



## **SUBMISSION FROM MALAYSIA**

### **INFORMATION RELATING TO IMPLEMENTATION OF RESOLUTION A/RES/77/194 ON “TRAFFICKING IN WOMEN AND GIRLS: REPORT OF THE SECRETARY GENERAL” COVERING THE PERIOD 1 AUGUST 2022 TO DATE FOR THE PURPOSES OF REPORTING AT THE 79TH SESSION OF THE GENERAL ASSEMBLY**

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Malaysia offers the following comments and feedback, for the call for input to the report of the Secretary General on Trafficking in Women and Girls for the 79<sup>th</sup> Session of the General Assembly.

2. Malaysia’s input is not limited to providing a response to the call for input but also reflective of our long-standing commitment in promoting and protecting the rights of women and girls in the country.
3. Malaysia remains fully committed to upholding its treaty obligations to CEDAW by prioritising the protection of all women and girls. In line with the recommendations made in the Concluding Observations of the CEDAW Committee, Malaysia continues to establish legislation, improve its policies and implement various initiatives to protect the rights of women and girls, and to ensure their safety and security.
4. This feedback is provided in consultation with the relevant Government agencies to ensure a balanced presentation of the overall situation in Malaysia.

#### **Introduction**

5. Malaysia’s strategic geographical location, long maritime/land borders and continued economic development are some of the key pull factors for the influx of migrant workers due to the huge demand for labour, particularly in labour intensive sectors such as plantations, construction, manufacturing, and agriculture. In addition, there is also a sturdy demand in the informal sectors, especially for domestic workers. The strong demand for foreign labour has not only fueled regular migration but also irregular migration.

6. The situation described above has somehow placed Malaysia in a position where it is regarded, to a certain extent, as a transit as well as destination country for trafficking in person. Corruption is also another contributing factor to TIP and SOM, which often involves organised crime networks. As such the Government of Malaysia resolves to strengthen measures to counter complicity.

7. There are also increases in the use and abuse of social media and online platforms in every step of TIP activity such as online scams operations. From profiling, recruiting,

and exploiting of the victims to the laundering of proceeds of crime, everything can be easily done online, which adds to the complexity in the efforts to counter them. The number as well as the scale of cases has multiplied, as evidenced by the high number of Malaysian victims of job scams in Southeast Asia.

### **Domestic Legislation and National Action Plans**

8. The Government of Malaysia, through the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO), Ministry of Home Affairs (MOHA) remains committed in its effort to eradicate crimes related to trafficking-in-persons (TIP). There are five current committees under the MAPO setup, namely the Legislative Committee, Enforcement Committee, Victim Care and Protection Committee, Media and Publicity Committee and the Special Committee to Monitor on the Issue of Labour Trafficking.

9. All five committees work closely with various NGOs, Civil Society Organisations (CSOs), International Organisations (IOs) and foreign diplomatic missions in ensuring effective and successful implementation of policies, programmes, and activities planned to combat TIP in Malaysia. Malaysia is a state party of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

10. Malaysia's efforts in combating trafficking in persons and smuggling of migrants is governed by the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM Act) 2007. This Act came into force in 2007 and has since been amended three times, in 2010, 2015, and 2022 with the aim of strengthening the anti-trafficking in persons and anti-smuggling of migrants' legal framework, enforcement thereof, as well as adopt a more victim-centred approach for trafficked victims.

11. The amendments to ATIPSOM Act 2007 in 2010, among others, were to widen the definition of trafficking in persons to also include labour exploitation as well as to provide harsher punishments for profits obtained from the crime. Additionally, the amendments have also strengthened the enforcement aspect of the legislation by designating the Malaysian Labour Department as the additional law enforcement agency to complement the existing four (4) enforcement agencies, which are the Royal Malaysia Police, Immigration Department of Malaysia, Royal Malaysian Customs Department, and Malaysian Maritime Enforcement Agency. Another significant revision to the law was the criminalisation of people smuggling activities.

12. The amendments to ATIPSOM Act 2007 in 2015 were transformational in strengthening the protection element by allowing greater roles and functions for Non-Governmental Organizations (NGOs) to provide shelter services as well as to be protection officers for the trafficked victims. The amendments also granted the freedom of movement and opportunity for the trafficked victims to work in the country. These elements were in line with the international standards and best practices in accordance with the victim-centred approach treatment to the trafficked victims. Additionally, the revision of the law has also resulted in the establishment of a High-Level Committee (HLC) to oversee the efficiency and running of the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO).

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13. The amendments to ATIPSOM Act 2007 in 2022 (come into force on 22<sup>nd</sup> February 2022) focused on focused on several improvements as follows:

- 13.1. amendment to the definition of trafficking in persons (TIP) and providing clarity by outlining means not limited to coercion that constitute trafficking;
- 13.2. focused on the prevention or deterrence aspect by providing heavier sentences to the perpetrators of trafficking in persons which also include for the offence of trafficking in children which is in line with the ASEAN Convention Against Trafficking in Persons Especially Women and Children (ACTIP);
- 13.3. the appointment of any relevant public officer as an enforcer under Act 670;
- 13.4. increased the number of members of the Council from NGOs or other relevant organizations; and
- 13.5. empowering the roles of the Ministry of Women, Family and Community Development (MWFCD) in protection management.

14. Following the 2022 amendment to the ATIPSOM Act, the NSO MAPO established new guidelines to enhance care and protection for victims awaiting repatriation or for any reasonable reasons. These victims, having undergone due processes, are placed in designated place of refuge. The guidelines have been distributed to enforcement officers and protection officers since October 2023.

15. Malaysia also has successfully developed a National Guideline on Human Trafficking Indicators (NGHTI), which is a standard indicator that will be used as guidance by enforcement agencies as well as non-governmental organizations (NGOs) in the process of identifying victims of human trafficking. NGHTI has been included as part of the reference in the Standard Operating Procedure (SOP) for Enforcement Agencies.

16. The NGHTI was developed in line with national and regional requirements, particularly in fulfilling Malaysia's obligation as per Article 14 of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), which Malaysia ratified in 2017.

17. To further enhance the victim screening and identification process, the NGHTI has been reviewed and updated in 2022. The revision of the National Guidelines on Human Trafficking Indicators (NGHTI 2.0) is in line with the latest amendments to the ATIPSOM Act 2007. In relation to this, the roll-out of the training of the NGHTI 2.0 was done in 2023 for law enforcement officers across six zones in Malaysia. The initial Training of Trainers (TOT) session for the Central Zone was conducted on 20 to 22 March 2023, where 31 trainers from the five enforcement agencies were trained on the NGHTI 2.0.

18. Other related legislations which also address the offences of trafficking in persons and smuggling of migrants include the Immigration Act 1959/63, the Employment Act 1955, the Anti-Money Laundering, Anti-terrorism Financing and Proceeds of Unlawful Activities Act 2001 and the Passports Act 1966.

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19. On 31<sup>st</sup> Mac 2021, the National Action Plan on Anti-Trafficking in Persons 2021-2025 (NAPTIP 3.0) was officially launched by the Minister of Home Affairs. NAPTIP 3.0 is fundamentally a continuation of NAPTIP 2010-2015 and NAPTIP 2016-2020 which was developed to guide the direction and efforts in combating trafficking in persons in Malaysia.

20. The NAPTIP 3.0 clearly explains the country's vision, five guiding principles, nine strategic goals, 34 specific objectives with 78 respective outputs and 209 corresponding activities in its anti-TIP efforts over the next five years. It will also serve to support Malaysia's obligations and responsibilities at the regional and international levels. Since its inaugural launch in 2021, 174 activities and programmes listed in the NAPTIP 3.0 have been implemented.

### **Adherence to International Instruments**

21. There are two (2) protocols under the United Nations Convention against Transnational Organized Crime (UNTOC) which relate to trafficking in persons and smuggling of migrants, namely The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and The Protocol Against the Smuggling of Migrants by Land, Sea and Air.

22. Malaysia is a state party to the UNTOC and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, by General Assembly resolution 55/25. However, Malaysia is not signatory to the Protocol against the Smuggling of Migrants by Land, Sea and Air.

23. At the ASEAN region, Malaysia has also ratified ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP).

### **Prosecution of Trafficking in Persons (TIP) Cases**

24. The Government of Malaysia has established a Special Court for Anti-Trafficking in Persons that look into the TIP cases effectively thus ensuring the welfare of the victims are well taken care of until they are repatriated to their home countries. The first court was officially launched by the Chief Justice on 28 March 2018 at the Sessions Court in Klang, Selangor.

25. The Special Court has registered 185 cases related to trafficking for the period of April 2020 to March 2024.

### **Impacts of COVID**

26. Some of the challenges faced during the COVID-19 pandemic include:

26.1. Restriction of movement – disruption of criminal justice proceedings;

- 26.2. Psychological issues among victims as well as protection officers – having to resort to online interview/counseling/reporting which was not as effective as in-person meetings and compromised rapport-building;
- 26.3. Protection services more challenging – more protective environment/equipment/hygiene kits, space for quarantine (challenging when there is a big group coming in);
- 26.4. Exposure in contracting the virus by both victims and protection officers – having to segregate/isolate new victims (less freedom of movement and space for them) for the well-being of the other residents in the shelter.

27. Nevertheless, courts and enforcement officials continued to carry out their functions even with some restrictions. During the COVID-19 period, enforcement personnel were able to carry out routine operation and investigation in all areas of the country. The courts operated as usual whereby all applications and filing of ATIP cases were handled in the usual manner with non-essential staff precluded.

28. Apart from operating physically (adhering to the COVID SOP), the courts had adopted modern technology, for example, online remand applications were heard not only physically but via zoom and applications for the extension of Protection Order were also heard via remote technology.

29. As for now, all agencies continue to enforce law and policies related to anti-trafficking in persons according to the existing norms and SOPs, including COVID-19 SOPs.

### **Care and Protection for Trafficked Victims**

30. The Ministry of Women Family and Community Development (MWFCD) with support from Department of Women's Development and Department of Social Welfare is responsible for the care and protection of trafficked victims. To date, there are eight (8) government shelter homes (1 shelter for men, 5 shelters for women and 2 shelters for children).

31. A wide range of services are available for trafficked victim such as shelter, food, psycho-social support, income generation programs, language and vocational training, phone call services and clothes.

32. The Ministry, in collaboration with NGOs, provide support to the victims through medical counselling, therapy, motivational talks, entertainment activities, religious and spiritual talks as well as sports, language, arts and creativity activities. NGOs also play major roles in providing care and protection to trafficked victims. Currently there are two (2) shelters operated by NGOs each in Penang and Kuala Lumpur respectively.

33. In March 2019, the Government embarked on another strategic partnership with the Manpower Department of the Ministry of Human Resources and Ministry of Youth and Sports. A pilot Technical and Vocational Education and Training (TVET) project has been

## **RESTRICTED**

established for victims of trafficking which will include 10 programme areas namely, basic English Communication, Commercial Cooking Class, Basic Computer, Basic Handphone Repairing, Basic Photography, Basic Multimedia Application, Basic Printing, Basic Automotive and Car Servicing, Basic Air Condition Servicing as well as makeup class. Trafficked victims are allowed to take the course inside the shelters or join the programme at the nearest training institute. They will also be awarded certificates upon completion of the programme.

### **Victim Assistance Specialist (VAS) Programme**

34. The VAS work collaboratively with NGOs, protection officers, psychologists and other community resource providers as a collaborator on behalf of the law enforcement agency and prosecutor in order to create a seamless and victim-centered approach in handling trafficking cases. Currently, there are nine (9) individuals from Global Shepherds Berhad (GSB), Tenaganita, SUKA Society, the Ministry of Women, Family and Community Development; and Sexual, Women and Child Investigation Division (D11) Royal Malaysia Police appointed as VAS.

35. The first case which involved the VAS came in on 30th May, 2019. From that date until now, total cases where the assistance of the VAS was requested by the respective IO or DPP are 29 cases which involved 222 victims. Of the total, eight (8) were cases of sex trafficking.

### **Collaboration in Victim Support Services**

36. MWFCD actively collaborates with various partners in several programmes and activities to provide appropriate victim-centred services to more adequately meet TIP victims' numerous physical and psychosocial needs:

#### **36.1. Legal Briefings in the Shelters**

NGO International Justice Mission (IJM) provides legal briefings to survivors in TIP shelters as well as trains shelter staff to be able to conduct legal briefing programmes to the shelter residents. The purpose of the legal briefing is primarily to ensure that victims are informed of their legal rights under the local laws, that they understand what human trafficking and forced labour are about, and the legal process which they are expected to go through as a result of being identified as TIP victims. The victims themselves and shelter staff report that the legal briefings have been helpful in providing relevant information to survivors.

#### **36.2. Psychosocial Support**

Psychosocial support such as counselling, plays a crucial role in the overall rehabilitation process, aiding TIP victims to deal with their psychosocial challenges. Counselling stands out as a pivotal intervention that is offered to TIP victims in shelters. In this regard, the shelters facilitate victim referrals to counsellors from the Department of

Women Development (DWD) and the Social Welfare Department (SWD) under MWFCDC as well as from NGOs. From April 2023 to March 2024, NGO Global Shepards organised psychosocial support activities and counselling sessions in five shelters throughout the country, benefiting a total of 93 participants comprising of women and children.

Another valuable NGO partner of MWFCDC is SUKA Society which has supported MWFCDC for more than 10 years in providing victim support services in some women shelters. SUKA Society's therapeutic activities are divided into three sub-categories: Healing and Therapy, Health and Emotional Wellness and Resident Relations Programme. Within each sub-category, SUKA conducts different types of activities to achieve desired therapeutic effects for the survivors. Typically, art therapy sessions are the go-to activities as it focuses heavily on the survivors coping with pain and trauma. The other types of activities give some level of therapeutic effect to survivors as well as promotes building good relationship and instills harmonious living among the survivors.

**36.3. CARE Kit and Shelter Guidebook for Residents in TIP Shelter**

MWFCDC collaborated with IJM to provide Check-in Assistance Resource Empowerment (CARE) Kit to shelter residents, which consists of basic personal hygiene items (e.g., face towel, toothbrush, toothpaste, shampoo, soap, comb, sanitary pads). This is one of the efforts by MWFCDC to provide more victim-centered care and protection services at TIP shelters. As part of the CARE Kit, IJM assisted MWFCDC to produce the Shelter Guidebook for Residents in TIP Shelters in eight different languages (English, Indonesian, Vietnamese, Thai, Khmer, Nepali, Tamil and Burmese) which were given out to TIP survivors to inform and educate them, amongst other things, on basic information on legal work and employees' rights, shelter rules and guidelines, human trafficking and forced labour indicators, and how to seek help. The Shelter Guidebook comes with audio recording of the content in the seven foreign languages.

Some shelter staff reported that these resources were useful in helping them to provide explanations and information to the foreign survivors, and that the survivors themselves also appreciated having the CARE Kit and the Guidebook to read. The Guidebook also contains a section for their personal journaling which the survivors have found to be helpful and therapeutic. 1,000 sets of the CARE Kit and a total of 6,000 copies of the Guidebook were distributed at all the TIP shelters.

**36.4. Interpretation Services**

IJM continues to provide interpretation services to enforcement agencies, Protection Officers, DPPs, and shelter staff upon request, on a pro bono basis. At present, the interpreters' mechanism established and managed by IJM consists of 46 interpreters, covering 21 languages such as Vietnamese, Khmer, Thai, Mandarin, Bengali, Burmese, Hindi, Rohingya, Tagalog, Urdu, etc. IJM requires all the interpreters in this pool to undergo training by IJM on TIP and forced labour through a trauma-informed approach. The interpretation services have been instrumental in assisting the various stakeholders in engaging with survivors such as in obtaining their witness statement, doing the Social Report, doing the intake assessment in understanding their care needs, and has also been helpful for the survivors to understand the process and what they can expect to go through. For the current reporting period from 1 April 2023 until 15 February 2024, the total number of unique survivors whom IJM has supported with the interpretation services is 341 individuals.

**36.5. Repatriation and Reintegration Support**

IJM and its implementing partners, GSB and Tenaganita, assisted in the repatriation of 20 survivors, 85% of whom have been referred to service providers in their home nations. Through coordination with IJM offices and other partners in the home nations, survivors were received upon their repatriation, assisted to return to their homes and followed up to provide reintegration support.

**36.6. Activity and Intervention Programmes**

Protection Officers have a critical role in developing victim safety plans and providing appropriate referrals to comprehensively address the myriad physical and psychosocial needs of victims. The objectives of intervention programmes are multifaceted and range from increasing life skills or modifying behaviours to increasing life options by promoting independence and interdependence. They also involve addressing conflicts of interest and improving relationships.

As the Chair of the Victim Care and Protection Committee, MWFCDC excelled in organising various psychosocial activities aimed at supporting victims, including income generating programmes, skill development initiatives, and stress management sessions.

During the reporting period, MWFCDC continued to work with GSB and SUKA to conduct programmes and activities in the women, men, and children TIP shelters in Selangor, Kuala Lumpur, Negeri Sembilan, Malacca, and Johor Bharu. Various activities and intervention



programmes have been conducted in the TIP shelters and TIP victims are encouraged to participate to ensure they acquire skills and knowledge. Skill development programmes such as cooking, baking, gardening, jewellery making, sewing, T-shirt painting, and quilling helps the victims with their integration process when they return to their home countries. They find these skills very helpful and have become an income generating opportunity for those who are interested to start their own home-based business back in their country of origin. One of the successful projects conducted by SUKA, as part of an income generating project, was a Calendar Quilling Project in collaboration with NGOs, to master paper quilling skill. TIP victims completed close to one thousand calendars.

Cognisant of the importance of learning for children TIP victims, MWFCDC addressed the gap by providing educational and enrichment programme for them at the shelters. With the assistance from SUKA, the children were able to learn three core subjects like English, Mathematics, and Science on a weekly basis where 19 sessions were successfully conducted during the current reporting period.

### **Latest Trend: Trafficking in Person Caused by The Abuse of Technology**

37. The development of technology has an important influence on the crime of trafficking in persons. It is increasingly evident that technology is being misused by human traffickers during all the stages of crime, including recruitment, control, and exploitation of victims.

38. Social media and the internet, as well as other networking technologies, provide traffickers the ability to connect with potential victims. Traffickers utilize friends of friends and word-of-mouth to identify and target individuals in vulnerable situations. Traffickers are also able to manipulate potential victims' lives in "real-time" by utilizing technology to text or share and tag photos on social networking sites.

39. Based on the current trend in Malaysia, victims are influenced and deceived by fake job offers that offer a good salary on social media sites. There are also victims who are deceived by their new acquaintances from social media.

40. Based on the statements recorded from rescued victims, they are initially offered jobs as customer service officers at investment companies or licensed casinos and resorts. However, when the victims arrived in the destination country, they were forced to work as 'scammers', for non-existent investments including love scams.

41. Nevertheless, most of the victims affected by the abuse of this technology or cyber related crime are men and there were only a few female victims. In this regard, the Royal Malaysia Police (RMP) have undertaken efforts to combat online job scam syndicates, including identifying the mastermind syndicate; raising public awareness and understanding at all levels of society; as well as cooperation and coordination with all

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relevant government ministries/ agencies to address this issue. RMP also engages in international cooperation and information sharing with Law Enforcement Agencies especially in destination countries to combat the crime.

### **Measures to Address Root Causes and Efforts to Prevent Trafficking in Women and Girls**

42. Malaysia strongly condemns TIP and recognizes that it does not only impinge fundamental rights of human being but also the sovereignty and security of a country. It is for these reasons, among others, that Malaysia continues to accord priority towards measures to combat TIP.

43. Malaysia is fully committed in combatting this crime including through the following measures:

- 43.1. Enhancing the capacity of law enforcement as well as inter-agency cooperation and international cooperation;
- 43.2. Intensified efforts to act against corrupt government officials who are complicit in TIP;
- 43.3. Smart partnership with government agencies, NGOs, CSOs, IOs, and foreign government agencies;
- 43.4. Improved assistance to victims of TIP based on human rights and victim centric approach; and
- 43.5. Raising awareness on TIP issues and promoting the Government's efforts in combatting this crime through effective media campaign.

44. Malaysia has implemented various preventive measures to address TIP and raise awareness among vulnerable populations. Of significance, there have been concerted efforts between the Ministry of Home Affairs (MOHA) and the Ministry of Human Resources (MOHR) in undertaking joint actions to address the issues relating to foreign workers and assist those who have been stranded due to fraudulent recruitment.

45. As part of the Government's efforts to reduce the vulnerabilities of foreign workers to being trafficked and exploited, the Foreign Workers Recalibration Programme 2.0 was extended from 31 December 2022 to 31 December 2023 to allow more time for irregular immigrants to be regularised. Those who wished to be repatriated were processed accordingly, without punishment during the Migrant Repatriation Programme. The Government intensified its efforts to educate communities about the dangers of human trafficking and targeted vulnerable populations such as those living in rural areas, migrant workers in plantations, youth, and students.

46. In addition, in response to the issue of business transparency and human rights, the Government has introduced a noble move to implore companies to take charge in eradicating TIP and Forced Labour by the signing of Company Pledge Against TIP and Forced Labour beginning September 2023. This has resulted in 24 companies submitted

their pledge during the reporting period. Following the successful signing of pledges by private companies, MOHA's 2024 Strategic Direction Meeting on 13 January 2024, agreed that all companies awarded MOHA projects must sign a declaration/pledge to address human trafficking and forced labour within their supply chain. The purpose of these pledges/declarations is to ensure that companies demonstrate a more visible and direct commitment to the fight against human trafficking.

47. The next phase involves extending this requirement to all other Ministries/agencies, compelling companies to sign such declarations/pledges before being awarded any projects/contracts by the Government of Malaysia. To facilitate this process, MOHA has initiated discussions with MOF to garner support and ensure the successful implementation of this effort across the government.

**Statistics of Trafficking in Persons  
(As of March 2024)**

NO	ITEM	YEAR															TOTAL
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	
1	Number of Cases	170	121	202	101	188	130	463	429	302	286	165	115	139	135	60	3006
2	Number of Arrests	195	159	244	154	249	247	679	676	395	370	252	230	240	261	101	4452
3	Number of Interim Protection Order (IPO)	870	447	1212	725	1684	1368	2281	2391	1174	1712	640	451	393	505	186	16039
4	Number of Protection Order (PO)	471	220	445	323	303	305	676	514	58	91	82	120	75	108	12	3803

**Statistics of Trafficking in Persons for Permission to Move Freely and To Work**

(As of March 2024)

**Permission To Move Freely (Victims)**

No.	Citizen	2022		Total	2023		Total	2024		Total	Total	
		Female	Girl		Female	Girl		Female	Girl		Female	Girl
1	Citizen	0	1	1	1	0	1	0	0	0	1	1
2	Non-citizen	46	1	47	92	7	99	8	1	9	1	1
Total		46	2	48	93	7	100	8	1	9	147	10

*Until April 2024*

*\*Source: MAPO*

**Permission To Work (Victims)**

No.	Citizen	2022		Total	2023		Total	2024		Total	Total	
		Female	Girl		Female	Girl		Female	Girl		Female	Girl
1	Citizen	0	0	0	0	0	0	0	0	0	0	0
2	Non-citizen	17	0	0	8	0	8	2	0	2	27	0

*Until April 2024*

*\*Source: MAPO*

**Statistics Trafficking in Persons From 2022 - March 2024**

No.	Citizen	Year											
		2022				2023				2024			
		Female		Girl		Female		Girl		Female		Girl	
		IPO	PO	IPO	PO	IPO	PO	IPO	PO	IPO	PO	IPO	PO
1	Citizen	11	5	8	3	21	2	1	0	2	0	1	1
2	Non-citizen	233	29	17	7	253	61	19	2	107	4	22	0
Total		244	34	25	10	274	63	20	2	109	4	23	1

**Until March 2024**

**\*Source: PDRM(D3)**

**\*\*IPO – Interim Protection Order**

**PO – Protection Order**