government's policy and stance on the notion of offender rehabilitation, particularly young people; and,
- Written documentary materials which would provide evidence to show whether the government of Malaysia has been fulfilling the minimum standard of providing educational opportunities for child and young offenders in closed penal institutions as per the recommendation of the United Nations.

The data from the written documents listed above is expected to be able to give a rough idea of 'the extent' to which the Malaysian government provides educational

---

(2) In lieu of a sentence of death, the Court shall order a person convicted of an offence to be detained in a prison during the pleasure of –

- (a) the Yang di-Pertuan Agong if the offence was committed in the Federal Territory of Kuala Lumpur or the Federal Territory of Labuan; or
- (b) the Ruler or the Yang di-Pertua Negeri, if the offence was committed in the State.

opportunities for young prisoners who are being detained within prison institutions across the country, as stated in research question 1.

By doing this, the researcher aims to analyze whether the Malaysia Prisons Department, in implementing the provision of educational opportunities for young prisoners, has adopted a similar and/or equivalent educational system to that used by the relevant authority, namely, the Ministry of Education, for school children in the state (public) schools outside the institutions?

Useful materials obtained through the documentary research method were then used to help the researcher to develop a theoretical framework of the overall study, which led to a broader understanding of the research.

To summarise: the researcher expects the documentary data will be able to supply the answer only for that part of research question 1 which requires data on the provision of education for children who are in state (government schools) i.e. outside the penal institutions in Malaysia. It is anticipated that empirical data from the interviews will shed light on the provision of education for children and young offenders inside penal institutions in Malaysia. A comparison will then be possible between the educational provision inside and outside prison.

The primary aim of this thesis is to investigate what factor(s) influence the Malaysia Prisons Department in providing educational opportunities for young people who are being detained within Malaysian penal institutions. Therefore, the researcher decided that documentary research would be insufficient to capture the motivational aspects that exist behind the implementation of such a policy.

Therefore, in order to further illustrate how and why the Malaysia Prisons Department undertook such measures towards implementing the policy, the researcher conducted in-depth interviews with the prison officials to acquire a clearer picture that demonstrated the officials' insights that led to the development of such a policy.

Consequently, the in-depth interviews were designed to gain data to achieve the following:

First, the researcher attempted to capture the attitudes of prison officials and academic teachers and/or vocational training instructors in the institutions on the role of education and its benefits to young people detained in penal institutions;

Secondly, the researcher tried to gain the understanding of prison officials and academic teachers and/or vocational training instructors in the institutions on the issue of rights of children, specifically educational rights and the efforts of the Malaysian government to provide educational access to young detainees in penal institutions;

Thirdly, the researcher aimed to explain how the prison officials and academic teachers and/or vocational training instructors in the institutions interpret the meaning of “rehabilitation of offender” and its relationship, if it exists, with the importance of education for young detainees detained in penal institutions; and,

Finally, the researcher sought the views of young people detained within the penal institutions regarding the current practice of educational opportunities provided by the Prisons Authority and any benefits that the youths believed they can enjoy from the implementation of such a policy.

Hence, by analyzing the interview data, the researcher has been able to develop an extensive understanding towards discovering whether the implementation of educational provision for young people in the penal institutions in Malaysia has relationships with either the notion of rights of children ultimately their rights to education and/or the notion of offender rehabilitation or other particular notion(s), if any.

### **Justifying a Qualitative Approach**

The methodological approach used in this study is a qualitative method which envisages the most appropriate way to obtain suitable data to answer the developed research questions. The researcher chose a qualitative approach in conducting the present study based on a number of reasons; as pointed out by Creswell (1998:17-18), there are eight reasons why a researcher is compelled to conduct a qualitative research: first, the nature of the research question, which often starts with a “how” or

a “what” that describes what is going on instead of a “why,” which is usually used in quantitative research that looks for a comparison of groups; second, the topics that need to be *explored*; third, the needs of presenting a *detailed view*; fourth, the study is about individuals in their *natural settings*; fifth, the researcher’s use of a narrative style in writing where the researcher brings himself or herself into the study; sixth, the availability of sufficient time and resources to spend on extensive data collection in the field and detailed data analysis of “text” information; seventh, the *audience is receptive* to qualitative research; and finally, eighth, the researcher’s role is to be an *active learner* who is capable of telling the stories from the participants’ view rather than acting as an “expert” who decides judgment on participants.

Applying Creswell’s recommendations as explained above, the researcher realized that in principle, all the research questions were developed with the focus on answering the question of “how” the Malaysian government has been motivated towards providing educational opportunities for young detainees, and also to explore “what” particular motivational factors may have existed behind the implementation of such a policy. As such, the probable “answers” to the research questions need to be deliberately explored and explained in detail. In addition, the research itself is about the study of individual’s attitudes and behaviour in regards to the person’s original settings, namely, the prison officials, academic teachers and/or vocational training instructors and young people; and as such, the role of the researcher is ultimately to provide the relevant information and data pertinent to the scope of the study free of speculation and exaggeration.

A narrative style of writing has been employed in order to capture the interests of the readers/audience to promote an understanding of the research participants respective perceptions.

Secondly, the researcher chose a qualitative method to conduct this study because it is more aptly suited to explore the attitudes of the research subjects, their everyday behaviour and their life stories (Silverman, 2010: 5 -15).

Thirdly, using a qualitative method entails an emphasis on words rather than numbers. Also, using interpretivist and constructionist approaches to the analysis of



the interview data was more likely to allow the researcher to find meanings in relation to the research themes and questions. However, the study collected numerical data regarding the demographical facts including the number of inmates in the institutions (as of the time the study was being conducted) and other facts related therein in order to provide necessary contextual information about the research participants and the research sites.

Thus, in agreeing with the points taken from Silverman and Creswell as mentioned above, the researcher believes the present study best fits a qualitative methodological approach in that it has produced findings based on the views and attitudes of the selected human participants and their real-life experiences and issues. In brief, the examination of their perceptions was always based on “how” and/or “what” questions followed by unplanned and independent answers from the respondents rather than the “why” questions that seek answers for comparison purposes.

Moreover, given that the nature of the research topic is to address the extent to which officials of the Malaysia Prisons Department understand and view the implementation of educational opportunities for young people in the closed penal institutions in Malaysia, therefore, the most appropriate method to use is inevitably of a qualitative methodological approach (Bryman, 2001: 264).

### **Research Design and Procedures**

In order to gather information and analyze the data, the study used in-depth interviews and direct observations.

Basically, by adopting a case study approach, the researcher aims to make a detailed description of a case (Creswell: 1998) by explaining the actual phenomenon within its natural setting without having any interest in modifying whatever exists within the settings. In the present study, the researcher undertook a few steps in completing the investigation by first, viewing the whole facts and drawing meanings from it without looking for multiple instances (*indirect interpretation*); secondly, the researcher established *patterns* and looked for relationships between the emerged

categories, and finally, the researcher developed *naturalistic generalizations*, where during the analysis data, the researcher compared the findings with past published literature within the scope of the study. Hence, by choosing the case study research design, the researcher hopes to gather the first-hand-rich data directly from the participants within the field of study to develop a depth of understanding regarding their beliefs towards answering the developed research questions. A variation of case studies involved in the present study includes a study of young people; academic teachers and/or vocational training instructors; and, officials of the Kajang Prison, Selangor, Malaysia and the Henry Gurney School, Malacca, Malaysia and the relevant law and policies particularly with regards to educational provision for young people in closed penal institutions.

In conducting this particular study and by following Creswell's suggestions as prescribed earlier, a few of the steps undertaken by the researcher towards completing this research may be explained as below:

First, the researcher viewed the whole materials, including the data obtained by both documentary and interview methods, and tried to extract meanings directly to answer the research questions, without having any intention to speculate or make any self-interpretations;

Next, after repeating the first step a few times, the researcher drew out the categories of points according to pattern to essentially establish any relationships which might be relevant in answering the research questions;

Then, by careful observation and without bias to all the emerged points and relationships, the researcher made comparisons to the past published literature within the scope of study; and,

Finally, the researcher developed a broad understanding and perspective on the scope of the study before subsequently examining the interview data.

## **Data Collection**

### *In-depth interviews*

In-depth interviews were used in the present study as the researcher intended to capture the participants' perceptions and perspectives, and by doing as such, the researcher will be able to reconstruct meanings attributed to the experiences and events (Scheibelhofer, 2008: 405).

In this study, the researcher acts metaphorically as a miner who tries to unearth the valuable metal (knowledge) that is buried under the ground. The knowledge just waits for the digger (the researcher) to strip the surface by using a conscious experience through interviewing the participants. The act of conversing (interviewing) between the researcher and the participants is a medium which will help the researcher to discover the knowledge without polluting and contaminating the subject's experience at all. As a result, from the process of interviewing to transcribing the interview data, the researcher still preserves the pure facts that lie within the subjects (Kvale and Brinkmann, 2009: 47).

Obviously, the researcher is still of the opinion that in-depth qualitative interviews would be the most appropriate method in collecting data for the present study based on a number of reasons (Bryman, 2007: 313):

- The researcher was more interested in knowing and understanding the interviewee's point of views. Therefore, without having the interviews, it would be more difficult for the researcher to imagine how and what the participants think and feel;
- The researcher had the tendency to allow certain 'rambling' or going-off at tangents when holding the conversations with the participants. Clearly, only by interviewing the participants, the researcher will be able to get more understanding at how the participants express their 'insights' and opinion especially when stressing certain important points;
- The researcher had more flexible opportunity in acknowledging the direction of the interviewees during the interviews. Undoubtedly, by interviewing the

participants, it would be easier for the researcher to obtain certain significant emphasis within the research scope by observing the response from the participants; and,

- Ultimately, rich, detailed answers and first hand data could only emerge from the research participants themselves.

Moreover, the researcher could achieve more self-satisfaction and contentment through spending time to meet the participants, talk to them, share their experiences, listen to their voices, try to understand their feelings, and to observe their attitudes and manners; in doing so, the researcher has no intention of changing their perceptions or attempting to teach them what and how they should react whilst facing those experiences or, to a certain extent, make them believe otherwise. Consequently, the researcher could have never shared in these experiences if the researcher did not employ in-depth interviews.

### *Selection of Samples*

In order to answer the research questions, three categories of samples were used:

#### *Sample 1<sup>74</sup>*

In order to gain further details on how the Malaysian government interprets the principles laid down by the United Nations Convention on the Rights of the Child 1989 and other relevant international standards pertinent to educational provision of children and young people in institutions and implements this interpretation into local law and policy, the researcher interviewed senior officials from the Malaysia Prisons Department, believed to be responsible for the formulation of rehabilitation policies in the closed penal institutions in Malaysia.

---

<sup>74</sup> Interviews with the Malaysia Prisons Department officials were undertaken in between November 2008 and January 2009

### *Participation Selection Process*

The selection of participants for the interview with the senior prison officials was based on *purposive sampling* according to the positions they held. Purposive sampling allows the researcher to select a case because it shows certain characteristics which impress the researcher (Silverman, 2010: 141). Since the researcher wanted to investigate the factor(s) that contributed to the implementation of policies relating to the provision of educational opportunities for young prisoners at the institutions, then, the officers who had a portfolio very close to the research topic and were believed to be able to provide the researcher with the relevant data were chosen to be the respondents.

Therefore, soon after the gatekeepers were informed of the importance of conducting such interviews at an early stage, subsequently, the researcher's application was then approved by the Malaysia Prisons Department.

The participants for the interviews were as follows:

- i. The Deputy-General Commissioner, the Prisons Department of Malaysia;
- ii. The Director of Offender Management Division (formerly known as the Rehabilitation Division), the Prisons Department of Malaysia;
- iii. The Director of the Kajang Prison, Selangor, Malaysia, the Prisons Department of Malaysia;
- iv. The Director of the Henry Gurney School, Telok Mas, Malacca, the Prisons Department of Malaysia;
- v. The Coordinator of the Academic Sector (the Integrity School), the Prisons Department of Malaysia; and,
- vi. The Legal Advisor, the Prisons Department of Malaysia.

The specific purpose of conducting interviews with the above selected officials was to examine their professional experience views, attitudes, norms, beliefs, and values

(according to positions and portfolio) regarding the Malaysian law and policy with respects to educational rights and/or rehabilitation of offenders of child and young people in the closed penal institutions in Malaysia. The researcher believed that the data derived from interviews with these officers will be useful and justifiable towards helping to answer the research questions.

By interviewing the participants too, the researcher was able to analyze the attitudes and beliefs of the prison managers and administrators and how they viewed educational rights and/or rehabilitation for offenders, particularly young people in the closed penal institutions in regards to educational provision for the youths detained within the institutions.

In addition, by interviewing the officials, the researcher was also able to develop a better understanding in analyzing the stance of the Malaysia Prisons Department behind the implementation of Malaysian policy and law pertaining to educational provision for children and young people in closed penal institutions – whether the practice of the law and policy is driven by notions of children’s rights, the notions of offender rehabilitation, or other particular notions.

In sum, in-depth interviews were useful in gathering accounts on how the management of the Malaysia Prisons Department observed their roles and functions in formulating, designing, developing and supporting Malaysian policy and law towards enhancing educational opportunities for young people in closed penal institutions.

A checklist of topics for interviews with the senior officers<sup>75</sup> includes, among others; types (scope) of educational opportunities that are available for young prisoners within the Malaysian penal institutions; benefits/advantages of educational opportunities for young prisoners (available in prisons institutions); Integrity Schools; legal provisions relating to educational opportunities in closed penal institutions; the role of teaching staff and counsellors; support from family of offenders; support from society; educational provision for young prisoners in Malaysian penal institutions –

---

<sup>75</sup> Refer Appendix 3, 4, 5 and 6

prospects and challenges; definition of 'rehabilitation of offenders' applied by the Malaysia Prisons Department; and, rehabilitation programmes (types) offered by the Malaysia Prisons Department.

### *Sample 2<sup>77</sup>*

Next, for the purpose of gaining data on how educational rights of child and young offenders in the closed penal institutions in Malaysia are currently implemented, the researcher interviewed two academic teachers and two vocational training instructors from the Henry Gurney School, Malacca, Malaysia, and three academic teachers from the Kajang Prison, Selangor, Malaysia. The researcher was of the view that the total numbers of the respondents were adequate towards assisting the researcher to obtain data for answering the research questions, particularly regarding their views on the issue of education and benefits of educational opportunities to young people and the future development of the youths during imprisonment and after institutionalization.

These interviews were undertaken in order to elicit the teachers' opinion and views regarding the practice of educational opportunities available within the institutions. Specifically, the interview questions were designed to capture: (1) the insights of teachers regarding the nature of educational opportunities provided in the institutions, the availability of educational facilities and how the educational system was being practised within the institutions; (2) the impressions of teachers indicating their engagement in teaching and working with child and young offenders within the institutions; (3) the perceptions of teachers on any benefits or barriers that they might have experienced whilst teaching and dealing with the children and young people within the institutions, and, (4) their observations regarding the attitudes of the management officers of the Malaysia Prisons Department towards realizing educational provision for the child and young offenders within the institutions.

Since experienced teachers possess a wealth of knowledge and expertise, by interviewing them, the researcher believes their views will be supportive to the data

---

<sup>77</sup> Interviews with the teachers and/or the vocational training instructors of the Kajang Prison, Selangor; and, the Henry Gurney School, Malacca, Malaysia were undertaken in between November 2008 and January 2009

analysis process (Jewell, 2007: 302). In fact, a 'data' will admittedly be extracted from their spoken words based on their knowledge, beliefs, attitudes and practices (Baker and Johnson, 1998: 232).

A checklist of topics for interview<sup>78</sup> with the Academic Teachers and/or Vocational Training Instructors includes, among others; types (scope) of educational opportunities that are available for young prisoners within the Malaysian penal institutions; the implementation of the educational system for young prisoners within the Malaysian penal institutions; benefits/advantages of educational opportunities for young prisoners (available in prisons institutions); and, educational provision for young prisoners in Malaysian penal institutions – prospects and challenges.

#### *Participant Selection Process*

The academic teachers and/or the vocational training instructors were selected based on *purposive sampling* according to an *educational criterion*. Before cautiously selecting the samples, the researcher concentrated on the population parameters that the researcher intended to study on (Silverman, 2010: 141). Here, the researcher selected the academic teachers and/or the vocational training instructors who had experience in teaching for the examination classes within both institutions.

Initially, the researcher contacted the Head and/or Supervisor of the academic unit of each institution to obtain the names of potential respondents. Later, each Head and/or Supervisor of the academic unit of both institutions was briefed about the criteria that the researcher was looking for. It occurred that there were more than two academic teachers who were eligible to be selected as a sample in each institution at the time the field work was conducted. Therefore, the researcher made another request to the Head and/or Supervisor of the academic unit in both institutions requiring him/her to make a random selection by choosing participants who had higher qualifications, longer experience in teaching and training services, and were ready and willing to be interviewed and participate in the study.

---

<sup>78</sup> Refer Appendix 7



Other criteria such as gender, ethnic groups or age were ignored at all times during the selections. Once the researcher received the names and contact numbers of the potential respondents, the researcher contacted all of them personally and subsequently arranged the interview schedules.

In essence, the participants' teaching experience ranged from 10 to 30 years, including between 5 months and 5 years teaching experience in closed penal (child and young offender) institutions.

There was no cause to challenge the respondents' academic qualifications because all of them already had the necessary qualifications. During the interviews, there were 9 academic teachers at the Kajang Prison, Selangor, Malaysia and 12 academic teachers at the Henry Gurney School, Malacca, Malaysia. There were only 2 vocational training instructors at the Henry Gurney School, Malacca and unfortunately the vocational classes in the Kajang Prison, Selangor, Malaysia had yet to begin (at the time the field work was conducted). Therefore, no respondents of the vocational training instructors were present in the Kajang Prison, Selangor, Malaysia.

### *Sample 3<sup>80</sup>*

The researcher opines that views, thoughts and insights of young people in the institutions are relevant and useful to the whole meaning of the study. The in-depth interviews with young people were conducted to enable the researcher discover more about the current practice of educational provision available in both institutions. Specific questions probing the respondents' opinions and experiences with respect to the practice of educational opportunities, particularly on what and how they viewed regarding the availability and accessibility of educational opportunities were emphasized during the interviews.

As a matter of fact, the expressions and opinions gathered from the young people triangulated the data from the interview statements gained from the interviews

---

<sup>80</sup> Interviews with young people of the Kajang Prison, Selangor; and, the Henry Gurney School, Malacca, Malaysia were undertaken in between November 2008 and January 2009

undertaken with the Prisons Authority and also the teachers and/or vocational training instructors.

A checklist of topics for interview with the Children and Young People<sup>81</sup> includes, among others; the implementation of the educational system for young people within Malaysian penal institutions; types (scope) of educational opportunities that are available for young prisoners within the Malaysian penal institutions; experiences of young prisoners while getting an education during imprisonment; advantages of the educational provisions available in prisons institutions; attitudes of academic teachers and/or vocational training instructors and the management in the prisons; and, the importance of education and personal expectations.

#### *Participant Selection Process*

The selection of the respondents was based on an educational criterion. The criterion sample applies where the researcher only selected young inmates who had sat for any public examinations (during the course of their imprisonment in the institutions) prior to the interview. In selecting the sample to investigate, the researcher was assured that the display of different views on a particular purpose will be able to provide useful information to answer the research questions (Creswell, 1998: 62). The researcher believes that the respondents' experiences whilst getting certain formal and informal educational opportunities including any particular skills, guidance and assistance gained from their teachers and/or vocational training instructors as preparation prior to the examination is useful and will be the most appropriate evidence to answer the research questions. Furthermore, the respondents' perceptions, attitudes and impressions on educational opportunities provided at the institutions will further enhance the researcher's understanding of how educational rights of young people are being carried out in the institutions.

The selection of respondents was made by the officer of each institution. Indeed, at the beginning, each officer was briefed regarding the desired sampling criteria to only select three young inmates from each institution, who were willing to be interviewed

---

<sup>81</sup> Refer Appendix 8

regardless of their academic performance and attitudes. The researcher believed that the total number of six young inmates altogether from both institutions was adequate to provide information and data of young people's concerns on the issue of education and its benefits to the youths' development during imprisonment and after their institutionalization.

The respondents' ages ranged between 15 and 21. Therefore, the researcher categorized the respondents into 2 groups: first; child offenders (below the age of 18) and second; young offenders (ages 18 – 21). Thus, other criteria such as gender, ethnic groups, academic performances, and, criminal offence records were ignored at all times during the selections. Before the interviews began, the researcher was told by each officer of the institutions that the number of the eligible samples was 107 and 65 in the two respective institutions; the Henry Gurney School, Malacca, Malaysia; and the Kajang Prison, Selangor, Malaysia.

#### *Procedure of In-depth Interviews*

Prior to the commencement of all the interviews, all respondents were briefed in detail about the nature of the interview and their roles within the context of the study. Both groups of Sample 1 (prison officials) and Sample 2 (academic teachers and/or vocational training instructors) were given the freedom to choose the place and location of the interviews to be more focused during the interview sessions. The interviews for Sample 3 (child and young inmates) were undertaken within the institutional settings.

The interviews were based on semi-structured questions, in which a set of open-ended questions were prepared in advance by the researcher to allow the respondents to be more open and free in expressing their responses.

Before each interview session began, all prison officials, academic teachers and/or vocational training instructors were offered to be provided with the set of the interview questions. However, upon their request, only the prison officials were

provided with the interview questions since they informed the researcher that they needed sufficient time to prepare themselves with material information beforehand. All in-depth interviews were finally undertaken by the researcher with each respondent face-to-face.

At the initial stage, each respondent was given an Informed Consent form prior to the commencement of the interview session. The debriefing process took place in which every respondent was given an explanation on the nature and purpose of the study, the rationale behind the interviews and/or observations, and, the issues of confidentiality and anonymity.

All respondents were briefed that they will only be asked about particular experience and understanding of issues related to educational opportunities for children and young offenders provided by the institutions. All respondents had also been given a clear understanding that they were free to choose whether to continue or withdraw from becoming the research participant, or refuse to produce any answer(s) to any question(s) asked, and if they intended to do so, they were allowed to withdraw themselves at any time during the interview session, without the need to give any reason in doing so.

However, eventually, the researcher found that there were no participants who wished to abstain from participating in the research. Instead, they seem pleased to have been chosen as a participant in the study and were always ready to provide full cooperation during the interview session.

Further, all the respondents were allowed to raise any queries in relation to the study before the commencement of the interviews. The respondents showed their full understanding of the Informed Consent form contents and were willingly interviewed verbally. Finally, the respondents showed their verbal consent to voluntarily participate in the investigation of the study by signing the Informed Consent forms.<sup>83</sup> Whereas for child and young inmates, instead of requesting each of them to sign on their own copy forms, the researcher also requested the Director of each institution

---

<sup>83</sup> The copy of the Informed Consent Form as attached in Appendix 2.

to sign, acknowledging the Directors as the children's *guardian ad litem*. As outlined by the British Educational Research Association (BERA),<sup>84</sup> the researcher has also gained the cooperation of the Prisons Authority to allow their pre-consent in conducting the interviews in advance. Each respondent was then given a copy of the signed form along with the signature of the researcher for their own safe-keeping.

Crow, Wiles, Heath and Charles (2006: 403) depicted that the role of informed consent in an interview-research 'optimistically' does not only help the researchers to prepare for the data collection process, but also the research participants for it; it establishes a more equal relationship between the researchers and research participants as it builds up the confidence in the latter parties; and this will lead the research participants to be more open and frank about their lives in which the research is researching about. Heath, Charles, Crow and Wiles (2007: 403 – 417) treat the gain of informed consent from research participants as central part of the research; believe that ethics procedure compliance makes the researchers automatically to be very conscious and transparent during designing the procedures.

Each in-depth interview lasted for about one to two hours. Occasionally, the researcher wrote the responses in the Interview Guide sheet, especially when certain clarifications were needed. The Interview Guide sheet was prepared by the researcher in advance for easier field note takings. The interviews with Sample 1 and 2 were tape recorded by which the recorder was put near to every respondent during the interviews. The respondents were clarified about the function of the tape recorder and their pre-consents of using it as mentioned in the Informed Consent. The use of the tape recorder was simply to ensure the smooth running of the conversations without having necessary for the researcher to write every statement perceived from the interviewees. Bryman (2001: 321) commends that qualitative researchers are frequently more interested in the *way* people say rather than *what* people say. Therefore, by recording the conversations, it will give more opportunities for the researchers to listen out for certain important points made by the interviewees, especially during the probing questions.

---

<sup>84</sup> Revised Ethical Guidelines for Educational Research (2004), retrieved at [www.bera.ac.uk/publications/guidelines](http://www.bera.ac.uk/publications/guidelines), accessed on 27<sup>th</sup> June 2010

In encouraging the use of tape recorders during interviews, Bryman quotes Heritage's (1984: 238) suggestions that the advantages of recording and transcribing the interviews are as follows:

- it helps to correct the natural limitations of our memories and of the intuitive glosses that we might place on what people say in interviews;
- it allows more thorough examination of what people say;
- it permits repeated examinations of the interviewees' answers;
- it opens up the data to public by other researchers, who can evaluate the analysis that is carried out by the original researchers of the data (that is, the secondary analysis);
- it therefore helps to counter accusations that the analysis might have been influenced by a researcher's values or biases;
- it allows the data to be reused in other ways from those intended by the original researcher – for example, in the light of new theoretical ideas or analytic strategies.

Since the researcher was aware of the rules and guidelines of the Malaysia Prisons Department, therefore, the interviews with child and young inmates were only manually undertaken.<sup>87</sup>

All interview questions were designed to be brief and simple, and various kinds of questioning modes were applied by the researcher towards attracting the respondents' attention in responding according to the research themes and the interview topic (Kvale and Brinkmann, 2009: 134).

The interview questions were prepared in both languages: *Bahasa Melayu* (the first language in Malaysia) and English. Before the beginning of each interview, the researcher explained that it was up to the participants to respond in any other languages they preferred to. As predicted, the interviews with officials of the Malaysia Prisons Department and teachers and/or vocational training instructors

---

<sup>87</sup> Guidelines of "Conducting Academic Research and Training", Prisons Department, Malaysia, retrieved at [http://www.prison.gov.my/pride/index.php?option=com\\_content&view=article&id=186&Itemid=275](http://www.prison.gov.my/pride/index.php?option=com_content&view=article&id=186&Itemid=275); accessed on 4 July 2010.

were undertaken in both languages, English and *Bahasa Melayu* interchangeably. No huge problems were faced by the researcher during the data translation process since the respondents used such a formal and structured tone of voice. The researcher understands that this was probably due to the influence of the working environment especially among the uniformed officers.

As far as possible, before meeting with the authorities, the researcher made attempts in getting more about the respondents' backgrounds by reading their personal backgrounds published in the bulletins and the web owned by the Prisons Department, and also from the staff in their departments. As Kvale and Brinkmann (2009) suggest, to be successful when interviewing the elites - who are known as the community leaders, experts, or persons holding powerful positions who are used to being interviewed for their thoughts and opinions, there are certain steps that the interviewers should equip themselves with before conducting interviews with these group of respondents: be knowledgeable and well-verse of the topic concerned, master the technical language, familiarize with the social situation and biography of the interviewee (Kvale and Brinkmann, 2009: 147). By practising these tips, as a result, the researcher found that the interviews were undertaken in a precise and respectable manner.

#### *Interviews with Children and Young People in Detention*

The researcher adopted the narrative in-depth interview method when interviewing the child and young inmates, as the researcher believed this method put less pressure on them. The young people were also free to voice out their own views and opinion in their own way. As a result, the interviewees were more open and free to talk, and gave responses after an initial question was posed to them, especially when some different probes and techniques were used in order to achieve a greater depth of answers (Scheibelhofer, 2008: 405). As Kvale and Brinkmann (2009) pointed out, once the initial question is posed to the respondent, the researcher should remain silent and always try to be a good listener by avoiding any distractions

and only occasionally pose questions for further clarification, if necessary (Kvale and Brinkmann, 2009: 155).

The researcher tried wherever possible to maintain the best interests of the child as mentioned in the Articles 3 and 12 of the United Nations Convention on the Rights of the Child, 1989, by enlightening the respondents about their roles on the importance of their thoughts and experiences on issues related to educational opportunities provided in the institutions.

All the respondents were also informed about their free choices whether to agree or not to be research participants, and that if they refused, they were not required to give reasons for abstaining themselves. Subsequently, they were informed that nothing will harm them if they opted to withdraw from the interview.

In conducting the interviews with children and young people in the institutions, the researcher agrees with Heath, Charles, Crow and Wiles (2005: 407) to treat the child participants no differently than with other groups within the research context considering they are just children.

Larsson and Lamb (2009: 5) reminded us that when conducting interviews with children, the researcher should cleverly establish rapport for the purpose of initiating interaction with them, acknowledging that they are often hindered from talking to any unfamiliar persons. In achieving successful interviews with children, researchers should master the knowledge about children's communication in which by having this skill, the interviewers will not only be able to recognize the children's level capacity and performance, but also could avoid any changes of their behaviour during the course of the interview sessions. Irwin and Johnson (2005: 823) suggest that one way to build up rapport with the children at the beginning of interviews is by allowing them to choose the location and interview setting so that they will feel more private and comfortable. However, in the actual case, the researcher has been given a fair opportunity to undertake all the interviews with the children and young people in the library (in the Kajang Prison, Selangor) and in a separate room (the Henry Gurney School, Malacca) within the institutions itself. Nonetheless, occasionally, one particular officer was seen passing nearby the door at every half an hour with an



indication to ensure the safety of the researcher. However, this was understandable since the personal safety and security of the researcher was undoubtedly under the full duty of the Prisons Authority throughout the interview sessions.

Nevertheless, the researcher did not find any negative reaction or threats that may come from the officer of the institutions against the children and young people (including against the researcher) during the interview process, and indeed, the researcher could see that all the children and young people had no sense of "fear" with the presence of officers on patrol while the interviews were in progress.

The researcher observed good co-operation shown by the authorities in allowing the young people to be involved as the research participants in the present study, which is commendable. Irwin and Johnson (2005: 821) view that if children had been given greater opportunity and access to a public voice through mediums like research, they would be able to contribute to the social structures that concern them.

### *Observation*

Certain observations were conducted by the researcher for the purpose of visualizing the availability of educational opportunities provided in both institutions. During the observation on sites, the researcher served as a *direct observer* and followed the steps recommended by Bryman (2007):

- Firstly, the researcher determined which sites to be observed and sought approvals from the prison authorities for access;
- The authority was also informed about the nature of the observations, the reasons of conducting the observations and how long should the observation take place;
- The researcher was always kept acting as a direct observer at all times;
- The researcher took field notes while doing the observations. Occasionally, the researcher recorded whatever relevant reactions and prompt responses obtained from the participants within the sites as well as the officers in-charge of providing assistance to the researcher;

- The researcher recorded personal reactions as well, especially when observing the physical settings, particular events and activities during the course of the observations;
- The researcher was acting as a passive participant but friendly when meeting any persons within the sites; and always introduced herself to the people she met that the role of the researcher was being the “observer”; and,
- After observing, the researcher thanked all the participants, informing them of the use of the observation data and then slowly leaving the sites.

Two main sites were observed by the researcher. They were as specified below:

i. *First Setting*

Educational activities including; teaching and learning activities for academic subjects in the classroom and teaching and learning activities for vocational training subjects (or courses and/or programmes) conducted in the workshops.

The purpose of conducting the observations within these settings enabled the researcher to visualize the interaction that may exist between the teachers and/or vocational training instructors and the child and young inmates as well as among the young inmates themselves; and,

ii. *Second Setting*

Physical settings and the surroundings of the institutions may reflect as essential inferences constituting to be educational facilities provided by the Prisons Authority for the use of child and young inmates detained in the institutions.

Therefore, by observing the sites of within the physical settings and the environment in the institutions; including the classrooms, workshops, library, and, the computer laboratory, it would allow the researcher to gain a clearer picture on what and how the educational opportunities that may be provided by the Prisons Authority for child and young inmates detained in the institutions.

During the observation at sites as stated above, the researcher had the opportunity to take some pictures capturing perceptions about the availability and accessibility of educational rights of the child and young offenders in the Henry Gurney School, Malacca only. Unfortunately, due to certain prisons rules and regulations, the researcher was not allowed to take any photos at the Kajang Prison, Selangor, Malaysia. The photos taken by the researcher at the Henry Gurney School, Malacca were among others include the classrooms, the workshops, the library and the staff room.

Minding the rules and guidelines of the Prisons Department, the researcher did not take any photographs<sup>89</sup> of the child and young inmates or any photos which will lead to reveal the child and young offenders' identification.<sup>90</sup>

Cockburn (2005: 388) emphasized in conducting educational observations, we need to construe the observation as an opportunity for participants in the educational enterprise to open a critical discourse concerning what 'best practice' might be. The researcher believes that by observing educational settings, it has been able to help participants become more encouraged in facilitating learning activities and thus could provide more empowerment to the learners to achieve a better education in their lives; and after all, a good education is expected to be able to contribute towards a social transformation process (Cockburn, 2005: 388).

---

<sup>89</sup> See further Guidelines of "Conducting Academic Research and Training", Prisons Department, Malaysia, retrieved at [http://www.prison.gov.my/pride/index.php?option=com\\_content&view=article&id=186&Itemid=275](http://www.prison.gov.my/pride/index.php?option=com_content&view=article&id=186&Itemid=275); accessed on 4 July 2010.

<sup>90</sup> The researcher acknowledges the provision in the Child Act, 2001 regarding Restrictions on Media Reporting and Publication – Section 15 (2) A picture of –

- (a) any child concerned in any of the matters regarding:
  - i. any step taken against a child concerned or purportedly concerned in any criminal act or omission, be it at the pre-trial, trial or post-trial stage;
  - ii. any child in respect of whom custody is taken under Part V of the Act ("Children in Need of Care and Protection");
  - iii. any child in respect of whom any of the offences specified in the First Schedule has been or is suspected to have been committed; or,
  - iv. any proceedings under Part VI ("Children in Need of Protection and Rehabilitation")

OR,

- (b) any other person, place or thing which may lead to the identification of any child so concerned, shall not be published in any newspaper or magazine or transmitted through any electronic medium.

### *Information on Malacca*

Since this study only focused on the Henry Gurney School Malacca and considering the fact that there are three other HGSs in Malaysia, as clarified earlier, then, a little information on the state of Melaka (*Malacca*) could explain an overview of the extent to which it represents the data for the whole of Malaysia.

Malaysia is a sovereign nation that comprises of Peninsular Malaysia, Sabah and Sarawak. It covers the 14 States (Perlis, Kedah, Penang, Perak, Selangor, Negeri Sembilan, Pahang, Malacca, Johor, Kelantan, Terengganu, Sabah and Sarawak) and one Federal Government consists of 3 Region (Federal Territory of Kuala Lumpur, Federal Territory of Labuan and the Federal Territory of Putrajaya)<sup>93</sup>.

Melaka or *Malacca* (1,650 sq km) is situated *one to seven degrees north of the equator*. The State of Melaka, the second smallest state in Malaysia is situated on the South-Western Coast of Peninsular Malaysia facing the Straits of Melaka and sandwiched between the states of Negeri Sembilan and Johor.<sup>94</sup> *Malacca* is divided into three districts, namely Melaka Tengah, Alor Gajah and Jasin. The Malacca Henry Gurney School is located in the district of Melaka Tengah. As at 2010, Malacca population represents 2.86% (788,706) of the total Malaysian population (27, 565 821).<sup>95</sup>

Peninsular Malaysia only occupies an area of 131.598 square kilometers, while Sabah<sup>96</sup> and Sarawak<sup>97</sup> are 198, 069.61 square kilometers.

---

<sup>93</sup> See details <http://pmr.penerangan.gov.my/index.php/profil-malaysia/4-geografi.html>; retrieved 13<sup>th</sup> March 2013.

<sup>94</sup> See details <http://www.melaka.gov.my/index.php/bm/peta-melaka.html>; retrieved 13<sup>th</sup> March 2013.

<sup>95</sup> Source: Department of Statistics Malaysia at <http://pmr.penerangan.gov.my/index.php/profil-malaysia/7962-demografi-penduduk.html>; retrieved 13<sup>th</sup> March 2013.

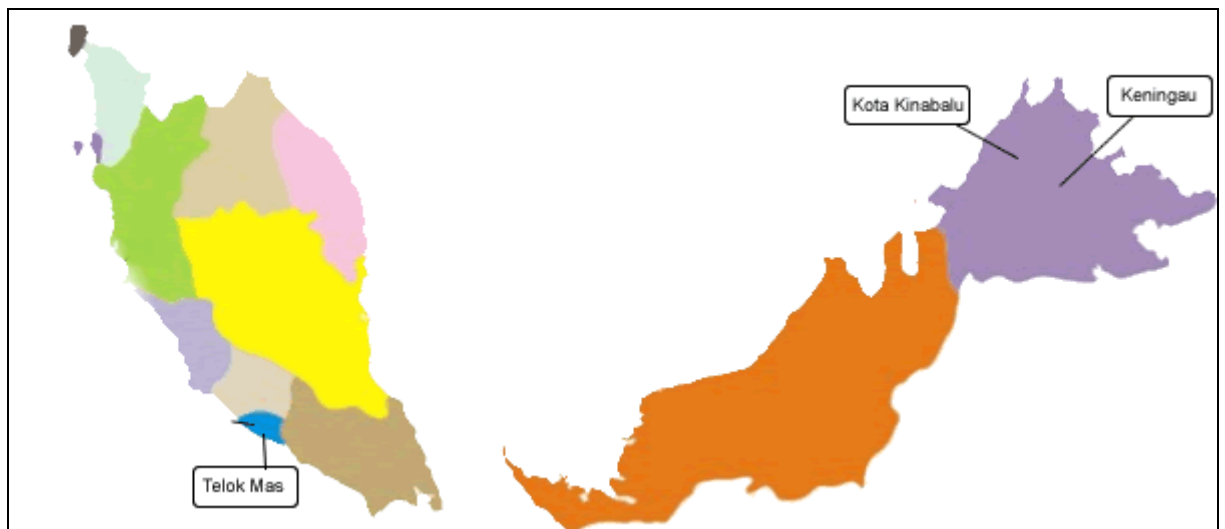
<sup>96</sup> Sabah, the second largest state in Malaysia, located on the northern island of Borneo, the third largest island in the world. Sabah covers an area of 72,500 square kilometers. See details at <http://pmr.penerangan.gov.my/index.php/profil-malaysia/4-geografi.html>; retrieved 13<sup>th</sup> March 2013.

<sup>97</sup> Sarawak is the largest state in Malaysia which has an area of about 131.598 square kilometers and is located in East Malaysia on the island of Borneo. See details at <http://pmr.penerangan.gov.my/index.php/profil-malaysia/4-geografi.html>; retrieved 13<sup>th</sup> March 2013.

Historical facts and the impact on British colonialism in Melaka in the past has contributed to the progress in Melaka today. The importance of Melaka was that it was abundant with spices besides its strategic geographical position for trade, and it ultimately influenced other countries including the Dutch, Portugal and British to expand their empire in Melaka at the time.<sup>98</sup>

A clearer picture of the *Malacca Henry Gurney School* can be explained based on the map below<sup>99</sup>.

#### The Location of Malacca Henry Gurney School<sup>107</sup>



### **Data Analysis**

In this study, the researcher has mostly applied the Conceptual Interviews (Kvale and Brinkmann's (2009: 151-152) as the researcher intended to explore the subjects' conceptions on the issue of the provision of education for young prisoners in Malaysia; and Narrative Interviews (Kvale and Brinkmann's (2009: 153-155) as the

<sup>98</sup> Refer "History of Malaysia" at [http://www.virtualmalaysia.com/visit\\_malaysia/history/overview.cfm](http://www.virtualmalaysia.com/visit_malaysia/history/overview.cfm); retrieved 10<sup>th</sup> April 2013

<sup>99</sup> See also the history of Henry Gurney School, Malacca at page 17 – 18, Chapter 1: Introduction

<sup>107</sup> Refer the website of the Malaysia Prisons Department

researcher aimed to obtain natural narrations from the subjects. In other words, every narration by the subject on a given topic will always be considered by the researcher as the researcher notes that the experience of the subjects related to a given topic was precious (Bryman; 2001: 401).

The interview transcription process was performed by the researcher manually. In general, all the respondents were given pseudonyms which were made only known to the researcher. All the transcriptions were then labelled, coded, and, kept separately in order to avoid any confusion during the analysis.

For each hour of interview, it took the researcher around 7 hours to complete typing the transcription. Each interview resulted in 16 to 30 single-spaced pages. As a matter of fact, the researcher agrees that the transcription process was a tiresome and stressful job which demands for details and exactitudes. However, the researcher thinks that all the transcription process should be best done by the researcher manually since the researcher can insert the social and emotional aspects related to the particular time of the interviews (Kvale and Brinkmann, 2009: 180 - 181).

After transcribing the data, the researcher proceeded with the analysis process.

Three main processes were involved in analyzing the data and can be described as the following:

- First Stage:  
At the initial stage, the researcher looked at the common themes that emerged from all the interview transcriptions; among others, the themes that emerged were as follows: “the participants’ perceptions regarding the justification of providing educational opportunities for child and young offenders”, “the benefits of educational opportunities”, “constraints and challenges towards realizing educational provision within the institutions”, and, “the commitments of the prison officials, teachers and/or vocational training instructors and children and young people with regards to the educational practice within the institutions”.

Later, the researcher tried to make connections to all the themes arising from the interview data with all the samples. This process had been made continuously and repeatedly until the researcher felt satisfied that the answers to all the research questions developed earlier were obtained.

When analyzing the interview data, the researcher adopted Kvale and Brinkmann's (2009: 105-106) recommendations as to always find answers for both the "why" and "what" questions before getting answers for the "how" questions. For example, in the early stage, the researcher has always constantly tried to understand "why" a particular subject may have provided certain "responses" as they see "why" the provision of education may be useful for young prisoners in which the possible answers rendered by the subject would lead the researcher to gain an understanding of "what" type of benefit(s) and/or advantage(s) should the young prisoners might have been obtained if they receive a quality education during their imprisonment.

After collecting meanings derived from the same code based on the theme of "benefit(s) and/or advantage(s)" on all subjects, only then, the researcher was able to build a framework to understand meanings of "how" the theme "education/educational opportunities" may contribute certain benefit(s) and/or advantage(s) for the young prisoners during their institutionalization. In fact, this could eventually help the researcher gain insights about what the subject(s) may have thought relating to the issue of "benefit" of education for young offenders in prisons.

- Second Stage:  
Then, a more rigorous analysis of the contents of data sought to find new categories and sub-categories, and a comparison of themes was carefully observed. At this stage, the researcher sought to find broad similar themes raised by the participants.
- Third Stage:  
The themes, sub-themes and all individual comments were then counted and grouped into similar patterns in order to see how they were frequently stressed by the respondents. At the same time, the process of triangulation

was automatically done while seeking for any odd responses amongst the data.

In continuation of the above, all the similar themes were then transformed into categories and codes which could be linked to answer the research questions. Certain codes were created by the researcher prior to the interviews believed to be relevant when connecting to the scope of study, whereas other (new) codes were developed while the process of transcribing and analysis were still in progress.

Then, all the selected themes were transformed into tables and columns for easier review based on the different codes produced earlier. By looking at the tables, the researcher can identify by whom the interview statements were made and what importance the certain themes weighed.

In the course of the categorization and coding process, in principle, the researcher made remarks on each interview statement in connection with the labels: "Significant", "Important" and "Interesting" depending on the relevance of the contents of the statement. All the themes were consistently being connected on how the respondents reflected upon the questions posed since the researcher was more concerned on why they had said so. These assessments were made on an ordinal scale. In short, the "Significant", "Important" and "Interesting" was arranged in an orderly manner, taking into account the importance of themes arising from the data towards obtaining answers to the research questions.

It was a continuous process that the researcher wrote lots of marginal notes on each data transcription. It was, therefore, a process of refining the marginal notes; coding; categorizing; and, refining themes were repeatedly done in order to generate careful connections within the study. Gradually, the researcher was able to create linkages among the codes and this actually helped the researcher to theorize and made hypotheses. Next, the researcher outlined the connections and tried to relate with the existing literature to confirm the data. The analysis of interview materials often presupposes that some reality including knowledge, beliefs, stories, perspectives do exist before the interviews (Baker and Johnson, 1998: 229).



To illustrate, first; when analyzing the interview data with teachers and/or vocational training instructors as elaborated in Chapter 6; and prison officials as elaborated in Chapter 7, towards seeking answers for research question 2 and 3, the researcher read every item of raw data obtained from all the respondents. During the analysis process, the researcher never pre-determined any themes from the data. The researcher only let the emerged themes appeared naturally from the data itself.

At this initial stage, the researcher found that, when examining the data supplied by all respondents as to the implementation of educational provision for young people in prisons, the emerged main themes were 2 namely, first “significance/importance of education to young offenders” and secondly, “benefit(s)/advantage(s) of education to young offenders”. Then, the researcher tried to label meaning and give codes to which each respondent who was talking about the “significance/importance of education/knowledge to young offenders” and/or “benefit(s)/advantage(s) of education to young offenders.” As the process went along, the researcher realized that it was helpful to consider had two sub-themes under each of these two main themes: “the influence of the notion of children’s rights to education/knowledge at prisons” and “the influence of the notion of offender rehabilitation with education/knowledge at prisons.” Under each theme, the items of data selected were classified into three categories namely, “Significant”, “Important” and “Interesting” labels. Later, the researcher could link that, all respondents were trying to explain that “education/knowledge” somehow “was used as a means/medium/way/tool” to “teach/train young people” that will “allow young people to familiarize themselves with acceptable moral values” towards “becoming good/better/useful persons during and after the institutionalization” and so “can socially contribute to the nations upon their reintegration process”.

Similarly, when analyzing the interview data towards finding answers for research question 1, the researcher tried to examine the interview data with all samples. At the initial stage, the researcher found out that there was only one main theme emerged from the data namely, “similar/same educational provision” (in terms of quality and quantity to that provided to schools outside institutions). Then, the

researcher went further on to find out any emerged sub-themes from the data. Later, the researcher observed that the emerged sub-themes were among others, “same educational curriculum”; “same textbooks/references/learning materials/syllabus”; “same assessment standards”; “same requirements of qualification for teachers and/or training instructors”; “same national educational system” in which by observing these sub-themes, the researcher perceived that all respondents were trying to mention that “young people in prisons receive similar educational provision in terms of quantity and quality to that provided to school children outside the institutions.”

The manual analysis was tiresome as it took a lot of time, especially during the transcription process and the formulation of themes and codes; however, after going through the whole process, finally, the researcher could feel the data was so “near” that the feeling was quite useful, particularly during the drafting of the analysis and discussion chapters.

### *Ethical Considerations*

Since the study involves human participants, therefore, the ethics issue applies throughout the entire process of the investigation. The need for commitment is clearly expressed by the Council of the British Education Research Association through its Revised Ethical Guidelines for Educational Research, 2004 (BERA, 2004) in Rule 3; to enable researchers to weigh up all their measures in conducting the educational research in order to produce the research which is sound, justifiable and ethically acceptable. With regards to the human subject participants, the main components of ethics concerns as stressed in BERA are regarding, namely, informed consent, deception, rights of participants to withdraw from the research, incentives and issues of confidentiality and anonymity. Flewitt (2005) argues that researchers should ensure all the ethical principles are applied throughout the whole process of their research process with no limitations to prepare a robust and negotiated ethical framework for their research.

An application for the Research Ethics for the Use of Human Participants in Research has been filed with the Research Ethics Committee, Brunel Law School, Brunel University, prior to the conduct of the field study; in-depth interviews; and, observations. The notification of the approval of the ethics application by the Brunel Law School was finally received by the researcher on the November, 21<sup>st</sup> 2008.<sup>108</sup>

As far as possible, the researcher has tried to take due reasonable care and diligence in maintaining the importance of ethics while conducting the study. Through a series of briefings and debriefings with participants, the researcher believes that all ethical guidelines were expressly communicated to them.

Also, the researcher had given a fair opportunity to all participants that encouraged them to raise any queries and concerns to convince their significant role and function in producing genuine, reliable, and valid results. Therefore, the primary concern regarding ethical issues including 'anonymity', 'confidentiality' and 'avoidance of harm' were closely observed, at all times, throughout the study by the researcher.<sup>109</sup>

Efforts to improve understanding between the study participants and the researcher was also enhanced particularly on ethical issues involving the possibility of the materials supplied to be used in the future publications and/or writings by the researcher. The materials will always be kept securely by the researcher. In this context, the respondents were aware that, as far as possible, the researcher undertakes to safeguard their interests not to be identified individually with the materials produced, as necessary to the importance of education and publishing. Nevertheless, as for the prison officials, they were aware of the fact that they will be easily identifiable due to the position and rank held and thus, were prepared for the consequences.

In fact, all officers clearly encouraged the researcher to pursue the publication of any material(s) obtained for the benefit of society in the future. To the best of the researcher's knowledge, no respondents indicated that they wanted to examine the

---

<sup>108</sup> The copy of the approval is as attached. See Appendix 1.

<sup>109</sup> The copy of the Informed Consent forms signed by all respondents and the researcher is as attached. See Appendix 2.

manuscript of this thesis once it finishes. Obviously, the researcher was asked to submit one copy of this thesis when the study was completed for the reservation of the Malaysia Prisons Department as stated in the research procedures of the department.

The researcher was always mindful of the possibility of the occurrence of any breach of confidentiality related issues but to date, the researcher found that the threat had never existed at all since the interview questions did not contain anything that may be associated with any sensitive issues either to the participants themselves or the country in particular.

### **Research Difficulties**

In producing this study, there were certain restrictions and limitations that the researcher faced which lead to the changing of plans and certain strategies, especially during the conduct of the field work study in Malaysia.

Therefore, it will be useful to highlight the difficulties in the following manner:

First; the process for approval and consent from the gatekeepers took several weeks. The researcher continued to contact the Prisons Department several times but could not succeed to get the opportunity to speak directly to the officer in charge of the research in the department.

Therefore, the researcher sent an e-mail directly to the General Commissioner of the Prisons Department, (at that time) and mentioned the intention of conducting research within the prisons settings. One day later, a prompt instant answer (email) from the General Commissioner was received by the researcher giving a 'positive' indication that the study was most welcome, and the researcher has been given particular names of the officer who may be responsible for providing assistance to the researcher who could be best liaised with the researcher. Shortly thereafter, the process of getting approval from the gatekeepers ran smoothly.

Around the time the pre-formal consent from the Prisons Department was received, the researcher contacted certain different officers to obtain more information about the nature of conducting research within the penal institutions acquiring about the possibility of any potential harm or risk, if existed.

However, the series of conversations later indirectly established a good rapport between the researcher and the officials in the institutions. Finally, after several weeks of waiting, an e-mail containing a formal consent from the Malaysia Prisons Department was sent to the researcher.

Second, the researcher was faced several times with the difficulty of having to change the time of appointments and schedule of interviews with officials of the Prisons Department. This was because the schedules clashed in which at the same time the Prisons Department, Malaysia hosted the Asia and Pacific Conference of Correctional Administrators (APAC) on 23 – 28<sup>th</sup> November 2008.

A series of interviews had to be deferred because some of the officials had to attend certain official matters, meetings and trainings. Therefore, the researcher had to keep contacting them and set up a new appointment to meet them personally according to their own schedules. Here, the researcher spent substantial time and money simply to set appointments to meet them and this in turn led to the disruption of the schedules and plan of this research.

Third, the researcher was disappointed that the interview with the Director of the Kajang Prison, Selangor, Malaysia did not take place. Finally, after several attempts trying to set an appointment with him, the researcher was told that the interview was replaced by one Chief Inspector in-charge of the Kajang Integrity School. The researcher was not clear as to why the Director of the Kajang Prison refused to be interviewed but the interview with the Chief Inspector was beneficial because it appeared as if the officer was knowledgeable and experienced enough in connection with the research topic.

Fourthly, on occasion, interviews with the respondents (the officials and the teachers) were often distracted by incoming calls and people kept coming to the interview room. Therefore, this situation had created the loss of attention to both the researcher and the respondents, especially when the conversation was in full swing.

As a result, the researcher just continued to keep switching on the tape recorder to avoid any unpredictable technical problems. However, the researcher felt the pressure even more stress when transcribing the contents of the same interviews. This had to leave the researcher with a tape recorder to keep running even though it really was a waste of time.

Fifth, the researcher had to change the size of the samples from two academics from the Kajang Prison, Selangor, Malaysia (the respondent 1 and 2) to 3 (the respondent 3) when after interviewing respondents 1 and 2, the researcher felt that both the data from the first sample seemed contrary.

This however, has prompted the researcher to contact the Head and/or Supervisor of the Academic to obtain another respondent to be interviewed. Accordingly, the respondent 3 triangulated the earlier data due to certain misunderstandings emerged between the first two respondents. However, by triangulating the data, the researcher was satisfied that it was helpful in cross-checking the findings process (Bryman, 2001: 274).

Sixth, the researcher discovered that materials relating to the research topic kept in the library at the Malaysia Prisons Department were limited. Librarians and officials explained that the department was still in the process of restructuring and collecting documents and their texts. Therefore, the study here is limited to documents that were in the library at that time, and to the small number of documents obtained from officers during the interviews.

Seventh, the researcher also faced difficulties when trying to set an appointment for the purpose of carrying out observations at the Kajang Prison, Selangor, Malaysia.

This was because the instructions received from the authorities were that the observations could only be allowed during schooldays (the early of January 2009). Unfortunately, due to some technical problems faced by the institution, academic activities did not start until the second week of the academic calendar. Therefore, the schedule was dragged on, which finally forced the researcher to enter the institutions once again only for the purpose of carrying out the observations. As a result, the researcher had to postpone the flight back to the United Kingdom which in fact was costly and burdensome.

Finally, the researcher acknowledged that a large number of interviews in the study certainly led to the use of time and resources in the process of contacting the respondents; arranging the appointments; changing plans; and, transcribing and analyzing the data. However, the researcher has been willing to accept that this was only “a part and parcel” of being a social scientist who applies the qualitative in-depth interviews as one tool of data collection in a research. As Creswell (1998: 16) points out, conducting a qualitative research needs a strong commitment and demands time resources for the researcher to concentrate in the field study as well as some other challenges especially when the study relates to the human participants. However, as the researcher noted earlier, there are other more compelling reasons that urged the researcher to commit to the qualitative research. Thus, by acknowledging this fact, the researcher regards these challenges as motivation for the researcher to produce a good quality of piece of research.

## **Conclusion: Summary of Chapter**

This chapter aimed to provide an explanation of, and justification for, the procedures for data collection and data analysis in the light of the research questions developed. It also sought to explain why other methods seemed inappropriate. These procedures were then discussed in detail. Ethical issues were also discussed, particularly in relation to the interviews and observations. Some limitations of the study were also highlighted in order to make clear that – as in all research – challenges do exist but at the same time these situations will eventually create other paths of opportunities for the researcher.

Finally, the researcher recognizes that in doing qualitative research, especially when it involves personal contact with human participants, allowance should be made in that the ‘bureaucratic burden’ does indeed exist. Therefore, after taking all reasonable care in conduct and consideration, the researcher had successfully minimized the impact of the research on the normal workloads and further burdens to the research participants (Rule 19, Revised Ethical Guidelines for Educational Research, 2004).



## CHAPTER THREE

### **Children's Rights**

---

#### **Introduction**

This chapter comprises two parts; the first is a discussion about the notion of children's rights with the emphasis on educational rights for children. The discussion then covers the relevant international standards to show why the United Nations has been concerned to promote and maintain educational rights for all children, including children and young people who offend amongst its member countries.

Next, the second part presents an overview of the rights for children in Malaysia particularly children's rights to education. The discussion includes a review of relevant law and national policies which aim to support the efforts of the Malaysian government towards maintaining children's rights to education.

The main aim of this chapter is to review the significance of the children's rights theory particularly educational rights in relations to educational opportunities that should be available for young people who are being detained within the penal institutions.

By the end of the chapter, it is expected that the discussion may provide insights towards helping the researcher to get a clearer understanding on whether the notion of the children's rights may appear as one driving factor that has prompted the government of Malaysia in providing educational opportunities for young people who are being detained within the penal institutions across the country.

## ***Part One: Approaches to Children's Rights***

### *Children and Rights*

Essentially, many authors agree that “children” and “rights” are inseparable. Both terms convey a perception that a child is one specific entity whose existence by nature, owns certain human rights that should not be rebutted by anyone.

The notion of children's rights may be viewed from two perspectives, namely; first, children as rights-holders; and, secondly, children as vulnerable and therefore, need protection. Children or rather known as under age persons shall be the bearer of rights simply because they are human beings. King and Piper (1995) view that children can be defined by the rights that are attributed to them; and as the bearer of the rights, the children's interests must be protected by law not only because they should be seen as a ‘thing in need of protection’, but also as a ‘legal person’, whose interests must be presented in courts and whose views must be sought on issues concerning their future welfare.

Courts of law shall interfere in children disputes as judges will be the neutral party that will uphold the balance interest between parties. Instead of deciding the best interest of the children, the law sees that children are social subjects who shall earn respect and dignity. Freeman (2007) in Smith (2007) points out that children with rights are seen as full of human beings, rights-holders who have agency and a weapon (United Nations Convention on the Rights of the Child 1989) to secure recognition and justice.

The focus of the children's rights means that if children have access to civil, political, social, economic and social rights, they are also accorded with humanity and dignity. Rights are important for children if the children are to be treated with equality and as autonomous beings and thus, anyone's autonomy is same to anyone else's (Freeman, 1992: 52). The principles enumerated by the Convention on the Rights of the Child 1989 (CRC) included children's rights in the rubric of fundamental human rights and focus on children's rights as arising

from their dependency needs, rather than being autonomous, individual rights (Arnott, 2006 – 2007).

Children being vulnerable in their nature possess human rights that cover their protection as Levy (2002) quoted the late Mr. Justice Latey: 'children are especially vulnerable. They have not formed the defences inside themselves which older people have, and, therefore, need especial protection.'<sup>112</sup> They are also a country's most valuable asset for the future.'

Due to the reasons of their physical and mental immaturity, children do need special safeguards and care including appropriate legal protection, before as well as after birth (Lopatka, 1992). Understanding that children are immature in a physical and psychological sense, his rights have to be exercised by someone else and the most importantly by their parents (Sund, 2006). Munir (1993) argues that since children are vulnerable persons and will totally dependent on adults to be protected for their best interests, therefore, adults of the world should attend the needs and rights of children not as mere by-product of progress but as the end and means of progress itself.

In mobilizing towards upholding the rights of children's education as proclaimed by the Convention on the Rights of the Child 1989 (CRC), developing countries have constantly struggled with prolonged poverty and conflict. Johnson, R. (2010) argues that these countries have viewed the obligation to guarantee the rights to education of children as challenging, since the policy requires extra measures at state level and also globally. Johnson further depicts that, in achieving the aim of fulfilling the rights of education for children amongst these countries, the World Bank is encouraging the developing states to strengthen their national framework towards 'investing' more on children's education "as a means of improving future productive capacity and economy." The 'investment' looks "interesting" because it may be able to help less-developed countries to achieve

---

<sup>112</sup> A Family Division judge, during the course of his judgment in a wardship case in 1975, see further in Levy, A, 2002, Do Children Have Human Rights, *Family Law*, 32 (204)

economic progress, thus also enabling them to train their younger generations to become more competitive in the future.

There are two quite different approaches to children's rights - most often referred to as (1) autonomy or liberationist rights and (2) protectionist or welfare rights. The disparity of the two ideas finally raised a dilemma in terms of policy and practice. Fortin (2005: 20-21) has deliberately explained that exponent of the first idea holds that children should be given full freedom because it is not fair to restrict children to make their own decisions solely assuming that they are weak and less entitled to enforce their own rights.

On the other hand, following the MacCormick, Raz and Campbell's interest model of rights<sup>113</sup>, Fortin (2005) again summarizes that children should be viewed as rights-holders as "...the concept of right need not be confined only to those who can lay claim or waive them..." Further, MacCormick urges that children certainly have their own rights and, therefore, it is justifiable for the authorities to ensure the imposition of specific laws for the purposes of enforcing the rights of the child (Fortin, 2005).

Fortin (2009) however then concludes that proponents of children's rights, for instance, Eekelaar (1991), often refers to the 'interests' of children rather than to their 'rights' due to their uncertainty over whether there is sufficient unanimity over the wrongness of denying any particular good for it to be translated into a moral right. Fortin further adds that MacCormick (1982) points out that although children's rights to education exist, the question often arises as to who has the power to enforce such rights and who should provide the duties to provide such provision?<sup>114</sup>

In this study, the researcher personally tends to adopt a child's rights approach which conceptualises their rights in terms of developmental and welfare rights.

---

<sup>113</sup> Refer Fortin, J (2005) at page 13-14.

<sup>114</sup> See detail in Fortin, J (2009), *Children's Rights and the Developing Law*, 3<sup>rd</sup> Ed., Cambridge University Press

However, the researcher recognised that the aim of the research was to try and identify what approach to children’s educational rights (if any) was taken by those interviewed – and by the writers of the documents studied. These approaches are, therefore, discussed later.<sup>115</sup>

The researcher argues that, on the basis of the data, the Malaysia Prisons Department, acting as the *guardian ad litem* for young offenders during incarceration and with full authority to ensure the imposition of specific law and policies aimed at realizing children’s rights, particularly to education, appears to do so for the purposes of safeguarding the development and/or welfare of young people, not for the purpose of upholding their autonomy rights.

### *The United Nations and Children’s Rights*

The declaration of the Convention on the Rights of the Child 1989 (hereinafter is mentioned as “the CRC”) is prominent towards showing that the world recognizes every child as a human being who have dignity within its very own context.

One main goal that underpins the principles beneath under the Convention on the Rights of the Child 1989 (CRC) is to treat children as human beings. The General Assembly through its resolution have ratified and signed the CRC for the first time – the civil, political, economic, social and cultural rights of all children on the 20th November 1989 which later came into force on 2nd September 1990.<sup>116</sup>

The Convention on the Rights of the Child (CRC) sets out 54 articles and two optional protocols which secures the universal basic human rights to be enjoyed by all children which cover the right to survival, the right to develop to the fullest, the right to protection from harmful influences, abuse and exploitation, and, the right to participate fully in family, cultural, and social life.

---

<sup>115</sup> The interviewees’ interpretations are discussed later in Chapter 6 at pages 221-252: Findings Chapter: Interview Data with the Academic Teachers and/or Vocational Training Instructors and Chapter 7 at pages 254-308: Findings Chapter: Interview Data with the Officials of the Malaysia Prisons Department

<sup>116</sup> Read further “Promoting Children’s Rights through the Law in Malaysia”, retrieved at [www.unicef.org/malaysia/Unicef-ChildrensRights.pdf](http://www.unicef.org/malaysia/Unicef-ChildrensRights.pdf); accessed 10 May 2009

In addition, the four core principles that underpin the Convention on the Rights of the Child (CRC) are non-discrimination; the best interests of the child; the right to life, survival and development; and, respect for the views of the child. The CRC stands as one international standard that upholds to maintain the human dignity and harmonious development of every child.<sup>117</sup>

Since the main purpose of the existence of human rights itself is to constantly nurture the humanity of an individual to another, so children, like other human adults are entitled to obtain the relevant human rights as the human rights bearer which includes various civil rights, political, social, economic and cultural. In concise, the Convention on the Rights of the Child (CRC) is the explicit recognition of the United Nations towards treating children as individuals who are human beings who own rights (Doek, 2007-2008).

On the other hand, by denying their rights, we are denying their human dignity and integrity (Freeman, 2007). Not only has the United Nations through the Convention on the Rights of the Child (CRC) recognized children as humans, but also as participants in the societies. The CRC has brought the attention of the universe towards adopting the language of “human rights” through national laws and international agreements (Wall, 2008).

The standards set by the Convention on the Rights of the Child (CRC) which cover from aspects of physical health up to the personal development of children are unanimously to protect children from being neglected and abused in every way that one can imagine of. The existence of CRC is therefore will guide the State participants in planning strategies, policies, rules, and laws that will be relevant pertained to the enhancement of the protection of the children well-beings.

---

<sup>117</sup> Read further “Convention on the Rights of the Child 1989” at the website of UNICEF at <http://www.unicef.org/crc/>

*The Convention on the Rights of the Child 1989 (CRC) and the Rights to Development*

The idea to expand education as a means for improving children's lives had been taken seriously by the world prior to the declaration of the Convention on the Rights of the Child 1989 (CRC). We may agree that the notion of developing children's rights of education stems from the provisions contained in the International Covenant on Economic, Social and Cultural Rights.

We may also observe that both Articles 28 and 29 of the Convention on the Rights of the Child (CRC) replicate the contents of paragraph 2 and 3 of the Article 13 of the International Covenant on Economic, Social and Cultural Rights with the addition of measures to encourage the regular attendance at school, the reduction of school dropout rates, and the standards for school discipline.

It may be notable too, that Article 28 of the Convention on the Rights of the Child (CRC) stresses the State members to provide education for all children based on the principle of equality opportunity; thus, education shall be *available* to all children through adequate provision, *accessible* without discrimination to all children, *acceptable* in providing quality education appropriately to serve the cultural needs of all children, and *adaptable* to the changing and different needs of children<sup>118</sup> (Landsdown, 2001).

Mason and Cohen<sup>119</sup> (2001) emphasize that in principle, education has been a fundamental right for children though it has no inception with the Convention on the Rights of the Child 1989 (CRC). From the historical perspective, the foundation of children's rights to education however may be associated with the adoption of the Universal Declaration of Human Rights 1948 ("the Declaration 1948"). Lundy (2006) views that since the Declaration 1948 itself is seen as an attempt to build a peaceful future, the rights to education for children, within broader spheres of the children's rights, are significant particularly to the

---

<sup>118</sup> Read further Report to the Commission on Human Rights by the Special Rapporteur on the Right to Education (E/CN.4/1999/49, para. 50)

<sup>119</sup> Read further Mason and Cohen, *Children's Rights in Education*, (ed.) 2001, at page 16 – 17

societies that are in the process of making a transition from violence towards peace.

Through Article 26 of the Universal Declaration of Human Rights 1948 (“the Declaration 1948”), the United Nations proclaimed education as a fundamental right for all persons including children that provides:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Following the Universal Declaration of Human Rights 1948 (“the Declaration 1948”), various international human rights instruments have been reiterated and reinforced the principle of education being the fundamental rights for all.<sup>120</sup> Later, the right to education for all as enumerated in the 1948 Declaration was being extended in the International Covenant on Economic, Social and Cultural Rights which has also recognized the right of everyone to education.

However, we may understand that education rights as stipulated in the Convention on the Rights of the Child 1989 (CRC) extend beyond the basic provision of education in which it contains three key obligations on the State governments pertaining to education namely, first, to recognize education as a human right for all children, second; to respect the human rights of children within

---

<sup>120</sup> For example, the Declaration of the Rights of the Child, 1959



the education system, and third; to provide education for human rights (Landsdown, 2001).

Article 13 of the Convention on the Rights of the Child 1989 (CRC) stipulates:

*1. The States parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnics or religious groups, and further the activities of the United Nations for the maintenance of peace.*

*2. The States parties to the present Covenant recognize that, with a view to achieving the full realization of this right:*

- (a) Primary education shall be compulsory and available free to all;*
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;*
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;*
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;*
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of the teaching staff shall be continuously improved.*

*3. The States parties to the present Covenant undertake to have respect for the liberty of parents and when applicable, legal guardians to choose for their*

*children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.*

*4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

We may be clear that this Article 13 sets foundation for the principle of education being the fundamental right for children where the educational provisions have been stipulated through Article 28 and 29 of the Convention on the Rights of the Child 1989.

Both Articles 28 and 29 of the Convention on the Rights of the Child 1989 (CRC) describe the aspiration of the United Nations towards imposing certain obligations upon the member countries to provide certain educational opportunities for all children across the globe. Through a close examination onto both provisions, one would understand that the United Nations tends to encourage all the member countries to mobilize every possible resource that will allow equal educational opportunities to be available to all children around the world.

Article 28 of the Convention on the Rights of the Child 1989 reads:

*1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:*

*(a) Make primary education compulsory and available free to all;*

*(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible*

*to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;*

*(c) Make higher education accessible to all on the basis of capacity by every appropriate means;*

*(d) Make educational and vocational information and guidance available and accessible to all children;*

*(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.*

*2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.*

*3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.*

Article 29 of the Convention on the Rights of the Child 1989 reads;

*1. States Parties agree that the education of the child shall be directed to:*

*(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;*

*(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*

*(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*

*(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*

*(e) The development of respect for the natural environment.*

*2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

Article 29 of the Convention on the Rights of the Child 1989 (CRC) is significant as it recognizes the rights of children in broad terms where the provision of education is emphasized on the importance of the children's self development (Freeman, 1992). Through Article 29, the CRC recognizes that children shall have the rights to education so that the State members shall direct education for the benefits of children that will prepare the child for a "... responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples..." (Doek, 2007-2008).

The role of children as successors of the future world population may be seen as apt to the notion that was brought by Dewey (2007) that since education is a necessity of one's life, therefore, the democratization of education amongst children should contribute to the development of societies. The children's rights to education will not only give benefits to the individual children but the public members too since by securing the educational rights, the public will enjoy the social and economic well-being of society members who are well educated and respect democratic values (Lundy, 2006).

It is commonly understood that the main reason why the State builds school institutions is to fulfil the educational rights of every young citizen across the

country. Both Articles 28 and 29 of the Convention on the Rights of the Child 1989 (CRC) was implicitly convinced the State members to give educational empowerment to all children in producing well mannered and respectable citizens who will bring peace to other human races. As argued by Goodlad *et.al*, (2004), schools are first institutions that everyone gets a formal education about knowing *the human conversation* which allows us to participate meaningfully in such a society that is established by many races and religions, ancestries and beliefs.

The right to development of a child is construed by any means of education that could help to positively contribute towards the child's development including any range of trainings, skills and/or knowledge. Therefore, it is for the State members to plan and implement their national policies and laws in order to direct education that will prepare for the child's development of potential to the fullest extent.

The recognition of educational rights of children by the United Nations is obvious to promote a long term process of developing civilized humans who will respect other human beings. Education can also cover any range of trainings, skills and/or knowledge that will positively contribute towards a child's development. It all depends to the State members in planning and implementing their own educational policies and/or programmes so long as the education is intended to promote the children's self and personal development.

The rights to education should be fulfilled by the government of each State member because through education and/or by means of education, the government can help to develop the children's personality, talents, mental and physical abilities to the fullest potential. The aspiration of the Article 29 of the Convention on the Rights of the Child 1989 (CRC) is pure where it believes that by securing educational rights, it helps to develop educated persons who will respect for human rights and the fundamental freedoms as enshrined in the principles in the Charter of the United Nations.<sup>121</sup>

---

<sup>121</sup> Article 29 (1) (b), the Convention on the Rights of the Child 1989

In conclusion, it is undeniable that the rights to education apply to all children regardless who they are, where they origin from and what social status they belong to as stated in the Article 2, the Convention on the Rights of the Child 1989 (CRC): "... each child ... without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."

### *Children Who Offend and the Rights to Development*

Since the main objective of this thesis is to explore on how the government of Malaysia adheres to any particular notion(s) towards providing educational opportunities for the child and young people who offend (or hereinafter also refer as "child and young offenders") within the closed (penal) institutions in Malaysia, therefore, the researcher intends to explain what are the relevant international standards that secure the educational rights for these institutionalized children.

Apparently, as explicitly stipulated in the Article 2 of the Convention on the Rights of the Child 1989 (CRC), the rights to education as mentioned in both Articles 28 and 29 also apply to young offenders. By definition, "a child who offends" refers to a child who is under the age of 18 and have committed of an offence and thus, punishable by law. And according to Rule 2 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules") "child and young offenders" are:

"... (a) A juvenile is a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult;

(b) An offence is any behaviour (act or omission) that is punishable by law under the respective legal systems;

(c) A juvenile offender is a child or young person who is alleged to have committed or who has been found to have committed an offence."

As this thesis explores about the educational rights that are implemented for the children and young people who offend and are being institutionalized within closed institutions, therefore the provisions that secure educational rights of these young people can be found in:

i. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the “Beijing Rules”):

- Rule 26 which states:

26.1 *“The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society”.*

26.2 *“Juveniles in institutions shall receive care, protection and all necessary assistance-social, educational, vocational, psychological, medical and physical - that they may require because of their age, sex, and personality and in the interest of their wholesome development.”*

26.4 *“Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured.”*

26.6 *“Inter-ministerial and inter-departmental co-operation shall be fostered for the purpose of providing adequate academic or, as appropriate, vocational training to institutionalized juveniles, with a view to ensuring that they do not leave the institution at an educational disadvantage.”*

From the above provision, we may gather the principle of rights to education for child and young offenders is closely associated with kinds of training, education and/or vocational skills knowledge that may involve a wide range of means of assistance that will lead to the development of children.

Moreover, the main objective of the development programmes formulated and designed for the offending young people should be directed towards aiding them

to be socially constructive and productive in the societies after release. Hence, these development programmes should also be of no discriminations in terms of gender and further, the young females should be provided with special attention suited to their personal needs and problems.

In addition, we may presume that the objectives of developing young people who are incarcerated may be quite impossible to be achieved if the task is carried out alone by the institutional authorities *per se*. Thus, the afore-mentioned provision emphasizes the obligation upon inter-ministerial and/or inter-departments within the (State) government member settings to involve with sharing of the responsibility in providing academic and vocational education and/or training for the benefits of the development of the institutionalized children so that these young people will not be left behind in terms of their educational opportunities as if they are not being institutionalized.

In this context, the researcher implies that the State government is also encouraged to establish their own working framework in line with national-related policies amongst the governmental bodies and/or ministries that will help realizing the goals set by the institutional authorities in regards to develop the potential of young people who are being detained within the institutions. It is therefore, we may expect that by the end of the detention period, these relevant measures will lead towards assisting young people be aware of their past mistakes and thus induce them to stop from offending during the institutionalization and after release.

Besides, the Rule 1.2 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules") also provides an obligation for the State members to establish policies that will help to promote the process of personal development and education of the institutionalized children. It states, "*Member States shall endeavour to develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period in life when she or he is most susceptible to deviant behaviour, will foster a process of personal development and education that is as free from crime and delinquency as possible.*"



ii. United Nations Standard Minimum Rules for the Treatment of Prisoners 1955<sup>122</sup>

There are a few provisions in the guidelines that secure the educational rights for the institutionalized children and young people, namely:

- Rule 77 and 78

*77. (1) "Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration".*

*(2) "So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty".*

*78. "Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners".*

The educational rights for the institutionalized children and young people are clearly spelt out in the above Rule 77 in that the State members are urged to obviously provide education to young offenders who are being detained within the institutions especially to the illiterates. The provision also encourages the State members to provide further education for all young offenders including the religious knowledge.

Through Rule 78 United Nations Standard Minimum Rules for the Treatment of Prisoners 1955, the State members should also equip young offenders with recreational and cultural knowledge activities that will help the youths to maintain

---

<sup>122</sup> Rule 27 of the "Beijing Rules" provides that the rules in the United Nations Standard Minimum Rules for the Treatment of Prisoners 1955 ("the Treatment Standard") shall also apply to the young offenders

in good health conditions as well as to be educated in terms of their mental and physical aspects.

Furthermore, under the above provision too, the State government is encouraged towards providing young offenders with kinds of education that are in line with the national education system as this will allow the youths to continue and/or pursue their learning activities and/or education to a higher extent without difficulties upon release from the institutions. In concise, the State government should aware that educational provision available for young people within the institutions should receive similar recognitions as per provided to other children and young people outside the institutions.

We can also observe that this Rule 78 United Nations Standard Minimum Rules for the Treatment of Prisoners 1955 replicates the provision contained in the Rule 26 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the “Beijing Rules”). It is therefore, the State members have the obligations to secure the educational rights of young offenders similarly received by young people outside the institutions so as to comply with the national educational goals set by the government.

The researcher observes that the provision of educational rights for young offenders as stated in the United Nations Standard Minimum Rules for the Treatment of Prisoners 1955 is closely related to be one mechanism to be used by the State government towards achieving the meaning of to provide treatments for the youths during the detention. It may also be quite clear to us that the same provision states that the objective of the treatment for young offenders as to provide aid through a variety of educational programmes that will enable the offending youths to be law-abiding citizens, self independent persons as well as to establish their self-respect and sense of responsibility. Thus, we may also view that the State members are obliged to provide measures and policies towards equipping young offenders with kinds of education and/or knowledge that will strengthen the physical and mental development as well as their moral character during the institutionalization.

- Rule 65 and Rule 66 state:

65. *“The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility”.*

66. (1) *“To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release”.*

From the above-mentioned provisions, we may understand that educational rights for young offenders who are being detained within the institutions have inevitably been recognized by the United Nations as to promote self and personal development of the young people which will then lead towards successful treatments of the youths during the incarceration. It is notable that the United Nations, by this recognition; is aware of that still, even though the youths are being incarcerated, the State government has certain duties and obligations towards developing the potential of the youths to the fullest extent.

And, interestingly, instead of various educational programmes such as counselling, vocational and/or skills knowledge, the United Nations also encourages the teachings of religious education as a guide for the young offenders to be developed during their institutionalization. Thus, we can imagine how the United Nations is concerned about providing young people who are being institutionalized with various sorts of knowledge resources including the religious-orientation so that the youths will be developed towards being useful persons during and after the institutionalization.

Further, every educational programme recommended by the afore-mentioned Rule is seen as intended to help the young offenders to be more law-abiding citizens and self-reliance persons upon release from the institutions. If these main aims are successfully achieved, the researcher believes that it may not be impossible that these potential “educated” young offenders will positively contribute to the nations upon their reintegration into the societies.

## ***Part Two: Rights of Children in Malaysia***

### *Definition of a “Child”*

In general, according to the Child Act 2001,<sup>123</sup> a child in Malaysia refers to a person who is under the age of eighteen years. Accordingly, the Malaysian National Child Policy defines that “a child” refers to any person who is under eighteen years of age as stipulated under the Convention on the Rights of the Child 1989 and the Malaysia Child Act, 2001.<sup>124</sup>

However, still to date, the definition of a child in Malaysia is governed under the relevant legislations in accordance with their respective purposes, for instance, under the Children and Young Persons (Employment) Act, 1966, a ‘child’ is defined as a person who does not attain the age of 14 and in the Adoption Act, 1952, a ‘child’ is a person who is under 21 years of age.<sup>125</sup> In following the Convention on the Rights of the Child 1989 (CRC), and by the time the Child Act, 2001 was passed, there should no longer be any reference to the word ‘juvenile’ or ‘young offender’ as both implying negative connotations. Nonetheless, such terminologies still exist in corresponding statute namely, the Criminal Procedure

---

<sup>123</sup> Refer to the introduction of the Child Act, 2001 (Act 611): the Act is “an Act to consolidate and amend the laws relating to the care, protection and rehabilitation of children and to provide for matters connected therewith and incidental thereto”.

<sup>124</sup> National Policy on Children, read further at <http://www.kpwkm.gov.my>, accessed 14 September 2010

<sup>125</sup> Malaysia – Implementation of the Convention on the Rights of the Child, First Country Report, 2007, at page 119

Code, which is applicable to children in the event of any lacuna in the Child Act, 2001.<sup>126</sup>

### *Relevant Provisions Pertaining to Children in Malaysia*

The principal Act governing the protection of children in Malaysia is the Child Act 2001, which came into force on 1 August 2002. This Act consolidated three former Acts, namely; the Juvenile Courts Act, 1947 (Act to establish the Juvenile Court and deal with child offenders); Child Protection Act, 1991 (Act to provide care and protection to children) and Women and Girls' Protection Act, 1973 (Act to protect women and children exposed and involved in immoral vices). Children accordingly, regardless whether they are victims or offenders are all governed by a single Act, the Child Act, 2001.<sup>127</sup> Additionally, the Child Act 2001 was enacted for the objective of unifying laws relating to child-care, protection and rehabilitation as well as to provide remedial measures available to all courts with jurisdiction to all children (Mohamed Nazeri, N: 2008).

### *The Government's Stance*

Over the years, Malaysia has shown its stance to continuously preserve the rights and welfare of children in the country. We may also observe that the government of Malaysia has been inclined to protect the welfare and protection of children for the purpose of safeguarding the young people's best interests since 1991 where the government has passed the Child Protection Act (the Act). The Act gave legal interpretations on the terms of physical, sexual, emotional abuse and neglect and several mechanisms have been identified towards preventing child abuse and neglect issues (Munir, 1993).

---

<sup>126</sup> Dusuki, F N, Implementation of Article 12 in Juvenile Justice System in Malaysia, 24 July 2006, retrieved at [www.crin.org/docs/GDD\\_2006\\_UNICEF\\_Malaysia2.doc](http://www.crin.org/docs/GDD_2006_UNICEF_Malaysia2.doc), accessed 13 September 2010

<sup>127</sup> Read further Malaysia – Implementation of the Convention on the Rights of the Child, First Country Report, 2007

It is noted that in the year 1990, the government pledged its commitment to take actions against the child exploitation cases including the sale of children, child pornography, child prostitution, child trafficking, child sex tourism and, child labour. Realizing the needs to protect the children globally, the government has expressed its support to the United Nations to fully take into consideration, particularly the children's physical and psychological recovery as well as social integration into the society from any respect of exploitations.<sup>128</sup>

Additionally, Malaysia re-affirms its promise to protect children and diminish their suffering in order to promote the fullest development of the human potential of every child in the country. Malaysia also assures the United Nations of its continuous commitment towards ensuring the well-being of children to be its utmost priority within the nation's development programmes.<sup>129</sup>

The mission and vision of the Ministry of Education, Malaysia (MoE) seems to indicate that education is being given the central of the attention of the government towards producing future distinguished Malaysian generations. As the MoE may be seen as motivated to provide quality educational opportunities to all children in Malaysia,<sup>130</sup> the country recognizes education plays an important part of the growth of children in every society, and therefore, the government understands that it must avoid any possible factors which could infringe the educational rights of children.

Nevertheless, due to the competitiveness education and the globalization on the education system within the nations in Malaysia, the country admits that these still are the challenges that the country shall face with.<sup>131</sup> For example, it is argued that emphasis on academic excellence and good academic results

---

<sup>128</sup> Statement by Malaysian Representative to the United Nations made on 29<sup>th</sup> October 1999, retrieved at <http://www.un.int/malaysia/GA/3Comm/3C29Oct99.html>, accessed 13 September 2010

<sup>129</sup> Statement by Malaysian Representative to the United Nations made on 17<sup>th</sup> October 2005, retrieved at <http://www.un.int/malaysia/GA/60thGA/6033.PDF>, accessed 13 September 2010

<sup>130</sup> Refer the official portal of the Ministry of Education, Malaysia at <http://www.moe.gov.my>

<sup>131</sup> Statement made by the Representative of Malaysia in a Conference on Human Rights Education - Dialogue among Asian Educators on 18<sup>th</sup> November 2006, retrieved at <http://www.hurights.or.jp/asia-pacific/046/08.html>, accessed 13 September 2010

among Malaysian school children may be viewed as contradicting to the National Philosophy of Education that advocates for the child's holistic development (Keng, C. H, 2007: 53).

Malaysia has also shown its utmost commitment to the protection and well-being of children by ratifying the Convention on the Rights of the Child on 19th March 1995. Apart from this commendable effort, the Malaysian government has also signed the following Conventions: Convention on the Elimination of All Forms of Discrimination against Women (4th August 1995), International Labour Organisation Convention 138 (minimum age for admission to employment) in 1997, International Labour Organisation Convention 182 (the worst form of child labour) on 10th November 2000 and Convention against Transnational Organized Crime on 26th September 2002.

Malaysia, having signed the Convention of the Rights of the Child (CRC) has, in effect, pledged to recognize, honour and uphold the universally accepted rights of the child as contained in the Convention.

Nevertheless, Malaysia still has five reservations in respect of the provisions of the Convention of the Rights of the Child 1989 (CRC)<sup>132</sup> which they are Articles 2 (non-discrimination), 7 (name and nationality), 14 (freedom of thought, conscience and religion), 28 (1) (a) on free and compulsory education at primary level and 37 (torture and deprivation of liberty). The underlying reason for such reservation stems from the existence of certain domestic laws being in direct disparity with the essence of the provision.<sup>133</sup> These reservations indicate the Malaysian government still approve that children can be discriminated against, have no right to a name or nationality, have no freedom of thought, conscience

---

<sup>132</sup> Refer "Support for women, child rights' pacts", retrieved at <http://www.nst.com.my/nst/articles/10niz/Article/>, accessed 14 September 2010

<sup>133</sup> Read further Dusuki, F N, "Implementation of Article 12 in Juvenile Justice System in Malaysia", 24 July 2006 retrieved at [www.crin.org/docs/GDD\\_2006\\_UNICEF\\_Malaysia2.doc](http://www.crin.org/docs/GDD_2006_UNICEF_Malaysia2.doc), accessed 13 September 2010; and, [http://www.unicef.org/malaysia/children\\_crc-in-malaysia.html](http://www.unicef.org/malaysia/children_crc-in-malaysia.html), accessed 14 September 2010

and religion, and staggeringly, should not be free from torture and deprivation of liberty.<sup>134</sup>

The adoption of the Child Act, 2001 which was intended to safeguard the welfare and interest of children was promulgated based on the principles enumerated in the Convention on the Rights of the Child 1989 (CRC).<sup>135</sup> The Act was one of the first major efforts of the government towards promoting the best interest of children in Malaysia in accordance to the Convention.<sup>136</sup> Additionally, the Child Act, 2001 was also enacted for the objective of unifying previous children-related laws, as explained earlier, relating to child-care, protection and rehabilitation as well as to provide remedial measures available to all courts with jurisdiction to all children (Mohamed Nazeri, N: 2008).

We may view that, in demonstrating their commitment towards fulfilling the obligation of the Convention on the Rights of the Child 1989 (CRC), the Malaysian government has adopted the four core principles of the CRC namely, non-discrimination, best interest of the child, the right to life, survival and development, and, respect for the views of the child as encapsulated in the Child Act, 2001 (the Act). Among others, the preamble of the Act mentions that every child is entitled to protection and assistance in all circumstances without regard to distinction of any kind such as race, colour, sex, language, religion, social origin or physical, mental or emotional disabilities or any status.<sup>137</sup>

---

<sup>134</sup> Wee, L C, "Time to Remove All Reservations and Sign the Optional Protocols", retrieved at [http://www.malaysianbar.org.my/press\\_statements/press\\_release\\_time\\_to\\_remove\\_all\\_reservations\\_and\\_sign\\_the\\_optional\\_protocols.html](http://www.malaysianbar.org.my/press_statements/press_release_time_to_remove_all_reservations_and_sign_the_optional_protocols.html), accessed 14 September 2010

<sup>135</sup> Child Rights References in the Universal Periodic review, retrieved at <http://www.crin.org/docs/Malaysia.pdf>, accessed 14 September 2010

<sup>136</sup> Read further "Report for the Universal Periodic Review (UPR) on Malaysia from the Human Rights Commission of Malaysia (SUHAKAM), 4<sup>th</sup> session, February 2009, retrieved at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/MY/SUHAKAM\\_MYS\\_UPR\\_S4\\_2009\\_HumanRightsCommissionofMalaysia\\_NHRI\\_upr.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/MY/SUHAKAM_MYS_UPR_S4_2009_HumanRightsCommissionofMalaysia_NHRI_upr.pdf), accessed 14 September 2010

<sup>137</sup> Read further "Malaysia – Implementation of the Convention on the Rights of the Child", First Country Report, 2007, at page 32



### *Malaysian Policies in Relation to Children*

In depicting how the children's rights in Malaysia have been given a high profile by the government, it is wise to review certain national policies that support the continuing efforts of the government towards maintaining the best interests of the children in the country.

Initially, since the Fourth Malaysia Plan (1980 - 1985), the children policies in Malaysia have always been associated with the provision of educational and training programmes. These education policies were designed as to promote children's self development gearing to foster their positive contributions to the nations. More educational opportunities were provided for children across the country especially in the rural areas aiming to equip them with quality education. The inclusion of the library facilities as essential part of the schools were established by which it will encourage the development of interest to knowledge among the pupils. More residential science schools were built as to enable the pupils from rural areas to have access to the science education. Vocational education covering the engineering, trades, agriculture, commerce and home science was conducted for the benefits of the secondary school students.

Later, during the Fifth Malaysia Plan (1986 - 1990), the Malaysian government has continued more positive efforts towards providing quality education for the children in the country. During this period, the importance of education has been recognized as to mould the future Malaysians to be disciplined, diligent and motivated. In order to develop the future Malaysians who are knowledgeable, skilful and well trained; various educational programmes which were implemented during the Fourth Malaysia Plan will be progressively continued within the next Malaysian plan. Educational programmes including free education for school children up to the secondary level; the provision of teaching and educational facilities; educational aids; and, scholarships for the poor children were progressively implemented during the period of the Fourth Malaysian Plan in order to strengthen the provision of quality education for Malaysian children. Science subjects and vocational education have also been emphasized by the government during this period.

The continuous efforts headed for improving for the educational provision for children in Malaysia was considerably strengthened by the government during the Sixth Malaysia Plan (1991 - 1995). During this period too, various educational programmes were designed and implemented in order to continuously improve the quality of education; the delivery of the education system across the country as well as the expansion of the accessibility of education among the low-income group of children and the children who lived under-served areas.

The provision of education and training again was given high priority during the Seventh Malaysia Plan (1996 - 2000) in accordance to achieve a developed nation building among the Malaysians as spelled in the national Vision Policy 2020 ("Vision 2020"). Educational programmes implemented during the Sixth Malaysia Plan were emphasized during this period particularly in the fields of science and technology. More educational opportunities were expanded in order to improve the provision of quality of education for the children who lived in remote and rural areas. The development of curricular and co-curricular activities was also emphasized in order to produce Malaysian citizens who are knowledgeable, innovative and possess positive values who will be able to participate actively and contribute positively to the national development. Thus, pre-school education was subsequently given high attention during this period aiming to provide a strong foundation of education during the formative age of the young children in Malaysia. Evidently, the number of children aged 5 – 6 years enrolled in the pre-school centres was increased by 27.9 percent in the year 1995, resulted from the strong efforts undertaken by both the government and private sectors towards the establishment of the pre-school centres for the young children in the country. This educational opportunity had also enjoyed by about 204, 100 children in the rural areas.

The effort undertaken by the government towards reducing the education gap among the children in Malaysia was also extendable to the disabled children and the indigenous children (*Orang Asli*). The seriousness of the government towards providing the more accessibility in education for the indigenous children was shown in 1995 where the Ministry of Education took over the administration of education from the Department of *Orang Asli*. As a result, more educational

programmes and learning materials were supplied to these indigenous children. It has also been reported that 7090 disabled children and children who have learning difficulties, have enjoyed the educational rights provided by the government when the inclusive education policy programme was introduced during this period.

During the Seventh Malaysia Plan (1996 - 2000), and in response to the increase of crime cases<sup>138</sup> among the youths in Malaysia, the government has undertaken certain rehabilitative measures aiming to put the young juveniles in the institutions back on the right track by introducing various kinds of educational programmes based on skill training, counselling and spiritual guidance in order to rehabilitate them. In tackling this social problem too, the government has enacted two significant Acts namely the Child Protection Act, 1991 and the Domestic Violence Act, 1994 as preventive measures aiming to provide protection to the children and youths who have been involved in the criminal matters.<sup>139</sup>

In 2006, the Malaysian government has pledged to continue taking proactive and innovative measures to further promote and protect human rights and fundamental freedoms in the country, and that it would, *inter alia*, actively support international action to advance the rights of vulnerable groups including children.<sup>140</sup>

---

<sup>138</sup> In 1995, there were about 6920 cases of criminal violence and 4990 drug addiction cases among the Malaysian youths as compared to 5200 cases of criminal violence and 4800 of drug additions cases involving the youths in Malaysia in the year 1990

<sup>139</sup> Seventh Malaysia Plan 1996 – 2000, retrieved at <http://www.epu.gov.my/seventhmalaysiaplan>, accessed 29 October 2010

<sup>140</sup> Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1 for Malaysia; dated 20 November 2008; retrieved at <http://www.unhcr.org/refworld/publisher.UNHRC.,MYS.494653db0.0.html>; accessed 4 November 2010

### *Education in the Course of Nation Building*

In 1991, the government has declared that it was the objective of the country to become an industrialized and a fully developed country based on its own mould towards 2020. The definition of its “own mould” was explained by the then Prime Minister of Malaysia,<sup>141</sup> Tun Mahathir Mohammad as:

*“... We should be a developed country in our own mould... We should not be developed only in the economic sense. It must be a nation that is fully developed along all the dimensions: economically, politically, socially, spiritually, psychologically and culturally. We must be fully developed in terms of national unity and social cohesion, in terms of our economy, in terms of social justice, political stability, system of government, quality of life, social and spiritual values, national pride and confidence... By the year 2020, Malaysia can be a united nation, with a confident Malaysian society, infused by strong moral and ethical values, living in a society that is democratic, liberal and tolerant, caring, economically just and equitable, progressive and prosperous, and in full possession of an economy that is competitive, dynamic, robust and resilient.”*

In achieving a fully developed country, the Malaysian government has foreseen that youths play an important role towards succeeding the continuity of development of the nation by the year 2020. Therefore, the vital role of future Malaysians towards participating to the nation building has been expressed in both the Seventh and Eighth Malaysia Plans which then led to the implementation of more youths<sup>142</sup> development programmes during the Seventh Malaysia Plan and the Eighth Malaysia Plan (2001 – 2005).

The objective of moulding the development of youth programmes is to develop Malaysian youths who would become resilient and will be able to contribute positively towards the nation building in the future. Hence, the thrust of the youth development programmes during this period was basically to equip the

---

<sup>141</sup> “The Way Forward – Vision 2020”, A Speech by the then Prime Minister of Malaysia, retrieved at <http://www.wawasan2020.com/vision/>; accessed 30 October 2010

<sup>142</sup> According to the National Youth Development Policy 1997, the “youths” are the persons aged not less than fifteen and not more than fifty one.

Malaysian youths with necessary attitudes, skills and knowledge which will help them to survive in facing the effects of rapid economic changes and globalization.

In line with the aspiration of the country to promote a caring society, the development programmes for youths in Malaysia were designed to be emphasized on spiritual aspects of human developments with the inculcation of high moral values and ethics. The aim of nurturing and developing the youths in various activities including sports and culture was to develop their leadership qualities and positive attitudes as well as to train the young generations to become well-educated, skilled and disciplined.

By and/or through the implementation of the educational programmes and policies as explained earlier, we may realize that the central target of the Malaysian government is mainly to aspire the young generations to engage positively in the nation building development. We may also note that the Malaysian government has been investing a huge amount of national budget<sup>143</sup> on education specifically to progressively achieve the aspirations of the nation which can be clearly shown in the National Education Philosophy (NEP);

*“Education in Malaysia is on-going efforts towards further developing the potential of individuals in a holistic and integrated manner, so as to produce individuals who are intellectually, spiritually, emotionally and physically balanced and harmonic, based on a firm belief in and devotion to God. Such an effort is designed to produce Malaysian citizens who are knowledgeable and competent, who possess high moral standards and who are responsible and capable of achieving high level of personal well-being as well as being able to contribute to the harmony and betterment of the family, the society and the nation at large”.*  
(The Education Act, 1996)

Based on the above quotation, we may envisage how the government of Malaysia is very keen to develop their young generations obtaining a variety of knowledge resources by and/or through the means of education towards

---

<sup>143</sup> The Malaysian government has spent RM42, 372.90 on education and training sectors during the Eighth Malaysia Plan, and another RM45, 149.10 was allocated on the same sector during the Ninth Malaysia Plan (2006 – 2010).

becoming useful Malaysian citizens who could socially contribute to the nations in the future.

In line with the government policies regarding to continuously nurturing the young generations towards equipping themselves with various knowledge, skills and trainings, the government has also outlined the blue print of education, the Education Development Plan for Malaysia (2001 – 2010).<sup>144</sup> In specific, the blue print aims to provide educational opportunities and quality education to all Malaysians at every level including the preschool up to the tertiary education in terms of accessibility, equitability and quality. The plan stands as the national education framework that guides the aspiration of the Ministry of Education (the Ministry) in continuing its efforts to provide efficient and effective management of education for the whole nations. Another outstanding effort undertaken by the government is the amendment made to the Education Act, 1996 in 2002 as to implement the compulsory primary education of all children in Malaysia.

Thus, pursuant to the national policies towards enabling the rights to education for every child in Malaysia, every parent is obliged to register his or her child at the age of six as to allow the child to receive the compulsory primary education. Failure to comply with the regulation will result the parent to be imprisoned for a maximum term of six months or a RM 5,000 fine or both.<sup>145</sup>

The former Prime Minister, Dato' Abdullah Haji Ahmad Badawi has announced that the country will achieve its objective of becoming a developed nation if the human capital development is given a strong emphasis.<sup>146</sup> During the opening speech at the Malaysian Education Summit 2004, the former Prime Minister addressed:

---

<sup>144</sup> See further the website of the Ministry of Education, Malaysia at <http://www.moe.gov.my>

<sup>145</sup> "The Development of Education, National Report of Malaysia by Ministry of Education" dated 31 July 2004, retrieved at <http://www.ibe.unesco.org/International/ICE47/English/Natreps/reports/malaysia.pdf>; accessed 4 November 2010

<sup>146</sup> National Budget 2008, retrieved <http://thestar.com.my/news/story.asp?file=/2007/9/7/budget2008/20070907174458&sec=budget2008>, accessed 18 December 2008

*“... Education, for those among us with children, education represents a means to build their knowledge, their character and their potential to succeed in life. For all Malaysians, education represents the key to determining our country's stature and well-being. Therefore, when we ask ourselves about the kind of education system we want, we are really asking ourselves what we want our country to be. In short, when considering education, we are really casting our hopes for the future. In this age that we live in, the 21<sup>st</sup> century, the future appears to be fast-changing and competitive. The future seems close by, unfolding even as we speak. We know that it is a time of the knowledge economy, a time when the world becomes smaller and more interlinked, a time of great challenge and transformation...”<sup>147</sup>*

Therefore, until today, it is undoubtedly that one could observe how the children in Malaysia have been enjoying so much educational privileges since the government has considered young generations as valuable assets to the nations. In another sense, the government has been giving high priorities for the children in Malaysia to be provided with good quality of education.

It is notable that only in the year 2005; the government established the specific department for handling the child matters in Malaysia, namely a Child Division under the Social Welfare Department. The Social Welfare Department is one agency under the Ministry of Women, Family and Community Development that responsible for handling and managing child matters in Malaysia. Historically, on the 17 January 2001, the Ministry of Women and Family Development (the Ministry) was established aiming to achieve gender equality and family enhancement in Malaysia. Subsequently, after the general elections in March 2004, the functions and responsibilities of the Ministry were expanded to include social development which also covers the child matters. As a result, the Ministry was then renamed as the Ministry of Women, Family and Community Development. A special Child Division under the Social Welfare Department was then created in the year 2005 to be responsible for the administration and

---

<sup>147</sup> A speech entitled “Revitalising Education: Equipping Malaysia for the Realities of the 21<sup>st</sup> Century” at the Malaysian Education Summit 2004, 27 April 2004, Sunway Lagoon Resort Hotel, Kuala Lumpur; retrieved <http://www.pmo.gov.my/modalinsan/Pemangkin.html>; 18 December 2008

management of the child matters more effectively.<sup>148</sup> As a result, a Child Unit is established at every level of all districts and states in the country with more officers are recruited specifically to in charge the child matters.<sup>149</sup>

During the recent 2011 National Budget<sup>150</sup>, the Prime Minister of Malaysia, Dato' Seri Najib Tun Razak has announced that education is still one of the key strategies that the government shall give great emphasis on towards transforming the nation into a developed and high-income economy. In recognizing how the nations can benefit from a good education, he explains,

*“... The most important asset of a nation is its human capital. It is proven that a nation without natural resources but which effectively manages its human capital will achieve greater success than a nation that relies on natural resources. Malaysia cannot afford to be too dependent on its depleting natural resources. Although we have successfully managed our natural resources, we have a responsibility to plan human capital development in a sustainable manner, failing which we will not be able to optimise the nation's potential. ... A quality, skilled, knowledgeable, creative and innovative human capital is a prerequisite towards achieving a developed and high-income nation... Education is always close to my heart. The Government will not compromise on quality of education. Our children must be equipped with all the prerequisites to compete in the challenging environment... Every child regardless of race is a national asset and a future leader. Education must be apolitical...”*

In response to support the international attention on human rights issues, the government of Malaysia has established the Human Rights Commission of Malaysia or SUHAKAM (the Commission) under the Human Rights Commission

---

<sup>148</sup> To read further regarding the background of the Ministry of Women, Family and Community Development and the Social Welfare Department refer the website of the Ministry at <http://www.jkm.gov.my>; and the “Malaysia – Implementation of the Convention on the Rights of the Child”, First Country Report, 2007, at page 11

<sup>149</sup> Refer the introduction of the National Child Policy and the Child Protection Policy of the Malaysia, at website of the Ministry of Women, Family and Community Development at <http://www.kpwkm.gov.my>

<sup>150</sup> Read “Tenth Malaysia Plan” at <http://www.pmo.gov.my>



of Malaysia Act, 1999 (Act 597). In essence, one of the functions of the Commission as mentioned in the Act 597 is to promote awareness of and provide education in relation to human rights.<sup>151</sup>

Children's rights remain a significant part of the Human Rights Commission of Malaysia (the Commission) in which through one of its working groups, the Human Rights Education and Promotion Working Group focuses on the area of promotion and advocacy of the rights of the child through community and school-based programmes, such as "Training of Adult and Young Trainers on the Convention on the Rights of the Child (CRC), CRC Awareness workshops, message and poster competitions on CRC and CRC Camps for selected schools and institutions of higher learning. In addition, the working group conducted a nationwide survey between April and May 2003 on the knowledge and practice of human rights in schools. Also, in January 2004, the Law Reform and International Treaties Working Group organized a roundtable discussion on the implementation of the CRC in which the discussion was attended by a wide range of stakeholders including children and young people.<sup>152</sup>

Suitable measures undertaken by the Malaysian government in establishing its human rights infrastructure were commended by the United Nations. SUHAKAM also was accredited with "A" status by the International Coordinating Committee in 2002.<sup>153</sup>

---

<sup>151</sup> Other functions of the SUHAKAM Commission are: to advise and assist the Government in formulating legislation and procedures and recommend the necessary measures to be taken; to recommend to the Government with regard to subscription or accession of treaties and other international instruments in the field of human rights; and, to inquire into complaints regarding infringements of human rights. See further at the website of SUHAKAM at <http://www.suhakam.org.my>

<sup>152</sup> Read further "Malaysia – Implementation of the Convention on the Rights of the Child", First Country Report, 2007, at page 25 -27

<sup>153</sup> Read further the Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1 for Malaysia; dated 20 November 2008; retrieved at <http://www.unhcr.org/refworld/publisher.UNHRC.,MYS,494653db0,0.html>; accessed 4 November 2010

### *General Principles Pertaining to Children Policies in Malaysia*

The Malaysian government also seemed more motivated to meet the recommendations contained in the Convention on the Rights of the Child (CRC) in continuing efforts to always protect the rights of children.

As we may have understood that the basis for children's policies in Malaysia is based upon the four key principles as recognized in the Convention on the Rights of the Child 1989 which are: (i) non-discrimination (Article 2); (ii) best interests of the child (Article 3); (iii) the right to life, survival and development (Article 6); and (iv) respect for the views of the child (Article 12) (Shackel, 2003: 27).

#### (i) Non-discrimination (Article 2)

The principle of maintaining non-discrimination against children in Malaysia is secured in the Article 8 ("the Article") Federal Constitutions. The Article reads: *"All persons are equal before the law and entitled to the equal protection of the law... Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth..."*

The preamble of the Child Act, 2001 also recognizes the principle of non-discrimination against children in Malaysia. Among others, the preamble reads: *"... every child is entitled to protection and assistance in all circumstances without regard to distinction of any kind, such as race, colour, sex, language, religion, social origin or physical, mental or emotional disabilities or any other status..."*

Therefore, in Malaysia, children of various races, religions and descents are safeguarded from being discriminated in areas including education, healthcare services and access to amenities and social facilities. This principle is reflected in

many activities and programmes run by the Government and non government organizations (NGOs) throughout the country.<sup>154</sup>

The fact that the Government is committed to protect the children from any forms of discriminations can be seen in one of the objectives contained in the National Child Policy whereby it mentions that every child in Malaysia has rights to be protected from any forms of neglect, abuse, violence and exploitations and also to be given particular kinds of assistance to be rehabilitated in order to help them to re-integrate into the family and society.<sup>155</sup> The recent effort undertaken by the Islamic Department, Malacca State government to open a school known as “Sekolah Harapan” (School of Hope) for pregnant teenagers is commendable. The establishment of the school which involves the collaboration between the State government and the Ministry of Education and the Ministry of Health in providing education and health care services for the teenagers who were pregnant out of wedlock will allow the children to continue schooling activities during their pregnancy period.<sup>156</sup> By giving shelter, education and healthcare services to these young pregnant teenagers, it indicates the efforts of the State government in securing the children from any forms of abuse and neglects for having babies out of wedlock during their school age. In fulfilling the national aspiration regarding the Human Capital Development that recognizes children as human capitals of the nations, therefore, these young children shall be given certain protection in order to prepare them to be developed within a safe and conducive environment.<sup>157</sup> This shows that the Malacca State government gives priority to maintain the welfare of the children rather than to punish them for having illegitimate babies.

---

<sup>154</sup> Read further “Malaysia – Implementation of the Convention on the Rights of the Child”, First Country Report, 2007, at page 61

<sup>155</sup> National Child Policy, read further at <http://www.kpwkm.gov.my>

<sup>156</sup> “3 Applications to Enrol in Pregnant Teens’ school”, by Noor Hazwan Hariz Mohd, retrieved at <http://www.nst.com.my/nst/articles/13apl/Article/>, accessed 15 September 2010; and read further “Ready for Pregnant Teens”, by Jason Gerald John, retrieved at <http://www.nst.com.my/nst/articles/36preggo/Article/>, accessed 16 September 2010

<sup>157</sup> Refer further regarding “Human Capital Development” in <http://www.pmo.gov.my/modalinsan/index.html#>

(ii) Best interests of the child (Article 3)

In conjunction with the Article 3 of the Convention on the Rights of the Child 1989 that provides the principle of the best interests of the child, the Malaysia Child Act, 2001 also upholds the same principle to be applied by Court for Children involving the cases of a child in need of care, protection and rehabilitation.<sup>158</sup> The designation of the criminal procedure to be adopted by the Court for Children when dealing with criminal children offending cases should be aiming to provide the child offenders with fair and equitable trials.<sup>159</sup>

The free milk programme for all primary school students across the country which is planned to be started in October 2010 is another positive action undertaken by the government focusing on to fulfil the best interests of the child principle.<sup>160</sup> In brief, the government's effort in encouraging the parents to educate their young children to take nutrient drinks for their development of physical bodies and minds everyday shall be commended. This spontaneously will help younger children to choose better types of foods and drinks that would develop their good thinking and positive attitudes.

Other laws that aim to maintain the best interests of the child in Malaysia can be evidently observed in namely, the Law Reform (Marriage and Divorce) Act, 1976 [Act 164], the Adoption Act, 1952 [Act 257], the Domestic Violence Act, 1994 [Act 521], the Childcare Centres Act, 1984 [Act 308], the Care Centres Act, 1993 [Act 506], the Education Act, 1996 [Act 550] and the Islamic family Law Act (Federal Territory) Act [Act 303]. The protection of the best interests of the child is

---

<sup>158</sup> Refer Sections 30(5), 30(6)(a) and 40(5) of the Child Act, 2001

<sup>159</sup> Refer "Malaysia – Implementation of the Convention on the Rights of the Child, First Country Report", 2007, at page 62

<sup>160</sup> The programme called "1 Malaysia Milk Programme" was suspended in the year 2007 due to the complaints made regarding the contaminated milk which was supplied to the school children, however, the Prime Minister has just announced for the resume of the programme to be started by early October 2010. For further details read "Healthier Children with Milk Programme" retrieved at <http://www.nst.com.my/nst/articles/3mil/Article>, accessed 18 September 2010; "Kementerian Kesihatan Beri Kerjasama Pantau Bekalan Susu ke Sekolah", retrieved at [http://www.utusan.com.my/utusan/info.asp?y=2010&dt=0918&pub=Utusan\\_Malaysia&sec=Terkini&pg=bt\\_11.htm](http://www.utusan.com.my/utusan/info.asp?y=2010&dt=0918&pub=Utusan_Malaysia&sec=Terkini&pg=bt_11.htm), accessed 18 September 2010

expressly stated in these Acts where the terms of “the welfare of the child” and “the best interest of the child” have been expressly stipulated within the Act provisions to guide the judges when deciding matters relating to the children.<sup>161</sup>

The principle of maintaining the best interests of the child also covers the rights of the Malaysian child offenders who are placed in the eight Approved Schools, the rehabilitation programme run by the Social Departments, Ministry of Women, Family and Community Development. It has been reported that in the year 2005, the total rehabilitation costs allocated by the government for the rehabilitation purposes of the institutional children provided in the Approved Schools was RM 11 million.<sup>162</sup> However, the researcher cannot find anywhere in the same report providing details of the allocation of the rehabilitation programmes provided by the government for the rehabilitation purposes of the institutional children who are placed in the Henry Gurney Schools and in the prisons. The researcher was in the view of that, details regarding the rehabilitation costs allocated for the institutionalized children placed under the Prisons Department should also be included in the same report indicating that similar allocation purposes were also considered by the government. With the absence of the fact, the researcher wondered whether the same principle of maintaining the best interests of the child adequately applies to the children in these institutions within the rehabilitation and the treatment context.

(iii) The right to life, survival and development (Article 6)

Malaysia has clear provisions regarding the protection of the children upon the right to life, survival and development. Children in Malaysia are entitled to the right to life, survival and development where the Federal Constitutions through Article 5 (1) expressly provides that “*No person shall be deprived of his life or*

---

<sup>161</sup> For instance, in section 88 of the Law Reform (Marriage and Divorce) Act 1976 the term of “welfare of the child” has been used as to guide the judge in making orders as the paramount consideration whereas in the Child Act, 2001 the term used is “the best interest of the child” referring to the paramount consideration that shall be considered by the Court for Children.

<sup>162</sup> See further page 63 – 64 further “Malaysia – Implementation of the Convention on the Rights of the Child”, First Country Report, 2007

*personal liberty save in accordance with the law.*” The same principle is also extended to cover the lives of the unborn child in which the Penal Code in Part XVI mentions that any acts of causing miscarriage or injuries to the unborn child, exposure of infants or concealment of births is considered a criminal offence.

According to Section 41 (2) (d) of the Child Act, 2001, any child who is identified as urgently needing of protection due to a reasonable cause to believe that for instance, a female child who has been pregnant out of wedlock shall then be receiving certain assistance from the Protector.<sup>163</sup> Following this, it is wise to highlight that the recent policy taken by the Malacca state government as explained earlier towards providing safe custody and certain useful assistance for the pregnant teenagers fulfils the aspiration of the said provision. Despite criticism from various parties regarding the idea of the Malacca state government towards providing the special school for the pregnant teenagers might affect the local, cultural and religious sensitivity, the researcher understands that the state’s policy was just intending to secure the future of the young mothers-to-be in fulfilling the educational rights just like other children in the public schools.

Another point, the government of Malaysia has always been aware of the baby trafficking problems that happen in Malaysia. In order to further strengthen the enforcement towards combating the issue, in 2006, the government has established a Coordinating Committee on Trafficking specifically to resolve the problem. As the Convention on the Rights of the Child (CRC) has also concerned regarding the baby trafficking issue involving the sale of babies from Malaysia to other neighbour countries to the childless couples, the government has recently made an arrest of a private hospital that has been engaging in a business of babies for ten years now.<sup>164</sup>

---

<sup>163</sup> According to the definition in the Child Act 2001, “Protector” means – (a) the Director General; (b) the Deputy Director General; (c) a Divisional Director of Social Welfare, Department of Social Welfare; (d) the State Director of Social Welfare of each of the States; (e) any Social Welfare appointed under section 8 of the Child Act 2001.

<sup>164</sup> Read “Two Babies Rescued, Hospital Owner Held”, retrieved dated 3 November 2010; by Fadhal A. Ghani, accessed 3 November 2010

In respects of the child's development, as the researcher has already stressed above, the rights of the children to education has been upheld through various educational and training policies. According to the Education Act, 1996 (Act 550), every parent has the duty to enrol their child to go to a primary school at the age of six and shall remain at the school to receive compulsory education<sup>165</sup> and this eventually guarantees every child in Malaysia to have access towards proper self development through formal education system.

(iv) Respect for the views of the child (Article 12)

In Malaysia, the children's rights to express their own views are guaranteed in among others, the following legislations:

(a) Article 10 (1) Federal Constitution provides the rights to all Malaysians to express their views provided that it will not harm the national security and public order;

(b) In a legal proceeding in the Court for Children, every child brought to the proceedings will be given fair opportunity to be heard by the judge before any sentence can be made upon him or her;<sup>166</sup> and,

(c) Into custody and adoption matters, judges shall take the welfare of the child as the paramount consideration in making decisions involving the child. When the child is, of an age to express an independent opinion, the Court shall hear the wishes of the child apart from the parents.<sup>167</sup>

---

<sup>165</sup> Read further "World Data on Education", 6<sup>th</sup> Edition, 2006/07; retrieved at [http://www.ibe.unesco.org/fileadmin/user\\_upload/archive/Countries/WDE/2006/ASIA\\_and\\_the\\_PACIFIC/Malaysia/Malaysia.htm](http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/ASIA_and_the_PACIFIC/Malaysia/Malaysia.htm), accessed 31 October 2010

<sup>166</sup> Section 90, Child Act, 2001

<sup>167</sup> Section 88 the Law Reform (Marriage and Divorce) Act 1976 and the Adoption Act 1952.

### *Specific National Policies on Children in Malaysia*

Prior to the implementation of the Child Act, 2001, we may observe that the government of Malaysia has been inclined to protect the welfare and protection of children for the purpose of safeguarding the young people's best interests. In the year 1991, Malaysia has passed the Child Protection Act (the Act) in which the Act gave legal interpretations on the terms of physical, sexual, emotional abuse and neglect.

In managing child matters, the Social Welfare Department is guided by two main child policies namely, first, the National Child Policy and secondly, the National Child Protection Policy. Other relevant policies pertaining to the protection of children in Malaysia are namely, the National Social Policy and the Policy for Disabled Persons. It would be clear to us that these child policies were designed as to accomplish the country's aspiration in respecting children as valuable assets and human capitals to the nations despite to fulfil the duty in preserving the protection and well-beings of the young generations in the country.

In addition, we may also comprehend that the Malaysian government has also aimed to achieve certain objectives pertaining to maintaining the best interest of the child through the implementation of the earlier policies which are namely, to ensure the survival of children, the rights to life, protection and participation of children and the rights to protection and development of children.<sup>168</sup>

All the objectives and aims stipulated under both the National Child Policy and the National Child Protection Policy are outlined to produce children who are not only healthy, active, knowledgeable, innovative, creative but also progressive, resilient and possess high moral values. Therefore, as stated in these aforementioned blue prints of the child policy in Malaysia; various national strategies planned for the benefits of children also seem to be in line with the

---

<sup>168</sup> Refer the introduction of the National Children's Policy and the Child Protection Policy of the Country at <http://www.kpwkm.gov.my>



aspirations stated in the Vision 2020 that the younger generations today is the future successors of the developed Malaysia by the year 2020.

### *The Children and Young People Who Offend in Malaysia*

Based on the facts that we have discussed earlier, we may be clear that all national policies related to children in Malaysia also cover for the children and young people who are being placed in the institutions. The Child Act, 2001 through its preamble clearly provides welfare and protection of children to also include any child who may be involved in criminal proceedings.

In preserving the best interest principle, a minimum age for a child to be sent to any probation hostels or Approved Schools is ten whereby any child under the age of fourteen shall not be sent to a Henry Gurney School.<sup>169</sup> Section 96, the Child Act, 2001 (the Act) also stipulates that a child under the age of fourteen shall not be imprisoned for any offence or any default in fine payments, compensation or costs. The same section too provides that imprisonment will be the last alternative way in dealing with the child and young offenders after other available options, namely the probation orders, or fine, or being sent to a place of detention or an approved school, or a Henry Gurney School. This provision here fulfils the Article 19 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the “Beijing Rules”) that stipulates among others, incarceration will be the least optional for the child offenders as they are still in the early stage of development and to avoid them from being influenced of any negative aspects due to their vulnerability in nature.

Further, in Malaysia, if the child is sent to prisons, the child should be placed separately with adult prisoners.<sup>170</sup> The Child Act, 2001 (the Act) also guarantees that if any death penalty is given to the child who offends, the death punishment shall be substituted by an imprisonment under the pleasure of the Yang

---

<sup>169</sup> Section 62 and 74, Child Act, 2001

<sup>170</sup> Section 96, Child Act, 2001

diPertuan Agong or the Ruler or Yang diPertua Negeri of the State.<sup>171</sup> The youngest age of a child that can be sent into detention centres is 10 years old.<sup>172</sup> In Malaysia, there are two types of rehabilitation systems that are available for the children who offend, namely first, an open system and secondly, a closed system. The former system or more recognized as the Approved Schools are managed by the Social Department adopts a child friendly setting. The establishment of the Approved Schools as regulated in the Section 65, Child Act, 2001 aims to provide education, training and detention of the child offenders in conflict with the law or beyond control.<sup>173</sup> The rehabilitation programmes designed in the schools are geared towards character building, instilling positive attitudes and skills as preparation for their reintegration into the society. Basically, the rehabilitation programmes which involve counselling, academic, religious or moral education, vocational training, sports and recreation for the children are tailored to suit for their three years duration of rehabilitation in the institutions unless in cases where they may be released earlier upon the approval of the Minister or Board of Visitors.<sup>174</sup>

Other rehabilitation centres that place for the children who are in conflict with the law and or beyond control as stipulated by the Child Act, 2001 are known as Probation Hostels. The children who receive the rehabilitation programmes in these centres are those who have committed minor offences or under remand, or on transit to the Approved Schools or those who are on Supervision or Probation Orders. As at 2005, it has been reported that there are 8 Approved Schools in the country which placed 1200 children who were ordered by the Court for Children to get the rehabilitation in the Approved Schools and other 530 children were placed in the 11 Probation Hostels across the country.<sup>175</sup>

---

<sup>171</sup> Section 97, Child Act, 2001

<sup>172</sup> Section 62, Child Act, 2001

<sup>173</sup> Section 67, Child Act, 2001

<sup>174</sup> Read further the "Malaysia – Implementation of the Convention on the Rights of the Child", First Country Report, 2007

<sup>175</sup> Read further the "Malaysia – Implementation of the Convention on the Rights of the Child", First Country Report, 2007 at page 141 – 142

On the other hand, the closed institutions that are available for the rehabilitation purposes for the children who are in conflict with the laws in Malaysia are managed by the Prisons Department. Initially, the types of cases committed by child and young offenders who are sent to these closed institutions are more serious rather than to those youths who are ordered by the Court for Children to be sent to the open institutions. The closed institutions for the rehabilitation centres for the child offenders comprise of the Advanced Approved Schools or more known as Henry Gurney Schools and also in the prisons.

The implementation<sup>176</sup> of the rehabilitation programmes for young people who are being detained within the closed institutions is basically based on the “Putra Module” and the principles of Knowledge, Attitudes, Skills, Intelligence and Humanity (“KASIH”) that focuses on various programmes including academics, skills, training, religious and spiritual needs, counselling, sports and recreational activities. These programmes are planned as to develop the character building of the children as well as their attitudes in order to encourage them to be socially contributing to the society during their reintegration. However, the provision of the formal education has been given a high priority in the closed institutions since the Prisons Department view that the children shall be given a second opportunity to continue their schooling activities resulted of their admission into the rehabilitation institutions.<sup>177</sup> There are 3 Henry Gurney Schools in Malaysia which provide the detention and rehabilitation for the child offenders for the maximum duration of three years or until they have reached the age of twenty one.<sup>178</sup>

---

<sup>176</sup> A depth discussion can be read in the next “Rehabilitation” chapter

<sup>177</sup> Read further the website of the Prisons Department, Malaysia at <http://www.prison.gov.my>

<sup>178</sup> Section 75, Child Act 2001

## **Conclusion: Summary of Chapter**

This chapter explains the areas of law that are relevant to the provision of rights of children particularly their rights to education with a greater emphasis to explain the relevant legal provisions applicable in Malaysia. The discussion has also explained the educational rights of children and young people who offend.

The chapter has been able to suggest that Malaysia may be seen as practising the 'protectionist' right approach when implementing national children-related policies in which the government is motivated to undertake measures and strategies to prioritizing the best interests of children as their paramount consideration as per enshrined in the Convention of the Rights of the Child 1989.

Further, it seems that the children's rights in Malaysia particularly regarding their rights to education have always been given a high profile by the government prior to the date of the country has become the signatory party to the Convention of the Rights of the Child 1989 that was in 1995.

We may also observe that since the Fourth Malaysia Plan (1981 - 1985) onwards, the government has been concerned about implementing the national plans and strategies in relations to the children's rights as to be attentive in parallel with other national plans and policies for the development of the country. Realizing the nature of children as vulnerable and should be given a great protection and care, the government has set various child development policies and programmes towards recognizing the children's role in participating positively as human capitals of the nations. The enactment of the Child Act, 2001 can also be seen as one of the major efforts undertaken by the government towards strengthening the legislative framework pertaining to upholding the best interest of the children as inspired by the principles beneath the Convention on the Rights of the Child 1989.

The present chapter has also been able to provide that the Malaysian government believes that education is important to produce Malaysians who are educated, knowledgeable, possess high moral values and dignified in the future.

The government is confident that the citizens who have all these attributes will be able to contribute to the formation of a fully developed Malaysia by the year 2020 while maintaining the local values of religious, cultural and social. The clear stand of the Malaysian government that a good education process will be able to develop a better generation of Malaysia in the future has been a key motivating factor driving the government to further support the implementation of policies on children's rights in the country. Therefore, it seems to appear that it is possible for children of every level in Malaysia to be able to fully enjoy the educational rights since the relevant national policies on child protection, welfare and development is encouraging. Since the efforts of the government provide educational empowerment for young generations in Malaysia appears to be continuous and wide spreading, therefore, we may expect that the possibilities of producing responsible and socially productive citizens would be brighter from time to time.

This chapter has also managed to conclude that the efforts of the Malaysian government in constantly strengthening the rights of children in Malaysia have long been in place since before the Convention on the Rights of the Child (CRC) was signed. In addition, we have already understood that the policies related to children's rights in Malaysia is akin to the priority rights of their education which aims to promote the holistic development of young Malaysian generations in every aspect of human development as stipulated in the National Educational Philosophy.

Furthermore, once being the signatory member of the Convention on the Rights of the Child (CRC), it would indicate that the Malaysian government has been found to be intensifying their efforts in terms of maintaining the children's rights, particularly their rights to education in which the country is more likely to strive to carrying out its duties to meet all the provisions contained in the CRC.

In conclusion, the researcher opines that educational rights in Malaysia have been one important mechanism that is being adopted by the government towards realizing the nations' aspiration achieving a fully developed country by the year 2020. In the Malaysian context, the government believes that by equipping children and young people with education that includes the whole range of

knowledge, skills and/or trainings that combines the academic, vocational, religious and moral values; it will help the process of developing the potential of every child and young people in Malaysia to the fullest.

Thus, the Malaysian government has earned recognition towards keeping up the good efforts in maintaining good education for the nations, when the then Director-General of UNESCO, Koichiro Matsuura in 2008 has approved significant educational progress undertaken by the government in the field of education over the years and "... earned international respect for successfully establishing a commendable education model".<sup>179</sup>

The continued international recognition by the UNESCO regarding the Malaysian contributions in the educational arena was apparently shown when the high officials of the country were appointed to be a member of the Executive Board of the UNESCO, namely the then Education Minister who is the current Prime Minister of Malaysia, Datuk Seri Najib Tun Razak (held the position between 2000 and 2003) and Datuk Seri Hishamuddin Hussein who was appointed during the 34<sup>th</sup> General Conference in 2007.<sup>180</sup> Both appointments would show the acknowledgement of the international organization towards the achievement of Malaysia in establishing a good education system in the country, and thus, the expertise could be shared with other member countries too.

Hence, as we may have already noted that since education has been given priority by the Malaysian government for so long towards improving the human capital and economic potential of Malaysian future generations; even before the country signed the Convention on the Rights of the Child (CRC) in 1995, therefore, it is anticipated that the thesis will shed light on whether the rights discourse may emerge as one motivation factor that has led the Malaysian

---

<sup>179</sup> Read "Malaysia Successful in Building a Good Education Model, Says UNESCO DG" retrieved at [http://www.bernama.com/bernama/v3/news\\_lite.php?id=363145](http://www.bernama.com/bernama/v3/news_lite.php?id=363145), accessed 4 November 2010

<sup>180</sup> Read "Move to sign MoU with Unesco and Asean", by Choi Tuck Wo, retrieved at <http://thestar.com.my/news/story.asp?file=/2007/10/26/nation/19283155&sec=nation>, accessed 4 November 2010

government towards providing educational opportunities for young people who are being detained within the closed penal institutions across the country through the interviews undertaken with prison officials in which the findings will be discussed in the later chapter.

### **Summary of Chapter**

The chapter covers the areas of law that secure the children's rights to education internationally and in Malaysia. Existing international standards as well as the Malaysian national policies and law has steadfast legislative and administrative framework towards upholding the rights of the children particularly in the provision of adequate and good educational opportunities for the institutionalized children and young people.

It has become clear to us that the availability of educational opportunities for child and young offenders in Malaysia is being supported by various governmental national policies that emphasize on towards the development of every human capital to the fullest extent. As the relevant aforementioned national policies cover all children of every level in Malaysia, therefore, it may be understood that the institutionalized children and young people are also not to be left behind in enjoying adequate educational rights provided by the government.

## CHAPTER FOUR

### **Rehabilitation of Offenders: A Theoretical Background and the Implementation of Rehabilitation of Offenders within the Malaysian Penal Institutions**

#### **Introduction: Chapter Summary**

The main aim of this chapter is to discuss the documentary data regarding the extent to which Malaysian policy and practice is in line with particular notion(s) of rehabilitation of offenders, thus leading to the fact that Malaysia has relatively very good policy and practice regarding education of young offenders.

This chapter comprises two parts: the first part will contain a review of the concept of rehabilitation of offenders as applied in Criminological theory and from various perspectives of penology; certain common types of interventions within the context of offender rehabilitation, particularly to remark its characteristics and advantages to the target group of client offenders; and finally, a review of the discussion regarding the notion of rehabilitation within the context of treatment of offenders as well as an explanation of the notion of rehabilitation in the ongoing effort of crime prevention.

The purpose of the review is to find out which particular notion(s) of rehabilitation of offenders, if any, may have guided the Malaysia Prisons Department towards the implementation of the current practice of rehabilitation of offenders within the penal institutions in Malaysia.

The second part of the chapter discusses the current implementation of the notion(s) of offender rehabilitation applicable within Malaysian penal institutions, with the emphasis on its relationship with educational provision for young people in the institutions. The explanation also covers the data from relevant documents pertinent to how the Malaysia Prisons Department has adopted the notion of offender rehabilitation when dealing with offenders in Malaysian prisons, particularly in cases involving young offenders.



By the end of the chapter, the discussion should determine which particular notion(s) of rehabilitation of offenders, if any, have influenced the provision of educational opportunities for young offenders by the Malaysia Prisons Department. It is expected that the material in this chapter will also prove useful in analyzing the interview data obtained from prison officials at the Malaysia Prisons Department in regard to being able to specify which particular notion(s) of rehabilitation, if any, have motivated or influenced the government of Malaysia in formulating education policies for young people detained in penal institutions<sup>181</sup>.

A clear understanding of the concept of rehabilitation in general is therefore necessary before examining the data on the young offender's concerned.

## **Part One: The Concept of Rehabilitation: The Theoretical Concept**

### **Introduction**

*“Rehabilitation has become the descriptive term for services to a widening range of clientele starting with the physically disabled and extending to the mental patient, the mentally retarded, the alcoholic, the ex-offender, the aged, and now to the poor. Rehabilitation is a nice word. It lacks the negative associations of welfare and mental illness and gets a sympathetic response. It connotes concern with productive work. Who can oppose such a concept?”* (Brieland, 1972: 135<sup>182</sup>)

Academic discussion regarding the ‘rehabilitation’ of offenders has grown rapidly in recent years (Farral and Sparks, 2006). In discussing ‘rehabilitation’, authors use various other terms so as to describe ‘rehabilitation’ (Easton and Piper,

---

<sup>181</sup> The literature on models of rehabilitation which are discussed in this chapter (Chapter 4) is being applied by the researcher when examining the data from prison officials: see Chapter 7: Findings Chapter: Interview Data with the Officials of the Malaysia Prisons Department at pages: 256-310.

<sup>182</sup> Brieland, D. (1972), Rehabilitation and Social Policy, *Rehabilitation Psychology*, 1972, Vol. 19, No 3, 135-141

2008); notably, 'resettlement' (Crow, 2001), (Bain and Parkinson, 2010) and 'reform' (Crow, 2001), (Cavadino and Dignan, 2007).

Discussion topics related to the rehabilitation of offenders are usually associated with issues which include, among others, the ability of prisoners to survive satisfactorily post-imprisonment, their capacity to realize their past wrongdoings and the extent of the harm that their offence has, created, as well as the efforts of building their personal confidence to avoid them from committing similar offences after their release from whichever institution had held them. Similarly, debate topics related to rehabilitation of prisoners are usually centred on issues that touch on 'the status and social situation of ex-offenders vis-à-vis their life chances, their efforts to take responsibility for their actions, and the extent of their ability to recognize the harm they may have caused, all of which have cropped up time and again in criminological debate.'<sup>183</sup>

Research would suggest that law has been ineffective in deterring offenders from repeating their offences. Hence, other motivational factors should also be considered to encourage offenders to desist from breaking the law during and after their imprisonment.

As stressed by Schimedeberg (1968) in re-evaluating the concept of rehabilitation, law, although seen as a powerful element (especially when it connects to a sense of fear), can only appear as a single motivational factor (on the part of the offenders) to reduce the harm after completing the sentence. Thus, he further opines that, in relation to the longer term, hope and encouragement are positive factors that may encourage the offenders not to continue breaking the law after imprisonment.<sup>184</sup>

From as early as the 1970s, we may note that rehabilitation has been construed as a means of inculcating values towards re-educating individual offenders to

---

<sup>183</sup> For details, see Farral and Sparks (2006); Introduction, *Criminology & Criminal Justice*, Vol 6(1): 7-17, DOI: 10.1177/1748895806060664 at page 7; as they also categorized the debate as *a regular feature of academic and policy-related research*.

<sup>184</sup> Other important factors are the socializing effects of the family and community, of religion, morality and upbringing. See details Schimideberg (1968) in Re-Evaluating the Concepts of 'Rehabilitation' and 'Punishment', *International Journal of Offender Therapy & Comparative Criminology*, 1968, 12, 25, DOI: 10.1177/0306624X6801200103 at page 26.

becoming law-abiding citizens and to encourage them to contribute towards a safer society. Cooper's (1973) idea in presenting rehabilitation to provide a sense of education and towards fostering values of the society among offenders may be capable of supporting the findings of the present study, which attempts to explain why Malaysia is seen to have been providing educational opportunities to young offenders in penal institutions.

Cooper (1973) sees rehabilitation as a 'reorientation of the offender towards society's values.' And for him, the individual offender should "learn how to be rehabilitated" rather than "taught to be rehabilitated". Through the current study and by looking back at other studies, for instance in the year 1975 (Zivan; 1975) and up to 2010 (Bain and Parkinson, 2010), the rehabilitation concept may be perceived as a means to pursue the dual objectives of juvenile offender institutions, which are to enable youths to live more satisfyingly as law-abiding citizens, and to contribute to a safer society (Zivan, 1975: 18).

Another important reason as to why offenders should undergo a rehabilitation process is that effective rehabilitation programmes may contribute towards 'restoring' their good name in the public eye rather than letting them continuously be labelled as "prisoners." This is so as to encourage them to change to "better persons" after their imprisonment.

Therefore, the entire process of rehabilitation is expected to contribute towards "re-educating" offenders in becoming more "civilized" and developed persons who can contribute socially to a better and safer community after their institutionalization.

Similarly, Bain and Parkinson (2010: 63) argued that the successful re-integration and rehabilitation of ex-offenders should not merely be limited to removing the stigmatization of bearing the title 'offender', 'prisoner', 'inmate' or 'criminal', but in a wider sense, the more crucial part should be about questions like *supporting self-worth, development and motivation to change*.

In connection to that and based on the above explanation, it would be more appropriate for us to reflect on the meaning of the term "rehabilitation" in its literal sense first before we further discuss its aims and advantages in relation to certain benefits that the notion would contribute to prisoners who are being institutionalized.

### **Definition of Rehabilitation of Offenders: Literal Meaning**

The interpretation of the term "rehabilitation" in its literal meaning is important as the researcher found that existing academic authors use a variety of other terms showing meanings similar to "rehabilitation". Therefore, by knowing the literal interpretation of the term "rehabilitation", the researcher expects to be able to get a certain basic idea of how "rehabilitation" is applied, and that it should be understood in laymen's terms before its expanded definition from the aspect of Criminological theory and penology can be reviewed in subsequent discussion.

According to the Collins Dictionary (CD),<sup>185</sup> "rehabilitation" means 'to help a person to readapt to society after illness or after imprisonment'; and notably, by taking a closer look at its other similar meanings, the word "rehabilitation" refers to "reintegrate", "reinstate", "reform", "restore" and etc.<sup>186</sup> Similarly, in the Oxford English Dictionary,<sup>187</sup> the word "rehabilitation" is defined as: 'restore to health or normal life by training and therapy after imprisonment, addiction, or illness; restore the standing or reputation; restore to a former condition.'

Based on the above-mentioned two definitions, there would appear to be three key components of rehabilitation, namely, first, it is a structured and planned programme of either 'training' or 'therapy' which aims to assist a person (who is 'in need' of the assistance); secondly, it acts on a needy person who may be a

---

<sup>185</sup> Collins English Dictionary at <http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=rehabilitation>, accessed on 27<sup>th</sup> March 2010.

<sup>186</sup> See further *ibid*; for Thesaurus of "rehabilitation" at <http://www.collinslanguage.com/results.aspx>; accessed on 27<sup>th</sup> March 2010.

<sup>187</sup> Compact Oxford English Dictionary, at [http://www.askoxford.com/concise\\_oxd/orexxhabilitate?view=uk](http://www.askoxford.com/concise_oxd/orexxhabilitate?view=uk); accessed on 27<sup>th</sup> March 2010.

health patient or prisoner - can also be in the community (known as 'clients'), and, thirdly, the aim of the designed training and therapy programme is to enable the particular client to adapt to life as a normal person in society after having recovered from his or her illness or having completed the imprisonment course (Robinson and Crow, 2009: 2).

In referring to the earlier quote by Brieland (1972), we may construe that the author simply tried to highlight that the term "rehabilitation" refers to noble efforts, normally undertaken by the authorities, which at the very beginning, was to assist those who suffered from illnesses, but later on the concept was extended to provide support to other vulnerable groups of people including disabled persons in terms of physical and mental disability, alcoholism, prisoners, the elderly and the poor. The quotation seems to point out that the authorities have certain responsibilities towards offering degrees of assistance to these weaker people to allow them to become more self-reliant and free due to the deficiencies suffered.

Meanwhile, in the SAGE Dictionary of Criminology, (McLaughlin and Muncie, 2001),<sup>188</sup> the term 'rehabilitation' is explained by associating it with certain 'models'. The explanation would then imply that criminologists understand "rehabilitation" as one formal, structured and planned method aiming to address both criminological factors and the factors contributing to crime occurrences.

Criminologists do believe that there should have no impossibilities to undertake actions on how to reduce the said crimes from re-occurring.<sup>189</sup> Further, the objective of rehabilitating offenders is plainly explained as mainly to reduce crime. As McLaughlin and Muncie (2001: 348) indicated, the 'treatment model' is 'a special case of the rehabilitation model that seeks to work directly with the individual offender in order to bring about a reduction in offending'.

---

<sup>188</sup> The SAGE Dictionary of Criminology (2001), McLaughlin, E. and Muncie, J. (2<sup>nd</sup>. Edition), London, SAGE; page 347

<sup>189</sup> Look further at *ibid* at page 348.

As already mentioned in the previous chapter, the present study limits the discussion and analysis of the topic related to children and young people who are being detained within closed institutions; therefore, the 'needy' persons here would merely refer to "offenders", and not the "health patients". However, for the purpose of understanding the whole theoretical concept of the rehabilitation term, it is wise to get, at least, a brief picture about what is meant by rehabilitation in general.

We may denote that the term "rehabilitation" as it has been applied in the criminal justice system is being construed to mean a process of providing necessary 'treatments' for offenders, who have been 'diagnosed' to be 'sick' persons and as such, in need of certain proper 'treatments' towards becoming 'healthy' persons. In other words, the term "rehabilitation" has been initially interpreted according to the medical discourse in which the interpretation was found to include the provision of certain "medical treatments" to cure a selection of physical and/or mental defects suffered by prisoners.

Many authors have been observed trying to define the term 'rehabilitation' from a medical perspective. Crow (2001: 4-5), however, views "rehabilitation" and "treatment" as two interrelated processes designed to provide essential forms of appropriate approaches that could help offenders to become better persons upon their release from prison. Therefore, Crow argues that the term of "treatment" is not purely used in the discipline of medicine since the same term has also been widely applied by criminologists to show the meaning of "rehabilitation". Crow further notes that according to Criminology tradition in general, "treatment" is linked to an approach on how to deal with criminals, and is not in contradiction to retribution and punishment because it is within the utilitarian justification for punishment. As Crow also points out, various projects which aim to reduce crime are referred to as forms of 'intervention' which may also be recognized as treatments.

Subsequently, we may derive that Crow attempts to conceptualize "rehabilitation" and "treatment" in a wider scope referring to one particular method that has two primary functions, namely, to provide certain proper "treatments" in order to

“rehabilitate” prisoners so as to educate them to be changed persons, and towards reducing crime rates in the long run.

From here, we may draw our conclusion that these two terms - "treatment" and "rehabilitation" - each have their own strength in which, if the two are combined, may help to produce a "new" human, more determined to be free from crime and useful to society when released from his or her penal institution.

In ‘Rehabilitation, Crime and Justice’, Raynor and Robinson (2005) also define rehabilitation by first emphasizing the construction of the term rehabilitation from a medical angle by quoting Macpherson, 1992:<sup>190</sup> ‘the restoration to health and working capacity of a person incapacitated by disease, mental or physical, or by injury’. However, they too later indicate that in the context of rehabilitation, certain points are shared in common from both the medical and literal perspective: “rehabilitation” refers to the process of re-establishing the subject’s status (whether his or her health, physical or mental fitness) to a former state or condition before any suffering or deterioration. In other words, they stress the relevance of undergoing an ‘appropriate process of training’ in order to regain the subject’s former (normal) state from certain defects in health, whether physical or mental. Robinson and Crow (2009: 2) then emphasize rehabilitation as a process of enabling the ‘return’ of the offenders to society as law-abiding citizens, who will then be well-accepted by the community, and should enjoy the same rights as other members of society. By inference, Robinson and Crow believe this will benefit the society at large through the rehabilitated offender’s abstention from committing subsequent offences.

Therefore, we should understand by now that the main components of rehabilitation consists, firstly, of the party who is in need of the special treatment process, i.e. a criminal subject or “offender(s)” (since the current research limits only to offenders); secondly, the purpose of the special treatment is to help the aforesaid criminal subject to lead a “better life” or “get changed”; and finally, the aim of the training or therapy provided during the course of the treatment is to

---

<sup>190</sup> Macpherson, G. (1992), Black’s Medical Dictionary (37<sup>th</sup> Edition), London: A and C Black Publishers

prepare the individual ex-offender to face society after having undergone their term of imprisonment.

The notion of rehabilitation is therefore conceptualized as a “restoration” process intending to provide forms of assistance to offenders towards making them ready to return to their former lives in society<sup>191</sup>. Consequently, the main principle underpinning the rehabilitation concept is that, after the process of rehabilitation and the restoration of their self-confidence, ex-offenders should be regarded as equal to non-offenders within the community in which they live. And of course, we do need to remind ourselves that the scope of rehabilitation is not only confined to offenders as the clients but also covers people with medical reasons as well.

Thus, at this initial context, it is clear to us that criminologists opine that offenders are identified as a specific group of individuals who are eligible for assistance in the form of the rehabilitation process, which is aimed at changing them so that they may regain their former normal lives, which should be free from any elements of their previous crimes.

Criminologists also consider “offenders” as those who may be included in one of these two categories, namely, “active agents” and “passive agents”. The “active agents” are offenders who have intentionally shaped their personality towards criminal activities and therefore should be responsible for the criminal acts committed. “Passive agents” on the other hand include those who may have accidentally and/or unintentionally fallen into a life of crime due to certain circumstances that compelled them to do so.

Robinson and Crow (2009: 3) quoting from Henry and Milovanovic<sup>192</sup> (1996: 16) perceived that criminologists classify “offenders” as human subjects from two different stances; first, as the active agents who create and shape their world of their own choices and bear the responsibilities for the decisions they make; and

---

<sup>191</sup> The notion is being applied by the researcher when examining the *Putra* Module. See the discussion of the findings in Chapter 7 (Findings Chapter: Interview Data with the Officials of the Malaysia Prisons Department) at page 258/9.

<sup>192</sup> Henry S and Milovanovic D. (1996) *Constitutive Criminology*, London: SAGE



second, as the passive subjects who are largely forced into committing crimes which are beyond their control.

Careful observation has caused us to gather that the construction of the rehabilitation term may also include providing certain proper treatment programmes and/or training to offenders on how to get back on to the right track, even if it involves every possible effort in seeking the “resolution” to crime reductions by the end of the entire rehabilitation process.

Crow (2001: 4) also points out that, in criminology, other terms like “reform”, “rehabilitation” and “resettlement” are often linked with the term “treatment” which denote the notion of change – ‘even if the change is a restorative one returning someone to a position in society which they formerly held’. Easton and Piper (2008: 406) opines that rehabilitation is an approach which is meant to reform and rehabilitate offenders, with the idea to reduce the crime rate.<sup>193</sup> Cavadino and Dignan (2007: 41-42) signifies that in justifying punishments, ‘reform’ or ‘rehabilitation’ is one method under the penal system which is aimed at reducing crime by improving the character or behaviour of the offenders.

### **Rehabilitation from Various Perspectives**

The concept of rehabilitation has developed differently in the various schools of penal thought. Robinson and Crow (2009: 3-17) delineate those schools as Positivism,<sup>194</sup> the Classical Tradition,<sup>195</sup> and Utilitarianism. It should be noted that other commentators might categorize them differently; however, all depend on a

---

<sup>193</sup> See details in Easton, S. and Piper, C. (2008) *Sentencing and Punishment: The Quest for Justice* (2<sup>nd</sup>. Edition), New York, Oxford.

<sup>194</sup> Positivist approaches were developed by Lombroso and Ferrero (1895) and Ferri (1901) in the late nineteenth century; see further The SAGE Dictionary, (2001), McLaughlin, E. and Muncie, J, (2<sup>nd</sup>. Edition), London, SAGE; page 40-41

<sup>195</sup> Classic approach was developed in the late eighteenth century and early nineteenth centuries. See further The SAGE Dictionary, (2001), McLaughlin, E. and Muncie, J (2<sup>nd</sup>. Edition), London, SAGE; page 40-41

theory of crime causation because rehabilitation is seen as a response to an individual or social deficit or factor of some sort.

### *i. Positivism*

The Positivists maintain that the cause of criminal actions can only be examined through scientific processes. Positivists also view that the response to be made upon factors contributing to crime actions should also be undertaken through scientific approach. Lombroso,<sup>196</sup> recognized as the founder of the positive school of criminology, was one of the primary thinkers associated with the theory of rehabilitation. Positivists believe that scientific investigations can be utilized in discovering the criminal *causes*, the factors and also its processes (Cavadino and Dignan, 2007: 41-42); (McLaughlin and Muncie, 2001: 302). Positivists view that intervention from 'experts' ['diagnoses'] are somehow important in order to identify the causes of the commission of crimes and also their 'removals' (Robinson and Crow, 2009: 4).

Positivists contend that criminals are just like other human beings and do not act of their own free will, but that their wrong actions are somehow provoked by forces which are beyond their control. Thus, this doctrine of *determinism* further views that criminals should not be at total fault for having done the wrongdoings and therefore, it is wrong to punish them since they should not bear full responsibility for the crimes committed (Cavadino and Dignan, 2007: 52-53).

Furthermore, positivists agree that social and individual forces including biological, physiological and environmental factors may lead the particular individual offender to commit criminal actions McLaughlin and Muncie (2001: 40). Additionally, in order to understand why people commit crimes, positivists contend that other factors such as physiological, psychological, economical and social factors that lead individual offenders to commit criminal actions should be taken into account as well [Newburn] (2007: 280-281).

---

<sup>196</sup> Cesare Lombroso (1835-1909) was born in Italy. He has been referred as 'the father of modern criminology'. His major works included *The Criminal Man*, *The Legal Medicine of the Corpse*, *The Female Offender and Crime: Its Causes and Consequences*. See details in Newburn, T. (2007) *Criminology*, United States of America and Canada, Willan Publishing at page: 124.

Considering that each criminal act committed by offenders were due to certain external factors that were beyond their self-control at the time the acts were done, we understand that positivists agree that certain treatments are necessary for prisoners to help them eliminate those external forces from their lives.

Robinson and Crow (2009: 4-9) argue that as victims of external forces, offenders ought to receive 'help' that might prevent them from re-offending and enable them to facilitate a 'normal' life – similar to patients who require 'treatments' in order to heal and be able to lead a 'healthy' life again. By using this medical analogy, solving criminal problems seem as easy as seeking ways to treat offenders in order to 'cure' them; nonetheless, it is very important towards treating social illnesses that occur among members of society (Crow, 2001: 6).

## ii. *Classical Tradition*

Penologists of the classical school regard humans as rational actors and being so, they make decisions on the basis of cost-benefit analysis. Therefore, offenders should be responsible for whatever decisions they made prior to committing the criminal act (Newburn, 2007: 114-115, 280-281). For instance, Kant argued that the ruler has the right to punish offenders as they have acted in violation of any moral obligations, a set of principles that binds every individual which is applicable within a system of human duties (Easton and Piper, 2008: 57-58). Hegel, in support of the government's right to punish criminals, stressed that the imposition of punishment on offenders is to perceive them as rational beings, and as a result are responsible for any wrongful acts they had previously committed (ibid: 59-60).

One of the first enthusiasts of this penal school, Beccaria<sup>197</sup> - a utilitarian - believed that based upon the 'proportionate' principle, laws should be designed

---

<sup>197</sup> Cesare Bonesana, Marchese di Beccaria (1738-1794) was born in Italy. Beccaria critically argued about the excessive and inconsistent use of law, especially regarding the use of torture and capital punishment. See details in *ibid* at page 117.

to be just and equal between the objectives to punish the offenders and 'calculate' the harm caused resulting from the criminal acts. This classicism approach has led to a reasonably fair and more transparent philosophy of punishment (McLaughlin and Muncie, 2001: 40).

Crow (2001: 6) also points out that, in strictly legal terms, by considering the offenders as rational actors, the classical tradition tends to focus on deterrence and retribution as their dual objectives of the criminal justice system. Easton and Piper (2008) add that retribution is one approach and that deterrence is more accurately part of the utilitarian approach (Bentham etc.), although deterrence may stem from the use of a classical/retributive justification. Since the classical retributive approach to justifying punishment emphasizes the tendencies of the offenders to be involved in criminal acts and that they are driven by elements of free will and pleasure-seeking desires, hence, the offenders should bear full responsibility for whatever crimes they have committed [Robinson and Crow (2009: 4)]. Beccaria also asserted that punishment should be no harsher than is necessary to achieve reductivist ends by means of deterrence (Cavadino and Dignan, 2007: 51).

Therefore, in contradiction to positivism as explained earlier, the response to criminal acts committed by offenders is that the offenders should bear minimum responsibility and thus deserve to receive treatment or get help to "be treated" in order to reduce further acts of re-offending in the future (ibid: 4).

### iii. *Utilitarian*

Utilitarians contend that the State should always act in the interests of the 'greatest number' of people (Cavadino and Dignan, 2007: 58). Action is otherwise not justified. In utilitarianism, an action is only morally 'right' if it complies with the principles of the greatest happiness, effectiveness, parsimony, etc. Otherwise, utilitarianism is not concerned with morals and ethics per se. Utilitarianism argues that 'the transformation of offenders into law-abiding

members of the community serves the interests of society as a whole [Robinson and Crow (2009: 9-10)]. As Easton and Piper (2008: 146-7) point out, this means that a judge acting on utilitarianism could justify sacrificing one individual offender in order to preserve public interest at large.

### **Types and Models of Rehabilitation**

The notion of rehabilitation in relation to offenders, therefore, envisages particular positive outcomes which would be attractive to both offenders and the government because it provides practical ways to treat people who offend and indirectly provide opportunities and hope that prisoners still have a chance for change towards leading a better life than before their institutionalization.

However, since offenders are social actors who may have been involved in crimes of various types or nature, we should remind ourselves that it would be quite impossible to provide only a single “usable” type and/or model of intervention for every single prisoner detained in penal institutions.

Likewise, it would be more appropriate that we abide by the fact that the reason behind the notion of rehabilitation should be extended to be motivational towards developing prisoners to become useful persons after their institutionalization rather than just to help eliminate the stigmatization on them that has already been thrown upon them by society due to their having been institutionalized.

In the context of rehabilitation, Bain and Parkinson (2010: 63) argue that the successful re-integration and rehabilitation of ex-offenders should not merely be limited to removing the stigmatization of bearing the title ‘offender’, ‘prisoner’, ‘inmate’ or ‘criminal’, but that the more crucial part should be about questions like ‘supporting self-worth, development and motivation to change’. Cooper (1973) concedes that since there is no universal recipe for rehabilitation, the system must provide treatments intending to gear individual needs; ‘there can be no ‘one size fits all’ model for intervention, prevention or desistance’, specifically referring to young persons in custody (Halsey, 2006: 171).

As already established, one vital objective of rehabilitating offenders is to reduce crimes and future re-offending. Therefore, it would be helpful for us to know some common types of rehabilitation applicable in the context of offender rehabilitation, particularly to understand the benefits of such programmes as well as the target groups of offenders who undergo such rehabilitation programmes.

Crow (2001) categorizes the most common forms of interventions used when dealing with offenders as follows:

#### *Medical in Nature*

Medical treatment refers to the use of drugs, including the use of chemicals to castrate sexual offenders. For example, the drug Depo-Provera and other drugs have been used to lower testosterone levels in offenders, which are identified to have been related to recidivism (CQ Researcher, 1996<sup>198</sup>).

#### *Casework and Counselling*

This is the common form of treatment used by probation officers and social workers. Both techniques are normally used when dealing with individually-based treatments Crow (2001: 8). The effectiveness of psychological intervention has been found to be successful in reducing the rate of re-offending in adult sexual-offence cases; however, it does not seem to provide a cure for the same group of offenders (Belinda and Charlotte, 2006). Historically, counselling and group therapy along with psychodynamic theory and practice were the types of rehabilitation that were predominantly used from the 1930s through to the 1970s (McLaughlin and Muncie, 2001: 348).

---

<sup>198</sup> CQ Researcher (1996), Combining Group Therapy and Drugs..Helps Sex Offenders Deal with Compulsions, *Database: Academic Search Complete*, 1/12/96, Vol. 6, Issue 2, p32, 2p, Abstract, AN 9601187543

### *Group Work*

This intervention involves therapeutic communities within the group of clients. The earliest therapeutic approaches began within a psychoanalytic formulation which was aimed at young delinquents (McLaughlin and Muncie, 2001: 348). Toch (2000: 270) contends that 'altruistic activity by prisoners can contribute to cognitive restructuring, especially where opportunities to engage in such behaviour are diversified and the experiences and feelings of participants are shared in supportive groups'.

### *Skills*

The focus of this treatment is to develop various skills, for instance, cognitive skills, social skills, parenting skills, and anger management. Findings have shown that lower rates in re-offending are more common among offenders who complete cognitive skills programmes rather than among offenders who do not complete the programmes (Hollin and Palmer, 2009: 147-164). The efficacy of cognitive skills interventions in England and Wales are found to be effective for acquisitive offenders, and this course also may appear as a useful supplement course to other interventions aiming to address acquisitive crimes [Wilson *et. al.* (2003)].

Day *et. al.* (2008) propose that anger management interventions are useful for offenders, where these therapies facilitate their perspective-taking skills, assisting in the therapeutic management of shame, and, guilt, which are likely to be engaged in so-called violent offenders.

### *Activities*

Activities in this context cover a broad range of projects such as motor projects, art projects, sports and also physical activities. For example, the use of art therapy was discovered to be most helpful in seeking the psychological needs

among the juvenile offenders through the analysis of their perceptions based upon their self-selected art productions (Persons: 2009).

### *Offences and Offending*

This type of intervention is directed at specific offences or general offending behaviour such as sex offenders, driving offences or offences of violence (Crow, 2001: 8). A “Weekend *Intervention Program*” (WIP) has been successfully implemented in treating persons charged with driving offences while under the influence of alcohol (and other drugs), where the findings suggest that recidivism rates were reduced when the referring court mandated the WIP staff to make recommendations for treatments for the relevant offenders (Harvey and Cole: 1993).

### *Social re-integration*

These interventions associate with the idea of rehabilitation and resettlement of offenders; aiming to provide education, training, accommodation and employment for offenders.

### *Multi-modal*

Multi-modal treatments refer to the use of a combination of more than one technique in rehabilitation programmes, especially when they are identified to be more successful than when applied singularly. Murray and Farrington (2005: 72<sup>199</sup>) suggest that there is a need for multi-modal therapies for all prisoner family members since their children are often exposed to multiple problems in their surroundings.

---

<sup>199</sup> Murray, J in “The Cycle of Punishment: Social Exclusion of Prisoners and their Children”; *Criminology & Criminal Justice*, Vol. 7(1): 55-81, ISSN 1748-8958, DOI: 10.1177/1748895807072476



The above list appears to be useful to the researcher as it would assist the researcher towards analyzing the current rehabilitation programmes and/or modules that are available for young offender in prisons in Malaysia. To a certain extent, the list provides ideas on assessing how the existing rehabilitation programmes and/or modules available for offenders within the Malaysian prisons settings are formed and established. At this juncture, the main question is whether the Malaysian prisons management is being influenced by any other specific model(s) of intervention while drafting and formulating their own policies related to offender rehabilitation?

Crow (2001) further opines that the above list is not a complete or full description since certain limitations should be made in order to consider other basic elements like 'who' the clients are, 'what' the nature of offence is, and etc. In this regard, we should bear in mind that the types of rehabilitation programmes implemented will vary, depending on the particular category of prisoners and the types of crimes committed.

In addition, the researcher would like to present The "Risk-Needs-Responsivity" Model (RNR) and also The "Good Lives Model" (GLM) in which the researcher thinks that both models are widely discussed by other researchers at the moment. Subsequently, the researcher believes that by studying facts of both models, it would enlighten the researcher towards gaining a better understanding during the analysis of the interview data obtained with the Malaysian prison officials, particularly in relation to the rehabilitation of offenders available within the penal institutions in Malaysia, as will be seen later on.

#### *The "Risk-Needs-Responsivity" Model (RNR)*

The "Risk-Needs-Responsivity" Model (RNR) is a rehabilitation model that considers motivational factor(s) towards encouraging individual offenders to stop re-offending. Andrews *et. al.* (2006) in Ward and Maruna (2007: xi) agrees that human motivation as the core element in the RNR model is indeed attractive. Key principles emphasized in the RNR concept are that correctional programmes should take into account elements of the offender's learning styles, the level of

individual offender's motivation as well as the offender's personal and interpersonal circumstances (Ward and Maruna, 2007: 49).

We may thus understand that key underlying principles beneath the approach are geared towards strengthening the human motivation factor for offenders to help them become more resilient in desisting from criminal activity.

According to Newburn (2007: 862), the *Risk-Needs-Responsivity* rehabilitation model which emerged in Canada consists of three components:

Firstly; *Risk* – A principle ‘which seeks to identify the match between the levels of risk posed by offenders with the actual amount of treatment they receive’;

Secondly; *Needs* – The treatment ‘programmes should target criminogenic needs’; and,

Thirdly; *Responsivity* – The programme’s ability to engage with its participants in order to maximize the expected probable outcomes.

It is argued that the objective of rehabilitation should be more focused on looking for solutions to reduce probable harm that may be suffered by society due to criminal actions instead of concentrating on assisting to develop the individual offenders who were found to be guilty of their crimes.

Ward and Maruna (2007: 64) contend that ‘the whole rehabilitation process is recommended to be driven by the empirical detection of the correlates of crime rather than treatment targets being simply derived in an *a priori* fashion from clinical or criminological theories without a consideration of research findings’. They further emphasize that the ultimate aim in rehabilitating offenders should be prioritizing on reducing the possibilities of harming the society rather than only focusing on ‘enhancing the well-being of offenders’ (ibid: 69).

Motivational elements should always be given high attention in supporting offenders towards maintaining their perseverance during rehabilitation

programmes whilst imprisonment. Andrews, Bonta and Wormith (2006: 22) affirm that the ideal of the “Risk-Needs-Responsivity” Model (RNR) stands to give ‘greater attention to human motivation.’ That is to say, ex-offenders should possess a degree of motivation to enhance their human potential and achievement. They also strongly believed that extra factors should be taken into account when considering other alternatives and strategies in exploring offender rehabilitation programmes, namely, the person receiving the treatment, the targeted suitable treatment, the influential employed strategies, and the quality between ‘the direct service staff and programme management’.

Further, it may be viewed that the foundation of the “Risk-Needs-Responsivity” Model (RNR) is established based on the belief that successful rehabilitation programmes should always depend on the effective relationship between both the offenders and the staff of the institutions respectively. As Birgden (2004: 293) points out when commending the RNR model, ‘Internal Responsivity’ and ‘External Responsivity’ are two important components which will establish ‘a good cognitive-behavioural model of change between both the offenders and correctional staff’: first, on the part of offenders – how to enhance offender motivation and informed decision-making,’ and second, on the part of the staff – the motivation and skill factors in supporting the ‘culture shift’ towards appealing to the offenders to participate in the rehabilitation programmes.

Finally, in ensuring effective rehabilitation results and in conjunction with the applicability of the “Risk-Needs-Responsivity” Model (RNR), Andrews and Bonta (2003) outline six principles to be considered, namely:

1. Cognitive-behavioural orientation;
2. Highly structured, specified aims and tasks in each session;
3. Implemented by trained, qualified and appropriately supervised staff;
4. Delivered in the intended manner (upholding treatment integrity);
5. Manual based; and,
6. Housed within institutions with personnel committed to the ideals of rehabilitation (Ward and Maruna, 2007: 73).

The above listed principles have drawn the researcher's attention for which they may be used as the basis for the data analysis process on the interviews with prison officials, specifically when assessing the observations of officials regarding features that they look for towards ensuring a better implementation of the entire rehabilitation process for offenders within the Malaysian penal institutions. The researcher expects to be able to identify whether some or all of the principles mentioned above appear as the desired characteristics that officials consider essential for the orderly implementation of the overall rehabilitation programme.

### *The "Good Lives Model" (GLM)*

Ward (2002) is of the view that in every rehabilitation programme, there is a presupposed notion that the programme will make it possible for offenders to live good lives, and that by end of the duration, it is essential for both the therapy staff members and the individual offenders to have a clear understanding about the internal and external conditions for living such lives.

It is desirable for penal institutions to be concerned about the welfare and the needs of each individual offender since the offenders are the parties who will directly receive every possible impact from the implementation of the whole rehabilitation process. In this regard, staff of these institutions, particularly therapists, should be available to educate prisoners on how to determine the best options in life before letting them undergo any form of rehabilitation programmes and/or activities provided by the institutions.

Thus, Ward and Maruna (2007) confirm that by applying the positive psychology principle, ex-offenders should be provided with certain kinds of resources<sup>200</sup> that will fulfil their preferred choice of "good" life.

---

<sup>200</sup> Ward and Maruna (2007) presume the opportunities that should be given to the ex-offenders include knowledge, skills, opportunities and resources to live a "good" life, and that these should take into consideration their preferences, interests and values. See details Ward, T. and Maruna, S. (2007), *Rehabilitation*, United States of America and Canada, Routledge at page: 111

In realizing that certain aspects of risk-need principles were not well-dealt with by the Risk-Needs-Responsivity Model (RNR), the Good Lives Model (GLM) was formulated as an alternative rehabilitation approach, founded by the principle that equips offenders with 'the tools to fulfil lives rather than to simply develop increasingly sophisticated risk management measures and strategies' (Ward and Brown, 2004).

In other words, by helping offenders 'to achieve good via non-offending methods', it is likely to encourage them not to "think" about re-offending. The primary aim of the Good Lives Model (GLM) is quite clear; by adopting a positive psychology or strengths-based approach, offenders are encouraged to live 'meaningful, constructive and ultimately happy lives' - they are motivated to "live to the fullest", this will eventually motivate them to desist from any future criminal involvement. (Ward and Maruna, 2007: 107-111)

By applying the Good Lives Model (GLM), therapists are suggested to focus on clients' prudential goods (i.e., what is in the best interest of their overall well-being and happiness), rather than on externally imposed moral values as a means of enhancing treatment readiness, motivation, and therapeutic alliance during the treatment sessions (Whitehead, *et. al.*; 2007). Indirectly, this helps the therapists to establish a good relationship with the targeted client as they can systematically think about "how to motivate the offenders to change" and "how to continuously get the attention of the offenders engaging in the therapy sessions" (McMurrin and Ward, 2004: 308).

However, Newburn (2007: 862) argues that the Good Lives Model (GLM) is theoretically strong, but still not developed empirically; in contrast, McMurrin and Ward (2004) and Whitehead, *et. al.* (2007) share an opposite view. The latter propose that the Risk-Needs-Responsivity Model (RNR) and Good Lives Model (GLM) should be applied as a combination-tool rehabilitation model for offenders, since both models possess certain components that can complement each other.

That way, both models enhance the capacity of the therapy staff to motivate the clients into “thinking” how to change for a better life and at the same time effectively persuading the offenders to continue engaging themselves in the therapy sessions. Both the therapists and clients in sexual-offender treatment programmes will maximize more benefits during the programme if they adopt a positive therapeutic style within a good-life plan such as empathy, warmth, rewarding and directive; this will eventually reduce the habitual rates in crimes in the future (Marshall *et. al.*, 2005: 1110).

It is notable that the main feature underpinning the Good Lives Model (GLM) is based on the psychological manner towards enlightening offenders to become motivated persons who can realize every positive rationale behind the rehabilitation programmes that they may have opted to undergo during their institutionalization.

We may also be enlightened that both the Good Lives Model (GLM) and the Risk-Needs-Responsivity Model (RNR) rehabilitation models are meant to educate prisoners towards changing their former behaviour and thinking styles, leading them to be more motivated to continue life in a positive way during and after the institutionalization.

### **Understanding the Rehabilitation Concept**

The notion of rehabilitation is, then, a contested concept, but one which is often closely linked with the efforts of assisting the offenders to find ways on how to “change for the better” during and after the institutionalization. The whole process of rehabilitation of offenders can also be regarded as giving treatment in order to help prisoners have a better understanding towards starting a new life, presumably to be as normal as other people after their institutionalization, and to make prisoners realize not to engage in any further criminal behaviour once they are released from the institutions.

As already discussed earlier, we may note that in previous literature, we can conclude that the notion of rehabilitation of prisoners is frequently linked by researchers as possible efforts undertaken by institutions towards achieving two main objectives, namely, first, to provide 'treatments' for rehabilitation purposes towards changing prisoners becoming better persons than they were before they were institutionalized, and secondly, to provide rehabilitation programmes and/or activities towards encouraging prisoners to desist from further crimes during and after their institutionalization.

Accordingly, it would be appropriate for the researcher to further explore the notion of rehabilitation of offenders in both scopes so as to help the researcher to identify whether the Malaysia Prisons Department has adopted either one or both scopes of the notion of rehabilitation, which will be discussed later.

#### *Rehabilitation within the context of Treatment of Offenders*

The process of treating offenders to 'cure' them of the social diseases they suffered is not as simple as the administration of common drugs by medical doctors to patients to treat their illnesses. The process of treating criminals who are being institutionalized is identified to be more complex and challenging, as the duty of providing such treatments needs certain professional assistance that requires a long, continuous effort in addition to an extensive cost. In previous years, the task of criminal treatments has been considered difficult and demanding professional needs, due to its constant and extended basis (Scott, 1977: 11).

Despite these difficulties, the need to provide certain proper and constructive treatment to prisoners should always be available in penal institutions, regardless of their location. Hence, the whole process of rehabilitation should focus on how to provide useful content in the rehabilitation programmes for prisoners during their institutionalization.

Fraser (1967: 21) contends that the purpose of treatment programmes should provide real-life experiences to offenders, in which the programmes implemented should be designed as a wholly-integrated part of their daily routine, and developed to be constructive for the offenders regardless of the location in which they are being confined, i.e. either within or outside a prison.

From the perspective of prison administrators and the treatment policy-makers of these institutions, the main objective of rehabilitation should always be to preserve their ways of controlling prisoners. It has also become common for prison administrators to consistently try to maintain a good relationship with offenders throughout the duration of the treatment programmes, as the authorities believe that a good alliance will produce satisfying results for both the offenders and the therapy officers. As such, the implementation of an effective rehabilitation programme is able to reduce recidivism rates among the prisoners.

Prison authorities are generally aware that the task of managing prisoners is challenging and difficult; therefore, they always try to produce effective ideas in formulating useful content to rehabilitate institutionalized offenders. In doing so, prison authorities usually prefer to consider implementing programmes that can provide benefits to prisoners.

Much empirical research related to sex-offenders has, for example, expressed concern at treating offenders through various psycho-cognitive types of rehabilitation programmes, in the likelihood that these programmes will be able to help sexual-offenders reduce their potential to become repeat offenders. When sexual-offenders are given appropriate treatment interventions, their desire may be easier to contain, thus reducing both the occurrence of sexual desire and violent actions (Olver and Stephen: 2009). The results from a treatment programme for high-intensity inpatient sex offenders showed a reduction of recidivism rates among a moderate-to-high-risk group of treated sex offenders (ibid). The pre-set goals in sexual offender treatment programmes will be achieved if both the therapists and the clients satisfy the good-life plan (Marshall *et. al.*; 2005). The good alliance relationship between the therapists and sexual



offender clients would therefore possibly create a better alliance, which will generate more benefits during the treatment programmes (Drapeau, 2005).

The implementation of treatments by institutions is often linked to the methods applied by prison institutions in managing offenders within those institutions. Craig (2004: 112S) argues that the fact that prison administrators persistently offer treatment programmes might be motivated by the desire to use programmes as a means of control in the institutions.

Thus, the institution administrators presume that cognitive-behavioural rehabilitative programmes are more effective towards educating prisoners to desist themselves from re-offending. Cognitive-behavioural programmes and recidivism rates are proven to be interrelated, and the rehabilitation programme directors as well as the treatment policy-makers are responsible for considering the suitability of the programmes with their particular clients and the programme environment (Pearson *et. al.*, 2002).

Consequently, we can briefly conclude that the motivation of prison administrators and the treatment policy-makers in helping to rehabilitate and treat prisoners may be associated with their desire to seek practical means of controlling prisoners during their institutionalization, in which this may also contribute towards encouraging prisoners to stop from re-offending.

From the above explanation, we may perceive that rehabilitation and treatment programmes may essentially contribute certain benefits to both parties involved, i.e. the prison authorities and the prisoners themselves. So long as the implementation of such programmes is executed in a proper manner, it is hoped that more good results may be produced throughout the process, as prisoners have now become better and changed persons.

Thus, the researcher may understand that the notion of offender rehabilitation within the context of managing offenders may indirectly contribute to the necessary betterment of the respective parties - the prison administrators and prisoners.

Next, the researcher would like to investigate whether the Malaysia Prisons Department can enjoy any benefits from the implementation of offender rehabilitation as seen from the perspective of management of prisoners.

### *Rehabilitation within the context of Crime Desistance*

By definition, “desistance” means ‘to cease’ – *stop doing something and ‘desist’ – refrain from repeating it again*. This term is obviously associated with both medical and criminal justice discourses. In the former, it refers to recovery from certain illnesses; while in the latter, it means that an offender stops offending, either ‘naturally’ due to his or her own personal conscience or after he or she has undergone a certain formal treatment or reform (McLaughlin and Muncie, 2001: 120-121).

The final objective of desisting from crimes should always be aimed at encouraging offenders towards permanently refraining from any future criminal behaviour. It is well accepted by most researchers to take “desistance” to mean that a particular individual offender has stopped from offending once and for all, rather than ceased from offending within a short period of time (Farrall *et. al.*, 2009).

There are a variety of possible factors that may influence offenders to desist from re-offending, all of which are felt differently from one offender to another. As such, psychologists will always try to understand the original feelings of prisoners in attempting to relate to which suitable aspects may inspire offenders to stop from re-offending. Maruna (2004) establishes that by comparison, in terms of explanatory style, persistent offenders tend to explain ‘negative events in their lives as being the products of internal, stable, and global force’; also, they believe that ‘the good events of their lives resulted from the products of ‘external, unstable and specific causes’. These distinct perceptions help psychologists in understanding more about the offenders’ views related to aspects of desistance.

Researchers have discovered that which many do not realize – that prisoners regard their experience in being institutionalized as experiences as inducement for them to ‘repair’ themselves and become better people in their society. From another view, Maruna and Roy argue that ‘simple desistance from crime’ is not sufficient inducement, as real motivation should stem from the individual offender to refrain from being a criminal. Interestingly, many offenders show motivation inclined to reform internally ‘through a process of reparation and symbolic generativity’ (Maruna and Roy, 2007: 116).

Even though the process of desisting from crime may seem exceedingly difficult and complicated, the role of members of society may be useful towards keeping up the confidence and beliefs of prisoners that every offender has the potential to become a better person upon their release from their respective institutions. Weaver (2009) suggests that criminal justice agencies might help in terms of achieving the purpose of crime desistance where the communication process between individuals and communities can always be improved in the direction of possibly supporting the efforts of ex-offenders to be changed persons.

In due course, there may be some individual offenders who would eventually gain awareness of their past mistakes, and therefore be personally encouraged to stop from re-offending. On the other hand, it is quite possible that there are also prisoners who have not and do not learn anything from their institutionalization experience, and thus make it a point to refuse to stop from re-offending. Both possibilities may challenge the credibility of the prison authorities in their efforts to constantly improve the rehabilitation and treatment programmes implemented within the institutions for the benefits of all parties involved.

In light of this, Halsey (2006: 172) makes a compelling argument – that desistance from crime is not just about realizing a reality of the system, but realizing it equally in life, and that individuals may fail or even refuse to comply with the system. It is therefore necessary to ‘look beyond the archetypes of the institution and the offender towards those networks that promote as far as practical, singular but intensely interconnected lives beyond custodial environments’.

Up to this point, we may be clear that one main rationale behind institutionalization is that it aims at motivating offenders to believe that they can always become better persons, i.e. be who they used to be before their involvement in criminal activities. Indeed, we may perceive that the term 'desistance' resembles the inclination of offenders attempting to refrain from continuing criminal acts.

Perhaps, what we should be able to say is that 'desistance' should be a starting point for every individual offender to believe that they have all the potential to be free from their previous criminal involvement. Or, at the very least, that desistance should stand as a central indicator to offenders that they are confident and capable of refraining from re-offending. It is here that the need for prison administrators to provide 'intervention' programmes to educate prisoners on how to prevent repeating their offences, both during and after their imprisonment, is most critical.

## **Part Two: The Implementation of Rehabilitation of Offenders in Malaysia: An Overview of the Rehabilitation Programmes available within the Malaysian Penal Institutions**

### **Introduction**

The implementation of the prison affair policies of a country depends on the civilization of its community life. To date, Malaysia has undergone tremendous changes in the development of penal policy.<sup>201</sup> In the implementation of the criminal justice system in Malaysia, the Malaysia Prisons Department is the final institution which is responsible to the Ministry of Home Affairs, and serves the community by providing a safe and secure detention place for offenders.

Besides upholding orders of Courts with regard to the detention of offenders in prison, the Malaysian Prisons Authority is sanctioned to control and manage

---

<sup>201</sup> Read further the official portal of the Malaysia Prisons Department at website [www.prison.gov.my](http://www.prison.gov.my)

offenders according to a humanity-based concept and in accordance with relevant rules and regulations. In the implementation of rehabilitation of offenders over the last fifty years, this country has been moving to a more humane practice and farther away from a torture-oriented practice (Omar, Z: 2000).

## **History**

Before the Second World War, the prison policy applied within the Malaysian penal establishments was basically punitive in nature, aiming to give prisoners a hard and unpleasant life to prisoners so as to deter them from committing future offences.<sup>202</sup> Since 1950, in keeping up with modern trends of penal development, the deterrent theory was replaced by the reformatory theory, which left a significant impact on the history of Malaysian penal institutions (Omar, Z: 2000).

In 1953, there were a few amendments made to certain prison enactments, which later lead to prison ordinances and prison rules being enacted by applying the modern concept of humane treatment of prisoners and juvenile delinquents. In 1995, the prison ordinance was repealed by a new piece of legislation, the Prison Act 1995, in which this legislation became applicable to all prisons across the country (Omar, Z: 2000).

This Prison Act was then amended in 2008, and the new legislation was taken into effect on 30 June 2008. The Act, which is also known as Act 1332, consolidates and amends the law relating to prisons, prisoners, parole and related matters.<sup>203</sup>

From the documentary data, we may observe that as described earlier, the Malaysia Prisons Department understands it has duties and responsibilities towards performing two main functions. The first is to provide a safe and secure

---

<sup>202</sup> Read further regarding the “History of the Malaysia Prisons Department” at the official portal of the Malaysia Prisons Department at website [www.prison.gov.my](http://www.prison.gov.my)

<sup>203</sup> Read further the official portal of the Malaysia Prisons Department at website [www.prison.gov.my](http://www.prison.gov.my)

lawful custody for prisoners according to orders of Courts as stipulated in Section 3 of the Prison Act, 2008:

*Section 3, the Prison Act 2008 states, “The Minister may by notification in the Gazette, declare any house, building, enclosure or place, or any part therefore, to be a prison for the purposes of this Act for the imprisonment or detention of persons lawful custody and may in like manner declare that any such prison shall cease to be a prison for the purposes of this Act.*

Secondly, besides performing its duties in carrying out orders of Courts towards providing a safe and secure detention place for prisoners, the department also serves the community, as authorized by the Prison Act, 2008 and the Prison Rules, 2000, by providing rehabilitation programmes to treat prisoners during incarceration.<sup>204</sup>

However, regarding the second function of the Authority, it is clear from the documentary data that there is no specific provision mentioning any duties for the Malaysia Prisons Department to provide rehabilitation programmes to offenders.

Nevertheless, we may denote that the implementation of rehabilitation programmes currently provided by the Malaysia Prisons Department may be driven by the department’s understanding of the provision stated in Section 2 of the Prison Act, 2008 regarding the interpretation of the term “Place of Work,” which is literally given as “a place where prisoners are required by the Commissioner General to work for purposes of *rehabilitation* of prisoners, such work being performed under the supervision of prison officers”.

It would appear that the laws in Malaysia are silent about emphasizing necessary duties for the Malaysia Prisons Department towards employing any means to rehabilitate offenders detained within the existing penal institutions. Thus, we may view that Malaysia has no specific intent other than considering the Malaysia Prisons Department to be a correctional entity that serves the

---

<sup>204</sup> Refer the “mission” and “vision” of the Malaysia Prisons Department at the official portal of the Malaysia Prisons Department at website [www.prison.gov.my](http://www.prison.gov.my)

community by ensuring a safe and secure detention place for offenders upon the orders of the Courts.

Here, the researcher would like to stress that the interview data garnered from Malaysian prison officials is crucial towards helping us to explore how the Malaysian Prisons Department has been conceptualizing the idea of rehabilitating offenders who are being detained within the Malaysian penal institutions and its relationship with the provision of educational opportunities for prisoners within the institutions.

Further, we would also imply that the implementation of rehabilitation to offenders within the Malaysian prisons settings may be construed by the Malaysian Prisons Authority by upholding its administrative functions from a more humane approach based on the following principles (Omar, Z: 2000):

- i. Discipline and order shall be maintained with fairness but firmness, and with no more restriction than is required for safe custody and to ensure a well-ordered community life;
- ii. In their control of prisoners, prison officers should seek to influence them, through their own example and leadership so as to enlist their willing co-operation; and,
- iii. At all times, the treatment of convicted prisoners shall be such as to encourage their self-respect and a sense of personal responsibility; so as to rebuild their morale, to inculcate in them habits of good citizenship and hard work, and to encourage them to lead to a good and useful life upon discharge and to equip them to do so.

When observed carefully, the principles outlined above are a combination of regulations contained in the Standard Minimum Rules for the Treatment of Prisoners 1954 in relation to the aspects of "Discipline and Punishment" (Article 27), "Institutional Personnel" (Article 48) and "Treatment" (Article 65). The formation of the Malaysian prison policy affairs may depict how the Malaysia

Prisons Department is inspired by the desire to fulfil the recommendations set by the United Nations for the promotion of the management and treatment of offenders.

In addition, we may also observe that Section 26 (1) (a) and (b) of the Prison Act, 2008 provides that the Malaysia Prisons Department has discretionary powers that allow it to create its own methods for the purposes of ensuring the safety and security of the prisoners in the prisons. The section states, “a prisoner - (a) confined in a prison shall be deemed to be in the lawful custody of the Officer-in-Charge of the prison; (b) shall be subject to prison discipline and to all written laws relating to prisons or prisoners and to the Commissioner General’s Standing Orders during the period of his imprisonment, whether or not he is within the precincts of a prison”.

It would be reasonable for us to view that by observing the above-listed principles and the provision under Section 26 (1) (a) and (b) of the Prison Act, 2008, the Malaysia Prisons Department has been influenced by certain notions of rehabilitation of offenders, particularly in the context of management of offenders, in which the department tends to provide a sense of fair and yet disciplined treatments while managing prisoners in prisons; and, secondly, to provide treatment programmes that rehabilitate prisoners towards improving their attitude and character so as to become useful citizens upon their reintegration process.

We may also agree that Malaysia’s stance on treating every individual prisoner according to a humane-treatment concept is quite, clear especially when the Malaysia Prisons Department itself declares that particular attention should always be given by the department to the provision of basic human rights to every prisoner which are equally enjoyed by any free man outside of the institutions (Omar, Z: 2000).

It is also therefore made clear why officers and staff of the Prisons Authority are required, in principle, to show good examples at all times when managing and dealing with prisoners in penal institutions.



From the above, we may also gather that in an effort to show the Prisons Authority's concern regarding the humane and fair treatment of prisoners, the department is being called to fulfil a responsibility to educate prisoners during detention towards their becoming useful persons after their incarceration.

Through its Rehabilitation and Treatment unit, which is currently known as the Offender Management division, the Malaysia Prisons Department exercises its duties towards its target of producing residents who are competent in terms of attitude, morals, knowledge and skills.<sup>205</sup>

In order to achieve the department's target, the Malaysia Prisons Department implements an integrated rehabilitation programme by applying a dynamic rehabilitation approach as outlined in the Human Development Plan<sup>206</sup> (*Pelan Pembangunan Insan*), which aims to shape prisoners towards becoming responsible and socially productive citizens during their reintegration process.

### ***The Human Development Plan***<sup>207</sup>

The documentary data shows that the Malaysia Prisons Department has been committed towards serving as a professional correctional entity in Malaysia by upholding principles stated in their blue-print document named the Human Development Plan (HDP).

The Human Development Plan (HDP) essentially acts as the department's back bone towards providing suitable rehabilitation programmes, modules and/or activities for *pre-sentence*, *during sentence* and *after sentence* prisoners. The implementation of the entire rehabilitation programmes in the institutions is carried out to every individual offender according to their age, type of offence and health status.

---

<sup>205</sup> Refer the vision of the Rehabilitation and Treatment Unit, the Malaysia Prisons Department at the official portal of the Malaysia Prisons Department at website [www.prison.gov.my](http://www.prison.gov.my)

<sup>206</sup> Refer the mission of the Rehabilitation and Treatment Unit, the Malaysia Prisons Department at the official portal of the Malaysia Prisons Department at website [www.prison.gov.my](http://www.prison.gov.my)

<sup>207</sup> Refer Chart 1 – "The Human Development Plan"

The purpose of the Malaysia Prisons Department in formulating, designing and implementing various rehabilitation programmes, modules and/or activities for prisoners focused on attitude and/character building of prisoners during incarceration may be seen to be closely related to the awareness of the Authority on the reality of the background of prisoners or “so-called deviants,” whom the department identifies as offenders who have experienced failure in norms of life, culture, education and family relationships.<sup>208</sup>

Based on the philosophy outlined under the Human Development Plan (HDP), which is, that every prisoner has the potential to be rehabilitated, we may construe that the Malaysia Prisons Department, in designing the plan, is motivated to commit towards fulfilling the provision as stipulated in Rule 65 of the United Standard Minimum Rules for the Treatment of Prisoners 1954 that is ‘to establish the ‘will to lead law-abiding and self-supporting lives... to encourage their self-respect and develop their sense of responsibility.’

Further, in response to the public’s expectations regarding the increase of crime rates in Malaysia in 2004, the department was compelled to equip prisoners with necessary knowledge and skills towards establishing attitude and/or character building among prisoners to becoming useful citizens upon their reintegration process.<sup>209</sup>

It would also be proper to point out here that the motto of the Offender Management division, which is the department responsible for the management and administration of the rehabilitation of offenders is “KASIH” or “LOVE” in its literal English meaning. *KASIH* is also based on the acronym of “*Knowledge*”, “*Attitude*”, “*Skills*”, “*Intelligence*” and “*Humanities*,” which are the essential principles that all the rehabilitation programmes for prisoners hinge upon. Thus, we may presume that the declaration of the motto highlights how the Malaysia

---

<sup>208</sup> Read further the Human Development Plan, the Malaysia Prisons Department at the official portal of the Malaysia Prisons Department at website [www.prison.gov.my](http://www.prison.gov.my)

<sup>209</sup> As of the first week of August 2004, there were 42,282 inmates in Malaysia compared to 29,150 in 1998. Although the increase was not that much, the seriousness of the offences posed threats to public safety. Refer “National Report on Contemporary Issues in Corrections”; Agenda Item One, retrieved at [http://www.apcca.org/publications/24th-APCCA/agenda-01/agenda-01\\_Malaysia.pdf](http://www.apcca.org/publications/24th-APCCA/agenda-01/agenda-01_Malaysia.pdf); accessed 12 August 2010.

Prisons Department is inspired towards the belief in their ability to reach out to prisoners and rehabilitate them to become useful and law-abiding citizens during and after their incarceration.

In addition, we may also view that the use of “*KASIH*” as the motto of the unit depicts how the Malaysia Prisons Department attempts to inspire their officers and staff towards providing a more humane approach of treatment and rehabilitation for prisoners in penal institutions as mentioned in Rule 55, Prison Rules, 2000 on how treatment to all prisoners is to be provided by prison officers: *“It is the duty of all prison officers to treat all prisoners with kindness and humanity, to listen patiently to and report their complaints or grievances, at the same time to be firm in maintaining order and discipline and enforcing the provisions of the Act, these Regulations and Director General’s Standing Orders”*.

*Essential Contents pertinent to the Rehabilitation of Offenders Contained in the Human Development Plan*

In general, from the documentary data, we may observe that the Human Development Plan (HDP) is detailed according to five (5) rehabilitation phases that will be experienced by each offender who is being detained within the Malaysian penal institutions.

The explanation of these 5 phases may be given as follows:

i. *Phase 1 (Disciplinary Building)*

During this first phase, every individual offender will be exposed to activities that train them towards adapting to a disciplined and healthier lifestyle and to be obedient to law and regulations. It is expected that, by the end of this first phase, every offender will be more aware of their past mistakes and will thus be more determined towards improving themselves

to become better persons during their institutionalization and after their release. The normal implementation of the phase takes between 2 to 4 months.

ii. *Phase 2 (Reinforcement of Attitude/Morals)*

The Reinforcement of Attitude/Morals Programme is implemented during the second phase of imprisonment for every prisoner. According to the documentary data, this programme is crucial as the Prisons Department has made it the core treatment, i.e. the pillar of the entire rehabilitation programme available within the institutions as outlined under the Human Development Plan.

According to the Human Development Plan (HDP), every prisoner will undergo this second phase of the rehabilitation programme for a period of 6 to 12 months during their term of imprisonment.

During this second phase, offenders will receive rehabilitative programmes which are based on more religious and/or spiritual material in accordance with their own faiths or religions, as well as counselling-based rehabilitative programmes.

The documentary data shows that the emphasis of this second phase is to educate and train offenders to change their former self-character (personality) towards adopting positive attitudes as well as avoiding negative attitudes. The Malaysia Prisons Department also believes that through the process of personality "reconstruction" among prisoners, it is expected that they will be able to train prisoners to be more willing to participate more fully in subsequent rehabilitation programmes.

iii. *Phase 3 (Skills Programmes)*

According to the documentary data, several main programmes designed to be implemented during this third phase are more focused on skills and/or vocational training programmes covering, among others, certified

skills programmes, vocational training programmes, joint venture within the penal institutions skills programmes and sporting excellence programmes.

During this phase, the Attitude/Morals Programme is implemented concurrently, considering its status as the core programme of the entire rehabilitation process for offenders detained within penal institutions, which was explained earlier.

It would appear that by the implementation of Skills Programmes during this third phase of the rehabilitation programme, the Malaysia Prisons Department aims to produce former offenders who will be equipped with not only relevant skills, knowledge and excel at co-curricular activities, but also possess a good sense of morality.

The documentary data further suggests that the Malaysia Prisons Department deems skill-based rehabilitative programmes to be suitable preparation for offenders to equip themselves with the necessary skills to become independent members of society, and to be capable of establishing a new life once they are released.

iv. *Phase 4 (Humanity Programmes)*

The documentary data provides that the main objective behind the implementation of these Humanity Programmes is to train offenders to be resilient and to prepare themselves to be able to face society upon their reintegration within a year prior to their release from the institutions.

The documentary data also shows that the Malaysia Prisons Department expects that the community can support the process of assimilation of offenders during the re-integration stage; therefore, humanity rehabilitative programmes are developed towards assisting offenders gain their self-confidence.

Thus, among the programmes designed to be implemented during this fourth phase include external joint venture programmes, fieldwork modules and preventive education modules such as “The Awareness/Repentance Programme – A Message from Prison,” which are considered to be necessary to assist offenders face potential social stigmas after their institutionalization.

We may also observe that the Malaysia Prisons Department has been driven to formulate rehabilitative programmes that will change the negative perceptions of society against offenders even before their release from prisons.

v. *Phase 5 (Intervention Programmes)*

The documentary data provides that the Intervention Programme implemented during this final phase is focused on the operation of the Parole System, which provides offenders with opportunities for early release from prison.

The Parole System in Malaysia came into effect on 30<sup>th</sup> June 2008. The Parole System is identified to be one of the crucial aspects in the rehabilitation process of prisoners within penal institutions in Malaysia as the programmes are expected to help the reintegration process of prisoners into their families and society.<sup>210</sup>

Basically, the Malaysia Prisons Department considers the Parole System to be available to offenders who have committed minor offences punishable by at least a year of imprisonment. Prisoners eligible for the Parole System are those who have completed at least half of their prison sentence and have records of full attendance in the rehabilitation

---

<sup>210</sup> Its smooth and systematic implementation is based on the Australian system. Further read the official portal of the website of the Ministry of Home Affairs, Malaysia at <http://www.moha.gov.my>

programmes. In addition, they must have shown good behaviour during the rehabilitation period.<sup>211</sup>

Another main objective behind the implementation of the Parole System in Malaysia is to reduce the problem of overcrowding in Malaysian prisons and penal institutions.

### ***The Implementation of Lifelong Learning Plans towards Rehabilitating Prisoners within Penal Institutions in Malaysia***

From the documentary data, on 7<sup>th</sup> April 2008 it was reported that there were 36,672 prisoners being detained in Malaysian penal institutions, all of whom were considered by the Malaysia Prisons Department to nonetheless be a valuable human resource of the nation. In this context, the Authority considers that these prisoners have the potential to be developed towards participating in the nations' development parallel to the mission of the department, which is to rehabilitate them to become useful citizens.

As such, the documentary data presents that the Prisons Authority anticipates that, in order to achieve the department's aims, which include, among others, to produce prisoners who may be more aware of their past wrongdoings, to decrease recidivism rates and to ensure the safety and security of detention centres, the implementation of a lifelong learning plan amongst prisoners in penal institutions will be a suitable medium to assist them in fulfilling the department's aspirations.<sup>212</sup>

Furthermore, according to the documentary data, it would appear that the application of lifelong learning programmes amongst prisoners within Malaysian penal institutions can be seen as one significant method undertaken by the Prisons Authority that might offer a better solution in dealing with offenders'

---

<sup>211</sup> [http://www.prison.gov.my/portal/page/portal/hijau/berita?fac\\_next\\_page=htdocs/berita/ViewBerita.jsp?id=13](http://www.prison.gov.my/portal/page/portal/hijau/berita?fac_next_page=htdocs/berita/ViewBerita.jsp?id=13).

"2388 Prisoners Eligible for Parole"; accessed 11 April 2012

<sup>212</sup> "Pembelajaran Sepanjang Hayat" ("Lifelong Learning"), the Malaysia Prisons Department

problems and/or issues. This pertains to issues whereby institutions regard “prisoners” as a group of people who possess certain common weaknesses, particularly in relation to their value as human capital, such as lack of knowledge, low social skills, lack of self-management skills, lack of patriotism and being school dropouts.<sup>213</sup>

Therefore, following the guidelines as outlined in the Human Development Plan (HDP), the Malaysia Prisons Department designs, formulates, develops and implements certain modules and/or programmes and/or activities, by applying the lifelong plan towards achieving the above-mentioned targets.

*Lifelong Learning Programmes for Rehabilitation Purposes amongst Prisoners within Malaysian Penal Institutions – the Four Main Rehabilitative Programmes*

The documentary data has clearly indicated, as explained earlier, that every offender in Malaysian penal institutions should experience five phases of rehabilitation during their respective terms of imprisonment. The Malaysia Prisons Department has determined that as part of the whole rehabilitation process, offenders should undergo the four (4) following main rehabilitative programmes, namely, the Moral/Character Programme, the Academic Programme, the Vocational and/or Skills Programme, and, the Co-Curriculum Programme.

The details of each programme are explained as follows:

1) The Moral/Character Programme<sup>214</sup>

Based on the documentary data, the Moral/Character Programme is essentially focused on encouraging positive thinking and attitudes amongst prisoners. This

---

<sup>213</sup> Read further “Pembelajaran Sepanjang Hayat” (“Lifelong Learning”), the Malaysia Prisons Department at page 1

<sup>214</sup> It is observed that the content of the Moral/Character programmes is derived from the Moral education syllabus designed by the Curriculum Division, Ministry of Education, Malaysia. See the Syllabus of the Moral Education (2000) at the website of the Ministry of Education, Malaysia at [www.moe.gov.my](http://www.moe.gov.my) and at [http://www.moe.gov.my/bpk/sp\\_hsp/moral/sp\\_moral\\_kbsm.pdf](http://www.moe.gov.my/bpk/sp_hsp/moral/sp_moral_kbsm.pdf); accessed 7 August 2012.



programme is applied within a period of between 6 to 8 months for prisoners who have completed the Orientation Programme immediately after their admission into a penal institution.

The main objective of the Moral/Character Programme is to strengthen the character/attitude of prisoners so that they will be more confident and resilient about continuing life in prison and their lives after imprisonment. Various modules that have been designed for this Moral/Character Programme include a Self-Reflection module, Self-Management module, Self-Building module, Social Skills module, Family module, Humanities module, Religious/Spiritual module,<sup>215</sup> Moral Education module,<sup>216</sup> Career and Entrepreneurial module and Criminal Behaviour module.<sup>217</sup>

In the Criminal Behaviour module, there are several other specific modules that have been developed for the purpose of rehabilitating offenders according to the types of offences committed. These sub-modules include sub-modules for drug offenders; sub-modules for sexual offenders; sub-modules for violent-crime offenders; sub-modules for misdemeanour offenders; sub-modules for young offenders; and, sub-modules for detention offenders.

In general, by observing all the objectives contained in the rehabilitation modules provided under the Moral/Character Programme as described above, we

---

<sup>215</sup> The documentary data provides that the Religious Programme and/or Module is the core rehabilitation programme among all the rehabilitative modules.

<sup>216</sup> Moral education is a core subject for non-Muslim students in secondary schools. This subject, which focuses on nurturing, appreciating and practicing the values of Malaysian society is formulated to produce students who are knowledgeable, have moral values, and are willing and able to serve the community and nation. The content of the Moral Education Syllabus covers aspects of personal character, family and environment. See the Syllabus of Moral Education (2000) at the website of the Ministry of Education, Malaysia at [www.moe.gov.my](http://www.moe.gov.my) and at [http://www.moe.gov.my/bpk/sp\\_hsp/moral/sp\\_moral\\_kbsm.pdf](http://www.moe.gov.my/bpk/sp_hsp/moral/sp_moral_kbsm.pdf); accessed 7 August 2012.

<sup>217</sup> From the documentary data, it is observed that some of the objectives outlined under the Criminal Behaviour module are, namely, to improve the behaviour of offenders in a holistic manner, in which the focus of the rehabilitation is centralized towards shaping the character and personality of offenders to become better and more useful persons; to inculcate values and/or religious knowledge amongst offenders; to provide various types of knowledge, educational and/or skills opportunities for offenders to develop themselves for their preparation towards integration; to identify potential risks which may induce offenders to re-offend after completing their term of imprisonment; to make offenders more aware of their past mistakes; to train offenders to become law-abiding citizens during and after their institutionalization and to encourage them to stop from re-offending.

understand that the Malaysia Prisons Department has set to achieve specific targets towards rehabilitating prisoners to become better persons from the following aspects:

- i. To equip prisoners with certain knowledge, education and skills towards helping them deal with matters of self-management and self-development through the application of positive thinking and behaviour;
- ii. To develop self discipline amongst prisoners;
- iii. To encourage prisoners to think about the purpose of their being institutionalized and what they might learn from their institutionalization experience;
- iv. To equip prisoners with certain knowledge and skills in social areas towards educating them on knowing how to handle themselves when faced with conflict and critical issues in life;
- v. To encourage prisoners to value their families and to encourage them to improve their familial relationships;
- vi. To provide prisoners with the knowledge and specific skills that will be able to improve their self-confidence and resilience towards the reintegration process;
- vii. To equip prisoners with religious knowledge and values that will encourage them to use religion as a guide in their lives;
- viii. To inculcate awareness among prisoners towards adapting good social norms, values, law and regulations in their daily lives;
- ix. To expose prisoners to certain educational/career/training/entrepreneurial opportunities available in the institutions that may help them to build a better life after their institutionalization;
- x. To help prisoners shape their attitudes and personalities towards living a healthier and more positive life compared to their lives prior to their institutionalization;
- xi. To provide prisoners with a holistic rehabilitation programme that will encourage them towards desisting from further crimes in the future;
- xii. To nurture self consciousness amongst prisoners towards desisting from re-offending during and after their imprisonment;
- xiii. To release the actual potential of every prisoner to develop them to every possible extent; and,
- xiv. To decrease recidivism rates among prisoners.

In addition, we may also note that the programme aims to educate/train prisoners to become persons of good character by emphasizing the development of moral thinking, moral feelings and moral behaviour/conduct.

## 2) Academic programmes

Based on the documentary data, we may deduce that in order to encourage prisoners who are interested in pursuing academic studies during their incarceration to take educational opportunities, the Malaysia Prisons Department has been implementing the lifelong learning plan towards achieving the department's targets as outlined in the Human Development Plan (HDP).

In this regard, the Prisons Authority has provided adequate academic classes within the penal institutions, thus enabling prisoners to be properly developed through academic programmes of their own interests and choices. Basically, there are two academic classes conducted in penal institutions for the benefit of school-aged prisoners or young offenders (up to 17 years old according to the Malaysian Educational System), namely; the "3M" classes;<sup>218</sup> and, secondly, the preparation classes for inmates who wish to sit for public examinations during the detention period.

The implementation of rehabilitation through academic programmes for school-aged prisoners and/or young people aims to achieve certain objectives set by the department which, among others, include:

- i. To eradicate the illiteracy problem amongst prisoners and/or young people;
- ii. To enable prisoners and/or young people gain quality education during imprisonment;
- iii. To allow prisoners and/or young people to continue school activities during imprisonment;

---

<sup>218</sup> will be discussed further under the "Putra Module" later in the current chapter

- iv. To prepare and guide prisoners and/or young people who will be sitting for public examinations during imprisonment;
- v. To build self-discipline among prisoners and/or young people by developing their academic potential;
- vi. To encourage prisoners and/or young people to pursue higher education and make them aware that academic achievement can help them to stop re-offending and desist from further criminal actions; and,
- vii. To decrease recidivism rates among prisoners.

The documentary data further suggests that in 2008, through collaboration with the Ministry of Education, the Malaysia Prisons Department has begun conducting academic programmes within prison settings through a more systematic approach by the establishment of “Integrity Schools”. As a result, qualified and trained teachers provided by the Ministry of Education have been brought into the prisons specifically to teach inmates within the institutions, where the implementation of the schools are similar to those implemented in other public (state) schools outside the prisons.

On a similar note, for prisoners and/or young people who are past school-age and still wish to pursue academic studies to a higher level, the Malaysia Prisons Department acts as a Distance Learning Centre (DLC) for government and private institutions of higher learning, offering diploma and/or degree programmes in accordance with the areas of the course chosen by the prisoners based on the results, benefits and requirements of their own.

The implementation of the lifelong learning plan within prison settings allows prisoners to obtain lecture notes, references and academic materials provided by the respective higher-learning institutions. At the end of each course, inmates will be awarded diploma and/or degree certificates issued by the respective institutions.

We may also note that a number of objectives set by the Malaysia Prisons Department towards providing educational opportunities for prisoners pursuing a

wide range of higher-learning studies during imprisonment are to fulfil the following purposes, among which include:

- i. To provide adequate access to prisoners to further their education to a higher level whilst they are being imprisoned;
- ii. To produce quality graduates amongst prisoners;
- iii. To enlighten prisoners that academic achievement can help them to stop from re-offending and desist from further crimes; and,
- iv. To decrease recidivism rates among prisoners.

### c) Vocational Programmes

There are several vocational and/or skill training-oriented programmes provided for prisoners who are being detained in Malaysian penal institutions, where these programmes are expected to provide prisoners with vocational skills and knowledge in specific areas covering, among others, farming, agriculture, livestock, entrepreneurship, business, Information Communication Technology (ICT) and also industrial.

Through the implementation of these vocational and skills-oriented rehabilitative programmes, the Malaysia Prisons Department expects to achieve certain goals, namely:

- i. To encourage self-development of prisoners through vocational and/or skills-programmes;
- ii. To expose prisoners to knowledge on the subject of life-skills;
- iii. To enable prisoners to practice the knowledge they gain from vocational and/or skills-programmes provided by the institutions after their release;
- iv. To enhance self-development among prisoners;
- v. To equip prisoners with the knowledge and vocational skills relevant to their lives post-imprisonment; and,
- vi. To decrease recidivism rates among prisoners.

Among the vocational and/or skills-programmes implemented in Malaysian penal institutions for the benefit of prisoners are the Industrial Workshop Scheme, Trust Account Scheme, Joint-Venture Scheme, Certificates of Sijil Kemahiran Malaysia (Malaysian Skills Certificates), Certificates of Sijil Kecekapan Kemahiran (Malaysian Competency Certificates) by the Construction Industry Development Board (CIDB) and entrepreneurial programmes.

It would imply from the documentary data that the implementation of these vocational and/or skills-oriented programmes will be able to provide a variety of vocational and/or skills-based knowledge to prisoners towards building their self-confidence, for which they are then expected to socially contribute to the community during the reintegration process.

Furthermore, we may also observe that the Malaysia Prisons Department has for a long time encouraged the dissemination of knowledge amongst prisoners through vocational and/or training-oriented programmes as part of their task to rehabilitate inmates during incarceration by adopting the lifelong learning plan, whereby the department has been registered as an Accredited Centre representing the relevant institutions and/or organizations<sup>219</sup> that enable skills and/or vocational training programmes to be carried out amongst prisoners.

A number of organizations and/or bodies that have been providing vocational and/or skills-training programmes in collaboration with the Malaysia Prisons Department include the Department of Skills Development of the Ministry of Human Resources, the Construction Industry Development Board Malaysia (CIDB), TEKUN National and the National Institute of Entrepreneurship (INSKEN) of the Ministry of International Trade and Industry.

---

<sup>219</sup> For instance, the Malaysia Prisons Department has been appointed as an Accredited Centre representing the Department of Skills Development, Ministry of Human Resources, Malaysia, thus allowing the department to manage the relevant skills and/or training programmes within the institutions.

#### d) Co-curriculum Programmes

“Co-curriculum Programmes” as defined by the Malaysia Prisons Department refer to any activities conducted by the Prisons Authority or in collaboration with other relevant parties with the objective to provide input that may inculcate positive changes amongst prisoners.<sup>220</sup>

In implementing co-curriculum rehabilitative programmes as part of the rehabilitation process for each individual prisoner, the Malaysia Prisons Department anticipates to meet the aspirations of the department towards fulfilling the provision stipulated in Regulation 151, Prison Rules, 2000, which is, to continuously provide relevant development programmes that increase prisoners’ potential to become useful and productive citizens to their society and nation upon their reintegration process.

In considering co-curriculum programmes to be a complementary component to the three other rehabilitation programmes i.e. Attitude/Morals, Academic and Skills and/or Vocational, we can observe that the Prisons Authority aspires to produce prisoners who, by the end of their imprisonment, are able to develop holistically from the physical, mental, spiritual and behavioural aspects of human life.

Among other things, the documentary data shows specific objectives outlined by the Prisons Authority in their aim towards rehabilitating prisoners by and/or through co-curricular programmes, which are described below:

- i. To develop the potential and talent of each individual prisoner;
- ii. To reinforce self-discipline and self-esteem in every prisoner;
- iii. To provide therapeutic elements amongst prisoners in accordance to the social groups of prisoners;
- iv. To inculcate values and good social norms amongst prisoners; and,

---

<sup>220</sup> Read further “Pembelajaran Sepanjang Hayat” (“Lifelong Learning”), the Malaysia Prisons Department at page 40.

- v. To create a harmonious atmosphere in order to maintain a safe and peaceful environment in the institution.

In efforts to support the “Healthy Body; Active Brain” motto, the Prisons Authority encourages offenders to participate in certain extra co-curricular activities, namely; Police Cadets, Fire Cadets, JPA3 Cadets, RELA Cadets, Correctional Cadets, Arts and Culture programmes, Creative Writing as well as Sports programmes.

*Learning Mechanisms applied in the Implementation of the Lifelong Learning Plan amongst Offenders within Malaysian Penal Institutions*

In ensuring the successful implementation of the lifelong learning programme for the benefit of prisoners in Malaysian penal institutions, the Malaysian Prisons Authority has adopted certain learning mechanisms to realize their mission. These learning mechanisms may be elaborated as follows:

*a. The Malaysia Prisons Department as the Key Player*

The documentary data reveals that, being a major proponent of the lifelong learning programme within Malaysian prison settings, the Malaysian prisons authority plays a substantial role in formulating policies relating to the implementation of the entire rehabilitation process for prisoners across the country. As emphasized earlier, we have seen that the aspirations of the Prisons Authority towards providing an effective rehabilitation process for prisoners during their imprisonment are guided by the blueprint of the department, namely, the Human Development Plan (HDP).

The documentary data also provides that the Malaysia Prisons Department considers two key factors that may be able to stimulate the robustness of the entire rehabilitation process of prisoners within the institutions, which are, manpower resources and physical facilities.



With regard to manpower resources, the documentary data shows that the Prisons Authority is of the opinion that knowledgeable and competent staff will be able to help the department towards realizing the effectiveness of each rehabilitation module and/or activity within the institutions. Therefore, in accordance with the Human Development Plan (HDP), the Prisons Department believes that they should always equip officers and staff with relevant knowledge and skills to effectively operate and manage all the rehabilitation programmes that they have planned.

For instance, the documentary data supports the fact that the Malaysia Prisons Department provides many certified educational opportunities for career advancement and/or development purposes among their staff, namely, Certificates and Diplomas in the Science of Correctional Prisons Management,<sup>221</sup> Quality Environment Practice courses and auditing methods 5s (5S/QE)<sup>222</sup> and a General Management Course - Comparative Study of Correctional Institutions to Thailand.<sup>223</sup>

In addition, the documentary data also provides that the Prisons Authority considers factors pertaining to the surrounding environment to be equally important for skilled human resources to strengthen the smooth implementation of the lifelong learning plan within the penal institutions, and as such, they view that by always maintaining a peaceful, safe and secure environment within the institution, and add to that adequate infrastructural facilities, this will contribute towards a better implementation of the lifelong programme amongst offenders within penal institutions.

---

<sup>221</sup> Read at [http://www.prison.gov.my/portal/page/portal/hijau/berita?fac\\_next\\_page=htdocs/berita/ViewBerita.jsp?id=1635](http://www.prison.gov.my/portal/page/portal/hijau/berita?fac_next_page=htdocs/berita/ViewBerita.jsp?id=1635); reported on 29 December 2011; accessed 15 April 2012

<sup>222</sup> Read at [http://www.prison.gov.my/portal/page/portal/hijau/berita?fac\\_next\\_page=htdocs/berita/ViewBerita.jsp?id=1755](http://www.prison.gov.my/portal/page/portal/hijau/berita?fac_next_page=htdocs/berita/ViewBerita.jsp?id=1755); reported on 19 March 2012; accessed 15 April 2012

<sup>223</sup> Read at [http://www.prison.gov.my/portal/page/portal/hijau/berita?fac\\_next\\_page=htdocs/berita/ViewBerita.jsp?id=1756](http://www.prison.gov.my/portal/page/portal/hijau/berita?fac_next_page=htdocs/berita/ViewBerita.jsp?id=1756); reported on 19 March 2012; accessed 15 April 2012

### *b. External Agencies as the Supporting Key Players*

The documentary data suggests that, in realizing the direction of the implementation of the lifelong learning programme in penal institutions, the Prisons Authority requires further support and encouragement from external organizations and the general public. In this regard, the Prisons Authority considers the kinds of assistance they are looking for to be potential experts who can provide possible ideas towards improving the current implementation of the lifelong programme within the institutions. Thus, experts from outside the institutions are always welcome to give educational talks, lecture discourses and/or classes for the benefits of prisoners within the institutions. The possibility of networking with these potential external parties and the Prisons Authority may be realized through the signing of Memorandums of Understanding (MoU).

To this end, according to the documentary data, among the agencies which have been involved with collaboration works with the Malaysia Prisons Department towards realizing the management of the lifelong learning programme within penal institutions are the Ministry of Education, Ministry of Women, Family and Community Development, Ministry of Works, Ministry of Human Resources, Ministry of Agriculture and Agro-Based Industry, government higher learning institutions and other statutory bodies.

The documentary data also shows that the Malaysia Prisons Department strongly believes that non-governmental organizations (NGOs) should also jointly carry out their corporate social responsibilities by positively contributing towards the better implementation of lifelong learning programmes within Malaysian penal institutions by providing educational equipment to prisoners as learners of the institutions besides supplying trained teaching instructors and/or educational speakers for the benefit of the inmates.

Moreover, the documentary data further provides that the Malaysia Prisons Department also welcomes individual volunteers and non-profit organizations from outside the institutions to contribute their social services in terms of providing academic and health education,, skills training, etc. to prisoners as well

as offering job opportunities to skilful prisoners who have gained relevant knowledge and training during their imprisonment.<sup>224</sup>

*The Approach adopted in the Implementation of the Lifelong Learning Plan amongst Offenders in Malaysian Penal Institutions*

In conducting the lifelong learning programme amongst offenders based on the Human Development Plan (HDP), the documentary data shows that the Malaysia Prisons Department has adopted several approaches, namely the Disciplinary, the Psychological and the Spiritual and/or Religious Approach.

i. *The Formation and Application of the Disciplinary Approach*

The disciplinary approach adopted by the Malaysia Prisons Department is essentially based on the *regimented* approach in which prisoners in the Malaysian penal institutions practise physical training, including marching activities that focus on the formation of self-discipline, obeying instructions/commands, shaping their personalities as well as to nurture the spirit of team work.

Furthermore, physical activities involving sports and recreational activities are also conducted towards enhancing the emotional, mental and physical health of prisoners while simultaneously decreasing feelings of boredom and tension.

ii. *The Psychological Approach*

The documentary data also provides that through the implementation of the psychological approach amongst prisoners, the Malaysia Prisons

---

<sup>224</sup> The Malaysia Prisons Department advertises for members of the public to be correctional volunteers who can possibly contribute in areas of psychology, psychiatry, counselling, criminology, medical training, religion, vocational training, the arts and others. For further information, read "Correctional Volunteers" at the official portal of the Malaysia Prisons Department at their website [www.prison.gov.my](http://www.prison.gov.my)

Department hopes to help each individual offender explore and identify their problems through cognitive elements. Therefore, knowledge and skills related to counselling education are exposed to prisoners, in which the awareness may assist them to manage their own problems in a more systematic way.

The documentary data also shows that the counselling method used amongst prisoners usually involves several approaches, namely, orientation, individual counselling, group counselling, family counselling, supportive counselling and career counselling.

Several objectives underlined in the psychological approach intended to re-structure self-personality and behaviour of prisoners include, among others:

- i. to develop the self-esteem and self-worth of prisoners;
  - ii. to inculcate self-belief and self-confidence in the prisoners;
  - iii. to develop interpersonal communication skills of prisoners;
  - iv. to develop positive thinking in the mindsets of prisoners;
  - v. to decrease 'tolerance frustration' of prisoners;
  - vi. to develop self-motivation and self-encouragement of prisoners;
- and,
- vii. to help strengthen the 'coping skills' of prisoners in dealing with life's challenges.

iii. *The Spiritual and/or Religious Approach*

The documentary data provides that the Malaysia Prisons Department considers spiritual and/or religious education and/or moral education as an effective method which is used to drive prisoners to become more aware of their past mistakes. The Prisons Authority also believes that the implementation of spiritual and/or religious education and/or moral education will continue to guide and educate prisoners to adopt a good

attitude and maintain a positive life during their institutionalization and life after their imprisonment.

*Methods Applied in the Implementation of the Lifelong Learning Plan amongst Offenders in Malaysian Penal Institutions*

The documentary data shows that the implementation of rehabilitation programmes based on the lifelong plan within Malaysian prison settings is carried out by applying the following methods:

i. *Training within Group Sessions*

Training within group sessions are conducted amongst prisoners with the aim to, among other things, allow prisoners to recognize themselves and to know others; to assist prisoners know and understand their level of thinking; to let prisoners deal with and manage their personal problems and/or find solutions; and, to create and foster love amongst the inmates.

In addition, the training within group sessions will help the staff to develop the prisoners' leadership skills and self-confidence.

ii. *Speech Sessions and/or Educational Classes*

The implementation of learning activities amongst prisoners is also conducted through speech sessions and/or educational classes managed by officers and/or instructors of the Prisons Department as well as from outside the penal institutions such as volunteers and non-governmental organizations.

*Mediums of Learning Activities adopted in the Implementation of the Lifelong Learning Plan amongst Offenders in Malaysian Penal Institutions*

The documentary data implies that the implementation of learning activities amongst prisoners within Malaysian penal institutions is essentially being carried out through the application of the following methods:

i. *Self-learning Method*

The Malaysia Prisons Department believes the learning process of prisoners is not only limited to formal sessions performed between teachers and/instructors and inmates as 'students', but also occurs in a natural way or spontaneously, particularly when inmates interact among each other.

Likewise, the data further affirms that the inmates' learning process is developed at all times whenever offenders themselves attempt to learn to adapt to their institutionalization and their surroundings. The data also supports the Prisons Authority's view that the institutionalization experience itself is indirectly 'teaching' prisoners to become better persons in terms of their self-discipline, and will hence encourage them to be more aware of their past mistakes.

ii. *Internet Learning Method*

Learning activities that make use of internet facilities are normally adopted by inmates who pursue their higher studies either at degree and/or diploma levels. Inmates use internet facilities that are provided by the Prisons Department in a specific computer lab subject to close supervision of the prison staff for the purpose of their studies.

The documentary data shows that the main objective of the Malaysian prisons management in providing internet and computer facilities to inmates is to allow more prisoners to pursue a higher standard of education, which will also facilitate

their entire rehabilitation process and treatment programmes during their imprisonment.

*Legal Provisions regarding “Educational Provision” for Offenders in Malaysian Penal Institutions*

From the documentary data, we may note that the only provision mentioning duties and responsibilities of the Malaysia Prisons Department towards providing educational opportunities for prisoners detained within the penal institutions is the provision stipulated under the Rule 151, Prison Rules, 2000, which mentions that the Malaysia Prisons Department is required to provide educational classes for the benefit of prisoners primarily to eliminate the problem of illiteracy amongst them. Furthermore, the provision also emphasizes that the department should encourage offenders to obtain adequate educational benefits during their imprisonment.

In addition, another provision mentioning the duties of the Malaysia Prisons Department to provide educational classes for young offenders who are being detained within the Henry Gurney Schools institutions may be found in the Henry Gurney Schools Regulations 1949, where Section 38 specifically mentions the duty of the authority of the Henry Gurney Schools to provide educational classes for the benefit of the young people in the institutions. Also, Section 39 provides the rule regarding the use of available library books for young people in the institutions.

On the other hand, we find that no similar provisions exist in the Child Act 2001 pertinent to the duty of the Prisons Authority to provide educational opportunities for young people detained in prisons and/or Henry Gurney Schools. In fact, the Act only states provisions pertaining to the administration<sup>225</sup> of children who are sent to Henry Gurney Schools and prisons. According to Sections 73 – 75, the Act specifically mentions the administrative powers of the Minister and the

---

<sup>225</sup> Child Act 2001, Chapter 5 (Section 73 – 75) – the provisions relating to children who are sent to Henry Gurney Schools.

Director General of Prisons in managing matters pertaining to children to be sent to Henry Gurney Schools; however, there is no mention about the provision of educational opportunities to these young people. Therefore, if we refer solely to the Child Act, 2001, we discover that there is no legal duty on the Malaysia Prisons Department to provide educational opportunities for young people who are detained in penal institutions and/or Henry Gurney Schools.

Therefore, by observing the above-mentioned provisions, we may take the view that it is appropriate to explore the understanding of Malaysian prison officials towards implementing the duty of providing educational opportunities (as they are currently available) in penal institutions. Thus, the researcher hopes that the interview findings with the senior officials of the institutions may be able to supply the suitable data relevant to answer the objectives outlined in the present study.

### **Rehabilitation Programmes for Young People in Penal Institutions in Malaysia - the Putra Module**

The documentary data provides that, under the Human Development Plan (HDP), the Malaysia Prisons Department has formulated and designed a specific rehabilitation module known as “the *Putra* Module” for the purpose of rehabilitating young people who are sent to be detained within penal institutions including Henry Gurney Schools in Malaysia.

Further, the data implies that the Malaysia Prisons Department is aware that, regardless of their being institutionalized within prison settings, these young people should be given the opportunity to rectify their past mistakes through the implementation of rehabilitation programmes and/or activities. Therefore, the *Putra* Module is specifically designed to act as a guideline for the Prisons Authority in rehabilitating young people to realize their past mistakes, repent for them, and to enable them to return to their respective families and society as better persons during their reintegration process.



The underlying principles beneath the *Putra* Module emphasize the holistic rehabilitation programme that stresses on the physical, clinical and psychological aspects of young people. The *Putra* Module is implemented in four (4) phases; first, the Establishment of Discipline (3 months); second, the Attitude/Moral Reinforcement Programmes (6 months); thirdly, Skills Programmes, and, lastly, Humanity Programmes.

It is necessary to highlight that the emphasis of the *Putra* Module is to provide rehabilitation programmes that will direct young prisoners towards receiving academic education during their imprisonment. The main objective of adopting an academic educational approach is for the purpose of rehabilitating young people within penal institutions, and to provide opportunities for young people to gain, repeat and/or continue their schooling activities due to their admission to the institutions.<sup>226</sup>

There are several objectives underlined in the *Putra* Module, namely:

- i. To provide religious and academic education programmes towards the establishment of self-awareness, knowledge and self-esteem among young people, which will help them to build their attitude/character based on good social norms;
- ii. To provide appropriate welfare services towards solving the problems of young people as well as to maintain their family relationships;
- iii. To rehabilitate young people in terms of their physical and mental health towards directing the youths to undergo a healthy and hopeful life; and,
- iv. To provide skills and vocational training programmes to young people, which will enable them to be independent after their release.

---

<sup>226</sup> Ibid

### *The Putra Module – categories of sub-modules*

According to the documentary data, under the *Putra* Module, the rehabilitation purposes for young people who are being detained within penal institutions are established towards meeting the needs and requirements of three categories of young prisoners, namely, young people who are under the age of 18, young people who are above the age of 18, and young people who have no academic background whatsoever.

All three of the above-mentioned modules are implemented by focusing on the concept of rehabilitation based on the formation of attitudes, knowledge and skills through the adoption of a variety of approaches and activities, including religious/moral, counselling, civic awareness, co-curriculum activities (particularly music bands), Police Cadets, the Civil Defence Department Cadets, RELA Cadets and Putra Cadets.

#### *a. The Rehabilitation Module for Young People under the age of 18<sup>227</sup>*

In essence, the fundamental principle of the rehabilitation module implemented for young people aged 18 and below is based on the formation of discipline, moral/attitude and education. Since the Malaysia Prisons Department recognizes that young people under the age of 18 who are being detained within prison institutions are usually drop-out students who did not sit for either the Peperiksaan Menengah Rendah (“PMR”)<sup>228</sup> or Sijil Pelajaran Malaysia (“SPM”) examinations<sup>229</sup>, one particular rehabilitation module has been designed for youths to enable them to receive academic education opportunities throughout their term of imprisonment.

---

<sup>227</sup> Refer to Chart 2 – “The Rehabilitation Module for Young People under the age of 18”

<sup>228</sup> or Lower Secondary Examination

<sup>229</sup> or Certificate of Malaysian Education

Thus, it is compulsory for all young individuals who fall into this category to follow academic classes provided in the institutions. It has been the main aim of the Malaysia Prisons Department that, by the end of their term of imprisonment; these young people will receive at least a PMR or SPM certificate or both, together with the successful completion of the Attitude/Moral Reinforcement programme (Phase 2).

We may understand that the practice of this module aims to allow youths aged 18 and below to obtain at least one academic certificate just as they would do if they were not being institutionalized; in fact, it is a core part of Malaysian education policy that every child who has attained the age of 18 years shall be required to have at least one of the two *Peperiksaan Menengah Rendah* (“PMR”) or *Sijil Pelajaran Malaysia* (“SPM”) certificates.

*b. The Rehabilitation Module for Young People above the age of 18*<sup>230</sup>

The rehabilitation module implemented for young people who are above the age of 18 is essentially based on the formation of discipline, self-esteem and skills programmes. In addition, through collaborations with a few institutions of higher learning, the Malaysia Prisons Department has been providing several academic opportunities for young people who are interested in furthering their higher education studies by adopting the lifelong learning programme during their detention period.

Since 2005, it has been reported that the institutions of higher learning that have been collaborating with the Malaysia Prisons Department towards providing higher education opportunities for young people within the penal institutions in Malaysia include Kolej Komuniti, Open University of Malaysia, Politeknik Malaysia and the Association of Business Executives.<sup>231</sup>

---

<sup>230</sup> Refer to Chart 3 – “The Rehabilitation Module for Young People above the age of 18”

<sup>231</sup> Interview Data undertaken with prison officials in November 2008 – January 2009

By observing this particular module, we may assume that the Malaysia Prisons Department intends to equip young people aged 18 and above to possess at least one academic qualification and/or skills-training certificate.

*c. The Rehabilitation Module for Young People who have No Academic Background*<sup>232</sup>

The documentary data also implies that the aim of the Malaysia Prisons Department to uphold the government policy that every child in the country should have adequate access to education as mentioned in the National Educational Policy is made clear by the authority's specific design of one particular rehabilitation module to cater to the needs of young people who have no academic background.

From the documentary data, we may agree that it has become a principle of the Malaysia Prisons Department to provide formal academic education programmes to youths who are being detained within penal institutions whom the authority has identified to be illiterate.<sup>233</sup>

The foundation of the module implemented for youths who have no academic background is based on the formation of discipline-building, reinforcement of morals/attitude, the academic "3 M" (which stand for "Membaca, Menulis, Mengira" or "Read, Write and Count" in English) and general skills.

The Prisons Authority expects that the provision of the 3M academic programme will allow youths to be qualified to follow any skill-training programmes provided by the institutions, in which the youths will later be awarded with certain certificates, particularly the "Sijil Kemahiran Malaysia" ("Malaysian Skills

---

<sup>232</sup> Refer to Chart 4 – "The Rehabilitation Module for Young People who have No Academic Background"

<sup>233</sup> Read further the Human Development Plan, the Malaysia Prisons Department at the official portal of the Malaysia Prisons Department at their website [www.prison.gov.my](http://www.prison.gov.my)

Certificate<sup>234</sup>), the Construction Industry Development Board (CIDB) certificate and other available vocational training programmes upon their release.

By the implementation of this particular module, we may view that the Malaysia Prisons Department believes that no child should be deprived from receiving certain appropriate academic opportunities, including youths who have been sent to be detained in penal institutions.

The documentary data further suggests that educational provisions available for young people who are being incarcerated in Malaysian penal institutions may be able to develop the youths in the same way as young people outside the institutions are.

The data further indicates that quality educational opportunities provided by the institutions may inculcate a competitive spirit amongst the young people to develop themselves similar to what is usually shown by other school children outside the institutions.<sup>235</sup>

### **Conclusion: Summary of Chapter**

This chapter provides a discussion on the idea of offender rehabilitation from various perspectives, particularly to expose the benefits of the programme which can be enjoyed by prisoners, administrator of institutions and also members of society in the long run. Instead of simply “storing” offenders in penal institutions so that they cannot harm the general public, rehabilitation programmes are used to help ex-prisoners cope with real life upon their release.

Initially, the chapter reveals that the concept of rehabilitation in Malaysia does not fit with the idea of providing medical care and treatments to health patients. On

---

<sup>234</sup> Issued by the Department of Skills Development of Malaysia.

<sup>235</sup> Read “Pertandingan Ko-Akademik Sekolah-Sekolah Integriti Dan Sekolah Henry Gurney Tahun 2010” (“Integrity Schools and Henry Gurney Schools Co-Academic Competition Year 2010”); dated 17 August 2010; accessed 23 April 2012; at <http://www.prison.gov.my/Berita/htdocs/berita/ViewBeritaPrint.jsp?id=852#>

the other hand, it relates to the idea of providing treatment and guidance to cure the social actors who were involved in the criminal world to 'get back' to a normal lifestyle free of criminal elements, i.e. one similar to what they enjoyed prior to their involvement in crime.

Next, the chapter shows that the orientation of offender rehabilitation programmes offered by the Malaysian Prisons Department leans more towards an educational basis by implementation of the lifelong learning plan. The Malaysian prisons authority believes that the nature of the lifelong learning plan, which is flexible and accessible to people of all ages, will help facilitate offenders to receive a better and higher-quality education during their incarceration.

In this regard, the Malaysia Prisons Department is inclined to highlight that it may be possible for the department to use education as a means to socialize prisoners towards shaping them to become useful citizens who can socially contribute to society upon the reintegration process.

Also, the Malaysian Prisons Department seems to have been influenced by certain ideas of rehabilitation, in which the department provides educational opportunities to offenders during their institutionalization so as to achieve specific objectives, namely, to provide useful programmes on how to cope with life within the institutions, to educate and/or train offenders to adapt to a more healthy and positive life, to make offenders realize their past wrongdoings and mistakes, to develop the personalities and build the characters of offenders, to inculcate good moral values of the society, to provide a better and higher-quality education for offenders during imprisonment, to develop the potential and talent of offenders and to equip offenders with education and/or skills for employment purposes after their release.

To sum up further, the present chapter has been able to reveal how the Prisons Authority is driven to consider that the notion of rehabilitation of offenders adopted within the penal institutions in Malaysia is seen almost entirely as education. In this context, we may presume that the formulated rehabilitation related-policies in Malaysia based on the Human Development Plan (HDP) using

the lifelong learning method, as described earlier, is believed to be a suitable approach towards educating prisoners holistically in the following areas: physical, mental, emotional, spiritual/religious and/or moral, health, education, skills, sports and humanities.

Subsequently, the Malaysia Prisons Department is observed to implement its administrative powers by being the correctional entity of the country, which attempts to constantly uphold government policies, particularly regarding the promotion of the best interests of young people who are being detained in penal institutions across the country by and/or through various educative rehabilitation provisions.

By the end of the rehabilitation programme, the Malaysia Prisons Department anticipates to achieve the purpose of educating offenders, which is for them to receive proper and continuous guidance during their institutionalization so that they will not re-offend during and after their institutionalization.

Thus, by providing a wide range of educational rehabilitative programmes for prisoners who are being detained within penal institutions, it implies that the Malaysian prisons management is determined to develop the human capital of each individual offender to be capable of positively participating in the nation's development.

The chapter also provides, in designing and implementing rehabilitation programmes for offenders, the Malaysia Prisons Department aspires to fulfill the recommendations and standards set by the United Standard Minimum Rules for the Treatment of Prisoners 1954, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("*The Beijing Rules*") and the United Nations Convention on the Rights of the Child 1989, in which the primary concern of the department is to enhance a process of personal development and further promote the well-being of each individual offender.

Next, in the upcoming findings chapter, the researcher expects the interview data with the prison officials will be able to further support the accumulated

documentary data so far, mainly to describe how the prison officials conceptualized the notion of rehabilitation of offenders within the Malaysian context.



## CHAPTER FIVE

### **Findings Chapter: Interview Data with Children and Young People of the Henry Gurney School, Malacca, Malaysia and the Kajang Prison, Selangor, Malaysia**

---

#### **Introduction**

The following discussion presents the data from interviews with children and young people who are currently detained in two closed penal institutions in Malaysia, namely, the Henry Gurney School, Malacca, (which will from herein be referred to as “Henry Gurney School”) and the Kajang Prison, Selangor, (which will from herein be referred to as “Kajang Prison”), Malaysia.

The discussion covers findings which will demonstrate the inmates’ thoughts and views regarding the practice of the educational opportunities available in both institutions, and their opinions on the attitudes of the management and teaching staff, particularly regarding the educational opportunities that are available in both institutions. In addition, the discussion also includes the views of young prisoners on the relationship between the importance of education and their plans for after their release.

#### *Background of the Respondents*

The number of respondents involved in the interviews was three from each institution, making a total of six respondents. As mentioned in the earlier Methodology chapter (Chapter 2), the range of each respondent’s age was between 15 and 21. The data interview from each respondent in this sample was transcribed verbatim and subsequently analyzed thematically according to a set of established themes, which were created by the researcher in leading to the answers to the research questions.

*The Implementation of the Educational System for Young People within Malaysian Penal Institutions*

From the findings in general, all the respondents confirmed that the types of educational opportunities<sup>236</sup> provided for them in both institutions were namely Academic Programmes, Vocational and/or Skills Training Programmes, Religious Knowledge and/or Moral Education Programmes, Counselling and/or Motivational Programmes, Sports and/or Recreational Activities and Computer Knowledge Programmes as specified in the *Putra* Module.<sup>237</sup>

With regard to the teachers, the findings provide that there were specific teachers and/or instructors to teach/educate young inmates for the academic subjects, the Religious Knowledge and/or Moral subjects, and the counselling and motivational programmes. Apparently, there were also specific teachers and/or instructors provided to teach computer knowledge programmes for young inmates at the Kajang Prison, but there were no such specific teachers and/or instructors for the computer knowledge programmes available at the Henry Gurney School.

As for the vocational/skills training programmes, the findings show that specific vocational/skills training instructors who teach/educate skills programmes for young inmates only exist at the Henry Gurney School, since such programmes have not yet started at the Kajang Prison at the time the field work was conducted.<sup>238</sup>

In general, the findings suggest that the Prisons Authority does indeed provide certain basic physical educational facilities for the use of young inmates in prison institutions. Among others, these physical educational facilities include text books, stationeries and also computer equipment.

---

<sup>236</sup> Refer to Table 1

<sup>237</sup> Refer to further details regarding the “*Putra* Module” in the Chapter of Rehabilitation (Chapter 4)

<sup>238</sup> Refer to Table 2

The researcher observed that both institutions provided classrooms equipped with sufficient tables and chairs for the learning activities of young inmates. There were also library facilities available for young people at both institutions.<sup>239</sup>

However, the data shows that all the respondents of the Kajang Prison were not happy with the physical educational facilities provided for them, particularly during the period before the Kajang Integrity School (KIS) was launched in June 2008.<sup>240</sup> Prior to the establishment of KIS, the collected data shows that young inmates did not receive appropriate educational facilities as they currently receive now. One respondent, Maniam, deliberately informed that: *“Before the KIS, the textbooks were poor...but after the KIS, we have now received a lot of textbooks...”*

Another respondent, Daniel, said that:

*“My previous experience, the facilities were bad... I struggled very hard. Now [since the implementation of the KIS], teachers are being brought in, stationeries, tables, chairs, fans, computers, white boards, we got new reference books. Our classrooms got air-conditioners. We feel more relaxed just like in ordinary classrooms (as provided to schools outside of the institutions) ...”*

Chong stated that *“Now [since the implementation of the KIS], the situation is better.”*

From the above findings, the researcher has come to understand that there have been quite a lot of improvements regarding the provision of physical educational facilities for young people in the Kajang Prison since the establishment of the Kajang Integrity School (KIS) in June 2008.

---

<sup>239</sup> Refer to Table 3

<sup>240</sup> For further explanation, refer to Chapter 1 (Introduction chapter) regarding the background of the Kajang Integrity School (KIS).

It was also understood that the young inmates of the Kajang Prison had faced certain difficulties whilst pursuing their academic education during the period prior to the establishment of the Kajang Integrity School (KIS).

The researcher was informed<sup>241</sup> by all respondents from Kajang Prison that the situation began to improve after the institution received certain forms of educational contributions from several non-governmental organizations (NGOs), including academic teachers/educators and other educational facilities to support some of the young prisoners who were at the time in the midst of preparing for public examinations.

Again from the findings, it is noted that at that particular time, the young inmates at the Kajang Prison had spent most of the time during the early period of their imprisonment term studying by themselves since there were no continuous and permanent specific academic teachers provided for them. Despite the lack of educational facilities provided by the Kajang Prison at that crucial time, the young prisoners still had the determination to continue their academic programme.

Daniel recalled,

*“When we were preparing for SPM (Malaysian Education Certificate), there were no teachers provided for us... We studied by ourselves... We formed a study group and studied until 3 to 4 am every night. One month before our exams started, our teachers from our previous school came in and taught us... For our STPM (Malaysia Higher School Certificate), again we had no teachers to teach us studying. We learned by heart...”*

Maniam also remembered, *“Before the KIS, teachers were not well arranged... I relied a lot on myself when studying for my STPM (Malaysia Higher School Certificate), still less teachers at that time. Sometimes, there were teachers who came in here only once in a week...”*

---

<sup>241</sup> All respondents clearly disclosed the same circumstances during the conversation.

Apart from that, the respondents praised the current computer facilities provided in the Kajang Prison:

*"[T]he computer facilities here are very good. We got more than 40 computers... We are 'special' here... We got speakers and cameras to interact with people outside through "Friendster" and "MySpace" so long as it will not cause any harm..." (Daniel)*

*"Previously in the times before we sat for our STPM (Malaysia Higher School Certificate), the computer facilities were poor. But since then, now, the computer facilities are very good!" (Maniam).*

All respondents agreed that the existing library facilities at Kajang Prison were good, though they felt that the management of the library looked a little disorganized and not systematic.

Maniam commented, *"There have been improvements in the library but the condition is still poor. It does not have any book-loan system. No one is in charge of the books. Books have been lost. No safekeeping system."* Daniel further added, *"Books have been torn."*

From the above excerpts, we may imply that young inmates have shown their learning interests where they can be said to be concerned about the reading materials available at the library of the institution.

As for the stationery, all the respondents of the Kajang Prison agreed that they have been provided with an adequate supply of stationeries by the institution. In addition, the institution allows young inmates to make additional requests for stationeries from their families if they wish to. However, there seems to be a bit of a problem faced by the respondents in terms of the supply of stationeries by the management.

Maniam told the researcher that,

*"[B]efore the times we sat for our STPM (Malaysia Higher School Certificate) exam, our family was allowed to supply us stationeries. But now, the*

*supply of pens to us (inside) here already has issues. It's been difficult for us to use pens in here. It's also difficult for us to make requests for pens (stationeries) from our family now..."*

When the researcher probed further about what particular 'problems' were faced by young inmates with the use of certain stationeries inside the institution, Maniam seemed reluctant to answer.

Nevertheless, another respondent gave a fair comment.

Daniel informed,

*"We are not supplied with sufficient stationery because there are some inmates who have used them as weapons. Also, if we want to bring stationeries like geometry sets to our rooms [cells], we must first get permission from the officers."*

The above quotation may be deduced as the management of the Kajang Prison has tightened the rules on privileges for the supply of stationery by the families of young detainees following the cases of misuse of stationery committed by some of the inmates in the institution.

Additionally from the findings, two of the young people perceived sports and/or the recreational equipment available in the Kajang Prison to be satisfactory, while the other one thought the facilities to be merely good.

Maniam explained, *"It's difficult [for us] to get sports facilities. They [the sport facilities] are not complete... We have only a few balls... Not like other [ordinary] schools outside (the prisons)."*

Another respondent, Chong responded simply in brief, *"Satisfactory."*

Daniel described,

*"[T] he sports and recreations available here are good... We got (badminton) courts... Futsal area... Sports equipments are very good too. We*

*have ping pong, balls, takraw balls, indoor games like carom, saidina and congkak for our recreation.”*

Lastly, the observations clearly showed that there is no Science lab provided for young inmates at the Kajang Prison.

As the above has shown, the management had restricted certain items that could be supplied by the families of young prisoners in the institution because there were reports that some inmates had abused the privilege; some young people used the stationery provided by the institution as weapons.

The researcher predicts that such recklessness could also be linked to the cases of loss of library books. And perhaps, as a result of such unreasonable acts which were reportedly done by some of the inmates at the Kajang Prison, the management has decided not to add more to the collection of books in the library.

Regarding the educational facilities available at the Henry Gurney School, the data suggests that all the respondents viewed that the provision of educational amenities was sufficient for the benefit of their learning activities. Also In their opinion, the provision of textbooks and stationery provided by the institution was adequate.

From the observations, the researcher noted that the classroom facilities were equipped with appropriate basic learning equipment, which therefore may be seen as appropriate for student learning activities at the Henry Gurney School. The ratio of the size of classrooms and the number of students also seemed acceptable. The classrooms can also be said to be comfortable, which were equipped with fans, unlike the air-conditioned classrooms as provided for young prisoners at the Kajang Prison.

Two of the respondents thought that the Henry Gurney School library was satisfactory, while another respondent perceived the existing library facilities to be very good. The data from the observations explain that there were two libraries provided to young inmates at the Henry Gurney School; the main library

was located within the academic block building and the other library was situated within the hostel building for young female inmates.

The researcher also found that both libraries at the Henry Gurney School were laden with textbooks and school references. As Ali expressed, *“Most of the reading materials are school textbooks. There are not many novels, magazines and reading materials (available) in the library...”*

Regarding the library materials available at the Henry Gurney School, the researcher discovered that the same situation also prevailed in the Kajang Prison, where Maniam stressed, *“In the library here, we do not have so many learning materials such as magazines, novels. Novels are essential in my writing. I can learn how to build (structure) sentences by reading novels.”*

Thus, from the passage above, we may say that the young inmates at these two institutions did not seem pleased with the collection of reading material available in the library. Since most of the material focused on academics, it explains why these young detainees have less interest in cultivating reading habits.

On the subject of the existing computer facilities, the respondents in the Henry Gurney School believed that the computer facilities available in the institution were slightly inferior. Ali expressed his regrets on the matter: *“I’m really interested in computers [knowledge] but there is no computer facility here. No computer teacher!”* Another respondent, Mona, emphasized: *“The computer facilities here are just satisfactory... Though we have 10 computers, still we don’t have any computer labs!”*

Similar to the Kajang Prison, the Henry Gurney School was also found to not provide young offenders with any science lab facilities. As Ali said, *“We don’t have any science labs here. We only learn theories. The facilities are limited.”*

Finally, all respondents from the Henry Gurney School were satisfied with the sports equipment and/or recreational facilities as well as the workshops for skills



activities provided for their educational purposes. They also thought that all of these facility provisions were good.

From the above excerpts, the researcher may construe that the two institutions have been providing young prisoners with certain basic amenities in support of educational activities for young detainees. Although this may be a fact, the researcher nevertheless thinks that there is still much room for further improvements to be addressed and made by the management. For example, it can be safely assumed that from the findings, the available reading materials and computer facilities at both institutions were mainly contributed by non-governmental organizations rather than provided by the institution itself.

Given these circumstances, one might ask if the institutions have encountered any financial difficulties, as the researcher found that the library materials at both institutions were mostly filled with a collection of school books, textbooks and references. If the same situation continues, it would be nearly impossible for young prisoners in the two institutions to expand their reading skills and general knowledge in their spare time during their imprisonment.

The researcher also views that there is probably a lot more the academic teachers can try to do to improve the learning environment in the vicinity of the library and the academic buildings at both institutions. For instance, the teachers together with the students (under close supervision by the institution), can make murals on the walls of the existing buildings as part of extra-curricular activities as well as to allow them to demonstrate their own creativity. This in turn will promote positive development among young prisoners to engage in a healthy lifestyle while helping them to relieve some of the tension they may have encountered in the institutions.

From another perspective, it is clear that the provided computer facilities were better in the Kajang Prison compared to the Henry Gurney School. The question is, how could have such disparity occurred? From the findings, the contribution of non-governmental organizations (from outside the institutions) is still the main

factor encouraging the development of education and helping to improve computer literacy among young inmates in prison institutions.

Therefore, according to the data as described earlier, we may conclude that young people at both institutions are still confronted with certain constraints in terms of obtaining better educational facilities in their efforts to continue their learning activities during their term of imprisonment. However, the conditions were discovered to have improved from time to time.

The findings up to this point have managed to show that the constraints that have been experienced by young prisoners at both institutions include, first, the shortage of teachers and/or staff of trained instructors who can teach and assist them during the process of preparing for examinations, especially before the establishment of the Kajang Integrity School (KIS). Second, the lack of provided reading materials in the library that can enhance students' interest in reading. Third, the limited provision of stationery; fourth, the lack of computer facilities at the Henry Gurney School, and finally, the absence of laboratory facilities at both institutions.

#### *The Views of the Young Offenders on the Advantages of Educational Provision for Them*

All the respondents appeared to believe that the educational opportunities provided by both institutions may provide certain benefits, in which the researcher infers that these will contribute towards their personal development during imprisonment. Those benefits may be described as follows:

##### *i. Academic Education Programmes*

Basically, the Malaysia Prisons Department does not prevent young prisoners from continuing to seek or further their formal education programme as soon as they are admitted to prison institutions to serve their detention order.

However, the findings show that the provision of formal educational opportunities in penal institutions during the period before the establishment of the Integrity School in June 2008 was disorganized and less-managed. This is confirmed by the data which was collected through interviews with the academic teachers and/or vocational training instructors (Chapter 6) and the prison officials (Chapter 7).

According to the data, two out of the three respondents in the Kajang Prison experienced substantial difficulty in their attempt to continue their academic education at the initial stage of their detention there and during their trial days several years ago. Nevertheless, they acknowledged that they have since received great support from the prison officials to continue their formal academic education. Maniam's comment, for example, was quite positive when he said "[P]rison officials were always encouraging us to continue studying". Similarly, Daniel too had a positive experience:

*"[D]uring the trial period (several years ago), we [Adam and his friends who were in the same boat] grabbed every opportunity to study for SPM (Malaysia Certificate Examination), if we had any free time, we wouldn't do anything else, we just read books for revision. In fact, the Judge (deciding the case) wanted to expedite the hearing of our case and finally, our punishments were passed in August. And, we continued to concentrate on revision in our cells until the examination began (in November in the same year)."*

From the data, we may interpret that the Malaysia Prisons Department allows young inmates to receive and/or pursue formal academic programmes from the moment that the youths are admitted into the institutions, if the youths wish to do so. In fact, the prison management encourages young inmates to always take advantage of their term of imprisonment to continue academic activities.

We should also be aware of that academic opportunities provided by prisons give hope to young offenders to pursue formal academic programmes in preparation for their exams as they would do outside of the institutions. By progressing their

studies through formal academic programmes during the period of detention, the young detainees are able to regard academic qualification as something meaningful for their continuous survival after imprisonment.

In addition, the young prisoners felt that the challenge they experienced during their pursuit of formal academic education in the detention centre has helped them to be more mature and developed.

One respondent, Sammy, said that, *“[W]ith opportunities for academic programmes available here, I continued learning and sat for the PMR (Lower Secondary Education) and SPM (Malaysia Certificate Examination).”*

Mona also expressed,

*“[E]ducation is given priority here (at the Henry Gurney School). Before we came here, if we did not have any qualifications (or certificates), then, here, we are encouraged to strive for at least one qualification (or certificate) before we’re released from here later ... The emphasis on education is actually for the benefit of our future ... I was taught about the future ... Madam [referring to the “Staff”], always gives me advice about the purpose of education, the importance of education...”*

Ali added,

*“[W]hen I first entered this school (the Henry Gurney School), I was not interested at all in school activities. With the motivation of my family and the staff here, I sat for the SPM in the year 2008 ... I always gave priority to education because at least by the time I am out of here, I will have one certificate...[The] teachers were serious in teaching ... It was easy for me to understand. Teachers also like to share their experiences about teaching in outside schools. Prior to this, my Malay (language) was not too good but now there is a lot of improvement ... The Director (of the Institution) comes and gives motivation and speeches...”*

The same view was expressed by the young inmates of the Kajang Prison.

Daniel explained,

*"In here, we do not have to pay any fees ... It is free! The books, we get from the teachers ... (If) outside (the institutions), I do not think that we can get this much (i.e. benefits)! ...Outside, there are many challenges... Problems like girlfriends, fighting and distractions from my siblings."*

Maniam further explained, *"The academic programmes have trained me to become a more independent person. With the hardships I faced while I continued the academic programmes inside here in the past, it made me look inside myself. I can evaluate my personal capabilities!"*

We can also note that these young inmates were aware that they still needed to continue with educational activities as commonly practiced by young people of their age from the first moment they were sent to prison. Also, young detainees regard the formal academic programme to be beneficial to their future and that they should always give high priority to continue their academic education even if they are being institutionalized. From the above findings, the institutionalization experience has taught young inmates to better appreciate the academic education opportunities given that may be useful for their own future compared to what they had ever received while they were outside the institutions.

The data also shows that young offenders need continued support from others in their move towards the pursuit of academic education.

We can also observe that the detainees admitted that the institutional experience provided a good lesson in encouraging them to better understand themselves as well as to identify their true potential.

Finally, we may also view that, although these young people may have been convicted of certain criminal offences and were eventually institutionalized; these young inmates never thought to lose interest in education. In fact, they have shown great effort and wholehearted commitment to continue with their studies during their term of imprisonment. As a result, perseverance and diligence in seeking opportunities for appropriate education within Malaysian penal

institutions still exists, to a certain extent, among the inmates, despite the struggles they face.

## *ii. Vocational/Skills Training Programmes*

Since the Vocational/Skills Training Programme is only available for young inmates at the Henry Gurney School, the discussion in this section will not include the data from young prisoners in the Kajang Prison.

In talking about the development of his skills and the knowledge he has gained while being institutionalized, Sammy mentioned in full confidence,

*“Before I was sent to this institution [Henry Gurney School], I had no skills at all ... But from the Electrical workshop, I have obtained the qualifications which can help me to find a job after I was released. After all, my father is engaged in wiring [with a government agency] ... My father is my role model!”*

Mona shared her experience at great length:

*“I learned a lot about skills here... Knowledge of tree-planting... Cooking, from A to Z! Everything is free here and I do not have to pay any costs incurred to acquire materials for sewing courses too. Here, I gained knowledge on how to decorate houses ... landscaping ... we share knowledge with others. If we were outside the institution, we wouldn't necessarily be able to get these essential items for free ...*

*...we get a lot of opportunities to learn painting techniques... if we take part in competitions such as 'batik making' from the outside, we can get some remuneration ... My dream is to open up a bakery!”*

Ali revealed his delight about the knowledge skills he gained at the Henry Gurney School:

*“Before I was admitted into this institution [Henry Gurney School], I had no skill at all. Herein, I took part in a cookery programme and pipelines. The teaching staffs are well-experienced. They use simple methods when teaching*

*us. It is easy for me to understand. Facilities provided? No problem! At first, I was not keen to learn in the workshop, later when I was selected to learn cookery, I found it interesting!”*

From the above excerpts, we may perceive that the young prisoners at the Henry Gurney School have been able to obtain various knowledge skills after undergoing vocational training programmes available at the institution.

Furthermore, by undergoing the learning skills offered at the institution, young prisoners realize how they are able to develop their own potential and begin to acknowledge the fact that they will acquire many unexpected benefits by the end of the course.

The data also demonstrates how young prisoners are grateful for the opportunity to enjoy the various skills, knowledge and exposure they gain, which are useful for their self-development during the period of imprisonment. Young inmates presume that knowledge and skills can be useful for their survival post-institutionalization in terms of obtaining suitable employment or starting their own business.

Essentially, these skills programmes have developed the personalities and confidence of young inmates to become more positive in life. In addition, all the young prisoners revealed that they hardly had any knowledge of skills prior to their institutionalization, and that the knowledge and skills they have acquired during that period is indeed very beneficial.<sup>242</sup>

### *iii. Religious Knowledge and/or Moral Education Programmes*

The data shows that the Malaysia Prisons Department provides educational programmes for religious and/or moral knowledge for young prisoners during their imprisonment. Furthermore, young Muslim inmates acknowledge they have

---

<sup>242</sup> All the respondents of the Henry Gurney School told the researcher that they had no skills knowledge before entering the institution.

become more exposed to the importance of religious values in life and that they are also encouraged to be more responsible to perform the duties of their religion.

To quote Mona's expressions,

*"My family is concerned about religious matters. My mother is a religious teacher in the area I live and my father is a good man, the public has great respect for my father. I had sufficient religious education taught to me, but I wanted to follow my own feelings. I just want to follow the current trends ... Here, I learned a lot about religious education. Before, I had all the knowledge (religion), but I did not practice my duties as I was supposed to do. Now, I realize... I think more carefully about my religious duties..."*

Sammy reflected on his development in the Religious knowledge,

*"[H] ere, I have a lot to learn about religious knowledge... Before entering (the Henry Gurney School), I did not perform prayers, although I knew it all! Now, I can read the Yassin [a chapter in the Qur'an] ... And I can even memorize this chapter well. "*

Maniam added;

*"Here, everything (discipline-related to the duties of religious practices) has been set. We practice all that here and we have changed... And this certainly can enhance what we've learned about religion before."*

And in brief, Daniel acknowledged, *"Religious programmes have made us realize who we are"*.

From the above responses, young prisoners have become more conscious of religious values and the importance of applying religious principles in their practices. They also learned that the lack of knowledge and practice of religious ideals in the past may be a factor that resulted in their involvement with a criminal group of peers. The researcher also found from the interviews that there is no indication of young inmates being prevented from practising their own beliefs. The researcher noticed that the inmates were calm and sincere when explaining



about how they were able to perform regular religious routines whilst being institutionalized.

However, two young residents of the Kajang Prison have expressed disappointment about how the programme for knowledge and/or moral religious education is carried out by the institution. From the findings, they perceived that these programmes were less attractive and therefore were not very motivated to participate.

Chong revealed, *“The programme of religious and moral knowledge is available here but I did not join it. No mood to (join).”*

And Daniel sincerely commented:

*“I do not participate much in activities [religious programmes]. For me, these programmes are less attractive... I do not like the way the "Ustaz" now (Islamic teacher) uses the method of his delivery [teaching]... But I liked the previous Ustaz... He was good... the Ustaz now is also a prison staff member and he is not professional... He is a "poyo" (the nickname widely understood among the Malay youth to refer to people who like to annoy people)... He is biased... He pays more attention to students who are attending the class. So, I hope the (next) Ustaz is someone who is really qualified. That he can mingle well easily, can speak in front of people. Knows how to act as a prison staff and at the same time as a religious teacher! ”*

Therefore, what the young inmates at the Kajang Prison conveyed was that the teaching of religious knowledge and/or moral education programmes implemented by the instructor(s) are poorly perceived, but somehow this is not recognized by the prison management. As a result, young prisoners take advantage of this situation and tend to regularly miss classes. The data signifies that the attitudes of teachers/instructors may affect the attention of young inmates during the learning activities, and young people will feel frustrated and lose respect for the educators if they are not treated in a manner that is just and proper.

#### *iv. Counselling and/or Motivational Programmes*

Based on the data, there are counselling and/or motivational<sup>243</sup> programmes provided by the Malaysia Prisons Department for the benefit of young inmates.

Daniel mentioned that:

*“The purpose of the counselling programme is really good in that it gives us motivation... To develop beliefs in others ... We can express our feelings ... Personal matters, etc...”*

Maniam: *“Programmes (counselling and motivation) are necessary for those who have problems...”*

Sammy:

*“Speakers (from outside) come and give motivational talks ... About how to become successful ... Former detainees also came and gave talks to us ... Told us that it is not impossible for us to succeed!”*

Ali:

*“Through programmes (counselling and motivation), I have learned how to change my character ... At least, some of my bad manners changed ... The programme has helped me to think more maturedly ... About how I should communicate ... Build up self-confidence.”*

And Mona responded in short: *“We receive many visits and talks. They give advice.”*

From the data, the young inmates suggested that the counselling and/or motivation programme available in the institutions aims to inspire them to change

---

<sup>243</sup> motivational programmes refer to programmes organized by the Prison Authorities using the psychological approach that normally include several activities such as individual counselling, group counselling, family counselling, supportive counselling and career counselling. For further information, read Chapter 4 (Rehabilitation of Offenders: A Theoretical Background and The Implementation of Rehabilitation of Offenders in Malaysian Prisons Institutions) on The Approach adopted in the Implementation of the Lifelong Learning Plan amongst Offenders in Malaysian Prisons Institutions.

attitudes and thinking styles. They also seemed to not care about those who lecture, whether they are prison employees or people from outside the institutions; as long as the programme is able to motivate them to become better people, they would certainly appreciate it. The young inmates reckon that the knowledge from the counselling and/or motivational programme can help them to change their previous mindsets to become successful in their future life.

However, despite the advantages of this motivational programme and the extensive descriptions of the religious programmes given above, all the respondents noted that the motivation and/or counselling programme implemented in the Kajang Prison to date was not impressive enough.

They disclosed,

*“These programmes lack participation [from inmates]. We only attend as we are required. The counsellor’s role is precisely to dig more about the problems we face, but its implementation (this programme) is so frequent that in the end, we already have no mood to give co-operation.”* (Daniel)

*“I do not like ... (counselling and motivational programmes). They often take a long time!”* (Maniam)

*“I do not join it (counselling and motivational programmes) ... I have no mood to join!”* (Chong)

According to the above excerpts, although the young inmates feel that the counselling and/or motivational programmes are useful for the development of self-motivation, they are trying to highlight that there are still some specific weaknesses in the implementation of the programme conducted in the institution.

They claim that the whole process of counselling and/or motivational activities has taken too much of their time and that in the end they have lost their focus. In addition, this programme as a whole is perceived to be dull and tedious and therefore their participation is merely pretentious. Therefore, the data also indicates that there is a lack of creativity and skills on the part of the counsellor and/or motivator, which can prevent the full and honest participation of young

prisoners during the implementation of the programme. As a matter of fact, the loose discipline in ensuring the presence of all the prisoners at the counselling programme and/or motivation sessions have revealed some specific weaknesses in the prison's management.

#### *v. Computer Knowledge Programmes*

From the findings in general, most respondents considered that they had obtained certain knowledge from the computer education programmes provided by their institutions. Most of these respondents admitted that before being accepted into the institutions, their knowledge in computer usage was zero, and that they have since learned a lot about computer education during their imprisonment.

For instance, Sammy described at length his new-found computer knowledge:

*"From the beginning, I did not know anything (about computers) ... Now (I) am able to create graphics for animation film ... Subtitles and 3D. From Microsoft Word (programme), I was able to get (my) learning materials ... I already have a computer certificate ... I can further my studies with this certificate ... Before, I did not know anything about the function of the computer ... Before, I did not have a direct interest in computers, but then, I became interested to learn .. I enjoy exploring more ... When the teacher taught me [something], I always liked to try more things!"*

For the other respondents, the computer-learning activities provided in prison encouraged them to find out more about computer technology. These respondents already possessed knowledge about computers gained prior to their imprisonment; hence, for them, the computer classes arranged by the institutions were too basic and elementary for them. In addition, they expected much more than just learning about web design.

To quote Chong: *"Computer education here includes only the basic graphics..."*

Daniel: *"I have knowledge in computer skills. My typing speed has also improved. Now, I already know how to design web pages."*

And Maniam: *"Here, we have computer studies conducted by non-governmental organizations. We learned about graphic design."*

And Ali: *"Computer education here is poor. I do not have the opportunity to learn more about computers!"*

In short, these young inmates urge the institutions to provide them with additional levels of information technology education to ensure that they are updated with current developments relating to computer science and information technology education. Therefore, the researcher concludes that the provision of a higher level of computer education and the teaching of information technology will be useful for the purpose of obtaining employment after the young people are released.

As a matter that fact, it is interesting to note that two respondents actually gained some additional computer skills and knowledge of information technology from their fellow inmates. They revealed that *"I also now know how to repair computers... I know the RAM, hard disk, how to connect wires etc. I learned all this IT [knowledge] from my fellow remand prisoners!"*

And Maniam: *"I learned about the computer hardware... RAM... I got the chance to learn all this IT knowledge from other young fellow inmates here."*

From these passages, the data implies that although the young inmates seem to be able to learn more knowledge about computer and information technology amongst themselves, this also proves that they deserve to learn something more than just basic knowledge of computer literacy.

*Attitudes of the Academic Teachers and/or Vocational Training Instructors and the Management in the Prisons*

The researcher attempts to explore the general idea young inmates have about the role and functions of teachers/instructors and management staff in closed penal institutions, particularly during their learning activities.

*The Attitudes of the Young Offenders towards their Academic Teachers and/or Vocational Training Instructors*

In order to perceive the perceptions of young inmates towards the academic teachers and/or vocational training instructors in helping them with the learning activities during imprisonment, the researcher asked four questions to each respondent: first, whether they think the teachers and/or vocational training instructors are good at motivating them; second, how they evaluate teachers and/or vocational training instructors as counsellors; third, how they think the teachers and/or vocational training instructors can help them to improve their learning activities; and fourth, what they think about the teachers' and/or vocational training instructors' help during the process of preparing for examinations.

Their responses in answering these four questions would then recommend how young prisoners identify the important roles and functions of teachers and/or vocational training instructors in these institutions to help increase their knowledge and achievements in education during their term of imprisonment.

In their answer to Question 1, four of the respondents thought that the teachers and/or vocational training instructors in institutions were very good in providing motivation for them, while two other respondents thought that the academic teachers and/or vocational training instructors were just 'good' at giving motivation to them.

Ali responded, *"Very good... The teachers were always motivating!"*

Daniel said, *“Very good.. Teachers are like motivators...”*

Sammy added,

*“They are very good ... They (teachers) advised me a lot. I am not pressured to listen to them because I think of my future ... Teachers are busy to facilitate us ... They always plan many activities (for us) ... Invite outside motivator(s) to give talks for us”.*

Maniam explained, *“Very good... especially the female teachers!”*

For Question 2, all the respondents thought that the teachers and/or vocational training instructors in the institutions acted like counsellors to them, which they found to be impressive. To quote what they were implying regarding this question, Daniel said, *“Impressive... More than half of the teachers like to approach us... help us...”*

And Sammy expressed, *“Impressive. Some of them always ask about [my] problems ... But for me, I am satisfied with the counselling teacher because he always knows what to do and how to solve our problems!”*

In response to questions 3 and 4, the majority of respondents believed that the teachers/instructors helped a lot to improve their learning ability and were also helpful in the process of preparing for their examinations.

The respondent Mona confirmed:

*“Very helpful... With all the constraints we have, the teachers always try to get notes for us ... They always provide information, notes and examination questions (mock exams) from schools outside ... They really care ... They ask the staff and talk with them about how to obtain books for us ... They get help from parents to find books for us ... The teachers also use their own money to buy reference books ...”*

And Sammy:

*“Very helpful... They [teachers] try their best ... [They] give additional classes during the school holidays ... They try to find opportunities for us to further our studies ... They are always busy finding [learning] the material for me and friends ... Teachers are busy here and there [during examination] ... Arrange seats... Always give short notes ...After school at 1:30, at 2.30 pm ... Additional classes start ... (I) Do not feel tired ... Because it is my desire to continue studying ... They really help!”*

And Daniel: *“Very helpful... When they do not have lessons, they always love to come to us and help us learn ... And especially after the Integrity School now ... They help a lot!”*

From the above responses, we may assume that the young residents consider teachers/instructors in the institutions to be their main impetus, which inspires them in their efforts to improve themselves through learning activities. The young inmates also give the impression that the sacrifices of their teachers are important to them, which may increase positive thoughts to help them change to become better persons.

Having admitted to certain challenges that may exist in the institutions, the young inmates do appreciate the massive and continuous efforts provided by their teachers/ instructors in helping to develop their learning capabilities. The persistence of the attitudes among the teachers/instructors in keeping the young inmates’ motivated towards developing their educational achievements are meaningful in that the inmates become more determined to improve their achievements in education. As a matter of fact, young prisoners become more aware of the importance of education in planning for their future because of this.

#### *Attitudes of Young Offenders towards the Management Staff in the Institutions*

From the data, two respondents from the Kajang Prison clearly stated their gratitude to the Kajang Prison management staff, especially to the higher-rank and senior officials, who they believe to have been very supportive.



To quote them, Daniel said:

*"I do not want to destroy their expectations [management staff] ... I do not want to be like "milk repaid with poison!" I now push myself very hard [to study] ... They [prison management staff] encouraged me to continue to learn as this will help me in my application to the Prison Discharge Board."*

And Maniam: *"The Director of the Kajang Prison, Tuan Ranjit... They give motivation to me... in education, sports and also in general things... Tuan Nasir, he helps a lot... He motivates me! "*

On the other hand, both respondents expressed their disappointment regarding certain attitudes showed by some of the lower-rank prison officers whom they believe to be unsupportive, particularly regarding the use of computer facilities in the institution.

Maniam voiced his opinion:

*"The lower-rank officers do not motivate us a lot, especially to use the computer ... For example, during the holidays, we supposedly have more opportunities to use computers to learn to do assignments, etc. But then, we have been restricted... Sometimes when the higher-rank officers are on vacation, like what happened this one time,, an officer was on leave for 10 days, so, for the 10 days, we were not allowed to open the computer as well as the library; lower-rank officers give less support to us."*

And Daniel:

*"We have schedules for when to use the computers, but there are certain officers, some newly promoted officers who like to disturb us [the inmates]... I hope the prison [management] can change the system... Perhaps transfer certain officers... I don't know... Please don't over-control inmates in here... We are pressured! The inmates are stressed!"*

When the researcher probed the respondents regarding the reasons why such situations happen, both the respondents replied,

Daniel:

*“Computers and the internet... It depends on who the officer in charge is according to the schedule. Because there was a case of misuse of computers - the management got to know that one of the inmates was able to access some pornographic materials. So, they [officers] think that we are all just the same!”*

And Maniam:

*“Time allocated for the use of computers and the internet is actually enough. We have a schedule and rules here. But in reality, it depends on their mood [the officers in charge]. Good officers will allow us to use computers and the internet for 2 to 3 hours at a time, but some officials seem not to understand, they will only allow us to use the computer for about half an hour to one hour. They are prejudiced against us. The perceptions among officers are not the same, especially among lower-rank officers. These officers [lower-rank] treat us like "prisoners have always been prisoners!"*

The data suggests that both these young inmates of the Kajang Prison are satisfied with the positive reactions shown by the management staff in the institution, particularly when it comes to encouraging them to further their studies whilst in incarceration. The findings also acknowledge that the support of officials at a higher level in the institution to encourage young inmates to continue their studies during imprisonment is crucial. However, the data shows that the lower-rank officers of the Kajang Prison are not substantially cooperative in helping young inmates to continue studying during imprisonment.

From the findings, the young inmates regard the management staff, particularly the officers of higher rank at the Kajang Prison as compassionate and understanding, contrary to the perceived attitudes reflected by low-ranking prison officers. The lower-rank prison officers seemed to have certain prejudices and bias towards the young offenders, especially regarding the use of computer and internet facilities in the institution. The results also showed that encouragement and support from prison staff, whether they are of a high or low rank, is important in contributing towards maintaining the motivation of young inmates to benefit from every educational opportunity provided in the institutions.

While at the Henry Gurney School, the three respondents had positive perceptions of the management staff at the institution, especially in helping them to get educated during the period of imprisonment.

In fact, all the respondents had listed "Teachers and Staff in Institutions (Henry Gurney School)" as one of the top three people who have given encouragement to them to get a variety of educational opportunities in the institution.<sup>244</sup>

To quote them;

Mona: *"Before this, I had no interest in continuing my education, but after I received advice from the staff [at the institution], it made me re-think [to continue studies]."*

Ali: *"When I first entered the Henry Gurney School, I was not interested at all in school. With support from family and staff here, I wanted to sit for SPM [examination] ..."*

And Sammy: *"HGS organizes "Solat Hajat" before exams, recitation of the "Yaasin", invite speakers... These encourage us all to succeed!"<sup>245</sup>*

From these findings, we can observe that the young inmates of the Henry Gurney School were impressed with the encouragement of the management staff in supporting them to be committed in their educational activities during imprisonment.

Young inmates also revealed that the motivation and advice from the staff of the institution became the inspiration that drove them to strive towards being more determined in the studies. The young inmates of the Henry Gurney School regard the staff of the institution as one of the relevant parties that can positively influence the level of interest in educational activities other than their family members and themselves.

---

<sup>244</sup> The other two parties are "Parents (family)" and "Myself".

<sup>245</sup> "Solat Hajat" and "Yaasin" are some of religious practices (and prayers) commonly performed by Muslims for the purpose of hoping that God may fulfil their wishes.

Finally, from the data, we may conclude that the young detainees at the Henry Gurney School have an optimistic view about the importance of education to change the direction of their lives. Positive attitudes shown by the staff of the institution to strengthen the motivation of young detainees in continuing their education during the term of imprisonment is important in helping the inmates to have good thinking and behaviour.

### *The Importance of Education and Personal Expectations*

The researcher attempts to explore the perceptions of young inmates on the link between the importance of educational opportunities and their personal expectations.

Therefore, several questions were directed at the respondents; first, what they think about the importance of education; second, whether they have considered to continue their studies after their release; third, what their plans are regarding the future; fourth, who are the people they believe have inspired them to sustain their motivation in learning; and finally, what other types of educational opportunities they would like the institution to provide in the near future.

Their response to the questions posed can create findings demonstrating their thoughts on the value of education to direct their future life and useful programmes that they might expect to be prepared by the Malaysia Prisons Department for the future benefit of other inmates in general.

Overall, the data shows that all the respondents from both institutions have highlighted their commitment to continue formal academic studies during the term of imprisonment for as long as they remain in the institutions. The young inmates also imagine that the direction of their future will be closely linked to academic qualifications.

They also realize that academic achievement can lead them to a secure life after their release from the institutions. The data shows that the young inmates

acknowledge the hopes of their families for them to continue to gain as much knowledge as possible even while still being institutionalized.

Daniel:

*“Yes. I wish to continue, for I am still here... I was the hope in the family. My background is poor ... Sacrifice of my parents ... I want to finish my studies and if I am released, I want to try to get an opportunity to work...”*

Maniam:

*“Now, I am studying for a BBA at Open University Malaysia (OUM)... After completing my degree, if I am still in prison, I would like to pursue a Master's programme ... If I am released, the first thing I would like to do is contribute to my parents and at the same time, I would like to pursue my Master's... It is my responsibility to learn ... The importance of knowledge...”*

Sammy:

*“I already have plans for my future. I am sure to get 6 credits in SPM [the results to be out next year]. I wish to apply for the Diploma in Electrical Engineering programme at the polytechnic and then, I intend to apply for an Inspector of Police position or the military... That's what I'm waiting for ... to further studies in Polytechnic, Ipoh and then, I would like being recruited by any uniform body. If I do not succeed, I will only work for my father. He has a Small & Medium Entrepreneur business [self-business]... (I) will help him do administrative work.”*

And Ali:

*“I think I want to study and at the same time, I would start my own business. If I can get a suitable job that allows me to manage my time, it will be better”.*

From the above findings, we may gather that all the young inmates admit that educational qualifications may secure their future undertakings. Therefore, they have already figured out that they should maintain good achievements in academic education as their preparation for survival before reintegrating into

society. By sustaining their academic programmes during imprisonment, the young inmates are capable of drawing clearer plans about life after prisons. The strong determination of the young inmates towards pursuing academic studies during their imprisonment has been greatly induced by the continued support received from family members.

According to the data, the types of educational opportunities that the respondents would like to be provided by the institution in the future showed some mixed reactions. In exploring the respondents' thoughts regarding the question, the researcher asked them to list what types of educational opportunities they think may be useful to them if they were to remain institutionalized for much longer.

The researcher found that among the variety of educational opportunities the young inmates presume should be provided by the institutions are formal academic programmes (five respondents), life-skills programmes (five respondents), computer-knowledge programmes (two respondents), religious-knowledge programmes (two respondents) and business-knowledge programmes (two respondents). Therefore, we may note that the young inmates would like the management to draw their attention to giving more emphasis on the formal academic programmes and the life skills programmes.

In addition, the respondents unanimously thought that the formal academic programmes and the vocational programmes should be carried out together because in their opinion both programmes are equally important. Finally, we may perceive that the commitment shown by all the inmates in their involvement with formal academic studies is driven by the belief that their primary duty as school children in the acquisition of formal education during their young age remains the same, despite their presently being physically confined.

## *Facing Society*

Having discussed the importance of education, the researcher intends to observe how young inmates reflect on their re-integration process after they are released from the institutions.

The data indicates that all the respondents, so far, are mentally prepared to face society during their reintegration process, especially when they are asked about their plans immediately after their release. Five of the six interviewees made comments illustrating their thoughts on the situation:

*"I'm more interested in striking a balance between academic and vocational programmes. I am a little concerned because not all members of my family know I'm here. So far, my parents and my grandmother have been supportive to me. Thank God when compared to other residents. Every month, my father came here, sent a letter [to me] ..."* (Mona);

*"I want to focus on my studies and work, but I cannot imagine what kind of jobs would be right for me yet. There is no problem for me to deal with them [the community]. People never knew I was sent here [institutions], it may look like I just returned from studying abroad. Even though they know my reality, it is not a big deal for me!"* (Ali);

*"Academic and vocational skills training should be consistent ... Skills knowledge may be useful for my pocket money. I believe 100% I can face the society ... I do not care! I am not gaining or losing anything from what they will say about me. I'll prove it to myself and family. I will make them proud of me. And I will always make sure that I'm motivated to study ..."* (Sammy);

*"Once I am released from this institution, I am more interested in academic studies. I am interested in self-employment. I think I could [face society] ... There should be no problem. With the help of family and friends..."* (Maniam); and,

*"I want to finish my studies and if I am released, I would find a chance to work... I am ready but I do not know what the perception of society will be. I have a family, I have friends and it is not a problem. When I am released, I'll be ready, I'll just accept it!" (Daniel).*

From the above findings, we may gather that the young people have considered two main aspects that will have great influence towards their successful re-integration process after their release, which are, promising qualifications in academic and/or skills programmes as well as continued support from their family members.

Further, the data indicates that the young people are conscious that the institutionalization experience has taught them to better appreciate the values of education and family relations.

Also from their viewpoints, the respondents emphasized that they cannot deny the possibility of receiving certain negative reactions from members of society. They also believe that they will be more confident in facing the reality of the re-integration process when they are sufficiently equipped with knowledge and specific skills acquired during imprisonment.

Instead, the most important thing that they always consider is the existence of close family members and friends, whom they regard as the main backbone in their lives since they were sent to institutions.



## **Conclusion**

The interview data from the young people in the Kajang Prison and the Henry Gurney School suggest certain conclusions regarding the current provision of educational opportunities in both institutions. The findings signify how the young detainees view the challenges faced as well as the educational benefits they obtained from the learning experiences during their imprisonment in the institutions.

The data, among other things, suggests that firstly, the respondents experienced certain changes, which resulted in their personal development while undergoing all of the learning activities and educational opportunities available to them. Secondly, the young detainees have evolved progressively in terms of positive thinking and character building, in which they seemed more optimistic in discussing the importance of education and their future direction.

Finally, the data concludes that the institutionalization experience has actually encouraged young prisoners to develop and better themselves to become self-resilient; in addition, it has sustained their desire to acquire educational benefits during their period of incarceration just as if they were outside the institutions.

## CHAPTER SIX

### **Findings Chapter: Interview Data with the Academic Teachers and/or the Vocational Training Instructors at the Henry Gurney School, Malacca, Malaysia and the Kajang Prison, Selangor, Malaysia**

---

#### **Introduction**

This chapter mainly reports the data obtained from interviews with the academic teachers and/or the vocational training instructors from two child and young offender closed penal institutions; namely, the Henry Gurney School, Malacca, Malaysia and the Kajang Prison, Selangor, Malaysia. This chapter will use this data to firstly discuss the nature of educational opportunities that are available in the institutions, the availability of educational facilities and how the educational system is being practised within the institutions.

The discussion will also cover the impressions of the teachers indicating their engagement in teaching and working with the child and young offenders within the institutions, the perceptions of teachers on any benefits or barriers they may have experienced whilst teaching and dealing with the children and young people within the institutions, and, their observations regarding the attitudes of the management officers in the Malaysia Prisons Department towards realizing educational provisions for the child and young offenders within the institutions.

#### *Background of Respondents*

The total number of interviewees is seven, four of whom were based at the Henry Gurney School, Malacca, Malaysia (two academic teachers; “Ahmad” and “Bakar” and two vocational training instructors; “Kamal” and “Hamid”) and three at the Kajang Prison, Selangor, Malaysia (academic teachers; “Nawab”, “Harun” and “Sarah”). Basically, the participants’ teaching experience ranged from 10 to 30 years in general, and between 5 months to 5 years experience of teaching at the closed penal institutions.

The interview data from each respondent was transcribed verbatim and subsequently analyzed thematically according to a set of established themes in order to obtain evidence supporting the thesis proposed by the researcher as described in Chapter One.

*Types of Educational Opportunities that are Available for Young People in Malaysian Penal Institutions*

Initially, the data suggests that there are two main types of educational opportunities provided for child and young offenders in both institutions. These programmes are, namely, formal academic programmes and vocational skill programmes. One respondent, Ahmad, made an important point about choice: *“The concept adopted in the Henry Gurney School here is not based on "compulsion". It is only based on what we offer to those who wish to participate in academic programmes. It is all up to them [young people] whether to continue schooling or not.”*

Another respondent, Kamal, similarly noted:

*“In the Henry Gurney Schools at present, we [the institution] encourage the students to have at least a skills certificate [before they are released]. There are many programmes available for the development of their skills. It is up to them whether or not to choose any skills activities. For newcomers, I always advise them to choose at least one skill activity they like within three years of detention so that they can use that knowledge later [after their release].”*

Harun further explained the applicable education system for academic programmes in the institutions:

*“Similar [applicable] to schools [state] outside... the difference is only in their uniforms, and also, here, there are no windows in the classroom ... there are air conditioners here!”*

Nawab confirmed, *“In prison, there is a workshop for bread-making ... and so on... and we understand that if they [young people] are not interested in learning [academic programmes], they will be placed in the workshop...”*

Hamid added, *“[T]hank God that now we [prisons] have 'schools within institutions [prisons]' ... it is desirable to set up formal academic programmes in addition to skills programmes here...”*

These responses suggest that before the young detainees can choose whether to follow an academic or a skills programme, they are screened to determine their literacy level. If later they are identified as (semi) illiterate students, they will first be placed in a special class known as the “3 M class,” where the three “M”s stand for “*Membaca*”, “*Menulis*” and “*Mengira*” in the Malay Language (in English, the 3 M’s literally mean “Read, Write and Count”). In this 3 M class, they will receive basic education on how to read, write and count. One respondent, Hamid, told that, *“[F]or those who do not know how to read ... less interest in reading, we will send them to the 3 M class...”*

Another interviewee, Ahmad, similarly explained,

*“Once we accepted a child who left school in Standard 4, so we placed him in the 3 M class... we polished him ... imagine that at the time he was still illiterate, and then we taught him to read ... finally we registered him to sit for the PMR (“Pendidikan Menengah Rendah”) exam...”*

Another respondent mentioned,

*“[B]ecause when the students have gone through academic programmes, it means they are better at reading, writing and arithmetic. And this will make it easier for us to deliver the knowledge of skills that they should know...”* (Kamal)

From the findings, we know that in general, these young offenders are given a free choice of whether to undergo a programme of formal academics or a vocational programme during the term of imprisonment. The selection of the programme is primarily dependent on the individual interest.

Normally, as far as possible, the inmates are first encouraged to pursue the formal academic programme, but if they clearly show a lack of interest in the academic programme, they are then directed to be placed in the vocational classes, provided they have attended the basic class to read, write and count. In addition, the data also suggests that the curriculum for academic programmes which is applicable in both institutions is similar to that used in the mainstream schools or state (government) schools based on the national education curriculum.

Alternatively, various vocational skill programmes that are available in the institutions include landscaping, electrical, plumbing, piping, sewing, etc. In terms of management, vocational skills programmes are run by prison staff, whereas academic programmes are fully managed by teachers from the Ministry of Education. The data would also suggest that the establishment of “schools within prisons” or Integrity Schools is the result of collaboration between two government departments, namely the Ministry of Education and the Malaysia Prisons Department, which is aimed at achieving a successful rehabilitation programme for young prisoners during their imprisonment.<sup>246</sup>

#### *The Implementation of the Educational System for Young People in Malaysian Penal Institutions*

From the data below, we learn that the current implementation of the formal academic programmes in both institutions is based on the national curriculum, which is designed by the Ministry of Education. As one respondent, Harun, pointed out, *“At this point in time, we implement the same curriculum as outside schools (public) ... all just the same...”* Another respondent, Sarah, stressed that *“We follow the syllabus of outside [public schools]. Academic syllabus cannot be changed because it was designed by the Curriculum Plan Division [Ministry of Education]...”*

---

<sup>246</sup> Data from interviews with the teachers and/or the vocational training instructors taken from November 2008 – January 2009

However, two out of three respondents from the Kajang Prison were of the view that the implementation of formal academic programmes at the institution did not benefit the young offenders much. In certain ways, they thought the young offenders should not be pressured to pursue educational programmes that focus too much on the academic field. One teacher said, “[T]hese children need to get more motivational programmes, not academic subjects... they cannot receive academic programmes ... we need to emphasize more on formal counselling [programmes]...” (Harun)

Another respondent, Nawab, expressed, “I do not see how students can apply academic subjects ... provide more vocational programmes... If someone asks me, I will give more emphasis to the skills... I wish they could learn something useful in their lives...”

From the above excerpts, Harun and Nawab believe that educational opportunities provided for young offenders in the institutions should not only emphasize on the formal academic programmes. The data further suggests that both teachers have observed that young prisoners may not be able to fully utilize academic knowledge on its own for survival after their release. Instead, in the opinion of these teachers, young prisoners should be more exposed to studying skills rather than formal academic subjects.

The same abovementioned respondents also believed that the main factor that led to young prisoners engaging in crime was because the youths had little interest in continuing academic education at school. Therefore, the government should not push them to study again. In addition, both the teachers and vocational training instructors tend to think that skills knowledge is more beneficial for youths to enable them to get jobs after their release. These respondents reckon that young prisoners should be more familiarized with knowledge on how to get jobs through skills rather than aiming to motivate them to achieve good grades in academic subjects.

Conversely, all the respondents from the Kajang Prison were of the opinion that it is quite important for the children and young people to learn basic Bahasa

Melayu (*Malay Language*), English and also Mathematics. In their opinion, these subjects can prevent the children and young people from continuing to be illiterate, and obviously the knowledge will also help them continue their lives after their release.

However, the most important subject they think should be taught to the young detainees is Religious Knowledge, which they believe can motivate children and young people to become better people through the content of the subject, and help to develop their characters and their ways of thinking.

As posited by Nawab, *“If [the Prisons Authority] really wants to achieve the goal of transforming the young prisoners, [then, the Prisons Authority], should be more concerned with the implementation of religious programmes”.*

Sarah also agreed that *“Change in attitude is very important. That's why [Prisons Authority] should organize a lot more religious education classes formally at the school.”*

Harun further added, *“The issue is if [the Malaysia Prisons Department] wants to strengthen these kids' self-esteem, then [they should] provide more religious education programmes!”*

In contrast, the academic teachers of the Henry Gurney School did not feel that academic-focused education programmes implemented at the institution are a burden to young prisoners. They view that, to be able to teach academic education to young people in prisons, teachers need to know how to adjust the syllabus which will cover the entire period of detention of the youths, usually up to sentences of three years.

The data further indicates that teachers of the Henry Gurney School consider their key role as teachers in the institution is to focus on exam-oriented academic education. One respondent, Bakar, had this to say:

*“My main task here is to teach. I do not think of anything else. I just teach and educate them ... We teach based on the national education curriculum ... but*

*we should not follow it strictly ... We must know how to modify (the syllabus) to meet the three years that they (young prisoners) are here ... I am always looking for thin novels for them to read... If not, they will get bored easily..."*

Ahmad agreed and expressed,

*"The Henry Gurney School is actually exam-oriented ... Since most students are here to stay for three years, their time is limited. So, we just focus on the examinations to enable them to further their studies to a higher level ... or find a job with whatever certificates they have."*

Of the educational opportunities in the form of vocational programmes, vocational training programmes were observed to be available at the Henry Gurney School only during the time the field work was done, therefore the discussion about the availability of skill programmes in the institutions will not include Kajang Prison.<sup>247</sup>

According to the respondents, the vocational education system adopted by the Henry Gurney School is to provide young prisoners with various skills and/or knowledge that will enable them to get jobs for their survival after their release. The findings further provide that there are two types of skill programmes that are available in the institution, namely, the certified skills-based programmes and non-certified skills-based programmes.

One issue to be pursued is why the teachers believe skills-based programmes are beneficial. Some respondents were clear in their belief that the purpose of these programmes is to provide young detainees with skills to equip them with useful knowledge that might enable them to find employment or open up their own businesses upon release. For example, as Kamal explained,

*"If every young prisoner is taught the necessary skills, opportunities for employment will be easier ... If they do not have such a certificate, how can they get any work? At least, as my students here who just get a basic certificate, it can be used as evidence that they know about electrical things [skills] ... and who*

---

<sup>247</sup> Refer to the explanation under the heading "Sample 2 – Participation Selection Process" in the Methodology chapter.



*knows, they may continue to learn the skills they have acquired after this (in advance)...*"

Hamid made a similar comment,

*"It is a pleasure for me to see my students who are successful and have been able to open up their own shops ... whereas myself? I do not have the courage to open up my own business ... some of them are now tailors with their own shops!"*

The aim of skills-knowledge programmes being offered to young people in prisons is to provide them with useful education on how to be independent and survive after they're released from the institutions.

However, there are some teachers who acknowledge that there is still plenty to be done by the prisons management to polish the talent of these young prisoners by and/or through skills programmes.

Nawab, for instance, was of the view that these young prisoners should receive similar exposure to skills knowledge as the adult offenders, *"[F]or me, I prefer to emphasize on skills. If we look at the prison's department store gallery, they [adult prisoners] have made a lot of handicraft products. So, maybe we can train young prisoners here from the beginning."*

Ahmad further recalled, *"Seeing the success of the children here [young prisoners], I'm proud! We [teachers] really have not done a detailed study yet, but from what I remember, about 50% of the students here were originally illiterate. Then, they were absorbed into skills classes, workshops such as welding, technical skills, landscaping etc. Finally, they did it! [were able to master the skills]."*

These findings would suggest that the teachers could foresee that those young people had a lot of hidden talent. Therefore, the teachers are of the opinion that more skills opportunities should be available in the institutions to identify the skills that these young prisoners may already possess.

*The Advantages of Educational Provision for Young People who are detained in Malaysian Penal Institutions*

In discussing the advantages of educational provision for young people who are being detained in Malaysian penal institutions, the academic teachers and/or vocational training instructors highlighted several points.

From the data in general, all the respondents agreed that educational opportunities provided in penal institutions are useful for child and young offenders. They also seemed to unanimously welcome the latest action undertaken by the government to develop the provision of standard formal education at the institutions. As Ahmad highlighted,

*“[H]enry Gurney Schools [and prisons] aim to rehabilitate young prisoners ... I find that there are many good influences when I see my students here ... Today, the trend has changed; people who have knowledge will be respected by others, regardless of any knowledge in any field that they have.”*

To quote another respondent, Bakar, *“[I]f the Government is serious, and in collaboration with others (parties), there will be attitude changes in students...”*

Another respondent, Nawab, also emphasized this point:

*“I understand that the Integrity Schools [and prisons] seek to provide a second chance to students to continue learning, continue what they left behind in education, take examinations, to provide educational opportunities for them to have a second chance in life...”*

While Sarah stressed,

*“[I]f they [young prisoners] are provided with education, they can continue their studies, if not they will repeat the same mistakes ... If they are provided with the right skills, at least they will be able to handle their own business...”*

From the responses, we may imply that the respondents believe that having educational provisions available in institutions will benefit young detainees, particularly in terms of their self-development. In essence, the respondents agree that the available educational provisions tend to provide better educational access for youths during imprisonment. We may also understand how the teachers appreciate the efforts undertaken by the government towards offering educational opportunities for young people in the institutions - to allow these young offenders continue learning activities which had been disrupted as a result of their being sentenced to imprisonment. It would also appear that the teachers seem pleased with the recent government's policy to enhance the personal development of young offenders during the period of imprisonment through providing educational opportunities.

On the other hand, from the findings, it is observed that the respondents equated the purpose of providing educational opportunities for young offenders as a process to rehabilitate them to become useful persons. We may denote that the teaching staff of the institutions had frequently used the term "education" and/or "knowledge" to be associated with the meaning to encourage the process of rehabilitation of young people at the institutions.

To re-quote Ahmad and Sarah respectively:

*[H]enry Gurney Schools [and prisons] aim to rehabilitate young prisoners ... I find that there are many good effects, when I see my students here ... Today, the trend has changed; people who have knowledge will be respected by others regardless of any knowledge in any field that they have." (Ahmad)*

*"[I]f they [young prisoners] are provided with education, they can continue their studies, if not, they will repeat the same mistakes ... If they are provided with the right skills, at least they will be able to handle their own business..." (Sarah)*

Harun's view of the importance of education for young prisoners was very positive: *"Not only do we rehabilitate them, but we also give them a new life! So, they can continue living like other people outside and can also be as successful*

*as others too!” Nawab re-emphasized, “I understand that the Integrity Schools [prisons] are actually there to give a second chance to these young detainees... focused more on educating and rehabilitating them...”*

From the passage above, we may note that teachers and/or vocational training instructors consider that the provision of educational opportunities for young people in institutions is equally important to the rehabilitation programme because both are aimed at educating young prisoners to become better persons whilst incarcerated. The respondents were of the opinion that the provision of education provided for young prisoners at the institutions had a certain influence to facilitate a successful rehabilitation process among young people. It is also quite clear from the data that each respondent associated the idea of rehabilitation of young prisoners in the institutions each time they talked about issues concerning the educational opportunities provided by the prisons management.

Subsequently, when asked about education in terms of rehabilitating young offenders in the institutions, the findings reveal that the teachers view that education acts as a means of disciplining young prisoners in order to direct the youths to be more useful persons during their institutionalization.

Nawab disclosed, *“I think education is important as this is a prison, they (young prisoners) should be made aware to change ... familiarize themselves to be good persons!”*

Ahmad opined, *“[W]ith knowledge, they (young people) can shape their minds... train their minds to be useful persons... They can think of so many ways to earn money!”*

Harun also highlighted, *“Education is to change offenders to be good...”*

Even Sarah insisted in a more interesting view,

*“[R]ehabilitation specifically provided herein [prisons] is more to provide knowledge in a formalized manner so that they [young people] are more organized and manageable... I do think there is a difference between people who are knowledgeable and those who are without knowledge...”*

The responses above signify how the teachers of the institutions consider education and/or knowledge value contents embedded within the rehabilitation programmes available for young offenders will be able to discipline young people to be adaptive to positive lifestyles during imprisonment. As such, the teachers believe that by constantly educating and training young offenders through the provision of proper education, young people will be encouraged to continue to live in a more orderly manner similar to other people, even after they are released from the institutions.

Next, from the findings, all the academic teachers and/or vocational training instructors showed their understanding that the Malaysia Prisons Department plays a great role in providing relevant programmes that aim to rehabilitate young offenders. Sarah commented, *“[T]he closed institutions are actually meant to rehabilitate young detainees... this term has quite a broad meaning – to rehabilitate and to treat them...”* while another respondent, Bakar affirmed, *“Henry Gurney Schools [and prisons] aim to rehabilitate young detainees...”*; and, Nawab also agreed, *“[T]o me, we should give priority to fulfilling the objectives of the prisons... that is to rehabilitate students... rehabilitation programmes...”*

The above excerpts highlight that the main function of penal institutions is not limited to providing a secure detention place for young prisoners, but also to provide certain programmes that will rehabilitate the young people during imprisonment. In this regard, the researcher observes that the respondents are fully aware of both functions of the Malaysia Prisons Department as cited in the official website of the institutions, namely, to provide a safe and secure detention place for detainees and to provide rehabilitation programmes for detainees.

Further, the data indicates the respondents' argument that it is justifiable for the government through the Malaysia Prisons Department to provide rehabilitation programmes since young prisoners deserve to be developed during imprisonment. Ahmad asserted,

*"[C]ertainly, the Government is obliged to rehabilitate them; this relates to the development of human capital. We rehabilitate them so that these students will not repeat the same offences they have previously committed ... they will change to be better Malaysian citizens... useful persons!"*

To re-insert what Nawab had said earlier,

*"I understand that the Integrity Schools [and prisons] seek to provide a second chance to students to continue learning, continue what they left behind in education, take examinations, to provide educational opportunities for them to gain a second chance in life..."*

Similarly, the findings also reveal the teachers' fear that, if the government neglects young prisoners who are detained in penal institutions by not providing appropriate rehabilitation programmes, they will become a greater burden to society in the future. As claimed by Ahmad, *"[I]f we do not rehabilitate them [the young detainees], they will be parasites in the society..."* Another respondent, Sarah added, *"[W]ithout the provision of education offered to young prisoners, youths are likely to repeat previous offences!"*

When discussing the lack of proper educational provision offered to young people in the institutions, Nawab commented, *"[W]hat I often hear from some of the young prisoners here is, usually, most of them will be involved in crime again once they're released from here."*

The above quotations reflect the teachers' beliefs that education can enhance the awareness of young offenders to refrain from repeating their crimes. Therefore, the teachers are of the opinion that it would be much better for the government to provide educational provision for young offenders during imprisonment since they view that adequate educational opportunities would be

an appropriate tool to control crime among young people during and after their institutionalization. It follows thusly that the teachers are also of the view that negligence on the part of the government to provide appropriate educational opportunities for young offenders in prisons can influence the youths to re-engage in criminal activity when they are set free from the institutions.

In addition, the data provides that the respondents believe the Malaysia Prisons Department have legal duties to design rehabilitation programmes and/or activities that can encourage behavioural and/or attitude change amongst young prisoners. One respondent, Ahmad, pointed out that,

*“[T]he most important thing is that prisons must motivate students to change attitudes... about life philosophy... I hope that the Henry Gurney Schools [and prisons institutions] will be able to rehabilitate students to change their negative attitudes... to be better persons.”*

Sarah also expressed that *“[W]e hope that their way of thinking will be improved...”*

Bakar added that, *“[W]e wish to mould their minds so that they can be useful persons...”*

Harun further suggested, *“[K]nowledge can enhance their [young offenders] self-esteem so that they will not repeat the same crime!”*

The above data further implies that the respondents strongly feel the prisons management needs to focus on encouraging young offenders to change their mindsets during the term of imprisonment to improve their previous bad behaviour. Here, we may conclude that the teachers think young offenders do still have opportunities to be re-educated during their imprisonment to become useful persons after their release from the institutions.

As a matter of fact, the data further suggests that teachers of the institutions believe educational provision may help enhance the process of rehabilitation of young prisoners in the institutions. The respondents' were quite confident that the

elements of education and knowledge would encourage young people to be more concerned about changing their previous attitudes and ways of thinking. The data also suggests that the teachers agree that education can guide young people to be more resistant during the period of imprisonment and after release.

Ahmad highlighted to the researcher that he always reminds his students,

*“[W]hat you learn now may not make you a doctor, but if it does, that’s all the more good for you...at least, it will make you live just like other people; make you obey laws, rules; have children, a wife, be responsible for yourselves...”*

Another teacher, Ali, explained, *“[W]e must inculcate life’s philosophy (values) when teaching them... values (moral) in them... so that they will realize that when they were at the age of 13, 14 they had never been able to have those thoughts...”*

Sarah further continued with what she previously expressed,

*“[W]ith education, we hope that their way of thinking will be improved... at least, they will be able to think twice before attempting to re-offend... We certainly hope that they will not repeat the same mistakes.”*

Also stressed by Nawab, *“[I]t is more important to provide them [with knowledge] about attitude changes and their perceptions...”*

The above excerpts suggest that the teachers give priority to educational provision in that it can motivate young offenders to become better persons during imprisonment and after release from the institutions. They pointed out that once the young detainees are well-educated, they may generally be more considerate in their way of thinking and behaviour. In this respect, we are made aware of the perceptions of teachers who recognize the importance of education in providing the elements of knowledge that could change the behaviour of young offenders.

Further, the data indicates that what the teachers at the institutions mean by ‘better persons’ is that they simply believe the young offenders can change their



lives to be like other 'ordinary' members of society who are more matured, responsible and independent. They further reasoned that the type of education and/or knowledge elements that should be exposed to young offenders must be that which leans toward motivating young people to survive after the institutionalization.

*"[T]hey must forget those bad habits and not just get degrees (good grades)... the most important thing is for them to be able to change their attitudes... simply to be more akin to other people..."* (Ahmad);

*"I hope the students change their bad attitudes and be more like other people. I don't dream for them to be rich people... If they could only just be as other people; get married... not doing bad things!"* (Nawab);

Sarah further agreed, *"If they are provided with skills or education, at least they will be able to run their own business. Once they have an education, the society will not be prejudiced against them!."*

*"[I]f possible, once they have served time in prison for the first time, that's enough... don't come back for a second time! Hope that they will realize the past mistakes."* (Harun)

In capturing the insights of the teachers and/or vocational training instructors at the institutions, we find that they consider the main objective of rehabilitating young prisoners during imprisonment should always be directed towards producing young ex-convicts who are not much different from others outside the institutions – responsible, independent and law-abiding citizens. It is of their primary concern that during the institutionalization period, the young offenders learn how to become useful so that they will not be a problem to the community when later discharged from the institutions. Hence, the teachers and/or vocational training instructors foresee, knowledgeable and educated ex-young convicts will slowly gain personal confidence to face the community upon the reintegration process.

From the data, we may also infer that the teachers and/or vocational training instructors believe that the education attained during the young offenders' imprisonment has enlightened the young people to aim for two things; firstly, to begin a new life that will be different from their former lives and secondly, to find a suitable job that will help them to desist from crimes in the future.

The data further signifies the view that the teachers and/or vocational training instructors of the institutions are more inclined to assert that religious knowledge and/or moral education subjects can assist young offenders to be rehabilitated while imprisoned. The researcher observes that the majority of the educators have expressed their stance that religious knowledge and/or moral education content subjects will enlighten young prisoners to be more aware of their past criminal wrongdoing.

Nawab suggested,

*"If the Prisons Department really wants to achieve the goal of rehabilitating young prisoners; they should give priority to offer more religious and/or moral educational subjects/programmes to the youths."* Harun further supported, *"[H]ow to cultivate a sense of self-esteem among these young prisoners? By means [of course] of religious knowledge and/or moral educational subjects/programmes!"* Sarah pointed out, *"[C]hange in attitude [amongst young offenders] is very important ... [the prisons] need to offer more formal religion and/or moral educational classes to young people."*

The above quotations represent the thinking of teachers and/or vocational training instructors who are likely to prefer the Malaysia Prisons Department to offer more educational opportunities that are based on religious and/or moral education subjects/programmes. It would appear that the teachers believe there is a strong relationship between the religious and/or moral education subjects/programmes and the process of building the character of young prisoners in that these subjects' contents will develop young people to be more resistant and resilient people.<sup>248</sup>

---

<sup>248</sup> Read *Religious Knowledge and Moral Education Program in Prisons: Teachers' Perceptions and Expectations*; Proceeding for the 7<sup>th</sup> World Conference on Muslim Education, 2009, organized by Kolej

As the researcher was informed by all the respondents, the majority of young offenders detained in the institutions have poor knowledge of religion. They further added that they have always acknowledged the fact that these young people tend to be rough and rebellious in their attitudes. The teachers and/or vocational training instructors also confirmed that most of the youths shared similar destructive personality traits, including major inferiority complex, lack of self-confidence; low self-motivation and low self-esteem. The respondents therefore insisted that when they convey knowledge about religion and advise them to do good, young offenders seem to respond positively.

To quote Bakar: *"[A]s teachers, we should give a lot of advice to them (the students). Using the advice, we teach them bit by bit, they understand easily."* Sarah expressed, *"[E]ven when they [young prisoners] go to the courts [to be remanded], they request me to pray for them..."*

Hamid told that:

*"[A]t first [when they arrived at the institution], they never knew how to pray, but after being here for a long time, they have begun to pray! At first, they never wanted to shake hands with the teachers here, but gradually, they themselves wanted to shake hands with us [the teachers]."*

Ahmad also agreed,

*"[W]hen they [young people] first arrived here [prisons], they did not bother. They did not perform the prayers, fasting etc., later, I noticed they started to change. They tried to perform the religious practices..."*

From the responses, the respondents noticed that the students were actually trying to express their intention to listen to good advice and were ready to learn more about how to be 'good' persons. We may thus consider teachers and/or vocational training instructors seem more likely to enlighten young offenders by using a religious and/or moral values approach so that the youths are more open to change attitudes.

In addition, the teachers and/or vocational training instructors often found that the young prisoners seemed more interested in becoming good after being repeatedly reminded to feel regret for their past mistakes through words of advice and encouragement. To quote some of the respondents:

*“Teaching here needs more of a psychological approach.”* (Bakar);

*“I like knowing about their previous [criminal] stories. Most of the students are willing to share their past experience with me. Indirectly, I will give them support and advice.”* (Harun)

*“When I teach, I like to advise, “do not repeat your mistakes ... enough of all this suffering [being in prisons]! As far as possible, I will give advice to them so they feel like being in school”.* (Sarah)

*“I cannot always scold them because I think if I continue to be angry (at them), they will feel like they did when they were in school before.”* (Nawab).

As Ahmad explained;

*“Day by day, we can observe their attitude improvements. They are getting keener on listening to whatever we tell them. Furthermore, each time we give them any sort of task, they will show a sense of being more responsible.”*

The above replies may be understood as how the teachers think the young prisoners might react in response to counselling methods when teaching at the institutions. The teachers also tend to agree that the young people will show some positive feedback by trying to be good during the learning activities after hearing the words of good advice and persuasive tone from their teachers.

Finally, when asked about the issue of whether it is worth it or not for the government to allocate a large expenditure to providing educational opportunities for young prisoners detained in prisons, the majority of the respondents gave impressive responses.

*“[O]verall, I think it’s worth it! We need to give more time. I hope the Prisons Department will try to achieve the goal to rehabilitate young prisoners. As*

*far as giving a second chance to young people goes, to me, this has been achieved ...the illiteracy rate has already decreased.” (Nawab)*

*“So very worth it! Since most of these students are lacking in education and the economic department, with education [provided in prisons], their time is filled with useful things ... those who really want to learn can contribute to the country!” (Sarah)*

*“In practice, this is the best! ... If we rehabilitate them [young people], in fact, they will help the government. [The government] must rehabilitate them because they are already off the right track! (Ahmad)*

The above passages may be interpreted as that the teachers of the institutions had never thought of the expenditure spent by the government to rehabilitate young offenders as a waste. Every teacher seemed to have a valid reason as to why young prisoners should be assisted to be rehabilitated during their term of imprisonment. We thus say here, in conclusion, that the respondents feel that the young prisoners are in need of assistance from the government to free themselves from the threat of crime. As members of the community, teachers hope that the government will continue to guide these troubled youths because there is still room for them to repent. If the government continues to have concern for young offenders, this may manifest positively by having these youths change into citizens who can benefit and contribute to the community once they complete their term of imprisonment.

#### *The Academic Teachers and/or the Vocational Training Instructors’ Motivation to Teach in the Institutions*

From the findings, the majority of the respondents can be seen as a group of teachers who are passionate about teaching the young prisoners in the institutions for a number of reasons.

Firstly, the data indicates all the respondents admitted that their intention to teach children and young people in the institutions is induced by the motivation to acquire a different teaching experience.

For instance, Harun mentioned,

*“I am determined to teach here (in penal closed institutions) as I feel that this school is special to me... one; not everybody is allowed to enter this school... two; I want to seek new teaching experiences... and obviously, I’m eager to teach students who have been convicted of serious criminal cases.”*

Harun explained, *“It was my initiative when I first came to teach here. I wanted to have a change of teaching environment... to teach in closed penal institutions...”*

While another respondent, Ahmad, told that, *“I first came and taught here not on the direction [of the authorities], I made the application myself... I wanted to feel a different environment of teaching ... I was excited to teach the so-called "naughty students", who were convicted by the court...”*

Nawab explained, *“I really wanted to get a new experience...”*

Furthermore, some of the teachers were keen to teach the students in closed penal institutions as they presumed the students therein to be challenging and adventurous. As Bakar confessed,

*“I want to educate students who are said to be “bad” – those who have been adjudicated by the Courts. One of the challenging tasks for the teachers here is about how should we mould them. And I like this [kind of] challenge.”*

Nawab stressed, *“I would rather teach naughty students. For me, they are more brave to try things unlike good students... these students [young prisoners] are not boring!”*

While another respondent, Ahmad expressed, *“[B]efore I taught here, I used to hear people's perception of this school being a school for "naughty boys", so I was interested and wanted to know more about it... I like challenges...”*

Further, the data also suggests that the respondents are teachers who trust that they have the ability to deal with so-called young criminals who are being confined behind bars. For the teachers who teach skills, they acknowledge that they have certain qualifications to teach useful knowledge that is beneficial to young prisoners in the institutions.

To quote Hamid:

*“Since I have the skills, I intend to transfer the skills to these people (young prisoners) so I can rehabilitate them when they are released, and they can use their skills to be able to earn ... to feed their families and eventually employ others to work for them.”*

Kamal also added, *“The important thing is that I have the knowledge [skills] to teach these students so that they can make use of it.”*

So far, we understand that the teachers are interested in teaching young prisoners in these institutions because they believe they are able to transfer knowledge and/or skills that they have for the benefit of the young prisoners. Besides that, we can also see that these teachers are keen to deliver useful knowledge to the young detainees who are currently serving their prison sentences. All of the above show that the teachers at the institutions have great motivation and commitment to teach students in the institutions. At the very least, they seem to really have the courage to challenge themselves and to learn more about the truth of the perceptions held in the institutions.

The data further certifies that the teachers are clearly motivated to teach children and young people in the institutions based on their own initiative to teach in environmental settings which they presume to be contrary to other ordinary (state) schools outside the institutions. There is no evidence from the data that there are teachers who are being forced to work as educators in the institutions. Moreover, they even view that being teachers in closed penal institutions does not change their actual role – to teach and educate students. The researcher has been informed by all the respondents that they themselves made an application

to the prisons management and/or the Ministry of Education to be accepted to work as teachers in the institutions.

In addition, the data also reflects that the fact that the students are former young criminals is generally ignored by the teachers. The teachers entertain the children and young people with respect, and value them similar to other students outside the institutions.

As a matter of fact, all of them shared the same opinion when probed about their perceptions of young prisoners as to whether they regard this group as ordinary "students" or "prisoners". It is revealed from the data that the teachers never thought to act unfairly or discriminate against the students in the institutions, despite the offences the youths may have committed before.

As Sarah said,

*"We do not think of the young children as prisoners. We [teachers] are [teaching] in a school. Why do we need to regard them as "prisoners"? We consider them as our students! Especially when we know their names, we [prefer] to call them by their names ... often, when I see their faces, I do not think that they are bad students."*

While Hamid expressed,

*"[T]hese students... I never call them "Prisoners!"... And I never use bad words with them. In fact, I always tell them that, perhaps in the future, when you are released, you will become a better person than me."*

Another teacher, Harun, added that:

*"[T]heir bad manners are not much different from the students outside [the prisons institutions]... It's just that due to their involvement with some serious cases, they were sent here [prison institutions]..."*

The abovementioned quotes suggest that the teachers understand their role in these institutions, which is to educate children and young offenders as if they were teaching in any other ordinary school outside the institutions. This would



imply that the teachers are willing to ignore the history of the child's criminal past, and they only focus on fulfilling their actual responsibility, that is to educate students in the institutions. Indirectly, it also shows that the teachers always respect the students as "ordinary school children" who need education.

As Nawab explained: *"I tell myself, even if the youngster is deviant, because he is my student, he will always be my student. I treat all of them as my students!"*

Ahmad also agreed, *"[S]tudents in the institutions herein are just the same as students out there..."*

On the other hand, most of the teachers have expressed their awareness that they were going to meet with a group of troubled students who had deviated from the mainstream educational system. However, the teachers seemed enthusiastic about teaching and engaging students in the institutions, and they can be said to have been ready to face the challenges of teaching young prisoners since the first day they came into the institutions.

Ahmad clarified,

*"[P]eople may say that teaching here will have fewer problems, but it's even more 'problematic!' It is about their [young people's] morals; as opposed to students out there...they [young prisoners] may be intelligent..."*

Harun further interjected *"[B]efore, I used to teach students in the lower stream, 'naughty pupils'... Yes, I am determined to teach in this institution!"*

Apparently, we may also imply that the respondents believe if they can contribute their knowledge and/or skills to educate students in closed penal institutions, they would have achieved a kind of a personal satisfaction. The data would also suggest that the propensity of teachers engaging with students in the institutions is related to their personal interests of wanting to approach young offenders for the purposes of delivering useful knowledge as if the youths were ordinary pupils receiving education outside the institutions. Hence, we may also interpret that the teachers consider that they too play an important role in inspiring young

prisoners to gain proper education/knowledge, even though they are currently being institutionalized.

Also from the abovementioned findings, we gather that the prisons management should be grateful to have such an enthusiastic group of teaching staff ready to meet the aspirations of the department to develop young prisoners in the institutions. It is quite certain that the teachers are willing to help the prisons management to develop the potential of each young detainee through a variety of educational provisions available in the institutions.

Ahmad highlighted, *“I really feel proud to teach here! ... imagine, they are naughty ... with less facilities ... yet they manage to prove themselves ... I feel content!”* As confirmed by Harun, *“I think it is easier [for me] to interact with naughty students. For me, they are keen to listen to what we say... because actually, they do not know much [are less knowledgeable]...”* Nawab also mentioned, *“I want to teach whatever [knowledge] they [young prisoners] think may be useful [to them].”*

We may realize that the teachers never look down on the students simply because the students had been sentenced or punished by the penal system. Notwithstanding the fact that the students are confined within cells, the teachers continue to be genuinely responsible in their work, and focus on teaching students with such courage and belief that it would appear that the sobering environment has no negative influences preventing them from being good teachers. All of them are of the opinion that the students are still eligible for certain educational rights to be met by the prisons institutions, even if the youths have had previous criminal records. By treating the students fairly and justly, the teachers show their own respect to the students.

*Educational Provision for Young People in Malaysian Penal Institutions – Prospects and Challenges*

In dealing with the tasks of teaching young offenders in closed penal institutions, the perception of academic teachers and/or vocational training instructors is quite similar to one another. The following are the key points of view from the educators on the prospects of educational opportunities for young prisoners in institutions:

*i. Poor Educational Facilities*

Both the academic teachers in the Henry Gurney School expressed their concern about the current existence of educational facilities available in the institution. From the findings,<sup>249</sup> the researcher gathers that the library does not have a huge collection of relevant reading materials which can motivate students to develop their interests in reading. In fact, the library is actually filled with a lot of text books that were donated by non-governmental agencies. There are insufficient academic reference books, workbooks and exercise books for the benefit of the students. Most of the textbooks contain old versions of the syllabus and the books that are used are those that have been marginalized by others. Next, there is no science laboratory for the use of the students in the institution. There is also inadequate educational equipment for students to use in the Life Skills subject.

In addition, the computer facilities currently available are lacking for the benefit of all students. Even the classrooms are limited. In short, teaching and learning activities conducted by teachers for students in the Henry Gurney School are facing difficulty. Both the respondents hope that the weakness in the quality of educational facilities available at the institution can be changed through the recent collaboration between the Ministry of Education and the Department of Prisons. As one respondent, Ahmad, mentioned:

---

<sup>249</sup> Based on the interview data with the academic teachers and/or the data from observations at the institutions conducted in November 2008 – January 2009.

*“In the library, there are only textbooks, old books. No student is interested in reading [the materials available] ... I hope then ... (silence), when the school is upgraded and developed as schools (state), other facilities... the library to be upgraded ... and so on, .. I believe these students will think that they are all well- kept and taken care of. And when they feel that they are cared for, they would put in more effort to study harder!”*

Another respondent, Bakar, commented:

*“[F]acilities like other schools should be provided here... with the laboratory (science) ... We do not have a library here ... "library"? There is one, but only in name... just full of textbooks.”*

However, the educational facilities available in the Kajang Prison were not too lacking for the academic teachers. None of the respondents clearly expressed their concerns over the educational facilities provided by the institution. The researcher observed that, in terms of physical condition, the educational facilities available in the institution appeared to be fair, in which the classrooms are practical according to the total number of students and are equipped with enough tables and chairs. Remarkably, all the classrooms were equipped with air conditioners. It is also interesting to note that there is a computer lab equipped with around 15 computers. However, the researcher was not in a proper position to identify whether all the computers were in good condition or not. As to the knowledge of the researcher, these computer facilities were donated by non-governmental organizations.<sup>250</sup>

## *ii. Learning Interests of Young People*

In connection to the aspect of student motivation during learning activities at these institutions, all the respondents seemed to recognize their students' educational backgrounds - children who have dropped out of school and have little interest in school activities. One respondent, Ahmad, stressed that:

---

<sup>250</sup> The observations at the institutions were made by the researcher in November 2008 – January 2009

*“Generally, I can tell that all my students here have low IQs. Also, they have little interest in studying. This is why we should motivate them... Perhaps, they were neglected [before coming here], so their rehabilitation process here is quite difficult.”*

*“[W]e realized that the students here are problem students... some of them were truants or dropouts. Some of them had never prayed before. Some of them had never liked books. That is why sometimes we need to observe their past histories.”* (Bakar)

Harun told that, *“Most of the students here had already stopped schooling before they were sent here. It was only when they got involved in serious cases, for example rape or murder, that they were sent here [institutions].”*

In recognition of the fact that these students had no interest in school activities, the respondents think that the young people’s motivation to continue their education is still low, especially for those who are placed in prisons. The teachers in the Kajang Prison felt that the students' interest in learning activities is closely related to the category of prisoners. For example, the lack of interest in educational activities in the prison can be clearly observed among young remand offenders. Sarah acknowledged,

*“Actually, they are more concerned about their trial dates. “What is my fate after this?” and so on... How long is my sentence going to be?” The problems here are with these remand detainees. They were sitting blatantly in the classrooms! At first, I simply couldn’t tolerate the lack of attention they paid to me in class...”*

Another respondent agreed with the view,

*“Unlike the Detainees under the Pleasure of the Ruler, these students are really committed to learn since they already know that they will be staying longer here. They cannot just simply get out of here. I observed that those who are more interested in studying are the long term detainees. The remand students? No!”* (Nawab).

And another respondent, Harun, added:

*“There are some who are committed to learn but it is a very small percentage of the detainees; usually it’s those under the Pleasure of the Ruler because they know that they will be staying here for a long time ... but for other prisoners, presumably because of their short sentence, they have other things [they plan] to do after they’re discharged from these institutions.”*

In contrast, the situation is quite different from the children and young people in the Henry Gurney School. As formal academic education in this institution only applies on a voluntary basis, therefore, the teachers feel that students who wish to register to continue studying are those who are really interested in learning activities.

However, there are no compulsory regulations for students to be committed to the academic activities of the institution. Nevertheless, the management constantly encourages them to do so.

Ahmad confirmed,

*“The concept adopted in the Henry Gurney School here is not based on "compulsion". We only offer to those who wish to participate in academic programmes. It is all up to them [the young people] whether to continue schooling or not... We hold promotional activities encouraging them to continue their schooling activities... give briefings to them [about the academic programmes]. But since there are a lot of other skill activities available here... we have got sewing classes, electrical skills, landscaping..., it all then depends on the students whether to focus on any area they wish to [academic or vocational programmes]”.*

Bakar further added:

*“Early in the [school] year we see less [interest in the academic programmes], but after some time, we can see... they start to do the school work by themselves, do [school] lesson exercises... I see that the majority of them [who join the academic activities] are really committed...”*

Another respondent told,

*“At first, they [the students] had little interest... For the newcomers, I always advise them to choose at least one skill activity that they like during the three years of detention so that they can utilize the knowledge later [when they are released].”* (Ahmad)

From the responses, we may imply that in both institutions, young offenders are not keen to be involved in academic and/or vocational skills at the time they initially enter into the institutions. However, according to interview data with the teachers, their interest and commitment towards the learning activities started to gradually rise after receiving support and encouragement from the teachers and/or vocational training instructors. The data also indicates that the efforts and continued support from the teachers to convince them to change their bad habits, attitudes and thinking styles have been able to encourage students to commit to the learning activities.

Furthermore, the data also provides that a deep understanding of the nature of the students' educational background and their personal life stories will be able to help the teachers to deal with the students. The responses also indicate that the more sympathetic the teachers are towards the students' personal backgrounds, the greater the students' motivation to change to be better persons. In addition, the students may also be more motivated to commit to the learning activities after they gradually begin to accept the reality of life in prison. Here, the role of the teachers is also important in that it can help students to change their thoughts about the importance of education.

On another point, the interests of the students in engaging in the learning activities may seem varied between both institutions. For instance, the students' interest in school activities depends on the status of their criminal record. In general, the remand students have much less interest in the learning activities due to their emotional instability caused by fear of their trial dates compared to other categories of young prisoners. Therefore, remand offender students are always anxiously expecting to be bailed out of prison and, hence, they do not seem too keen to demonstrate their commitment to learning activities.

The same situation occurs among young detainees who are going to receive caning sentences. Their moods and will to learn automatically changes as the caning punishment dates get closer, and as a result, they cannot hide their nervousness at all. This is very unlike the young prisoners who are serving long sentences, who are more inclined to take advantage of educational opportunities available in the institution. These students seem to realize what will benefit them if they continue to utilize the educational opportunities provided by the institution.

At the Henry Gurney School, the students' commitment towards the academic and/or vocational activities is more or less the same. Obviously, they have not been able to show their interest in learning activities during the early stage of their detention period, but eventually the situation will change gradually as they know how to better adjust to the reality of life in prison.

In addition, as young detainees are still in the early stages of their period of detention, and are generally low on self-esteem and positive mindsets, the data shows that their commitment to engage in learning activities depends heavily on the support of the teachers and the detainees' families.

It was discovered that the students' motivation will increase if they get the attention of either one of the parents, families or teachers. This also shows that children and young people need extra attention and continuous support in order to help them to rebuild their self-esteem and personal development. One respondent expressed,

*"Parents ... they do not meet them... During Hari Raya<sup>251</sup>, some parents do not care to come and visit the children. Then, in class, they (young people) are disturbed. "Teacher, my mother did not come!" (Ahmad).*

Sarah informed,

*"Parents do not visit them ... there was a student whose parents came one day before the examination, his face looked so cheerful!"*

---

<sup>251</sup> The Malaysian name for Eid, the festive season that marks the end of fasting during the (holy) month in Islam.



And Nawab said, *"I had heard one of my students said, "[W]hen my parents do not come here, I feel lost ... ", and there are some students whose parents did not come at all, not even during the holidays."*

The findings also suggest that the role of the teachers acting as counsellors or education advisers helps the students to be more committed towards the learning activities. From the data, all the respondents agreed that by continuously giving advice and encouragement to the young detainees, the children and young people will feel more cared and thus they will be more inspired to study. As Sarah expressed,

*"[Y]oung prisoners require our attention ... In this school, we [teachers] practice the counselling approach ... I always advise them not to repeat their misconduct... I remind them of how miserable it is to live here [the institution]. I will continue to advise them so they will feel like staying in school as much as I possibly can."*

Another respondent, Bakar, said, *"[A]s teachers, we should give a lot of advice to them [the students]. Using the advice, we teach them bit by bit, they understand easily."* Another respondent, Ahmad, expressed that *"These children need to be continuously advised, nurtured and controlled so that they remain in a good environment..."* Another respondent, Harun, emphasized, *"Teaching here needs more of a psychological approach."*

One respondent, Hamid, explained that,

*"[T]hese young children actually need more advice. When we give them more advice, they will slowly listen to us. We cannot simply scold them. ... advising and encouraging them to develop in life is one of the more important tasks I do every day in teaching here... on and off, while I'm teaching, I will certainly remind them about life - about the purpose of living. This is called value. So, the children will be more interested in studying. I always remind them about why they are in this institution..."*

The above responses show that these teachers know what appropriate measures to take when presented with the unpredictable behaviour of the young prisoners who receive education in prisons. The data also reveals that there are teachers who show concern in their tasks as teachers who can influence young offenders to become better people by using continuous encouragement and advice.

## **Conclusion**

This chapter analyzed the interview data obtained from the academic teachers and/or the vocational training instructors of two closed institutions for child and young offenders in the Henry Gurney School, Malacca and the Kajang Prison, Selangor, Malaysia. The findings represent the respondents' perceptions and views regarding the educational opportunities provided for young people in Malaysian penal institutions.

The chapter has been able to highlight that in principle, the teachers of both institutions believe that education has been used by the Malaysia Prisons Department as a way to socialize (all) young people and to improve them during incarceration, to make them better human capital for the nation.

Further, the teachers also view that the rehabilitation of young people in prisons is conceptualized almost entirely as education. Therefore, the teachers may be seen as pleased and grateful for the determination of the government through the collaboration between the Malaysia Prisons Department and the Ministry of Education, Malaysia to want to expand the provision of educational opportunities to young prisoners so that these young people are not left out, and to also allow them to enjoy equal and appropriate educational opportunities as that of other youths outside of the institutions.

The teachers also expressed gratitude to the Malaysian government for its efforts in assisting with the personal development of young prisoners who are detained

in prisons by enabling them to have standard formal education, and for believing that they are still able to contribute to the nation upon their reintegration process.

The following chapter will discuss the findings of the interview data taken with the officials of the Malaysia Prisons Department.

## CHAPTER SEVEN

### **Findings Chapter: Interview Data with the Officials of the Malaysia Prisons Department**

#### **Introduction and Background of the Respondents**

The following discussion presents the data from the interviews undertaken with the prison officials of the Prisons Department, Malaysia. The data covers interviews with a total of six respondents, who are: first, the Director General of the Prisons Department, Malaysia (who at the time of the interview was the Deputy Director General of the Prisons Department, Malaysia, General Commissioner, and will be later referred to as the “Director General”); secondly, the Director of the Rehabilitation and Treatment Unit<sup>252</sup> of the Prisons Department, Malaysia, Deputy Commissioner Hj. Darussalam Bidin, who will later be referred to as the “Director of Rehabilitation and Treatment”; thirdly, the Education Section Officer of the Prisons Department, Malaysia, Shamsuddin Mustapha, who will be referred to as the “Education Officer”; fourth, the Chief Inspector of the Prisons Department, Malaysia, Ahmad Nasir Md Ali (who will later be referred to as the “Chief Inspector”) representing the Director of the Kajang Prison; fifth, the Director of the Henry Gurney School, Malacca, Samihan Misdi who will later be referred to as the “Director of HGS”; and finally, the Legal Advisor of the Prisons Department, Malaysia, Mahathir Ahmad Khairuddin who will be referred to as the “Legal Advisor”.

The discussion will then review the findings which shed light on, firstly, the Malaysian government’s stance in relation to educational opportunities for young people who are detained in closed penal institutions in Malaysia; secondly, the relationship between the “educational opportunities” provided for young people detained in penal institutions and the notion of offender rehabilitation; and thirdly, the relationship between the “educational opportunities” provided for young

---

<sup>252</sup> Currently, the unit has been renamed as the Offender Management division. For further details, see the official portal of the Malaysia Prisons Department at <http://www.prison.gov.my> .

people in prisons and the notion of children's rights, particularly their rights to education.

In essence, the researcher was seeking to establish the factors that motivated the prison officials to provide educational opportunities for young people in the penal closed institutions in Malaysia - whether they were driven by notions of children's rights, by particular notions of rehabilitation, or by any other factors.

As with the other groups of respondents discussed earlier, the data interview from each respondent in this sample was transcribed verbatim and subsequently analyzed thematically according to a set of established themes.

#### *The Availability of Educational Programmes Provided for Young People within the Malaysian Penal Institutions*

From the interview data, the researcher gathered that the current educational opportunities provided for young people who are detained in the closed penal institutions in Malaysia are based on the rehabilitation programme known as the "Putra Module" that adopts the 'school programme approach'. The findings also reveal that the entire implementation of the *Putra* Module simply follows the educational curriculum adopted by mainstream schools. Here, we may infer that the module is best fit into the notion of rehabilitation within the context of to "restore" young people to their former lives.

Under the *Putra* Module, the young people are equipped with various programmes including academic, vocational, spiritual/religious, sports and co-curriculum activities. The academic programmes provided for the young people are basically academic-oriented, similar to the education system that is applied in mainstream schools.

This *Putra* Module was developed by the Offender Management Division (the then Rehabilitation and Treatment Unit) of the Malaysia Prisons Department, solely for the rehabilitation purposes of young offenders, based on the "Human

Development Plan” (HDP) or the *Pelan Pembangunan Insan* (PPI). Since its launch in 2004, the HDP has operated as the blueprint of the Malaysia Prisons Department in developing the rehabilitation programmes, modules and/or activities for pre-sentence offenders, offenders currently serving their sentences and post-sentence offenders.

Further, the interview data provides that, when asked about the provision of education for young detainees at the penal institutions, all of the respondents responded by linking the importance of the "Putra Module" to the provision of educational opportunities for the youths by the Prisons Authority. According to all of them, the "Putra Module" is a specific rehabilitation programme designed to develop young people detained in Henry Gurney Schools and prison establishments.

The underlying principles beneath the programme emphasize the holistic rehabilitation programme that stresses on the physical, clinical and psychological aspects of the young people. In general, the *Putra* Module acts as a guideline for the prisons to provide rehabilitation programmes with the aim of helping young people to understand their past criminal wrongdoing and to encourage them to be ‘good’ persons before reintegration into society upon their release. It is expected that by the end of their institutionalization, the youths will be able to lead to normal lives like other ordinary persons.<sup>253</sup> Here, we may infer that the module is best fit into the notion of rehabilitation within the context of to “restore” young people to their former normal lives.<sup>254</sup>

The designation of the “Human Development Plan” (HDP) is essentially based on the principles of “Knowledge, Attitudes, Skills, Intelligence and Humanity” (“KASIH”<sup>255</sup>) that emphasizes the belief that every offender has the potential to

---

<sup>253</sup> “Modul Putra” (“Putra Module”), “Bahagian Pemulihan dan Rawatan” (“Rehabilitation and Treatment” Division), Malaysia Prisons Department.

<sup>254</sup> See Chapter 4 (Rehabilitation Chapter) at page 132

<sup>255</sup> In the formal language of Malaysia i.e. Malay Language, “Kasih” means love. The researcher finds the acronym interesting as it signifies the belief of the Management Offender Division that every offender deserves a chance to be developed in a proper and systematic manner.

be rehabilitated.<sup>256</sup> Since its inception up to the present day, the HDP has been the back bone of rehabilitation programmes in all prison institutions in Malaysia for all categories of offenders, including young people, who are trained to be responsible towards their return into the society.

Prior to the establishment of the “Human Development Plan” (HDP) in 2004, the Malaysia Prisons Department functioned more as the department that focused on the security and safety aspects of offenders rather than their rehabilitation. During that particular period, the Malaysia Prisons Department prioritized the aim of maintaining the safety of the offenders.

In response to queries regarding the background of rehabilitation programmes for offenders available today, the Director General explained;

*“[B]efore 2004, we only implemented the programme on security, and if there were any plans for a rehabilitation programme, we only included a relatively disorganized programme...it was not fully integrated until 2004, but we have since realized that rehabilitation is an important process which will determine the security and safety level...so we call it ‘dynamic security’. It was present before but not integrated.”*

As the researcher probed to seek further responses about what the Director General meant by ‘integrated’, he mentioned that before 2004, the implementation of rehabilitation activities for prisoners in penal institutions, if any, was carried out without having to follow to any particular standards. The Director General clarified; *“If there was an opportunity for us to implement the rehabilitation, we would do it. But after 2004, we could see its [rehabilitation] structure, so the rehabilitation programme was implemented, for instance, religious talks and so on...”*

The interview data below confirms that to the Malaysia Prisons Department, the “Human Development Plan” (HDP) is so important that its existence has changed

---

<sup>256</sup> Refer to “Bahagian Pemulihan dan Rawatan” (“Rehabilitation and Treatment” division), retrieved at <http://www.prison.gov.my>; accessed 12 August 2010.

the overall thinking and the future direction of prisons officials relating to rehabilitate prisoners. The Chief Inspector stressed that before the establishment of the HDP in 2004, the implementation of rehabilitation programmes in penal institutions was not properly documented, and therefore such programmes were seen as not being systematically applied until the then Director General Datuk Mustaffa Osman (when he was the Director General of the Malaysia Prisons Department) launched the HDP and declared it the blueprint of rehabilitation programmes at the Malaysia Prisons Department.

Subsequently, the interview data shows the Prisons Department only seriously started to implement the rehabilitation programmes for offenders in 2004, when newly-constructed buildings for the prisons were built and came with equipment for both security and rehabilitation facilities in that year. The Director General commented, “[T]his means that after 2004, we moved on to the construction of new prison buildings, so we needed the facilities for rehabilitation and security...”

The Director of Rehabilitation and Treatment supported the above statement,

*“[I]n 2004, we launched the Human Development Plan (HDP) and we are now moving towards rehabilitation...I saw in 2007, the structure of the Malaysia Prisons Department, Head Quarters... the total number of staff for the Rehabilitation unit was 30% more than the Security division. So, with the launch of the HDP, the structure of the Prisons Department has also been modified...”*

Hence, we understand the Prisons Department started to seriously implement rehabilitation strategies and/or programmes for offenders in 2004, where in the same year, the department launched the “Human Development Plan” (HDP) and declared it to be the blueprint of the institutions.

However, the data from the interviews also shows that despite the “Human Development Plan” (HDP) being widely-implemented in penal institutions from 2004 onwards, the Henry Gurney Schools had adopted the “Putra Module” long before that. Therefore, we may imply that educational programmes were more extensively provided for young people detained in the Henry Gurney Schools rather than in prisons prior to the launch of the HDP in 2004. The Director General confirmed that pre-2004, educational provision that was academically-



focused was solely provided in the Henry Gurney Schools, although not many of the young people in the institutions took advantage of the educational opportunities.

Nonetheless, after carefully studying the advantages of education that could contribute to the young people's development during imprisonment, the Prisons Authority realized that education may form a basis for building up the young people's characters. This eventually motivated the prisons management to begin constructing the rehabilitation module in a more systematic and organized manner. To quote the Director General,

*"Here, I feel there is a need for a special focus on education. This [the inclusion of educational content] provided the impetus for the rehabilitation programme affecting the young people. Education presents the opportunity for the students to be equipped with knowledge and think as mature and positive individuals. This is the knowledge that we want to channel to them so they can build their own principles in life, to improve their knowledge so they would be able to determine where they want to head in life."*

Based on the above quotation, we may understand that the Malaysia Prisons Department considers education as an appropriate tool to stimulate young prisoners to become matured persons both in thought and actions, and subsequently to be able to be useful citizens in the future.

The idea of embedding educational content within the rehabilitation programmes for young people in the institutions was given much attention by the top management of the Malaysia Prisons Department. As the Director of Rehabilitation and Treatment admitted, *"I have been appointed by Datuk [Mustaffa] to develop the education system..."* The quotation explains to us that a direct instruction from the top management of the Prisons Authority to the officer who is fully responsible in matters of rehabilitation of offenders took place in the early stages of the improvement or the review of the rehabilitation programmes in the year 2004.

The data also discovered that the earlier experience of the Director of Rehabilitation and Treatment as the Director of the Henry Gurney School, Malacca and the Director of the Sungai Buloh Prison<sup>257</sup> had greatly influenced him in the development of rehabilitation programmes for young offenders. His past experience involving the management of offenders, particularly young people, had somehow led him to realize that young people needed a 'specific' system to encourage them to persevere in facing life in prison.

The researcher also observed that the Director of Rehabilitation and Treatment drew lessons from a particular incident<sup>258</sup> which happened during his tenure in the Sungai Buloh Prison, and that this strengthened his belief that the Prisons Department needed to create a 'particular' system that could fulfil the needs of the young people during their imprisonment and also, perhaps, their future.

When the researcher raised queries about what significant changes he felt occurred after the commencement of a more systematic rehabilitation programme in the prisons, the Director of Rehabilitation and Treatment confirmed that the number of offences committed by young detainees in prison during their detention period had decreased. He further suggested that the researcher obtained the data on crimes committed by young detainees during their imprisonment (for pre and post 2004) from the specific officer responsible for the safe-keeping of records in the Malaysia Prisons Department. Unfortunately, after dealing several times with the officers concerned, the researcher learned that the data was confidential and should not be revealed.

In addition, the increase in number of young detainees in the Kajang Prison since 2006 also contributed to the development of all the educational programmes for young people in penal detention. The Chief Inspector said that since 2006, the enrolment of young people in prisons has statistically increased. Therefore, here,

---

<sup>257</sup> He was the Director of the Sungai Buloh Prison from 2005 – 2007 before being appointed the Director of the Rehabilitation and Treatment Unit in the Head Quarters of the Malaysia Prisons Department until present.

<sup>258</sup> Darussalam did not clearly explain the incident during the interview session. He only said that the incident happened during his early tenure in the Sungai Buloh Prison (2005). He was appointed as the Director of the Sungai Buloh Prison in 2004.

there was a necessity for the management to think of creating one particular “system” that they believe could control these young people detained in prisons. He then made the following significant statement:

*“[P]reviously, when we only emphasized the security aspects and we just detained them, they could think of something to do because one day was just too long for them to be here without any particular thing to do... they might think of running away, stealing things, fighting etc. However, if there are certain rehabilitation activities to be done, it will keep their lives busy everyday and they will not even think much of their problems too!”*

The above quotation reveals the view of the prison officials that, when the young people are equipped with educational input, they would be better behaved and better understand how to adapt to the institutionalization experience. The data signifies that at the initial stage, education had been used as a form of behavioural control by the prison administrators in order to prevent the young people from getting involved in any sort of trouble or misbehaviour during their imprisonment.

Next, as the researcher asked more about the development of educational provision in the Kajang Prison and how it began, the Chief Inspector said that at first, the management of the Kajang Prison opened the “3Ms” classes to teach the young people basic knowledge on how to read, write and count. Then, some adult offenders<sup>259</sup> with relevant academic qualifications were given the role of “teachers” in assisting some candidates who were preparing for their public examinations. Later, when more young people showed an interest in engaging in academic activities (after observing some good achievements of their own cell mates), the management started to develop educational provisions in a more systematic manner. Eventually, the Kajang Integrity School was established in June 2008 as a result of the collaboration between the Prisons Department and the Ministry of Education.

---

<sup>259</sup> The adult offenders were among the offenders who were convicted in criminal breach of trust (CBT) cases.

Hence, at this point, we may understand that the implementation of educational opportunities provided in Malaysian prisons and the Henry Gurney Schools had been developed as the management perceived, according to the three officials above, that education could contribute towards controlling youths from committing further crimes during their imprisonment as well as to encourage them to engage in useful activities during their incarceration<sup>260</sup>.

The same three officers also felt that when these young people are offered with certain educational opportunities during their term of imprisonment, they might learn to become more considerate and responsible just like other non-offenders and in turn, this is expected to guide the youths to control their previous bad behaviour.

The next section expands on this in which the following discussion will explain how the inclusion of education is considered to be of high important by the Malaysia Prisons Department towards strengthening the rehabilitation programmes for offenders.

#### *Educational Provision and the Significance of the Human Development Plan (HDP)*

##### *The Inclusion of Education and/or Knowledge-Based Content*

The Director General and the Director of Rehabilitation and Treatment explained that from 2004 onwards, the inclusion of educational values based on the Human Development Plan (HDP) in rehabilitation programmes has been contributing positive outcomes amongst young people in penal closed institutions. To them, rehabilitation programmes that are educational in nature will train young children to appreciate the values of knowledge that can help them to become better persons in their behaviour and actions.

---

<sup>260</sup> Read *Educating and Rehabilitating the Child and Young Offenders in the Prisons: A Practice in Malaysia*; Proceeding for the International Conference on Youth Development 2011, Malaysia, organized by Putra University Malaysia, 1-3<sup>rd</sup> November 2011, Palm Garden Hotel, Putrajaya, Malaysia.

The Director General emphasized,

*“If we look at the previous programme which may not have had educational content... before the Human Development Plan (HDP), before the inclusion of educational content, we felt that it was difficult for us to decrease the recidivism rate. With the inclusion of educational content, there are still some cases of fights and such, but the number is much lower. You could say that the educational content has helped in decreasing the fights. So with the educational content, the offenders have the awareness to control themselves... if they want to get into fights, they will think first... so, maybe with this knowledge, the negative things can be decreased”.*

The Director of Rehabilitation and Treatment highlighted,

*“Actually, in the past [before the Human Development Plan (HDP)], if we just let these youths in the institutions without giving them education, it is like we only care for their change in attitude. But if we think about it, their negative behaviour is caused by their lack of knowledge, so how can we overcome this problem? Our stand is that knowledge can lead to attitude change...”*

From the above quotations, we may imply that the prison officials believe the inclusion of knowledge content within the rehabilitation programmes has helped the young people to be more concerned about changing their bad attitudes during incarceration.<sup>261</sup> The above data would also suggest that disciplinary incidents among young people in prisons have decreased since the educative rehabilitation programmes were introduced.

Furthermore, the data from the Director General and the Director of Rehabilitation and Treatment above indicates that the prison officials consider there is a relationship between the role of education and the attitude changes amongst young people in the institutions. In this respect, the data further confirms that the prison officials view that the more educational values are

---

<sup>261</sup> Though the researcher has seen certain relevant prison officers in getting the statistical data regarding the breach of discipline offences among the young people during their imprisonment within the periods pre and post of the Human Development Plan during the field work, the efforts failed since the researcher was told that there were no specific statistics for that particular data.

embedded in rehabilitation programmes/activities for prisoners, the more these young people are likely to be exposed to changes in attitude and behaviour.

The data also demonstrates that the prison officials think that if young people are trained to follow the education system properly, they would be more inclined to think and act positively. They believe that, gradually, children become more familiarized with the routine of daily education and this can develop their mindsets and self-control. The Director General and the Director of Rehabilitation and Treatment set out their approach in the following extracts:

*“[W]e can ascertain the change in their attitude, as I would say, compared to their previous attitude. Without education, they would not have the right channel to develop their minds, knowledge. Their minds would not be fully developed... they wouldn't understand the rehabilitation process; they would be influenced by other elements as they are immature and lack certain thinking skills...”* (the Director General).

*“We would like the offenders to behave in a much more disciplined manner in these institutions [prisons]. So, if they are like this everyday, always disciplined, this will become their culture. Since we already know that they are not as knowledgeable as other people, maybe they have a negative attitude, so we provide them with this training.”* (the Director of Rehabilitation and Treatment)

Therefore, the data suggests that educational value contents embedded within the rehabilitation programmes will be able to develop the thinking style of young people towards becoming changed persons both in attitude and character. Also, the regimented way of rehabilitating young people through a variety of educational provisions will help them improve their personal attitudes by training them to be future law-abiding persons. In short, the young people are taught to adapt to a normal life to help them eliminate any intention of repeating their past criminal wrongdoing because they have now been institutionalized.

### *Legal Provisions Relating to Educational Opportunities in closed Penal Institutions*

The interview with the Legal Advisor of the Malaysia Prisons Department provided information about the legal framework for educational provision for young offenders in penal institutions. His points are discussed next.

First, the Malaysia Prisons Department has no express duties to provide rehabilitation programmes for offenders other than to provide safe detention and lawful custody for offenders as stated in Section 3 of the Prison Act, 2008.<sup>262</sup> In fact, the word “rehabilitation” itself is not mentioned in the Prison Act except in Section 2 regarding the interpretation of the “Place of Work” which is defined as “a place where prisoners are required by the Commissioner General to work for purposes of *rehabilitation* of prisoners, such work being performed under the supervision of prison officers”. Therefore, the Legal Advisor opined that Malaysian law includes no provision which requires the Prisons Authority to place an emphasis on the rehabilitation of prisoners.

On the other hand, the researcher would like to argue that this Section 2, the Prison Act, 2008 may be interpreted as the Prisons Department’s standpoint on the provisions in reference to the issue of prisoner rehabilitation within penal institutions. The provision itself, if carefully examined, contains a connection to the instruction of the Commissioner General (the Director of the Prisons Department) for the purpose of supervising the “work” done by prisoners to fulfil the rehabilitation purposes.

Secondly, section 26 (1) (a) and (b) of the Prison Act 2008, nonetheless provides that the department has discretionary powers to create its own methods for the purposes of ensuring the safety and security of the prisoners in the prisons. The section states, “a prisoner - (a) confined in a prison shall be deemed to be in the

---

<sup>262</sup> Section 3, the Prison Act 2008 states, “The Minister may by notification in the Gazette, declare any house, building, enclosure or place, or any part therefore, to be a prison for the purposes of this Act for the imprisonment or detention of persons lawfully custody and may in like manner declare that any such prison shall cease to be a prison for the purposes of this Act”.

lawful custody of the Officer-in-Charge of the prison; (b) shall be subject to prison discipline and to all written laws relating to prisons or prisoners and to the Commissioner General's Standing Orders during the period of his imprisonment, whether or not he is within the precincts of a prison". Hence, in practice, as the Prisons Department has been continuously implementing all sorts of various programmes aiming to rehabilitate offenders, therefore, the implementation of the rehabilitation programmes may be construed as one of the approaches undertaken by the department towards practising its own discretion that falls under the purposes of ensuring the safety and security of the offenders in general as provided in the Section 26 (1) (a) and (b) of the Prison Act, 2008.

In this respect too, the researcher observes that the provision under subsection (b) of section 26 (1) of the Prison Act, 2008 as mentioned above may impliedly include all instructions issued by the Commissioner General (the Director of the Prisons Department) for the purpose of "disciplining" prisoners towards maintaining the safety and security purposes of prisoners in the institutions. Therefore, the researcher is quite sure that the Prison Act 2008 provides many discretionary powers to the Commissioner General and other prison officers responsible for these powers as stipulated under subsection (a) of section 26 (1) to regulate and/or implement any suitable instructions that will help to maintain the order of prisoners within the penal institutions.

Thirdly, even though there is no apparent legal requirement for the Prisons Department to provide rehabilitation programmes for offenders in Malaysian penal institutions the department still continues to persistently enhance the security measures around prisoners by implementing a variety of appropriate strategies to satisfy the needs.

The Legal Advisor explained in general that,

*"[T]he Prison Act only mentions the role of the Prisons in ensuring the safety of offenders, and nothing about rehabilitating them ... Perhaps, they [prisons management] view that the rehabilitation [term] itself is part of ensuring*



*the “security” purposes.. Maybe, to me, if the offenders have nothing to do while imprisoned, they tend to cause certain “uncomfortable situations” amongst other prisoners. So, by doing some activities, the security purposes among the prisoners could be enhanced. And when these particular activities have been developed [from day to day], it becomes important [to the department] and they [prisons management] claim that as part of the “rehabilitation” programmes...”*

The above excerpts reflect that the Prisons Department has been constantly striving to find the best method from time to time to maintain the order of prisoners in the institutions. And, of all these efforts, there are certain programmes/activities/methods that the Prisons Department consider have been found to provide benefits to the management and also the prisoners in general. Therefore, while constantly redefining the meaning of “seeking practical approaches towards managing prisoners in the institutions,” i.e. to encourage prisoners not to create any elements of disruptions/chaos to oneself or others, has helped the Prisons Department over time to create certain procedures or formalities which evolve into “offender rehabilitation” programmes.

The Legal Advisor also agrees that the same situation applies to the young people in the prisons. He believes that since the prisons management has been carrying out various activities for so long within the context of "rehabilitating" young offenders despite the law being silent on the obligation, therefore, the implementation of such programmes can be viewed as an exercise of discretionary powers of the Prisons Department according to Section 26 (1) (a) and (b) of the Prison Act 2008 as mentioned earlier, or also known as “Standing Orders” of the General Commissioner of the Prisons Department.

Also according to the Legal Advisor, “various rehabilitation activities”, as a term, has a broad meaning which is likely to include a variety of educational opportunities available to young people in the prisons and Henry Gurney Schools as we can see today.

In general, we may find that the Henry Gurney Schools Regulations, 1949 have provisions regarding educational opportunities for young people in the

institutions. Section 38 specifically mentions the duty of the authority of the Henry Gurney Schools to provide educational classes for the benefit of the young people in the institutions. Also, section 39 provides the rule regarding the use of library books available in the institutions.<sup>263</sup> As the Legal Advisor put it,

*“[N]o express provisions about opportunities for children in Henry Gurney Schools regarding education exist, even though the institution itself is a “school” in name... therefore, we must refer to the Henry Gurney Schools Regulations, 2000.”*

When asked to explain further, the Legal Advisor revealed that Sections 73 – 75<sup>264</sup> of the Child Act, 2001 specifically states the administrative powers of the Minister and the Director General of Prisons in managing matters pertaining to children to be sent to Henry Gurney Schools; there is however nothing in detail about providing educational opportunities to these young people. Therefore, as the Legal Advisor explained, if we referred to the Child Act 2001 (the Act) alone, we would discover that there is no duty placed by the Act on the Prisons Department to provide educational provision for young people in Henry Gurney Schools or prisons unless we refer to the Henry Gurney Schools Regulations, 1949 as described earlier.

As a result, the Legal Advisor confirmed that there are no specific legal provisions relating to the provision of educational opportunities for young people in penal institutions. Further, when discussing this matter in more detail, the Legal Advisor was convinced that the practice of providing educational opportunities for young offenders detained in prisons as seen now is probably closely related to the exercise of discretionary powers by the Director General of the Prisons. The Legal Advisor, therefore, contended that over the past few years, the Prisons Department has been heading progressively towards

---

<sup>263</sup> Section 38 Henry Gurney Schools Regulations 1949: “Provision shall be made for educational classes for the benefits of all inmates.” Section 39: “A library of books for the use of inmates shall be provided in every institution, and every inmate shall be allowed to have not more than three library books in his room at any one time and to exchange them as often as may be possible.”

<sup>264</sup> Child Act 2001, Chapter 5 (Sections 73 – 75): – the provisions relating to children who are sent to Henry Gurney Schools.

providing educational opportunities for young people who are detained in the penal institutions.

As a matter of fact, the data indicates that the Legal Advisor could personally see the Malaysia Prisons Department attempts to provide a formal education for the benefits of young people in the prisons equal to the formal education system which is enjoyed by other school children outside the institutions.

Therefore, the data suggests that the Malaysia Prisons Department have no express legal duties to provide educational opportunities for the young people in the institutions. However, the relevant provisions of the matter at hand may be interpreted through the Henry Gurney School Regulations 1949, Section 38 on the responsibility of the authorities to provide educational classes for the benefit of all detainees. Though the laws are silent on the matter, the Director General of Prisons may exercise his discretionary powers in order to design any activities or programmes which the authority finds useful for the benefits of all young inmates in prisons institutions and Henry Gurney Schools.

#### *The Relationship between Educational Provision and the Notion of Rehabilitation of Offenders*

In relation to the term “rehabilitation of offenders”, in the context of young detainees, the interview data with prison officials demonstrates a few points.

#### *Definition of ‘Rehabilitation of Offenders’*

First, the researcher discovered that the terms “improve”, “rehabilitate” and “reform” have been used interchangeably by the respondents during the interviews as to mean “to help the young inmates improve their negative attitudes and thinking styles to be better persons throughout certain planned and structured rehabilitation programmes during the institutionalization”.

### *'Dynamic Security'*

Secondly, the prison officials perceived that prior to the introduction of the Human Development Plan in 2002,<sup>265</sup> the main function of the Prisons Department was always focused on maintaining the security element of the offenders within the penal institutions rather than rehabilitating them. During that period, rehabilitation programmes for offenders were not implemented in such a structured way. However, the interview data shows the Prisons Department had started to seriously implement rehabilitation programmes for offenders in 2004 when new prison buildings were being built along with equipment for both security and rehabilitation facilities in that year. The Director General commented,

*"[b]efore 2004, we only implemented programmes on security, and if there were any plans for rehabilitation programmes, we only included ... an unorganized programme... If there was an opportunity for us to implement rehabilitation, we would do it. After 2004, we could see its structure, so the rehabilitation programme was implemented. This means that after 2004, we moved on to the construction of new prison buildings because we needed the facilities for rehabilitation and security. Previously, we focused primarily on security, but we have since realized that rehabilitation is an important process, which will determine the security and safety of the offenders... so we call it dynamic security. It was present before but not integrated".*

The Director of Rehabilitation and Treatment supported this statement,

*"[I]n 2004, we launched the PPI ["Pelan Pembangunan Insan" (PPI) or Human Development Plan] and we are now moving towards rehabilitation... I could see in 2007, the structure of the Headquarters... the total number of staff for the Rehabilitation unit was 30% more than the Security division... so with the launch of the PPI, the structure of the Prisons Department was also modified..."*

---

<sup>265</sup> Refer to "Bahagian Pemulihan dan Rawatan" ("Rehabilitation and Treatment" Division) at page 18, retrieved at <http://www.prison.gov.my>; accessed 12 August 2010.

From the above, the researcher understood that the Prisons Department had been formally heading towards rehabilitation for offenders in 2004 in conjunction with the launch of the Human Development Plan, though it was documented that the plan was introduced in 2002 as mentioned earlier.

### *Potential of Young People*

Next, the data confirms that all the respondents discussed the Human Development Plan as being the blueprint for rehabilitation of offenders within penal institutions. From the data, the researcher wishes to highlight that most officials expressed their understanding of the obligation to undertake the task of rehabilitating offenders as mentioned in the Human Development Plan, which is to shape the attitude of offenders to enable them to return to society as responsible and productive individuals. Therefore, the data further suggests that all the officials recognized their function to implement rehabilitation strategies based on the philosophy that every offender has the potential to be rehabilitated.<sup>266</sup> The Director General commented, *“You never know; in the future they might become leaders...”*, another respondent, the Director of HGS expressed, *“It is worthwhile to give assistance to these offenders, although they have been placed in these institutions... we believe that they have the potential to change their lives, to create a positive future for their race and nation... They have the potential to become model citizens...”* and another respondent, the Chief Inspector added, *“[T]hese young offenders, there is a high possibility for them to be reformed...”*

Therefore, based on the above quotations, we may denote that the prison officials seemed sincere and passionate to help young people to be rehabilitated and reformed during the institutionalization period. Also, the findings imply that the desire of officials to assist young offenders to improve themselves is most likely based on the belief that every young offender may have huge potential if they truly want to change for the better.

---

<sup>266</sup> Refer to “*Bahagian Pemulihan dan Rawatan*” (“Rehabilitation and Treatment” Division) at page 2, retrieved at <http://www.prison.gov.my>; accessed 12 August 2010.

### *Lack of Sufficient Knowledge*

The prison officials believe that due to lack of knowledge and other certain weaknesses,<sup>267</sup> most of these young people could not think properly in the past, which led them to their involvement in certain criminal activities and subsequently their placement in penal institutions. Therefore, it is important for these young people to be provided with knowledge-based educational programmes that will develop both their personal mentalities and characters to direct them towards becoming better persons. The Education Officer said,

*“[M]aybe they did not get proper guidance or education while they were growing up... maybe that's why they were arrested or ended up in jail. I think this could also be the reason why they do not seem able to manage themselves according to the usual norms or the usual requirements as they had not been taught or guided properly.”*

The Director General, however, suggested a different reason:

*“I would like to stress here that at that time, there might be certain circumstances which affected the situation, maybe the offenders' friends, maybe pressure from the family, it could be due to divorce or something...and these issues could have pressured them into committing crimes and affecting their chances of studying ... The ones who had been arrested, sometimes it is not their whole doing, it is not 100% their wrong doing. There were other reasons as well.”*

The Director of Rehabilitation and Treatment also focused on a variety of factors, including ‘knowledge’: *“In my opinion, the mistake could be influenced by the family's influence, environment, maybe the youths had committed a big mistake ... if we think about it, their negative behaviour was caused by their lack of knowledge, so how can we overcome this problem?...”*

---

<sup>267</sup> From the interview data, other sorts of personal problems included broken home cases, poverty and other circumstantial situations relating to the time the particular incident happened.

### *Education and/or the Knowledge-Based Rehabilitative Approach*

Since they have so much experience in dealing with the problems of these young offenders, the prison officials felt that the best approach to change the behaviour of the youths during imprisonment is to apply a programme which has elements of education.

The Director General informed,

*“The concept that we use is based on the concept of education. We understand that these offenders are still young so they need to have an education... Education presents the opportunity for students to be equipped with knowledge and think as mature and positive individuals. This is the knowledge that we want to channel to them so they can build their own principles in life, to improve their knowledge so they would be able to determine where they want to head in life.”*

The Director of Rehabilitation and Treatment continued,

*“Our stand is that knowledge can lead to attitude change... so we need to provide them with knowledge...”* Also further commented by the Education Officer, *“We see education as the catalyst for change in a person's life... especially a youngster's life. That's why we need to provide these kids with an education”.*

From the above quotations, the officials posit that the concept of knowledge-educational rehabilitative programmes can be an essential element capable of building young people's thinking skills and attitudes. The respondents believe that if young offenders have more room to get an education, they will be more knowledgeable and able to think and act wisely. As this process continues, these young people will gradually turn into better persons who are more matured and would be more determined to move forward positively in their future lives.

From the findings, the officials also think that education is the best tool to rehabilitate these young people and that every rehabilitation programme is considered as one form of training towards preparing them to adapt a more

positive lifestyle whilst in incarceration. Hence, the Prisons Authority established certain regimented methods into a comprehensive programme called the *Putra* Module within the prisons settings.

These methods aim to discipline young people to adapt good values both in thinking and attitude based on the principles of Knowledge, Attitudes, Skills, Intelligence and Humanity (“KASIH”) as contained in the Human Development Plan. Here, we can therefore interpret that the prison officials generally consider that the *Putra* Module, which is based on the elements of KASIH, should be adopted as a procedure used to discipline the routine life of all young offenders during their institutionalization.

#### *Education and/or Knowledge as a Means to Discipline Young People*

Also according to the officials, it is observed that the *Putra* Module gives greater emphasis on the personal development of each youth in the institutions from both aspects of character and attitude. Following the *Putra* Module, the young people are trained to inculcate good moral values which they learn from various rehabilitation modules ranging from academic, vocational, religious, moral, co-curriculum and psychological subjects. The Director of HGS explained, “[W]e do stress on the importance of discipline, which means that while they are here, they need to practise a regimented way of life and also need to have good discipline.”

In addition, the Director of Rehabilitation and Treatment stressed,

*“[W]e would like the offenders to behave in a disciplined manner in this (prison) institution. So, if they are like this everyday, always disciplined, this will become their culture. Since we already know that they are not as knowledgeable as other people, maybe they have a negative attitude, so we provide them with this training”.*

The researcher assumes the prison officials believe the more disciplined the young people are taught to be, the more positive kind of people they would turn into. Nevertheless, from the data, the researcher discovered that all the



respondents tended to give more emphasis on developing the personal attitude and character of the young people rather than only to stress on academic and skills achievements.

The Chief Inspector in a supportive statement said, *“Attitude, manners... change for the better... that is important...”*

And the Education Officer commented,

*“[T]hese two [academic and/or skills plus moral values] parts should not be separated... we must have knowledge, and we must also have moral values. These should be developed, if possible, in terms of percentage; I would say the moral values should exceed the knowledge aspect so that they would be better equipped to become better citizens... who provide value to the country when they join the society.”*

#### *Attitude Changes*

The data thus demonstrates that the tendency of the prison officials to help inculcate moral values in young people during incarceration is set to the belief that these youths can be shaped into being better citizens who are later capable of contributing positively to society upon their reintegration. The respondents also presume that they can ascertain the attitude change amongst these young people who can be said to be ‘rehabilitated’, which usually involves inmates who are heading towards a more positive lifestyle during their incarceration.

As the Chief Inspector said, *“[n]o bad incidents have happened... no fights... no difficult cases for us to solve. So we think the offenders have gone through this activity rather well.”* The Director General further inserted, *“[t]he offenders have the awareness to control themselves... if they want to get into fights, they will think first... so with this knowledge, the negative things can be decreased...”* while another respondent, the Director of HGS informed, *“I do realize that these juveniles may have committed crimes, but if we help them to reform, they will not continue with their life in crime and we could probably see a drop in crime rates.”*

So far, we may gather that the Malaysian prison officials believe that educational provision for the young people has close relationships with the Prisons Department's aim to rehabilitate the youths and lead them away from future criminal acts.

*Education and/or Knowledge-Based Rehabilitative Approach as a Value Added to the Behavioural Reform of Young People*

The officials believe that by equipping young people with education, these offenders will be more aware of their own roles as “prisoners” who the law thinks are in need of assistance to be rehabilitated by the prison authorities. As the Director General highlighted quite extensively,

*“[I]f we don't provide this chance [educational opportunities] to them, there might be problems when they get out of prison... (shaking his head) so we need to help the Prisons Department to make the rehabilitation programme a reality. If we provide them with knowledge, they would be more open-minded and better-equipped and willing to accept the rehabilitation, and they also would realize our role in trying to improve them... That's why we can see that these offenders...we provide them with education because they have behavioural problems... misconduct, so we provide them with education in the form of behavioural control... I believe that the offenders need to get education. It is suitable and necessary for them. That's why even in prison, the offenders need to get education so that they can better understand their roles in order to rehabilitate themselves better to improve themselves.”*

And the Director of Rehabilitation and Treatment added, “[w]e feel that behaviour reform is not enough for them, this reform must work together with the teaching of knowledge...”;

While the Chief Inspector asserted,

*“[I] think we need to focus on the educational aspect here because without education, when they join society, they would easily drift away... they*

*would return to their former negative lifestyles. But with education, we teach them how to use their brains. In here, they have to use their brains and think.”*

From the above excerpts, we see that the prison officials believe that young people must be equipped with certain knowledge input that could help improve their way of thinking and also their social behaviour. The data also implies that the Prisons Department considers education to be a key element to stimulate young offenders toward a more positive direction, and subsequently change their previous bad behaviour. Hence, it is also quite clear that the prison officials agree that the element of education is capable of guiding young offenders to eliminate any thoughts of repeating their crimes during and after their institutionalization.

In addition, we can also extract points from the earlier-mentioned passage that the Prisons Department has faith that all young people do have the potential to be trained on how to think and act in a more positive way. While revealing to the researcher the increasing number of young offenders who showed a tendency to engage in educational activities in the prisons,<sup>268</sup> the officials realized that young people have shown some positive responses towards a better understanding of the reality of being imprisoned and the importance of the role and function of the Prisons Department to help them turn into better persons.

#### *To Discipline and to Guide Young People*

When these young people received certain aspects of their education, the prison officials observed that the youths tended to be more receptive in accepting the prison rules and regulations which were designed to discipline them. The findings would further suggest that the educational system which is currently being implemented in the prisons and the Henry Gurney Schools acts as a system that fulfils two main purposes, namely, to discipline the young people, and secondly, to guide them to become better persons. To again quote the Director of Rehabilitation and Treatment, he emphasized that;

---

<sup>268</sup> All officers informed the researcher about the increasing number of young offenders who register for public examinations and were seen to be eager to pursue advanced studies during imprisonment.

*“We would like the offenders to behave in a much more disciplined manner in these institutions [prisons]. So if they are like this everyday, always disciplined, this will become their culture...”* and the Director of HGS further said, *“We do stress on the importance of discipline, which means that while they are here, they need to practise a regimented way of life and also need to have good discipline.”*

Here, the above data can be construed to show that, in the prison officials view, the education component is extremely important for young offenders as a means to discipline the youths and have them committed doing useful activities during their imprisonment, and that eventually this will encourage the youths to become better persons during and after their incarceration. The Director General further clearly commented,

*“The rehabilitation aims to mould the offenders using modification of behaviour. This means that if we combine the two [components of rehabilitation added to education and/or a knowledge-based rehabilitative approach], they are supposed to help each other... the Prisons Department uses education to assist the modification process... If there's no education component, it will be difficult as the offenders will not have the awareness. It will be difficult for us to encourage them to do something positive. Because they won't be able to see it, they only see the negative aspects. That's why I believe that when they have the awareness, it becomes easier to help them; faster, easier to mould them. When they realize the situation that they are in...they are aware of their roles to become successful people, good people. Because if they don't have the knowledge, it will be hard to implement the rehabilitation... before the inclusion of the educational content, we felt that it was difficult for us to help decrease the recidivism rate.”*

From the above quotation, we may denote that the understanding of the management of the Malaysia Prisons Department towards providing educational opportunities for young people in prisons and Henry Gurney Schools is quite closely connected to their motivation to help discipline young people to become better and useful persons during and after their imprisonment. The education component has also been observed to be an appropriate mechanism that is being used by the Prisons Authority, which they expect to enhance the entire

process of transforming personal behaviour amongst young people. As a matter of fact, it has become obvious to us at this point that the Prisons Department has considered putting greater emphasis on helping young offenders to change their behaviour and attitude towards becoming useful persons during and after institutionalization. We may therefore note that the prison officials see education as a diversionary activity which diverts young offenders from misbehaving in prisons, thus amounting to a tool to maintain good order and discipline.

#### *Education and/or Knowledge as a Tool to Change the Mind-Set of Young People*

The data from the prison officials certified that the educational component within rehabilitation programmes/activities would benefit the young people, in that educational rehabilitation programmes have driven the youths to change their previous mindsets and thus promote their self-development.

*“Without education, they do not have the right channel to develop their minds, knowledge. Their minds would not be fully developed... they wouldn't understand the rehabilitation process, they would be influenced by other elements as they are immature and lack certain thinking skills.”* (Director General).

Another official, the Chief Inspector, elucidated, *“Our department focuses on these models [various educational activities contained in the Putra Module] so the offenders can follow them and can change their behaviour. So that when they are released, they would have more confidence...”*

Also further added by the Education Officer,

*“We see education as the catalyst for change in a person's life... especially a youngster's life. That's why we need to provide these kids with an education. The best education for them... We must provide them with education...we must provide them with good values. Teach them the good, positive values which should be inculcated in society, as well as the required skills in schools, to enable them to become better individuals...complete persons...”*

According to the above quotations, we understand that the prison officials acknowledge that educational rehabilitation programmes/activities can support the entire mission of the Prisons Department towards producing “new” ex-convicts who are healthier and more useful people who are willing to contribute positively to society upon their release from the institutions. Here, the data further reveals to us that the prison officials expect that young offenders will be able to gain as many good values as possible, which will enhance their personal development as they constantly undergo educational rehabilitation programmes available during the imprisonment period.

*The Advantages of Educational Provision for Young People who are Detained within Malaysian Penal Institutions*

*A Second Chance*

The prison officials to whom the researcher talked to all regarded the educational opportunities provided by the government for young people in prisons akin to giving a second chance to them. By “second chance”, they mean that these young people should be given another opportunity to be educated even though they are being institutionalized for their past criminal wrongdoings.

As the Education Officer explained:

*“[S]o let's give them a chance. What I mean is the facilities, the skills, abilities to get the chance to better themselves. Because maybe before this they had no opportunities, they were not aware of that sort of thing. But now, since they are in the prison, they have nothing else to do except to study; they could not work before because maybe they were not given the encouragement, they had family problems and such, they had to stop schooling, they had to resort to other jobs, so in the end they had to turn to crime. Now that they are in prison (silent)... they only need is to focus on reforming themselves”.*

The Director General further added,

*“[T]his is because we believe that being imprisoned is not a hindrance for the offenders to acquire education. That's one clear thing. That's what we want. The youngsters are the country's assets... the next generation of leaders...so we need to look at it specifically although the offenders have done something wrong... let's give them another chance”.*

The Director of HGS further commented,

*“[W]e give them this chance. And we hope that one day, they will become good citizens who can help the nation in aspects of development... I am hoping that human beings can still change. They can change”.*

From the above excerpts, we may observe that the officials have positive mindsets towards rehabilitating young people to be better persons, and they are inspired to do so because of their belief that every young person deserves another chance to be reformed. Furthermore, although the young people were sent to the penal closed institutions as punishment for committing criminal offences, this fact alone should not be seen as a barrier to receiving assistance from the relevant authorities to ‘make them good’.

The data also shows that the officials believe these young people should deserve another opportunity to be developed, regardless of whatever mistakes they might have made in the past, because these young people are still members of the society who should not be left behind. As the Education Officer mentioned, *“I feel that the youths who are in the closed institutions, they have not been forgotten and they also have a role to play... so I think this is why the Education Ministry<sup>269</sup> has tried their best to help the Prisons Department... to provide... a formal education programme.”* The Chief Inspector said, *“I think these opportunities would be beneficial for them to develop their potential as human capital...”*

Further, the Director of HGS commented,

*“[W]e give them this chance... the offenders that we have [in penal institutions], we believe that they have the potential to change their lives, to create a positive future for their race and nation. It may be true that they have*

---

<sup>269</sup> He referred to the current collaboration between the Prisons Department and the Ministry of Education towards the establishment of Integrity Schools, which were launched in June 2008.

*been caught committing crimes... but I believe that it is not totally their doing... there are other factors to consider like circumstantial factors...”*

Notwithstanding the reality that these young people have been convicted of certain criminal wrongdoings in the past and by virtue of appreciating them as part of the nation’s human capital, the officials have faith that these young people can become more useful persons in life, but with much-needed assistance. By respecting the young people’s potential as being capable of becoming useful persons, the educational opportunities available in the closed penal institutions can be considered the same as giving these youths a second chance in life.

Nonetheless, as they are still at a young age and due to the lack of making proper decisions in the past that led them to be involved in the criminal wrongdoings, these young people should be now and then continually exposed to receive all sorts of aids and assistance that can enlighten them to positively direct their own future.

From the above quotations too, we may comprehend that by allowing young people to receive more educational opportunities whilst in incarceration, the Prisons Department is trying to fulfil the educational rights of the young detainees as these youths would supposedly get if they had not been institutionalised in the first place. The “next opportunity” to provide education for the young people by the Prisons Department can be considered as another means taken by the government towards “putting” these youths on the right track to correct their bad social behaviour and shape a positive attitude regarding gaining knowledge at a young age as they are supposed to do.

It was noted, however, that the interview data did not clearly support the idea that the motivation of the Prisons Department is to fulfil the educational rights of young detainees. Instead, the respondents felt that they were responsible to enlighten these children and young people to acquire the benefits of knowledge at young age. The respondents were of the opinion that they should motivate young detainees towards improving their social behaviour and that education could develop their potential. The respondents believed these youths should still



be in “schools” like their other peer-group members – gaining necessary knowledge and/or education towards their own self-development.

*“Students,” not “Inmates”*

It is interesting to highlight from the data that all the respondents had used the term "student(s)" interchangeably to refer to "young prisoner(s) and/or young offender(s)" and they were also observed not to emphasize on the term "inmate(s)" during the interview sessions. The researcher could feel that the respondents were not pretending when they did so as they were spontaneous in using the terms “student(s)”, “child/children”, “juvenile(s)” or “kid(s)” throughout the interviews.

The data shows that four out of six respondents had clearly mentioned to the researcher that they regarded the young inmates as “students” or even their own children instead of “convict(s)” or “criminal(s).” They believe that the status of young people who have been legally criminalized or convicted should never be a reason for the prison managers to mistreat them, just as they would not mistreat other ordinary children and young people. They argue that as the prison managers, their main function is to help these young people correct themselves and reform by undergoing rehabilitation programmes during their institutionalization, and not to just negatively label them due to their personal criminal records. To them, these young people deserve to be respected as they also have self-esteem like other human beings. In addition, by respecting and getting acquainted with them, the officials agree that young offenders comply much more easily with the planned rehabilitation programmes.

We may also understand that the respondents regard the prisons as a “reform school,” which is established to educate students to better recognize the right path in life after they have been led to be involved in certain negative criminal wrongdoings in the past.

The Director of HGS said that,

*“That’s why I still refer to them as students, although the law would refer to them as “inmates”. I still call them “students”. Because this is a reform school, we need to respect them as students. They need to have self-esteem too. So they will be close to us, the management, and they can follow the programmes that we planned for them”.*

Another respondent, the Chief Inspector told that, *“[M]y position here...is like any other officer... we will not tolerate any misbehaviour on their part... but as their 'father' here... if I am too strict with them, who else can they turn to if they have to voice out their feelings?”*

From the above mentioned data, the researcher could imply that the attitudes of the prison managers and officials play an important role in creating a good environment for young people to be developed during their imprisonment.

The researcher views that these positive attitudes shown by the prison officials should also be followed by other administrative and lower rank officers towards collaboratively assisting young people to be completely rehabilitated during incarceration.

### *Fulfilling Legal Duties*

Furthermore, the respondents believe that they owe a duty to the government to encourage young people in developing their potential even though the youths are confined behind bars.

The Director General clearly explained,

*“[B]ecause here, we view the programme as our obligation...which means ... as stated in Act 151 (Prison Act, 2008); we accept this responsibility...”*

The Director of HGS clarified, *“It is our government’s policy to reform the offenders, they are given rehabilitation, the inmates here are also included... That’s why now, the government’s policy is to acknowledge the presence of juveniles in this type of institution.”*

The Education Officer further commented, *“The responsibility has been given to our prison so we have to implement the programme while they are here and it is true that education is part of the rehabilitation process”*. Finally, the Director of Rehabilitation and Treatment inserted, *“The government has its responsibility...so it has to...I agree...”*

According to the above quotations, the prison officials were of the opinion that they should provide educational opportunities for young offenders in prisons so as to satisfy their legal obligations. We may also agree that the prison officials are motivated to fully undertake supporting policies, rules and regulations set by the government to enhance educational opportunities for young people detained in the prisons. Here, the researcher feels compelled to reveal that there was no statement made by any of the officials during the interviews to demonstrate that they despised or demeaned young offenders from receiving the government’s attention on the issue of the provision of educational opportunities in prisons.

#### *Worthwhile or in Vain?*

When the question as to whether it was worthwhile or otherwise for the Malaysian government to allocate a huge expenditure for the provision of educational opportunities for young offenders in incarceration was raised, among the impressive responses received by the researcher may be described as follows:

*“In terms of if it’s a worthy investment or not, we don’t really look at it that way... Because it has been stated in our laws...”* (the Director General);

*“I feel the issue of whether this is worthy or not, is not really an issue at all because it is our responsibility anyway, because we would still provide them with knowledge if they were students outside. If they enter prison, we still have to spend money on them; furthermore if they are outside, they are more likely to be a burden, and they might disturb the society. So for me, that question, whether or*

*not it is worthy, it is already our responsibility and we need to focus on that.”* (the Education Officer);

*“I would think that 'worthwhile' carries many meanings. But if it concerns whether it is worthwhile to provide help and assistance, then the answer is yes. Whether it is worthwhile to hope for maximum success, then I feel...I can't really hope for 100% success. They have the potential to become model citizens. We have to remember that... Nothing is permanent but change!”* (the Director of HGS) and *“It is not the issue whether it is worthy or not... but it is a must!”* (the Director of Rehabilitation and Treatment).

The above quotations reflect the commitment of the prison officials in providing educational opportunities for young people detained in the institutions, and they honestly see it as a sacred duty and not a charade. Furthermore, we may denote how the officials demonstrate their perceptions in believing that young offenders still have the potential to develop into useful Malaysian citizens in the future, although the youths are currently confined behind bars.

#### *“Young Offenders” are “Human Beings”*

Interestingly, the findings suggest that the officials are of the view that educational opportunities for young detainees should be provided as they also regard these youths as human capital for Malaysia. To quote their collective opinion, the Director General elucidated,

*“[S]o we should believe in the concept as it is a requirement for them to acquire knowledge, it has been stated in the religion of Islam ... that's why the Malaysia Prisons Department is focusing on that, although the offenders are in prison, we cannot stop giving them education because human beings need the knowledge.”*

Next, the Education Officer in his supporting statement, said, *“This is our objective for providing them with education, and... it's important because they need to become assets rather than a burden to the nation... so one day when*

*they have been released into society, they will become assets, and not the opposite, of our race and religion”.*

Further, the Director of HGS commented, *“We would like to develop them as knowledgeable and skilled youths who can contribute to the society and nation”.*

According to the above excerpts, the prison officials see these young people not just as regular “children” or “young people” but as the broader and more universal term, “human beings”. To them, according to the lifelong learning principles, these young people are just like other human beings; detained behind bars but still worthy of being educated as education is one necessity in one’s life. Therefore, the learning process for these institutionalized young people still continues and should not be stopped simply due to the fact that they are now being imprisoned. The Director General clearly stressed, *“[t]his is because we believe that being imprisoned is not a hindrance to the offenders to acquire education. That's one clear thing. That's what we want!”*

The Education Officer further inserted,

*“So I feel that the youths who are in these [prisons] institutions, they have not been forgotten and they also have a role to play according to this plan (lifelong learning) ... so I think this is why the Education Ministry has tried their best to help the Prisons Department... to provide a formal education programme...”*

The Director of HGS agreed: *“In my opinion, the school we have here is some sort of a 'closed hostel' without total freedom. That's all!”*

The above data would also indicate that though the youths are imprisoned, the rights of these youths to be educated should exist as they also deserve to learn necessary and useful knowledge/education according to the principles of the lifelong learning plan. The prison officials believe that the lifelong learning plan is suitable to be implemented within penal institutions to equip young detainees with the necessary education during their incarceration, as they have never seen prison as an obstruction to them.

The Education Officer explained,

*“I do feel that these opportunities should be expanded, should be made accessible so we could provide a chance and space for the offenders, it does not matter if they are teenagers or much older adults, once they have been rehabilitated they can contribute in one way or another to the nation and society.”*

The Director of Rehabilitation and Treatment continued,

*“They have a chance to study academic subjects as well as vocational subjects in a formal manner. They also have a chance to take part in other available fields. So after this, they would have a future just like their friends outside [penal institutions].”*

Therefore, the above excerpts are sufficient to provide the impression that the prison officials strongly believe that educational opportunities can provide a lot of benefits, not only to young inmates in particular, but also to the government in the long run. Further, the data also indicates that the prison officials are always looking ahead to the future of the young people in implementing the policy on educational provision for young people in institutions. In addition, the data proves that the officials believe that the implementation of educational provision for young offenders is something that can be executed, despite the fact that the (physical) movement of these young people is limited. It is also clear to us that officials are more likely to think of the benefits of education that will be enjoyed by young offenders than to highlight any barriers that may hinder their efforts in developing the potential of these youths during their imprisonment.

In a wider sense, the prison officials consider these youths as human beings who deserve to be provided with certain knowledge/education that could help them become more developed and useful persons in the future.

## *Types of Educational Opportunities that are Available for Young People within Malaysian Penal Institutions*

From the data that we have already discussed earlier, it shows that as the prison officials think education could be one significant component to motivate young people to be rehabilitated as better persons, the question arises as to what particular educational programmes would be suitable for helping these young people?

### *Scope of 'Education'*

The findings further explain that the officials deem that suitable subjects should include a set of holistic subjects or educational programmes, which should cover academic, vocational, religious, counselling and psychological, sports and co-curricular aspects. They believe that these multiple subjects are essential for the purpose of developing young people in a holistic manner towards becoming more successful persons in the future.

The Director of HGS explicated,

*“Actually in general, the definition of 'education' is not really in the academic sense. The education that I mentioned just now would consist of spiritual, curriculum aspects as well, so education here comprises a wider aspect... it focuses on behaviour change. What I mean is that, the behaviour change is done through spiritual and religious exercise, counselling, and all these would ensure the success of the programme”.*

Another official, the Chief Inspector informed,

*“The field of education is extremely vast...It's not only focusing on the academic stuff, but we also need to focus on the moral aspect... civic-consciousness... Attitude... manners... change for the better... that is important. That's why we have the three important elements in the programme i.e. “ASK”: Attitude, Skill, and Knowledge”.*

The Education Officer added,

*“I think we need to give extra consideration regarding moral values, how to help build the personality, I think we need to give more emphasis on that... if possible, in terms of percentage, I would say that moral values should exceed the knowledge aspect... So by providing... an education which is based on religious principles, they would be better equipped to become better citizens... who provide value to the country when they join the society”.*

In discussing the type of education that should be given to young offenders in penal institutions in Malaysia, the above quotations show that prison officials would prefer a broader area of knowledge ranging from various subjects and/or modules which include religious, spiritual, moral, motivation, psychology and counselling subjects, and not just limit education to academic and/or vocational skills subjects. They seemed to agree that the contents of these multiple subjects will be able to guide the youths to be persons who show more concern about learning how to change their previous bad behaviour and attitude. Based on the above passage as well, the prison officials understand the 'definition' of "education" for the purpose of educating young people in prisons should be extended to involve the teaching of moral values/attitudes and/or religious principles for the personal development of youths in a holistic manner.

The findings further provide that the officials agree that though academic achievements and vocational skills would be a sure ticket for the survival of these young people in their reintegration into society, they still regard attitude and character-building among young people as something more important than that. The Chief Inspector commented, *“[i]f we have students who don't have any moral sense or civic-consciousness...it will be difficult...to the extent of them not respecting other people”*, another official, the Education Officer added,

*“[B]ut overall for me, the most important thing is that we need to build the humanitarian side of the individual, so in our academic programme we have the skills, the attitude-building exercise, moral values, that sort of thing. So for me, education in the prison institution is a very wide concept, not only from the aspect of academic achievement but also towards...other achievement as a human being...”*



Another official, the Director of Rehabilitation and Treatment informed, “[I] don’t want the youths to emphasize solely on academics... I would like to increase on... provide a balanced outlook on all the aspects... I am confident that they have the means to be independent”.

Thus, we may construe that the prison officials are more enthusiastic about exposing young offenders to different types of knowledge that can guide the youths to develop their self-behaviour and build their characters, rather than merely focusing on academic and/or skills achievements. In addition, the data illustrates the prison officials’ belief that emphasis on subjects and/or modules containing religious principles and/or moral values may equip the youths to become better persons and citizens who are capable of contributing to the nations upon their reintegration into society.

#### *A ‘Particular’ Mould*

From another perspective, the researcher asked the prison officials during the interview as to whether the Prisons Department has followed or referred to any particular "mould" when implementing the rehabilitation programme in respect to providing educational opportunities for young offenders in the institutions? In responding to the query, the officials claimed that they have developed a specific (rehabilitation) mould based on their own interpretations to produce changed and reformed young people.

The Director of Rehabilitation and Treatment highlighted, “[t]he [rehabilitation] system that we currently practice now has no particular mould, we are the ones who have made it as such. My colleagues and I were the ones who helped to develop the system... that’s our objective.” and further the Education Officer said, “[a]ctually, we do not have any specific [rehabilitation] module... as we have built it according to our own mould... our own mould is based on our needs, and we are going to improve it as time passes”.

The above excerpts may suggest to us that the Malaysia Prisons Department itself has been able to develop a specific rehabilitation mould to educate young offenders to become useful human beings based on the current needs of the department. Even without referring to any particular mould as asserted by the officers concerned, however, the researcher can imagine that the foundation of the whole programme is based on the aspirations of the Prisons Department to meet the provisions as set out in the National Educational Philosophy (NEP) plus the gist of the *Putra* Model framework.

The Malaysian National Educational Philosophy (NEP) states:

“Education in Malaysia is an ongoing process towards further effort in developing the potential of individuals in a holistic and integrated manner; so as to produce individuals who are intellectually, spiritually,<sup>270</sup> emotionally and physically balanced and harmonious, based on a firm belief in and devotion to God. Such an effort is designed to produce Malaysian citizens who are knowledgeable and competent, who possess high moral standards, and who are responsible and capable of achieving a high level of personal wellbeing as well as being able to contribute to the betterment of the society and the nation at large.” (The Education Act, 1996)

By observing the above National Educational Philosophy (NEP), we may observe that the government of Malaysia intends to develop every young generation’s potential to the fullest extent from intellectual, spiritual, emotional and physical aspects towards being future citizens who are responsible, knowledgeable and competent. The gist of the NEP is similar to some parts of the preamble wordings of the Child Act, 2001 which, among others, state that, “Recognizing that the country’s vision of a fully developed nation is one where social justice and moral, ethical and spiritual developments are just as important as economic development in creating a civil Malaysian society which is united, progressive, peaceful, caring, just and humane...” Hence, we may realize that at least two

---

<sup>270</sup> “Spiritual” aspects in Malaysia refer to the religious norms and beliefs. According to the “National Principles”, there are five principles that every Malaysian should give their pledge to: Belief in God, Loyalty to King and the Country, Upholding the Constitution, Sovereignty of the Law and Good Behaviour and Morality”. And the spiritual aspect is always interpreted to refer to the religious belief.

governmental policies support the motivation of the prison officials in developing the young people in prisons and Henry Gurney Schools towards becoming useful Malaysian citizens.

From the above quotations, we realize that the officials believe that young people should be provided with educational provision in a holistic manner as contained in the National Educational Philosophy (NEP) and also the Child Act, 2001 as mentioned earlier so that every young person can be given fair opportunities to be potentially developed to their fullest extent. Also, we may note that the fact that the young people are actually confined behind bars is not a hindrance for their development to be taken care of by both the Prisons Authority and these young people themselves.

#### *Integrity Schools - Unseal the Potential of Young People*

In further discussing the benefits that should be acquired by young people from the educational opportunities provided by the Prisons Department, the researcher could see that all the respondents were enthusiastic about equipping the youths with necessary educational opportunities that could develop their hidden potential. The data indicates that the prison officials believe the true potential of each young offender is still untapped, thus causing these youths to be unaware that they may still be able to contribute to society.

To quote their responses, the Director of Rehabilitation and Treatment articulated,

*“I have seen some of the youths in Henry Gurney Schools...in the prisons, they have already come out of their 'cocoon'. They are quite brave now...are we able to help them? I feel that everyone [young person] has his capacity...so just like my officers [the Prisons Department officers], they need to focus on trying to bring out the youths' potential... abilities... the department needs to find the youths' abilities... so we can encourage them to go somewhere. I believe that everyone has his own potential...”*

and the Director of HGS further added,

*“I think of them [young people] as intelligent but badly-behaved students. They are intelligent but their attitude is badly-behaved... What I mean is that in the beginning [before being admitted into the prisons], they have the potential... it's just that they have not been [sufficiently] encouraged outside... we believe that they have the potential to change their lives, to create a positive future for their race and nation.”*

Also the Education Officer commented,

*“[T]hey can become successful if they try really hard...although they are in this institution... Our approach is geared towards understanding the youths, how should I say, approaching the individuals... the Integrity Schools can help in trying to empathize with the youths' background... [we] should take the opportunity to develop these youths”.*

The Director General added, *“Once we uncover their talents, we can develop them and then if we steer their talent in the right way, the kids will be able to succeed, God-willing”.*

And finally the Chief Inspector elucidated,

*“[I] have seen some students, who in the beginning, did not seem to be interested. But when they saw other students who had managed to study to university level and we also encouraged the successful ones by giving them awards, the other students also took an interest in education... There were some who were given a chance for parole but they didn't accept it. They wanted to study about computers”.*

The above responses show that the prison officials believe that over the years, there is still much potential of young offenders which has not been tapped by any party. Therefore, by establishing the Integrity Schools based on the concept of “schools within prisons”, the motivation of the Prisons Department towards providing better educational opportunities for the benefit of young detainees should be regarded as one huge achievement.

## *Equal Education*

When asked about the rationale behind the establishment of the Integrity Schools, the responses from all the respondents were positive in that the department aimed to provide equal education to those young detainees similar to educational opportunities received by other school children outside the institutions.

The Director General responded in detail:

*“[O]ur [the Malaysia Prisons Department] strategy is to provide the same level of education... equal to the education in schools by building the Integrity Schools. We are planning the strategy to develop the necessary path for the students to embark on... The building of the Integrity Schools is an initiative started by the prisons board. So, the government will be able to see the benefit of the project. This is because the youngsters are the country's assets... the next generation of leaders... so we need to look at it specifically... although the offenders had done something wrong... let's give them another chance...”*

The Chief Inspector further added, *“We want to have the same level for the offenders so they will not feel that they are second-grade students...”*

The Director of Rehabilitation and Treatment further commented,

*“I decided on it as such... anyone who comes to the Integrity Schools... they have an opportunity to study, and they will be confident of their future, just like the youths outside the prison system. They have a chance to study the academic subjects as well as the vocational subjects in a formal manner. They also have a chance to take part in other available fields. So after this, they would have a future just like their friends outside [the prisons].”*

The Education Officer clearly stated,

*“We think of it as the continuation and opportunity for them to further their studies... if there are no Integrity Schools, this means the end for them, stop schooling, enter prison, stop schooling. So there is no chance for them to have a*

*formal education...so the concept actually is... the Integrity Schools is the continuation of the outside system, it's just that we have transported these kids from outside to the school in here... that's it actually, we want to give them a second chance, if there is no second chance it means that when they enter the prison, that's it... 100% of their lives gone. This is because they are still at a young age, schooling age!"*

The Director of HGS also explained in detail,

*"Actually, we already have an excellent education system in our country. Since we already have this excellent system, it's a good idea to extend it into the Integrity Schools. I don't think there is a need to change it. The teachers would need to follow the syllabus... the curriculum concept... the hours of teaching. That is the same for our school system [government schools outside]. When it's holiday time, we also have it. There isn't a single thing in Integrity Schools which does not follow the outside school system".*

From the above quotations, the prison officials wish to state that the function of the Integrity Schools is similar to any other state (government) schools outside, which is to provide young offenders with suitable access to education, to facilitate the process of the establishment of personal growth and character of the youths. In fact, we may assume the respondents are confident that the Integrity Schools are able to stand as a "substitution" school similar to other regular state (government) schools which aim to provide the youths with certain formal educational opportunities that could develop their personal potential towards becoming useful citizens in the future.

Furthermore, the data mentioned earlier would certify that the officials agree the education system applicable in the Integrity Schools is actually similar to the curriculum that applies in state (government) schools, which is in accordance with the National Educational Curriculum based on the National Educational Philosophy. In brief, currently, young detainees in the prisons follow the same educational system as their other peer group friends outside the institutions and therefore, they are not left behind in terms of getting formal academic education despite being imprisoned.

By applying the same curriculum and the same philosophy of education, the data therefore reflects that the officials actually understand that the mission of the Prisons Department is in the direction of exercising the rights (educational) of these young people, although they might not be aware that they are in fact implementing it.

From the data too, the researcher realizes that all the respondents have not clearly used the term “rights” (for young people) in relation to education, but they are found to have shown a tendency to simply associate the issue of educational opportunities available in prisons with the concept of lifelong learning programmes, which has been previously described.

From the data, it is observed that only one official, the Director General, had explicitly mentioned the term "rights" or was at least observed trying to relate to the meaning of “rights” when discussing the issue of educational opportunities for young offenders in prisons, where he had mentioned it three times. His relevant statements are as follows:

*“As I have mentioned, we must realize that the most important thing for us is to provide the knowledge; the lifelong learning must continue from childhood to old age, so we should believe in the concept as it is a requirement for them to acquire knowledge, it has been stated in the religion of Islam...”*

*“Yes, actually we are providing them with their rights, because it has been stated in our laws... and we are providing them with their rights as human beings, who need education in their lives... we must not ignore their right to have an education... due to their condition in prison, we need to limit their movements if they are ill-disciplined... we need to control their behaviour...”*

*“Education is the number one thing that every human should have. As long as they are called 'human beings'...and are still essentially mere children...we need to provide them with education.”*

### *The Commitment of the Malaysian Government*

In addition, the data shows that the respondents have revealed the government's commitment to various policies, especially education-related policies, to encourage the provision of education for young people in penal institutions, which ultimately lead to the establishment of the Integrity Schools within the prisons. To again quote the Director of HGS:

*“[T]hat's why now, the government's policy is to acknowledge the presence of juveniles in this type of institution [closed institutions]. This is the policy of the Minister of Education. I think Dato' Seri Hishamuddin<sup>271</sup> is really concerned about this matter. We give them this chance. And we hope that one day, they will become good citizens who can help the nation in aspects of development”.*

Therefore, the data shows that the respondents agree that other governmental departments such as the Ministry of Education (MoE) also has similar responsibilities towards developing young people in penal institutions. Thus, as both the Prisons Department and the MoE have the same intention towards developing the potential of every young person in incarceration according to the principles of lifelong-learning<sup>272</sup> programmes and the National Educational Philosophy (NEP), which is also to develop the potential of these young people, they have, therefore, been collaborating towards the implementation of formal educational programmes via the establishment of Integrity Schools in 2008. Impliedly, the researcher presumes that the main rationale behind this collaboration is more or less to achieve the philosophy stated in the Human Development Plan of the Prisons Department, which is to rehabilitate every offender in developing their potential towards becoming useful citizens who can socially contribute to society upon their reintegration.

---

<sup>271</sup> At the time of the interview, Dato' Seri Hishamuddin Hussein was the Minister of Education in Malaysia.

<sup>272</sup> Read *Empowering Young Inmates through Lifelong Learning Programs in Malaysia: Prospects and Challenges*; Proceeding for the International Conference on Lifelong Learning 2011, organized by Open University of Malaysia; Seri Pacific Hotel, Kuala Lumpur, Malaysia; 14 – 15<sup>th</sup> November 2011.



The commitment of the Prisons Department in developing each offender's potential to encourage them to become useful citizens in the future is clear, where we can understand why the term "Integrity" had been chosen to be the name of the schools established within the penal institutions. According to the Director of Rehabilitation and Treatment, the name "Integrity" certainly suits the image of an institution that is recognized for its function as a place for rehabilitation. He said, *"[b]y 'Integrity', we require people to behave in a manner which is honest, just, responsible; so we already have that concept in this (prison) institutions... so that name certainly suits our education requirements"*.

From this explanation, the researcher assumes that in the long term, the Prisons Department aims to produce more prison "graduates" who are to be completely rehabilitated in the sense that they will have a more positive attitude and will be qualified in their particular field of education during their reintegration process. Hence, these rehabilitated young people will be more confident in facing the reality of life and therefore will be more capable of avoiding negative influence once they are released from the institutions. In due course, they will become more resistant to any desire to return to crime, regardless of whatever situations they will face later.

In addition, from the data, the researcher observes that the Prisons Department is truly positive towards developing young detainees who are currently detained in prisons by providing them with educational opportunities.

The Director of Rehabilitation and Treatment pointed out,

*"[S]o this school [Integrity Schools] is actually a sample for the schools outside... people outside will say, "ooh these badly-behaved kids, they need to be restricted, confined, forced... confining is for people who don't like to follow rules but they can still be developed..."*

The Education Officer continued,

*"In planning for the long term, we need to convince the society that these youths need to be given a second chance and when we send them to be*

*rehabilitated, we need to work with them, and have faith in the youths so that they will be alright once they have been reformed”.*

Again quoting the Director General,

*“Our strategy is to provide the same level of education... equal to the education in schools by building the Integrity Schools. We are planning our strategy to build the necessary path for the students to embark on. This is because we believe that being imprisoned is not a hindrance to the offenders in acquiring education. That's one clear thing. That's what we want!”*

The Director of HGS further added,

*“If we factor in the opportunity for education as part of the equation, I am certain that these offenders would be on their way to a positive future. I do believe that the Minister of Education is very motivated and concerned about the juveniles; we need to consider that these juveniles are also human beings and those who have missed school would be provided with schooling, like the example we have in Henry Gurney Schools”.*

Thus, we may also denote the belief of these prison officials that the task of developing young offenders is not something wasteful. The respondents unanimously regard that it is still their task to ensure every young person is rehabilitated during their imprisonment and that certain rehabilitative programmes are to be properly designed towards achieving the targets to develop these youths in that time.

*Educational Provision for Young People in Malaysian Penal Institutions – Prospects and Challenges*<sup>273</sup>

From the data, the respondents have discussed a few points regarding the prospects and challenges of educational provision for young people in prisons. In addressing the points, the researcher observes that the respondents have projected certain strategies towards improving a better implementation of educational provision from time to time. Their points can be summarized as below:

*Physical Educational Facilities*

First, the respondents have highlighted physical educational facilities as their main concern. The data shows that all the respondents hope the government will consider equipping the prisons with more sufficient basic educational facilities similar to the state (government) schools outside the institutions. Therefore, these physical educational aspects would include more classrooms, books and reference materials and specific rooms for educational activities like counselling and religious conduct.

They opined that if the government provides sufficient educational facilities including teaching and supporting staff for young people in the institutions, it will encourage these children to be more motivated to engage in the learning activities.

As explained by the Education Officer,

*“In my opinion, these opportunities include the facilities... support... what not... for the youths to enable them to get the education to improve themselves. So let's give them a chance because if we have excellent teachers but not enough facilities, then this would also present a constraint, because I feel that these things need to be provided, enhanced... so we can work on it together... to achieve better results in educating the youths in this institution.”*

---

<sup>273</sup> Read *Managing Young Offenders Pursuing Academic Education within Malaysian Prisons Institutions: The Challenge for Educational Managers and Educators*; Proceeding for the Asia Pacific Conference on Educational Management; organized by the Sultan Idris Education University; 29<sup>th</sup> November 1<sup>st</sup> December 2011; The Legend Hotel, Kuala Lumpur, Malaysia

The Director General further confirmed, *“The next factor concerns the facilities... the physical aspect of the facilities... other things that we should have, like the counselling room, rooms for religious lessons and other activities...”*

The Director of HGS expressed himself thusly,

*“At the moment, I think that while the Integrity Schools are quite new... what I want to stress is that we have adequate teaching facilities for the students, although maybe not as adequate as the ones in the schools outside. But I believe that we are heading the same way as other schools”.*

#### *The Environment Factor*

Secondly, the respondents consider the factor of prison environment and its surroundings equally important to the physical aspects as well. They believe that a safe and calm environment within the prisons is important to support the smooth implementation of the educational activities among young people over the course of the planned rehabilitation programmes in their entirety. Hence, the respondents also believe that the focus of young inmates will be easily distracted if there should be any disruptions that may occur within the prison settings.

The Director General expounded thusly,

*“We will also look at the environment factors in the rehabilitation programme, the surroundings; we need to provide a rehabilitation programme which is calm...no one to distract the offenders... This means that we need the environment to be conducive to try to prevent any disruption.”*

The Chief Inspector added, *“[n]o bad incidents happen...no fights..!”*

### *The Role of the Teaching Staff and Counsellors*

Thirdly, the respondents explained that the attitudes of the teaching staff in the prisons play a great role in motivating young inmates to engage in the learning activities. The teachers are expected to creatively apply different methods of teaching and psychological skills when managing young people in the institutions. The respondents view is that it is important for the teachers in the institutions to have high motivation, commitment and patience when facing these children and young people.

Besides teaching and applying their skills, the teachers should always encourage students to be more open-minded in overcoming their personal problems. As one respondent, the Education Officer explained,

*“[T]he teachers must be prepared to understand the challenging tasks and responsibilities in our institution, so these teachers have a role in... motivating the youths in order to help open up the youths' minds... so that they can overcome the problems in their lives...”*

The Director of HGS further expressed,

*“As for these teachers, first of all they must be very interested. Secondly, they must have high motivation. Thirdly, patience. And as you can see from these badly-behaved kids, if the teachers don't have the patience for them, then the teachers will be ready to quit”.*

The Director of Rehabilitation and Treatment:

*“The teaching staff... I think the teaching staff would need to have... they would need to know how to approach the youths in a certain manner... they [young people] would need to be approached and assessed in a different way compared to the youths in ordinary schools.”*

The role of the counsellors in the institutions is important too as they should know how to polish the potential of young people. In other words, the roles of the teaching staff, counsellors and the support staff are important to help young

people in the institutions be able to recognize their personal abilities towards improving their self-development.

The Director of Rehabilitation and Treatment: *"[S]o I think the counsellor needs to encourage the youths...to bring out their potential..."*

The Director General: *"[A] counsellor who aims to give awareness to offenders, so that they would be more open to receive the rehabilitation process".*

### *The Role of Family*

Fourthly, the respondents believe that moral support from family members is significant towards inspiring young people to maintain their self-motivation whilst they remain imprisoned. The respondents view is that a bond between family members and the young inmates will strengthen the young people's motivation to improve themselves during their term of imprisonment. From the data, frequent visits from the parents or any other family members have a positive impact on the personal development of young people in the institutions. Therefore, the respondents urge the parents and family members of young people to be more attentive and to visit their children in the institutions more frequently. The data shows that social visits involving the family members of young inmates should be encouraged as one respondent told, *"[s]o these kids need to be developed along with their families... a visit system, one which encourages the family to visit the kids... because we need to encourage them, guide them, along with their family's presence."* (Director of Rehabilitation and Treatment)

The Director of HGS stressed, *"The main factors to encourage these students: they must be exposed to motivation; secondly, moral support from the family; thirdly, the type of teaching or education system which will inspire them..."*

*"[W]e actually plan to set up a Parents-Teachers' Association, just like the ones we have in schools outside [prisons]... aims to create collaboration between parents, families and the department for the benefit of students."*

(the Education Officer)

## *Support from Society*

Next, the data shows that the prisons do indeed need support from members of society of all levels, including volunteers, professionals, and non-governmental organizations (NGOs). The respondents look forward to receiving assistance from outsiders in sharing ideas and expertise towards better implementation of educational provision for young inmates in prisons.

One respondent, the Chief Inspector pointed out,

*“[w]e need support from members of society... which means that we need ideas from other people. That's what we need... So maybe there are other people outside who have better ideas on how we can improve our programme. We can combine those ideas to make a better programme. It doesn't matter... maybe the ideas come from members of the society like the NGOs, individuals... maybe from higher-level individuals... like professors... academicians... maybe they have better ideas for us to try... we could improve the implementation of this programme so it could become more effective... we definitely encourage comments from members of the society to help us...”*

However, the data indicates that the respondents have expressed their worries regarding the social stigma that may cause members of society to hesitate to welcome young ex-convicts back to the fold, despite them being considered as having been completely rehabilitated.

The Chief Inspector pointed out,

*“[T]here may still be some social stigma... I myself don't know how strong their willpower is, to be sent outside to meet the society... even though they might have a degree or diploma... is that enough to equip them? That's what we are afraid of... But I do feel that their willpower is strong... they still want to study!”*

The Education Officer expressed his concern,

*“Their punishment may seem to last forever because they might be ostracised by society and that sort of thing. I do feel that it is really not fair, maybe the crime they had committed was not 100% their mistake; this is*

*because they were still young at that time... they had to pay for their mistakes... their parents, family and society too..."*

They stated that the continuous support from inter-agencies in accepting qualified and skilled young people to create fair opportunities for employment or further education is very much appreciated. In addition, the respondents observe that for good reasons, it is not easy for these young people to cope between studying and at the same time improving themselves in order to prove they are still capable of being just like other ordinary persons upon reintegration.

Therefore, the respondents expects society to be more tolerant and to accept these young people during their reintegration process, as it would continuously help to encourage these children and young people to be more positive and rational in facing reality. Ultimately, the continuous moral support from society members will avoid these young people from further thinking about how to get involved in their previous criminal lifestyles once they are released from the institutions. After all, the respondents view these young people, if given fair opportunities, as youths who might still be capable of positively contributing towards the development of the nations. Members of society should be more rational in accepting young ex-convicts back into the community, as the respondents believe that these young people have already suffered enough through their imprisonment experience.

One respondent, the Director General expressed his concern:

*"[F]or me, this is already a very good achievement... to help them to be freed... one of the achievements... is showing that they have changed for the better... this means that what happened before... was not intentionally done... maybe it was due to emotional pressure."*

Therefore, society in general should have faith in these young people and give them another chance to continue a 'fresh' and 'new' life after their institutionalization. Hence, the respondents urge the government to look seriously upon this matter and to give more options to the released young people to lead a positive life. The data shows the respondents agree that these young



people should be given more access and chances to further their studies and getting suitable jobs so that they do not turn to their former criminal lifestyles again.

The Director General expressed his hopes thusly,

*“We need support from related agencies... other agencies involved, including the university... any agency which would like to help us to provide them with opportunities in the future. So we hope that the government would help in these matters... if there is no support from other agencies... the offenders will have no chance to go further in life... the government needs to look into this!”*

The Director of HGS said that *“[G]iving an opportunity to the students to further their studies to a higher level, means there will be no more constraints for them...”*

## **Conclusion**

This chapter analyzed the data taken from interviews held with the officials of the Malaysia Prisons Department; the Kajang Prison, Selangor, Malaysia; and, the Henry Gurney School, Malacca, Malaysia. The findings represent the respondents' perceptions and views regarding educational provision for young people in penal closed institutions. The data signifies, among others, what the prisons management's views are regarding the factors that may have caused them to support and recommend the implementation of educational provision for young people in penal closed institutions in Malaysia.

In essence, the implementation of educational opportunities for young people in penal closed institutions in Malaysia was catalyzed by the desire of the Malaysia Prisons Department to find better rehabilitation methods to guide young detainees and keep criminal activity under control during and after their institutionalization.

Further, the chapter has been able to highlight that the prison officials of Malaysia believe that education can be used as a social tool for (all) young people and to improve them during incarceration, thus emerging from prison as better human capital for the nation upon their reintegration into society.

In addition, the prison officials are likely to infer that rehabilitation of young people in prisons is conceptualized almost entirely as education. Therefore, the perceptions of the officials can be viewed as attempting to constantly take suitable measures to improve the educational provision of young offenders in the prisons to that similarly enjoyed by other youths outside the institutions. The officials are also observed to be focused on formalizing the educational system in prisons so as to discipline the young people to be better persons.

Finally, the officials also undertake to implement necessary measures to fulfil the educational rights of young people in the institutions, believing that young prisoners still have the potential to be better persons once they are released.

The following chapter will provide information addressing the key-points that lead to answer the question of why the government of Malaysia has been spending so much to provide educational opportunities for young people who are being detained within the Malaysian penal institutions.

## CHAPTER EIGHT

### **Discussion Chapter and Conclusion**

---

#### **Introduction**

The purpose of this chapter is to explain the significance of the findings from the data which had been summarized and analyzed in the previous three chapters. It will provide an explanation as to why the government of Malaysia has been spending heavily on the provision of educational opportunities for young people who are being detained within closed penal institutions. The researcher has divided the discussion into several headings which summarize the 'answers' to the research questions set for this doctoral research.

#### **Children's Rights as a Means to Socialize Young People in Malaysian Penal Institutions**

From the documentary data, we may consider the Malaysian government as far-sighted because it can predict that the country will stand firmly as a fully developed nation by 2020. Also, the country has set a target that by 2020, the present younger generation will be able to sustain the development and excellence of the nation which will be achieved at that time.

The researcher argues that in many respects, in moving towards the direction of 2020, the Malaysian government has constantly strived to achieve the nation's best interest, which is to produce useful citizens who can contribute to national development. Thus, many policies and strategies have been orchestrated at the national level, as discussed in the previous chapters, which are meant to provide an appropriate medium for the socialization of young people via a process of quality education to accomplish this mission.

The data clearly shows that the Malaysian government believes that every young person across the country needs to get better access to be equipped with the necessary qualifications, training and/or continuous exposure in various fields during their young age.

Here, the researcher notices that indirectly, the Malaysian government is seen to have persistently been "campaigning" to encourage all people to undergo the process of education with diligence and excellence. In other terms, the researcher observes that this is actually more a way to disseminate information to ensure that every young person will understand their respective responsibilities – each has a role to play, from a young age, in an active, progressive and responsible manner towards the development of the country.

So, in furtherance of "campaigning" to ensure that the government's objective is achieved, the researcher notes that the government has taken the opportunity to make use of any medium believed to be effective, as long as it facilitates the process of getting people's confidence and determination. For instance, we may understand why the Malaysian government is confident to respond positively, to adopt and/or agree to bind itself, to comply with the standards recommended by the United Nations, which wants every member country to promote the standard of providing good education to all, especially children and young people as stipulated in the Convention on the Rights of the Child (CRC).

Similarly, we can see that the Malaysian government is clearly inclined to expand the provision of various educational opportunities for young people who are being detained in penal institutions in order to encourage them to become more educated and/or skilled people upon their discharge.

In fact, the researcher also views that the Malaysian government's determination to comply with the United Nations agenda might be seen as a more practical way to get the people in this country to intensify their efforts when undergoing the education process in a more responsible and progressive manner towards becoming educated, intelligent and skilful Malaysian citizens in the future.

Next, as mentioned above, the researcher views that the government's actions have always given priority to the provision of good education to all children and young people in Malaysia including young people detained in prisons. This paves the way for the establishment of a proper socialization process for every young

person so that all these experiences may prepare them to develop as useful citizens in the future.

For that same reason, the government is keen to ensure that every individual child and young person, regardless of origin, ancestry, status and location, obtains proper access to education so that they will grow up to be good Malaysian citizens according to the local needs and requirements.

All these efforts are important because the government promotes that a good socialization process for each Malaysian citizen should begin at an early age so that they can nurture in an educated way every aspect of life that will enable them to channel towards contributing to the formation of a developed nation in the future.

In this context, the data suggests that the Malaysian government has prepared a socialization process for every young citizen in the country based on the principles stated in the *Rukunegara*<sup>274</sup> (“National Principles”), particularly stressing on the belief in God and the practice of pure moral values. This is also where the government often calls upon all people to strengthen their self-esteem and not be afraid to compete with the international community.

### **Rehabilitation in Malaysian Penal Institutions is Conceptualized almost entirely as Education**

Basically, the documentary data and the interviews with prison officials indicate the approach of the Malaysian government is in line with the general ideas about the aims of offender rehabilitation in penal institutions discussed in the first part of Chapter 4, that is to provide various interventions towards helping prisoners

---

<sup>274</sup> The “*Rukunegara*” or “National Principles” were formulated with the purpose to serve as a guideline for the country’s nation-building efforts. The five principles enshrined in the *Rukunegara* are namely; Belief in God, Loyalty to King and Country, Upholding the Constitution, Sovereignty of the Law, and Good Behaviour and Morality. See more at <http://www.malaysia.gov.my/EN/Main/MsianGov/GovRukunegara/Pages/GovRukunegara.aspx>; accessed 17<sup>th</sup> August 2012

become law abiding citizens after institutionalization (Schimedeberg, 1968; Zivan, 1975: 18; Bain and Parkinson, 2010). However, it is important to note that the approach undertaken by the Malaysia Prisons Department in using education as a fundamental aspect of the entire rehabilitation modules/programmes is much more prominent when compared to the various methods of interventions discussed by the researchers cited in Chapter 4.

In addition, the Malaysian government seems to interpret the idea of offender rehabilitation in a way which meets the two functions proposed by Crow (2001): first to educate offenders to be more useful persons and secondly, to achieve a reduction in crime rates in the long term. This, in turn, by examining the documentary and interview data with prison officials and the teachers, has led to the idea that the Malaysian government is using a medical analogy in which rehabilitation is understood to provide necessary treatments as to 'cure' the individual prisoner according to his/her special needs towards reducing the rate of crime in the country as emphasized by McLaughlin and Muncie (2001).

The researcher further recognizes that education is used by the Malaysia Prisons Department as a means to inculcate moral values amongst young people by and/or through the implementation of the Human Development Plan (HDP). The principles set out within this plan are, then, rather different from the underlying principles of the models of rehabilitation described in the first part of the Chapter 4<sup>275</sup>. These are basically models developed within western countries. Therefore, whilst the entire rehabilitation educative programme in Malaysian prisons is akin to the idea of rehabilitation of prisoners once conceptualised by Cooper (1973) - that rehabilitation is one process that can "educate" offenders to be re-oriented to foster society's values – those values in Malaysia are essentially moral values derived from Islam.

In this matter too, the researcher would like to argue that, given the "*Putra*" module is adopted as the foundation for overall rehabilitation programmes in prisons, the Malaysia Prisons Department seems to have used the means of education as to achieve the idea put forward by Crow (2001), Raynor & Robinson

---

<sup>275</sup> See Chapter 4 (Rehabilitation chapter) at pages 137-140

(2005) and Robinson & Crow (2009) in which the idea of rehabilitation should aim to “restore” prisoners - encourage them to regain their former normal lives which should be free from any elements of their previous crimes as before they are being institutionalized.<sup>276</sup> It is well noticeable too, the interview data with prison officials certifies that education/knowledge is believed to be an effective means that can reform the behaviour of young people to change their way of thinking and behaving becoming more positive persons during and after imprisonment (Craig, 2004). It is notable from the data that prison officials believe “more educated prisoners” are much easier to manage since they are more realized of their status as prisoners in which this may signify that they conceptualize rehabilitation within the context of treatment of offenders.

In connection to that, it is therefore no surprise that the Malaysian government also expands the provision of equal educational opportunities to young offenders in penal institutions, which will lead them potentially to be ‘good’ for the country. The action is also clearly consistent with the objectives of the Malaysia Prisons Department, as set out in its mission and vision described earlier, that is to develop the potential of each prisoner to be better persons for the nation upon their release from the institutions.

Here, the researcher would argue that the Malaysian government is once again seen to adopt the recommendations by the United Nations, particularly the United Nations Standard Minimum Rules (Treatment of Offenders) 1954 and the United Nations Standard Minimum Rules for the Administration of Juveniles (the “Beijing Rules”) in facilitating the process of providing a quality medium to allow young prisoners to socialize in a more healthy manner free of criminal influence through the educational process during their incarceration.

Further, by allowing young offenders to socialize through a variety of educational opportunities available within the institutions, the Malaysian government shows that the Malaysia Prisons Department is ‘actually’ rehabilitating the youths to become ‘good’ persons upon release from the institutions. Therefore, the influence of offender rehabilitation has been always a priority of the management

---

<sup>276</sup> See Chapter 4 (Rehabilitation chapter) at pages 131-132

of the Malaysia Prisons Department to convince the prisoners that they are able to turn into 'good' people who are more beneficial to society by the time they are released from the institutions.

So, the researcher may further infer that the aim of providing a better medium for young prisoners to socialize in penal institutions is to help facilitate the rehabilitation process of offenders in prisons, which is clearly understood by the Malaysian prisons management. In this regard, the prisons management presumes that the provision of education to young people in the institutions may help encourage the young people to desist from criminal acts during and after their institutionalization.

By constantly displaying the strive to rehabilitate the young prisoners through the education process, this will indirectly help the management of the Malaysia Prisons Department to gain the trust of the community to provide a continuous medium of support which is always needed by ex-prisoners once they are reintegrated into society. This approach is expected to further encourage the community to recognize that every young prisoner still has a relevant role to play in the formation of a developed nation by 2020.

#### **The Availability of Educational Provision for Young People within Malaysian Penal Institutions: Research Question 1:**

“To what extent is the educational provision for children and young people in closed penal institutions in Malaysia similar in quality and quantity to that provided for children who are in state (government) schools?”

This question requires data about educational provision inside penal institutions and in state schools. Documentary evidence was used in regard to the provision of education for children who are in state (government schools) i.e. outside penal institutions in Malaysia whereas the data from the interviews helped the researcher to understand provision inside prisons. This enabled a



comparison to be made. Therefore, this study would like to confirm that both sources of data have provided adequate answers to research question 1<sup>277</sup>.

Data from the documents indicate that the implementation of Integrity Schools in the prisons in Malaysia since 2008,<sup>278</sup> based on the national curriculum organized by the Ministry of Education, could be construed evidence of the government's commitment to provide opportunities for education among the incarcerated children and young people equal to that received by the children and young people who received educational opportunities from outside the prisons but the data from the interviews with the academic teachers and/or vocational training instructors confirm that there is no compulsion policies for young inmates to participate in both formal academic and/or vocational training programmes available in prisons during incarceration.

The analysis of the interview data towards answering research question 1 is explained as the following:

In general, the data suggests that the prison officials, educators and/or teachers as well as the young people of both the Kajang Prison and the Malacca Henry Gurney School think that educational provision available for young people within penal institutions are similar in terms of quality and quantity to that provided for children in other state (government) schools across the country, as the Malaysia Prisons Department implements similar laws, policies and regulations to provide adequate access to education for young people in penal institutions subject to prison rules and regulations.

However, all of the respondents claim that there is still much to be improved by the government and/or both the abovementioned relevant authorities in particular regarding the physical education facilities to be utilized by young people in the institutions. For instance, the data from the young people of the Malacca Henry Gurney School emphasize that the lack of sufficient computer facilities available

---

<sup>277</sup> As highlighted at page 41/42 (Chapter 2: Methodological Chapter).

<sup>278</sup> As highlighted at page 1 and foot note 1 in Chapter 1: Introduction and Conceptual Framework Chapter.

in the institution has been a challenge towards enabling them to gain computer literacy lessons whilst in incarceration.

On the other hand, all the young people from both institutions expressed regret regarding the lack of suitable books and reading materials provided in the library. Since the contents of the library have always been filled with school books, textbooks and school references, all the respondents felt that it was quite hard for them to polish their reading interests towards gaining more general knowledge.

In addition, the data from the observations suggests that reading materials available at both institutions are more focused on school books and references rather than light reading like newspapers and story books. This implies that the lack of suitable reading materials at the institutions may retard the reading culture amongst young people in institutions in which this might encourage them to do things that are less useful during their leisure time.

In the meantime, the data from the prison officials, teachers and/or vocational training instructors as well as the young people of both the Kajang Prison and the Malacca Henry Gurney School confirm that the establishment of the Integrity Schools (“schools within prisons”) through a collaboration between the Ministry of Education, Malaysia and the Malaysia Prisons Department in 2008 has changed a lot of educational circumstances within both institutions. All the respondents realize that the implementation of Integrity Schools within the penal institutions could better support the Malaysia Prisons Department towards achieving its mission and vision that is to be more effective in rehabilitating young offenders during their imprisonment.

The data from the prison officials as well as teachers and/or vocational training instructors of both the Kajang Prison and the Malacca Henry Gurney School certify that prior to the implementation of the Integrity Schools, the learning process of young people was not being systematically conducted as the children and young people were not taught by fully qualified and well-trained teachers.

The data from all the respondents also proves that they really welcome the current action undertaken by the government towards progressively improving educational provisions available for young people *via* the establishment and operation of the Integrity Schools within the penal institutions.

Furthermore, the data from the teachers and/or vocational training instructors confirm that the establishment of the Integrity Schools offers similar educational benefits to young people in prisons as received by children and young people in the mainstream schools, particularly in terms of the implementation of similar formal academic curriculum based on the national curriculum, which is designed by the Ministry of Education, Malaysia according to the philosophy enshrined in the National Education Philosophy.

In answering research question 1, all the interview evidence points towards support for the proposition that educational provision is similar inside and outside young offender penal institutions.

The data from all the respondents also pointed out that the standard of learning practised in the prisons is similar to what is adopted by schools outside the institutions for teachers in prisons refer to learning materials, resources and education syllabus based on the national curriculum set by the Ministry of Education.

The data from all the respondents also pointed out that the standard of learning practised in the prisons is similar to what is adopted by schools outside the institutions for teachers in prisons refer to learning materials, resources and education syllabus based on the national curriculum set by the Ministry of Education. All respondents told that young people in the institutions are being taught the same subjects as studied by school children in schools outside the institutions. In fact, all respondents agreed that the planning and conduct of teaching and learning academic and co-curricular activities and even the assessment standards and even the assessment standards implemented in schools in prisons is exactly the same as adopted by schools outside the institution. Therefore, in answering Research Question 1, all the interview

evidence points towards support for the proposition that educational provision is similar inside and outside young offender penal institutions.

The data from the prison officials and teachers and/or vocational training instructors provide that academic teachers and/or vocational training instructors in the prisons consists of those who have academic qualifications, skills and experience equal to educators who teach the same subjects at any of the institutions outside the prisons.

In addition, the data from academic teachers and the prisons management also insisted that all academic teachers and and/or vocational training instructors are certainly people who have previous experience working outside before they are accepted to work at the prison.

Further, the data from the teachers and/or vocational training instructors also suggest that the current educational provisions that are available in both institutions are presumably adequate and sufficient, in that the institutions provide equal access to educational rights for young people to be developed during imprisonment. More importantly, the same educational system applies to other school children and young people across the country. This means that, according to the respondent's perception, should these young offenders not be in prison, they would be receiving the same education based on the national education system, thus showing that education in penal institutions is on par with that of mainstream education.

Next, the data from the young people of both institutions indicate their gratitude to be given similar educational opportunities as enjoyed by their other peer group members outside of the institutions. The data shows that the young people in both institutions attend similar formal academic programmes as well as other vocational/skills lessons provided by the government to other children and young people in the mainstream schools.

Further, the data from the young people verifies that the supply of learning materials as well as school teachers from the Ministry of Education, Malaysia is a

positive action undertaken by the Malaysian government, which makes them feel acknowledged, despite their being detained behind bars.

Furthermore, the data from the prison officials, teachers and/or vocational training instructors as well as young people of both the Kajang Prison and the Malacca Henry Gurney School points out that there has never been a deprivation of educational rights for young people in the institutions to sit for public examinations even before the operation of the Integrity Schools. Therefore, the teachers and/or vocational training instructors believe that the young people who are currently being imprisoned are never being denied from enjoying similar educational opportunities as provided by the government for pupils outside the institutions.

The data from the prison officials and teachers and/or vocational training instructors also emphasizes that the examination results of these offenders are recognized by the government, and issues regarding the validity and authenticity of their results should not be raised or questioned. This is because many of the offenders have been accepted to further their studies in certain higher learning institutions<sup>279</sup> and/or have already managed to get reliable jobs based on their qualifications obtained during their institutionalization.

Hence, based on the above explanation, we can say for certain that Research Question 1 has been satisfactorily answered, that is, that young people in the penal institutions have been receiving similar educational provisions enjoyed by other school children outside of the institutions in terms of quantity and quality, covering the full implementation of the national educational system towards the supply of formal academic and/or skill/vocational training programmes, and that

---

<sup>279</sup> As of 2008, it was noted that a total of 12 young detainees from the Kajang Prison had pursued their higher education through lifelong learning programmes in various fields including: Business Management Studies, Law, Islamic Studies, Information Technology, Pre-School Education and Multimedia Communications. The learning programmes were managed by two institutions, namely; Open University of Malaysia and Association of Business Executive, UK (ABE).

In addition, it has also been reported that between 2005 - 2008, there were several young prisoners from the Henry Gurney School, Malacca, who had been accepted to Kolej Komuniti, Open University of Malaysia, Politeknik Malaysia and other private institutions in the country to pursue their studies in various institutions of higher learning.

their qualifications will be recognized just as if they had gained those qualifications from other mainstream (state) schools.

**The Implementation of Law and Policy Pertinent to Educational Provision available for Young People in Malaysian Penal Institutions in Answering Research Question 2 and Research Question 3:**

“To what extent are policy and law driven by a desire to implement children’s rights, by particular notions of rehabilitation or by other factors?”;

and,

“How do the officials and teachers and/or vocational training instructors at the Malaysia Prisons Department conceptualize children’s rights and offender rehabilitation?”

The findings suggest that the implementation of law and policy regarding educational provision available for young people in Malaysian penal institutions is driven simultaneously by both a commitment to children’s rights, particularly educational rights, and also by particular ideas about offender rehabilitation.

Therefore, further analysis will discuss the explanation supporting the existence of both notions and the links between them.

(i) The Influences of the Children’s Rights, Particularly Educational Rights

**Using Education as a Means to Fulfil National Interest**

The senior prison officials agreed that the Malaysian government has never prevented young prisoners from receiving equal educational opportunities as enjoyed by children outside the institutions, and thus, they undertake suitable measures to provide similar educational opportunities for young people during their incarceration. The data further implies that the Malaysia Prisons Department attempts to purposely follow the National Education System regulated by the

Ministry of Education, Malaysia to reduce any possible educational gaps in terms of maintaining a similarly good quality of educational provision for the youths in prisons as received by other youths outside the institutions. The compliance with the National Education System in the provision of educational opportunities for young prisoners in custody may highlight that the Malaysia Prisons Department has a desire to equate the right of access to education of these young offenders in accordance with the aspirations of the Malaysian government to, among others, produce Malaysian citizens who are knowledgeable and competent, who possess high moral standards, and who are responsible and capable of achieving a high level of personal well-being as well as being able to contribute to the harmony and betterment of the family, the society and the nation at large as enshrined in the National Educational Philosophy.<sup>280</sup>

The data also concludes that the recent move undertaken by the Malaysia Prisons Department, i.e. the collaboration between the department and the Ministry of Education, Malaysia, which consequently established the “Integrity Schools” in 2008, has revealed that the Prisons Authority is increasingly concerned about the future of young offenders, thus demonstrating that the department has prepared to extend more opportunities for young prisoners to receive an education in accordance with the specific policy and laws. The implementation of the school has brought a new era in the provision of education among young people in penal institutions across the country - the Ministry of Education has been supplying trained and qualified teaching staff, textbooks and reading materials for the benefit of the students in prisons. The data highlights that the Malaysian government recognizes that no child or young person should be denied the right of receiving a proper education, even though they may have been convicted of a criminal offence.

---

<sup>280</sup> National Educational Philosophy - further details can be found at the official website of the Ministry of Education, Malaysia at [www.moe.gov.my](http://www.moe.gov.my)

## **Applying the Notion of Rights of Children to Realize National Interests**

The data further suggests that the senior prison officials presume they are obliged to fulfil the duties specified in the National Educational Philosophy, the Child Act, 2001, the Convention on the Rights of the Child, the United Nations Standard Minimum Rules (Treatment of Offenders) 1954 and the United Nations Standard Minimum Rules for the Administration of Juveniles (the “Beijing Rules”). These duties refer to the provision of equal educational opportunities for young people within the Malaysian penal institutions. The interview data confirms that all the respondents have discussed these relevant regulations and provisions, and they refer to them for guidance to provide appropriate access to education for young people in prisons. Overall, the data depicts that the determination of the Malaysian Prisons management to constantly safeguard the interests of the educational needs of young prisoners lies beneath their understanding to fulfil their specified obligatory duties. The understanding of the prison officials in complying with the principles and policies to support the educational rights of children and young people in institutions indicates that their actions could contribute a significant impact on the future of the society and the country.

The data from prison officials as well as teachers and/or vocational training instructors of both the Kajang Prison and the Malacca Henry Gurney School suggest that young people in prisons are no different from other school children outside the institutions, except for the age factor and also their educational rights. The data also reveals that the respondents felt that since the young people in these institutions are still at a young age, they are eligible to receive educational assistance appropriate for their personal development similar to that if they had not been institutionalized. Arguably, the officers and teachers presume that young prisoners are also entitled to receive a quality education to develop their full personal potential during their period of imprisonment as if they had the same educational opportunities like those outside of the institutions.

The data from the prison officials as well as teachers of both the Kajang Prison and the Malacca Henry Gurney School affirm that they had never regarded young people in the institutions as criminals; rather, they consider the youths to



be just like other ordinary school children who should be given adequate educational opportunities towards becoming 'good' persons. The researcher can conclude that the prison officials and teachers have no hesitation in believing that the young prisoners can still be guided in the proper direction of their original role as citizens of Malaysia, i.e. responsible for contributing to a fully developed nation by 2020 to meet the national interest.

The data from the respondents indicate that other than food and shelter, educational needs are also regarded as a basic requirement for young prisoners in institutions and therefore, the youths are entitled to be educated in a suitable manner as other school children outside institutions. The thoughts of all the respondents reflect that every young prisoner is like other children around the world, and needs to be nurtured and developed to grow up as a free and independent human. The respondents also imply that educational exposure can improve the process of socialization in the institutions, in that the youths will be trained to adapt to a positive life style that can prevent them from repeating past mistakes.

In this context too, all prison officials as well as the teachers from both the Kajang Prison and the Malacca Henry Gurney School consider that the government has duties towards providing adequate educational assistance as enshrined in the national educational child-related policies pertaining to giving education to all children across the country, particularly with regards to the efforts of achieving Education for All (EFA) goals. The interview data with these respondents also verifies their understanding that the government through its relevant agencies, namely the Malaysia Prisons Department and the Ministry of Education, Malaysia, should undertake necessary strategies and measures to provide appropriate educational access to young people in penal institutions as per that provided to children in the state (public) schools.

These views indicate their understanding that the Malaysian government has an obligation to implement the responsibility to create and/or amend laws, regulations and policies towards realizing children's rights at a national level as specified in the Convention of the Rights of the Child (CRC).

The documentary data further shows that, through the implementation of robust policies related to children's rights in Malaysia, the government seems likely to be viewed as being overshadowed by a desire to safeguard the interests and welfare of the child. The documentary data also signifies that the Malaysian government has been seriously committed towards to upholding the welfare of children across the country ever since it became a signatory member of the Convention on the Rights of the Child (CRC) in 1995. The documentary data also shows that the government of Malaysia is inspired to provide all necessary means to promoting the fullest development of the human potential of every child in the country including young people who are being detained in prisons.

Hence, in following the CRC, the data implies that the government has implemented several national children-related policies, confirming its stance to continuously preserve the rights and welfare of children in the country.

The documentary data suggests that the Malaysian government has always been motivated to preserve the idea of maintaining the interests of children in every aspect of life. Children's rights in Malaysia has been given a high profile by the government, where the country has implemented a lot of national policies pertaining to maintaining the welfare of children, and in consideration of the fact that every child regardless of race is a national asset and a future leader.

Apparently, the documentary data further shows that the adoption of the Child Act, 2001 (which was intended to safeguard the welfare and interest of children) was promulgated based on the principles enumerated in the Convention on the Rights of the Child 1989 (CRC). The CRC recognizes that all children regardless of their status, whether they are victims or offenders are governed by this Act.

The documentary data affirms that the Child Act, 2001 which came into force on 1 August 2002 consolidated three former Acts, namely; the Juvenile Courts Act, 1947 (Act to establish the Juvenile Court and deal with child offenders); Child Protection Act, 1991 (Act to provide care and protection to children) and Women and Girls' Protection Act, 1973 (Act to protect women and children exposed and involved in immoral vices).

The documentary data indicates that the aspiration of the government of Malaysia lays in maintaining the best interests of children in Malaysia is clearly stipulated in the Child Act, 2001; and that the statute stands as the main reference of all national policy making purposes concerning children in Malaysia. Evidently, the government has also strengthened the regulatory framework towards effectively managing child matters in the country by establishing a specific child division under the Social Welfare Department in the year 2005. This fact implies that the Malaysian government continues to undertake steady measures in upholding the idea of raising awareness to recognize the rights of children and young people in Malaysia. Additionally this move signifies that the government wishes to be legally bound to it and that the strengthening of the legal framework will indirectly invite all other agencies and people in the country to participate thus mobilizing efforts towards the realization of the government's national interest.

Subsequently, data from documents signify that the government of Malaysia has allocated a huge portion of the national budget towards providing good quality education and training programmes for children. This can be seen as early as the Fourth Malaysia Plan (1980 – 1985) right up its current iteration as encapsulated in the recent 2012 national budget. Data from the documentaries research further illustrates that the education sector in Malaysia has been attributed a high priority by the government in which the sum of 50.2 billion Malaysian Ringgit has been allocated towards developing education for the year 2012. Other evidence that demonstrates the commitment of Malaysia towards securing the educational rights of children in the country includes the provision of school-aid amounting to 100 Malaysian Ringgit per child for all primary and secondary students nationwide in preparation for the start of the new school session early this year (2012).<sup>281</sup> This data therefore reflects that the Malaysian government has for a long time always been willing to "invest" a large sum of money as part of the nation's long-term effort towards developing the potential of young people for the future.

---

<sup>281</sup> Read further at [www.nst.com.my](http://www.nst.com.my); 16 November 2011; accessed 2 February 2012

Likewise, the documentary data also shows that national policies related to the welfare of children in Malaysia have always been associated with the objective of fulfilling the aims of the Malaysian educational system as stipulated in the National Educational Philosophy which is, among others, to progressively develop the potential of individuals in a holistic and integrated manner in terms of their physical, emotional, spiritual and intellectual aspects, based on the firm belief in God.<sup>282</sup> The data illustrates the government wants to inculcate good values in all children from a young age so that as they grow up, they will understand the meaning of respect for themselves, others and also the values accepted by society. In this case, the researcher would like to suggest that it is the intention of the government that all citizens in the country, particularly young people, including those who are detained in institutions, can socialize in a positive way through high-quality education from a young age as part of the practice to continue to familiarize themselves with local community values.

The documentary data also suggests that the government of Malaysia has interpreted the importance of education within the Malaysian context to mean the achievement of the target to shape future Malaysians to be disciplined, diligent and motivated towards being knowledgeable, skilful and well-trained and possess positive values who will be able to actively participate and contribute positively to national development.<sup>283</sup> The documentary data shows that the role of the youth population is essential to the nation's development by 2020, and the government's stand on the meaning of "education" in Malaysia is clearly highlighted as the process to develop the potential of every young citizen, including young people detained in institutions.<sup>284</sup>

Therefore, the documentary data also indicates that the Malaysia Prisons Department has interpreted its mission and vision as the realization of equal access to educational opportunities for young people in prisons with the planning

---

<sup>282</sup>National Educational Philosophy at [www.moe.gov.my](http://www.moe.gov.my)

<sup>283</sup> The Education Development Plan for Malaysia (2001 – 2010) and the contents of the speech of the former Prime Minister of Malaysia at the Malaysian Education Summit 2004; read further in Chapter 3: A Concept of Rights of Children and their Rights to Education

<sup>284</sup> as envisaged in the Vision 2020

and implementation of education programmes and/or skills based on the "*Putra Module*".

The data further certifies that the framework of the *Putra Module* is inclined to the national education system in which it focuses on formal academic programmes and training programmes similarly used by pupils in mainstream schools.

The data from the interviews with all prison officials as well as teachers of both the Kajang Prison and the Malacca Henry Gurney School and the documents lead to the conclusion that the formulation of the *Putra Module* had been done according to the blueprint of the Malaysia Prisons Department, namely, the Human Development Plan (HDP). The HDP serves as a guideline for all staff and/or teachers of the department towards providing the necessary education and/or knowledge to young people in penal institutions to encourage their personal development through academic, skills, knowledge, religious and/or moral programmes.

The data concludes that the Malaysian government considers that all children, including young children in institutions, should be taught at an early age to get full guidance and knowledge in all aspects of life to help them grow up to be dignified adults in the future as enshrined in the Convention on the Rights of the Child (CRC).

The documentary data also suggests that the implementation of the provision of education for young people in penal institutions in Malaysia is part of the government's efforts towards achieving the goal of Education for All (EFA).<sup>285</sup> In an effort to further strengthen its commitment to achieving EFA goals, the Ministry of Education, Malaysia has introduced the Education Development Master Plan in 2006; a comprehensive plan that outlines the focus, key strategies and plans for education relevant to the needs of current and future youths and

---

<sup>285</sup> Education for All (EFA) is a global commitment and initiative to provide education to all children, youths and adults, and it is consistent with the aspiration that everyone has a right to education. During the 1990 World Conference on Education for All in Jomtien, Thailand, 155 nations, 150 Government and Non-government organization representatives, the general public, donors and the media pledged to provide basic education for all children and to improve literacy among adults.

seeks to overcome the gaps and deficiencies in education. In brief, the Ministry aims to ensure that all schools and students have the same opportunity to excel in education, regardless of where they live, their socio-economic status and the level of achievement they have achieved.<sup>286</sup>

Therefore, the data also suggests that young people who are being detained in penal institutions are not forgotten, and can also receive similar education provisions and opportunities offered by the Ministry to their 'regular' peers.<sup>287</sup> The data can be interpreted to mean that the Malaysian government is positive that young people in institutions are the same as non-offenders who are also able to contribute to the prosperity of society and the nation upon their release; thus, young prisoners are entitled to be complemented by a wide range of educational resources skills, knowledge and/or education in preparation for it.

In this instance, again, the government seems inclined to use education as an attempt to provide a 'medium' which can best encourage young people in institutions to receive positive exposure to socialize and be accepted by their peers outside the institutions.

In addition, the documentary data also indicate that the Malaysian government presumes every child is human capital of the nation for which they are entitled to be developed to the fullest extent in an integrated manner by and/or through a variety of education and/or training programmes as stated in the Convention on Rights of the Child.

The documentary data also confirms that the country has implemented several national education policies relating to direct the government to realize the full educational rights among all children in Malaysia including young people in institutions.

---

<sup>286</sup> Education in Malaysia; Ministry of Education (2008); page 125 -126

<sup>287</sup> Read further at [www.utusan.com.my](http://www.utusan.com.my); "Pendidikan di Balik Tirai Besi" (Education Behind Bars); dated 23 January 2012; accessed 23 January 2012

The documentary data also shows that all necessary measures have been undertaken by the government towards the development of human capital in the process of creating good quality citizens who can take part in the social development of the country and become successors to the country's future.<sup>288</sup> The Malaysian government believes that the development of individual children and young people is important in that any persecution during that period may be detrimental to the welfare of future generations of Malaysia.

Therefore, improving access to education for every child is important to contribute to the quality of people in Malaysia in the future. So, this approach is feasible because the government wants everyone to understand their respective roles in that they have to undergo a proper education process, especially from a young age, with the courtesy and strive towards achieving the target set for the country's future.

### **The Application of the Lifelong Learning Plan as a Means to Socialize Young People in Penal Institutions**

The data from the documents shows that due to globalization, the Malaysian government has strengthened the plans, strategies and policies to overcome the challenge and as a result, the New Economic Model was designed as a guide for the country to achieve a developed nation status by 2020.

And in accordance with the government's aspiration towards fulfilling Vision 2020, the concept of lifelong learning has been identified to be an important tool in expanding choice and the quality of life of Malaysians.<sup>289</sup> The documentary data shows that the implementation of lifelong learning, especially among disadvantaged groups that had previously been missed educational opportunities to pursue higher education, for example, young people in prisons can improve

---

<sup>288</sup> "The New Economic Model" and "Vision 2020"; read further at [www.pnm.gov.my](http://www.pnm.gov.my)

<sup>289</sup> "Blue Print on Enculturation of Lifelong Learning for Malaysia 2011-2020"; Ministry of Higher Education Malaysia; 2011

their education by considering the lifelong learning plan as a "second chance" for them to do so. In addition, this will also show that the government thought it should always create a mechanism that tends to educate young prisoners to appreciate life more healthy and free from any threat of crime haste.

The data from documents further show that within the context of Malaysian requirements, the definition of lifelong learning covers "learning engaged by everyone of age 15 to 64 and above except professional students" as in line with the quest of the government towards enhancing the country's economic growth in the next decade. In this regard, the data from documents and interviews will symbolize that the dissemination knowledge-based activities among young people in penal institutions in a more flexible and appropriate through lifelong learning activities provide a wider access to education for the youths to be developed while incarcerated because they are also part of the government's target. In addition, these data also show that the Malaysia Prisons Department has always acted to consider ways and means to further stimulate the young prisoners so that they can grow as individuals who prosper in all aspects of life.

The documentary and interview data further enables the inferences that senior prison officials undertake to provide full support and commitment to realize the implementation of lifelong learning among young people in prisons initiated by the government for the purpose of achieving the goals of the New Economic Model and meeting the objectives of Vision 2020 and the goals of Education for ALL (EFA).

Here, the researcher would argue that the Malaysian government has been and is prepared to adopt various policies including children's rights instruments, which are believed to help facilitate the effort to get the people's support as long as the country can achieve its national interests.

The data from the current study suggests that prison officials at the Malaysia Prisons Department understand the application of lifelong learning among young people in penal institutions is seen as the most important and effective approach in terms of offender rehabilitation. The data further shows that the prison officials



understand the nature of lifelong learning plan that is flexible and accessible to all people of all ages and backgrounds, and that it is identified to be the most appropriate method to better enable the youths to get useful and necessary knowledge and/or qualifications for their best interest while in incarceration.

Therefore, the data also denotes that the Malaysia Prisons Department strives to meet the government's intention to make education an integral part of the whole process of development and personal growth of every young person in the country, including young prisoners detained in institutions as discussed earlier.

Additionally, the data also indicates that the prison officials understand that they have a duty in general to support the government's policy of democratization of educational opportunities to all children and young people in Malaysia including youths in penal institutions. In short, the implementation of the lifelong learning plan within the Malaysian penal institutions is expected to help reduce the gap between young prisoners and children outside prisons. Finally, the officials also predict the implementation of lifelong learning in Malaysian penal institutions will help young people develop their true full potential as if they had never been institutionalized in terms of character and attitude towards being better citizens in the future.

The findings also suggest prison officials consider the lifelong learning plan as the backbone of each rehabilitation module that provides the most appropriate method of better accommodating young people get and/or continue education and/or knowledge during incarceration. The documents and the interview data from the prison officials indicate this longstanding 'plan' has underpinned all education programmes implemented in the penal institutions and is very important towards better facilitating the rehabilitation process of young offenders. In this context, all rehabilitation programmes that are offered to young people in the prisons covering academic, skills, vocational training, religious (and/or moral education), counselling (and/or motivation), co-curriculum and sports are, in a practical sense, an application of the lifelong learning plan.

The data also demonstrates that the prison officials have a strong belief that imprisonment should not be a hindrance for young people to develop themselves during incarceration and thus, the implementation of lifelong learning is identified to be the most appropriate mechanism that will encourage the youths to gain useful knowledge and/or education in the process of rehabilitating themselves behind bars.

In addition, the data suggests that the senior prison officials assume the learning process of young people should not be stopped due to their admission into penal institutions, and that the Malaysia Prisons Department has a role to encourage the youths to continue to develop themselves with education while they're imprisoned by and/or through lifelong learning programmes available within the prisons.

The documentary data and interviews with the officials further reckon that every offender has the potential to be rehabilitated and therefore, the implementation of the lifelong learning plan will better equip the youths towards preparing them with various educational and skill opportunities upon the reintegration process.

The data from the teachers suggests that educational provisions implemented for young people in Malaysian penal institutions stands to provide a "second chance" for the youths to obtain formal academic and/or skills/vocational knowledge programmes during incarceration. The data also provides that all the teachers and/or vocational training instructors understand that the government intends to demolish illiteracy among young offenders and likewise to encourage them to continue their schooling activities affected by the admission into institutions.

The data from the teachers and/or vocational training instructors further suggests that the implementation of educational provision for young prisoners makes it possible to reduce the gap between the young people and youths outside the institutions.

Hence, the data further shows that the government believes that it should take due diligence to put young people back on the right track through education and help the youths to use their young age to get as much education as possible

while they are being incarcerated. The data describes the government's desire to provide education and/or sufficient knowledge for the benefit of young offenders so that these youths will not leave the institutions in a state of illiteracy, ignorance or lack of knowledge that is beneficial.

The data of all the teachers and/or vocational training instructors also emphasize that the duties of the government towards providing suitable education and/or knowledge to these youths does not end only due to the institutionalization. All that matters is that parties should be responsible for managing the provision of education for youths in prisons are now being "transferred" from the Ministry of Education to the Prisons Department.

Therefore, the data from all teachers and/or vocational training instructors confirm that they still carry the same responsibility to teach, educate and/or train young people in prisons in accordance with the national education curriculum system as if these youths had attended state (public) schools. The data also describe the respondent's belief that they have had to take over the core task of parents/guardians of young prisoners and are thus obliged to offer necessary help and guidance to the youths.

The data from the young people of both the Kajang Prison and the Malacca Henry Gurney School acknowledge that they feel lucky to be accepted as "students" and not as "criminals" even though they are being detained in the institutions. The data from all the respondents shows that so far, they have never been discriminated against and/or been denied of receiving any support or assistance, especially in terms of the right to education while incarcerated.

All the respondents also claimed that they received encouragement and support from prison officials and teachers in the institutions. The data represents the thinking of the officials and/or educators of the institutions in that they truly understand each child is an independent entity rather than a collective group to be "controlled" by anyone. Despite the reality that children are often identified as vulnerable and are most of the time still dependent on other people, they also have the right to live in an environment that can build positive personal development.

Moreover, the data from the young people of both the Kajang Prison and the Malacca Henry Gurney School further confirms that they have been given full opportunity to continue academic and/or skills programmes, sit for public examinations and to pursue studies to a higher level with the full support and guidance of the Prisons Authority.

Subsequently, all the respondents admitted that the institutionalization experience has taught them about the importance of education and/or knowledge and the importance of "how" to be 'good' persons during and after imprisonment.

Finally, these findings would suggest that these young prisoners can feel that they are currently being educated in an environment where the institutional administrators are aware of their reality as those who the law presumes are still in need of further care, guidance and attention.

Thus, so far, the idea to uphold the rights of children becomes increasingly clear, especially the right to education, which has been a major driving factor that has spurred the Malaysian government to provide educational opportunities for young prisoners in penal institutions.

#### (ii) The Influence on Policy and Practice of Particular Concepts of Offender Rehabilitation

The study provides the interpretation of the notion of offender rehabilitation from the understanding of officials and teachers and/or vocational training instructors of the Malaysia Prisons Department which may be extracted from two aspects, namely, their understanding of the basic meaning of the term "offender rehabilitation" and also the conceptualization of the notion in regards to the provision of education and/or knowledge for young offenders detained in Malaysian prisons.

(a) The Meaning of “Offender Rehabilitation”

The study observes that initially, the Malaysia Prisons Department interprets the notions of “rehabilitation” of offenders so as to plan, design, formulate, regulate and implement all necessary policies, measures, strategies and programmes that will lead the department in the direction towards assisting to “improve”, “correct”, “reform” and/or “amend” the behaviour and/or moral character and/or attitude building of every offender in penal institutions.

The data from documents and also interviews with prison officials as well as teachers and/or vocational training instructors of both the Kajang Prison and the Malacca Henry Gurney School suggest that various kinds of educational and/or knowledge opportunities have been implemented by the department towards achieving the targets to “transform” young people to become “reformed” persons who would have learned to realize their past wrongdoings as well as to become useful persons during and after the life of imprisonment.

(b) The Conceptualization of Educational and/or Knowledge Opportunities within the Notions of Offender Rehabilitation in Malaysian Penal Institutions

**Using Education as a Means to Rehabilitate Young People in Prisons**

The interview data suggests that senior officials of the Malaysia Prisons Department perceive the role of education to have a close relationship with the purpose of educating and training young people to become better persons upon the reintegration process. The data from senior officials reveal that they believe the provision of education could better guide the young people to become changed persons in terms of mind, character, moral and/or attitude.

The data from documents and also the interviews with senior officials of the Malaysia Prisons Department indicate that all rehabilitation programmes implemented for young offenders in prisons and the Henry Gurney Schools are

based on the “*Putra Module*” as explained aforementioned. The underlying principles beneath the programme emphasize the holistic rehabilitation programme that stresses on the physical, clinical and psychological aspects of the young people. In general, the *Putra Module* acts as a guideline<sup>290</sup> for the prisons to provide rehabilitation programmes that will help the young people to realize their past criminal wrongdoings and to encourage them to be better persons before reintegration into the society upon release.

The data from senior officials of the Malaysia Prisons Department also show that rehabilitation in Malaysian juvenile penal institutions is seen as (i.e. conceptualized as) “education.” In this regard, the officials reckon various educational inputs and/or knowledge would enlighten young offenders towards changing their former behaviour and thinking styles. Thus, the respondents believe that the continued education process during the incarceration is expected to eventually train and educate the youths towards developing their personal skills and growth to become better persons during their imprisonment and after release.

Furthermore, the study illustrates that the officials are determined to always give more attention and full support towards improving the young people’s previous bad attitudes leading to building good moral character by and/or through various useful educational and/or knowledge opportunities available in the institutions.

Moreover, the data from the prison officials denote that the prisons management is motivated to plan and design educational rehabilitative programmes, modules and/or activities for young people within the penal institutions as they think, by and/or through education and/or knowledge programmes; these offenders are anticipated to be more realized of their own roles as “prisoners” who the law thinks are in need of assistance to be rehabilitated by the Prisons Authority. Indeed, it will indirectly help the Prisons Department to achieve its functions operate as a professional entity detention and rehabilitation institutions in the country.

---

<sup>290</sup> Basically, the module consists of 4 phases, namely “Disciplinary Building Programmes” (Phase 1), “Moral/Attitudes Reinforcement Programmes” (Phase 2), “Skills Programmes” (Phase 3) and “Humanity Programmes” (Phase 4)

From the interview data, the prison officials also acknowledge when the youths are more educated and knowledgeable; they tend to be more open-minded, positive and receptive against the entire rehabilitation programmes and/or activities managed by the Prisons Department. In addition, the data further provide, based on their knowledge and experience, the officers could see that such a positive response shown by young people indicate that young prisoners have been turned into positive and progressive youths and become aware of their past mistakes and misconduct.

Besides, the data from the teachers and/or vocational training instructors of both the Kajang Prison and the Malacca Henry Gurney School indicate that by and/or through enduring the educational activities whilst incarceration, young people are more likely to be taught progressively change their former way of negative thinking and styles of behaviour.

Based on the current study too, rehabilitation as it is currently being practised by young people in Malaysian penal institutions is primarily delivered by education. However, it is particular aspects of education which are seen to be delivering rehabilitation and these are academic programmes, skills and/or vocational programmes, religious and/or moral programmes, sports and/recreational activities, clinical and psychological aspects.

In addition, the data from the officials provides that the prison officials have positive mindsets towards rehabilitating the young people to be better persons based on their belief that every young person deserves a second chance. The underlying principles beneath the *Putra* Module that emphasize the holistic rehabilitation programme stressing on the physical, clinical and psychological aspects of the young people show the Malaysia Prisons Department intends to develop not only the youngsters' intellectual and physical capabilities but also to improve their mental and spiritual development as per mentioned in the Child Act, 2001 and the National Educational Philosophy.

Accordingly, the data from documents and also the interview with senior officials of the Malaysia Prisons Department would imply the Malaysia Prisons

Department attempts to rehabilitate young offenders towards producing citizens who could socially contribute to the nations upon their reintegration process as per suggested under the United Nations Standard Minimum Rules (Treatment of Offenders) 1954<sup>291</sup>, United Nations Standard Minimum Rules for the Administration of Juveniles (the “Beijing Rules”<sup>292</sup>) and the Convention on the Rights of the Child 1989<sup>293</sup> for the purpose of maintaining the welfare of the offenders.

From the data too, and from their understanding of all the above mentioned law, all prison officials opine that they are responsible towards equipping young people in prisons with kinds of suitable education and/or knowledge opportunities that are believed to be able to train the youths to be better persons in the future. Herein, the researcher would like to suggest that the Malaysian government is optimistic that the process of a proper education during the period of imprisonment would be able to expose young inmates the opportunity to socialize positively towards becoming better persons upon their release from the institutions.

The data from the officials as well as the teachers and/or vocational training instructors of the Kajang Prison and the Malacca Henry Gurney confirm that the meaning of “better” persons should imply that the youths have demonstrated their commitment to change their way of thinking and behaving from the time

---

<sup>291</sup> Article 65 United Nations Standard Minimum Rules for the Treatment of Prisoners 1954 reads: “The treatment of prisoners sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.”

<sup>292</sup> United Nations Standard Minimum Rules for the Administration of the Juvenile Justice (the “Beijing Rules”): Article 24 reads: “Efforts shall be made to juvenile, at all stages of the proceedings, with the necessary assistance such as lodging, educational or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process.”; Article 26.1 reads: “The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society.”; and Article 26.2 reads: “Juveniles in institutions shall receive care, protection and all necessary assistance-social, educational, vocational, psychological, medical and physical-that they may require because of their age, sex, and personality and in the interest of their wholesome development.”

<sup>293</sup> Article 28 and 29 specifically mention about the duty of the member parties to provide educational opportunities for children towards developing the child’s personality, talents, mental and physical abilities to their fullest potential enabling them to lead to a responsible life in a free society.



they were institutionalized after undergoing rehabilitative programmes offered by the Prisons Department.

Similarly, the data from the teachers and/or vocational training instructors of the Kajang Prison and the Malacca Henry Gurney School induces that they could clearly observe the difference between the group of more educated and/or knowledgeable young people and to the contrary; the former are more likely to show their learning interests and are seen tend to pursue studies to a higher level. Thus, we may be clear that the Malaysia Prisons Department believes the offender rehabilitation practices using education are considered capable of to inculcate awareness among young people in prisons to change for the better.

Next, the data from the documents and interviews with senior officials of the Malaysia Prisons Department as well as teachers and/or vocational training instructors of the Kajang Prison and the Malacca Henry Gurney School infer that educational opportunities provided within the penal institutions are able to equip the young people with certain education and/or knowledge as well as skills for their survival after release from the institutions. The data further demonstrates that various knowledge and/or skills acquired during the imprisonment term will hopefully provide better and wider opportunities for young people to prepare their mindsets in facing society upon the reintegration process.

The data from the officials and also the teachers and/or vocational training instructors provide that all necessary educational inputs gained by the youths whilst being imprisoned is expected to stimulate them to become more confident and resilient towards continuing life survival after the imprisonment term. The data further provide that the aims of the Prisons Authority to rehabilitate young people in penal institutions by and/or educational provision are ultimately expected to lead the department towards achieving the target to reduce recidivism rates among offenders. Thus, we can understand that the Malaysian prisons management feels that the emphasis on offender management policy by focusing on aspects of prisoner rehabilitation can train the inmates become more dignified to stay away from crime once released from the institutions later.

The data also denotes that the officials believe newly found skills and/or academic knowledge acquired by young people during incarceration will

hopefully secure their position heading towards a normal life like other members of society, maybe even better than what was expected. All the respondents envisage that they believe educated youths will be able to repel the probability approached by criminals or gang members during the period of incarceration and after imprisonment.

### **Applying the Notion of Offender Rehabilitation to Realize National Interests**

The findings recommend that the officials view when young people in penal institutions enjoy a wide variety of educational opportunities available in the institutions, they will be more exposed to the holistic development towards becoming valuable assets to the country in the future. The data suggest the prison officials also believe every young offender has potentials to be rehabilitated becoming better persons through enduring a systematic and structured rehabilitation programme like the *Putra* Module based on the principles embedded in the Human Development Plan.

The data from senior officials and teachers and/or vocational training instructors from the Kajang Prison and the Malacca Henry Gurney show that young people in penal institutions should be regarded as a potential source of human capital for the country even though they are now being institutionalized.

All the respondents verify that adequate and proper educational opportunities offered to young offenders in the prisons are expected to meet the aspirations of the Prisons Department to change the status of youths from the "burden" of the country and society to the "assets" worth in the future. Therefore, we can say that the government uses the idea of offender rehabilitation to improve the confidence of young people in prisons that they still have an important role to contribute to national development.

The data from senior officials of the Malaysia Prisons Department also indicate their full understanding towards supporting the government's stance in putting effort to promote the dissemination of education and/or knowledge among young

people in institutions to better develop the potential of each individual offender to the fullest extent during incarceration that teaches them to become useful citizens during their reintegration process.

This aim appears consistent with the mission of the government to produce useful citizens who can become successors of the nations when the country was able to become a fully developed nation by the year 2020. Therefore, for this reason, the researcher assumes the Malaysia Prisons Department was compelled, from time to time, to constantly improve the management aspects of offender rehabilitation primarily to produce former prisoners who are healthier, independent and crime-free before they are released from institutions.

On the other hand, the data from the current study also indicate that the prison officials are more enthusiastic to expose young offenders with types of education and/or knowledge that can guide the youths to develop their self behaviour and build character rather than focusing solely on academic and/or skills achievements.

In addition, the data illustrate the prison officials believe the emphasis on subjects and/or modules containing religious principles and/or moral values is believed to be more reliable in that it would better equip the youths to becoming better persons and useful citizens who will be capable to socially contribute to the nations upon their reintegration into the society.

Further, the data from all officials and teachers and/or vocational training instructors provide that the 'definition' of "education" for the purpose of educating young people within the penal institutions should be extended to involve a teaching of moral/attitude values as well as religious principles towards developing the youths in a holistic manner.

Finally, the data from the prison officials and teachers and/or vocational training instructors of the Kajang Prison and the Malacca Henry Gurney School emphasizes that moral support from family members as well as the prisons management is important to encourage young people to become more focused

on the importance of engaging in learning and also to plan a brighter future for their reintegration process. The data shows that the prison officers understand that their duty is to facilitate the rehabilitation process of young prisoners, and that it should involve the cooperation of other parties to also contribute directly or indirectly in cultivating the values of self-esteem in each prisoner.

Therefore, it can be concluded here, that the idea of offender rehabilitation, especially among young prisoners has become the main driving factor that has prompted the Malaysian government to provide educational opportunities for young prisoners in the penal institutions.

With the above explanation, we may conclude that the second and third research questions are answered to the satisfaction of which we have already learned that, behind the implementation of the provision of educational opportunities for young prisoners in the penal institutions in Malaysia, both the idea of children's rights especially the rights to education and the offender rehabilitation are two inter-related triggering factors which always accompany the motivation for the Malaysian government to equip young prisoners with education and/or knowledge during imprisonment.

## **Conclusion**

The chapter has been able to explain as to what idea the Malaysia Prisons Department has in regards to “why” educational provision has been provided for young people who are being detained within the penal institutions. The discussion has also included about the law and policy reasons towards answering the research questions of the study.

In this study, the researcher can conclude that the effort to understand the implied views that existed behind the implementation of measures undertaken by the Malaysia Prisons Department in providing educational opportunities for young prisoners in the penal institutions is so challenging and difficult. This is because the impetus towards the implementation of the provision of education for young prisoners in detention, as has been argued according to prison officials and

teachers and/or vocational training instructors in the detention, was found to focus on two main notions; the rights of children, particularly the rights to education and the idea of offender rehabilitation, as discussed earlier, that both these ideas seem so close, interconnected and inseparable.

In addition, the study may manifest the idea of providing better educational opportunities to young people in prisons by the government of Malaysia may stand as one of the main alternatives that is being concerned by the Malaysia Prisons Department towards propelling efforts of rehabilitating young offenders to become useful citizens upon their release from the institutions other than to achieve its target towards providing a safe custody for offenders during the imprisonment period.

Finally, the study would like to propose that educational rights have high priority in Malaysia based on two grounds, namely, education is seen generally as a way to socialize (all) young people and to improve human capital and economic potential in Malaysia and secondly, rehabilitation in prisons is conceptualized almost entirely as education.

## BIBLIOGRAPHY

### Authored books and academic articles:

Andrews D. A., Bonta, J. and Wormith, J.S. (2006), The Recent Past and Near Future of Risk and/or Need Assessment, *Crime & Delinquency*, Vol. 52, No 1, January 2006, 7-27, DOI: 10.1177/0011128705281756

Andrews, D.A. and Bonta, J. (2003), *The Psychology of Criminal Conduct*, (3<sup>rd</sup> Edition), Cincinnati, Ohio: Anderson

Arnott S R, (2007), Autonomy, Standing, and Children's Rights, *William Mitchell Law Review*, 33:3, 808

Bain, A. and Parkinson, G. (2010), Resettlement and Social Rehabilitation: Are We Supporting Success?, *The Journal of Community and Criminal Justice*, 2010, Vol 57(1): 63-74, DOI: 10.1177/0264550509354669

Baker, C. D. and Johnson. G., (1998), Interview Talk as Professional Practice, *Language and Education*, Vol. 12, No.4, pages 229 – 242, DOI:10.1080/09500789808666751

Barry, M, (2010), Youth Transitions: from Offending to Desistance, *Journal of Youth Studies*, Vol. 13, No. 1, February 2010, 121 - 136

Belinda, B and Charlotte, B. (2006), Psychological Interventions for Treatment of Adult Sex Offenders, *British Medical Journal*, 7/1/2006, Vol. 333, Issue 7557, 5-6, 2p, ISSN 09598146, AN 21488872

Birgden, A. (2004), Therapeutic Jurisprudence and Responsivity: Finding the Will and the Way in Offender Rehabilitation, *Psychology, Crime & Law*, September 2004, Vol 10(3), 283-295, ISSN 1068-316X print/ISSN 1477-2744 online, DOI: 10.1080/0683160410001662771

Brieland, D. (1972), Rehabilitation and Social Policy, *Rehabilitation Psychology*, 1972, Vol 19, No 3, 135-141

Bryman, A. (2001), *Social Research Methods*, Oxford, New York

Bryman, A. (2007), The Research Question in Social Research: What is its Role? *International Journal of Social Research Methodology*, Vol. 10, No. 1, pages: 5 – 20, DOI: 10.1080/13645570600655282

Cavadino, M and Dignan, J (2007), *The Penal System: An Introduction*, (4<sup>th</sup> Edition), London, SAGE

Craig, S. C. (2004), Rehabilitation versus Control: An Organizational Theory of Prison Management, *The Prison Journal*, 2004, 84, 92S, DOI:10.1177/0032885504269394

Cockburn, J., (2005), Perspectives and Politics of Classroom Observation, *Research in Post-Compulsory Education*, Vol. 10, No. 3, pages: 373 – 388

Cooper, H. H. A. (1973), Toward A Rational Doctrine of Rehabilitation, *Crime & Delinquency*, 1973, 19, 228, DOI: 10.1177/001112877301900209

Creswell, J. W., (1998), *Qualitative Inquiry and Research Design, Choosing Among Five Traditions*, Sage Publications Inc., United States of America

Crow, I. (2001), *The Treatment and Rehabilitation of Offenders*, London, SAGE

Crow, G., Wiles, R., Heath, S., and Charles, V. (2006), Research Ethics and Data Quality: The Implications of Informed Consent, *International Journal of Social Research Methodology*, Vol. 9, No. 2, pages: 83 – 95, DOI: 10.1080/13645570600595231

Day, A. et. al. (2008), Promoting Forgiveness in Violent Offenders: A More Positive Approach to Offender Rehabilitation?, *Aggression and Violent Behaviour*, June 2008, Vol 13, Issue 3, 195-200, 6p, Abstract, DOI: 10.1016/j.avb.2008.03.004, AN 32646248

Doek J E, (2007-2008), The Eighteenth Birthday of the Convention on the Rights of the Child: Achievements and Challenges, *University of Michigan Journal of Law Reform*, 2007-2008, 41:1, 62

Donohue, E and Moore, D. (2009), When is an Offender Not an Offender? Power, the Client and Shifting Penal Subjectivities, *Punishment & Society*, 1462-4745, Vol 11(3): 319-336, DOI: 10.1177/1462474509334174

Drapeau, M. (2005), Research on the Processes Involved in Treating Sexual Offenders, *Sexual Abuse: A Journal of Research and Treatment*, Vol 17, No 2, April 2005, DOI: 10.1007/s11194-005-4599-5

Easton, S. and Piper, C. (2008) *Sentencing and Punishment: The Quest for Justice* (2<sup>nd</sup>. Edition), New York, Oxford

Farral, S. and Sparks, R. (2006), Introduction, *Criminology & Criminal Justice*, Vol 6(1): 7-17, DOI: 10.1177/1748895806060664

Farrall, S. et. al. (2009), The Role of Historically-Embedded Structures in Processes of Criminal Reform, *Theoretical Criminology*, 2009, Vol. 13(1): 79-104, 1362-4806, DOI: 10.1177/1362480608100174

Farrall, S, (2010), *Rethinking What Works with Offenders* in Priestly, P and Vanstone, M (ed.) 2010, *Offenders or Citizens Readings in Rehabilitation*, Willan Publishing, U.K, page: 257 – 258

Farrington, D P, (2007), Advancing Knowledge about Desistance, *Journal of Contemporary Criminal Justice*, Vol. 23, No. 1, February 2007, 125 - 134

Flewitt, R. (2005), Conducting Research with Young Children: Some Ethical Considerations, *Early Child Development and Care*, Vol. 175, No. 6, pages: 553 – 565, DOI: 10.1080/03004430500131338

Fraser, A. G. (1967), Changing Concepts in the Treatment of Delinquency, *The Prison Journal*, 1967, 47, 18, DOI: 10.1177/003288556704700205

Freeman M D A, (1992), Taking Children's Rights More Seriously, *International Journal of Law & the Family*, 6 (1992) 52 – 71

Freeman M D A, (2005), Children's Health and Children's Rights: An Introduction, *The International Journal of Children's Rights*, 13: 1 – 10, 2005

Freeman M D A, (2000), The Future of Children's Rights, *Children & Society*, 14, 2000, 277-293

Haigh, Y, (2009), Desistance from Crime: Reflections on the Transitional Experiences of Young People with A History of Offending, *Journal of Youth Studies*, Vol. 12, No. 3, June 2009, 307 - 322

Halsey, M. J. (2006), Negotiating Conditional Release, Juvenile Narratives of Repeat Incarceration, *Punishment & Society*, 1462-4745, Vol. 8(2): 147-181, DOI: 10.1177/1462474506062102

Hart S, Cohen C P, Erickson M F and Flekkoy M, (ed.), 2001, *Children's Rights in Education*, Jessica Kingsley Publishers, England

Harvey, S. and Cole, P. (1993), Enhancing Criminal Justice Based Treatment Through the Application of The Intervention Approach, *Journal of Drug Issues*, Winter93, Vol. 23, Issue 1, p131-142, 12p, ISSN: 00220426 Accession Number: 9306185321

Hayden, C, (2008), Education, Schooling and Young Offenders of Secondary School Age, *Pastoral Care in Education*, Vol. 26, No. 1, March 2008, 23 - 31

Heath, S., Charles, V., Crow, G., and Wiles, R., (2007), Informed Consent, Gatekeepers and Go-betweens: Negotiating Consent in Child and Youth-Oriented Institutions, *British Educational Research Journal*, Vol. 33, No. 3, pages: 403 – 417, DOI: 10.1080/01411920701243651

Heritage, J. (1984), Garfinkel and Ethnomethodology, Polity, Cambridge in Bryman, A. (2001), *Social Research Methods*, Oxford, New York

Hollin, C, R. and Palmer, E. J. (2009), Cognitive Skills Programmes for Offenders, *Psychology, Crime & Law*, Vol 15, Nos. 2 & 3, February-March 2009, 147-164, ISSN 1068-316X print/ISSN 1477-2744, DOI: 10.1080/10683160802190871

Hussain, Mohamad, "Juvenile Delinquencies: Malaysian Laws and Juvenile Justice System – Rehabilitation", (11-13<sup>th</sup> May 1993), A Paper presented in the Seminar: "Juvenile Delinquencies Seminar", Kuala Lumpur

Irwin, L. G. and Johnson. J., (2005), Interviewing Young Children: Explicating Our Practices and Dilemmas, *Pearls, Pith and Provocation*, Vol. 15, No. 6, pages 821 – 831, DOI: 10.1177/1049732304273862



Jewell, M. L., (2007), What Does Mentoring Mean to Experienced Teachers? A Phenomenological Interview Study, *The Teacher Educator*, Vol. 42, No. 4, Spring 2007, Pages 289 – 303, DOI: 10.1080/08878730709555408

Johnson, Robert., (2010), The Child's Right to an Education: 'Consensus-Minus-One'?, *International Journal of Children's Rights*, Vol. 18, Pages 185–216, DOI 10.1163/157181808X334010

King, M and Piper, C, (1995), *How the Law Thinks About Children*, (2<sup>nd</sup> ed.), England, Arena

Kvale, S., and Brinkman, S., (2009) *Interviews, Learning the Craft of Qualitative Research Interviewing*, Second Edition, Sage Publications Inc., United States of America

Landsdown G, Progress in Implementing the Rights in the Convention: Factors Helping and Hindering the Process in Hart S, Cohen C P, Erickson M F and Flekkoy M, (ed.), 2001, *Children's Rights in Education*, Jessica Kingsley Publishers, England

Larsson, A. S, and Lamb, M. E., (2009), Making the Most of Information-gathering Interviews with Children, *Infant and Child Development*, Vol. 18: 1 – 16, DOI: 10.1002/ICD.573

Levy A, (2002), Do Children Have Human Rights, *Family Law*, 32 (204)

Lewis, S, Vennard, J, Maguire, M, Raynor, P, Vanstone, M, Raybould, S and Rix, A, (2003), *The Resettlement of Short-Term Prisoners: An Evaluation of Seven Pathfinders*. RDS Occasional Paper No. 83. London: Home Office.

Lundy L, (2006), Mainstreaming Children's Right in, to and Through Education in A Society Emerging from Conflict, *The International Journal of Children's Rights*, 14: 339 – 362, 2006

Luyt, W and du Preez, N, (2006), International and Other Standards that Influence the Rehabilitation and Education of Offenders, *Corrections Compendium*, Vol. 31, 2, pages: 8, 9, 36, 38, NCJ No: 214381, retrieved at <http://www.thefreelibrary.com/International+and+other+standards+that+influence+the+rehabilitation...-a0146630069>, accessed 13 August 2010

Macpherson, G. (1992), *Black's Medical Dictionary* (37<sup>th</sup> Edition), London: A and C Black Publishers

McLaughlin, E. and Muncie, J. (2001) *The SAGE Dictionary of Criminology*, (2<sup>nd</sup>. Edition), London, SAGE

McMurrin, M. and Ward, T. (2004), Motivating Offenders to Change in Therapy: An Organizing Framework, *Legal and Criminological Psychology*, 2004, 295-311

Marshall, W. L. et. al. (2005), Working Positively with Sexual Offenders: Maximizing the Effectiveness of Treatment, *Journal of Interpersonal Violence*, Vol 20, No 9, September 2005, 1096-1114, DOI: 10.1177/0886260505278514

Maruna, S. (2004), Desistance from Crime and Explanatory Style: A New Direction in the Psychology of Reform, *Journal of Contemporary Criminal Justice*, Vol. 20; No 2; May 2004; 184-200; DOI: 10.1177/1043986204263778

Maruna, S. and Roy, K. (2007), Amputation or Reconstruction? Notes on the Concept of "Knifing Off" and Desistance from Crime, *Journal of Contemporary Criminal Justice*, Vol 23, No 1, February 2007, 104-124, DOI: 10.1177/1043986206298951

Maruna, S. (2010), Desistance and Development, in Priestly, P and Vanstone, M (ed.) 2010, *Offenders or Citizens Readings in Rehabilitation*, Willan Publishing, U.K, page: 240 - 243

Maruna, S, Lebel, T P, Mitchell, N and Naples, M, (2004), Pygmalion in the Reintegration Process: Desistance from Crime through the Looking Glass, *Psychology, Crime & Law*, Vol. 10 (3), 271 - 281

Mason and Cohen, Children's Rights in Education, in Hart S, Cohen C P, Erickson M F and Flekkoy M, (ed.), 2001, *Children's Rights in Education*, Jessica Kingsley Publishers, England

Munir, A Bakar, (1993), Child Protection: Principles and Applications, *Child Abuse Review*, Vol. 2: 119-126 (1993)

Murray, J. (2007), The Cycle of Punishment: Social Exclusion of Prisoners and Their Children, *Criminology & Criminal Justice*, Vol. 7(1): 55-81, ISSN 1748-8958, DOI: 10.1177/1748895807072476

Newburn, T. (2007) *Criminology*, United States of America and Canada, Willan Publishing

Olver, M. and Stephen, W. (2009), Therapeutic Responses of Psychopathic Sexual Offenders: Treatment Attrition, Therapeutic Change, and Long-Term Recidivism, *Journal of Consulting & Clinical Psychology*, April 2009, Vol 77, Issue 2, 328-336, 9p, 0022006X, DOI: 10.1037/a0015001, Accession No: 37204683

Olver, M. et. al. (2009), Outcome Evaluation of a High-Intensity Inpatient Sex Offender Treatment Programme, *Journal of Interpersonal Violence*, March 2009, Vol. 24, Issue 3, 522-536, 15p, Abstract, AN 36330290

Palgrave Macmillan Robinson, G and Crow, I (2009), *Offender Rehabilitation: Theory, Research and Practice*, London, SAGE

Pearson, F. S. et. al. (2002), The Effects of Behavioural/Cognitive-Behavioural Programs on Recidivism, *Crime & Delinquency*, 2002, 48, 476, DOI: 10.1177/001112870204800306

Persons, R. W. (2009), Art Therapy With Serious Juvenile Offenders: A Phenomenological Analysis, *International Journal of Offender Therapy & Comparative Criminology*, August 2009, Vol. 53, Issue 4, 433-453, 21p, Abstract, AN 43371774

Piper, C D, (2001), Who are These Youths? Language in the Service of Policy, *Youth Justice*, Vol. 1(2), pp 30-39, retrieved at <http://bura.brunel.ac.uk/handle/2438/665>

Piquero, A R and Steinberg, L, (2010), Public Preferences for Rehabilitation versus Incarceration of Juvenile Offenders, *Journal of Criminal Justice*, 38, (2010), 1 - 6

Priestly, P and Vanstone, M (ed.) 2010, *Offenders or Citizens Readings in Rehabilitation*, Willan Publishing, U.K

Punch, K. (1998), *Introduction to Social Research: Quantitative and Qualitative Approaches*, SAGE, London

Raynor, P. and Robinson, G. (2005), *Rehabilitation, Crime and Justice*, United Kingdom, Palgrave Macmillan

Robinson, G. and Crow, I. (2009) *Offender Rehabilitation: Theory, Research and Practice*, London, SAGE

Scheibelhofer, E. (2008), Combining Narration-Based Interviews with Topical Interviews: Methodological Reflections on Research Practices, *International Journal Social Research Methodology*, Vol. 11, No. 5, December 2008, pages, 403-416, DOI: 10.1080/13645570701401370

Schimedeberg, M. (1968), Re-evaluating the Concepts of 'Rehabilitation' and 'Punishment', *International Journal of Offender Therapy & Comparative Criminology*, 1968, 12, 25, DOI: 10.1177/0306624X6801200103

Scott, E. M. (1977), Treatment Successes with Criminals, *International Journal of Offender Therapy & Comparative Criminology*, 1977, 21, 11, DOI: 10.1177/0306624X7702100101

Scott, J. (1990), *A Matter of Record*, Cambridge, Polity

Shackel R, (2003), The UN Convention on the Rights of the Child, A Review of Its Success and Future Directions, *Australian International Law Journal*, 21, 2003

Serin, R C and Lloyd, C D, (2009), Examining the Process of Offender Change: The Transition to Crime Desistance, *Psychology, Crime & Law*, 15, 4, May 2009, 347 - 364

Silverman, D. (2010), *Doing Qualitative Research*, Third Edition, Sage Publications Inc., Great Britain

Smith, A B, (2007), Children and Young People's Participation Rights in Education, *The International Journal of Children's Rights*, 15 (2007), 147 – 164

Smith, A B, (2007), Children as Social Actors: An Introduction, *The International Journal of Children's Rights*, 15 (2007), 1 - 4

Sund L-G, (2006), The Rights of the Child as Legally Protected Interests, *The International Journals of Children's Rights*, 14: 327 – 337, 2006

Toch, H. (2000), Altruistic Activity as Correctional Treatment, *International Journal of Offender Therapy & Comparative Criminology*, 2000, 44, 270, DOI: 10.1177/0306624X00443002

Wall J, (2008), Human Rights in Light of Childhood, *The International Journal of Children's Rights*, 16, (2008), 523 – 543

Ward, T. and Maruna, S. (2007), *Rehabilitation*, United States of America and Canada, Routledge

Ward, T. et. al. (2007), The Good Lives Model of Offender Rehabilitation: Clinical Implications, *Aggression and Violent Behaviour*, Jan/Feb 2007, Vol. 12, Issue 1, 87-107, 21p, Abstract, AN 23518033, DOI: 10.1016/j.avb.2006.03.004

Ward, T. (2002), Good Lives and the Rehabilitation of Offenders: Promises and Problems, *Aggression and Violent Behaviour*, September 2002, Vol 7, Issue 5, pg 513, Abstract, AN 7858050

Ward, T. and Brown, M. (2004), The Good Lives Model and Conceptual Issues in Offender Rehabilitation, *Psychology, Crime & Law*, September 2004, Vol 10(3), 243-257, ISSN 1068-316X print/ISSN 1477-2744, DOI: 10.1080/10683160410001662744

Whitehead, et. al. (2007), Time for a Change: Applying the Good Lives Model of Rehabilitation to a High-Risk Violent Offender, *International Journal of Offender Therapy & Comparative Criminology*, October 2007, Vol. 51, No 5, 578-598, DOI: 10.1177/0306624X06296236

Wilson, S. et. al. (2003), Effective Interventions for Acquisitive Offenders: An Investigation of Cognitive Skills Programmes, *Legal and Criminological Psychology*, February 2003, Vol. 8, Issue 1, p83, 19p, ISSN 13553259, AN 9413789

Wilson, R. J. et. al. (2009), Effective Interventions and the Good Lives Model: Maximizing Treatment Gains for Sexual Offenders, *Aggression and Violent Behaviour*, Vol. 14, Issue 3, 157-161, 5p, DOI: 10.1016/j.avb.2009.01.007; (AN 39354573)

Weaver, B. (2009), Communicative Punishment as a Penal Approach to Supporting Desistance, *Theoretical Criminology*, 2009, 13, 9, DOI: 10.1177/1362480608100171

Zivan, M. (1975), A Rehabilitation Model for Juvenile Offenders, *The Prison Journal*, 1975, 55, 4, DOI: 10.1177/00328857505500102

**Authors not specified:**

“Annual Review 2007, the Malaysia Prisons Department”

“Blue Print on Enculturation of Lifelong Learning for Malaysia 2011-2020”; Ministry of Higher Education Malaysia; 2011

CQ Researcher (1996), Combining Group Therapy and Drugs..Helps Sex Offenders Deal with Compulsions, *Database: Academic Search Complete*, 1/12/96, Vol. 6, Issue 2, p32, 2p, Abstract, AN 9601187543

“Life Long Learning” (Pembelajaran Sepanjang Hayat), the Malaysia Prisons Department, (undated)

“Management of Public Expectations in the Treatment of Offenders”, Agenda Item Four, retrieved at [http://www.apcca.org/publications/24th-APCCA/agenda-04/agenda-04\\_Malaysia.pdf](http://www.apcca.org/publications/24th-APCCA/agenda-04/agenda-04_Malaysia.pdf); accessed on 12 August 2010

Ministry of Women, Family and Community Development, 2007, *Malaysia – Implementation of the Convention on the Rights of the Child*, First Country Report, 2007, Kuala Lumpur

“National Report on Contemporary Issues in Corrections”; retrieved at [http://www.apcca.org/publications/24th-APCCA/agenda-01/agenda-01\\_Malaysia.pdf](http://www.apcca.org/publications/24th-APCCA/agenda-01/agenda-01_Malaysia.pdf); accessed 12 August 2010

People with A History of Offending, *Journal of Youth Studies*, Vol. 12, No. 3, June 2009, 307 – 322

Revised Ethical Guidelines for Educational Research (2004), *British Educational Research Journal*, retrieved from [www.bera.ac.uk/publications/guidelines](http://www.bera.ac.uk/publications/guidelines), accessed on 27<sup>th</sup> June 2010

28<sup>th</sup> Asian and Pacific Conference of Correctional Administrators (APCCA), 2008, “Best Practices in Rehabilitation for Women and Other Special Groups of Offenders”, Conference Report, Agenda Item Three, page 38, retrieved at [http://www.apcca.org/pubs/28th/final\\_APCCA\\_Report\\_2008.pdf](http://www.apcca.org/pubs/28th/final_APCCA_Report_2008.pdf); accessed 12 August 2010.

24<sup>th</sup> Asian and Pacific Conference of Correctional Administrators (APCCA), 2004, Singapore, 3-8<sup>th</sup> October 2004, “Management of Public Expectations in the Treatment of Offenders”, retrieved at <http://www.apcca.org/publications/24th-APCCA/agenda-04/agenda-04-malaysia.pdf>

## Websites:

“Bahagian Pemulihan dan Rawatan” (the Offender Management Division, previously known as the Rehabilitation and Treatment Division) retrieved at <http://www.prison.gov.my>; accessed 12 August 2010

Bee, T. G (2000); *Institutional Treatment and Management for Juvenile Offenders in Malaysia*, retrieved at [http://www.unafei.or.jp/english/pdf/PDF\\_rms/no59/ch12.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no59/ch12.pdf); accessed 27 May 2008

Child Rights References in the Universal Periodic review, retrieved at <http://www.crin.org/docs/Malaysia.pdf>, accessed 14 September 2010

Collins English Dictionary at <http://www.collinslanguage.com/results.aspx?context=3&reversed=False&action=define&homonym=0&text=rehabilitation>, accessed on 27<sup>th</sup> March 2010.

Compact Oxford English Dictionary, at [http://www.askoxford.com/concise\\_oed/orexxhabilitate?view=uk](http://www.askoxford.com/concise_oed/orexxhabilitate?view=uk); accessed on 27<sup>th</sup> March 2010.

Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1 for Malaysia; dated 20 November 2008; retrieved at <http://www.unhcr.org/refworld/publisher.UNHRC.,MYS.494653db0.0.html>; accessed 4 November 2010

“Convention on the Rights of the Child 1989” at the website of UNICEF at <http://www.unicef.org/crc/>; accessed on 13 August 2010

Dusuki, F N, Implementation of Article 12 in Juvenile Justice System in Malaysia, 24 July 2006, retrieved at [www.crin.org/docs/GDD\\_2006\\_UNICEF\\_Malaysia2.doc](http://www.crin.org/docs/GDD_2006_UNICEF_Malaysia2.doc), accessed 13 September 2010

Dusuki, F. N. in *Implementation of Article 12 in Juvenile Justice System in Malaysia*, a report dated 24 July 2006 was commissioned by UNICEF Country

Educational and certificate activities for career advance and/or development purposes among the staff of the Malaysia Prisons Department namely, Certificates and Diploma in Science Correctional Prisons Management [http://www.prison.gov.my/portal/page/portal/hijau/berita?fac\\_next\\_page=htdocs/berita/ViewBerita.jsp?id=1635](http://www.prison.gov.my/portal/page/portal/hijau/berita?fac_next_page=htdocs/berita/ViewBerita.jsp?id=1635); reported on 29 December 2011; accessed 15 April 2012

Educational and certificate activities for career advance and/or development purposes among the staff of the Malaysia Prisons Department namely, Quality

Environment Practice courses and auditing methods 5s (5S/QE); [http://www.prison.gov.my/portal/page/portal/hijau/berita?fac\\_next\\_page=htdocs/berita/ViewBerita.jsp?id=1755](http://www.prison.gov.my/portal/page/portal/hijau/berita?fac_next_page=htdocs/berita/ViewBerita.jsp?id=1755); reported on 19 March 2012; accessed 15 April 2012

Educational and certificate activities for career advance and/or development purposes among the staff of the Malaysia Prisons Department namely, General Management Course - Comparative Study of Correctional Institutions to Thailand; [http://www.prison.gov.my/portal/page/portal/hijau/berita?fac\\_next\\_page=htdocs/berita/ViewBerita.jsp?id=1756](http://www.prison.gov.my/portal/page/portal/hijau/berita?fac_next_page=htdocs/berita/ViewBerita.jsp?id=1756); reported on 19 March 2012; accessed 15 April 2012

Functions of the SUHAKAM Commission; the website of SUHAKAM at <http://www.suhakam.org.my>; accessed 14 September 2010

Guidelines of "Conducting Academic Research and Training", Prisons Department, Malaysia, retrieved at [http://www.prison.gov.my/pride/index.php?option=com\\_content&view=article&id=186&Itemid=275](http://www.prison.gov.my/pride/index.php?option=com_content&view=article&id=186&Itemid=275); accessed on 4 July 2010

Hashim Z N, 1984, *Correction of Young Offenders in Malaysian Prisons*, UNAFEI Resource Material Series Issue: 26, retrieved at <http://www.ncjrs.gov/App/AbstractDB/AbstractDBDetails.aspx?id=99337&Selecte dRange=init&SelectedSearchItems=init>, accessed on 13 August 2010

"Healthier Children with Milk Programme" retrieved at <http://www.nst.com.my/nst/articles/3mil/Article>, accessed 18 September 2010; "Kementerian Kesihatan Beri Kerjasama Pantau Bekalan Susu ke Sekolah", retrieved at [http://www.utusan.com.my/utusan/info.asp?y=2010&dt=0918&pub=Utusan\\_Malaysia&sec=Terkini&pg=bt\\_11.htm](http://www.utusan.com.my/utusan/info.asp?y=2010&dt=0918&pub=Utusan_Malaysia&sec=Terkini&pg=bt_11.htm), accessed 18 September 2010

"Human Capital Development" in <http://www.pmo.gov.my/modalinsan/index.html#> accessed 14 September 2010

Information on education for young prisoners detained in prisons in Malaysia; retrieved at [www.utusan.com.my](http://www.utusan.com.my); "Pendidikan di Balik Tirai Besi" (*Education Behind Bars*); dated 23 January 2012; accessed 23 January 2012

Information on the giving of school-aid amounting Malaysian Ringgit 100 per child for all primary and secondary students nationwide for their school preparation for the start of the new school session early this year 2012; at [www.nst.com.my](http://www.nst.com.my); 16 November 2011; accessed 2 February 2012

Loo, T E, 2008, "Pioneer Batch Set to Start Teaching in Prison Schools", The Star, 3 June 2008, viewed 7 June 2008; retrieved at <http://thestar.com.my>; and Lim, R, 2008, "Leave No One Behind", The Star, 22 June 2008, viewed 21 August 2008; retrieved at <http://thestar.com.my>

Malaysia Prisons Department at <http://www.prison.gov.my> article "Majlis Penyampaian Sijil MS ISO 9001:2008, the Malaysia Prisons Department"; 12 January 2010; accessed 20 March 2011.

Malaysia Prisons Department at <http://www.prison.gov.my> article "Majlis Penyampaian Sijil MS ISO 9001:2008, the Malaysia Prisons Department"; 12 January 2010; accessed 20 March 2011.

"Malaysia Successful in Building a Good Education Model, Says UNESCO DG" retrieved at [http://www.bernama.com/bernama/v3/news\\_lite.php?id=363145](http://www.bernama.com/bernama/v3/news_lite.php?id=363145), accessed 4 November 2010

"Move to sign MoU with Unesco and Asean", by Choi Tuck Wo, retrieved at <http://thestar.com.my/news/story.asp?file=/2007/10/26/nation/19283155&sec=nation>, accessed 4 November 2010

*National Policy on Children and the Child Protection Policy of the Malaysia*; The Official Website of the Ministry of Women, Family and Community Development; retrieved 29 July 2010 and 14 September 2010, at <http://www.kpwkm.gov.my>

National Budget 2008, retrieved <http://thestar.com.my/news/story.asp?file=/2007/9/7/budget2008/20070907174458&sec=budget2008>, accessed 18 December 2008

"National Educational Philosophy"; The Official Website of the Ministry of Education, Malaysia at <http://www.moe.gov.my>; accessed 18 December 2008

Office Malaysia as input to the Day of General Discussion in Geneva on 15 September 2006, on the theme "Speak, Participate and Decide - The Child's Right to be Heard" organized by the UN Committee on the Rights of the Child, at page 4 ([www.crin.org/docs/GDD\\_2006\\_UNICEF\\_Malaysia2.doc](http://www.crin.org/docs/GDD_2006_UNICEF_Malaysia2.doc)) and Hussin, N: 2005 at <http://www.childjustice.org/docs/hussin2005.pdf>

Omar, Z, *Current Issues in Correctional Treatment and Effective Countermeasures*, retrieved at [http://www.unafei.or.jp/english/pdf/PDF\\_rms/no57/57\\_24.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no57/57_24.pdf); accessed on 27 May 2008

Prisons Department, Malaysia, 2010, "*Mission and Vision of the Malaysia Prisons Department*"; Prisons Department, Malaysia, retrieved <http://www.prison.gov.my>; 29 July 2010

Prisons Department, Malaysia, 2010, "*History of the Malaysia Prisons Department*"; Prisons Department, Malaysia, retrieved <http://www.prison.gov.my>; 29 July 2010

Prisons Department, Malaysia, 2010, *Definition and Prison Terms*, Prisons Department, Malaysia, retrieved 29 July 2010, <http://www.prison.gov.my/portal/page/portal/hijau/soalan>



Prisons Department, Malaysia, 2010, *An introduction about the Prisons Department Malaysia*, retrieved 29 July 2010, <http://www.prison.gov.my/portal/page/portal/hijau/sejarah>

Prisons Department, Malaysia, 2010, *Rehabilitation and Treatment Division*, retrieved 29 July 2010, <http://www.prison.gov.my/portal/page/portal/hijau/pemulihan>

Prisons Department, Malaysia, *Henry Gurney Schools*, retrieved at <http://www.prison.gov.my/english/indev2.php?option=context&task=view7id=17&pop=1&page=0-19k>; accessed 12 August 2010

Prisons Department, Malaysia, *Integrity Schools*, retrieved at <http://www.prison.gov.my>; accessed 12 August 2010

Prisons Department, Malaysia, "Correctional Volunteers" at the official portal of the Malaysia Prisons Department at website [www.prison.gov.my](http://www.prison.gov.my); accessed 12 August 2010

Prisons Department, Malaysia, 2010, *The Philosophy of the Offender Management Division (previously known as the Rehabilitation and Treatment Division)*, retrieved 29 July 2010, <http://www.prison.gov.my>

Prisons Department, Malaysia, *The Human Development Plan*; refer the "Bahagian Pemulihan dan Rawatan" ("Rehabilitation and Treatment" division) at page 18, retrieved at <http://www.prison.gov.my>; accessed 12 August

"Promoting Children's Rights through the Law in Malaysia", retrieved at [www.unicef.org/malaysia/Unicef-ChildrensRights.pdf](http://www.unicef.org/malaysia/Unicef-ChildrensRights.pdf); accessed 10 May 2009

Rahman S I, 1990, *Malaysian Policy Perspectives on Contemporary Problems in Crime Prevention and Criminal Justice Administration (From Resource Material Series No. 38)*, retrieved at <http://www.ncjrs.gov/App/AbstractDB/AbstractDBDetails.aspx?id=135732&SelectedRange=init&SelectedSearchItems=init> NCJ Number: 135732, accessed on 13 August 2010

"Report for the Universal Periodic Review (UPR) on Malaysia from the Human Rights Commission of Malaysia (SUHAKAM), 4<sup>th</sup> session, February 2009, retrieved at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/MY/SUHAKAM\\_MYS\\_UPR\\_S4\\_2009\\_HumanRightsCommissionofMalaysia\\_NHRI\\_upr.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/MY/SUHAKAM_MYS_UPR_S4_2009_HumanRightsCommissionofMalaysia_NHRI_upr.pdf), accessed 14 September 2010

"Revitalising Education: Equipping Malaysia for the Realities of the 21<sup>st</sup> Century" at the Malaysian Education Summit 2004, 27 April 2004, Sunway Lagoon Resort

Hotel, Kuala Lumpur; retrieved at <http://www.pmo.gov.my/modalinsan/Pemangkin.html>; 18 December 2008

“Rukunegara” or “National Principles” at <http://www.malaysia.gov.my/EN/Main/MsianGov/GovRukunegara/Pages/GovRukunegara.aspx>; accessed 17<sup>th</sup> August 2012

“Seventh Malaysia Plan 1996 – 2000”; retrieved at <http://www.epu.gov.my/seventhmalaysiaplan>, accessed 29 October 2010

Statement by Ambassador Jasmi Md. Yusoff, Representative of Malaysia on Agenda Item 112: Promotion And Protection Of The Rights Of Children dated Friday 29 October 1999 retrieved at <http://www.un.int/malaysia/GA/3Comm/3C29Oct99.html>

Statement by Malaysian Representative to the United Nations made on 17<sup>th</sup> October 2005, retrieved at <http://www.un.int/malaysia/GA/60thGA/6033.PDF>, accessed 13 September 2010

Statement made by the Representative of Malaysia in a Conference on Human Rights Education - Dialogue among Asian Educators on 18<sup>th</sup> November 2006, retrieved at <http://www.hurights.or.jp/asia-pacific/046/08.html>, accessed 13 September 2010

“Support for women, child rights’ pacts”, retrieved at <http://www.nst.com.my/nst/articles/10niz/Article/>; The News Straits Times accessed 14 September 2010

“Tenth Malaysia Plan”; “The New Economic Model” and “Vision 2020”; at [www.pnm.gov.my](http://www.pnm.gov.my); the Office of the Prime Minister; at <http://www.pmo.gov.my>; accessed 29 October 2010

Thesaurus of “rehabilitation” at <http://www.collinslanguage.com/results.aspx>; accessed on 27<sup>th</sup> March 2010.

“The Development of Education, National Report of Malaysia by Ministry of Education” dated 31 July 2004, retrieved at <http://www.ibe.unesco.org/International/ICE47/English/Natreps/reports/malaysia.pdf>; accessed 4 November 2010

The Education Development Plan for Malaysia (2001 – 2010); retrieved at <http://planipolis.iiep.unesco.org/upload/Malaysia/Malaysia%20Education%20development%20plan%202001-2010%20summary.pdf>; accessed 18 September 2010

The Official Website of the Ministry of Education, *2007 Master Development Education Plan, Malaysia*; retrieved at <http://www.moe.gov.my>; retrieved 29 July 2010

*The Parole System in Malaysia*; The official portal of the website of the Ministry of Home Affairs, Malaysia at <http://www.moha.gov.my>

The Syllabus of the Moral Education (2000) at the website of the Ministry of Education, Malaysia at [www.moe.gov.my](http://www.moe.gov.my) and at [http://www.moe.gov.my/bpk/sp\\_hsp/moral/sp\\_moral\\_kbsm.pdf](http://www.moe.gov.my/bpk/sp_hsp/moral/sp_moral_kbsm.pdf); accessed 7 August 2012.

“The Way Forward – Vision 2020”, A Speech by the then Prime Minister of Malaysia, retrieved at <http://www.wawasan2020.com/vision/>; accessed 30 October 2010

“Two Babies Rescued, Hospital Owner Held”, retrieved [http://www.nst.com.my/nst/articles/TwoBabiesRescued\\_HospitalOwnerHeld/Article/index.html](http://www.nst.com.my/nst/articles/TwoBabiesRescued_HospitalOwnerHeld/Article/index.html); dated 3 November 2010; by Fadhal A. Ghani; accessed 3 November 2010

Wahid, J A, 1978, Treatment of Juvenile Offenders and Youthful Offenders in Malaysia, (from UNAFEI – Resource Material Series No. 14, See NCJ-51514, retrieved at <http://www.ncjrs.gov/App/AbstractDB/AbstractDBDetails.aspx?id=51521&SelectedRange=1,25&SelectedSearchItems=>, accessed on 13 August 2010

Wee, L C, “Time to Remove All Reservations and Sign the Optional Protocols”, retrieved at [http://www.malaysianbar.org.my/press\\_statements/press\\_release\\_time\\_to\\_remove\\_all\\_reservations\\_and\\_sign\\_the\\_optional\\_protocols.html](http://www.malaysianbar.org.my/press_statements/press_release_time_to_remove_all_reservations_and_sign_the_optional_protocols.html), accessed 14 September 2010

“World Data on Education”, 6<sup>th</sup> Edition, 2006/07; retrieved at [http://www.ibe.unesco.org/fileadmin/user\\_upload/archive/Countries/WDE/2006/A\\_SIA\\_and\\_the\\_PACIFIC/Malaysia/Malaysia.htm](http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/A_SIA_and_the_PACIFIC/Malaysia/Malaysia.htm), accessed 31 October 2010

“2388 Prisoners Eligible for Parole”; [http://www.prison.gov.my/portal/page/portal/hijau/berita?fac\\_next\\_page=htdocs/berita/ViewBerita.jsp?id=13](http://www.prison.gov.my/portal/page/portal/hijau/berita?fac_next_page=htdocs/berita/ViewBerita.jsp?id=13), ; accessed 11 April 2012

“3 Applications to Enrol in Pregnant Teens’ school”, by Noor Hazwan Hariz Mohd, retrieved at <http://www.nst.com.my/nst/articles/13apl/Article/>, accessed 15 September 2010; and read further “Ready for Pregnant Teens”, by Jason Gerald John, retrieved at <http://www.nst.com.my/nst/articles/36preggo/Article/>, accessed 16 September 2010

**Statutes and Declarations:**

Child Act, 2001

Education Act, 1996

Henry Gurney Rules, 1949

Prisons Act, 1995

Prison Rules, 2000

United Nations Convention on the Rights of the Child 1989

United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("the Beijing Rules")

United Nations Standard Minimum Rules for the Treatment of Prisoners 1954

## Appendix 1

### The Copy of the Ethics Application Approval by Brunel Law School

The screenshot displays a web browser window with the address bar showing a URL from Brunel.ac.uk. The browser tabs include 'Yahoo! UK', '(8 unread) - zulkifli\_yahya - Yahoo! Mail', and 'AW: Research Ethics Application: Amend...'. The browser's address bar contains the URL: <https://cas.brunel.ac.uk/owa/?ae=Item&t=IPM.Note&id=RgAAAC4mxRiDpRLaWA7%2fp52pbWdjhUEJGq55akKa1vuvTtvAAAAE9DA&>. The browser's toolbar includes 'Most Visited', 'Getting Started', 'Latest Headlines', 'Customize Links', 'Free Hotmail', 'Windows Marketplace', 'Windows Media', and 'Windows'. The Outlook Web Access interface shows a search bar, 'Address Book', 'Options', and 'Log Off' buttons. The left sidebar contains navigation options: 'Mail', 'Calendar', 'Contacts', 'Deleted Items', 'Drafts [1]', 'Inbox (4)', 'Junk E-mail', and 'Sent Items'. The main content area displays an email titled 'AW: Research Ethics Application: Amended Informed Consent' from 'Holger Sutschet (Staff)'. The email body contains the following text: 'You forwarded this message on 29/08/2012 03:14.', 'Sent: 21 November 2008 09:48', 'To: Rosfizah Md Taib', 'Cc: Christine Piper', 'Dear Rosfizah,', 'thank you for your email.', 'I am pleased to inform you that your proposal is now approved.', 'Kind regards, Holger Sutschet', and contact information for Holger Sutschet: 'Holger Sutschet, Ref. iur., Ass. iur., Dr. iur., Dr. iur. habil., PGeter, Lecturer in Law, Chair, Research Ethics Committee, Brunel Law School, Brunel University West London, Kingston Lane, Uxbridge, UB8 3PH, UK, phone +44 (0)1895 465123'. The email footer shows: 'Von: Rosfizah Md Taib', 'Gesendet: Fr 21.11.2008 09:39', 'An: Holger Sutschet (Staff)', 'Cc: Christine Piper', 'Betreff: Research Ethics Application: Amended Informed Consent', and 'Dear Dr Holger,'. The Windows taskbar at the bottom shows the 'start' button, two open windows ('AW: Research Ethics ...' and 'Appendix - Microsoft ...'), and the system tray with the time '10:31 AM'.

## **Appendix 2**

**The Copy of the Informed Consent forms (signed)  
by All Respondents**

**For Use with the Child and Young Offenders of the Kajang Prison; and,  
the Henry Gurney School, Telok Mas, Melaka, MALAYSIA**

**INFORMED CONSENT FORM:  
"EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE"**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of "Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice" to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

I confirm that I have been fully briefed about the research study whose broad goal is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

I have been asked to take part in a research study because the principal investigator wants to learn more about my experience and views in relations to the educational opportunities that are available in this Institution.

I agree to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 60 minutes to complete.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

• **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this research study, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have had the opportunity to ask questions about it and any questions I have been asked have been answered to my satisfaction. I understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
Participant's Signature

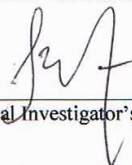
1/01/2009  
Date

I have read and understand this consent form, and I voluntarily consent to the child's participation in this research study. I understand that my consent does not take away any legal rights in the case of negligence or other legal fault of anyone who is involved in this study. I further understand that nothing in this consent form is intended to replace any applicable federal, state, or local laws.

  
The Legal Authority's Signature  
**SAM HAN BIN MISDI**  
Pengerah Penjara  
Sekolah Henry Gurney  
Telok Mas,  
Melaka.

1/01/2009  
Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
Principal Investigator's Signature

1/01/2009  
Date



**For Use with the Child and Young Offenders of the Kajang Prison; and,  
the Henry Gurney School, Telok Mas, Melaka, MALAYSIA**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

I confirm that I have been fully briefed about the research study whose broad goal is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

I have been asked to take part in a research study because the principal investigator wants to learn more about my experience and views in relations to the educational opportunities that are available in this Institution.

I agree to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 60 minutes to complete.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

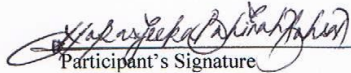
I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

• **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

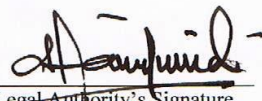
I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this research study, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have had the opportunity to ask questions about it and any questions I have been asked have been answered to my satisfaction. I understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

X  \_\_\_\_\_  
Participant's Signature

\_\_\_\_\_ 1/01/2009  
Date

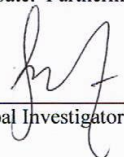
I have read and understand this consent form, and I voluntarily consent to the child's participation in this research study. I understand that my consent does not take away any legal rights in the case of negligence or other legal fault of anyone who is involved in this study. I further understand that nothing in this consent form is intended to replace any applicable federal, state, or local laws.

 \_\_\_\_\_  
The Legal Authority's Signature

SAMIRAH BIN MUDI  
Pegawai Penjara  
Sekolah Henry Gurney  
Telok Mas,  
Melaka.

\_\_\_\_\_ 1/01/2009  
Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

 \_\_\_\_\_  
Principal Investigator's Signature

\_\_\_\_\_ 1/01/2009  
Date

**For Use with the Child and Young Offenders of the Kajang Prison; and,  
the Henry Gurney School, Telok Mas, Melaka, MALAYSIA**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

I confirm that I have been fully briefed about the research study whose broad goal is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

I have been asked to take part in a research study because the principal investigator wants to learn more about my experience and views in relations to the educational opportunities that are available in this Institution.

I agree to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 60 minutes to complete.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

• **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this research study, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have had the opportunity to ask questions about it and any questions I have been asked have been answered to my satisfaction. I understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
Participant's Signature

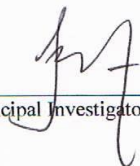
1/01/2009  
Date

I have read and understand this consent form, and I voluntarily consent to the child's participation in this research study. I understand that my consent does not take away any legal rights in the case of negligence or other legal fault of anyone who is involved in this study. I further understand that nothing in this consent form is intended to replace any applicable federal, state, or local laws.

  
The Legal Authority's Signature  
SAMIHAN BIN MISHRI  
Pengarah Penjara  
Sekolah Henry Gurney  
Telok Mas,  
Melaka.

1/01/2009  
Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
Principal Investigator's Signature

1/01/2009  
Date

**For Use with the Child and Young Offenders of the Kajang Prison; and,  
the Henry Gurney School, Telok Mas, Melaka, MALAYSIA**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

I confirm that I have been fully briefed about the research study whose broad goal is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

- **PROCEDURE**

I have been asked to take part in a research study because the principal investigator wants to learn more about my experience and views in relations to the educational opportunities that are available in this Institution.

I agree to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 60 minutes to complete.

- **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

- **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.


I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

• **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

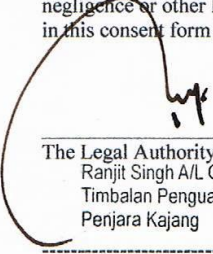
I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this research study, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have had the opportunity to ask questions about it and any questions I have been asked have been answered to my satisfaction. I understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

*Adain*  
  
 Participant's Signature

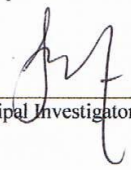
1/01/2009  
 Date

I have read and understand this consent form, and I voluntarily consent to the child's participation in this research study. I understand that my consent does not take away any legal rights in the case of negligence or other legal fault of anyone who is involved in this study. I further understand that nothing in this consent form is intended to replace any applicable federal, state, or local laws.

  
 The Legal Authority's Signature  
 Ranjit Singh A/L Gurdev Singh  
 Timbalan Penguasa Penjara  
 Penjara Kajang

23/1/09  
 Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
 Principal Investigator's Signature

23/01/2009  
 Date

**For Use with the Child and Young Offenders of the Kajang Prison; and,  
the Henry Gurney School, Telok Mas, Melaka, MALAYSIA**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

I confirm that I have been fully briefed about the research study whose broad goal is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

I have been asked to take part in a research study because the principal investigator wants to learn more about my experience and views in relations to the educational opportunities that are available in this Institution.

I agree to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 60 minutes to complete.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.





**For Use with the Child and Young Offenders of the Kajang Prison; and,  
the Henry Gurney School, Telok Mas, Melaka, MALAYSIA**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

I confirm that I have been fully briefed about the research study whose broad goal is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

I have been asked to take part in a research study because the principal investigator wants to learn more about my experience and views in relations to the educational opportunities that are available in this Institution.

I agree to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 60 minutes to complete.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

• **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this research study, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have had the opportunity to ask questions about it and any questions I have been asked have been answered to my satisfaction. I understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

Kuan  
EK
Wahkuan<sup>891</sup>
201/01/2009  
 Participant's Signature \_\_\_\_\_ Date \_\_\_\_\_

I have read and understand this consent form, and I voluntarily consent to the child's participation in this research study. I understand that my consent does not take away any legal rights in the case of negligence or other legal fault of anyone who is involved in this study. I further understand that nothing in this consent form is intended to replace any applicable federal, state, or local laws.


23/01/09.  
 The Legal Authority's Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Ranjit Singh A/L Gurdev Singh  
 Timbalan Penguasa Penjara  
 Penjara Kajang

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.


23/01/2009  
 Principal Investigator's Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Use with the Academic Teacher; and,  
the Vocational Training Instructor of the Prisons Department of Malaysia**

**INFORMED CONSENT FORM:  
"EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE"**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of "Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice" to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

- **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

- **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

- **PAYMENT FOR PARTICIPATION**

I will not receive any payment or other compensation for participation in this research study.

- **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

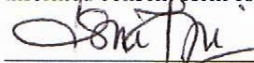
I understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator know who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed a soon as the research/PhD is completed.

- **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

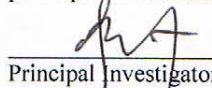
I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
Participant's Signature

1/01/2009  
Date

-----  
I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
Principal Investigator's Signature

1/01/2009  
Date

**For Use with the Academic Teacher; and,  
the Vocational Training Instructor of the Prisons Department of Malaysia**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

• **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

• **PAYMENT FOR PARTICIPATION**

I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

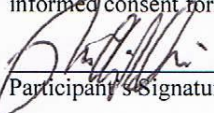
I understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator know who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed as soon as the research/PhD is completed.

- **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

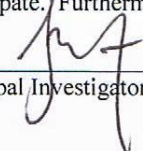
I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
Participant's Signature

1/01/2009  
Date

-----  
I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
Principal Investigator's Signature

1/01/2009  
Date

**For Use with the Academic Teacher; and,  
the Vocational Training Instructor of the Prisons Department of Malaysia**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

- **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

- **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

- **PAYMENT FOR PARTICIPATION**

I will not receive any payment or other compensation for participation in this research study.

- **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

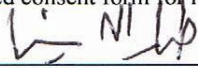
I understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator know who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed a soon as the research/PhD is completed.

- **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

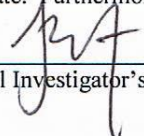
I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
Participant's Signature

1/01/2009  
Date

-----  
I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
Principal Investigator's Signature

1/01/2009  
Date



**For Use with the Academic Teacher; and,  
the Vocational Training Instructor of the Prisons Department of Malaysia**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

- **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

- **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

- **PAYMENT FOR PARTICIPATION**

I will not receive any payment or other compensation for participation in this research study.

- **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

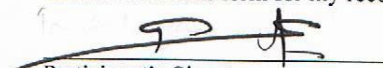
I understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator know who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed as soon as the research/PhD is completed.

- **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

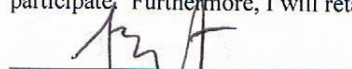
I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
Participant's Signature

1/01/2009  
Date

-----  
I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
Principal Investigator's Signature

1/01/2009  
Date

afje AC

**For Use with the Academic Teacher; and,  
the Vocational Training Instructor of the Prisons Department of Malaysia**

**INFORMED CONSENT FORM:  
"EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE"**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of "Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice" to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

- **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

- **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

- **PAYMENT FOR PARTICIPATION**

I will not receive any payment or other compensation for participation in this research study.

- **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.


I understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator know who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed as soon as the research/PhD is completed.

• **PARTICIPATION AND WITHDRAWAL**

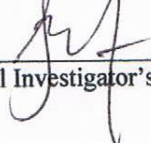
I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at (0044) 075 1496 1162 (mobile); or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

 x 1/01/2009  
Participant's Signature Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
Principal Investigator's Signature 1/01/2009  
Date

**For Use with the Academic Teacher; and,  
the Vocational Training Instructor of the Prisons Department of Malaysia**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

- **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

- **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

- **PAYMENT FOR PARTICIPATION**

I will not receive any payment or other compensation for participation in this research study.

- **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. Confidentiality will be maintained by means of a code name to let the principal investigator know who I am. My name will not be linked with the research materials or any research data supplied by me; and, I will not be identified or identifiable in any report subsequently produced by the researcher. When the research study/PhD is completed, the principal investigator will destroy the list that shows which code name goes with my name.

I understand that information that can identify me individually will not be released to anyone outside the research study. The principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will not identify me individually.

I understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator know who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed as soon as the research/PhD is completed.

- **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at (0044) 075 1496 1162 (mobile); or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

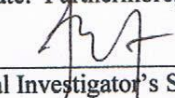
I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
Participant's Signature

1/01/2009  
Date

---

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
Principal Investigator's Signature

1/01/2009  
Date

**For Use with the Officials of the Prisons Department of Malaysia; and,  
the Coordinator of the Integrity School, Kajang Prison**

**INFORMED CONSENT FORM:  
"EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE"**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of "Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice" to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

• **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. I also acknowledge that I might be identifiable due to the role that I hold. Accordingly, I also understand that my name will be linked with the research materials or any research data supplied by me; and, I will be identified or identifiable in any report subsequently produced by the researcher.

I understand that the principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will refer me by the role that I hold.

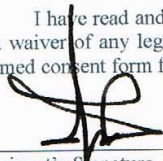
I also understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator knows who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed a soon as the research/PhD is completed.

• **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW/OBSERVATION**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.



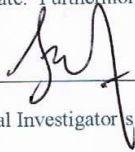
Participant's Signature

**DATO' HAJI ZULKIFLI BIN OMAR**  
**Komisioner Penjara (Operasi)**  
**Malaysia**

31 DEC 2009

Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.



Principal Investigator's Signature

1/01/2009

Date



**For Use with the Officials of the Prisons Department of Malaysia; and,  
the Coordinator of the Integrity School, Kajang Prison**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

• **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. I also acknowledge that I might be identifiable due to the role that I hold. Accordingly, I also understand that my name will be linked with the research materials or any research data supplied by me; and, I will be identified or identifiable in any report subsequently produced by the researcher.

I understand that the principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will refer me by the role that I hold.

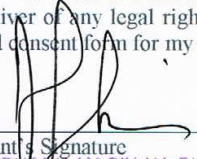
I also understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator knows who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed a soon as the research/PhD is completed.

• **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW/OBSERVATION**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at (0044) 075 1496 1162 (mobile); or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

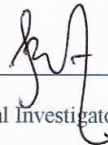
I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
 Participant's Signature  
 H.J. DARUL SALAM BIN H.J. BUDIN  
 Pengarah Pemulihan dan Rawatan

31 DEC 2008

Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
 Principal Investigator's Signature

1/01/2009

Date

**For Use with the Officials of the Prisons Department of Malaysia; and,  
the Coordinator of the Integrity School, Kajang Prison**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

• **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. I also acknowledge that I might be identifiable due to the role that I hold. Accordingly, I also understand that my name will be linked with the research materials or any research data supplied by me; and, I will be identified or identifiable in any report subsequently produced by the researcher.

I understand that the principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will refer me by the role that I hold.

I also understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator knows who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed as soon as the research/PhD is completed.

• **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW/OBSERVATION**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

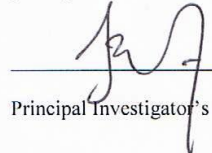
I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at (0044) 075 1496 1162 (mobile); or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
 SHAMSUDIN BIN MUSTAPHA  
 Ketua Sektor Akademik  
 Bahagian Pemuliharaan Dan Rawatan

19/12/08  
 Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
 Principal Investigator's Signature

1/01/2009  
 Date

**For Use with the Officials of the Prisons Department of Malaysia; and,  
the Coordinator of the Integrity School, Kajang Prison**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

• **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. I also acknowledge that I might be identifiable due to the role that I hold. Accordingly, I also understand that my name will be linked with the research materials or any research data supplied by me; and, I will be identified or identifiable in any report subsequently produced by the researcher.

I understand that the principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will refer me by the role that I hold.

I also understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator knows who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed a soon as the research/PhD is completed.

- **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW/OBSERVATION**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at (0044) 075 1496 1162 (mobile); or at [Rosfizah.Taib@brunel.ac.uk](mailto:Rosfizah.Taib@brunel.ac.uk). If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk).

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

~~CIF INSP. AHMAD NASIR MD ALI~~  
~~BENJARA RAJANG~~  
 Participant's Signature

~~19/12/2008~~  
 Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

Jana [Signature]  
 Principal Investigator's Signature

1/01/2009  
 Date

**For Use with the Officials of the Prisons Department of Malaysia; and,  
the Coordinator of the Integrity School, Kajang Prison**

**INFORMED CONSENT FORM:  
"EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE"**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of "Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice" to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

**• PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

**• PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

**• PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

**• CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. I also acknowledge that I might be identifiable due to the role that I hold. Accordingly, I also understand that my name will be linked with the research materials or any research data supplied by me; and, I will be identified or identifiable in any report subsequently produced by the researcher.

I understand that the principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will refer me by the role that I hold.

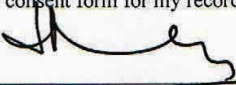
I also understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator knows who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed a soon as the research/PhD is completed.

• PARTICIPATION AND WITHDRAWAL

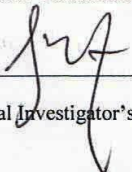
I understand that if at any time during the INTERVIEW/OBSERVATION, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at (0044) 075 1496 1162 (mobile); or at [Rosfizah.Taib@brunel.ac.uk](mailto:Rosfizah.Taib@brunel.ac.uk). If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
 Participant's Signature \_\_\_\_\_ Date 31/12/2008  
**MAHADHIR BIN MOHD KHAIRUDIN**  
 PENASIHAT UNDANG-UNDANG  
 BIP KOMISIONER JENERAL  
 BUKIT WIRA, 43000 KAJANG  
 SELANGOR

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

Tanya  
  
 Principal Investigator's Signature \_\_\_\_\_ Date 1/01/2009



**For Use with the Officials of the Prisons Department of Malaysia; and,  
the Coordinator of the Integrity School, Kajang Prison**

**INFORMED CONSENT FORM:  
“EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE”**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of “Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice” to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

• **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. I also acknowledge that I might be identifiable due to the role that I hold. Accordingly, I also understand that my name will be linked with the research materials or any research data supplied by me; and, I will be identified or identifiable in any report subsequently produced by the researcher.

I understand that the principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will refer me by the role that I hold.

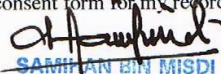
I also understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator knows who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed a soon as the research/PhD is completed.

• PARTICIPATION AND WITHDRAWAL

I understand that if at any time during the **INTERVIEW/OBSERVATION**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

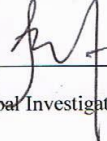
I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
 SAMIHAN BIN MISDI  
 Pengarah Penjara  
 Sekolah Henry Gurney  
 Telok Mas,  
 Melaka.

Participant's Signature

1/01/2009  
 Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
 Principal Investigator's Signature

1/01/2009  
 Date

**For Use with the Officials of the Prisons Department of Malaysia; and,  
the Coordinator of the Integrity School, Kajang Prison**

**INFORMED CONSENT FORM:  
"EDUCATIONAL OPPORTUNITIES FOR CHILD AND YOUNG OFFENDERS IN CLOSED  
(PENAL) INSTITUTIONS IN MALAYSIA:  
A STUDY OF LAW, POLICY AND PRACTICE"**

Brunel Law School requires that all persons who participate in socio-legal or legal research studies give their written consent to do so. Please read the following and sign it if you agree with what it says.

I freely and voluntarily consent to be a participant in the research study on the topic of "Educational Opportunities for Child and Young Offenders in closed (Penal) Institutions in Malaysia: A Study of Law, Policy and Practice" to be conducted by **ROSFIZAH MD TAIB**, the principal investigator, who is a postgraduate student at Brunel Law School, Brunel University, West London, UK.

• **PURPOSE OF THE STUDY**

The broad goal of this research study is to explore the extent to which the rights to education of these children who are in the closed (Penal) Institutions could be implemented.

• **PROCEDURE**

Specifically, I have been asked to take part in an interview which will be conducted on a specified date by the principal investigator. The interview should take no longer than 90 minutes to complete. The purpose of the interview is to give me the opportunity to explain my role and approaches in relation to the education of the child and young offenders.

• **PAYMENT FOR PARTICIPATION**

I know that I will not receive any payment or other compensation for participation in this research study.

• **CONFIDENTIALITY**

I understand that any information that is obtained in connection with this research study will remain confidential and will be disclosed only with my permission or as required by law. I also acknowledge that I might be identifiable due to the role that I hold. Accordingly, I also understand that my name will be linked with the research materials or any research data supplied by me; and, I will be identified or identifiable in any report subsequently produced by the researcher.

I understand that the principal investigator will, however, use the information collected in her PhD thesis and other publications. The principal investigator may also use any information that she gets from this research study in any way she thinks is best for publication or education. Any information she uses for publication will refer me by the role that I hold.

I also understand that the interview data will be taped by the principal investigator and she will record appropriate responses on the interview sheet. Following the interview session, the interview tape will be given a code name to allow the principal investigator knows who I am. In addition, the interview tape will be transcribed and the field notes will be compiled by the principal investigator for analysis manually. The principal investigator will store the interview tape that is not actively being transcribed or reviewed in a locked cabinet. The tape will be destroyed a soon as the research/PhD is completed.

- **PARTICIPATION AND WITHDRAWAL**

I understand that if at any time during the **INTERVIEW/OBSERVATION**, I feel unable or unwilling to continue, I am free to leave. That is, my participation in this study is completely voluntary, and I may withdraw from it at any time without negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

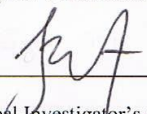
I have been given the opportunity to ask questions regarding the interview, and my questions have been answered to my satisfaction. I have been informed that if I have any general questions about this project, I should feel free to contact **ROSFIZAH MD TAIB** at **(0044) 075 1496 1162 (mobile)**; or at **Rosfizah.Taib@brunel.ac.uk**. If I have any comments or concerns about the ethics procedures employed in this study, I can contact Dr Holger Sutschet, Brunel Law School, Brunel University, who is Chair of the School's Research Ethics Committee and whose email address is [Holger.Sutschet@brunel.ac.uk](mailto:Holger.Sutschet@brunel.ac.uk)

I have read and understand the above and consent to participate in this study. My signature is not a waiver of any legal rights. Furthermore, I understand that I will be able to keep a copy of the informed consent form for my records.

  
Participant's Signature

1/01/2009  
Date

I have explained and defined in detail the research procedure in which the respondent has consented to participate. Furthermore, I will retain one copy of the informed consent form for my records.

  
Principal Investigator's Signature

1/01/2009  
Date

## **Appendix 3**

### **Interview Schedules**

#### **Sample 3 – Senior Prison Officers**

#### **Respondent: The Director General of the Malaysia Prisons**

##### **Department**

1. What do you consider are the main factors which contribute to successful rehabilitation of child and young offenders in closed (penal) Institutions?
2. Why do you believe the Prisons Department should provide education for the child and young offenders?
3. How important do you think education is in rehabilitating the child and young offenders in closed (penal) Institutions? Why?
4. What do you think are the main strategies currently pursued to implement the rights to education for the child and young offenders?
5. What do you consider are the factors which may obstruct the Prisons Department in implementing full educational programmes for the child and young offenders in closed (penal) Institutions?
6. What do you consider ought to be the main strategies the Malaysian government should consider in order to improve the provision of educational opportunities for the child and young offenders in closed (penal) Institutions?
7. Does the Prisons Department consult parents and legal guardians about the choice of educational opportunities and programmes in the closed (penal) Institutions?

8. Has the Prisons Department conducted awareness and education campaigns addressed at child and young offenders relating to their educational opportunities? If so, please provide details about the campaigns and the parties involved.
  
9. Has the Prisons Department conducted any research in relation to the education of the child and young offenders? If so, please provide the results of the relevant research, the outcomes and the recommendations.
  
10. Do you think it is worthwhile for the government of Malaysia to 'invest' a lot of money in providing educational opportunities for the child and young offenders in the closed (penal) Institutions?



## **Appendix 4**

### **Interview Schedules**

#### **Sample 3 – Senior Prison Officers**

##### **Respondents:**

- i. The Director of the Kajang Prison, and;**
- ii. The Director of the Henry Gurney School, Telok Mas, Melaka.**

1. What do you consider to be the main strategies, policies and programmes for the rehabilitation of child and young offenders in the closed (penal) Institutions?
2. How effective do you consider the rehabilitation programmes for child and young offenders in the closed (penal) Institutions have been so far?
3. Why do the closed (penal) Institutions implement current rehabilitation programmes?
4. What do you think of the current development of the educational opportunities for child and young offenders so far?
5. Do you believe that the currents policies, laws and educational practice programmes provided in the closed (penal) Institutions support the rehabilitation of the child and young offenders?
6. How important do you think education is in rehabilitating the child and young offenders? Why?
7. What do you consider was the main motivation of the government of Malaysia in establishing Integrity Schools for child and young offenders in the closed (penal) Institutions?



8. How do you observe the role of Integrity Schools in rehabilitating the child and young offenders in the closed (penal) Institutions?
9. What do you consider as the main constraints that the Integrity Schools face in implementing full educational opportunities for child and young offenders in the closed (penal) Institutions?
10. Why do you think that the government adopts the current (education) curriculum for the child and young offenders in the closed (penal) Institutions?
11. Do you believe the current (education) curriculum is useful in improving the personal development of the child and young offenders in the closed (penal) Institutions?
12. What is your opinion of the availability of teachers and the level of other educational resources provided in this closed (penal) Institutions?
13. What do you consider as the main factors that would encourage the enhancement of the child and young offenders' education in the closed (penal) Institutions?
14. What do you consider ought to be the main strategies of the Malaysian government should consider in order to improve the provision of educational opportunities for the child and young offenders in closed (penal) Institutions?
15. Do you think it is worthwhile for the government of Malaysia to 'invest' a lot of money in providing educational opportunities for the child and young offenders in the closed (penal) Institutions?

## Appendix 5

### Interview Schedules

#### Sample 3 – Senior Prison Officers

#### Respondent: (1) The Director of Rehabilitation and (2) the Education Section Officer, the Malaysia Prisons Department

1. What do you consider to be the main strategies, policies and programmes for the rehabilitation for child and young offenders in closed (penal) Institutions?
2. How effective do you consider the rehabilitation programmes for child and young offenders in closed (penal) Institutions have been so far?
3. Why does the Prisons Department implement such rehabilitation programmes for the child and young offenders?
4. How far do you think the rehabilitation programmes in closed (penal) Institutions have helped the child and young offenders to improve their personal development?
5. As I understand it, rehabilitation programmes for child and young offenders in closed (penal) Institutions in Malaysia have the provisions of educational elementary? Can you please explain further about this?
6. How important do you think education is in rehabilitating the child and young offenders in closed (penal) Institutions? Why?
7. What do you consider is the main motivation of the government of Malaysia in providing educational opportunities for child and young offenders in closed (penal) Institutions?

8. How satisfied are you with the current development of educational opportunities for child and young offenders in the closed (penal) Institutions?
9. What do you think of the current educational practices that are adopted in the closed (penal) Institutions?
10. What factors do you consider would encourage the enhancement of the child and young offenders' education in the closed (penal) Institutions?
11. What do you consider are the main constraints faced by the Rehabilitation Department in implementing the policy relating to the educational opportunities for the child and young offenders in the closed (penal) Institutions?
12. What do you consider ought to be the main strategies the Malaysian government should consider in order to improve the provision of educational opportunities for the child and young offenders in closed (penal) Institutions?
13. Do you think it is worthwhile for the government of Malaysia to 'invest' a lot of money in providing educational opportunities for the child and young offenders in the closed (penal) Institutions?

## **Appendix 6**

### **Interview Schedules**

#### **Sample 3 – Senior Prison Officers**

#### **Respondent: The Legal Advisor, the Malaysia Prisons Department**

1. As I understand it, law makes education compulsory for the child and young offenders in closed (penal) Institutions in Malaysia? Is this a correct interpretation of the Malaysian government policy?
  
2. Has Malaysia ratified the following international human rights conventions?
  - Universal Declaration of Human Rights;
  - Convention on the Rights of the Child;
  - Convention Against Discrimination in Education;
  - International Covenant on Economic, Social and Cultural Rights;
  - United Nations Standard Minimum Rules for the Treatment of Prisoners;
  - United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

If 'No' – Why does Malaysia not ratify the other international human rights convention/s?
  
3. Do you think that the existing Malaysian laws and legislation are adequate to promote educational opportunities for the child and young offenders in the closed (penal) Institutions?
  
4. What do you consider of obstacles to passing or implementing Malaysian legislation which increases the educational opportunities for the child and young offenders in the closed (penal) Institutions?

5. Do you think Malaysia could focus more on protecting the rights and interests of the child and young offenders, particularly for their educational opportunities?
  
6. What do you consider ought to be the main strategies the Malaysian government should consider in order to improve the legal provisions of educational opportunities for the child and young offenders in closed (penal) Institutions?
  
7. In your opinion, what is the factor(s) other than law and legal mechanisms could help the government of Malaysia to reinforce the policy of safeguarding the educational rights for the child and young offenders?

## **Appendix 6**

### **Interview Schedules**

#### **Sample 2 – Academic Teachers and/or Vocational Training Instructors of the Kajang Prison and the Henry Gurney School, Telok Mas, Melaka**

1. How do you find teaching child and young offenders in the closed (penal) institutions?
2. What motivates you to teach in closed (penal) institutions?
3. Do you think that the children and young people (inside here) are committed to engaging in learning activities?
4. Do you face any particular sort(s) of challenges and/or difficulties teaching (or maybe managing) them, as opposed to 'outside'?  
If so - how do you overcome the problems?
5. What do you think of the current curriculum (education) developments available in the closed (penal) institutions?
6. Do you think that the children and young people here still have the possibility of a good future?  
If 'yes' – in what ways?  
If 'not' – why not?
7. One aim of this (penal) institution is to rehabilitate the children and young people who are sent here. Your comments?  
How important do you think an education could assist the rehabilitation programmes of offenders?

8. Have you experienced of any collaboration with other governmental ministries and/or departments while teaching in the institution here?  
If 'yes' – what/which organization(s) and for what purpose of your involvement with them?  
If 'no' – are there any department(s) that you would have liked to be involved in?
9. What are other issues relating to the education of children and young people in this closed (penal) institution that you would like to share/highlight?
10. Do you think it is worthwhile for the government of Malaysia to 'invest' a lot of money in providing educational opportunities for child and young offenders in the closed (penal) institutions?
11. As a teacher, what do you expect (at least) from the inmates/students here?

**Appendix 7**

**Interview Schedules 3**

**Sample 3 – Children and Young People of the Kajang Prison and the Henry Gurney School, Telok Mas, Melaka**

Age \_\_\_\_\_ Gender \_\_\_\_\_ Name of Institution \_\_\_\_\_

**PERSONAL DETAILS**

1. How long have you been in the Institution?

- < 1 year
- 1 year – 2 years
- 2 – 3 years
- > 3 years

2. What was your age when you first entered into the Institution? \_\_\_\_\_

**Level of Knowledge Before Entered Into the Institution**

3. At the time of arrest, were you:

- Still schooling?
- Already stopped schooling?
- Never went to school at all?

4. At the time of arrest, you:

- Knew how to read but not write
- Knew how to read and write
- Did not know how to read and write



- Knew how to do basic sums (such as plus and minus calculations)
5. At the time of arrest, what was your previous Academic Performance result(s)?
- UPSR \_\_\_\_\_
  - PMR \_\_\_\_\_
  - SPM \_\_\_\_\_
  - Others \_\_\_\_\_
6. What do you think of your Computer Knowledge before you entered into this Institution?  
(Very Good / Quite Good / Poor)
7. Before you entered into the Institution, were you able to:
- Play any musical instrument(s) – if so, what type(s) of instruments?
  - Do good drawings or paintings?
  - Make good handicrafts? E.g.?
  - Any other skills?
8. Before you entered into this Institution; what can you tell about your religious basic knowledge?
- Poor
  - Fair
  - Good
  - Very Good

Educational Opportunities Available in the Institution

11. Types of educational opportunities available in the Institution:  
**VERY GOOD / GOOD / SATISFACTORY / POOR.**
- Academic

- Vocational Training
- Religious Knowledge / Moral Education
- Counselling and/or Motivational Programmes
- Sports and/or Recreational Activities
- Computer Knowledge
- Others (please specify)

Educational Facilities Available in the Institution

12. In this Institution, do you have any:

- Academic Teacher YES \_\_\_\_\_ NO \_\_\_\_\_
- Vocational Training Teacher YES \_\_\_\_\_ NO \_\_\_\_\_
- Religious Knowledge and/or Moral Education Teacher YES \_\_\_\_\_ NO \_\_\_\_\_
- Counselling Teacher YES \_\_\_\_\_ NO \_\_\_\_\_
- Computer Teacher YES \_\_\_\_\_ NO \_\_\_\_\_
- Others (please specify) \_\_\_\_\_

13. Can you tell me whether you think the following facilities available inside here are \_\_\_\_\_?

**VERY GOOD, GOOD, SATISFACTORY or POOR**

- Text Books
- Library
- Classrooms
- Stationery
- Science laboratory
- Computer
- Computer Laboratory
- Sports and/or Recreational
- Others (please specify) \_\_\_\_\_

The Role and Function of Teachers and Staff in the Institution

14. Do you think your teachers are good at **motivating** you?

Very Good \_\_\_\_\_ Quite Good \_\_\_\_\_ Useless \_\_\_\_\_

15. How do you rate your teachers as **Counsellors**?

Very Impressive \_\_\_\_\_ Impressive \_\_\_\_\_ Not Impressive \_\_\_\_\_

16. How helpful do you think your teachers when you were trying to improve your learning abilities?

Do your teachers assist in your academic teaching and learning activities?

Very Helpful \_\_\_\_\_ Helpful \_\_\_\_\_ Not Helpful \_\_\_\_\_

Preparation for the Public Examinations

17. Have you ever sat for any Public Examination(s) while staying here?

If 'Yes', tell me your experience.

\_\_\_\_\_

18. How helpful were your teachers when you were preparing for examinations?

Very Helpful \_\_\_\_\_ Helpful \_\_\_\_\_ Not Helpful \_\_\_\_\_

EDUCATIONAL OPPORTUNITIES AND THE BENEFITS

19. Can you explain to me of any **benefit(s)** that you have gained from these educational (following) classes? **NOTE:** The respondents will **freely tell anything** in their own words.

- Academic
- Vocational Training
- Religious Knowledge and/or Moral Education

- Counselling and Motivational Programmes
- Sports and/or Recreational Activities
- Computer Knowledge
- Others (please specify) \_\_\_\_\_

PERSONAL EXPECTATION

21. Do you still want to continue your education while you are here?  
 If 'Yes', go to Question 22.  
 If 'No', why not? Then, please answer Question 23.

22. What motivates you to continue your educational activities? Please tick.

- Myself \_\_\_\_\_
- Parents and family members \_\_\_\_\_
- My previous experience \_\_\_\_\_
- The teachers and staff in the Institution \_\_\_\_\_
- The counsellor in the Institution \_\_\_\_\_
- My friends in the Institution \_\_\_\_\_
- The system in the Institution \_\_\_\_\_
- Others (please specify) \_\_\_\_\_

23. I am going to ask you what sort of educational activities you would most like to see provided by this Institution. I will give you a list of the educational activities and I would like you to tell them in order of your preference, starting from the one that you like most.

- Formal Academic Education \_\_\_\_\_
- Life Skills Knowledge \_\_\_\_\_
- Religious and Moral Knowledge \_\_\_\_\_
- Language and Communications \_\_\_\_\_

- Legal Matters \_\_\_\_\_
- Computer Skills \_\_\_\_\_
- Business Skills \_\_\_\_\_
- Martial Arts \_\_\_\_\_
- Further information about learning  
In Higher Learning Institutions \_\_\_\_\_
- Others (please specify) \_\_\_\_\_

AFTER RELEASE

24. Do you hope to continue your educational activities when you are released?  
If 'yes', please proceed to the following questions.  
If 'no' – why not? Then, please answer Question 28.

25. Any particular learning Institutions that you aim to go?

- Government Institutions \_\_\_\_\_
- Private Institutions \_\_\_\_\_
- No idea at this moment \_\_\_\_\_

26. Once you are released from the Institution, what types of educational activities that you intend to focus on?

- Academic only
- Vocational Training only
- Both
- Not interested at all.

27. Once you are released from the Institution, the area of knowledge that you intend to pursue in:

- Formal Academic Education \_\_\_\_\_
- Life Skills Knowledge \_\_\_\_\_
- Religious and/or Moral Knowledge \_\_\_\_\_
- Language and Communications \_\_\_\_\_

- Legal Knowledge \_\_\_\_\_
- Computer Skills \_\_\_\_\_
- Business Skills \_\_\_\_\_
- Martial Arts \_\_\_\_\_
- Sports and/or Recreational Activities \_\_\_\_\_
- Others (please specify) \_\_\_\_\_

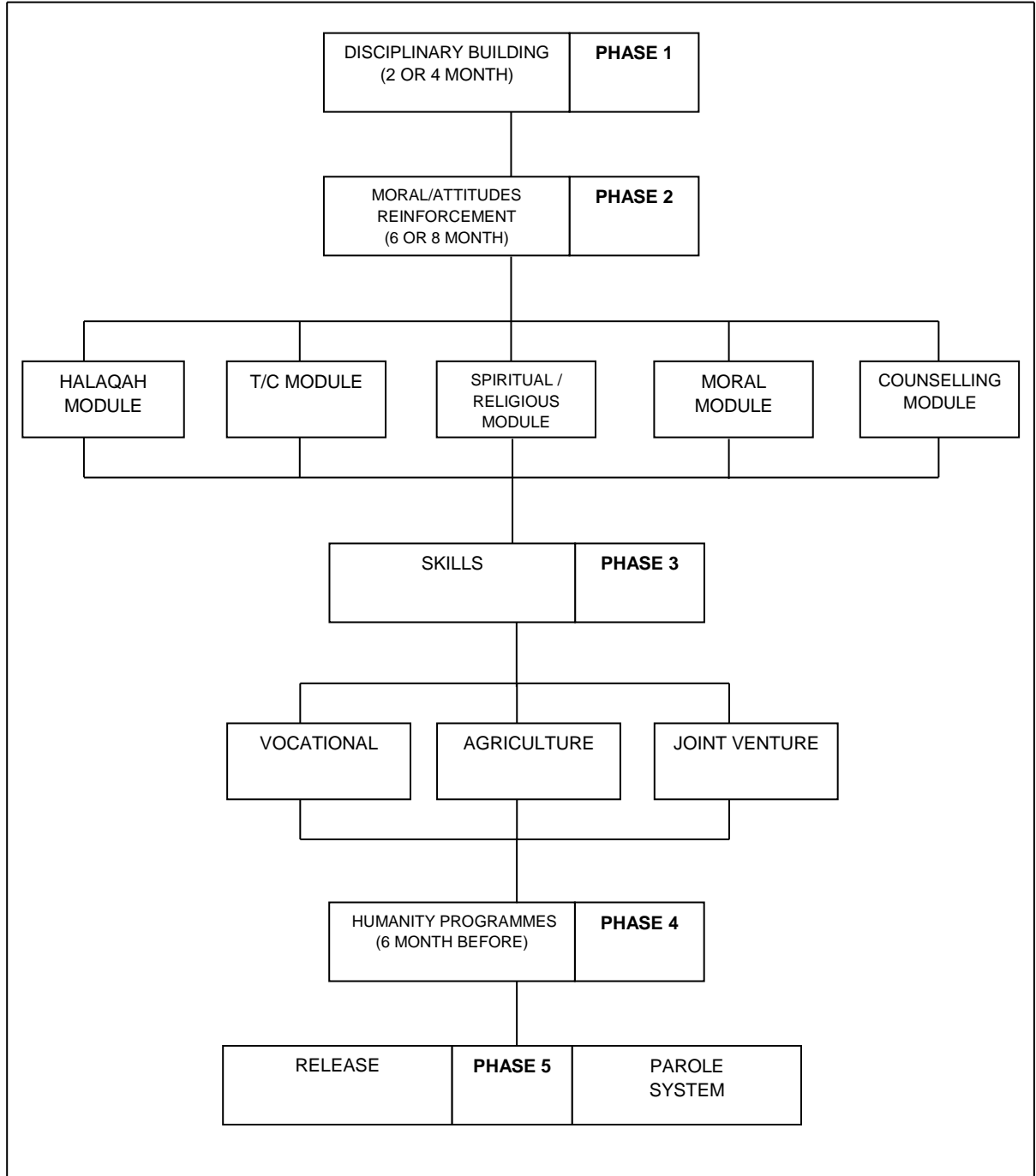
28. When you are released from this Institution, do you think you will be able to face the society?

- Yes
- No
- Not Sure

If 'not' – why not?

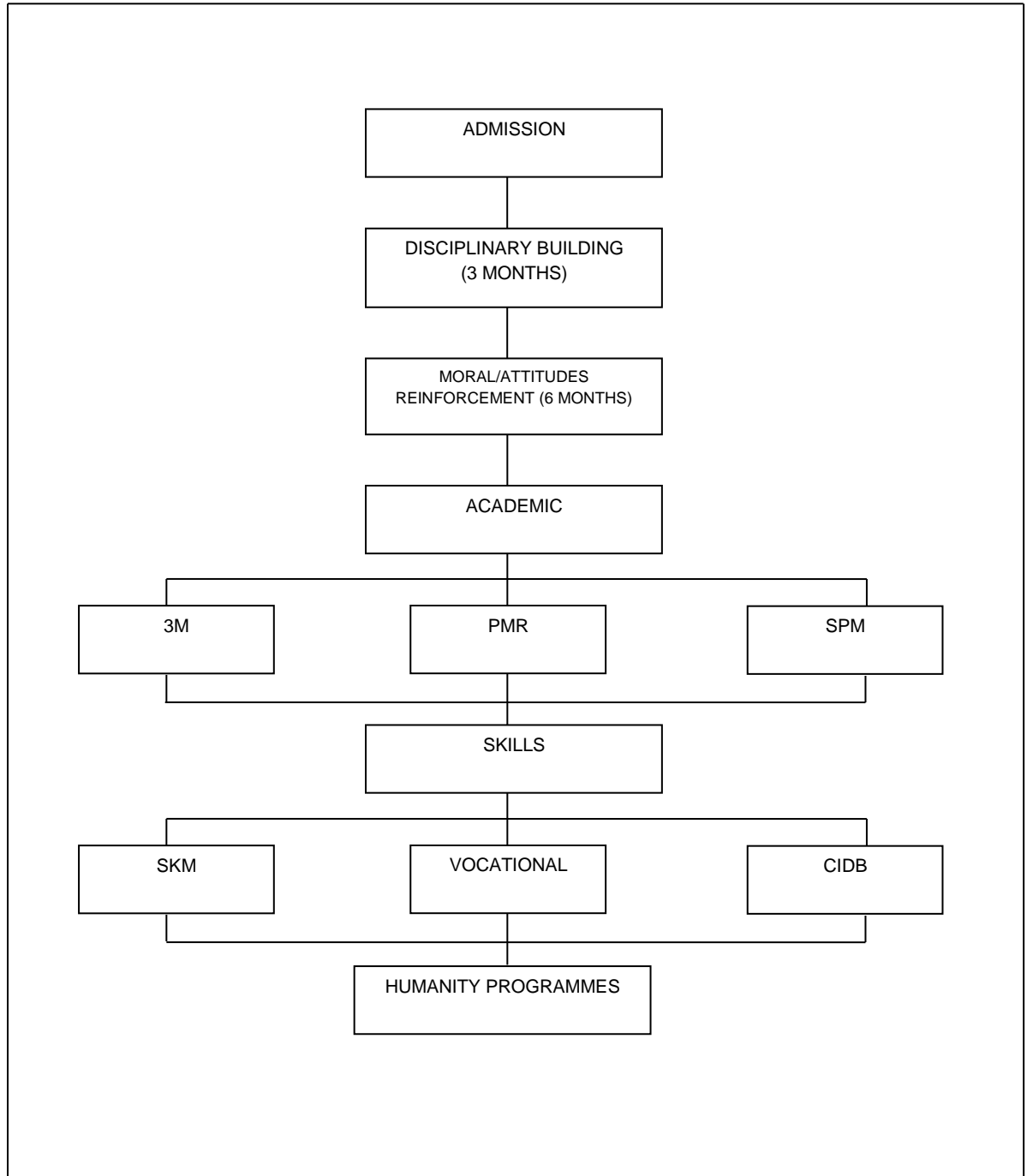
**Chart 1**

**The Human Development Plan, Malaysia Prisons Department**



**Chart 2**

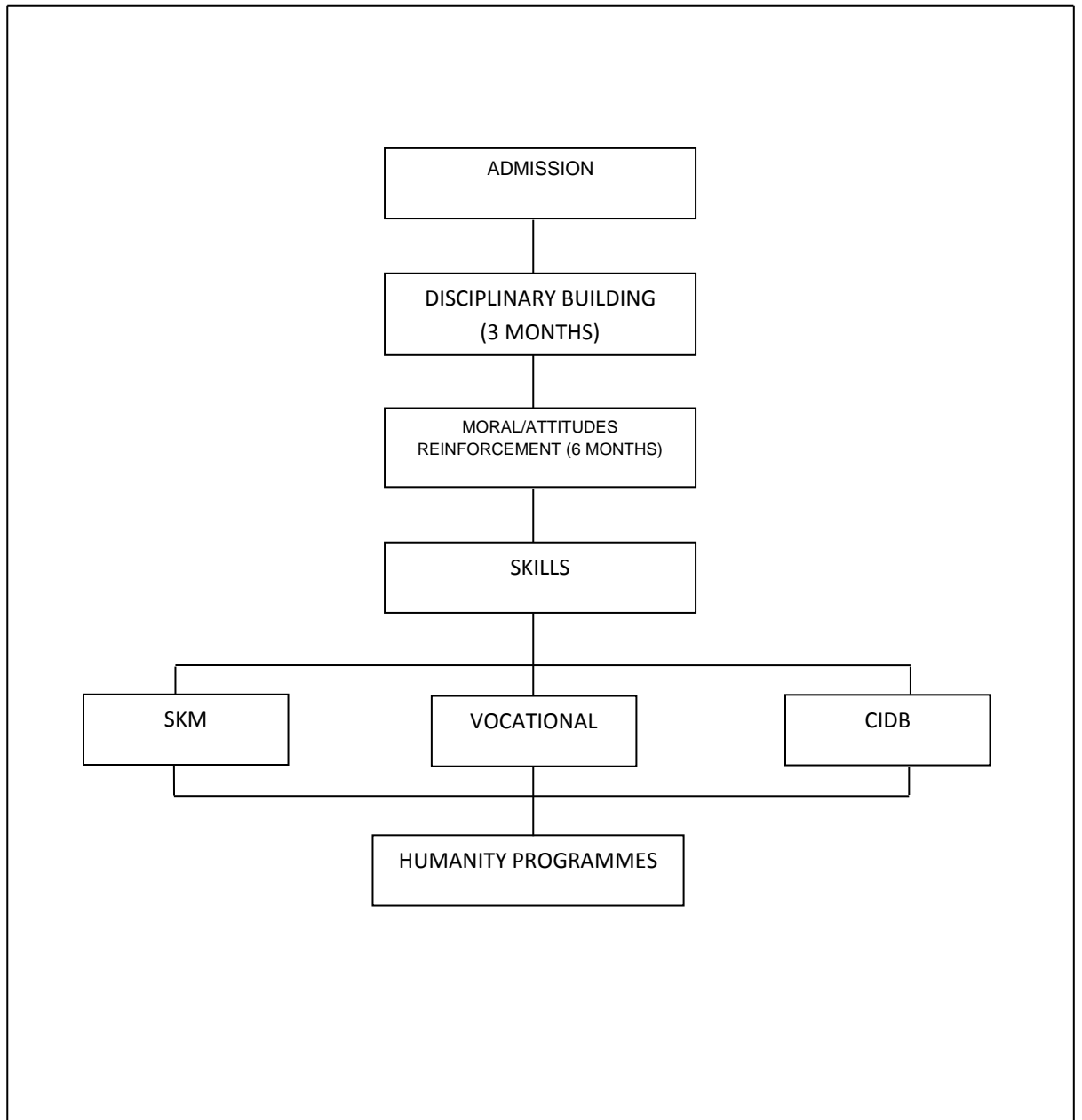
**The Rehabilitation Module for Young People under the age of 18**





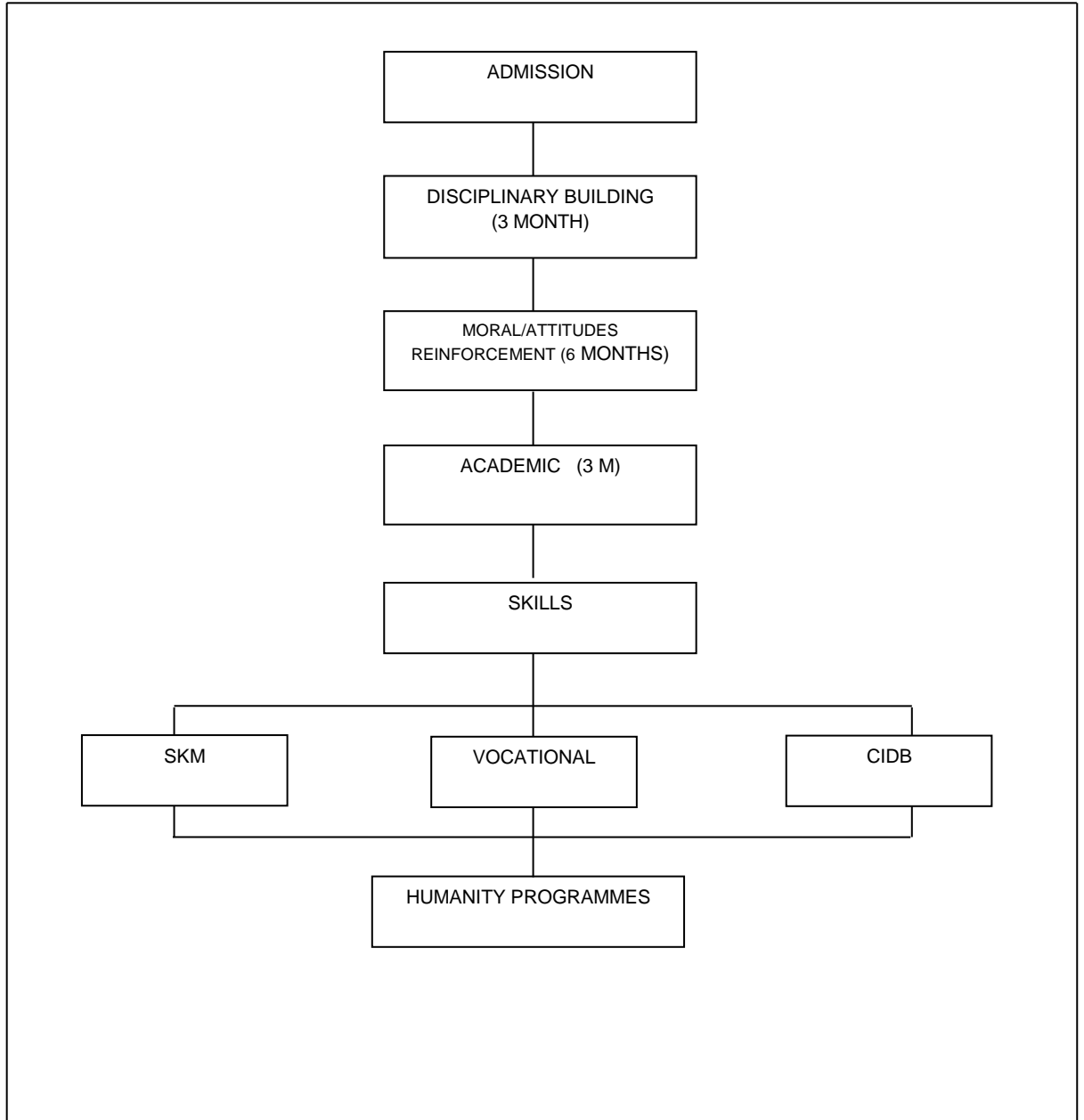
**Chart 3**

**The Rehabilitation Module for Young People above the age of 18**



**Chart 4**

**The Rehabilitation Module for Young People who have No Academic Backgrounds**





**Table 1**

Educational Facilities in the Kajang Prison and the Henry Gurney School, Malacca – Availability of the Educational Opportunities (Programmes)

<b>Programmes / Impression</b>	<b>Henry Gurney School</b>	<b>Kajang Prison</b>
Academic	Good – Very Good (3 inmates)	Good – Very Good (3 inmates)
Vocational Training Skills	Good – Very Good (3 inmates)	N/A
Religious Knowledge and/or Moral Education	Good – Very Good (3 inmates)	Good – Very Good (3 inmates)
Counselling and/or Motivational	Good – Very Good (2 inmates) Satisfactory (1 inmate)	Poor (1 inmate) Good (1 inmate) Satisfactory (1 inmate)
Computer Knowledge	Poor (2 inmates) Very Good (1 inmate)	Good – Very Good (3 inmates)
Sports and/or Recreational	Good – Very Good (3 inmates)	Good – Very Good (3 inmates)
Others: Co-curriculum Activities	Brass band and cadet trainings: Good – Very Good (2 inmates)	Marching skills and “nasyid” Good – Very Good (2 inmates)

**Table 2**

Educational Facilities in the Kajang Prison and the Henry Gurney School, Malacca – Availability of the Teachers and/or Educators

<b>Teachers and/or Educators / Impression</b>	<b>Henry Gurney School</b>	<b>Kajang Prison</b>
Academic	Yes	Yes
Vocational Training (Skills)	Yes	N/A
Religious Knowledge and/or Moral Education	Yes	Yes
Counselling	Yes	Yes
Computer Knowledge	N/A	Yes

**Table 3**

Educational Facilities in the Kajang Prison and the Henry Gurney School, Malacca – Availability of the Physical Facilities

<b>Physical Facilities / Impression</b>	<b>Henry Gurney School</b>	<b>Kajang Prison</b>
Text Books	Good – Very Good (3 inmates)	Before KIS: Poor (3 inmates) After KIS and NGO contributions: Good – Very Good (3 inmates)
Library	Good – Very Good (1 inmate) Satisfactory (2 inmates)	Before KIS: Poor (3 inmates) After KIS and NGO contributions: Good – Very Good (3 inmates)
Classrooms	Good – Very Good (3 inmates)	Before KIS: Poor (3 inmates) After KIS: Good – Very Good (3 inmates)
Stationery	Good – Very Good (3 inmates)	Before: Good – Very Good (3 inmates) No tight restriction Recent: Good – Very Good (3 inmates) Already have certain restrictions
Science Laboratory	N/A	N/A
Computer	Good – Very Good (2 inmates) Satisfactory (1 inmate)	Before KIS: Poor (3 inmates) After KIS and NGO contributions: Good – Very Good (3 inmates)
Sports and/or Recreational	Good – Very Good (3 inmates)	Good – Very Good (2 inmates) Satisfactory (1 inmate)
Workshops	Good – Very Good (3 inmates)	N/A

\* “KIS” – Kajang Integrity School