

COUNTRY REPORT MALAYSIA

WELFARE AND THE PROTECTION OF CHILDREN

A. INTRODUCTION

1. Malaysia is part of South East Asian Archipelago with one part i.e. Peninsula Malaysia connected to mainland South East Asia via the long Isthmus of Kra in Southern Thailand. The other part of Malaysia with the states of Sabah and Sarawak is situated on the island of Borneo. The total land area is estimated at 330,252 sq meters.

2. Malaysia's population increased from 23.49 million in 2000 to 28.9 million in 2010, with non-citizens accounting for 2.1 million (7.3%). The average of annual population growth rate for 2010 is 1.3%. Malaysia is a young country where about 39% (11.3 million) of the population is children, comprising those in the 0-18 age-groups. The composition of the total population comprises of about 9.16 million (31.7%) below the age of 15 years, 18.39 million (63.6%) in the economically-productive age group of 15-64 years and 1.36 million (4.7%) elderly people aged 65 years and above. Average annual population growth rates will continue to slow down with the declining fertility rate and delayed in marriageable age.

3. The overall population density for Malaysia in 2010 is 88 persons per sq. km. Meanwhile, the proportion of the population residing in the urban areas increased from 62.0% in 2000 to 63.8% in 2010. This trend towards greater urbanization of the population is indicative of the growing economic opportunities and better social amenities in the urban areas.

4. Looking at the socio-economic development of the country, Malaysia's Per capita Gross National Income (GNI) at current price was RM13,418 (USD4,548) in year 2000 and has increased to RM25,180 (USD7,416) in 2010. The poverty rate has reduced from 8.5 in 1999 to 3.6 in 2007. Poverty rate is four fold higher in the rural as compared to urban areas.

5. Various development policies and strategies have been formulated and translated into (programmes and activities) to ensure that every citizen has the right to development and enjoy better quality of life. A key thrust is promoting an equitable society by raising the income and quality of life of those in the low-income groups and reducing economic disparity among ethnic groups as well as between locations. Malaysia has strongly advocated that for economic development to be meaningful and sustainable, it must involve and accrue to all citizens. As such, social development which is a pre-requisite for nation building has and will continue to be part of the overall national development agenda. Programmes to redistribute the wealth of the nation and deliver essential social

services such as education, health and housing were developed through a comprehensive set of national policies and strategies.

6. Malaysia's concerns for the optimum development of its children is reflected in its numerous socio-economic policies and plans which seek to create a conducive and enabling environment sensitive to the needs of children. These include the Five Year Development Plans, the New Economic Policy, the National Development Policy, the National Education Philosophy, the National Welfare Policy and the National Social Policy. The National Social Welfare Policy aims to create a society whose members are imbued with the spirit of self-reliance, enjoy equal opportunities and care for one another especially for the less fortunate. The Tenth Malaysia Plan for 2011-2015 is paramount in developing and planning for Malaysia. The Five Year Development Plan target both economic and infrastructural growth as well as human development. Emphasis is also given on enhancing educational opportunities, better nutrition and healthcare and strengthening the family institution to ensure the security and safety of children.

7. Malaysia, like all other developing countries is experiencing a demographic transformation which will have an impact on the lifestyle, family and community structure of our society. In response to this, the Government, with informed inputs from NGOs, has put in place the National Social Policy and its Plan of Action gearing towards a balanced development. This Policy adopts the holistic approach towards enhancing social development which takes into consideration the national philosophy and the various social policies of the country. The main strategies are towards enhancing lifelong empowerment of the individual, strengthening social support systems, enhancing effective delivery of social services, promoting social inclusion and generating multi-sectoral collaboration and synergy. In order to realize the execution of this Policy, the National Social Council was established to act as a planning and implementing entity and chaired by the Honorable Deputy Prime Minister.

8. Malaysia will continue to ensure the well-being of the children through her developmental programmes coupled with international commitments and initiatives and collaborative networking with related non-governmental organizations and the community. Malaysia reaffirms its commitment to realize the Millennium Development Goals (MDGs) and to undertake necessary action to promote and protect the rights of each child according to "A World Fit for Children" document. Being a member state of OIC, Malaysia is also committed to the related commitments made in the Rabat Declaration and Khartoum Declaration on Child's Issues.

9. Following the commitment made during World Summit on Children in 1990, Malaysia has formulated the 1st National Plan of Action on Children through a concerted and coordinated efforts of various government agencies, NGOs and international agencies particularly UNICEF and WHO. With the ratification of

the Convention on the Rights of the Child (CRC) and commitments made to meet the MDGs and “World Fit for Children”, the Government of Malaysia has approved a very comprehensive National Policy on Children together with the National Plan of Action on Children. The Plan will give focus on the thrusts of development relating to children’s survival, protection, development and participation as provided for in the CRC.

B. LAWS ON THE PROTECTION OF CHILD RIGHTS AND THEIR ENFORCEMENT MECHANISMS

I. Relevant Legislation

Child Act 2001 [Act 611]

1. In fulfilling Malaysia’s obligation under the Convention Rights of Child (CRC), Malaysia had enacted the Child Act 2001 [Act 611]. Act 611 repealed the Juvenile Courts Act 1947 [Act 90], the Women and Girls Protection Act 1973 [Act 106] and the Child Protection Act 1991 [Act 468]. The provisions of Act 611 are based on the four core principles of the CRC that is, non-discrimination, best interest of the child, the right to life, survival and development and respect for the views of the child.

2. The preamble of Act 611 provides that every child is entitled to protection and assistance in all circumstances without regard to distinction of any kind, such as race, colour, sex, language, religion, social origin or physical, mental or emotional disabilities or any status.

3. Act 611 provides for a procedure before the Court for Children which is child-friendly taking into account the mental and emotional maturity of a child. The child is presumed innocent until found guilty and is guaranteed the right to be heard. The child also has a right to a counsel. The Child Act 2001 empowers a Court for Children to order parents or guardians of the child to attend interactive workshops to enable them to establish a positive relationship and mutual understanding in overcoming their problems towards building a harmonious family. Such interactive workshops are carried out by the counselors of the Department of Social Welfare.

4. The child also has the right to cross examine witnesses through a counsel. Where he is not legally represented, the Court for Children shall allow the child’s parents or guardian or any relative or other responsible person to assist him in conducting his defence. If in any case where the child is not legally represented or assisted in his defence, the child instead of asking questions by way of cross-examination, makes assertions, the Court for Children may put to the child such questions as may be necessary in order to bring out, or explain anything in, the assertions of the child; and shall then put to the witness such questions as the Court thinks necessary on behalf of the child.

5. If the Court finds that a prima facie case is made out, the Court shall explain to the child the substance of the evidence against him and, in particular, any points in the evidence which specially tells against him or requires his explanation. The child shall be allowed to present his case by giving evidence upon oath or affirmation or make any statement if he so desires. He is also allowed to call witnesses to support his case. The right to cross examine witnesses, to give evidence and produce evidence to support his case are consistent with the core principle on respect for the views of the child under the Convention.

6. Where a finding of guilt is recorded against the child by the Court, the Court shall consider a probation report before any order or decision is made pertaining to the child. The report shall contain information on the child's general conduct, home surroundings, school record and medical history to enable the Court for Children to deal with the case in the best interest of the child. The probation report may also include any written report of a Social Welfare Officer, a registered medical practitioner or any other person whom the Court for Children thinks fit to provide a report on the child.

7. Act 611 also obligates parents or guardian to appear before a Court for Children during the proceedings. Failure to attend the proceedings without reasonable reasons amounts to committing an offence under Act 611.

Child care Centres Act 1984 [Act 308]

8. Act 308 is intended to ensure quality childcare for children below the age of four years at childcare centres. All centres that take in children for a fee are required to register with the Department of Social Welfare. Through the issuance of a Certificate of Registration, which has to be renewed yearly, the Department of Social Welfare monitors the operation of the childcare centres to ensure compliance with Act 308. This Act also stipulates that all care providers must obtain the basic Childcare Certificate accredited by the Department of Social Welfare. Additional training in Early Childhood Care and Development is also provided for childcare providers and parents.

9. In order to cater for the current needs, Act 308 was amended in 2006. Among the amendments are:

- The validity of certificate of registration has been extended from 12 months to 60 months to encourage more operators to register their child care centres. This extension enables the operator's sufficient time to apply for approval from technical departments such as local authorities, Health Department and Fire Services and Rescue Department.
- The categories of the child care centres have been added from two categories (child care centres at home and institutions) to four with the addition of child care centres at work place and community based child care centres.

- The penalty for failure to register a child care centre has been increased from RM1,000 to RM10,000 or to imprisonment for a term not exceeding two years or both. For the second offence, the penalty has been increased from RM2,000 to RM20,000 or to imprisonment for a term not exceeding five years or both.
- The Director General is given the power to seal any premises that are not registered with the Department of Social Welfare (DSW).
- The new amendment gives power to the officers of DSW to compound premises that commit any offences stipulated under this Act.

Care Centres Act 1993 [Act 506]

10. Act 506 provides for registration, control and inspection of day and residential care centres. Any care centre which provides care for four or more persons over a continuous period of more than three hours per day and at least three days per week whether, for reward or otherwise, is required to be registered under Act 506.

11. A Certificate of Registration to operate such care centre is granted on the basis of the number of residents which must not exceed the stipulated available space and the specified ratio between care givers and residents. The premise of the care centre must fulfil the requirements of the local authorities, observe the health guidelines as set up by the Health Department and fire safety rules as stipulated by the Fire Services and Rescue Department. Besides that, an appropriate menu and daily activities according to different age groups must be provided. Any offences under the Act 506 shall be liable to a fine not exceeding RM10,000.00 or imprisonment for a term not exceeding two years or both.

12. In order to cater for the current needs, Act 506 was amended in 2006. Among the amendments are:

- The validity of certificate of registration has been extended from 12 months to 60 months to encourage more operators to register their care centres. This extension enables the operator's sufficient time to apply for approval from technical departments such as local authorities, Health Department and Fire Services and Rescue Department.
- The Director General is given the power to seal any premises that are not registered with the Department of Social Welfare.

The new amendment gives power to the officers of DSW to compound premises that commit any offences stipulated under this Act.

Domestic Violence Act 1994 [Act 521]

13. Act 521 aims to control the crime of violence amongst the family and maintain the well-being of the family. It also protects the child against any form of abuse committed within the household. This Act has to be read with the Penal Code [Act 574] and the Criminal Procedure Code [Act 593]. Domestic violence is defined as willfully placing the victim in fear of physical injury, causing physical injury, compelling the victim by force or threat to engage in any conduct or act, sexual or otherwise from which the victim has a right to abstain, and harassment or psychological harm so as to cause ill health.

Apart from that, other legislations which cater on the protection of the child rights are the Education Act 1996, Guardianship of Infants Act 1961, Births and Deaths Registration Act 1957, Registration of Birth and Death Ordinance of Sabah, Registration of Birth and Death Ordinance of Sarawak, Married Women and Children (Maintenance) Act 1950, Law Reform (Marriage and Divorce) Act 1976 and the Workers' Minimum Standards of Housing and Amenities Act 1990.

Education Act 1996 [Act 550]

14. With respect to the development of a child, the Education Act 1996 [Act 550] was amended in 2002 to provide for compulsory primary education. It stipulates that every parent is obliged to enroll their child upon attaining the age of six years in primary school and the child shall remain as a pupil in a primary school for the duration of the compulsory education for six years. Although education is compulsory by law, the current policy in Malaysia still requires students to pay a certain amount of fees upon enrolment in primary school for additional books and co-curricular activities. Although a minimal payment is imposed, financial assistance is provided by various Government agencies to needy children to ensure their rights to education.

Guardianship of Infants Act 1961 [Act 351]

15. The rights and duties of parents in relation to their children are provided for in the Guardian of Infants Act 1961 [Act 351]. This Act provides for the equality of parental rights in relation to the guardianship or upbringing of an infant or in the administration of any property belonging to or held in trust for an infant or in the application of the income of any such property.

16. On the death of any one of the parents of an infant, the surviving parent shall be guardian of the infant, either alone or jointly with any guardian appointed by deed or will. In the event that both parents of an infant died without appointing a testamentary guardian, any Magistrate, Penghulu, police officer or Protector⁵ may cause the infant to be taken before the Court, and the Court shall appoint a guardian of the infant's person and property or either of them.

17. In the case of an abandoned child, the Court shall appoint a Protector to be a temporary guardian of the child until such time when a guardian of the child can be appointed. In exercising the power conferred by Act 351, the Court shall have regard primarily to the welfare and best interest of the child.

Births and Deaths Registration Act 1957 [Act 299], Registration of Birth and Death Ordinance of Sabah (Chapter 123) and Registration of Birth and Death Ordinance of Sarawak (Chapter 10)

18. These legislations make it mandatory for every birth in the country to be registered. The provisions provide the child with the right to a name and an official document. This official document becomes the basic document for all future transactions for the child concerned.

Married Women and Children (Maintenance) Act 1950 [Act 263]

19. Under Act 263, a Court may order a father, who neglects or refuses to maintain his child, to make a monthly allowance in proportion to his means as the Court deems just and reasonable.

Law Reform (Marriage and Divorce) Act 1976 [Act 164]

20. In addition to the provisions of Act 263, Act 164 provides for the rights of the child to be maintained by the parents. Act 164 also has provisions pertaining to the custody of the child in the event of a divorce. Besides that, in addition to the Act 611 and Domestic Violence Act 1994, other legislations providing protection from exploitation and abuse of children are the Penal Code, Children and Young Persons (Employment) Act 1966 (Revised 1988) and the Anti Trafficking in Persons and Anti Migrant Labour.

Penal Code

21. Provisions of Act 574 under Chapter XVI relating to offences affecting the human body apply equally to children. Sections 312, 313, 314, 315 and 316 specifically provide for offences relating to causing miscarriage and injuries to the unborn child. Section 317 makes it an offence for exposure and abandonment of a child under twelve years by the parent or any person having the care of the said child.

22. Amendments have been made for Section 375 of the Penal Code, particularly on the issue of consent, whereby consent is obtained by using positions of authority over the victim or because of professional relationship or other relationship of trust in relation to the victim and also issues of consent when the victim is under sixteen years of age.

Children and Young Persons (Employment) Act 1966 (Revised 1988) [Act 350]

23. Act 350 is aimed at protecting a child from economic exploitation including child labour. It controls the kind of employment, number of days and hours of work for any child and young person. Under Act 350, a child is defined to be below fourteen years of age and young person is defined to be above fourteen years but has not completed his or her sixteenth year of age. This Act also enables the child and young person to enter into a contract of service and to sue his or her employer for wages or breach of services. The child and young person is also protected from having to pay damages or indemnity in the event an action is taken on the child or young person, by the employer for breach of contract of service.

The Anti-Trafficking In Persons and Anti-Smuggling of Migrants Act 2007 (Amendment 2010) [ACT 670]

24. Section 14 of The Anti-Trafficking in Persons and Anti Migrant Act 2007 provides that any person, who traffics children for the purpose of exploitation, commits an offence and shall on conviction be punished with imprisonment for a term not less than three years but not exceeding twenty years, and shall also be liable to fine.

25. Under this Act, the Ministry of Women, Family and Community Development is responsible to provide place of refuge for trafficked victims, particularly women and children as mentioned in section 42 of the said act.

Malaysia has also enacted legislations governing adoption to safeguard the interest of the adopted child. The legislations are the Adoption Act 1952, Adoption Ordinance Sabah 1960 Adoption Ordinance Sarawak 1958, and the Registration of Adoption Act 1952 and the Islamic Family Law (Federal Territory) Act 1984.

Adoption Act 1952 [Act 257]

26. Act 257 is enacted to safeguard the interest of the adopted child. Children adopted under Act 257 will have the same rights and status as the natural child of the adoptive parents and will have the rights to inherit the adoptive parent's property as if he or she is a natural child. There is a provision which stipulates a minimum age of the adopter to be at least twenty five years old and at least twenty one years older than the child or over twenty one years if he or she is a relative of the child. Act 257 also prohibits the adoption of female children by a sole male applicant unless under special circumstances. The order of adoption under Act 257 is made by the Court. In the states of Sabah and Sarawak, adoption is governed by the respective states' Ordinances.

27. The provisions of Act 257 shall not apply to any person who professes the religion of Islam and to a child who according to law is a Muslim. The interests

and welfare of a Muslim child taken into custody as member of the family is contained in section 78 of the Islamic Family Law (Federal Territory) Act 1984. This Act provides that where a man has accepted a child who is not his child as a member of his family, he is duty bound to maintain the child. The fostered Muslim child is given the same rights as a natural child and may be entitled to benefit from the foster parents' property by way of gift (hibah) or the foster parents may devise not more than one third of their property by will (wasiat) to the child. However, the fostered Muslim child will not carry the family name of his foster parents, nor will he be entitled to inherit the foster parents' property.

Adoption Ordinance Sabah 1960 and the Adoption Ordinance Sarawak 1958

28. The Adoption Ordinance Sabah 1960 and Adoption Ordinance Sarawak 1958 are State Laws which are applicable to the states of Sabah and Sarawak by virtue of Article 95B of the Federal Constitution which came into force on 16 September 1963. Both Ordinances are listed in List IIA – Supplement to State List for States of Sabah and Sarawak, Ninth Schedule of the Federal Constitution. Both the Adoption Ordinances provide for the procedures for the registration of adoption and conditions relating thereto. Unlike the Adoption Act 1952 (which is applicable to non-Muslims in Peninsular Malaysia), these Ordinances are applicable to both Muslims and non-Muslims.

Registration of Adoption Act 1952 [Act 253]

29. Act 253 provides for the registration of adoption upon application made by the adoptive parents of a child under the age of eighteen years who has never been married and is in the custody of, and is being brought up, maintained and educated by the adoptive parents. The adopted child must be a permanent resident and have stayed with the adoptive parents for two years before an application for adoption can be made and the certificate of registration of adoption is issued by the National Registration Department. The provisions of Act 253 are to ensure the welfare and development of the adopted child, protection of the adopted child from exploitation and abuse and safeguards on adoption. Act 253 is applicable to both Muslims and non-Muslims.

30. The procedure under Act 253 is only by way of registration of the adoption at the National Registration Department. The procedure of registration of such adoption would not in any way change the paternity of the Muslim child. This procedure is not in contravention with hukum Syarak and fosterage made under section 78 of the Islamic Family Law (Federal Territory) Act 1984.

Islamic Family Law (Federal Territory) Act 1984 (“IFLA”) [Act 303]

31. The provisions pertaining to a Muslim child's rights may be found in IFLA. Section 79 of IFLA provides that parents are obligated to maintain their child

until the child reaches the age of 18 or until the child completes higher education or further training.

In terms of custody of a Muslim child, section 81 of IFLA provides that a mother is the best person to take care of a child. However, in terms of guardianship, section 88(1) of IFLA provides that the father shall be the first and primary natural guardian of the person and property of his minor child, and where he is dead, the legal guardianship shifts to the father's father, the executor appointed by the father's will, the father's executor's executor, the father's father's executor and the father's father's executor's executor.

32. The IFLA also stipulates provisions pertaining to the welfare of an illegitimate child. The responsibility towards the illegitimate child is placed exclusively to the mother and her relations. In the case of a Muslim child who is abandoned or needs protection, the child may be taken into custody for the purposes of upbringing and education. The Syariah law provides that when any person brings home a child to foster, to educate and treat as if the child is one of his own; he protects, feeds, clothes, teaches and loves the child; but the child is not attributed to him. Section 78(1) of IFLA makes provision for maintenance of a child accepted as a member of the family.

33. In all matters relating to a child, the provision of Part VII under IFLA places the welfare of the child as the paramount consideration.

Death Penalty

34. Section 97 of Child Act 2001 [Act 611] provides that the death sentence should not be pronounced against a child. Section 16 of the repealed Juvenile Courts Act 1948 is now contained in section 97 of the Act 611.

Evidence of Child Witness Act 2007

35. The Evidence of Child Witness Act 2007 has been promulgated to create more child-friendly methods, such as giving evidence through video conferencing for child victims and child witnesses in criminal cases. The Act also provides for the establishment of Witness Support Service which aims to reduce fright and trauma to children who are to be witnesses in the Court proceedings.

The Compulsory Education Act

36. The Compulsory Education Act was enforced on 1 January 2003 to ensure that all children complete primary education in six years but may complete in five to seven years. The intent was to reduce illiteracy and dropouts especially in rural areas. Under the Compulsory Education Act [Section 29A Education Act (Amendment) 2002], every child who has reached the age of six in January of the current year must be enrolled in school and receive formal primary school education. The Compulsory Education Act stipulates that a fine of RM5000.00

or jail for a period of not exceeding six months or both can be imposed upon parents who fail to abide to this Act.

II. Enforcement Mechanisms

Enforcement of the above Acts is conducted by various government agencies such as Royal Malaysian Police, Department of Social Welfare, Ministry of Education and Ministry of Health. The enforcement mechanism can be categorised as follows:

- i- administration by way of monitoring, visits and compliance notice;
- ii- compounding of offences; and
- iii- prosecution in courts of law.

C. EDUCATION AXIS

I. Policies

Pre-School Education

1. The Education system in Malaysia provides opportunities for all children to have access to all levels of education including preschool. Efforts are being continuously undertaken to improve, expand and enhance the system to ensure that the country's human resource base is equipped with the necessary skills to meet the demands of the rapidly changing society. In its efforts to expand the supply of highly skilled and knowledgeable manpower, the Ministry of Education (MOE) has formulated strategies to increase the capacity for education and training. The strategies encompass all levels of education. The Education Act 1996 stipulates that the national education system should consist of preschool education as well. Preschool education is provided by both the public and private sectors. The Government is taking measures to increase access to preschool education particularly in the rural and remote areas.

2. The importance of early childhood development programme is also reflected in the Education Act 1996 which stipulates that the national education system shall consist of preschool education, primary education, secondary education, post-secondary education and higher education. Preschools programmes are provided by the Government for both the rural and urban children. Early childhood development programmes are also being carried out by private sector which are mainly concentrating in urban areas using however common curriculum guideline designed by the Curriculum Development Center. In this respect, the Ministry of Education coordinates the early childhood programmes and responsible for the curriculum, registration and training for the government sector.

3. The pre-school education aims to meet the needs of young children. The objectives of pre-school education are fostering love for the country, instilling

moral values and developing characters, developing basic communication skills, respecting the national language, acquiring physical activities as a basis for good health, developing critical thinking skills through enquiry and the use of all senses. National Pre-school Curriculum (NPC) is formed to enable pre-school children to acquire basic communication, social and other positive skills prior to primary education. The NPC is based on the principles of the National Philosophy of Education and is designed to provide a basic foundation in cognitive, affective and psychomotor domains. Pre-school classes have been made available for rural and remote areas, irrespective of race or religion, indigenous pupils, the hearing and visually impaired. Inclusive education programmes have also been carried out for children with learning disabilities.

4. One of the National Key Result Areas in education is pre-school and one of the targets is to increase the enrolment of children in pre-school by 87% in 2012. Besides, another goal is to increase the quality of pre-school education by making private pre-schools and other government agencies as part of national education system. In Malaysia, pre-schools are conducted by MoE, other government agencies like JPNIN and KEMAS and Private Sector. Overall, there were 1500 pre-school classes compared to the target for 2010 which were 1353 classes. The MoE has achieved its target in 2010 to open pre-school classes which were 315 to 325.

5. Sub-NKRA pre-school has implemented seven thrusts:

- a. Set up National Pre-school Committee, Pre-school Division and PERMATA
- b. Implement National Standard Pre-school Curriculum
- c. Synchronize the assistance to all government pre-schools pupils
- d. Increase quality of teachers and assistant teachers
- e. Increase smart partnership between government and private pre-schools
- f. Increase the numbers of classes especially in rural and remote areas
- g. Set up pre-school information system

6. The pre-school curriculum specification stresses on nine elements as basis for children development. Among them are civics education, Islamic education, moral studies, Malay language, English language and children's physical development. The focus of pre-school education is on personal development, the socialization process and preparation for primary education.

7. To promote computer literacy among children, each pre-school classroom is provided with two computers and teaching/learning course wares. Pre-school teachers in government pre-schools must possess a minimum qualification of a diploma or a first degree.

Primary Education

8. Children begin their primary education at the age of 6+. Their primary education may be completed between six to seven years. Malaysia has set up two

categories of school: the national and national-type schools to cater for the multi ethnic nature of its population. The Malay language is the medium of interaction for national schools while English language is a compulsory subject. National-type schools use Mandarin or Tamil as the medium of instruction with the Malay and English languages made compulsory subjects.

9. MOE has introduced ICT in the teaching and learning process at the primary level through the Computer in Education Programme since 1994. The MOE encourages the use of different types of media in the process of teaching and learning. Education TV is used widely in schools and accessible even in the remote areas of Sabah and Sarawak through the use of satellite. MOE is continuously upgrading the quality of the Education TV content in collaboration with ASTRO. MOE also strives to improve the infrastructure of primary schools by upgrading computer labs, science labs, libraries and sports facilities among others. Various support programmes such as free Textbooks, Supplementary Food Programme, School Milk Programme, Scholarship Programme, Guidance and Counselling Programmes, as well as Poor Students Trust Fund are provided to foster and motivate learning interests amongst students.

Secondary Education

10. Education at the secondary level is provided for students between the ages of 12+ to 17+ years. The lower secondary level takes a period of three years. The curriculum at this level is aimed at providing general education so as to expose students to various fields. The upper secondary level takes two years to complete and is more specialized. Among the disciplines offered are arts, science, vocational, technical, religious studies and sports.

Strengthening of National School

2. The National Schools (NS) forms the best foundation for cultivating racial solidarity. The strengthening of NS policy is to ensure that all primary schools with Malay language as the medium of instruction become the school of choice for all Malaysians. The objective of the policy is to enhance and reinforce unity among the multi-racial students whereby the sense of patriotism, tolerance and cooperation is instilled among students at an early stage.

III. Programmes

The Pupils' Integration programme for Unity (RIMUP)

3. RIMUP was introduced in 1986. At the initial stage, the programme concentrated on primary schools in the form of co-curricular activities and sports among multi-racial students. In 2005, the MOE has revived the programme by adopting a fresh approach to enable students from schools with a majority of one race to interact with multi-racial students from other schools. The concept has

been reinforced by encouraging participation from the local community, school administrators, teachers and student at primary and secondary levels in special joint activities.

Vision Schools

4. In the Vision School concept, two or three national and vernacular primary schools are placed in the same compound and share common facilities such as the school canteen, courtyard and school field but without losing the identity of each school. The aim is to promote integration as well as to inculcate cooperation, understanding and tolerance among children of different ethnic and religious backgrounds.

Special Model Schools

5. The Special Model School concept was introduced to improve the quality of education and to reduce drop outs from the national education system. These schools combine pupils at level two of primary education with secondary students within the same school premise under the same management. These children are also given all the support programmes such as textbooks and financial aids.

K-9 Comprehensive Special Model Schools

6. K-9 Comprehensive Special Model Schools is MOE's initiative to provide access to education as well as to curb absenteeism and dropout among the indigenous and Penan children. It is part of the effort to bridge the education gap among Malaysians from various ethnic, culture and socioeconomic status.

Special Programme for Orang Asli and Penan

7. Special Programme for Orang Asli and Penan was designed to deal with the problem of dropout among indigenous pupils. The Curriculum for Orang Asli and Penan schools, introduced in 2007, was designed to produce knowledgeable, conversant and skilled Orang Asli pupils who are proud of their heritage and tradition, and be able to assimilate in the society at large. The MOE has provided various support programmes in the form of school uniform, pocket money, supplementary food, tuition classes and transportation.

School of Excellence

8. The MOE aims to develop cluster schools as models for other institutions within the same cluster. It is hoped that the schools will become the premise for pioneering new approaches and innovations in the education system. The school of excellence is expected to bring about positive impact to national education system through:

- a. excellence in co-curricular activities programmes;
- b. exemplary career guidance programmes;

- c. outstanding all-rounded students ;
- d. acceptance of students from school of excellence at world renowned universities;
- e. government and private sector sponsorship;
- f. international acknowledgement;
- g. as benchmarks for other schools, both local and foreign;
- h. quality leadership; and
- i. excellent teachers.

High-Performance School (HPS)

9. Setting up of high-performance schools is one of the targets under The National Key Result Areas (NKRA). HPS are assessed holistically in accordance with National Education Philosophy (FPK), to practice integrated education. HPS assessment includes School Grade Point Average (GPA), Verification of Malaysia Standard Quality for Education and also utilise the five annex elements which give importance not only academic aspects but also the following:

- a. Towering personalities
- b. Recognition and awards received from both national and international levels
- c. Linkage programmes with institution of higher learning (college and universities)-local and international
- d. School networking programmes at the national and international level; and
- e. Become national and international benchmark for other schools.

Special Education

10. The MOE provides education opportunities for pupils with special needs such as those with visual, hearing and learning impairments. Moe has taken the inclusive learning approach and as far as possible, learning in difficulties in special education children are addressed within the mainstream school system and technical/vocational schools. In addition, there are special schools for visual and hearing impaired children. MOE provides the same access to quality education to children with special needs so that they can enjoy the quality of life similar to normal children.

J-QAF Programme

11. The programme was launched in 2005 in the effort to elevate Islamic education at primary school level. J-QAF stands for the Malay language in Arabic transcript, the Quran, the Arabic language and the Fardhu Ain-Islamic obligatory duties. The objective of j-QAF is to ensure that all Muslim pupils, including those in special needs have a good command of Jawi, are proficient in Al-Quran studies, understand Arabic and practice Fardhu Ain before they continue their secondary studies.

Free textbooks

12. All students in government and government aided schools get the privilege of getting free textbooks from 1 January 2008.

The Poor Students' Trust Fund (PSTF)

13. The MOE has set up the PSTF on 11 April 2003 under Section 10 of the Finance Procedure Act 1957. The PSTF was set up to provide financial aid specifically to poor Malaysian children in government and government aided schools regardless of race and religion. This is accordance with the Compulsory Education Policy to improve students' academic excellence.

The Integrated School Health Programme (ISHP)

14. ISHP is implemented with the assistance of the Ministry of Health. The aim of this programme is to provide various health services to students in primary and secondary schools.

The Supplementary Food Programme (SFP)

15. The aim of SFP is to increase the nutritional value of food consumed by pupils to ensure they receive a well-balanced diet for their physical growth, mental health and general well-being.

The School Milk Programme (SMP)

16. SMP runs simultaneously with ISHP. The programme is targeted for poor students whose family income is below poverty level. The SMP also encourages students to consume milk early in their life.

The 3K Programme (Safety, Health and Aesthetics)

17. The 3K Programme started in 1991 with the aim to strengthen the school system focusing on school safety, health and aesthetic. The programme is perceived as capable in making schools realise the significance of aesthetic in education which contributes to a conducive teaching and learning environment.

The Safe School Programme (SSP)

18. Safe school is defined as a school environment which is free from internal and external threats and where the school community feels a sense of security. In a safe school, each individual should be free from race and gender discrimination, have positive attitude towards others, value individual differences, act and be fair, be cooperative and helpful, practise good behaviour and morality, avoid other violence behaviour, abhor physical, mental and emotional abuse, and report all negative incidents.

The Scholarship Programme

19. The MOE is always sensitive to the problems of less fortunate students who have the potentials to excel academically. In view of this, scholarships are granted to students with excellent academic achievement from poor family background with an income below RM1000.00 per month. At primary and secondary levels, students are granted with Federal Minor Scholarship and University Preparatory Class Scholarship.

The Counselling and Guidance Programme (CGP)

20. The aim of the CGP is to expand the counselling service and career guidance for the benefits of the students. Every primary and secondary schools must set up a Counselling and Guidance Unit headed by a full-time counsellor.

The emergency Preparedness Programme (EPP)

21. The EPP was launched in august 2006 and is a collaborative programme between the MOE and UNICEF. The aim of EPP is to equip primary school teachers with knowledge on how to prevail over natural disaster such as flood, tsunami, earthquake, haze and landslide.

The School Boarding Programme

22. School hostels are built to provide convenient accommodation for students especially to those who live in rural and remote areas and whose family earns less than RM1000 per month. The aim is to bridge the gap of quality education between students who live in the rural and urban areas.

The Assistance Programme for Students with Special Needs

23. The MOE is always concerned with the requirements of students with special needs. One of the steps taken by the MOE is to ease the financial burden of parents of students with special needs by providing financial assistance of RM25.00 per month. Students with special needs who stay in school hostel are also eligible to receive full aid such as free food and accommodation.

The Supplementary Reading Programme in Sabah and Sarawak (SRP)

24. SRP is a collaborative effort between the MOE and UNICEF. The aim of this programme is to increase the quality of teaching and learning in primary schools located on islands and remote areas of Sabah and Sarawak.

The NILAM Programme

25. NILAM is a reading programme established to recognise and award good

reading habits among pupils in schools. The aim of the programme is to inculcate good reading habits among pupils in Malaysia.

In Malaysia there is no particular gender bias in sending children to schools. Malaysia has generally achieved gender parity in education since 2005.

Female students are encouraged and given the same opportunities as male students to participate in sports and physical education. There are no regulations or prohibitions to hinder the participation of females in sports and physical activities. Male and female students have equal access to sports and physical activities. For example, the involvement of female athletes in various high performance games during the Malaysian Schools Sports Council (MSSM).

Female students are also encouraged to enter technical and vocational schools where they can get basic knowledge and skills in technical and vocational fields which are essential to the trade and industrial sector. Due to the MOE's promotion efforts, and provision of boarding facilities for girls, an increase in female participation in technical education is evident. Prior to 2000, the ratio of male to female students in technical education was 70:30 but the ratio has improved to the current 60:40. There are schools where the ratio has reached about 50:50.

D. HEALTH AXIS

I. Policies

Ministry of Health Malaysia has endorsed the Convention on the Rights of the Child and utilises the Child Act 2001 as a basis for policy development of child health care. Over the years, various policies and programmes on health and wellbeing of children have been implemented such as the National Child Immunisation Policy, the Safe Motherhood Initiatives, the Malaysian Breastfeeding Policy, the Baby-friendly Hospital Initiative (BFHI) and the Early Intervention Program for Children with Disabilities. In addition, Malaysia is also committed to achieve Millennium Development Goal 4 (MDG 4) by 2015.

II. Programmes

1. Malaysia has a well developed primary health care system, capable of bringing medical advances to the poor, together with improved access to clean water, improved sanitation, better child nutrition and a comprehensive child immunisation programme. As a result of these initiatives, Malaysia has shown good progress with MDG 4 as evidenced by the reduction of the under-5 mortality rate (U5MR) and infant mortality rate (IMR). The infant mortality plummeted from 13.1 per thousand live births in 1990 to 6.2 in 2008 whilst the U5MR declined from 16.8 per 1000 live births in 1990 to 8.1 in 2008 (Figure 1). The leading causes of under-5 mortality are those arising in the perinatal period followed by

congenital malformation, infectious diseases, and circulatory diseases (Figure 2).

Figure 1: Infant and Under-5 Mortality Rates, Malaysia, 1970-2008

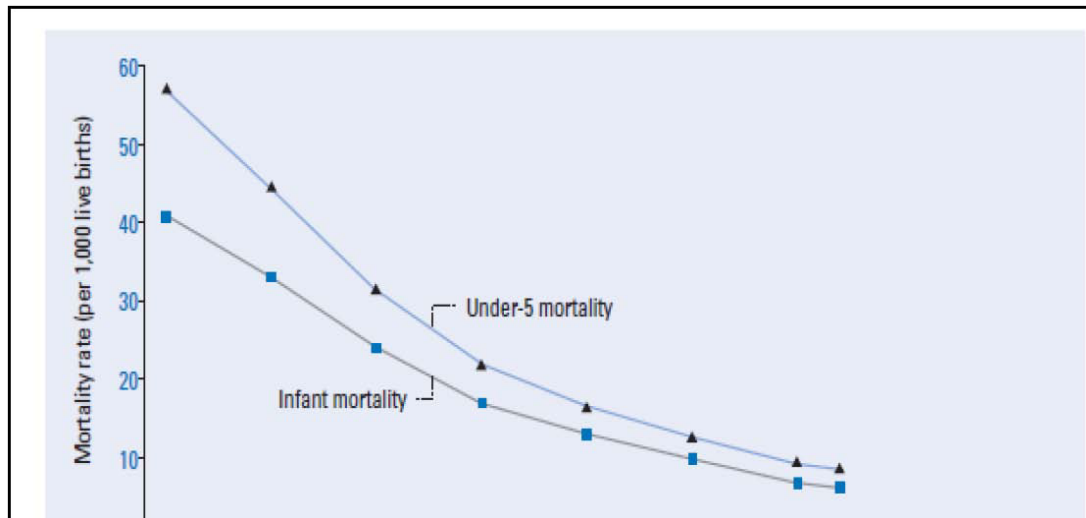
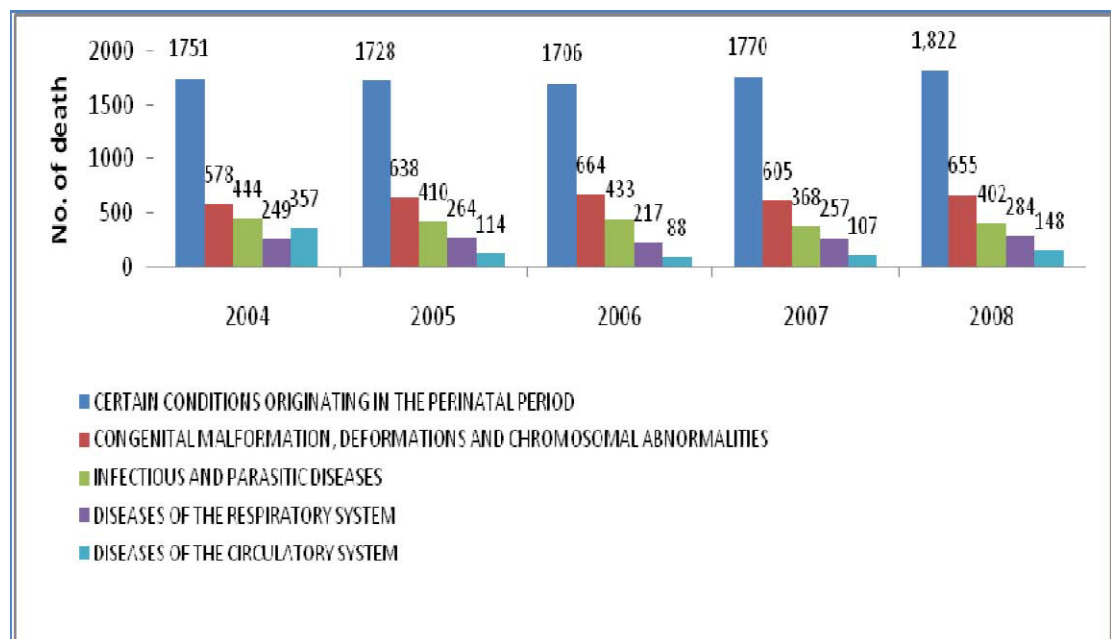


Figure 2: Causes of Under-5 Death (government hospitals)

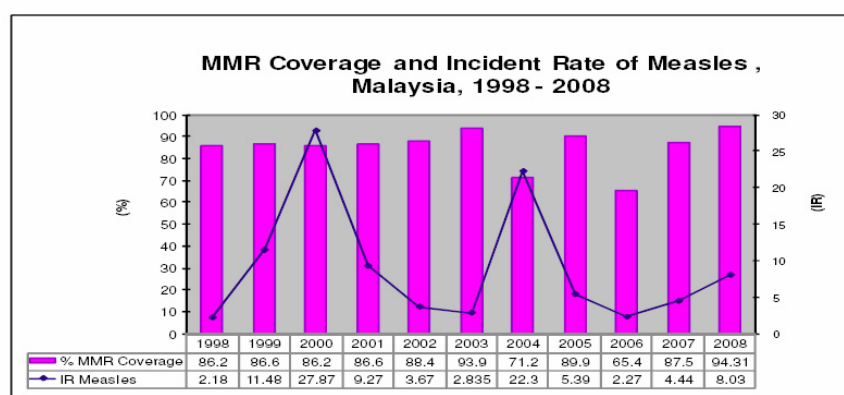


Source: Health Informatics Centre, MOH

2. Since 1950s, Malaysia has introduced the immunisation programme which has provided major impact to the health of the children. Malaysia has achieved almost full coverage of immunisation of one year-olds against measles. The percentage of one year-olds immunised for measles in combination with mumps and rubella (MMR), has increased from 70 per cent in 1990 to 94 per cent in 2008. Figure 3 shows the improved MMR coverage and Incident Rate of Measles from 1998 to 2008.

Figure 8: Proportion of 1 Year-Olds Immunised Against Measles

Figure 8: Proportion of 1 Year- Olds Immunised Against Measles



Source: % MMR Coverage - Health Informatics Center
IR Measles - Disease Control Division

69

3. Ministry of Health Malaysia is also continuously updating the National Immunisation Program (NIP) to further reduce the morbidity and mortality of children due to vaccine preventable disease. In 2008, DTaP-IPV/Hib combination vaccine was introduced into the National Immunisation Programme, as recommended by WHO as part of the polio eradication programme. Recently, in 2010, to combat cervical cancer, Malaysia has implemented the National Human Papilloma Virus Immunisation Programme for all girls aged 13 years old.

4. All children in Malaysia are treated according to their needs regardless of their ethnicity and citizenship. They are encouraged to access health facilities nearest to them. To achieve universal coverage and establish sustainable health system, Malaysia had implemented various strategies to serve the population. The strategies are mainly to reduce child mortality such as strengthening quality care in hospital through Combined Clinics, Red Alert System and Emergency Obstetric Drills, and strengthening of Paediatric Advanced Life Support (PALS). The up scaling of Integrated Management of Childhood Illnesses (IMCI) approach in selected areas of the country has allowed early recognition of children at risk by health care providers and parents. Recently, Malaysia had introduced the 1Malaysia Clinics for the urban poor population, whilst the Mobile Clinics will continue to provide outreach services to the indigenous groups and remote population.

5. The Malaysian Breastfeeding Policy was formulated in 1993 and since then, breastfeeding promotion has been intensified. The Baby Friendly Hospital Initiative (BFHI) was initiated in 1993. In 1998, Malaysia was the third country in the world after Sweden and Oman to have all its government hospitals accredited with the baby friendly status by the World Health Organization. Currently, there are 131 Baby-Friendly Hospitals in Malaysia. Other breastfeeding promotion activities include the implementation of the Code of Ethics for the Marketing of Infant Foods and Related Products, government support for extended maternity and paternity leave, provision of child care centres at work place and breastfeeding facilities in public areas.

6. Malaysia is committed in the prevention of malnutrition and nutrition related diseases amongst children. In 2006, Malaysia was recognised by UNICEF as the country in East Asia with the fastest rate of improvement in the nutritional status of children under five years old. Within ten years, the malnutrition rate improved from 14.0% in 2000 to 5.7% in 2009. Among the activities carried out include growth monitoring for early detection of malnutrition and individual counseling as well as group nutrition education at health clinics. Other activities include cooking demonstrations for antenatal and postnatal mothers to educate them on appropriate child feeding.

7. Nutrition Rehabilitation is implemented through strategies and interventions tailored to the specific target groups. Under the Nutrition Rehabilitation Program for Malnourished Children, basic food supplies are provided to improve the food intake of malnourished children from poor families. Universal Salt Iodisation is also implemented in Sabah and Sarawak to overcome the problem of iodine deficiency.

8. Other nutrition promotion activities to promote healthy eating amongst the population include the Healthy School Canteens, Healthy Community Kitchens, Nutrition Information Centres, and Healthy Catering. These activities are strengthened through collaboration, cooperation and integration with other programmes from various agencies.

9. The surveillance system in Malaysia has recorded 87,710 cases of people living with HIV with case detection rate of 10.8 per 100,000 for 2009. This is well below the target set for 2015 at 11 per 100,000 which the country has committed to achieve MDG 6.

10. The Government of Malaysia has made global obligations on HIV-related commitments such as the 2001 Declaration of Commitment on HIV/AIDS and the Universal Access targets of the 2006 Political Commitment on HIV/AIDS. The National Strategic Plan for HIV/AIDS 2006–2010 and 2011 -2015 is a collaborative effort by government and non government agencies which gives focus on 6 key areas: strengthening leadership and advocacy; training and capacity enhancement; reducing HIV vulnerability among people who inject

drugs and their partners; reducing HIV vulnerability among women, young people and children; reducing HIV vulnerability among marginalized and vulnerable groups; and improving access to treatment, care and support.

11. The Prevention of Mother-to-Child HIV Transmission (PMTCT) Programme in Malaysia was introduced in 1997. The coverage of these mothers through the public health facilities increased from 49.7% in 1998 to 99% in 2009. Each year, 0.02% to 0.05% mothers were found to have HIV through antenatal HIV screening. Mothers found positive were given Highly Active Antiretroviral Therapy (HAART), encouraged for elective Caesarean Section and all newborns of positive mothers were given Antiretroviral Therapy (ARV). Among mothers joining the PMTCT programme, the vertical transmission has been reduced to less than 4%. Free infant formula milk is given for six months as an incentive to discourage breastfeeding of infants of HIV positive mothers.

12. The Early Intervention Programmes (EIP) was introduced in the health clinics since 1986 to improve the quality of life of children with disabilities. The focus of this service was early identification, prompt and appropriate referral to hospitals for definitive management. In 2009, about 242 of the 803 health clinics (30%) have been equipped with rehabilitative facilities. Rehabilitative services at health clinics are provided by trained public health nurses and supervised by physiotherapists and occupational therapists.

13. In 1996, the Ministry of Health introduced the Adolescent Health Services as an expanded scope of the Maternal and Child Health Programme at the health clinics. A comprehensive range of promotive, preventive, curative and rehabilitative services were provided which include holistic approach in the management of sexual and reproductive health of children and adolescents. A national guideline to strengthen the management of children and adolescents' sexual and reproductive health problems has been developed taking into consideration the laws, ethics, rights, religion, social and cultural perspectives. Service delivery has been re-engineered to ensure health care providers engage young people in a friendly, non judgmental manner, giving high priority to confidentiality.

14. To empower parents with sound knowledge, health education materials (pamphlets and posters) on various topics have also been developed and distributed to all government health clinics. These are also accessible through the website portal and social digital network such as twitter and facebook.

III. Challenges

Various measures have been implemented to ensure the sustainability of the child health care services. To ensure universal coverage, Malaysia will focus on the welfare and well-being of the marginalised groups including the urban poor.

Hence, new strategies need to be formulated including strengthening the child health services, human resources and acute medical care. Increased attention needs to be given to those indigenous minorities with higher child mortality rates as the areas they live in are burdened with infrastructure and logistical problems. One of the strategies to overcome these matters is the community participation programme, such as the Village Health Promoter programme that has been established in Sarawak, Pahang and Perak. With specific reference to groups in remote interior areas with difficult access, Malaysia has implemented transit centres, early admission into health-care facilities and increased the availability of stand-by transports as possible solutions to reduce mortality and improving human resources in remote health clinics with skilled health personnel.

E. SOCIAL AXIS

I. Policies

The Government of Malaysia has approved two national policies on children development and child protection on 29 July 2009. The said policies are as follows:

National Policy on Children and its Plan of Action

1. The Policy and its Plan of Action will give focus on the thrusts of development relating to children's survival, protection, development and participation. As such, the children shall enjoy the opportunity and space to achieve holistic development in a more conducive environment, as provided for in the Convention on the Rights of the Child (CRC). The National Policy for Children is aimed at producing individuals who are healthy, fit, knowledgeable, innovative, creative, competitive and progressive. They shall also possess personal identity and noble values based on Malaysian identity.

National Child Protection Policy

2. Due to the recent development in children's issue especially on child protection, the Government of Malaysia has decided to formulate the National Child Protection Policy. By having this policy, it will ensure children are protected from all forms of neglect, abuse, violence, and exploitation. In addition, it will encourage all organisations that deal with children to develop guidelines on protection of the child. The Child Protection Policy focuses on aspects of prevention, advocacy, intervention, reporting and giving support services in protecting the children. The plan of action provides standard guidelines and procedures in areas related to child protection.

National Policy and Action Plan on Reproductive Health and Social Education

3. In order to tackle social problems, the Government of Malaysia has approved the implementation of National Policy on Reproductive Health and Social

Education on 6 November 2009. The policy was developed to produce individuals with knowledge and nourishing the positive attitude towards reproductive health and social education.

Convention on the Rights of the Child (CRC)

4. On 19 of July 2010, the Government of Malaysia officially withdraws its reservations on Article 1, 13 and 15 of the CRC. Malaysia is still maintaining its reservation on Articles 2, 7, 14, 28(1)(a) and 37 of the CRC due to the inconsistency factor with Federal Constitution, laws and national policies. However, efforts should be continued to ensure the rights of the child under the Articles 2, 7, 14, 28(1)(a) and 37 of the CRC are preserved as long as they are not against the provisions of the Federal Constitution, laws and national policies.

Optional Protocols to the CRC

5. As a party to the CRC, Malaysia is now considering the possibility to ratify both the Optional Protocols under the CRC namely:

- (i) Optional Protocols on the Sale of Children, Child Prostitution and Child Pornography; and
- (ii) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

II. Programmes

The Government of Malaysia has created mechanisms of the implementation relating to children as follows:

a) Co-ordinating Council for the Protection of Children

6. The Coordinating Council for the Protection of Children was set up according to the Child Act 2001 which the main responsibility is to advise the Minister on all aspects of child protection. It also recommends services that are specifically oriented to meet the needs of persons, children and families in need of child protection services.

b) The National Advisory and Consultative Council for Children

7. The National Advisory and Consultative Council for Children was established to act as a national focal point for children's well-being and development. The Council is responsible to give advice to the Government in matters relating to policy direction and programmes for children in line with the CRC. The Council is chaired by the Honorable Minister for Woman, Family and Community Development and represented by the relevant government departments, non-governmental organizations and child experts.

Court for Children

1. Under the Child Act (Act 611), the Court for Children is also empowered to order the child who is a victim of abuse to be placed in a place of safety, place of refuge, custody and control of a foster parent or in the care of a person who is willing and whom the Court for Children considers to be fit and proper to undertake the care of such child. The provisions under Part V Chapter 2 and Part VI Chapter 1 provide for the identification, reporting, referral, investigation, treatment and follow-up of the child who is in need of care, protection and rehabilitation. Before issuing the order, the Court for Children is obliged to place paramount consideration to the best interests of the child. An opportunity will also be given to the parents or guardian to be heard before the order is made.

Restrictions on media reporting and publications

2. Children who are victims of abuse are protected from all forms of trauma and social stigma that may arise from inappropriate publicity through the media covering the cases. This is provided for under section 15 of the Child Act 2001 which imposes restrictions on any news reports, publications or presentations which may lead to the identification of any child concerned.

Children's Home

3. The Department of Social Welfare has established institutions to cater for children who are victims of neglect, abused, abandoned and exploited. To date, there are 10 Children's Home gazetted as Place of Safety for children in need of care and protection. As of January 2011, 1,900 have been placed in the children's home. These homes provide substitute care and protection and encourage the healthy growth and holistic development of children in a harmonious and safe environment. The duration of stay in the homes is only for a specified period as determine by the court for children until their own families are ready to accept them or until the social welfare officers find suitable foster families for them. Programmes carried out in the Homes are focused on care and protection through counselling and guidance, formal education, tuition, vocational training, religious and moral education, recreational activities, health and medical services.

Family System Children's Home

1. The Family System Children's Homes (Rumah Tunas Harapan) were introduced to provide proper care, protection and love within a family environment for children who are unable to stay with their natural families due to unavoidable circumstances. These Homes provide an innovative alternative to institutional care by placing them in groups of eight to ten in specially built homes under the care of married couples selected from the community to act as their foster parents. Thus, the children are given the opportunity to grow up like normal children in a family atmosphere within their own ethnic, cultural and religious practices.

This programme also emphasises the importance of the involvement of the Board of Management in the running of the Homes.

2. The Family System Children's Homes have been made possible through partnerships and collaborations with the corporate bodies, state governments and other related agencies namely the National Welfare Foundation, NGOs and the community based organisations. As of 2006 eight Homes, that have 25 house units, are operational with 225 children.

3. Children under this programme are found to be emotionally and socially stable. Many of the children showed progress in their studies, sports and co-curricular activities and have succeeded in their chosen careers.

Talian NUR 15999 and Childline 15999

3. It is recognised that the best defence against child abuse is the public participation in reporting the cases. Therefore, the Government of Malaysia has established toll free line known as Talian NUR 15999 in 2005 with the aim of encouraging members of the public to report child abuse cases directly to the Department of Social Welfare for immediate action. Once the public lodges a report, the gazetted protectors will investigate, evaluate and take appropriate actions with the child's best interest in mind. On the other hand, the MWFCDD has launched a dedicated line for children known as Childline 15999 on 13 November 2010. The operators for the Childline are specially trained to handle calls from children. The establishment of Childline 15999 is in line with the CRC Committee Recommendation.

NUR Alert System

4. The Government of Malaysia on 13 January 2011 has approved the alert system known as National Urgent Response Alert (NUR Alert). The system is to coordinate every agency involve in the child protection for immediate action when child under the age of twelve is reported missing. The implementation of the system will be overseen by a taskforce headed by the Royal Malaysian Police and the Ministry of Women, Family and Community Development as deputy.

In-house Child Protection Policy

5. One of the programme under the National Child Protection Policy is to ensure that every children's institutions under the Department of Social Welfare (DSW) to have their own Child Protection Policy. This is to enable every person working in the institutions is aware and knows of their roles and responsibilities in protecting children. The policy also contains protocol / guidelines in handling cases involving child abuse. The programme will be extended to the institutions run by non-governmental organisation's, particularly to those who receive Government grants.

Screening system for those are working and dealing directly with children

6. Screening system for those are working and dealing directly with children is also one of the programme specified under the National Child Protection Policy. The screening system is to ensure that only persons who have no criminal records specifically crimes against children are employed in dealing with children. Several discussions was held between the Ministry and the relevant government agencies to gather information and feedbacks before a comprehensive system is developed.

Incentives

Child Care Centres at Workplace

7. Various incentives have been introduced by the Government of Malaysia to increase the number of Child Care Centres. In 2006, the Government announced that the launching grant to establish child-care centres at the work place in public sector will be increased from RM50,000 to RM 80,000. A subsidy of RM180 per child is also provided to civil servants whose monthly household income is RM2,000 and below in January 2007.

8. During the 2010 Budget Speech, the Government further announced that the subsidy for childcare centres' fee to be extended to civil servants whose monthly household income is RM3,000 and below. The launching grant for the establishment of the childcare centre at workplace also to be increased from RM80,000 to RM200,000. This effort is to ensure that children get more access to quality childcare as well as to encourage more women to enter into workforce.

Monthly Monetary Assistance

1. With effect from 1 January 2006, the financial assistance by the Department of Social Welfare for needy children known as Bantuan Kanak-kanak (BKK) was increased from a minimum rate of RM80.00 to RM100.00 per month per child, and the maximum was increased from RM350.00 to RM450.00 per month per family. This monetary assistance is aimed to ease the burden of poor families in bringing up their child.

2. The Department of Social Welfare also provides financial assistance known as Bantuan Sekolah for the purchase of school uniforms, transportation, examination fees and spectacles for needy school-going children. This reduces the burden of families that have school-going children. In 2010, the Department of Social Welfare has disbursed RM114 million involving 97,000 recipients.

56. Fostering allowances has been introduced to encourage the participation of the public in caring for the orphans. The foster family is given RM250.00 for

each child. 104 children were fostered out in 2004 and 121 children in 2005, with RM236,894 and RM347,450 spent for the fostering programme for these corresponding years.

Child Activity Centers

9. The Child Act 2001 also provides for the establishment of the Coordinating Council for the Protection of Children and chaired by the Director General of Social Welfare. The Council shall establish throughout the country the Child Protection Team for the purpose of coordinating locally based services to families and children if children are suspected of being in need of protection. There are presently 131 Child Protection Teams and these Teams assist the Department of Social Welfare to deal with child abuse cases by coordinating locally based services for families and children.

- a. these centres were set up as a proactive action by the Government to provide support services to help families overcome their social problems. The functions of these Child Activity Centres are to organise programmes which will provide care and protection to children at risk of being abused; provide different activities to cater to the needs of parents and children; and to conduct child development and parenting courses for the community; and
- b. besides serving as resource centres, the Child Activity Centres provide counselling and crisis intervention services, educational support services, child development activities, lectures, seminars, workshops on parenting and other family-oriented topics as well as motivational camps for children and youths. To date, there are 142 Child Activity Centres established throughout Malaysia. The activities carried out at these Child Activity Centres have, in some ways, contributed to the prevention of many social ills such as child abuse, child neglect, school dropout, truancy and moral decadence. In addition, it has fostered community relations and the caring spirit by serving as a place where the local community interact, exchange ideas and work together towards a common goal that is, the well-being of the child and family.

III. Challenges

Quality Service Delivery Based On Above Policy Development

1. In response to current social issues, the Ministry is implementing and regulating the competency standards to ensure that in future all Malaysian Social Workers will be professionally trained and meet the international standards for best practices. The recent cabinet approval on the social work competency standards brings Malaysia a step closer to be in line with the international community commitment to ensure that children have the fundamental right to basic social services to meet their physical, survival intellectual and psychological development. The competency standards will be used by the government to deliver services for all children especially the most marginalized communities.

As a result, the state will increase its capability to efficiently prevent violence against children.

2. The Government's recognition on the importance of early childhood care and development is reflected in the enactment of Child Care Centre Act 1984. The objective of this Act is to ensure quality alternative child care for children below the age of 4 years. The Act deals with the total quality management of alternative child care in the country. It ensures a minimal standard of care for children attending child care centres nationwide covering basic areas of physical, emotional, cognitive and language development of children. It also stipulates the need for parental involvement in activities to ensure continuity of learning and quality care from the centre to the home and vice-versa. Activities at the centre place strong emphasis on local culture and moral values.

3. It is mandatory for all child care centres to be registered with the Department of Social Welfare which has developed training packages for child care providers and it is compulsory for all child care providers at child care centres to attend child care training programmes developed under the Act. Since 2008, training has also been conducted to the home-based child care providers.

4. In respect to care centres run by non-governmental organisations, Care Center Act 1993 covers their organisation. This act relates to the care and protection of children and outlines broadly general terms the services and care that children should be provided for. These care standards have a number of important functions which includes helping to ensure that children's needs are met and their rights are upheld, ensuring consistency of care delivered, providing a framework for monitoring and evaluation of care provided and promoting the development of skills and knowledge of staff. These standards apply equally to all centres which provide care for children either on a residential basis or non-residential. It is relevant to both institutions run by government and also nongovernmental organisations and these standards meet the minimum standards and principles as indicated in the 2009 UN Guidelines for Alternative Care for Children without Parental Care.

Advocacy and Awareness (Corporate Social Responsibility) – Programme

5. As profit-oriented organizations, all corporations bear great responsibilities to their financiers, investors and shareholders but a growing number of Malaysian corporations are becoming aware that their activities have an impact on the communities around them. Many now pursue their corporate social responsibility goals with as much strength and determination as they do their economic and financial objectives. A great achievement is a Malaysian enterprise known as Sime Darby Berhad which launched its own child protection policy on 18 March 2010 to ensure that the rights of all its employees' children remain strictly protected. The company is one of the world's largest plantation concerns and with

this initiative sets an important standard for social responsibility not only in corporate Malaysia but in the global plantation industry.

6. Efforts such as these testify the growing awareness in Malaysia that commercial organizations bear a responsibility to act as corporate citizens in the interests of the local community. The attention these companies place on children's rights and child protection is as important effort of individuals and non-governmental organizations in our national mission to build a creative, healthy and secure environment for our children.

Children with Special Needs (Programme)

7. Since 1986, there has been a move towards improving the outcome of children with special needs. The quality of life of children with special needs has markedly improved with the provision of Early Intervention Services at the primary health care level. The Programme of Care for Children with Special Needs provides rehabilitation services for children with special needs from birth to 18 years of age.

8. The Ministry of Education is responsible for providing education to children with special needs. Efforts have been undertaken to increase educational opportunities for these children. These include the establishment of special schools for the blind and deaf as well as the integration of children, especially those with learning difficulties, those who are visually impaired and those who are hearing-impaired in regular school. There are about 13,583 children who benefited in this programme in 2003. Those disabled children who cannot attend the formal education system will be absorbed into the CBR programme.

9. Integration of Children with Disabilities in the society through community organisation is greatly emphasized. Community-Based Rehabilitation (CBR) is a strategy with the community development for the rehabilitation, equalization of opportunities and social integration of people with disabilities (PWDs). It is implemented through the combined efforts of PWDs, their families and communities and appropriate health, education, vocational and social services. CBR programmes have proven to be very effective in helping PWDs and their families to cope and to work together towards a better quality of life for the PWDs. There are presently 386 CBR centres where 14,386 PWDs including children benefit from various rehabilitative and social activities.

10. The CBR programme is a preferred alternative to institutional care since it provides decentralised rehabilitation services and early intervention for persons and children with disabilities in their own community. It helps to ensure the acceptance and social integration of persons with disabilities, including children, as well as providing them the opportunity to develop their abilities and skills to their full potential, leading to a meaningful live. As a result, CBR prevents the separation of persons and children with

disabilities from their families and communities and facilitates the evolution of a caring Malaysian society.

11. With the signing of the Convention on the Rights of Persons With Disabilities in 8 April 2008, Malaysia is giving greater commitment to the development of PWDs which include children with disabilities. The enactment of Persons with Disabilities Act 2008 which was enforced in 7 July 2008 will give greater emphasis on the rights of PWDs and the concept of inclusive, barrier-free, right based society.

F. THE WAY FORWARD

1. Malaysia is committed to safeguarding the child through stable family institutions and its support mechanisms. This commitment is based on the belief that the advancement of the present generation will usher in a future generation that is confident, responsible and caring in line with Vision 2020, specifically on improving the standard and sustainability of quality of life. In keeping to this commitment, Malaysia has embarked on a reform process to strengthen the family institutions and facilitate a comprehensive child welfare system. Such system aims to define and link up services in and between the primary, secondary and tertiary interventions of a child protection system that is currently in place as well as those that are still yet to be established. Guiding this reform process are the National Policy on Children and the National Policy on Child Protection.

2. As part of these reform processes, different models of welfare and justice systems will be explored before designing a comprehensive child and family welfare system and a modernize juvenile justice system that is suitable for Malaysia. The first reform will be a more family-based, non-adversarial and a prevention-oriented system that will particularly ensure that the most vulnerable children, irrespective of their ethnicity and legal status, in Malaysia are also protected. Meanwhile, the second reform of the juvenile justice system will begin next year with the setting up of a high-level, inter-agency Child Justice Working Group that will develop an integrated national Juvenile Justice Reform Strategy and Plan of Action.

3. Additionally, more resources will be injected into the Department of Social Welfare so that it can provide the full range of prevention, early and rehabilitative and protective interventions within the new system including the implementation of the minimum care standards for children in care centres/homes. The building blocks for investment in the professional development of staff within the Department have already begun with the development of the Social Workers Act and the social work competency standards which aims to professionalize social work in Malaysia. This is the fundamental approach that the country is using to build its capacity to ensure that quality services for children are available and accessible. Priority is given to implement these new measures as soon as possible to increase the number of professional social workers.

4. With the growing need to manage the increasingly sophisticated system that is being put in place, it is also recognised that the current Child Division will not be able to handle this role. A creation of a Children's Department is being explored.

5. The MWFCDD also recognises that there are many opportunities for partnership and collaboration that needs to be optimised. To effectively utilize the opportunities available, the Ministry will map out the roles of key partner agencies that contribute to primary, secondary, and tertiary measures with the aim of clearly defining the mandated roles of these agencies.

6. While it is acknowledged that many challenges remain in building a comprehensive child development strategy and we are just at the beginning of this long journey, Malaysia is encouraged by the fact that fundamental steps that are recently being undertaken will revolutionalise the changing landscape of child development in a middle income country like Malaysia. Malaysia will continue to build on these steps to ensure that its commitment to ensuring that all children in the country are protected from all forms of violence, abuse, neglect and exploitation through a comprehensive child development strategy is met.

