



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD
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**WRITTEN REPLIES BY THE GOVERNMENT OF MALAYSIA CONCERNING
THE LIST OF ISSUES (CRC/C/MYS/Q/1) RECEIVED BY THE COMMITTEE
ON THE RIGHTS OF THE CHILD RELATING TO THE CONSIDERATION
OF THE INITIAL REPORT OF MALAYSIA ***

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IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD**Responses to the list of issues to be taken up in connection with the consideration of the initial report of MALAYSIA****A. Data and statistics, if available**

1. **Please provide disaggregated statistical data (by sex, age groups, ethnic groups, urban and rural areas) covering the years 2003, 2004 and 2005 on the number and percentage of children under 18 living in Malaysia.**

The Population of Children in Malaysia (2003-2006)

Age	Year	2003 (^{'000})	2004 (^{'000})	2005 (^{'000})	2006 (^{'000}) (Estimate)
0		617.5	625.2	634.5	638.7
1		604.5	612.8	622.6	627.4
2		592.4	600.9	610.8	616.1
3		581.0	589.3	599.1	604.6
4		570.7	578.6	588.0	593.6
5		564.6	573.9	582.7	594.9
6		555.6	563.9	571.8	582.0
7		548.5	556.1	563.4	572.3
8		543.1	550.5	557.5	565.7
9		538.3	545.6	552.5	560.4
10		531.2	535.8	540.8	547.4
11		526.2	530.5	535.3	542.1
12		520.4	524.6	529.2	536.1
13		513.7	517.8	522.4	529.2
14		506.0	510.1	514.8	521.5
15		515.4	522.4	528.6	534.5
16		507.2	514.0	520.0	525.8
17		496.9	503.2	508.8	514.5
18		483.3	488.8	493.7	499.3
Total		10, 316.5	10, 444.2	10, 576.5	10, 706.0

Source : Department of Statistic

Year	2003	2004	2005	2006
Total Number of Children ('000)	10,316.5	10,444.2	10,576.5	10,706.0
Total Population ('000)	25,050.0	25,580.0	26,127.7	26,600.0
% of Children	41.2	40.8	40.5	40.2

2. In the light of article 4 of the Convention, please provide disaggregate data on budget allocations and trends (in absolute figures and percentages of the national and regional budgets) for the years 2004, 2005 and 2006 regarding the implementation of the Convention evaluating also the priorities for budgetary expenditures given to the following:

a) Education (different types of education, i.e. pre-primary, primary and secondary education);

Budget Year	Total Education Expenditure (TEE) (RM)	Total Government Expenditure (TGE) (RM)	Percentage of TEE against TGE (%)
2003	26,194,824,940	109,801,554,460	23.86
2004	23,937,604,060	112,490,000,000	21.28
2005	16,719,469,500	117,444,984,600	14.24
2006	19,784,645,200	136,748,522,510	14.47

Source: Ministry of Education

Estimated recurrent expenditure by level/programmes

Year	Level/Programme	Total Expenditure	Percentage (%)
2004	Pre school	176,477,000	1.31
	Primary education	5,601,625,600	41.63
	Secondary education	4,991,467,300	37.10
	Special education	59,369,200	5.38
2005	Pre school	178,061,100	1.31
	Primary education	5,674,836,800	41.60
	Secondary education	5,057,590,900	37.07
	Special education	54,760,000	7.07
2006	Pre school	173,528,500	1.22
	Primary education	6,060,289,900	42.66
	Secondary education	5,421,272,800	38.16
	Special education	56,875,800	7.21

Source: Ministry of Education

- b) **health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care, HIV/AIDS and other health-care services for children, including social insurance;**

Budget Year	Total Health Expenditure (THE) (RM)	Total Government Expenditure (TGE) (RM)	Percentage of THE against TGE
2004	8,997,011,200	112,490,000,000	8.00
2005	7,860,430,500	117,444,984,600	6.69
2006	8,666,195,800	136,748,522,510	6.34

- c) **programmes and service; for children with disabilities;**

No.	Programme	Budget (RM)		
		2004	2005	2006
1.	Community-based Rehabilitation (CBR)	10,173,452.00	11,227,532.00	13,192,712.00
2.	Home for the Mentally Retarded	9,780,545.00	9,164,857.50	11,976,580.00
3.	Bangi Industrial and Rehabilitation Centre	2,394,497.00	2,853,647.00	3,051,030.00

Source : Department of Social Welfare

d) support programmes for families (Department of Social Welfare);

No.	Programme	Budget (RM)			
		2003	2004	2005	2006
1.	Foster Scheme: Placement of children in need of care and protection with other families who are willing to take care of them with or without a view for future adoption. An allowance of RM250.00 per month is allocated for each child placed under the scheme.	n.a.	236,850.00	347,450.00	n.a.
2.	School Assistance: Financial assistance for school going children for needy families.	n.a.	3,177,888.00	2,003,556.00	n.a.
3.	Family Based Children's Home (Cottage System Children's Home)	n.a.	524,370.00	524,370.00	524,370.00
4.	Child Welfare Committees	220,000.00	220,000.00	220,000.00	550,000.00
5.	Child Activity Centres	1,020,000.00	1,020,000.00	1,020,000.00	4,500,000.00
6.	Child Protection Teams	1,785,000.00	1,785,000.00	1,785,000.00	1,785,000.00
7.	Counselling ▪ Interactive Workshops	n.a.	196,100.00	218,000.00	218,000.00

Source: Department of Social Welfare

e) support for children living below the poverty line;

No.	Programme	Budget (RM)	
		2004	2005
1.	Financial Assistance for Children	39,472,157.00	43,660,680.00
2.	Public Assistance	93,830,718.00	85,456,351.00

Source: Department of Social Welfare

f) protection of children who are in need of alternative care including *kafalah* and the support of care institutions;

No.	Programme	Budget (RM)		
		2004	2005	2006
1.	Children's Homes	8,509,298.00	9,057,095.00	6,663,970.00
2.	Family-Based Children's Homes	524,370.00	524,370.00	524,370.00
3.	Foster Scheme	236,850.00	347,450.00	n.a.

Source: Department of Social Welfare

g) programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour;

No.	Programme	Budget (RM)		
		2004	2005	2006
1.	Child Activity Centres	1,020,000.00	1,020,000.00	4,500,000.00
2.	Family Based Children's Homes (Cottage System Children's Home)	524,370.00	524,370.00	524,370.00
3.	Children's Homes	8,509,298.00	9,057,095.00	6,663,970.00
4.	Taman Seri Puteri (TSP) or Homes for the Protection and Rehabilitation of Girls exposed to moral danger	6,886,427.00	4,414,389.00	4,204,180.00

Source: Department of Social Welfare

No.	Programme	Budget (RM)		
		2004	2005	2006
5.	UNICEF Programme	89,486.00	-	-
	<ul style="list-style-type: none"> ▪ Convention on the Rights of the Child (CRC): Awareness and Participation; 			
	<ul style="list-style-type: none"> ▪ Empowering Child Protection Teams in the Prevention of Child Sexual Abuse; 	91,400.00	-	-
	<ul style="list-style-type: none"> ▪ Capacity strengthening of NGOs in Malaysia- Preparation of guidelines for Management of Homes Managed by Child-Related NGOs 	55,500.00	-	-
	<ul style="list-style-type: none"> ▪ Prevention of Child Abuse <ul style="list-style-type: none"> o Child Participation o Development of Modules for Counselors and Para-counselors o Development of Modules for Court Advisors 	-	317,540.00	-
	<ul style="list-style-type: none"> ▪ Prevention of Child Abuse <ul style="list-style-type: none"> o Child Participation o Pre-testing Modules for Counselors and Para-counselors o Finalizing Modules for Court Advisors 	-	-	279,928.00
6.	Advocacy	-	65,000.00	7,000.00
7.	Training (CRC Workshop for Department of Social Welfare's staff)	-	-	5,000.00
8.	Grant to NGO's providing Child Protection services	9,421,940.00	11,346,011.00	17,343,352.00

Source : Department of Social Welfare

h) programmes and services for refugees and asylum-seeking children;

Malaysia is not a signatory to the 1951 Convention Relating to the Status of Refugees. However, this has not prevented Malaysia from extending various social and health services to migrant children.

i) programmes and services for migrant children;

Education is available to non-citizens to study in private and public schools. As of December 2005, there were 12,774 foreign students from 118 countries studying in primary and secondary schools in Malaysia. Migrant children could seek medical treatment at government and private hospitals.

j) programmes and services for indigenous children; and

Total budget allocation for the Department of Aboriginal Affairs

Year	Total Expenditure
2003	53,282,400
2004	40,674,390
2005	46,121,510

Source : Ministry of Rural and Regional Development

k) juvenile justice and the recovery and social reintegration of juvenile offenders.

No.	Programme	Budget (RM)		
		2004	2005	2006
1.	Sekolah Tunas Bakti (STB) – Approved Schools for the rehabilitation of children who have committed offences or are beyond control	10,018,290.00	11,020,119.00	12,759,680.00
2.	Probation Hostels	3,567,144.00	3,923,858.00	4,840,800.00
3.	Child Welfare Committees	220,000.00	220,000.00	550,000.00

Source : Department of Social Welfare

3. Please also indicate the estimated the expenses of the private sector, in particular for health and education.

Not available.

4. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by sex, age, groups, if possible ethnic groups, urban and rural areas) for the years 2003, 2004 and 2005 on the number of children

a) separated from their parent;

Types of Services	No. of children
Placed in institutions	6,511
Placed through <i>kafalah</i> ¹	121
Adopted domestically or through intercountry adoptions	1,646
Placed in other ways	202
Total	8,480

Source : Department of Social Welfare

Note : ¹ *Kafalah* is a concept adopted by the provisions of Part VI of Islamic Family Law (Federal Territory) Act 1984 [Act 303] (IFLA) whereby a child in need of protection may be entrusted either by a decision of the *Syariah Judge* or by the administrative act of the Department of Social Welfare. The *Syariah Judge* may entrust the child to a public or social institution or to a Muslim family which will care for the child's person (shelter, maintenance, education) and if needed, for the property of the child and when necessary, would receive delegation of guardianship over the child.

b) placed in institution;

	2003			2004			2005		
	M	F	Total	M	F	Total	M	F	Total
Probation Hostels	291	64	355	277	61	338	278	67	345
Sekolah Tunas Bakti (Approved Schools)	1,203	154	1,357	1,132	493	1,625	1,036	362	1,398
Taman Seri Puteri (Rehabilitation Homes for Girls exposed to moral danger)	n.a.	199	199	n.a.	144	144	n.a.	135	135
Children's Homes	435	433	868	492	554	1,046	535	573	1,108
Cottage System Children's Homes	79	79	158	77	79	156	80	96	176
NGOs	992	1,695	2,687	1,548	1,678	3,226	1,701	1,708	3,409
Total	3,000	2,624	5,548	3,526	2,930	6,480	3,630	2,941	6,511

Source : Department of Social Welfare

c) placed through kafalah;

No.	Programme	Budget (RM)	
		2004	2005
1.	Foster Scheme – Placement of children in need of care and protection with other families who are willing to take care of them with or without a view for future adoption. An allowance of RM250.00 per month is allocated for each child placed under the scheme.	236,850.00	347,450.00

Source : Department of Social Welfare

d) adopted domestically or through intercountry adoptions; and

Number of cases (Registration of adoption and legal adoption)

Type of services	2004	2005
Registration of Adoption	1,055	1,058
Legal Adoption	499	588

Source : Department of Social Welfare

e) placed in other ways.

Placed under the care of a fit person (Child Act 2001)

	2004			2005		
	M	F	Total	M	F	Total
Cases in Need of Protection and Rehabilitation : Section 40 (3)(b) Child Act 2001- In the care of a fit person	3	16	19	26	25	51
Delinquent children : Section 91(1)(c) Child Act 2001- Order the child to be placed in the care of a relative or other fit and proper person	35	11	46	67	34	101
Child Abuse Cases: Section 30(1)(b) Child Act 2001- Placed under the care of a fit and suitable person	145	244	389	101	143	144
Total	183	271	454	194	202	396

Source : Department of Social Welfare

5. Please specify the number of children with disabilities, up to the age of 18, disaggregated by sex, age groups and if possible, ethnic groups, urban and rural areas, covering the years 2003, 2004 and 2005:

a) living with their families;

Not available

b) living in institutions;

Institution	2004			2005		
	M	F	Total	M	F	Total
Taman Sinar Harapan (Homes For the Care & Rehabilitation of Persons with Disabilities)	318	355	673	380	422	802
NGO	1,925	1,968	3,893	2,101	2,453	4,554
Total	2,243	2,323	4,566	2,481	2,875	5,356

Source : Department of Social Welfare

c) placed through kafalah;

Not available.

d) attending regular schools;

Not available.

e) attending special schools; and

Not available.

f) not attending schools.

Not available.

6. Please provide disaggregated statistical data (by sex, age groups,if possible ethnic groups, urban and rural areas) covering the years 2003, 2004 and 2005:

a) rates of infant and child mortality;

Mortality Rates	2003	2005
Infant (per 1000 live births)	6.3	5.1
Toddler (per 1000 toddler population)	0.5	0.5

Source : Ministry of Health

b) rates of immunization;

Type of Immunisation	Percentage	
	2003	2005
B.C.G	100	100
Diphtheria, Tetanus and Whooping Cough (Triple and Double Antigen : Third Dose)	98.7	95.3
Polio (Third Dose)	93.4	94.3
Measles Including MMR (Mumps, Measles, Rubella)	93.9	105.9
Hepatitis B (Third Dose)	90.9	91.5

Source : Ministry of Health

c) Rates of malnutrition;

Not available.

d) children infected with and/or affected by HIV / AIDS;

Year	Number of reported HIV positive children cases
Before 2003	403
2003	61
2004	79
2005	76
Total	619

Source : Ministry of Health

e) in the area of adolescent health, the rates of early pregnancy and sexually transmitted infections (STIs), tobacco, alcohol and drug abuse, suicide and other mental health problems; and

Not available.

f) number of health professionals working in the health-care services for children.

	Public		Private	
	2003	2005	2003	2005
Total number of doctors	8,946	10,943	9,245	9,162
Doctor : Population ratio	1 : 2,800	1 : 2,388	1 : 2,709	1 : 2,852
Total number of dentists	992	1,263	1,426	1,488
Dentist : Population ratio	1 : 25,250	1 : 20,687	1 : 17,565	1 : 17,559
Total number of pharmacists	798	955	2,306	3,057
Pharmacist : Population ratio	1 : 31,389	1 : 27,359	1 : 10,862	1 : 8,547
Total number of nurses	27,089	32,580	9,695	11,540
Nurse : Population ratio	1 : 925	1 : 802	1 : 2,584	1 : 2,264
Total number of JD/Midwives	11,293	15,408	313	210
JD/Midwives : Population ratio	1 : 2,218	1 : 1,696	1 : 79,017	1 : 124,417
Total number of medical assistants	-	6,113	-	596
Medical assistants : Population ratio	-	1 : 4,274	-	1 : 43,838

Source : Ministry of Health

7. **With reference to child abuse, please provide disaggregated data (by age, sex, if possible ethnic groups and types of child abuse reported) covering the years 2003, 2004 and 2005 on the:**

a) **number of reported child abuse cases (Department of Social Welfare);**

i) By age

2003

Age Categories	Malay		Chinese		Indian		PSm		PSb		PSw		LL		<i>Total</i>	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	<i>M</i>	<i>F</i>
Below 4 Years	95	106	18	19	13	32			0	1	5	6	16	12	147	176
4 – 6 Years	53	84	22	16	19	25			1	1	1	4	2	2	98	132
7 - 14 Years	147	262	43	51	20	52			1	0	0	18	5	9	216	395
15 - 18 Years	13	127	2	17	3	22			0	1	1	36	0	4	19	207
Total	308	579	85	103	55	131			2	6	7	64	23	27	480	910

Source : Department of Social Welfare

- M - Malay
- C - Chinese
- I - Indian
- PSm - Indigenous people of Peninsular Malaysia
- PSb - Indigenous people of Sabah
- PSw - Indigenous people of Sarawak
- LL - Others

2004

Age Categories	Malay		Chinese		Indian		PSm		PSb		PSw		LL		<i>Total</i>	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	<i>M</i>	<i>F</i>
Below 4 Years	109	99	24	20	31	45	0	1	2	5	7	2	4	6	177	178
4 – 6 Years	41	84	24	24	20	13	0	0	0	0	1	2	5	6	91	129
7 - 12 Years	146	217	44	36	41	54	0	1	0	1	1	15	9	6	241	330
13 - 15 Years	50	212	16	23	16	26	0	1	0	1	0	38	0	0	82	301
16 - 18 Years	10	75	3	12	2	9	0	0	0	0	0	14	0	2	15	112
Total	356	687	111	115	110	147	0	3	2	7	9	71	18	20	606	1050

Source: Department of Social Welfare

2005

Age Categories	Malay		Chinese		Indian		PSm		PSb		PSw		LL		<i>Total</i>	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	<i>M</i>	<i>F</i>
Below 4 Years	139	113	35	27	24	21	0	0	0	1	1	0	12	13	211	175
4 – 6 Years	63	120	25	26	22	24	0	0	0	0	1	1	6	3	117	174
7 - 12 Years	120	192	31	40	38	59	1	1	0	1	1	11	4	13	195	317
13 - 15 Years	50	192	16	29	15	35	0	3	0	0	2	31	3	5	86	295
16 - 18 Years	13	114	3	13	5	20	0	0	0	0	0	61	0	1	21	209
Total	385	731	110	135	104	159	1	4	0	2	5	104	25	35	630	1170

Source: Department of Social Welfare

ii) Types of abuse;

2003

Types of Abuse	Malay		Chinese		Indian		PSm		PSb		PSw		LL		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Neglect	137	162	27	2	6	4			1	2	2	18	11	17	184	205
Physical	124	177	44	5	26	5			1	1	2	17	3	5	200	210
Sexual	13	201	5	82	5	89			0	3	3	26	2	1	28	402
Emotional / Psychological	1	9	2	4	0	9			0	0	0	2	2	3	5	27
Incest																
Abandonment	29	27	4	6	15	15			0	0	0	0	2	0	50	48
Others	4	3	3	4	3	9			0	0	0	1	3	1	13	18
Total	308	579	85	103	55	131			2	6	7	64	23	27	480	910

Source : Department of Social Welfare

2004

Types of Abuse	Malay		Chinese		Indian		PSm		PSb		PSw		LL		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Neglect	188	176	44	27	46	42	0	0	2	5	8	7	8	10	296	267
Physical	122	127	55	34	50	62	0	1	0	2	0	0	4	2	231	228
Sexual	28	344	4	47	9	29	0	2	0	0	0	61	0	5	41	488
Emotional /	6	15	8	5	5	9	0	0	0	0	0	0	3	1	22	30
Incest	0	21	0	0	0	3	0	0	0	0	0	3	0	0	0	27
Abandonment	12	6	0	0	0	2	0	0	0	0	1	0	3	2	16	10
Total	356	689	111	113	110	147	0	3	2	7	9	71	18	20	606	1,050

Source : Department of Social Welfare

2005

Types of Abuse	Malay		Chinese		Indian		PSm		PSb		PSw		LL		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Neglect	199	200	37	28	51	43	0	1	0	1	1	0	18	22	306	295
Physical	129	112	54	45	31	49	1	1	0	0	1	1	3	4	219	212
Sexual	28	320	6	53	7	52	0	2	0	0	0	95	1	2	42	524
Emotional / Psychological	16	29	9	5	9	9	0	0	0	0	0	0	0	0	34	43
Incest	3	36	4	4	0	3	0	0	0	1	0	6	0	0	7	50
Abandonment	10	34	0	0	6	3	0	0	0	0	3	2	3	7	22	46
Total	385	731	110	135	104	159	1	4	0	2	5	104	25	35	630	1170

Source: Department of Social Welfare

b) Number and percentage of reports which have resulted in either a court decision or other types of follow-up;

2003

Results	Malay		Chinese		Indian		PSm		PSb		PSw		LL		Total	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Supervision without court order	95	205	32	40	14	54			0	1	4	35	1	1	146	339
Supervision/ Returned to family	0	0	0	0	0	0			0	0	0	0	0	0	0	0
Counselling	18	26	11	7	14	15			2	3	2	4	1	1	48	56
Total	113	231	43	47	28	69			2	4	4	39	2	2	194	395

Source: Department of Social Welfare

2004

Results	Malay		Chinese		Indian		PSm		PSb		PSw		LL		Total	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Supervision without court order	49	90	15	14	19	22	0	0	0	0	0	0	2	1	85	127
Supervision/ Returned to family	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Counselling	33	76	21	29	25	45	3	4	2	8	6	4	3	0	93	166
Total	82	166	36	43	44	67	3	4	2	8	6	4	5	1	178	293

Source : Department of Social Welfare

2005

Results	Malay		Chinese		Indian		PSm		PSb		PSw		LL		Total	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Supervision without court order	145	224	56	75	37	66	0	2	0	0	4	99	5	13	247	479
Supervision/ Returned to family	12	31	3	5	3	4	0	1	0	1	0	1	5	3	23	46
Counselling	39	94	18	27	17	43	3	1	2	2	2	3	0	1	81	171
Total	195	349	77	107	57	113	3	4	2	3	6	103	10	17	621	696

Source : Department of Social Welfare

c) **Number and proportion of child victims who have received counselling and assistance in recovery;**

Year	2003	2004	2005
Total	104	259	252

Source: Department of Social Welfare

8. Please specify the criteria for 'poverty' and indicate the number of children living below the poverty line.

The Malaysia's Poverty Line Income (PLI) was substantially revised in 2005. The PLI is made up of two components, that is the food PLI and the non-food PLI. The PLI is defined separately for each household in the household income survey (HIS) based on its size, demographic composition and its location (state and stratum). A household is considered poor if its income is less than its own PLI, that is, it lacks the resources to meet the basic needs of its individual members. A household is considered hardcore poor if its monthly household income is less than the food PLI. As food requirement is based on a nutritionally adequate diet, the hardcore poverty threshold income is much higher than the old definition of half the PLI.

The Food PLI

The food component of the revised PLI is based on the advice of nutritionists, dieticians and medical professionals. Individual daily kilocalorie requirements are met through a balanced diet, which include: cereals and cereal products (uncooked rice, wheat flour); chicken, eggs and fish; milk; oil and fats; sugar; vegetables and fruits; and pulses (dhal, green peas). Table A shows the food PLIs based on the two methodologies.

Table A

FOOD PLI BASED ON 1977 AND 2005 METHODOLOGIES (RM)		
<i>Region</i>	<i>1977 Methodology</i>	<i>2005 Methodology</i>
Peninsular Malaysia	272	398
Sabah ¹	352	503
Sarawak	304	482
Malaysia	294	415

Source : Economic Planning Unit and Department of Statistics

Note : ¹ Includes Wilayah Persekutuan Labuan

The Non-Food PLI

The expenditure pattern of non-food components of the PLI are based on the actual expenditure of the bottom 20 per cent expenditure group derived from the household expenditure survey (HES). Non-food components comprise clothing, housing, transport and other items.

Comparison of the 1977 and 2005 methodologies

Table B compares the PLI based on the two methodologies.

Table B

COMPARISON OF PLI FOR 2004 (RM per month)				
Region	1977 Methodology	2005 Methodology		
		Urban	Rural	Overall
Peninsular Malaysia	543	663	657	661
Sabah ¹	704	881	897	888
Sarawak	608	777	753	765
Malaysia	588	687	698	691

Source : Economic Planning Unit and Department of Statistics

Note : ¹ Includes Wilayah Persekutuan Labuan

Table C compares the incidence of poverty and hardcore poverty based on the two methodologies.

Table C

COMPARISON OF INCIDENCE OF POVERTY FOR 2004 (%)				
Region	Overall Poverty		Hardcore Poverty	
	1977 Methodology	2005 Methodology	1977 Methodology	2005 Methodology
Peninsular Malaysia	3.1	3.6	3.1	1.2
Sabah ¹	16.5	23.0	2.9	6.5
Sarawak	3.8	7.5	0.4	1.1
Malaysia	4.4	5.7	0.7	1.2

Source : Economic Planning Unit and Department of Statistics

Note : ¹ Includes Wilayah Persekutuan Labuan

Table D shows incidence of poverty and hardcore poverty in Malaysia.

Table D

**INCIDENCE OF POVERTY AND HARDCORE
POVERTY, 1999 AND 2004**

		1999			2004		
		Malaysia	Urban	Rural	Malaysia	Urban	Rural
Hardcore Poverty							
Incidence of Hardcore Poverty ¹	(%)	1.9	0.5	3.6	1.2	0.4	2.9
Number of Hardcore Poor Households	('000)	91.7	11.9	79.8	67.3	14.1	53.2
Poverty Gap ²	(%)	0.4	0.1	0.8	0.2	0.1	0.6
Overall Poverty							
Incidence of Poverty ³	(%)	8.5	3.3	14.8	5.7	2.5	11.9
Number of Poor Households	('000)	409.3	86.1	323.2	311.3	91.6	219.7
Poverty Gap	(%)	2.3	0.8	4.0	1.4	0.6	3.0
Total Households	('000)	4,800.0	2,612.5	2,187.5	5,459.4	3,605.9	1,853.5

Source: Economic Planning Unit and Department of Statistics – Household Income Surveys, 1999 and 2004

Notes: ¹ Refers to households with monthly gross income of less than the food PLI.

² Refers to the total income shortfall (expressed in proportion to the poverty line) of poor households.

³ Refers to households with monthly gross income below PLI.

9. **With reference to the right to education, please provide disaggregated statistical data (by sex, age groups, if possible ethnic groups, urban and rural areas, internally displaced children) covering the years 2003, 2004 and 2005 in percentage of the relevant age group on the:**

- a) **rates of literacy (below 18 years);**

Literacy rate (age 10 and above)

	2001	2002	2003	2004	2005
Literacy rate (%)	93.9	94.0	95.0	91.4	91.5

Source: Ministry of Education

b) rate of enrolment in pre-primary, primary and in secondary schools;

Percentage of enrolment by level of education in government assisted schools.

	2001 (%)	2002 (%)	2003 (%)	2004 (%)	2005 (%)
Primary	92.08	92.36	92.67	92.75	91.68
Lower Secondary	83.55	81.21	81.76	82.00	84.41
Upper Secondary	71.71	72.59	71.66	72.45	71.66

Source: Ministry of Education

c) percentage of children completing primary and secondary education;

	2003 (%)	2004 (%)	2005 (%)
Completed primary in Ministry of Education schools	97.0	98.3	98.1
Completed secondary in Ministry of Education schools	74.0	75.0	78.0

Source: Ministry of Education

d) number and percentage of drop-outs and repetitions; and

Percentage of drop-outs, 2003-2005

	2003		2004		2005	
	Total	%	Total	%	Total	%
Primary (Ministry of Education schools)	14,632	3.0	8,400	1.7	9,713	1.9
Secondary (Ministry of Education schools)	55,956	14.5	48,380	11.9	43,586	10.3

Source: Ministry of Education

The Ministry of Education does not employ any repetition system due to the following reasons:

Level of Education	Reason
UPSR (Standard 6)	Automatic upgrade to Form 1
PMR (Form 3)	Automatic upgrade to Form 4
SPM (Form 5)	No repetition system but students are able to re-sit the exam as private students

Source: Ministry of Education

e) **teacher per child ratio and number of children per class.**

	2002 (%)	2003 (%)	2004 (%)	2005 (%)
Primary	18.1	17.6	17.2	16.5
Secondary	16.5	16.4	16.3	16.2

Source: Ministry of Education

Ratio of the average class size to the number of pupils per class

	2002 (%)	2003 (%)	2004 (%)	2005 (%)
Primary	31.4	31.1	31.0	31.0
Secondary	32.6	32.5	32.5	32.3

Source: Ministry of Education

10. Please provide disaggregated statistical data (including by sex, age and type of crime) covering the years 2003, 2004 and 2005, in particular on the number of:

- a) **person below 18, who have allegedly committed a crime, reported to the police;**

Not available.

- b) **persons below 18 who have been charged with a crime and of them those who are sentenced, and the type of punishment or sanctions related to offences including length of deprivation of liberty;**

Not available.

- c) **detention facilities for persons below 18 in conflict with law and their capacity;**

Children detained in prisons are isolated from adult inmates according to their age groups. As for the care and facilities of these children, it complies with all the rules and regulations governing them.

- d) **persons below 18 detained in these facilities and persons below 18 detained in adult facilities;**

Not available.

e) **persons below 18 kept in pre-trial detention and the average length of their detention;**

Length of time of detention/remand for persons under 18 remanded/charged with a crime

Time length (months)	2003		2004		2005	
	Charged	Remanded	Charged	Remanded	Charged	Remanded
0 – 3	44	120	23	105	19	56
3 – 6	15	2	25	12	8	62
6 – 12	13	6	12	8	3	2
12 – 36	3	1	3	4	1	-
36 and over	-	-	-	-	1	1
Total	75	129	63	129	32	121

Source: Department of Prison

f) **reported cases of abuse and maltreatment of persons below 18 occurred during their arrest and detention; and**

Not available.

g) **persons under 18 tried and sentenced as adults (joint charges)**

Ethnic Group	2003		2004		2005	
	Charged	Remanded	Charged	Remanded	Charged	Remanded
Malay	4	46	4	39	4	40
Chinese	-	5	-	14	-	8
Indian	1	15	-	17	1	24
Others	1	18	2	18	3	11
Non Citizens	69	45	57	41	24	38
Total	75	129	63	129	32	121

Source: Department of Prisons

11. With reference to special protection measures, please provide statistical data (including by sex, age, if possible ethnic group, urban and rural areas) for the years 2003, 2004 and 2005 on the number of children:

- a) victims of sexual exploitation, including prostitution, pornography and trafficking and the number of children provided with access to recovery and other assistance;

2004

Types of Cases	M		C		I		PSm		PSb		PSW		LL		<i>Total</i>	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	<i>M</i>	<i>F</i>
Children in need of Protection and Rehabilitation	4	8	2	1	0	0	0	0	0	0	0	3	0	0	6	12
(a) Section 38(a)																
(b) Section 38 (b)	0	4	0	1	0	3	0	0	0	0	0	0	0	0	0	8
(c) Section 38 (c)	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Children in urgent need of protection	3	10	0	2	0	0	0	0	0	0	0	0	0	0	3	12
(a) Section 41(1)																
(b) Section 41(2)(a – d)	4	10	0	1	1	0	0	0	0	0	0	0	0	0	5	11
Total	11	34	2	4	1	3	0	0	0	0	0	3	0	0	14	34

Source : Department of Social Welfare

M - Malay

C - Chinese

I - Indian

PSm - Indigenous people of Peninsular Malaysia

PSb - Indigenous people of Sabah

PSw - Indigenous people of Sarawak

LL - Others

2005

Types of Cases	M		C		I		PSm		PSb		PSW		LL		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Children in need of Protection and Rehabilitation (a) Section 38(a)	0	1	0	5	0	0	0	0	0	0	0	0	0	0	0	6
(b) Section 38(b)	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
(c) Section 38 (c)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Children in urgent need of protection (a) Section 41(1)	3	17	2	1	0	0	0	0	0	0	0	1	0	0	5	19
(b) Section 41(2)(a – d)	3	6	0	0	0	0	0	0	0	0	0	0	0	0	3	6
Total	6	25	2	6	0	0	0	0	0	0	0	1	0	0	8	32

Source : Department of Social Welfare

Note :

Types of Cases:

(1) Children in need of protection and rehabilitation – Section 38 (a – c)

(a) Is being induced to perform any sexual act, or is in any physical or social or social environment which may lead to the performance of such act;

(b) Lives in or frequents any brothel or place of assignation; or

(c) Is habitually in the company or under the control of brothel-keepers or procurers or persons employed or directly interested in the business carried on in brothels or in connection with prostitution.

(2) Children in need of urgent protection – Section 41

(1) The Protector is satisfied that the child is in urgent need of protection

(2) A child is in urgent need of protection if there is reasonable cause to believe that:

(a) the child is being threatened or intimidated for purposes of prostitution or for purposes of having sexual intercourse with another or for any immoral purpose;

(b) the child is to be confined or detained by another ;

(c) an offence against this Part is being or likely to be committed in respect of the child; or

(d) if the child is a female, that she is pregnant out of wedlock

b) involved in substance abuse and the number of children who received treatment and recovery assistance;

Not available.

c) involved in child labour; and

Not available.

d) unaccompanied asylum-seeking and refugee children;

Not available.

e) migrant children; and

Not available.

f) indigenous children.

Not available.

B. General measures of implementation

1. Please provide information on the content and the implementation of the Child Act of 2001 and elaborate whether the Child Act fully complies with the provisions and principles enshrined in the Convention.

In fulfilling Malaysia's obligation under the Convention on the Rights of the Child, Malaysia 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 Convention on the Rights of the Child that is protection, survival, development and participation of the child.

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. Act 611 also requires the setting up of Child Protection Teams and Child Activity Centres at both state and district levels which aimed at mobilising community participation in the implementation of preventive and rehabilitative programmes. Such programmes and activities are targeted towards children at risk or children vulnerable to all forms of abuse and exploitation.

In terms of administration of juvenile justice, 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 Court for Children consists of a Magistrate who shall be assisted by two advisors, one of whom shall be a woman. It shall be the duty of the Court to explain to the child in simple language suitable to the child's age, maturity and understanding the substance of the alleged offence. Where the child admits the facts constituting the offence, the Court shall ascertain that the child understands the nature and consequences of his admission before recording the finding of guilt.

- 2. Please provide information on cases where the Convention has been directly invoked in domestic courts, and if so please provide examples of such cases.**

Not available

- 3. Please provide information on the measures taken to review the State party's reservations to articles 1,2,7,13,14, 15, 28, paragraph 1(a), and 37 of the Convention.**

A forum on Malaysia's reservation to the Convention on the Rights of the Child was held on 29 September 2005. This forum was attended by various Government agencies and non-governmental organisations (NGO).

- 4. Please describe measures undertaken to strengthen data and statistics collection mechanisms and procedures with regard to the implementation of all provisions of the Convention.**

The Ministry of Women, Family and Community Development and the Department of Social Welfare have in-house statisticians to assist in data collection.

- 5. With regard to the implementation of the Convention, please provide information on the coordination activities of the Ministry of Women, Family and Community Development. Please elaborate the coordination of the implementation of the Convention both at national and local level. Does the inter-ministerial Coordination also involve non-governmental organizations?**

The Ministry of Women, Family and Community Development (MOWFCD) utilizes several channels to address matters and issues of children. Firstly, there are inter-ministerial meetings at the minister and senior officials' level. These meetings are held with the relevant ministries that have the jurisdiction over the issues at hand. Secondly, MOWFCD holds regular dialogues with stakeholders, especially the non-governmental organizations (NGOs) to receive inputs with regard to the problems at the grassroots level. At the same platform, MOWFCD establishes smart partnership with the NGOs to implement programmes and activities at the grassroots levels.

6. Please provide information on the status of the Second National Plan of Action for Children and the measures taken/planned to implement it as well as to monitor and evaluate its implementation.

The Ministry of Women, Family and Community Development is in the midst of drafting the National Child Policy before preparing a comprehensive Second Plan of Action for Children. The Policy and Plan of Action will be completed in 2007.

7. Please provide a brief overview of the Ninth Malaysia Plan 2006-2010.

The nation is embarking upon a new phase of development towards realising its aspiration of becoming a developed nation by 2020. This next 15-year phase will be guided by the National Mission, a policy and implementation framework aimed at obtaining greater performance and impact from the country's collective developmental initiatives. The Ninth Malaysia Plan represents the first five-year blueprint of the National Mission, outlining the policies and key programmes aimed at fulfilling the Mission's thrusts and objectives for the 2006-2010 period. As such, the Ninth Malaysia Plan is consistent with the ambition to build a country with an advanced economy, balanced social development and a population which is united, cultured, honourable, skilled, progressive and farsighted.

Economic growth, competitiveness and dynamism will be pursued together with equal opportunity, social equity and inclusion. The quality of human capital will be upgraded as it is a key determinant in the achievement of the Plan's goals and objectives. The quality of life of all Malaysians will be enhanced further. Thenational implementation machinery will be streamlined and strengthened. In all, these efforts will ensure that the overriding objective of the nation, that is national unity and integration, will be strengthened.

In light of the National Mission and the recognition of the importance of a joint national effort to ensure its achievement, the theme of the Ninth Plan is set as *Together Towards Excellence, Glory and Distinction*. All Malaysians have a stake in the nation building process – the private sector as the engine of growth, the public sector as facilitator and regulator, and civil society and others as partners in development. The quest to attain developed nation status can only be realised through the sustained commitment and contribution of each and every citizen.

Given the changing domestic and global economic landscape, initiatives to enhance national competitiveness and resilience will continue to be given high priority. At the same time, efforts to close inter- and intra-ethnic socio-economic disparities will be intensified, with measures that focus more accurately on target groups. All development initiatives during the Ninth Plan period will be guided by the universal principles of *Islam Hadhari*.

Overall macroeconomic management during the Plan period will focus on sustaining growth and strengthening the economy's capacity to cushion against

downside risks and shocks. The Government will ensure that price pressures remain manageable; that an appropriate monetary policy is in effect; that the Federal Government operating expenditure is managed in a prudent and cost-effective manner; that a gradual reduction in the Federal Government deficits is observed without retarding overall growth; and that a strong balance of payments and external reserves position is maintained at all times. The Ninth Plan is organized according to the 5 thrusts of the National Mission.

8. Please provide information on the situation of refugee and asylum-seeking children and the State party's laws, policies and programmes in this respect.

Not available.

9. Please provide Information on the amendments of 2002 to the Immigration Act 1959/63 (Act 155) and on the implementation of this Act. Please describe the situation of migrant children, with or without valid documentation, and provide information on their access to social and health Services, education and housing in the State party.

Not available.

10. Please provide information on efforts to disseminate the Convention.

Programme by UNICEF:

Year	Programmes
2004	1) Convention on the Rights of the Child (CRC): Awareness and Participation 2) Empowering Child Protection Teams in the Prevention of Child Sexual Abuse 3) Capacity strengthening of NGOs in Malaysia-Preparation of guidelines for Management of Homes Managed by Child-Related NGOs
2005	Prevention of Child Abuse i) Child Participation ii) Development of Modules for Counselors and Para-counselors iii) Development of Modules for Court Advisors
2006	Prevention of Child Abuse i) Child Participation ii) Pre-testing Modules for Counselors and Para-counselors iii) Finalizing Modules for Court Advisors

Other Programmes by Department of Social Welfare, Ministry of Women, Family and Community Development:

Programmes
Printing of booklets on CRC for distribution to members of the public <ul style="list-style-type: none">o Convention on the Rights of the Child in four languageso A simple guide to your rights...as a childo <i>Syok</i>o Calendar
CRC is also incorporated into lectures and talks to the public and staff from time to time.

11. Please provide information on efforts made to provide training, awareness on the Convention and on human rights in general, to children parents, teachers, social workers and other professionals working with and for children.

Children's rights remain a significant part of the Human Rights Commission of Malaysia (SUHAKAM) agenda since its inception in 2000. The Human Rights Education and Promotion Working Group focuses on the area of promotion and advocacy of the rights of the child through community and school based programmes, such as "Training of Adult and Young Trainers on CRC", CRC Awareness workshops, message and poster competitions on CRC and also CRC Camps for selected schools and institutions of higher learning. The Working Group has also conducted a nationwide survey between April 2003 and May 2003 on the knowledge and practice of human rights in schools following the success in including human rights education in schools. In January 2004, the Law Reform and International Treaties Working Group organised a roundtable discussion on the status of the implementation of the CRC. The discussion was attended by a wide range of stakeholders including children and young people.

CRC is also incorporated by the Department of Social Welfare in courses, discussions and workshops as follows:

- i) Basic courses for Social Welfare officers.
- ii) Child Act 2001 Workshops. As of 2005, four workshops have been held.
- iii) Professional discussion with relevant parties on the amendment to the Child Act. Such discussion was held six times in 2006.
- iv) Various training on CRC as illustrated in the table below. The participants

comprise of staff from the Department of Social Welfare, staff of other government agencies and also the public.

Program	Date	No. of Participants
Workshop on Convention on The Rights of the Child – Sabah	4 – 6 June 2003	31 children from Sabah
CRC workshop (Ministry of Education)	13 – 15 Oct. 2003	43 staff
Workshop on Convention on The Rights of the Child - Sarawak	1 – 2 March 2004	40 children from Sarawak
Workshop on Convention on The Rights of the Child – Pulau Pinang	24 – 26 May 2004	37 children (Northern Zone)
Workshop on Convention on The Rights of the Child – Terengganu	25 – 27 July 2004	38 children (Eastern Zone)
Workshop on Convention on The Rights of the Child – Johor	20 – 22 Sept. 2004	27 children (Southern Zone)
Workshop on Convention on The Rights of the Child – Kuala Lumpur	20 – 22 Dec. 2004	30 children (Central Zone)

Program	Date	No. of Participants
CRC workshop for staff of the Department	31 March – 2 April 2006	30 staff

In 2004, the move was made towards empowering children to be facilitators of CRC. This Child Participation Training was carried out in five states. The core group of 25 children had been trained as facilitators to conduct sessions pertaining to current issues related to CRC including protection against violence. The age of these school-going children ranges from 12 to 17 years, selected from schools and child-related NGOs.

All child participants attended a strategic workshop in December 2004 with the objective of empowering them, establish networking and share ideas. The children were chairpersons, moderators, presenters and also rapporteurs. A city tour was also organized for the children, and the children especially the Sabahans and Sarawakians were most grateful for that experience.

Eight child facilitators who were trained by Department of Social Welfare also attended the Melaka International Youth Dialogue and facilitated one of the side events. One of them was a panel speaker and spoke on the National Plan of Action. In addition, sensitization and training for heads of the Department

were carried out in May 2004. This was to expose senior government officers to the CRC and child participation programmes.

12. Please provide information on the cooperation between the State party and the (inter) national community including non-governmental organization, in the efforts to implement the Convention.

The Ministry of Women, Family and Community Development (MOWFCD) constantly organizes consultative forums with representatives from the non-governmental organizations (NGOs). These consultative forums are useful to gather feedback with regard to child related issues addressed in the Convention. The Ministry also provides grants to the NGOs to carry out programmes and activities for the benefit of the children.

13. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

Will be furnished soon.

PART II

Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

The four books of the CRC in four major languages namely English, Malay, Mandarin and Tamil were transmitted to the secretariat.

PART III

Under this section, the State party is invited to update, when necessary, the information provided in its report with regard to:

- **new bills or enacted legislation;**
 - i) Child Care Centre Act 1984 [*Act 308*] (Revised 2006)
 - ii) Care Centre Act 1993 [*Act 506*] (Revised 2006)
- **new institutions;**
- **newly implemented policies;**
- **newly implemented programmes and project and their scope.**
 - i) Proposed new institutions for children under the 9th Malaysia Plan (2006 – 2010):

Institution	Location
Children's Home	1. Kluang, Johor 2. Sarawak 3. Kelantan 4. Sabah
Temporary detention centre (for all target groups, including juvenile cases),	1. Sg. Buloh, Selangor 2. Gemas, Negeri Sembilan 3. Raub, Pahang 4. Labuan
Probation Hostel	1. Sabah 2. Pokok Sena, Kedah
Taman Sinar Harapan (protection and rehabilitation centre for children with disabilities),	1. Sarikei, Sarawak 2. Rompin, Pahang

ii) Newly implemented programmes and projects and their scope

- **Community Child Care Centre**

The Community Child Care Centres cater for children aged below four years from lower income families. Families with incomes less than RM1,200 per month in rural areas and less than RM2,000 per month in urban areas are eligible for government subsidies of between RM100 to RM180 per month per child. NGOs and other agencies with experience in child care are given the opportunity to run these centres. A launching grant of not more than RM55,000 and an administrative grant of RM64,000 per year is given to agencies running the child care centres. The centres must be operated according to the provisions of the Child Care Centre Act 1984.

- **Witness Support Service**

The Witness Support Service provides support services to reduce the trauma and stress faced by children who have to appear in court as witnesses. The Service provides a communication channel between the Police, Prosecutor and the child involved. To date, 28 children have benefited from this service in the courts of Kuala Lumpur and Shah Alam. 48 officers and volunteers have been trained to provide this service.
