



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Combined second to fourth periodic reports submitted by Malaysia under article 44 of the Convention, due in 2012<sup>\*, \*\*</sup>**

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\* The present document is being issued without formal editing.

\*\* The annex to the present document may be accessed from the web page of the Committee.



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## Abbreviations and Acronyms

AGC	Attorney General's Chambers
ALC	Alternative Learning Centre
AMS	ASEAN Member State(s)
ARV	Antiretroviral
ATD	Alternatives To Detention
ADRMW	ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
ATHAM	Human Rights Best Practices in School programme (Amalan Terbaik Hak Asasi Manusia di Sekolah)
CO	Concluding Observations (CRC/C/MYS/CO/1)
CBR	Community-Based Rehabilitation
CCNCPU	Child Care Needs & Child Protection Unit
CCD	Common Core Document of Malaysia (HRI/CORE/MYS/2016)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CLC	Community Learning Centres
CRPD	Convention on the Rights of Persons with Disabilities
CSE	Comprehensive Sexuality Education
CyberSAFE	CyberSecurity Awareness for Everyone
D11	Sexual, Women and Child Investigation Division
DOSM	Department of Statistics Malaysia
DPPs	Deputy Public Prosecutors
DSW	Department of Social Welfare
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
End CSEC	End Commercial and Sexual Exploitation of Children Malaysia Network
EPO	Emergency Protection Order
FACE	Family and Community Empowerment
FBC	Family-Based Care
FDS	Flying Doctor Service
FGM	Female Genital Mutilation
HPS	High-Performing Schools
HPV	National Human Papillomavirus
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
IOM	International Organization for Migration
ISIS	Institute of Strategic and International Studies Malaysia
ISP	Internet Service Provider

JAKIM	Department of Islamic Development Malaysia (Jabatan Kemajuan Islam Malaysia)
JAKOA	Department of Orang Asli Development (Jabatan Kemajuan Orang Asli Malaysia)
JKKN	National Department for Culture and Arts (Jabatan Kebudayaan dan Kesenian Negara)
LINUS	Literacy and Numeracy Screening programme
MAC	Malaysian AIDS Council
MaNIS	National Information System for Social Issues (Sistem Maklumat Nasional Isu - Isu Sosial)
MCMC	Malaysian Communications and Multimedia Commission
MRSD	Malaysian Road Safety Department
MINDEF	Ministry of Defence
MITRA	Malaysian Indian Transformation Unit
MOE	Ministry of Education
MOF	Ministry of Finance
MOH	Ministry of Health
MOHA	Ministry of Home Affairs
MOHR	Ministry of Human Resources
MORD	Ministry of Rural Development
MOT	Ministry of Transport
MOTAC	Ministry of Tourism and Culture
MoU	Memorandum of Understanding
MOYS	Ministry of Youth and Sports
MPI	Multidimensional Poverty Index
MWFCDD	Ministry of Women, Family and Community Development
MySPC	Malaysian Social Protection Council
NADA	National Anti-Drug Agency
NAHPOA	National Adolescent Health Plan of Action
NGO	Non-Governmental Organisation
NILAM	Nadi Ilmu Amalan Membaca Reading Programme
NOSS	National Occupational Skills Standard
NPANM	National Plan of Action for Nutrition of Malaysia
NPFDB	National Population and Family Development Board
NRD	National Registration Department
NSPEA	National Strategic Plan for Ending AIDS
OOSCI	Out-of-School Children Initiative
OPAC	Optional Protocol on involvement of children in armed conflict
OPSC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
OSCC	One Stop Crises Centres

PCF	Community Feeding Programme (Program Community Feeding)
PEARL	Program Ekspresi Anak Remaja Lestari
PEERS	Reproductive And Social Health Education (Pendidikan Kesihatan Reproduktif dan Sosial)
PEKA	Family and Child Safety Education (Pendidikan Keselamatan Keluarga Dan Anak)
PERWANI	Persatuan Wanita
PINTAR	Program Intelek Asuhan Rohani
PLI	Poverty Line Income
PO	Protection Order
PPKZM	Rehabilitation Programme for Malnourished Children (Program Pemulihan Kanak-Kanak Kekurangan Zat Makanan)
PPRT	Program Perumahan Rakyat Termiskin
PROSTAR	Healthy Without AIDS Programme for Youth (Program Sihat Tanpa AIDS untuk Remaja)
PT3	Form 3 Assessment
PWD	Persons with Disabilities
RMP	Royal Malaysian Police
RTM	Radio Televisyen Malaysia
SBJK	Sekolah Bimbingan Jalinan Kasih
SCAN	Suspected Child Abuse and Neglect
SDG	Sustainable Development Goals
SDH	School in Hospital (Sekolah Dalam Hospital)
SEDIC	Socioeconomic Development of Indian Community Unit
SHIELDS	Sayangi Hidup, Elak Derita Selamanya
SMOKU	Information Management System for Person With Disabilities (Sistem Maklumat Orang Kurang Upaya)
SOP	Standard Operating Procedures
SOS	Sabah Out-of-School Children Side Study
SPM	Malaysian Certificate of Education
SR	Special Rapporteur
SRC	School Resource Centre
SEIP	Special Education Integration Programmes
SUHAKAM	Human Rights Commission of Malaysia (Suruhanjaya Hak Asasi Manusia Malaysia)
TB	Tuberculosis
UKM	Universiti Kebangsaan Malaysia
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund

UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UPC	Universal Prevention Curriculum
UPSR	Standard 6 Assessment
UTC	Universal Treatment Curriculum
WHO	World Health Organization

## Introduction

1. Malaysia is pleased to present its combined second to fourth periodic reports, submitted in a single consolidated format as an exceptional measure, as recommended by the Committee in paragraph 110 of the concluding observations (CO) adopted on 2 February 2007 (CRC/C/MYS/CO/1). This present report is to be read together with Malaysia's Initial Report (CRC/C/MYS/1) and its Common Core Document (CCD) (HRI/CORE/MYS/2016). This report was prepared in direct collaboration and consultation with ministries and agencies involved in the implementation of the Convention, involving a series of multi-stakeholder consultations. Malaysia would like to acknowledge the technical support rendered by UNICEF Malaysia in the preparation of this report.

## I. General measures of implementation

### Reservations and declarations

2. A Technical Committee chaired by MWFCDD was established in 1998 to examine and review Malaysia's reservations to the Convention. The Technical Committee consults with government agencies, civil society organisations, academics, UNICEF and SUHAKAM on the review of reservations. On 9 December 1998, Malaysia withdrew its reservations to five Articles, namely Article 22, Article 28, paragraphs (1)(b),(c),(d),(e) and paragraphs 2 and 3, Article 40, paragraphs 3 and 4, Article 44 and Article 45. In response to CO paragraph 12, Malaysia further withdrew reservations to Articles 1, 13 and 15 of the Convention on 19 July 2010. On 19 July 2010, Malaysia modified the earlier declaration of 23 March 1999, on article 28, paragraph 1(a) of the Convention.

3. While Malaysia appreciates the Committee's comments on Malaysia's reservations and declaration, Malaysia still consider it is necessary to maintain the said reservations and declaration at this juncture. In this regard, Malaysia assures the Committee of the ongoing efforts undertaken to uphold the rights of the child under the Convention in line with the Federal Constitution, national legislation and policies, taking into consideration Malaysia's local circumstances. With regard to OPAC, Malaysia's declaration to Article 3 states that the minimum age for a person to voluntarily enlist in its armed forces is at the age of 17 and a half years. However, a person enlisted for service as a soldier is only appointed to a corps after attaining the age of 18.

### International human rights instrument

4. In response to CO paragraph 14 and 61(e), reference can be made to paragraph 38 of CCD.

### Legislation

5. Malaysia continuously reviews its national legislation to ensure conformity with the Convention. Since Malaysia's Initial Report, the following existing legislation have been amended to be in line with the Convention:

(a) Children and Young Persons (Employment) Act 1966 [Act 350]: Act 350 was amended in 2010 and 2018. The amendments, among others, give greater protection to the rights of working children in tandem with the ILO Minimum Age Convention, 1973 (No. 138), which Malaysia has ratified in 1997 (Refer to Cluster IX);

(b) Employment Act 1955 [Act 265]: Act 265 was amended in 2012. The amendment, among others, extends maternity leave entitlements to all women employees regardless of salary. Further to this, service of a female employee cannot be terminated during the period in which she is entitled to maternity leave;

(c) Domestic Violence Act 1994 [Act 521]: Act 521 was amended in 2012 and 2017 to, among others, widen the definition of “domestic violence” to include emotional, mental and psychological forms of domestic violence and the use of intoxicating substance on the victim without his or her consent, and introduce EPO and recovery programmes. Children may come under the protection of either Act 521 or the Child Act 2001 [Act 611] depending on the facts of the case;

(d) Act 611: Act 611 was amended in 2016 which resulted in substantial changes, whereby from 128 sections in the Act, a total of 69 sections were amended while 13 new sections were inserted. These amendments are further elaborated in the relevant Clusters in this report; and

(e) Islamic Family Law (State of Selangor) Enactment 2003 [EN. 2/2003]: EN. 2/2003 was amended in 2018 to standardise the minimum age of marriage at 18.

6. Whereas the following legislation have been introduced since Malaysia’s Initial Report:

(a) Anti-Trafficking in Persons Act 2007 [Act 670]: Act 670 came into force on 1 October 2007 and on 28 February 2008. Act 670 was amended in 2010 to incorporate, among others, provisions on smuggling of migrant offences and other smuggling of migrants-related and ancillary offences, and henceforth, Act 670 was named as the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007. Act 670 was further amended in 2015 to create a victim-centred approach pertaining to the protection of trafficked victims including provisions on compensation;

(b) Youth Societies and Youth Development Act 2007 [Act 668]: Act 668 came into force on 31 December 2007 and 1 October 2010. It was enacted to register youth societies, promote and facilitate the development of youth in Malaysia from the aspect of education, research and human resource, whereby youth under the Act are defined as a person not less than 15 years and not more than 40 years old;

(c) Evidence of Child Witness Act 2007 [Act 676]: Act 676 came into force on 31 December 2007. It was enacted to protect child witnesses by incorporating child-friendly procedures during court processes;

(d) Persons with Disabilities Act 2008 [Act 685]: Act 685 came into force on 7 July 2008. It was enacted to ensure that the rights, interests and welfare of PWD including children are protected towards a better life and able to contribute to national development;

(e) Witness Protection Act 2009 [Act 696]: Act 696 came into force on 15 April 2010. It was enacted to establish a Witness Protection Program which provides security and assistance to witnesses. Section 7 of Act 696 stipulates that if a witness is under 18 years of age, a parent/guardian of the witness may apply on his behalf to be included in the Programme;

(f) Peaceful Assembly Act 2012 [Act 736]: Act 736 came into force on 23 April 2012. The Act recognizes the rights of a child to assemble peacefully, and for child below the age of 15, to assemble peacefully in situation such as religious assemblies, funeral processions and assemblies related to custom;

(g) Sexual Offences Against Children Act 2017 [Act 792]: Act 792 came into force on 10 July 2017 to widen the definition of sexual abuse (Refer to Cluster V).

7. As of 2018, the following legislation are currently being reviewed to include, among others:

(a) Islamic Family Law (Federal Territories) Act 1984 [Act 303]: to increase the minimum age of marriage for Muslims;

(b) Specific legislation on Social Work Profession: to accord professional status to social workers and regulate the social work profession; and

(c) Specific legislation on Gender Equality: to formulate a gender equality law in line with CEDAW.

8. In response to CO paragraph 16, reference can be made to paragraph 54 of CCD. Pursuant thereto, the Law Reform (Marriage and Divorce) Act 1976 [Act 164] was amended



in 2017 to address issues arising out of the conversion to Islam of one party to a marriage solemnised under Act 164 such as the dissolution of marriage, maintenance, custody of the children born out from the civil marriage and distribution of property.

## **National policies and plans of action**

9. Information on the National Policy on Children and the National Child Protection Policy can be referred to at paragraphs 63 and 64 of CCD. In response to CO paragraph 18(a), (b) and (c), the National Policy on Children and its Plan of Action have taken into account the Outcome Document “A World Fit for Children” annexed to Resolution S-27/2, particularly Section III, B: Goals, strategies and actions. All programmes for the Plan of Action come with time schedule. Funds are made available to implementation agencies, partners and NGOs involved in the programmes upon application in accordance with current finance procedures. The participation of civil society as well as children is also emphasised in the Plan of Action.

10. On the National Policy on Reproductive Health and Social Education and its Plan of Action, reference can be made to at paragraph 65 of CCD. On the National Policy for Persons with Disabilities and its Plan of Action, reference can be made to at paragraph 66 of CCD. Additionally, in 2016 Malaysia has revised and approved the new Policy and Plan of Action for Person with Disabilities. This new policy and plan of action will be implemented from year 2016 until 2022.

11. Discussions and consultations towards a review of the National Policy on Children have started since 2016. Based on the feedback received, the multiple policies and plans of action pertaining to children will be consolidated into one comprehensive document. In June 2018, the development of a National Children’s Well-being Roadmap was commenced. Malaysia is collaborating with UNICEF to review the National Policy on Children and to develop a new consolidated National Policy on Children and National Children’s Well-being Roadmap. Both documents will be launched in 2021 under the Twelfth Malaysia Plan 2021-2025.

## **Coordination**

12. The coordination and the implementation of the Convention involves various agencies at federal and state levels. In this regard, MWFCF plays an essential role as a coordinating ministry as well as monitoring the implementation of social policy. DSW is MWFCF’s main implementing agency with regard to child rights and protection. In 2005, the Children’s Division was set up to safeguard the welfare of children in Malaysia.

13. In response to CO paragraph 20, the 2016 amendments to Act 611 established the National Council for Children replacing the Coordinating Council for the Protection of Children and the National Advisory and Consultative Council for Children. To ensure better coordination on locally-based services to families and children, Child Protection Teams and Child Welfare Teams were also established by the National Council for Children under Act 611. The membership and functions of the Council as well as the Teams are specified in Act 611.

## **Independent monitoring**

14. Malaysian independent monitoring body i.e. SUHAKAM made publicly available its annual report on its website. The annual report is submitted to the Parliament and circulated to the ministries. In response to CO paragraph 22, Act 597 mandates SUHAKAM, among others, to inquire into complaints regarding infringements of human rights referred to in section 12 of the Act, including complaints from children. The mechanisms under SUHAKAM are accessible to children, whereby SUHAKAM provides its services nationwide, including in Sabah and Sarawak. Complaints are received via walk-ins, phone calls, e-mail and an online complaints system. As part of its monitoring routine, SUHAKAM regularly conducts visits to prisons, detention centres and police lock-ups to monitor persons

in detention, as well as the personnel in charge of these centres. SUHAKAM is also mandated to inquire into allegations of infringement of human rights within the military. For the 2016-2019 term, SUHAKAM is headed by a Chairman and assisted by seven Commissioners. In 2018, Malaysia has also initiated efforts towards the appointment of a Children's Commissioner, within the existing structure of SUHAKAM.

### **Allocation of resources**

15. Financial allocation to MOH is presented in Table 1, Annex 1. Financial allocation made to MOE is presented in Table 2, Annex 1. Financial allocations made to the Children's Division in DSW is presented in Table 3, Annex 1. It is noteworthy that a large portion of this allocation goes to the operation of institutions and services for children as follows:

- (a) 13 places of safety (for children in need of care and protection);
- (b) Nine approved schools (for children found guilty of an offence);
- (c) Four places of refuge (for children in need of protection and rehabilitation);
- (d) 10 probation hostels (for children beyond control and on probation);
- (e) Two places of refuge (for child victims of trafficking under Act 670);
- (f) Nine 'Family System' Children's Homes;
- (g) 151 Child Activity Centres;
- (h) 126 Child Welfare Committees; and
- (i) 16 Children's Representative Councils at states and federal levels.

16. In response to CO paragraph 24, resources for special protection measures for vulnerable children are distributed through allocations to implementing ministries and departments. In 2013, MOF in collaboration with UNICEF conducted a Social Sector Budget and Expenditure Review. In 2016, UNICEF's proposal "Develop an Integrated Planning, Budgeting, Monitoring and Reporting Model for Child-focused Outcomes in Malaysia" was approved by Malaysia and launched. Following a series of consultations, a Technical Working Group was convened in 2016 consisting of all participating line ministries and stakeholders. However, Malaysia has yet to establish a systematic assessment of the impact of budgetary allocations on the implementation of the rights of the child.

17. In 2017, the Malaysian Research Institute on Ageing, Universiti Putra Malaysia conducted a study on "The Effectiveness of the Department of Social Welfare Financial Assistance". The study found that the financial assistance provided was sufficient to fulfil the basic needs of recipients, while ensuring the targeting mechanism, exit policies and monitoring be further strengthened.

### **Data collection**

18. DOSM collects detail characteristics of the population during the Population and Housing Census which includes age, date of birth, sex, ethnicity and education information of all population including children. The data is tabulated by state, administrative district and sub-district. Census is conducted once in every 10 years. In addition, line ministries and agencies also collect and generate their own data on children such as education and health outcomes, the Register of Children under Act 611 kept and maintained by DSW, and also data on offences against children by D11 under RMP.

19. In response to CO paragraph 26, DOSM has published Children Statistics annually since 2017 based on secondary data from relevant agencies. DOSM has also strengthened data collection through the collaboration with NRD on births and deaths data as well as children. MaNIS, a comprehensive database, was launched in 2017 to centralise disaggregated data related to social issues. Malaysia acknowledges that creating a national central database will involve transformation of data collection practices across all ministries and agencies, and strives to continue improving the same.

## Dissemination and training

20. In response to CO paragraph 28, National language versions of the Convention were published by SUHAKAM in 2005. SUHAKAM also published a bilingual booklet of the Convention in 2014. The Convention and the Optional Protocols are also available on MWFC's website. The principles of the Convention are also inserted in all advocacy programmes relating to children organised by DSW.

21. Malaysia ensures systematic training of judicial, legal and enforcement officers on the Convention through the Judicial and Legal Training Institute, which conducts training on child rights and the Convention throughout the year since 2008. Since 2016, a new course entitled 'A Comprehensive Course on Laws Relating to Children in Malaysia' was introduced. The curriculum includes an overview of the Convention, its impact on policy and laws, Act 611, Act 676, as well as practical implementations. Aside from government officials, these courses are also offered to lawyers and students from local universities. The number of participants are presented in Table 4, Annex 1.

22. DSW ensures that its officers are well-versed with the Convention and educates all newly recruited officers through its basic induction course. In-house trainings and management courses conducted by the Social Institute of Malaysia also highlight the Convention. Awareness programmes are also conducted regularly for children and families at the Child Activity Centres. SUHAKAM continuously provides education, conducts training and disseminates information on human rights among government officials, communities and students in schools as well as academic institutions in the country.

23. Since 2000, SUHAKAM in collaboration with MOE has introduced a ATHAM programme which involves Training of Trainers workshops for teachers. As of December 2018, 222 schools have participated in the ATHAM programme. In 2018, SUHAKAM in partnership with the MOE has developed Human Rights Modules for post- UPSR and post-PT3 school students. While the modules were developed for Standard 6 and Form 3 students, the activities are suitable for all primary and secondary students. These modules are introduced to and implemented by all schools participating in ATHAM programme.

24. In response to CO paragraphs 108 and 109, their recommendations were incorporated into consultations towards the development of the National Policy and Plan of Action on Children and the National Policy and Plan of Action on Child Protection. These documents were approved by Cabinet and widely disseminated to all relevant stakeholders. Malaysia's Initial Report, summary record, list of issues, written replies and concluding observations were reproduced by AGC in 2009.

## International and civil society organizations

25. In implementing the Convention, Malaysia collaborates with international organizations, among others, as follows:

- (a) ILO through the Bridge Project, in particular on child labour and trafficking;
- (b) UNFPA on capacity building of MOH staff on maternal health, module on sexual and reproductive health in collaboration with NPFDB and work on comprehensive Sexuality Education in collaboration with MOE and NPFDB;
- (c) IOM in providing skills training on trafficking in persons to law enforcements, protection officers including healthcare professionals; and
- (d) WHO through development of modules and training of health care professionals in 2018, particularly regarding immunisation communication, obesity prevention and adaptation of the Integrated Management of Childhood Illness module for the management of ill child under five years. Prior to this, WHO had also provided technical assistance in development of programme for prevention of deafness and research on disabilities.

26. Malaysia continues to engage with UNHCR in all areas concerning child refugees in Malaysia (refer to Cluster IX). Malaysia also works closely with civil society organizations

through regular engagements, consultations and joint projects. Civil society is also involved early on in the formulation of laws, policies and programmes. Among the civil society organisations which Malaysia collaborates frequently include the Malaysian Child Welfare Council, Voice of Children, Association of Registered Childcare Providers Malaysia, and Early Childhood Care & Education Council Malaysia.

27. Malaysia has also hosted the following UN Special Procedures from 2008-2018:

- (a) Working Group on arbitrary detention in 2010;
- (b) Special Rapporteur (SR) on food in 2013;
- (c) SR on health in 2014;
- (d) SR on trafficking in 2015;
- (e) SR on cultural rights in 2017;
- (f) SR on sale of children in 2018; and
- (g) SR on rights to water and sanitation in 2018.

28. In response to CO paragraph 59(c), Malaysia continues to seek technical assistance from UNICEF Malaysia through the periodic five-year Country Programme Action Plan on all areas of child rights including protection against violence.

### **Impact of the business sector**

29. In March 2015, SUHAKAM presented the Strategic Framework for a National Action Plan on Business and Human Rights to Malaysia. Subsequently, Malaysia announced the development of a National Action Plan on Business and Human Rights. The Action Plan is expected to be implemented from 2023-2028. The Plan of Action on Child Online Protection introduced in 2015 also outlines the roles of ISPs in protecting the rights of children online.

## **II. Definition of the child**

30. The number of children under 18 years of age in Malaysia is presented in Table 5, Annex 1. The definition of a child in Malaysia is provided under relevant legislation in accordance with their respective purposes. As an addition to the information provided in Malaysia's Initial Report, the updates on the legal definitions of child in Malaysia's legislation are as follows:

- (a) Act 676: "child witness" means a person under the age of sixteen years who is called or proposed to be called to give evidence in any proceedings but does not include an accused or a child charged with any offence; and
- (b) Act 736: "child" means a person below the age of 15 years.

31. In response to CO paragraph 30, particularly on disparities in the definition of child in Act 350 and Act 611, Malaysia has amended the definition in Act 350 whereby a "child" refers to a person between the age of thirteen to fifteen years for purposes of light work employment, which is not likely to be harmful to their health and development and not such as to prejudice with their attendance at school, participation in vocational orientation or training programmes. This amendment provides greater protection to working children and is also in tandem with ILO Minimum Age Convention, 1973 (C138).

32. In addition to the information provided in Malaysia's Initial report, the updates on the minimum ages of marriage in legislation are as follows:

- (a) Enactment of Islamic Family Law in all states except Selangor provide that the minimum age of marriage is 18 for boys and 16 for girls;
- (b) Islamic Family Law (State of Selangor) Enactment 2003 [EN. 2/2003] provides that the minimum age of marriage is 18 for boys and girls; and

(c) The Aboriginal Peoples Act of 1954 [Act 134], customary laws under Majlis Adat Istiadat in Sarawak, and Native Court Enactment 1992 [EN. 3/1992] in Sabah do not specify the minimum age of marriage.

33. Ongoing engagements and efforts have been undertaken towards harmonising the minimum ages for marriage across legislation (refer to Cluster V). The data on marriage and divorce from various agencies have been streamlined and these data was first published by DOSM in December 2018. The number of marriages involving children for 2017 and 2018 is presented in Table 6, Annex 1.

### III. General principles

#### Non-discrimination

34. The information on the principle of non-discrimination in the Federal Constitution can be referred to at paragraphs 46 and 47 of CCD. Special measures are also provided for certain groups of vulnerable children as follows:

- (a) JAKOA established under the Aboriginal Peoples Act of 1954 [Act 134] is tasked with the protection, well-being and advancement of the *Orang Asli*;
- (b) Children born out of wedlock are registered and enjoy all the rights of children including access to health services, education and development;
- (c) Engagement with UNHCR in all areas concerning child refugees and asylum seekers in Malaysia (refer to Cluster IX); and
- (d) Special measures taken to ensure access to health and education for vulnerable groups of children (refer to Clusters VII and VIII).

35. In response to CO paragraph 32, Malaysia works closely with UNICEF to regularly evaluate existing disparities in the enjoyment by children of their rights. Some notable reviews of disparities against vulnerable children by UNICEF Malaysia referred by government agencies are listed as follows:

- (a) “Child Protection System in Malaysia”, an analysis of the system for prevention and response to abuse, violence and exploitation against children jointly published by MWFC and UNICEF in 2013;
- (b) “The Malaysian Juvenile Justice System”, a study of mechanisms for handling children in conflict with the law jointly published by MWFC and UNICEF in 2013;
- (c) A desk review on Violence Against Children in Malaysia in collaboration with the MOH published in 2015;
- (d) Situational Analysis of Children in Sabah published in 2015;
- (e) “Out-of-School Children Initiative (OOSCI) and a complementary Sabah Out-of-School Children Side Study (SOS) conducted from January 2016 to April 2017;
- (f) “Child Marriage in Malaysia”, a working paper published in January 2018;
- (g) “Children without”, a study of urban child poverty in low cost flats in Kuala Lumpur published in February 2018; and
- (h) The ongoing Situational Analysis of Children in Malaysia which was initiated by UNICEF and Institute of Strategic and International Studies (ISIS) Malaysia in April 2018.

36. On the basis of the aforementioned evaluation, Malaysia makes continuous efforts to ensure all vulnerable children are able to enjoy their rights under the Convention. In response to CO paragraph 34, initiatives towards promoting gender equality are as follows:

- (a) Gender sensitivity programmes organised by MWFC as presented in Table 7, Annex 1;

(b) Publication and distribution of an English book entitled “Siti Aisha” in 2008 to educate children on the principles of CEDAW;

(c) Awareness raising programmes throughout the year by the Department of Women’s Development under MWFCDD such as Purple Walk, De’ Stress Clinic, the International Day for the Elimination of Violence Against Women and the International Women’s Day celebrations;

(d) Establishment of a grass roots network called PERWANI to encourage local community leaders and women to play an active role in promoting gender equality. Since established in 2013, 13,279 PERWANI groups have been formed with a total of 173,771 members. This network was discontinued in the year 2018, however the Department of Women’s Development continues to conduct programmes and initiatives with grass root leaders; and

(e) Involvement of community and local leaders in settings such as Child Protection Teams and Child Welfare Teams established under Act 611.

37. In response to CO paragraph 35, Malaysia would like to highlight the following measures relevant to the Durban Declaration and Programme of Action:

(a) Ensuring prosecution and action against seditious tendency words or publications through the Sedition Act 1948 [Act 15] and section 233 of the Communications and Multimedia Act 1998 [Act 588];

(b) Socio-economic policies and programmes for the Malaysian Indian community through the establishment of the Cabinet Committee on Indian Participation in Government Program and Projects in 2008, and the subsequent establishment of SEDIC in 2014. In 2018, SEDIC was rebranded as MITRA;

(c) Establishment of the Committee to Promote Inter-Faith Understanding & Harmony by Cabinet decision on 24 February 2010. As of 2018, there are five working committees under the Committee: Working Committee on Issues Among Religions, Working Committee on Events, Working Committee on Training and Mediation, Working Committee on Youth Involvement, and Working Committee on Education and Research;

(d) Establishment of the National Unity Consultative Council in 2013 in order to prepare a national blueprint for national unity and social cohesion; and

(e) Development of a National Unity Blueprint which was released for public comment in late 2018. Public feedback will be used to develop a National Action Plan which is targeted to be implemented from 2021-2025.

### **Best interests of the child**

38. In fulfilling the requirements under Article 3 of the Convention and in response to CO paragraph 37, Malaysia views best interests of the child as a primary consideration in legislative, administrative and judicial decisions. Malaysia also recognises the indivisible nature of the Convention and assures the Committee of ongoing engagements and efforts towards legislative and administrative reviews and reforms in this regard. Recent developments are highlighted below:

(a) Establishment of a specialised D11 under the RMP in 2007;

(b) Establishment of multidisciplinary OSCC and SCAN teams in hospitals;

(c) Comprehensive review and amendments to Act 611 in 2016 including provisions which stipulate that it is desirable to place a child in an FBC to allow for the care of a child in a family environment;

(d) Apart from the establishment of the Court for Children, provisions on procedures and measures for its proceedings under Act 611, provisions on manners and procedures for giving evidence by a child witness in court proceedings under Act 676 and the establishment of special Courts for Sexual Offences Against Children in 2017;

- (e) Amendment to Legal Aid Act 1971 [Act 26] in 2017 to provide legal companion services for child victim of any sexual offences such as advising child's guardian on legal matters;
- (f) Guideline on Medical Assessment of Child Custody Cases published by MOH in October 2018 guided by the concept of "best interest of the child"; and
- (g) Efforts towards the appointment of a Children's Commissioner initiated in 2018.

## **The right to life, survival and development**

39. In response to CO paragraph 39, Essential (Security Cases) Regulations 1975 ceased to have effect in 2012 pursuant to the annulment of the Proclamation of Emergency 1969. From 2008-2018, there is no capital punishment imposed for offences committed by children. Deaths of children due to illnesses is presented in Table 7, Annex 1.

40. In response to CO paragraph 41, the Road Safety Plan of Malaysia 2006-2010 and Road Safety Plan 2014-2020 were implemented to address the alarming spike in road fatalities and injuries across the country. MRSD in collaboration with MOE will be integrating Road Safety Education into primary and lower secondary curriculum in 2019 and 2020 respectively. The Road Safety Education will be expanded to pre-schools and kindergartens in 2021. To this end, 149 training workshops involving over 5,000 pre-school and kindergarten teachers will be conducted in 2020. Through these modules, children will learn the basic concepts of road safety through interactive sessions focusing on the concept of learning through play.

41. MOT is currently in the process of amending the relevant Rules under the Road Transport Act 1987 to obligate the usage of Child Restraints System starting from January 2020. MRSD frequently collaborates with NGOs and the corporate sector on various road safety programmes and campaigns in schools and to the public. MRSD has also engaged local councils in constructing humps, zebra crossings, and speed limit signboards in and near school areas to ensure the safety of students. Deaths of children due to traffic-related accidents is provided in Table 8, Annex 1.

42. Deaths of children due to crime is presented in Table 9, Annex 1. Deaths of children due to suicide is presented in Table 10, Annex 1. The National Health and Morbidity Survey 2017 also found a rising trend in suicidal tendency among children aged 13-17, whereby in 2017 about 10% had suicidal thoughts compared with 7.9% in 2012.

43. Initiatives taken to prevent child suicide are as follows:

- (a) Assistance and support through the 24-hour, toll-free hotline by The Befrienders;
- (b) Healthy Mind (*Minda Sihat*) Programme in schools since 2012 where students were screened for Depression, Anxiety and Stress using DASS21, conducted by the school counsellors. Those who are detected to have symptoms are given stress management intervention and where necessary, referred through school health teams to the nearest health clinics/hospitals with consent by their parents;
- (c) Programmes to increase awareness on mental health such as Mental Health Week organised by school counsellors, Mental Health Literacy for Teachers;
- (d) Screening and treatment services for mental health issues at 66 public hospitals; 1,001 primary health clinics and 28 Mental Health Community Centres;
- (e) Guideline on Suicide Risk Management in Hospitals published in 2014;
- (f) Training module on suicide prevention published in 2012; and
- (g) Incorporation in suicide prevention component in the training of counsellor teachers.

44. Whereas initiatives taken to eradicate infanticide are as follows:

(a) Enforcement of laws such as section 31 of Act 611 for abandonment, section 309A of Penal Code [Act 574] for offence of infanticide, section 317 of Act 574 for offence of exposure and abandonment of a child under 12 years by parents/person having care of the child; section 318 of Act 574 for offence of concealment of birth by secret disposal of dead body;

(b) Installations of Baby Hatches by Orphancare Foundation (NGO) and in selected private hospitals;

(c) Shelters under DSW for teenage girls pregnant out of wedlock (Taman Sri Puteri); and

(d) Awareness campaign on baby dumping by MWFCF in collaboration with media, NGOs and corporate sectors.

### **Respect for the views of the child**

45. In response to CO paragraph 43, Malaysia promotes child participation in debates, public-speaking sessions, interviews, various fora and other events concerning children. Relevant initiatives are highlighted as follows:

(a) MWFCF engages children in all legislative and policy decisions involving them such as consultations and roadshows involving children during the amendment of Act 611 and the development of the Plan of Action on Child Online Protection;

(b) The amendment to Act 611 in 2016 included two child representatives as members of the National Council for Children;

(c) Children Representative Councils have been formed at federal, state and district levels as a platform for children to participate and voice their views;

(d) Special court procedures for child offenders under Act 611, and for child victims and witnesses under Act 676 and Act 792; and

(e) The Mini Parliament programme was aired on national television for five successful seasons between 2014 and 2017. A total of 171 children between the ages of 7-12 were involved throughout the 64 episodes. The programme was aired on Saturday mornings targeted at exposing young children to the concept of democracy and debate. Although the programme is no longer organised, reruns are aired from time to time.

46. At the moment, Malaysia does not record comprehensive data on the number of child organizations and number of independent student councils in schools. However, the number of youth organizations or associations is presented in Table 11, Annex 1. Number of children who have been heard in judicial and administrative proceedings is presented in Table 12, Annex 1.

## **IV. Civil rights and freedoms**

### **Birth registration, name and nationality**

47. The Births and Deaths Registration Act 1957 [Act 299], Registration of Births and Deaths Ordinance 1948 (Sabah Cap.123) and the Registration of Births and Deaths Ordinance 1951 (Sarawak Cap.10) clearly stipulate that the birth of every child born in Malaysia shall be registered by the NRD. In response to CO paragraph 45, all births in Malaysia are registered free of charge regardless of the citizenship or marital status of the parents. However, a fee is charged for delayed or late birth registration. Special Mobile Units were established in 2002, to improve birth registration in Sabah and Sarawak. In addition, awareness raising on birth registration is also conducted in collaboration with government agencies, schools, rural community leaders and NGOs. Number of births registered by type of registration is presented in Table 13, Annex 1. Furthermore, the NRD has established the



Mobile Registration Team and new offices at Rural Transformation Centres. Meanwhile, all children regardless of their official status have access to health services in public facilities. The information on access to education for children without official documentation is referred to in Cluster VIII.

48. Beginning June 2010, an interim administrative procedure was introduced whereby Malaysian women who are legally married to non-Malaysian men may apply for Malaysian citizenship for their children born overseas after 1 January 2010 at the respective Malaysian Consulate within a year from the date of the child's birth. Prior to this, applications had to be made in person at the NRD state or Putrajaya offices.

### **Preservation of identity**

49. Malaysia maintains the right of a child to a name, nationality and family ties subject to provisions of the Federal Constitution and the applicable laws.

### **Freedom of expression and the right to seek, receive and impart information**

50. In response to CO paragraph 47, Malaysia withdrew its reservation to articles 13 and 15 of the Convention on 19 July 2010. Reference can be made to Cluster III on initiatives regarding the implementation of articles 13 and 15 of the Convention.

51. Freedom of speech and expression is enshrined under Clause (1)(a) of Article 10 of the Federal Constitution. Recognising the linkage between access to the Internet and the right of the child to seek, receive and impart information, Malaysia has introduced several initiatives to spur access to Internet via community WiFi and Internet Centres, access to online library resources via Ubiquitous Library and Community Broadband Library, as well as distribution of devices and netbooks to students. Private sector participation also includes e-school and SchoolNet facilitator training programmes, as well as the ASEAN Cyberkids programme, among others.

52. The National Broadband Initiative was implemented in 2010, to bring broadband to the whole nation and encourage more Internet adoption. Through this, the High Speed Broadband (HSBB), HSBB2 and Suburban Broadband projects were rolled out to provide broadband infrastructures and services out throughout the country. Apart from fixed line solutions, a large focus was also put into cellular coverage expansion nationwide to ensure greater coverage especially in underserved areas nationwide. Fixed broadband subscriptions in Malaysia have increased from 1.33 million in 2008 (speed equal or more than 256kbps) to 2.66 million in 2018 (speed equal or more than 1Mbps). In addition, there are ~20,000 hotspot locations across Malaysia in 2018.

### **Freedom of thought, conscience and religion**

53. Article 11 of the Federal Constitution provides the right of every citizen to profess and practise his or her religion of choice. However, Malaysia maintains reservations to Article 14 of the Convention in view of Clause (4) of Article 12 of the Federal Constitution which provides that for the purposes of Clause (3), the religion of a person under 18 years shall be decided by his parent/guardian. Further, Clause (2) of Article 74 of the Federal Constitution provides that Legislature of a State may make laws with respect to State List which includes Islamic law.

### **Freedom of association and of peaceful assembly**

54. Act 668 which was introduced in 2007 allows a person not less than 15 years to be office-bearers of registered youth societies. On the recognition of the rights of the child to assemble peacefully, reference can be made to Cluster I.

## Protection of privacy and protection of image

55. Legislation relevant to the right to privacy and protection of image of children is highlighted as follows:

- (a) Section 12 of Act 611 stipulates persons who may be present in Court for Children in order to ensure privacy of child;
- (b) Section 15 of Act 611 was amended in 2016 to expand the coverage of restrictions on media reporting and publication to include during investigation;
- (c) Section 85 of Act 611 provides for appropriate arrangements to be made to protect privacy of a child in police station, places of detention or Court;
- (d) Section 14 of Act 676 provides restrictions on media reporting and publication concerning a child witness; and
- (e) Section 4 of the Personal Data Protection Act 2010 [Act 709] ensures that all confidential and private information pertaining to a person below 18 years is not disclosed without the consent of his/her parents, guardian or the person who has parental responsibility over the child.

## Access to information and protection from harmful material

56. Malaysia guarantees all citizens including children the right to freely access information. Print media, electronic media, radio and television in Malaysia are available in Bahasa Malaysia, English, Mandarin, Tamil and other languages. RTM with its three television channels and 33 radio channels continue to allocate substantial air time for children programmes, includes talk shows, animation series and reality programmes. Children from all walks of life are invited to take part in these programmes. They contribute to the making of programmes as scriptwriters and anchor persons, beside participate in reality programmes. Hundreds of children are also invited to view recordings each of those programmes on stage.

57. Schools under MOE have SRCs. SRCs also receive per capita grant based on enrolment and also equipped with one teacher-librarian who manage the SRCs and NILAM reading programme as well as information literacy. The number of SRCs is presented in Table 14, Annex 1. As of 2018, there are 709,147 computers provided in schools. 77% of the computers are ready to be used in the teaching and learning. 8,275 or 81% of schools were also given 4G Internet, ranging from 6-100 Mbps, there are still infrastructure issues in the other 19% of schools which are mostly located in rural and remote areas.

58. On the issue of protection from harmful materials, several initiatives have been introduced as follows:

““Click Wisely” campaign conducted by MCMC since 2012 addresses topics such as making friends on the web, cyber bullying and online grooming, using social networking sites, managing personal information, dealing with false information and “internet etiquette”;

(a) CyberSAFE initiative and outreach campaigns conducted by CyberSecurity Malaysia is aimed at raising awareness on technological and social issues facing internet users;

(b) Legislation such as Act 574, Act 588, Film Censorship Act 2002 [Act 620], and the Printing and Presses Act 1984 [Act 301]; and

(c) As of 2018, eight ISPs provide parental control software services to their subscribers.”.

## V. Violence against children

### Abuse and neglect

59. In 2016, existing penalties in Act 611 relating to offences in relation to health and welfare of children which include abuse and neglect were raised as follows:

(a) Abuse, abandonment or exposure of children under section 31: For this offence, the maximum term of imprisonment is increased from 10 to 20 years and the fine is increased from RM20,000 to RM50,000. Community service has been added as a mandatory sentence;

(b) Causing children to beg under section 32: For this offence, the maximum term of imprisonment is increased from two to five years and fine is increased from RM5,000 to RM20,000. Community service has been added as a mandatory sentence; and

(c) Leaving children to stay without reasonable supervision under section 33: For this offence, the maximum term of imprisonment is increased from two to five years and fine is increased from RM5,000 to RM20,000. Community service has been added as a mandatory sentence.

60. In response to CO paragraph 58(a), reference can be made to paragraph 64 of CCD. MWFCF also conducts various advocacy programmes such as the Wise Kids Zone: Save and Protect programme by DSW targeted to teachers, parents and school children. This programme advocates protection and safety and encourages parents and public to report any suspected abuse or neglect. NPFDB also incorporates child safety in parenting modules such as PEKA Module.

61. In response to CO paragraph 58(b), initiatives to strengthen mechanisms to receive, monitor and investigate complaints of child abuse and neglect are highlighted as follows:

(a) Establishment of multidisciplinary SCAN teams in hospitals since 1985 to provide comprehensive support for child victims;

(b) Establishment of OSCC within the Emergency and Trauma Department of all MOH hospitals since 1996;

(c) Establishment of a specialised D11 under RMP in 2007. D11 operates under MS ISO standards, Malaysia Standard and is formally audited and monitored to ensure compliance with international obligations;

(d) Guideline for the Hospital Management of Child Abuse and Neglect published by MOH in 2009;

(e) Implementation of CCNCPU programme since 2013 with the support of UNICEF to develop the competency of Child Protection Officers. As of 2018, a total of 244 Co-Trainers/Protectors from all over Malaysia have been trained in the CCNCPU approach;

(f) Guideline for Handling Domestic Violence Case published by MWFCF in 2015;

(g) One Stop Crisis Centre: Policy and Guideline for Hospitals published by MOH in 2015. The publication is a compilation of the Guideline For The Management Of Alleged Rape And Sexual Assault, Guideline for the Management of Child Abuse and Neglect, Guideline for the Management of Sodomy, and Guideline for Management of Domestic Violence;

(h) Appointment of Assistant Protectors by Minister of MWFCF among community members by amendment to the Act 611 in 2016 to enable the Assistant Protector to take a child into temporary custody if he is satisfied on reasonable grounds that a child is in need of care and protection; and

(i) Establishment of Child Interview Centres under RMP in all Contingents consisting of professional counsellors and plain clothed police officers to record the testimonies of child victims below sixteen years of age and to provide support to victims and their families.

62. In response to CO paragraph 58(b), initiatives to prosecute cases of abuse and ill-treatment while ensuring that the abused child is not victimized in legal proceedings are as follows:

(a) Amendment to Act 26 in 2017 to provide Legal Companion for child victim of sexual offences to advise child's guardian on legal matter;

(b) Act 676 provides a detailed and specialized guideline and manner in dealing with child witnesses below 16 years of age, aimed at reducing the trauma experienced by child witnesses in court appearances including restrictions on media reporting and publication; and

(c) Inclusion of specific provisions in Act 792 to facilitate prosecution such as section 17 explicitly states that a child is presumed to be competent to give evidence, section 18 provides that the court may convict a person on the basis of the uncorroborated evidence of a child and section 22 provides that evidence of agent provocateur is admissible.

63. In response to CO paragraph 59(a) and (b), Malaysia has taken into consideration most of the recommendations of the UN Study on violence against children (A/61/299) and Regional Consultations for East Asia and the Pacific. The initiatives are presented throughout the report. The number of children reported as victims of abuse and neglect under Act 611 is presented in Table 15, Annex 1.

### **Measures to prohibit and eliminate all forms of harmful practices**

64. In 2013, Malaysia formed a special taskforce under the Coordinating Council for the Protection of Children (now is replaced by the National Council for Children) to look into child marriages. The recommendations of the taskforce covered three areas which are education, poverty and sexual reproductive health, which were identified by relevant agencies. More recently, Malaysia sought technical support from UNICEF in developing a roadmap to address the causes of child marriage which was drafted based on the findings of a working paper entitled "Child Marriage in Malaysia" commissioned by UNICEF in 2017 and subsequently published in January 2018. Malaysia is now developing a National Strategy Plan on Addressing the Causes of Child Marriage which is expected to be implemented from 2020-2025. Ongoing engagements and efforts have been undertaken towards harmonising the minimum ages for marriage across legislation. JAKIM is in the process of engaging with the States Islamic Religious Council, Syariah Judiciaries and relevant bodies in order to look into the possibilities of increasing the minimum age to 18 years old in all State Islamic Family Enactments.

65. Following Malaysia's presentation of the Combined Third to Fifth Periodic CEDAW Reports at the 69<sup>th</sup> session of CEDAW in March 2018 and the Universal Periodic Review in November 2018, MWFC has continuously conducted in-depth discussions, consultations and engagements with JAKIM and the relevant stakeholders, in line with the Federal Constitution, to bridge the gap and understanding on the issue of FGM.

### **Sexual exploitation and sexual abuse**

66. Act 792 addresses several areas including child pornography, child grooming, physical and non-physical sexual assaults, abuse of position of trust, and evidence of child witness. The Act also includes sexual offences against children under other Acts as specified in the Schedule of Act 792. Subsequent to the Act, a special Court for Sexual Offences Against Children was established in Putrajaya in 2017. A second Court was established in Kuching, Sarawak in 2018. A Special Guidelines for Handling Cases on Sexual Offences Against Children was introduced in December 2017 to enhance management of Court's proceeding regarding sexual offences.

67. In response to CO paragraphs 100 and 101, Malaysia would like to highlight the contributions of End CSEC Malaysia Network alongside ECPAT International in working with MWFC, MOHA, and MOTAC as well as the travel and tourism industry on the issue of sexual commercial exploitation in travel and tourism. Ongoing consultations are being

undertaken to incorporate the issue of sexual exploitation of children in travel and tourism into the upcoming Visit Malaysia 2020 campaign.

68. In response to CO paragraph 102, Malaysia has yet to adopt specific legislation on the obligations of ISPs in relation to child pornography.

### **The right not to be subjected to torture**

69. In response to CO paragraph 49, Act 611 was amended in 2016 to abolish the order of whipping by the Court for Children. However, Syariah Criminal Offences (Federal Territories) Act 1997 [Act 559] allows whipping to be imposed on persons who have attained the age of puberty according to Islamic law who are found guilty of committing serious Syariah crimes.

70. The Prison Act 1995 [Act 537] allows corporal punishment to be imposed on a prisoner who is found guilty of an aggravated prison offence after due inquiry, provided that any corporal punishment ordered shall be subject to confirmation by the Minister of Home Affairs. However, corporal punishment is not used as a disciplinary measure in institutions for children in conflict with the law under DSW.

71. The Education (School Discipline) Regulations, 1959 and the Circular of Ministry of Education 2003 allow blows of a light cane on male students for gross misconduct or continual disobedience as the last measure of disciplinary action after other measures such as reprimand and counselling has failed. MOE guidelines and school practices on student discipline also offer social services and detention classes as disciplinary measures alternative to caning. Number of children who received corporal punishment as a disciplinary measure in schools is presented in Table 16, Annex 1.

72. In response to CO paragraphs 58(c) and 78, section 89 of Act 574 provides that any harm done in good faith for the benefit of a child by or by consent of guardian or other person having lawful charge is not an offence but subject to the proviso that the act not amounting to offences such as causing grievous hurt.

73. Number of incidents of bullying in schools (students who commit bullying) is presented in Table 17, Annex 1. Among the initiatives taken to address bullying are as follows:

(a) Introduction of the 2010 Guidelines for Preventing and Addressing Bullying Among School Students;

(b) Referral of students at risk of disciplinary misconduct to the Guidance and Counseling Teacher for the counseling process;

(c) *Program Pembangunan Sahsiah Diri Murid* is a programme implemented in schools targeted to students who engage in disciplinary misconduct in an effort to address student discipline more effectively;

(d) Establish close cooperation with the RMP in particular through the School Relations Officer programme whereby RMP regularly visits and discusses with the school to address issues on bully;

(e) Establishment of a Crime Prevention Club in school in collaboration with the Malaysian Crime Prevention Foundation (NGO); and

(f) Implementation of the Loving Teacher Campaign to help teachers cultivate a caring attitude at school about all things related to students in a holistic manner.

74. In response to CO paragraph 58(d), NPFDB incorporates positive parenting into programmes and modules such as Parenting@Work and *Ilmu Keluarga@NPFDB*, while for professionals, DSW conducts trainings from time to time such as child care plan courses to Protectors for FBC, institution management training to the care institutions operators, and early childhood care and education to childcare operators.

## Recovery and social reintegration of child victims

75. In response to CO paragraph 58(e), OSCC at hospitals provide temporary care including counselling and emotional support to child victims. Whereas SCAN teams collaborate with DSW, RMP and other relevant agencies to provide medical care, victim-sensitive counselling, psycho-social support and legal advice to child victims. DSW also provides care, assistance and counselling to child victims in shelters across the country to help them recover and reintegrate into the community. There are long-term psychological counselling services provided by DSW that continue through the care and protection plan of each victim, involving both the child and the family. This includes aftercare support monitored by Child Protection Teams at the district level. After period of placement in children's homes, victims may be offered a place in transit homes based on recommendation by Board of Visitors and provided with integration trainings and job placement, until they are independent enough to live on their own.

## Helplines for children

76. In response to CO paragraph 58(f), a 24-hour hotline known as *Talian Kasih* 15999 (previously Teledera) was established in 2005 for public to report on social issues including child abuse. In November 2010, a dedicated line for children known as Childline 15999 was established in collaboration with Childline Malaysia (NGO) as a component of *Talian Kasih* 15999 to focus specifically on all children's issues, complaints and requests for information. However, this was discontinued in 2015. Malaysia is in the process of making the helpline toll-free across all mobile networks and strengthening the helpline to better respond to calls by children.

## VI. Family environment and alternative care

### Family environment, assistance to parents and provision of childcare services

77. Malaysia recognises the role of the family in safeguarding child rights. The National Family Policy and Plan of Action was launched in March 2011 as a catalyst to urge all stakeholders to emphasize the family perspective in all areas. NPFDB also launched FACE concept in 2016 aimed at strengthening family institutions through community-based services such as Voluntary Patrol Scheme, Community Mentor, establishment of Sahabat Kafe@Teen and interactive youth room, and empowerment of Community Association as one stop centre to solve family matters. NPFDB also conducts modules on premarital and marriage enhancement, parenting of young children and adolescents, family safety, work life balance, family financial management and adolescent reproductive health education.

78. In order to further support parents in high-risk community, DSW has increased the number of Child Activity Centres from 135 in 2005 to 149 in 2018 across the country. Child Activity Centres are established in areas identified with high risk of abuse and neglect. Among other child and family-related support activities, these centres provide lectures, seminars and workshops on parenting and other family-oriented topics for parents and the community. The number of child activity centres and the number of children who benefit from these centres is presented in Table 18, Annex 1. DSW also collaborates with other agencies and NGOs to run Child Activity Centres as follows:

- (a) Chow Kit Child Activity Centre run by Yayasan Chow Kit (NGO) since 2000;
- (b) Desa Tun Hussein Onn Child Activity Centre run by the Malaysian Armed Forces since 2001;
- (c) Kerinchi (2007), Desa Tun Razak (1998), Gombak Setia (1997) and Jinjang (1993) Child Activity Centres run by Kuala Lumpur City Hall (Local Authority); and

(d) Putrajaya Child Activity Centre run by Putrajaya Corporation (Local Authority) since 2009.

79. In response to CO paragraph 51, section 46 of Act 611 was amended to allow the Court for Children to impose conditions on the parent/guardian among others to visit the child on regular basis, attend interactive workshops, attend counselling sessions, and consult with the child's teacher. Section 46 was also amended to include the concept of FBC, with a view to prevent unnecessary detention and institutionalization of children. The amendments to Act 611 in 2016 also increased penalties for offences relating to health and welfare of children by a "person having care of a child" under sections 31, 32 and 33.

80. The Government has provided assistance to families to care for their children are as follows:

(a) Financial assistance by DSW directly for children under the Children's Assistance scheme and Foster Children's Assistance scheme. The number of families benefitting from these schemes is presented in Table 20, Annex 1;

(b) Financial grants of up to RM200,000 each for setting up child care centres in government offices;

(c) Tax incentives such as Exemption of Statutory Income and Industrial Building Allowance for child care centre operators registered with DSW;

(d) Subsidies up to RM180 per month per child to civil servants with household income not exceeding RM5,000 a month;

(e) Girls under 18 who are pregnant out of wedlock are protected and rehabilitated in places of refuge called Taman Seri Puteri under the Act 611. Taking into consideration that it is desirable to place a child in an FBC, the child would be placed under the custody of a fit and proper person under Act 611;

(f) Paternity leave for male civil servants of seven days per child, for up to five children throughout the tenure of service introduced since 2002;

(g) Total maternity leave for female civil servants has also been increased in 2017 to 360 days (from 300 days) throughout her service, with a minimum of 60 days and a maximum of 90 days for each child birth;

(h) All female civil servants are granted with the prerequisite unpaid Child Care Leave up to 1,825 days (5 years) in addition to paid maternity leave up to 360 days throughout the duration of service and thereafter will return to work;

(i) From 2018 onwards, female civil servants who are in their five months onwards of pregnancy can leave work an hour earlier. Husbands who are also in the civil service are also allowed to leave work an hour earlier; and

(j) Extension of maternity leave entitlements to all women employees regardless of the salary by amendments to Act 265 in 2012. Further to this, the service of a female employee cannot be terminated during the period in which she is entitled to maternity leave.

81. In addition to the above, consultations are being undertaken for purposes of amending Act 265 to provide for paternity leave for the private sector.

82. The number of child care centres registered with DSW under the Child Care Centres Act 1984 [Act 308] is presented in Table 19, Annex 1. DSW conducts annual as well as ad-hoc inspection to these child care centres. Since 2011, *Jom Daftar* or Let's Register campaign has been implemented to create awareness, sensitise and educate operators, parents and the public at large on the importance of registered child care centres. This will assist DSW in its duties to register, monitor, control and inspect the care centres. Childcare operators and employees are also required to undergo a course named *Kursus Asuhan PERMATA* accredited by DSW to ensure employees are sufficiently trained in early childhood care and education.

## Separation from Parents

83. The legislative updates on separation from parents can be referred to Clusters III and VI. Additionally, section 46 of Act 611 was also amended to allow the Court for Children to impose conditions on the parent/guardian, among others, to visit a beyond control child on a regular basis.

84. In addition to placement under the Act 611 for children requiring care and protection due to their parents being detained or imprisoned upon conviction of criminal or drug offences, the DSW also provides financial assistance to the foster family at RM250 per child. DSW will monitor the progress and needs of the child and family from time to time.

85. Number of institutions for children under DSW and the ratio of staff to children is presented in Table 20, Annex 1. Number of children in DSW institutions disaggregated by reason of admission is presented in Table 21, Annex 1. Number of children placed in foster care is presented in Table 22, Annex 1.

## Recovery of maintenance for the child

86. For the recovery of maintenance for Muslim children, the Syariah Judiciary Department of Malaysia has introduced ePatuh, a system that facilitates complaints regarding non-compliance with maintenance orders; i-DONE (Instant Delivery Order and Enforcement) that accelerates the preparation of written orders for enforcement and execution of maintenance orders and submits written orders to clients within one hour after court's hearing; and compulsory maintenance (*Nafkah Mandatori*) that allows Syariah court to directly issue an order directing ex-husbands/fathers to pay maintenance to ex-wives/children without the need for separate application before the court. In 2017, Malaysia commissioned a study on issues arising post-divorce in collaboration with the International Islamic University of Malaysia to look into legal issues and possibility of developing a unified system of maintenance recovery.

## Children deprived of a family environment & Periodic review of placement

87. Since 2014, the Government in collaboration with Orphancare Foundation, has been organising annual seminars on the concept of FBC for both government and non-government stakeholders, starting with a forum entitled "Deinstitutionalisation: Every Child Needs a Family" in June 2014. Needs Assessment of Deinstitutionalisation was conducted in 2016 to look into the situation of children homes and to recognise needs and strategies in implementing FBC. The Strategic Review of the System of Caring for Vulnerable Children in Malaysia carried out in the state of Negeri Sembilan from 2017-2018 highlighted that FBC can be implemented successfully provided intervention programmes coupled with financial and social support are available to those children and their families. In 2018, a seminar "From Concept to Action" was conducted with aim to pave the way towards piloting FBC in a state in Malaysia. The pilot project is expected to be implemented from 2019-2021.

88. In response to CO paragraph 53, a comprehensive national evaluation entitled "Evaluating the Effectiveness of *Rumah Tunas Harapan* Programme in Malaysia" was conducted in 2009-2010. The results of the evaluation led to drafting of new guidelines for the *Rumah Tunas Harapan* in 2014. In addition, in 2010, DSW engaged an evaluation study entitled "A Survey on the Effectiveness of Programmes and Activities at Children's Homes under DSW to Ex-inmates" that revealed the need to strengthen several aspects of the children's homes. Efforts have since been made to strengthen counselling and motivational support for residents with active involvement of counsellors. Transit homes have been set up to assist former residents who face difficulties adjusting to mainstream life and assistance in job placements is provided.

89. Progress reports are also prepared and kept on file for each child placed in institutions under DSW, as specified under the Child (Place of Safety) Regulations 2017, Child (Place of Refuge) Regulations 2017, Child (Approved School) Regulations 2017 and Child (Probation



Hostel) Regulations 2017. With regard to children placed with fit and proper persons under Act 611, section 114 of Act 611 authorises the Social Welfare Officers to, at any time, visit and inspect the place where the child lives and inquire into the conditions and circumstances of the child.

90. In response to CO paragraph 54, Care Centres Act 1993 [Act 506] sets the minimal standards and provides for the registration of care centres in the country. Hence under Act 506, DSW officers are responsible for conducting monitoring to ensure that the services provided by the care providers, which include centres run by NGOs, are adequate and in compliance with the stipulated rules and regulations, are in line with the provisions of the Convention and are in the best interests of the child. Monitoring is conducted every three months and surprise visits are undertaken now and then. SUHAKAM also carries out visits to DSW institutions and privately-run centres to ensure conformity with requirements under the Act.

91. In April 2008, NOSS for care services was introduced to ensure that the quality of such services in the country is in line with international standards. DSW with the cooperation of MOHR drew up the “Standard Practice and Standard Content” for care providers in accordance with NOSS. The NOSS for care services has since been reviewed and the new Standard was adopted in December 2012. The Standard covers all service providers (both public and private) in the country.

## **Adoption**

92. In response to CO paragraph 56, NRD is currently reviewing Act 257 and the Registration of Adoption Act 1952 [Act 253]. While there is no specific legislation to prevent informal adoption of children, there are other provisions under various laws that may be invoked, such as provisions on the offences of trafficking in children (section 14 of Act 670), failure to give information concerning any birth (section 35 of Act 299), making or permitting any false statement for the purposes of registration of a birth, or furnishing any false information touching on any particulars required under Act 299 (section 36 of Act 299), furnishing false information (section 177 of Act 574), as well as the offences of unlawful transfer of possession, custody or control of child and importation of child by false pretences (sections 48 and 49 of Act 611). Malaysia has yet to become a State Party to the Hague Convention. The number of children adopted in Malaysia is presented in Table 235, Annex 1.

93. Subsection 10(3) of Act 253 and subsection 4(3) of Act 257 state that the registration of adoption or the adoption shall not be made in respect of the child and the applicant who is not resident in Peninsular Malaysia. The registration of adoption in Sabah is governed by the Adoption Ordinance 1960 (Sabah No.23 of 1960), Sabah Syariah Court Enactment 2004 and the Rules of the Sabah Syariah Court (Adoption Practices and Procedures) 2006 whereas in Sarawak is governed by the Adoption Ordinance 1958 (Sarawak Cap.91).

## **Illicit transfer and non-return**

94. Sections 48 and 49 of Act 611 was amended in 2016 to increase penalties for unlawful transfer of possession, custody or control of a child as well as for offence of importation of child by false pretences. Number of perpetrators arrested and sanctioned in courts is presented in Table 24, Annex 1.

## **Children with incarcerated parents and living in prison**

95. Subregulation 171(1) of the Prisons Regulations 2000 provides that a prisoner on remand or committed to take his trial shall have a visit by his relative once a week for a duration of forty-five minutes. Act 537 and Prisons Regulations 2000 allow a female prisoner to care for her child up to the age of three. Upon reaching the age of three, the child will be handed over to the family or DSW for placement under Act 611. Other than breastfeeding by the mother, basic necessities for the child’s maintenance and care are provided by the Prison

Department. Mothers with children in the prisons are provided separate accommodations from the other prisoners. The children may be vaccinated by the Prison Department and the children will be examined by Medical Officer accordingly. Number of children living in prisons with their mothers is presented in Table 25, Annex 1.

## VII. Disability, basic health and welfare

### Children with disabilities

96. In response to CO paragraph 61(a), the National Policy on Persons with Disabilities and its Plan of Action 2008-2012 were revised in 2016 taking into account the Incheon Strategy 'Make the right real'. Act 685 was enacted in 2008. The National Council for PWD was established to monitor the implementation of all PWD-related policies, programmes and activities.

97. In response to CO paragraph 61(b), in 2012, SMOKU was developed to facilitate online registration of PWD. With SMOKU, the new 'disability card' may now be issued within a day and carries better information features including the person's interests and skills which may be used for the purpose of job matching. The number of children with disabilities registered under SMOKU is presented in Table 26, Annex 1. Whereas the number of children with disabilities living in DSW institutions (*Taman Sinar Harapan*) is presented in Table 27, Annex 1. DSW provides financial assistance for PWDs, although this assistance scheme is not specific for children. In addition, DSW also provides assistive devices to children with disabilities through the Financial Assistance for Artificial Aids and Assistive Devices scheme whereby PWDs can apply for assistance amounting to the actual price of assistive devices that are recommended by the doctor/specialist.

98. In response to CO paragraph 61(c), Malaysia revised the 1<sup>st</sup> Health Care for PWD Plan of Action 1996 in 2010 to ensure that it is in line with the CRPD and Act 685. Further to this, the new Health Care of PWD Plan of Action 2011-2020 was developed with the objective of providing equal access to health care for PWD and to empower individuals, families and communities for self-care and development of support services for PWD. In order to enable early intervention, MOH carries out growth and developmental assessment for early detection of disabilities among children aged 0-6 years at 2,881 health clinics and community clinics as of 2018. As of December 2018, there were 3,194 physiotherapists and 2,772 occupational therapists to provide early intervention and rehabilitative services for children with special needs.

99. In response to CO paragraph 61(d), the number of CBR centres has increased from 313 centres in 2005 to 554 centres benefitting 20,573 PWD in 2018, who were mainly children. As at the same period, there were 3,338 CBR trained workers (supervisors and workers) to undertake rehabilitation programmes at the CBR centres, make home visits and facilitate parental involvement. PWD who participate in the CBR Programme receive a monthly allowance of RM150 per month effective from February 2008 as compared to RM50 in the previous years. CBR programmes and activities are readily available online through a portal known as CBR Net ([www.pdknet.com.my](http://www.pdknet.com.my)) introduced in 2003.

100. In 2013, a pilot project was commenced to establish child care centres for six categories of children with disabilities which include Down syndrome, autism, vision, hearing, physical and learning disabilities. It is also an effort to level the playing field for children with disabilities, by providing early intervention programmes so that they have a chance of being integrated into mainstream schools. These child care centres are funded by MWFC and run by NGOs. As of 2019, 116 children have benefitted from the child care centres. In 2015, PERMATA Kurnia early intervention centre for children with autism was established in Sentul, Kuala Lumpur. The centre provides a high-quality early intervention and education to children with autism to prepare them for mainstream schools. As of 2018, 854 children have benefitted from the centre.

101. Act 685 provides equal access to children with disabilities under section 28 where they shall not be excluded from the general education system and educational providers shall

provide reasonable accommodation for PWD. Since Eleventh Malaysia Plan 2016-2020, the provision of disabled-friendly facilities is an integral part of every MOE development and maintenance project. Malaysia provides three schooling options to accommodate the needs of children with disabilities as below:

- (a) Special Education Schools for students with disabilities (the students may have the same disability or different disabilities);
- (b) SEIP in mainstream schools with specific classes dedicated to students with learning, hearing and vision disabilities; and
- (c) Inclusive Education Programme for students with special educational needs in mainstream government or non-government-aided schools.

102. As at 2018, 34 special schools (28 pre-schools/primary and six secondary schools whereby four are vocational schools) had been established throughout the country. In addition, accommodation facilities such as hostels are also provided in 25 of these schools. For SEIP, 9,674 classes have been set up in 2,343 (1,521 primary and 822 secondary) mainstream schools throughout Malaysia as at October 2018. Number of children enrolled in special education schools is presented in Table 28, Annex 1. Financial assistance is also provided for students with disabilities at local higher learning institutions on a full time or part time basis, including long distance programmes. The students receive up to RM5,000 per year or RM20,000 for the whole duration of studies.

## Health and health services

103. In response to CO paragraph 63(a), as of 2018, Malaysia has 154 government hospitals (with 46,611 beds) under MOH, MINDEF and University Hospitals, 1,090 health clinics (including Maternal and Child Health Clinics) and 1,791 Community clinics. There are 210 private hospitals, 18 private maternity homes and 21 private nursing homes among other private health institutions. 1Malaysia Clinics were introduced in 2010 to provide basic medical care for minor ailments for the urban poor and improve accessibility to health care for the rural population. The scope of services includes maternal and child health services, dental care and treatment for stable chronic diseases. As of 2018, there are 343 1Malaysia Clinics and 11 1Malaysia Mobile Clinics comprising of seven buses and four boats. The buses provide services in Peninsular Malaysia in the states of Perak, Selangor, Johor, Sabah, Sarawak and Pahang, while the boats are used in Sabah and Sarawak.

104. Health services for vulnerable children in remote areas are provided through Mobile Health Teams, FDS Programme and static clinics. In 2013, Malaysia provided RM4.5 million for FDS Programme and RM2.5 million for the dedicated Health Mobile Teams. In the same year, RM3.8 million was allocated for the procurement of 4WD vehicles and in 2014, there was an allocation of RM1.38 million for the procurement of four 4WD ambulances.

105. The rates of infant and under-five child mortality (per 1,000 live births) are presented in Table 29, Annex 1. The proportion of children with birth weight less than 2,500g is presented in Table 30, Annex 1.

106. In 2008, the Diphtheria, Tetanus, Pertussis, Polio, Haemophilus influenza type b (DTaP-IPV-Hib) vaccine was introduced into the National Immunisation Programme. Malaysia's primary immunisation has maintained high coverage above 90% of the target population since the year 2008. The percentage of one year old children who are fully immunized for tuberculosis, diphtheria, pertussis, tetanus, polio and measles is presented in Table 31, Annex 1. Since 2010, HPV Immunisation Programme was implemented for all girls aged 13 years old in schools. Additionally, NPFDB provides free HPV vaccination to women born between 1992-1996.

107. The ratios of maternal mortality are presented in Table 32, Annex 1, whereas the common causes are presented in Table 33, Annex 1. Proportion of pregnant women who have access to health care is presented in Table 34, Annex 1. Proportion of registered births attended by trained personnel is presented in Table 35, Annex 1. Proportion of personnel trained in hospital care and delivery is presented in Table 36, Annex 1. In response to CO

paragraph 63(b), the number of malaria cases is presented in Table 37, Annex 1. The number of TB cases is presented in Table 38, Annex 1.

108. Initiatives to prevent and reduce the spread of TB and malaria are as follows:

- (a) National Strategic Plan for the Elimination of Malaria 2011-2020;
- (b) Management Guidelines of Malaria in Malaysia 2013 for healthcare personnel;
- (c) Distribution of insecticide treated nets for residents in high-risk areas;
- (d) “MyTB” online database for TB surveillance;
- (e) National Strategic Plan for TB Control 2011-2015 to detect and treat TB patients at an early stage;
- (f) Clinical Practical Guidelines for the Management of Tuberculosis in 2012 to standardise the management of TB; and
- (g) Health education on TB for patients and family members, as well as TB awareness programmes by NGOs.

109. In response to CO paragraph 63(c), various efforts to promote exclusive breastfeeding are as below:

- (a) Revision of National Breastfeeding Policy in 2005 to promote exclusive breastfeeding;
- (b) The revised Code of Ethics for the Marketing of Infant Foods and Related Products in 2008 and the Guideline on Implementation of the Monitoring on the Code of Ethics for the Marketing of Infant Foods and Related Products in 2010;
- (c) State-level committees on the Code of Ethics to investigate breaches of the Code of Ethics; and
- (d) Extending the length of maternity leave in public sector from 300 days (2010) to 360 days (2017) throughout her service, with a minimum of 60 days and a maximum of 90 days for each child birth, and extending maternity leave entitlements to all women employees regardless of the salary under Act 265.

110. Percentage of mothers who practise exclusive breastfeeding is presented in Table 39, Annex 1. In response to CO paragraph 65, mental health and psychosocial support teams have been formed to provide psychological first aid, psychosocial support, counselling, psychotherapy as well as referral services during and the aftermath of disasters. These response teams consist of psychiatrists, public health specialists, medical officers, counsellors, medical assistants, nurses and social workers. For example, they were mobilised during the massive flooding in 2014 and in the aftermath of the two Malaysia Airlines aircraft tragedies in 2014.

111. In response to CO paragraph 70(a), Malaysia continues to implement NSPEA 2016-2030. NSPEA replaced the NSP on HIV and Aids 2011-2015. The implementation of the NSPEA is monitored and evaluated through the national HIV monitoring and evaluation framework, coordinated by the National AIDS Programme Secretariat. The number of children infected and affected by HIV/AIDs is presented in Table 40, Annex 1.

112. Efforts taken to prevent the incidence and spread of HIV/AIDS are as follows:

- (a) Harm Reduction Programme (Needle/Syringe Exchange Programme and Methadone Maintenance Therapy);
- (b) Premarital HIV screening to identify early infection and initiate prompt treatment. Antiretroviral treatment will suppress the viral load hence, reducing the sexual transmission to uninfected spouse by 96%; ultimately preventing infection to baby;
- (c) Prevention of Mother to Child Transmission Programme provides services to mothers attending antenatal care and those who had missed antenatal care when they turn up in the labour room. In 2011, Malaysia adopted treatment option B+ for all HIV-positive mothers regardless of nationality and HIV-exposed infants get free ARV prophylaxis and free replacement feeds for two years;

(d) Prevention and awareness through Friday sermons in mosques. JAKIM has now made it a practice for the Friday sermon closest to World AIDS Day to be on HIV/AIDS. Several one-hour HIV-centred episodes have also been broadcast on the highly popular '*Forum Perdana*' television talk show; and

(e) The HIV & Islam manual developed by JAKIM in collaboration with MOH in 2009 to institutionalise HIV and AIDS education into the formal training of religious leaders.

113. In response to CO paragraph 70(b), all HIV-infected children are treated and followed-up comprehensively by paediatricians or Family Medicine Specialist at no cost. Free HIV testing and counselling are widely available to all including children in all public hospitals and health centres. Treatment with first line ARV therapy is free for all HIV positive patients, while the second line regimes are heavily subsidised. Malaysia has introduced compulsory licensing to increase access to affordable ARV drugs and is continuing to negotiate with the pharmaceutical industry on prices for essential treatment drugs.

114. In response to CO paragraph 70(c), confidentiality of children affected by HIV/AIDS is strictly observed. HIV status will be informed to his/her carer based on the 'need to know' basis to ensure compliance to care and treatment. In response to CO paragraph 70(d), children orphaned by AIDS will be placed by DSW in FBC or care institutions for care and protection. In response to CO paragraph 70(e), the Malaysian UN Theme Group on HIV/AIDS provides joint UN support for collaboration through close partnership with all key stakeholders in Malaysia. The Group comprises representatives from UNDP, WHO, UNHCR and UNICEF. Malaysia maintains a close partnership with MAC and civil society organisations through the National Coordinating Committee on AIDS Intervention and Country Coordinating Mechanism. More than RM146.5 million has been allocated to the MAC as of 2018.

### **Efforts to address the most prevalent health challenges**

115. Proportion of children below five years with moderate and severe underweight, wasting and stunting is presented in Table 41, Annex 1. Efforts to address malnutrition are as follows:

(a) NPANM II (2006-2015) and [NPANM III \(2016-2025\)](#);

(b) Growth monitoring for early detection of malnutrition, individual counselling, group nutrition education at health clinics and cooking demonstrations for antenatal and postnatal mothers;

(c) Rehabilitation nutrition programme such as PPKZM and PCF;

(d) Nutrition promotion activities through various settings such as schools, pre-schools, Healthy Community Kitchens and Nutrition Information Centres; and various initiatives such as Healthy Eating Through Healthy Shopping and Healthy Catering; and

(e) Collaboration with MOE on the integration of nutrition component into the school curriculum and in the various activities to reduce the prevalence of obesity amongst school children.

116. Efforts to promote the physical and mental health as well as prevent and deal with communicable and non-communicable diseases are as follows:

(a) School Health Services which provide primary prevention through vaccination, health screening, physical examination, curative and referral services, health promotion campaigns, and dental health services;

(b) Health education material for parents has been incorporated into the Child Health Record Book for Children Aged 0-6 Years;

(c) Health promotion and education in schools on the prevention of spread of infection and disease has been implemented through PROSTAR and *Doktor Muda* Programmes; and

(d) Implementation of the *Tunas Doktor Muda* Programme in pre-schools nationwide since 2015 which includes promotion of physical and mental health as well as

teaching appropriate skills such as maintaining personal hygiene, healthy and safe nutrition, exercise and activities physical, maintaining a healthy environment and a healthy mind.

### **Reproductive health rights and measures to promote healthy lifestyle**

117. In response to CO paragraph 67(a), NPFDB conducted a study entitled 'Risk and Protective Factors Affecting Adolescent Sexual and Reproductive Health in Peninsular Malaysia' in 2011. The key findings showed that family and community are the main protective factors against adolescents' involvement in sexual activities. In addition, National Global School based Health Survey and the National Adolescent Health Survey was conducted in 2012 and 2017 respectively among students aged 13-17 years to assess the health status of adolescents in the country. Both national surveys showed an increasing trend in risky behaviours and mental health among adolescents. The findings of these surveys were published online and utilised to plan, monitor, evaluate and strengthen the existing adolescent health programme and services in the country.

118. In response to CO paragraph 67(b), efforts taken to promote adolescent health are as follows:

(a) NAHPOA 2016-2020 which encompasses five scopes i.e. physical health, nutrition, mental health, sexual reproductive health and risky behaviour;

(b) National Guideline on the Management of Adolescent Sexual and Reproductive Health for Primary Health Care Providers in 2012 and Manual on Managing Mental Health Problems among Adolescents for Primary Health Care Providers in 2014 to ensure healthcare personnel are non-judgemental and sensitive to adolescent needs;

(c) Myhealth Portal and peer to peer programmes such as Junior Doctor Program, PROSTAR and Adolescent Resilience Programme to tackle health risk behaviours and cultivate resilience among adolescents through interagency collaboration;

(d) PEKERTI@School programme to provide knowledge on the dangers and risks of sexual behaviour to school children. From 2012-2018, 12,789 students from Year 6 and Form 3 in 33 schools had been educated through this programme;

(e) PEKERTI@Komuniti programme which targets adolescents and parents from the most-at-risk groups at rehabilitation centres, boarding schools and urban poor housing complexes. A total of 6,597 adolescents benefitted from this programme from 2014-2018; and

(f) Kafe@TEEN centres to provide information on psychosocial issues and counselling services to youth aged 13-24. There are 17 Kafe@TEEN centres throughout Malaysia as of 2018. From 2006-2018, a total of 563,108 youths have benefitted from this programme.

(g) Health Education curriculum which comprises 75% of PEERS components was revised from 2008-2010 to be implemented in all primary schools from 2011 which focuses on abstinence-only education and CSE. The PEERS curriculum was again improved from 2014-2016 for its implementation in all primary and secondary schools in 2017 through the CSE approach which places a strengthened focus on gender and human rights, and reflects the contribution of CSE to the realization of multiple SDGs.

119. The number of live births among adolescents aged 10-19 years is presented in Table 42, Annex 1. Number of reported sexually-transmitted infections among adolescents aged 10-19 years is presented in Table 43, Annex 1.

### **Substance abuse**

120. In response to CO paragraph 98(a), Malaysia conducts Anti-Drugs campaigns targeting children for example, roadshows, radio/television talk shows, seminars, the print media and outdoor advertisements in public spaces frequented by children such as clubs, cinemas, schools and institutions. Through strategic cooperation with various government

agencies, MOH has implemented PEARL for secondary school children aged 13 years with objective in preventing risky behaviour such as bullying, risky sexual behavior, suicidal ideation, substance abuse and internet addiction, and educating them on coping mechanism especially during their adolescence. This programme has been implemented in five states i.e. Kuala Lumpur, Selangor, Perak, Pahang and Labuan and will be extended to other states in future. In addition, NADA conducts PINTAR Camp for primary school students aged 10-12 and SHIELDS Camp for secondary school students aged 13-18.

121. In response to CO paragraph 98(b), NADA enables voluntarily admission into drug rehabilitation centres since 2010 to allow users who have relapsed to seek treatment without facing legal consequences. NADA has two Cure & Care Clinics that provide treatment and rehabilitation programmes for children in the states of Kedah and Sabah. The centre in Kedah allows children to sit for major exams such as PT3 and SPM. Community-based programmes are also available where children are put under supervision and treated as outpatient clients. In 2018, 130 children (below 18 years) have benefitted from the Cure & Care Clinics, whereas 1,132 children have benefitted from community-based programmes as outpatient clients. In 2018, MOH also introduced One Stop Centres for Addiction in designated clinics to provide a holistic and integrated treatment for alcohol and substance abuse.

122. In response to CO paragraph 98(c), *Rakan Muda Sekolah* Programme was developed to promote self-development among youth and to recognise their achievements in schools. The one-off programme was a collaboration between MOYS and MOE, and was implemented in 2,181 secondary schools in 2009 involving 174,480 students aged between 15-18 years old.

123. In response to CO paragraph 98(d), NADA collaborates with UNODC through mechanisms such as the Drug Abuse Information Network for Asia and the Pacific and the UNODC Annual Report Questionnaire. For decades, NADA has established cooperation with the Colombo Plan Drug Advisory Programme in term of capacity building for NADA officers namely UPC and UTC as well as contributing and sharing information with UNODC through the Annual Report Questionnaire. The number of child victims of drug and substance abuse treated in NADA centres is presented Table 44, Annex 1.

## Social security and childcare services

124. Currently, the social safety net that Malaysia has for children is through cash transfer programmes and institutional care. Moving forward, Malaysia will leverage and empower the existing MySPC that was established in October 2016 as the central policy maker on social protection. The council will facilitate the implementation of social protection programmes across agencies as well as rationalisation of social protection policies/programmes and empowerment of service delivery. Reference can be made to Cluster IV on childcare services and facilities.

## Standard of living

125. To complement the absolute income-based measurement of poverty, PLI, the Government adopted the MPI to address the specific needs of the poor households in the Eleventh Malaysia Plan 2016-2020. The Index comprises of four dimensions namely education, health, living standards and income with 11 indicators. In response to CO paragraph 72(a), under the Tenth Malaysia Plan 2011-2015, focus was given on achieving balanced participation in higher paying jobs, strengthening entrepreneurship in higher value-added activities and enabling accumulation of wealth across a broader categorisation of assets. Under Eleventh Malaysia Plan 2016-2020, the development philosophy of growth with equity is continued with increased focus on enhancing inclusiveness. With regard to poverty eradication, strategies were developed to raise the income and wealth of the bottom 40-percentile households by income (B40), address the increasing cost of living and enhancing the delivery system of B40 household programmes.

126. *Orang Asli* Development Strategic Plan for the period 2016-2020 was developed by JAKOA to among others increase the household income of *Orang Asli* through sustainable

economy activities. Skills training has been implemented at various training centres including three training centres established by JAKOA in the states of Selangor, Johor and Pahang. As of 2018, 4,649 youth benefitted from these training centres.

127. In response to CO paragraph 72(b), poverty reduction was streamlined under the Prime Minister's Department in 2007. State and district level Focus Group Meeting Committees were set up to monitor the implementation of rural and urban poverty eradication programmes. In order to eradicate extreme poverty, Malaysia had developed the eKasih national poverty database in 2007 to identify hardcore poor to ensure that they have the access to social and health services, education, economic resources and adequate housing. The data collected in the eKasih system is further used in project planning, project design and implementation.

128. A number of efforts have been taken to raise the standard of living and provide social, education and housing assistance to children living in low-income households:

(a) Urban Poverty Eradication Programme since 2013 (Tenth Malaysia Plan 2011-2015). The programme includes house repairs and construction, food baskets, Urban Hawker Kiosk/Mobile Kiosks and the AZAM Bandar Entrepreneurship programme for the B40;

(b) Low-cost houses for low-income families in urban areas under PPRT by MORD;

(c) Rehabilitation Programme for Malnourished Children and PCF by MOH;

(d) General Schooling Assistance schemes for school students, pre-school students, pre-school food aid, co-curricular assistance and hostel assistance;

(e) Specific Schooling Assistance schemes for, among others, sports, uniformed bodies, special needs student allowance and pre-university allowance;

(f) Poor School Children Trust Fund managed by MOE;

(g) Supplemental Food Programmes, including School Milk Programme;

(h) Textbook Loan Scheme and Tuition Assistance Scheme; and

(i) The Financial Industry Collective Outreach, pioneered by all financial institutions in Malaysia with the support of Bank Negara Malaysia to raise the level of English literacy amongst school children especially from the B40 group.

129. In response to CO paragraph 72(c), Malaysia takes into account the views of children in planning and implementing poverty reduction programmes through consultations such as the *Transformasi Nasional 2050* consultations held in 2018, and through secondary reports such as the "Children Without" study on urban child poverty published by UNICEF in February 2018.

## VIII. Education, leisure and cultural activities

### Right to education

130. Literacy rates is presented in Table 45, Annex 1. Enrolment rates for primary and secondary schools is presented in Table 46, Annex 1. Completion and transition rates and the percentage of dropout from primary and secondary schools and Technical and Vocational Colleges is presented in Table 47, Annex 1. The teacher-pupil ratio is presented in Table 48, Annex 1. In response to CO paragraph 75(a), efforts taken towards ensuring that all children have equal access to quality education at all levels are as follows:

(a) Malaysian Education Blueprint 2013-2025 to ensure universal access and full enrolment of all children from the pre-school level through to upper secondary school level by 2020;

(b) Implementation of LINUS 2.0 was strengthened in 2014 to identify students with literacy and numeracy issues;



(c) SDH programme to ensure that students receiving treatment in hospitals are not left behind in their studies. SDH is a privilege provided for Malaysian citizens from pre-school to secondary school;

(d) Access to education for children in DSW institutions, Henry Gurney Schools and prison, according to their specific needs;

(e) Guidelines on the Establishment and Registration of CLC and the Guidelines on the Establishment of ALC as a reference for NGOs to provide education to children who are not able to get education access in Government Educational Institutions, Government Aided Educational Institutions and Private Educational Institutions;

(f) HPS to recognise and incentivise schools that have demonstrated outstanding performance by assigning them HPS status. As of 2018, 140 HPS have been identified (65 secondary schools and 75 primary schools). In the first seven years of implementation (2010–2016), each HPS receives special allocation of RM700,000 and RM500,000 respectively in their first two years. They subsequently receive RM300,000 annually. However, beginning from 2017, HPS no longer receive monetary allocation but the status as HPS remain;

(g) Periodical training modules and remedial practical pedagogical training is provided for teachers in lower achieving schools;

(h) School Improvement Programmes aimed at closing gap between the highest and the lowest performing schools by focusing improvement efforts on schools in lowest ranking categories;

(i) Incentive programme starting from 2012 to motivate principals and head teachers to improve their school performance; and

(j) Admission of undocumented children whose parents are citizens to Government Schools and Government Aided Schools by way of an administrative circular since 2009.

131. In response to CO paragraph 75(b), various measures have been undertaken to reduce the dropout rates in the country as follows:

(a) Improving basic school amenities/facilities and addressing 100% of dilapidated schools under the Twelfth Malaysia Plan 2021-2025 to provide safe and conducive environment for students;

(b) Providing intervention programmes such as schooling assistance, Supplementary Food Programme, School Milk Program, boarding schools, text books, early schooling assistance, and assistance from the Poor Students' Trust Fund;

(c) Providing special schools for children with specific needs such as Integrity schools for child offenders in detention and Schools in Hospitals for children who require extended periods of hospitalisation;

(d) Development of a Student Risk Intervention Module as a guide and reference for school counsellors to handle dropout issues in school. The module aimed to help and improve students' self-motivation, personality, potential and mental well-being through counselling approach;

(e) Guideline on Managing Students-At-Risk of Dropping Out was enforced since 1 June 2018 to help schools identify and effectively manage students-at-risk of dropping out as well as ensure that State Education Department and District Education Office monitor students-at-risk of dropping out;

(f) Expanding the Zero Dropout Programme to all District Education Offices beginning 2019;

(g) Home Visits (*Ziarah Cakna*) aimed to ensure the students are present at school and address dropout issues by identifying the causes and providing proper intervention; and

(h) Special Model Schools to improve the quality of education of poor students and reduce the number of dropouts from the national education system. Three of the Special

Model Schools are located in urban areas whereas eight of such schools are located in rural areas.

132. In response to CO paragraph 75(c), Government has implemented several important initiatives to address the special education needs of *Orang Asli* and indigenous children as follows:

- (a) Establishment of 11 Childcare Centres by JAKOA which benefited 168 children;
- (b) Establishment of 275 pre-schools by JAKOA benefiting 5,186 children;
- (c) Establishment of 15 Reading and Learning Centres by JAKOA to increase interest in reading and learning among 218 children, family and their community;
- (d) JAKOA has also built hostels to cater students from remote areas to continue their secondary education;
- (e) As of 2018, 26,571 *Orang Asli* children in primary schools and 13,155 *Orang Asli* children in secondary schools have received “Education Incentive Scheme” by JAKOA for their uniforms, transport fares, school fees, examination fees, stationery, food ration subsidies (for students from remote areas) and scholarships;
- (f) As of 2018, 13,155 *Orang Asli* children in secondary schools were also granted a total of RM2.75 million as pocket money while RM2.00 is given per day to each student based on his/her attendance in order to encourage them to attend school and thus reduce the number of dropouts;
- (g) Home visit by teachers in villages with poor attendance rates;
- (h) Special Intervention Programme with flexible timetables and special curriculum for children with low literacy and numeracy scores;
- (i) Comprehensive Model School (K9) programme since 2007 to provide residential education from Year 1 to Form 3 students thus improving access to education, curbing absenteeism and reducing dropout rates; and
- (j) Training for teachers to better understand the needs of indigenous children.

133. In response to CO paragraph 75(d), 22 vocational subjects and 12 Higher Secondary Vocational Education programmes have been introduced and offered at 349 secondary schools across Malaysia for students who cannot enrol into technical schools. Vocational training is also available for Forms 4 and 5 (aged 16-17) in the nine technical and 85 vocational colleges in the country as of 2018. Students are awarded with either the Malaysian Skills Certificate or Malaysian Vocational Diploma and thus qualifies them as certified skilled workforce ready to enter the job market or to further their studies at higher level.

134. In response to CO paragraph 80, as of 2018, 9,399 pre-school classes were opened (increased from 6,846 pre-school classes in 2008) and 9,320 pre-school teachers were trained. The gross enrolment rate for MOE pre-schools is presented in Table 49, Annex 1. Whereas the number of children attending nurseries and kindergarten under the MORD and Ministry of National Unity is presented in Table 50 and Table 51, Annex 1.

135. Initiatives in order to raise awareness on pre-schools and early learning opportunities are as follows:

- (a) Infographics by DSW to promote the criteria of choosing quality child care and organise awareness programme in a regular basis to educate parents on the importance of identify registered child care centre;
- (b) As of 2018, the Government has spent RM20.8 million on per capita Grants for Pre-Schools alone;
- (c) Providing daily allocations of RM2.00 (Peninsular Malaysia) and RM2.25 (Sabah, Sarawak and Labuan) for every school day per child for food prepared by the school according to age-appropriate menu;

(d) Preschool Enrolment Increment as part of the State Education Department and District Education Office agenda such as outreach programmes, campaigns, home visits, open day programmes and announcements on social media; and

(e) *Program Mesra Minda* and the introduction of *Pemaju Masyarakat* (Teacher) and *Pembantu Pemaju Masyarakat* (Assistant Teacher) among *Orang Asli* in *Tabika KEMAS-JAKOA* (kindergarten) to gain the trust of *Orang Asli* parents, create awareness and reduce dropout rates. *Program Mesra Minda* is held every year since late 1990s and benefitted 64,277 *Orang Asli* children from 2008-2018.

## **Aims of education & Education on human rights and civic education**

136. In equipping our children with opportunities with regard to skills of the future, #mydigitalmaker Movement was launched in August 2016. Led by Malaysia Digital Economy Corporation, the movement aims to create a nation of digital innovators amongst school students via Public-Private-Academia partnership. This is to support MOE in integrating computational thinking and computer science into national school curriculum, and partners with industry and academia to nurture and groom talented young Malaysians to become future digital innovators. As of 2018, more than 700,000 students have been impacted nationwide and quite a few of these students have also won national and international digital making competitions.

137. In response to CO paragraph 75(e), elements of human rights have been included in the Moral Education curriculum since 2017. At the primary level, topics on human rights are covered through the topic 'Justice and Tolerance' in Year 5. Whereas at the secondary level, topics vary according to year, incorporating the rights of children, women, PWD, consumers and workers, as well as International Humanitarian Law. The elements of human rights in the school curriculum have also been implemented in civic education through a number of subjects including Malay Language, English Language, Islamic Education, Moral Education and History. The four core values of love, respect, responsibilities and happiness are emphasized including rights and responsibilities as citizens.

## **Children belonging to indigenous and minority groups**

138. There are three indigenous languages offered in Malaysian schools. *Iban* Language in the state of Sarawak, *Kadazan-Dusun* Language in the state of Sabah and *Semai* Language for the states of Perak and Pahang. The number of children who receives public education in minority and indigenous languages is presented in Table 52 and Table 53, Annex 1.

## **Cooperation with international or regional agencies**

139. In response to CO paragraph 76, Malaysia had sought engagement with UNESCO and UNICEF to further improve education sector as follows:

(a) UNESCO's Malaysia Education Policy Review in May 2012 which was taken into account in developing Malaysian Education Blueprint 2013-2025;

(b) The OOSCI study in Sabah was conducted in 2017 in collaboration with UNICEF to assess existing monitoring mechanisms and data on pre-primary and secondary education, identify impacts of key determinants affecting out-of-school children and to develop strategies and applying targeted interventions for policy recommendations; and

(c) A pilot project on embedding Global Citizenship Education and Education for Sustainable Development into the curriculum in collaboration with UNICEF.

## **Rest, play, leisure, recreation and cultural and artistic activities**

140. MOTAC promotes participation of children in cultural and artistic activities as follows:

(a) Establishing and developing the *Kelab Tunas Budaya* art club for primary school students aged between seven and 10 years and the *Kelab Giat Budaya* art club for secondary school students aged between 13-17 years through JKKN;

(b) National and state level cultural performances, competitions/exhibitions and traditional games organised by JKKN;

(c) Curating exhibitions related to history, culture and nature specially designed to promote the understanding of different cultures among school children through the Department of Museums Malaysia;

(d) The National Art Gallery provides space and opportunities for all children in Malaysia to mobilise and display visual arts talent through exhibitions and also representation at the state and foreign levels;

(e) Free visits to the National Archives of Malaysia to learn and appreciate the philosophy, struggle and contribution of the nation's statesmen of all ethnic groups for the development of the nation through its memorials and event galleries; and

(f) PERMATA *Seni* Choir, Dance and Music programme since 2010, to identify and polish the artistic talents of children.

141. Ministry of Communication and Multimedia also plays its role in this regard through the following initiatives:

(a) Establishment of the "Film Lover's Club" in 2007, with 50,000 club members from the 86 Secondary schools and 14 Public Universities in Malaysia. The activities include filming workshops in acting, cinematography, scriptwriting, directing and also study tours to the National Film Development Corporation's film production infrastructures; and

(b) Establishment of 809 *Kelab Malaysiaku* clubs at schools nationwide to cultivate a greater understanding of government policies and to boost patriotism among students aged 15-18. Activities organized by the club include National Speech Contest, *Kembara Kelab Malaysiaku* and *Sketsa Rukun Negara*.

142. The number of children in after-school programmes in schools is presented in Table 54, Annex 1. Malaysia ensures the construction of sufficient playgrounds and recreational areas for children in residential and community areas as outlined in the Planning Guidelines by PLANMalaysia. Recreational and open spaces should make up two hectares for every 1,000 residents, amounting to about 20 square metres per resident.

## IX. Special protection measures

### Children outside their country of origin

143. In response to CO paragraph 83(a), discussions regarding the introduction of ATD programme for children have started since 2013. In 2014, a Joint Working Group to operationalize ATD was established under the purview of MOHA. As of 2018, an ATD pilot project is being developed by MWFC and MOHA with some technical support under the EU-UNICEF Initiative to protect children affected by migration. Activities under the Initiative also look at longer term policy solutions as well as capacity building.

144. In response to CO paragraph 83(b), Malaysia has yet to accede to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Statelessness Persons and the 1961 Convention on Reduction of Statelessness. In response to CO paragraphs 83(c) and 83(d), Malaysia has adopted a policy concerning refugees in the form of an administrative measure known as the National Security Council Directive No. 23 which provides for the mechanism to allow illegal immigrants who possess UNHCR Cards to remain temporarily in Malaysia on humanitarian grounds and on a case-by-case basis. They also will not be arrested and charged for illegal entry. Besides, the Immigration (Administration and Management of Immigration Depots) Regulations 2003 was enacted as a legislative framework taking into consideration Article 9 of the Convention.

145. In response to CO paragraph 83(e), children and families in immigration detention are provided with access to healthcare services such as medical pre-screening, referral to the nearest Public Health Clinics to get immunization, and referral to nearest Public Health Clinics/Hospitals for acute and emergency cases. UNHCR Cardholders can also seek medical treatment at any government healthcare institution at a 50% discounted rate.

146. In response to CO paragraph 85, asylum-seeking and refugee children are not enrolled in formal or public schools. They have access to education through ALCs which follow international curriculum or curriculum of their country of origin. ALCs are established and registered in accordance to MOE's ALC guidelines. These schools are funded and operated by their own community and administered by NGOs which includes:

(a) Educare Centres for out-of-school children, mainly refugee children from the Philippines which is run in collaboration with UNICEF, MOE, the Sabah Special Task Force and the Malaysian Teachers Foundation;

(b) The Humana Child Aid Society for children of Indonesian migrants in palm-oil plantations in Sabah;

(c) CLC for children of Indonesian plantation workers in palm-oil plantation in Sabah and Sarawak authorised by the Government. At the moment there are 85 CLC operating in Sabah and 16 CLC operating in Sarawak which are registered with the MOE with an enrolment of 5,194 students; and

(d) ALC for refugee children run by NGOs to provide basic education for the children. Most of the ALC only offer education at primary level. Currently, ALCs are providing basic education for Rohingya and Syrian children. As of 2018, there are 13 ALCs for Rohingya with 1,274 students and one ALC for Syria with 32 students.

147. In response to CO paragraph 86, Malaysia continues to work closely with UNHCR in all areas concerning asylum-seekers and refugees on Malaysian territory. MOHA also collaborates with local NGOs, ICRC and UN agencies for family reunification. Additionally, IOM has facilitated the resettlement of refugees in Malaysia to third countries since 2005 in coordination with resettlement country embassies.

148. In response to CO paragraph 88, every child born in Malaysia shall be registered by the NRD irrespective of the nationality, legal or marital status of his or her parents as stipulated in Act 299, Sabah Cap.123, and Sarawak Cap.10. With regard to education of children of migrant workers, the following categories of non-citizen children may be admitted to public schools as provided for under subregulation 5(1) of the Education (Admission of Pupils to Schools, Keeping of Registers and Conditions under which Pupils may be Retained in Schools) Regulations 1998:

(a) A child of a staff of a foreign embassy;

(b) A child whose parent is also a non-citizen, working in government service or agency, statutory body or any other place with a valid working permit;

(c) A child whose parent is a permanent resident of Malaysia; or

(d) A child who is selected by his Government to pursue his studies in Malaysia pursuant to any MoU or Agreement between the Government of Malaysia and the Government of his country.

149. Children of migrant workers also have access to healthcare services with specific fees stipulated under relevant regulations.

150. In response to CO paragraph 89, Malaysia maintains regular communications or had entered into agreements with certain AMS, as well as countries outside of the ASEAN region from which Malaysia has sourced migrant workers. These agreements are regularly revisited and improved on. As an AMS, Malaysia adheres to the provisions of ADRMW. In addition to that, the Government periodically engages with IOM in implementing provisions on rights of migrants' children as stipulated in ADRMW. Meanwhile, the Government has initiated series of engagement in 2018 to look into possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

151. The number of children who were detained in immigration depots by accompanied or unaccompanied status is presented in Table 55, Annex 1. Whereas the number of children by country of origin is presented in Table 56, Annex 1.

### **Children belonging to a minority or an indigenous group**

152. In response to CO paragraph 106, Malaysia is a multi-ethnic nation where all its people, including ethnic, religious and linguistic minorities, and indigenous communities thrive and are free to enjoy their own culture and use their own language. The recommendations in the CRC/C/133 document were also taken into account in implementing rights of indigenous children. (Refer to Cluster VIII.)

### **Children in street situations**

153. In response to CO paragraph 94(a), Malaysia conducted a study on street children in Sabah in 2008 to identify the number of street children in the state and establish a comprehensive profile database. The study also attempted to identify social issues surrounding street children. The findings of the study were used to develop programmes and the National Policy and Plan of Action on Children. In addition, Malaysia in collaboration with UNICEF commissioned the OOSCI and a complementary SOS from January 2016 to April 2017. The main study presented a profile framework of Malaysian or non-Malaysian children who were out of school or at risk of dropping whereas the side study presented a more accurate assessment of the situation in refugee, stateless and undocumented communities.

154. In response to CO paragraph 94(b), Federal Special Task Force for Sabah and Labuan carries out monthly operations throughout the state of Sabah to rescue children living in the streets from neglect, negligence, possible abuse, and exploitation. Undocumented street children who have been rescued are given shelter at the *Rumah Perlindungan Ehsan* in Kota Kinabalu under the Immigration Act 1959/63 [Act 155]. In response to CO paragraph 94(c), children placed in the *Rumah Perlindungan Ehsan* are provided with assistance for identity documents, basic health needs, basic (3R) education programme, life-skills activities and psychosocial counselling sessions. They are also given support and guidance in the form of coping skills, problem solving, motivational and raising self-esteem session to prepare them for reintegration into mainstream society. Besides, street children from poor families and those without identification documents living in Kuala Lumpur are also provided education at *Sekolah Bimbingan Jalinan Kasih* which was established in 2017.

155. In response to CO paragraph 94(d), special support including trauma therapy is provided to children who have suffered abuse. This includes psychological support through individual counselling, play therapy, art therapy and sand therapy. The children are also assisted in tracing their families and in applying for 'dependent passes' for them wherever required or possible to facilitate formal schooling. Those who do not have parents/guardians or whose parents/guardians could not be traced will remain at the shelter until the age of 18, after which they will be returned and integrated into society. In response to CO paragraph 94(e), sensitisation and awareness programmes are conducted regularly by Child Activity Centres and Child Protection Teams for communities and the public to provide a paradigm shift within the society on various social issues including street children.

156. In response to CO paragraph 94(f), the Government works closely with UNICEF and other NGOs on street children issue through initiatives as below:

- (a) Technical support by UNICEF for the OOSCI and a complementary SOS in 2017;
- (b) SBJK, a Government school for street children has been in operation since 2013 by MOE in collaboration with *Yayasan Chow Kit*, *Yayasan Salam* and *Rumah Titian Kasih* to identify street children around the Klang Valley to be offered education in SBJK; and

(c) Chow Kit Child Activity Centre established by DSW in collaboration with *Yayasan Chow Kit* to assist street children in the area. Among the activities conducted in the centre are informal education, counselling, health, recreation, leisure to street children. *Yayasan Chow Kit* and DSW also assist in managing these children for documentation of late birth registration with NRD in order these street children have their own identity.

### **Children in situations of exploitation, including measures for their physical and psychological recovery and social reintegration**

157. In response to CO paragraph 92(a), amendment to the Act 350 was made in 2010 to detail out permissible work including definition of light and hazardous work, as well as to provide protection and penalties to ensure full compliance of the international labour standards. In 2018, Act 350 was further amended to provide the definition of child and greater protection to the rights and privileges of working children in tandem with ILO Minimum Age Convention, 1973 (C138). In response to CO paragraph 92(b), for recruitment in public entertainment, employers are required to obtain a permit from the Director-General of Labour prior to recruiting children. Besides, Labour Inspectors carry out scheduled statutory inspection to workplaces and unannounced visits to work premises including sudden inspection visits at night to ensure that children are not involved in illegal businesses. Any complaints relating to breaches of employing children will be inspected and employers found to have breached labour legislation are prosecuted.

158. In response to CO paragraph 92(c), labour inspectors are provided with training to ensure that they are well versed with labour regulations and laws in the country for them to professionally and efficiently carry out their responsibilities to monitor, investigate and enforce labour regulations and laws. In response to CO paragraph 92(d), primary education is compulsory by law. Malaysia provides free primary and secondary education for Malaysian citizens, subject to nominal fees upon admission. Financial assistance is provided for needy children including working children to encourage them to continue and pursue their education for their development. In response to CO paragraph 92(e), Malaysia obtains technical assistance from the ILO through the Bridge Project such as dissemination of awareness raising materials; technical inputs on force labour in the law reform process; capacity building programme for workers' organisations; review and enhancement of the referral system on force labour; formulation of National Action Plans on Forced Labour and Child Labour; and capacity building programme for labour and occupational safety and health inspectors.

159. Refer to Cluster VII on measures to protect children affected by substance abuse. Refer to Cluster V on measures to protect child victims of sexual exploitation and sexual abuse. The number of reported cases of child sexual exploitation, sexual abuse and sale of children and abduction is presented in Table 57, Annex 1. The number of child trafficking victims is presented in Table 58, Annex 1.

160. In response to CO paragraph 96(a), reference can be made to Cluster I. The National Action Plan Against Trafficking in Persons 2010-2015 and the continuation of National Action Plan Against Trafficking in Persons 2016-2020 was developed to clearly determine the direction and focus of efforts towards achieving the national goal to prevent and suppress the problem of trafficking in persons. Malaysia is currently developing the National Action Plan Against Trafficking in Persons for year 2021-2025.

161. Act 670 was further amended in 2015 to tighten protection for victims of trafficking including Interim Protection Order for the period of 21 days and Protection Order (PO) up to three months (or extended if required) as well as immunity relating to immigration offences and procurement or possession of any fraudulent document. Act 670 also provides for the establishment of the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants which was formed in 2008.

162. In response to CO paragraph 96(b), Malaysia has signed bilateral Agreements/MoUs with Vietnam (2015), Australia (2014), China (2012), United States of America (2012) and United Kingdom (2011) in combating transnational crime where trafficking in persons is one

of the areas of cooperation. Malaysia has also ratified the ASEAN Convention Against Trafficking in Persons, Especially Women and Children on 7 September 2017.

163. In response to CO paragraph 96(c), children rescued under Act 670 are placed in places of refuge segregated according to gender and age (separate place of refuge for child victims) and provided with basic needs, support and assistance. Recreational and educational activities are conducted in the places of refuge in collaboration with the IOM, NGOs and community members. Trafficked persons with trauma and health issues will be referred to hospitals and clinics for further treatment. Social Welfare officers are on duty 24 hours a day while counsellors and psychologist help in counselling and mental health activities.

164. In response to CO paragraph 96(d), parents, family or guardians of Malaysian trafficked persons will be traced for family reunification. Subsection 53(1) of Act 670 provides that the parent, guardian or relative of the trafficked person (citizen or permanent resident of Malaysia) to make an application to commit the trafficked person into their custody. The Magistrate will decide in the best interest of the trafficked person, to either:

- (a) Commit the trafficked person into the care and protection of his parent, guardian or relative;
- (b) Require the parent, guardian or relative of the person to enter into a bond; or
- (c) Require the person to be placed under the supervision of a Protection Officer.

165. The trafficked person who is a foreign national will be released to an immigration officer for necessary action in accordance with the provisions of Act 155 to be repatriated to his country of origin, with due regard for his safety. On the other hand, if the trafficked person is in need of further care and protection, the Court may make an order that the trafficked person be placed in the place of refuge for any further period as the Magistrate deems fit, upon an application made by the Protection Officer.

166. In response to CO paragraph 96(e), a person suspected to be a trafficked person will be investigated within 21 days to determine whether the rescued children are trafficked persons or related to other matters. Offences that relate to trafficking of children are provided under Act 670. Investigations into cases of abuse against children in Malaysia are carried out under Act 574, Act 611 and Act 670. Act 670 is supplemented by Act 350 and other legislation on labour in addressing the issue of labour exploitation. In response to CO paragraph 96(f), public awareness and campaigns on anti-trafficking in persons are carried out via print and electronic media as well as interview sessions over the radio and public and private television channels. In addition, road shows for border officials at border entry points have also been conducted.

167. The Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants conducts year-round workshops and programmes to increase awareness of the causes and consequences of the act of trafficking in persons and smuggling of migrants which among others strengthening enforcement procedures, investigation methods, evidence gathering and victim protection as well as enhancing inter-agency cooperation and cooperation with NGOs. There is strong cooperation between relevant agencies and civil society organisations to ensure the continuity of these capacity building programmes on a regular basis.

168. In response to CO paragraph 96(g), Malaysia acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 26 February 2009. In response to CO paragraph 96(h), Malaysia maintains close cooperation with IOM and civil society as follows:

- (a) Collaboration with IOM on the training of trainers such as “Interview and Investigation Techniques for Malaysian Law Enforcement Officers” conducted in 2012 and 2013;
- (b) Training of Trainers Workshop on Interview and Investigation Techniques for Malaysia’s Law Enforcement Officers was organised in collaboration with IOM in Kuala Lumpur in 2014; and
- (c) Six in-house training sessions for enforcement personnel in collaboration with IOM.



## Children in conflict with the law, child victims and witnesses of crimes and juvenile justice

169. The amendment of Act 611 in 2016 has incorporated more specific criminal procedures for children. For example, a child arrested shall not be handcuffed unless the offence with which he is arrested for is a grave crime or the child forcibly resists the arrest. Besides, the police shall inform the ground of arrest as soon as may be to the child, parents and probation officer. In response to CO paragraph 104(a), section 82 of Act 574 provides the minimum age of criminal responsibility is 10 years old. Further, section 83 of Act 574 provides that nothing is an offence which is done by a child above 10 years of age and under 12, who has not attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion. As of now, there is no study on the discrepancies between minimum age standards in civil and Syariah law. In response to CO paragraph 104(e), section 15 of Act 611 expressly provides restrictions on media reporting and publication where it concerns the reporting on children in conflict with the law.

170. In response to CO paragraph 104(f), Malaysia seeks continuous technical support from UNICEF on justice for child issue, such as:

- (a) Studies on the juvenile justice system and suggestions for legal reform;
- (b) Capacity building for probation officers;
- (c) A probation pilot from May 2018 to April 2020 in order to enhance Probation Officer capacity, to enhance Probation Report quality and to enhance Interactive Workshop quality for children offenders;
- (d) Development of a diversion pilot programme and related training since 2013; and
- (e) Development of modules and capacity building of legal and enforcement officers.

171. The number of persons under 18 years of age who have been arrested by the police due to an alleged conflict with the law is presented in Table 59, Annex 1. Whereas the number of cases of children in conflict with the law handled by a Probation Officer is presented in Table 60, Annex 1.

172. In response to CO paragraph 104(c), Malaysia still maintains the mechanisms as provided in Malaysia's Initial report where the Board of Visitors can release the children ordered to be placed in approved school. While the Commissioner General of Prison can release the children in Henry Gurney School. In order to ensure deprivation of liberty is the last resort, Act 611 was also amended in 2016 with additional provision section 97A whereby the Court For Children may make an order requiring a child found guilty of an offence to perform community services instead, not exceeding 160 hours in aggregate within the period not exceeding six months.

173. In response to CO paragraph 104(d), the Government has taken steps towards creating measures to abolish the delay in disposal of cases involving children such as:

- (a) Dedicated courts and procedures for children in conflict with the law such as the Court for Children and measures for court proceedings under Act 611;
- (b) In February 2017, the Pardon's Board Coordination Secretariat had reviewed the existing SOP in relations to documents required for the preparation of the Attorney General's opinion including for cases of children;
- (c) In 2016, AGC had established the Sexual Offences and Domestic Violence Unit which specialises in handling cases related to sexual crime against children and child abuse. The Unit analyses, reviews and supervises investigation, and gives instructions via investigation papers to the police to strengthen cases. DPPs in the Unit is to comply with SOP in which the internal administrative time line in disposing of cases is within 14 days. In supervising the investigation and handling of investigation paper, the DPPs also adhere to internal administrative directives and guidelines; and

(d) For Special Court for Sexual Offences Against Children, reference can be made to Cluster V.

174. The percentage of recidivism cases of person under 18 years old is presented in Table 63, Annex 1. The number of children who have been found guilty of an offence by a court and have been ordered to detention is presented in Table 64, Annex 1. The number of children who have been ordered to detention in Henry Gurney Schools and Prison by length of detention is presented in Table 65, Annex 1.

175. In response to CO paragraph 104(b), Community Service Order was introduced under section 97A of Act 611 to promote positive alternative punishment. A child charged with any offence except for offences of grave crime, may still be admonished and discharged by the Court for Children. If a child is found guilty of an offence, Act 611 provides that the Court for Children may order a bond of good behaviour or community service order. A child charged in a criminal court other than the Court for Children, may still be released without a conviction recorded if the Court finds that due to the age or extenuating circumstances under which the offence was committed, that it is expedient to release the offender on probation by either dismissing the charge or complaint after an admonition or caution, or discharge the offender conditionally with bond of good behaviour. Likewise, section 128 of Act 560 states that youthful offenders (10-16 years old) can either be admonished by the court and/or released on bond of good behaviour. In addition, MWFCDD is also spearheading the introduction of a diversion programme for children in conflict with the law with technical support by UNICEF since 2013. The SOP have been finalised and the pilot is expected to be implemented commencing 2019.

## **X. Optional Protocols**

176. In response to CO paragraph 107, Malaysia acceded to the OPAC and OPSC on 12 April 2012.

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