### **PROFILE OF CHILDREN IN MALAYSIA**



# IMPLEMENTATION OF CHILDREN'S RIGHTS WITH EQUITY





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# TABLE OF CONTENTS





CHILDREN, whether living in cities, villages, plantations, coastlines or in remote areas, are part of Malaysian society, and are the pulse of the nation's aspirations to achieve developed status by 2020. Each of the country's 9.5 million children in Malaysia is born with rights so they may grow to realise their full potential and contribute towards society and nation-building.

Malaysia has shown tremendous progress in improving children's well-being. The under-five and infant mortality rates were reduced to 8.5 and 6.8 per 1,000 live births respectively in 2010, half the 1990 rates. The proportion of children living in poverty declined significantly since 1989, and more than 90 per cent of children are now enrolled in primary schools.

Although significant improvements on children's well-being have been realized over the years, these improvements might not reach all groups due to disparity in gender, age, ethnic group, and geographical locations. Thus, some children are left invisible, with little opportunity to claim their rights. The concept of 'inclusiveness' eluded in the New Economic Model aims to reduce these disparities for a more equitable share of the nation's wealth by each and everyone, including the children.

This statistical publication presents analysis of publicly available data related to children in Malaysia, as seen through a child rights lens. It assesses the situation of children in the areas of education, health, economic standard of living, care and protection, and provides a baseline to monitor the progress towards national and international goals and targets aimed at promoting the wellbeing of all children. Through a better understanding of existing inequities and their drivers, this analysis can help inform policy decisions and programme development to address the needs of children, particularly the most vulnerable and marginalised. For, behind each statistic is the life of a child – each of whom has an equal right to grow, develop and be a vibrant member of Malaysian society. They should be given the opportunity to grow up healthy and lead a productive life.

This publication will be a good reflection on the status of children in Malaysia as it illustrates the gaps that still exist in implementing children's rights. At the same time it demonstrates the broad range of data compilation that are already in place all over the country in ensuring that we will be giving the best to our children. It is hoped that the compilation will instigate and stimulate our imagination to guide us towards the appropriate actions and will serve as one of the resources for those involved in policy formulation for children in Malaysia.

YBhg. Datuk Dr. Rahamat Bivi Yusoff Director General of EPU

Wivina Belmonte UNICEF Representative to Malaysia

## FOREWORD

# ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
CRC	Convention on the Rights of the Child
HIV	Human Immunodeficiency Virus
IMR	Infant Mortality Rate
MDG	Millennium Development Goal
NKRA	National Key Result Area
U5MR	Under-five Mortality Rate
UNGASS	United Nations General Assembly Special Session on HIV/AIDS
W.P.	Federal Territory (Kuala Lumpur, Putrajaya and Labuan)

#### Introduction

The Government of Malaysia is committed to leading the process of transformation of Malaysia into a high income country by 2020 through rapid socioeconomic development and growth. To this end, the government is implementing several national policies and programmes: Tenth Malaysia Plan 2011-2015, Government Transformation Programme and Economic Transformation Programme. The country has taken various steps in aligning to international conventions on human rights and child rights, which provides a conducive environment for investment in social-inclusive development.

Malaysia is home to over 28 million people as per 2010 population census, of which more than 9.5 million are children under the age of 18 years. Of them 55.2 per cent are Malay, 18.4 per cent are Chinese, 13.9 per cent belong to indigenous groups, 6.2 per cent are Indians, 5.4 per cent are non-Malaysian citizens and 0.8 per cent is classified as Others.

The country is on track to meet the targets of most of the Millennium Development Goals (MDGs), especially those related directly to children. However, recent evidence suggests that although national level figures indicate progress is on track, at disaggregate level gaps still exist.

### **Methodology**

This report reflects the analysis of key child-related indicators to assess the implementation of children's rights in Malaysia and to identify existing inequalities and inequities within the country. It relies mainly on publicly available data, produced by various national ministries and departments as well as nationally representative surveys where the reports are publicly available. While these are invaluable sources of information, the lack of access to raw data sets made additional data analysis impossible, especially as relates to insights about subnational differences in children's rights implementation. Information is presented with accessible graphics that convey it in easy to understand way. The presentations are organized around children's rights, related MDGs and national priorities. The report starts by showing the demographic profile of children in Malaysia. It is followed by available data on specific child rights' implementation, which is presented and clustered into four groups: 1/ Right to adequate standard of living; 2/ Right to life and basic health; 3/ Right to early childhood development and education; 4/ Right to identity, care and protection. An equity perspective is applied wherever data allows for it, assessing the extent of disparities between states, ethnic groups and gender, when they exist. A summary table on key child-related indicators further facilitates comparisons using these dimensions.

### Implementation of children's rights with equity

The concept of equity is rooted in the principles of universality, non-discrimination, indivisibility and participation that underpin the Convention on the Rights of the Child (CRC) and other major human rights instruments. The CRC guarantees the fundamental rights of every child, regardless of gender, race, religious beliefs, income, physical attributes, geographical location or other status.

The Government of Malaysia has demonstrated real commitment to create an enabling environment so that all children in the country might achieve their best potential, having ratified the Convention in 1995, and instituted the Child Act (2001), National Policy for Children and National Action Plan for Children. The recent (2012) accession to the Optional Protocols to the CRC on the Sale of Children, Child Prostitution and Child Pornography, and on the Involvement of Children in Armed Conflict is a significant step forward and reinforces the country's determination to strengthen its protection system.

Indeed, the country has made tremendous progress in realizing the rights of its children. Child mortality rates are comparable with those of industrialised

## EXECUTIVE SUMMARY

countries - IMR 6.8 and U5MR 8.5 per 1,000 live births (2010). Enrolment in primary education is over 94 per cent (2012). The proportion of children living in poverty has decreased three-fold over the past twenty years with poor children representing 9.4 per cent of all children (less than 15 years of age) in 2007. Yet, challenges remain. The evidence presented in this report reveals that there are children in the country who are disproportionately affected by poverty, have restricted access to basic health, education and protection services and hence need to be paid special attention in order to benefit equally from existing policies, programmes and services, so they too might reach their full potential for development.

### Right to adequate standard of living

Children's economic standard of living improved dramatically between 1989 and 2007. Child poverty (children under the age of 15 years) dropped from 29.3 per cent down to 9.4 per cent during this period. Yet, children remain disproportionately affected by poverty – the overall poverty rate in 2007 was less than half the child poverty rate. Disparities increased significantly among the different ethnic groups with 25.6 per cent of indigenous children and 33.3 per cent of other children, mainly non-Malaysian citizens, living in poverty in 2007. Children from these two groups tend to enter the labour force earlier than other children thus facing the risk of school non-completion.

In 2007, the state with the biggest proportion of poor children was Sabah (31 per cent of children living in poverty), while the best-off state was Selangor (2 per cent of children living in poverty). Child-specific data is not available from the more recent, 2012, Household Income Survey.

Poverty affects more rural than urban households. The income of the richest 20 per cent of households in 2012 was over six times higher than the income of the poorest 40 per cent.

Fulfilling the children's right to social security improved significantly with a more than five times increase in the

number of children receiving Child Aid from 2005 to 2011. The average annual amount in real terms changed unevenly during this period: after increasing in 2005-2007 it decreased in the following two years; and stabilised at over RM2,700, in 2005 prices, in the most recent years.

### Right to life and basic health

Malaysia compares with industrialised countries with regard to child mortality with IMR 6.8 and U5MR 8.5 per 1,000 live births (2010). The country is likely to achieve the MDG targets by 2015. National averages fail to convey the significant differences between ethnic groups and across states. For example, the risk of a newborn child in Kelantan to die before reaching the age of five years is twice higher than the risk of a new-born in Kuala Lumpur, the risk of a Malay new-born to die before reaching the age of one year is twice as high as the risk of a Chinese new-born to die by the same age. Boys face slightly higher risk of dying at a young age than girls.

Child nutrition has improved over time. Weight-for-age, known also as under-weight, is a good proxy to assess under-nutrition due to chronic as well as acute factors. The proportion of under-weight children (moderate and severe) less than five years in 2010 was 4.6 per cent, a third the proportion in 2000. Yet, while in Johor this proportion was less than one per cent, in Sarawak it was as high as 10.1 per cent.

Access to health facilities and to qualified doctors' services varies across states; the poor in some states are particularly disadvantaged. In 2010, in Kuala Lumpur one doctor was serving on average 78 children less than 15 years of age, among all patients; in Sabah one doctor had to serve on average 532 children the same age, among all patients. In 2012, in Pulau Pinang, Melaka, W.P. Kuala Lumpur and W.P. Labuan all poor households had access to public health facility within five kilometres from house; in Sarawak this percentage was only 45.0.

A positive trend is observed in the financial resources dedicated to the Health sector in recent years with Government expenditure on health reaching 7.7 per cent of the total Government expenditure in 2010.

### Right to early childhood development and education

Early childhood development is critical for children's cognitive and emotional development, and readiness for school and life. The Government of Malaysia has paid attention and taken specific steps to ensure that more children benefit from existing early childhood development forms. Kindergarten gross enrolment increased by six percentage points within a five year period and reached 73.0 per cent in 2010. Sixty per cent of kindergartens are public; the student per teacher ratio there is higher (22 students per teacher) than in private kindergartens (14 students per teacher).

Malaysia is on target to achieve universal primary education by 2015. The evidence presented in this publication shows that participation rates in Government and Government-aided educational institutions are over 94 per cent at primary level in recent years. Some additional numbers of children benefit from educational opportunities, provided by schools or centres under the auspices of institutions other than the Ministry of Education.

Available evidence suggests that the over-all enrolment of children 6 – 18 years of age in education is high, with 79.9 per cent enrolment in 2011. Rates among states ranged between 89.8 per cent in Selangor and 64.6 per cent in W.P. Labuan in the same year. It should be noted that some children of the studied age group may had finished their schooling or dropped-out after some years of schooling. Part of the differences may be explained with the availability of schools in proximity to household shelters.

The transition rate from primary to secondary education within the system of Ministry of Education fluctuates around 91.0 per cent. However there are significant disparities among states; 2009 saw transition rates from 78.9 per cent in Kuala Lumpur and 81.2 per cent in Kelantan, to 96.1 per cent and 97.1 per cent in Perlis and W.P. Labuan respectively. Ability to meet education-related expenditures varies significantly across ethnic groups. In 2009/10 households of Chinese origin afforded expenditures related to education from their household budget, which are 22.0 per cent higher than the education-related expenditures of Indian households, two-times higher than those of Bumiputera households (Malay and indigenous groups), and five-times higher than of non-Malaysian citizens' households. In the same year the Government spent as much as 15.1 per cent of the total Federal expenditures on education.

#### Right to identity, care and protection

Important as it is, child protection is an area in which available data is very limited and when available, is inconsistent. Timely birth registration to provide a child with an official record of its identity, is a fundamental children's right; a birth certificate is the key to get access to basic health and education services, and to exercise other rights. The Government provides different solutions for children deprived of parental care. Adoptions and placing children in children homes are two of them. Adoptions have been on increase with a total number of 1,697 applications for registration of adoption and adoptions in 2011. Over a thousand children have been cared for annually in children homes, which aim to provide substitute care and to promote their growth and development.

Worryingly, cases of child abuse have been on an increase in recent years with girls affected twice as much as boys (in 2011 registered abuse cases of boys were 1,253 and of girls – 2,175) and with increasing proportions of neglect and sexual abuse. The contribution of better reporting vis-à-vis real increase needs to be further investigated.

Data on children in conflict with the law is incomplete. Available evidence suggests that boys are more likely than girls to engage in criminal acts; most offences are property-related. Recorded child offenders differ across states, which may be due to both differences in their real number and recording practices. Tunas Bakti schools are more often used for rehabilitation of juvenile offenders with around 1,000 inmates on average in recent years, compared to other facilities; data for juveniles kept in locked custody with the Royal Malaysian Police or in prison is not available.

#### **Conclusions**

The statistical evidence provided in this publication suggests that in the last decade Malaysia has made significant progress in the implementation of children's rights. The national averages of key child-related indicators demonstrate that the country compares with industrialised countries and is on track for achieving major national and international targets. Behind the overall progress however there are significant discrepancies – between states, between ethnic groups and, in some instances, between boys and girls.

While publicly available statistics provide evidence of important dimensions of children's rights implementation, other important dimensions of child well-being, such as child poverty and its correlation with access to development opportunities, merit deeper analysis. To make this possible, further analysis of existing data sets is necessary, and the design and implementation of future nationally representative data-collection activities should include child-focused modules.



# DEMOGRAPHIC PROFILE

#### **CRC Article 1**

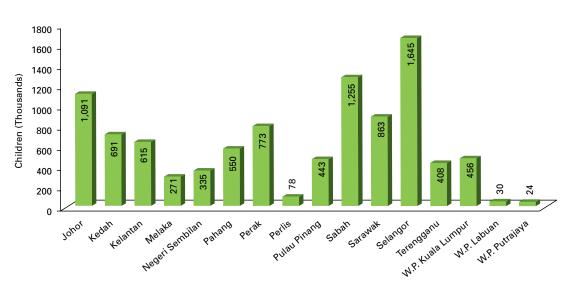
... a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

#### **CRC Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

### Malaysia is home of 9.5 million children

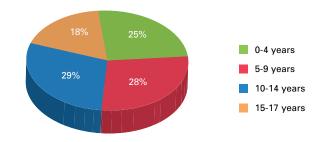
Child population, 2010 (Thousands)



Source: Department of Statistics Malaysia (2011): Population distribution and basic demographic characteristics: Population and housing census 2010. Note: Children include population below 18 years of age. Total child population, adjusted for under-enumeration rate is 9,574 thousand.

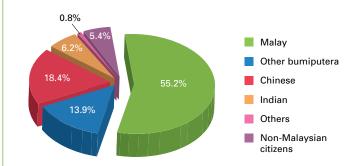
### A quarter of children are very young (under 5 years of age)

Child population by age group, 2010 (Percent)



### Malays make the majority of children

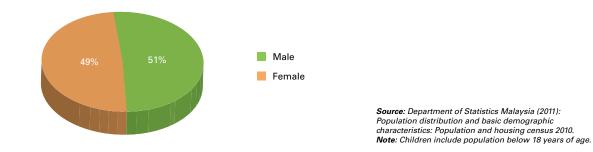
Child population by ethnic group, 2010 (Percent)



Source: Department of Statistics Malaysia (2011): Population distribution and basic demographic characteristics: Population and housing census 2010. Note: Children include population below 18 years of age. Source: Department of Statistics Malaysia (2011): Population distribution and basic demographic characteristics: Population and housing census 2010. Note: Children include population below 18 years of age.

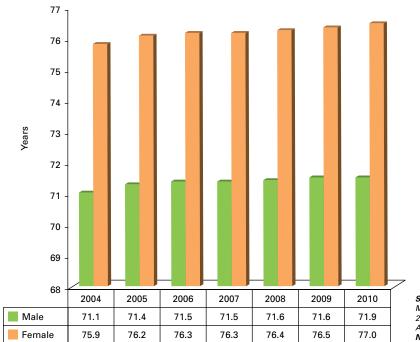
### Boys are slightly more than girls

Child population by gender, 2010 (Percent)



### A girl born in Malaysia in 2010 has a chance to live on average five years more than a boy born in the same year

Life expectancy at birth, 2004-2010 (Years)



Source: 2004-2007: Department of Statistics Malaysia (2011): Statistics Yearbook: Malaysia 2010. 2008-2010: Department of Statistics Malaysia (2011): Abridged Life Tables: Malaysia 2008-2010 Note: 2009 preliminary data, 2010 – estimate.



# **PROFILE OF CHILDREN IN MALAYSIA**

Kaulindiaataza	Malavaia	State							
Key indicators	Malaysia	Johor	Kedah	Kelantan	Melaka	Negeri Sembilan	Pahang	Perak	
Right to adequate standard of living									
Children living in poverty (%, 2007)	9.4	3.6	6.0	14.6	3.6	4.1	4.8	7.1	
Poverty incidence (% households, 2012)	1.7	0.9	1.7	2.7	0.1	0.5	1.3	1.5	
Mean monthly household income (Ringgit, 2012)	5000	4658	3425	3168	4759	4576	3745	3548	
Children receiving child aid (Number, 2011)	98848	11654	11692	10029	5024	5800	4133	5759	
Average per child annual aid (Ringgit, 2011)	3194	2899	3113	2939	3254	3019	3330	3342	
Labour force participation 15-19 years (%, 2011)	18.6	-	-	-	-	-	-	-	
Labour force participation 20-24 years (%, 2011)	62.9	-	-	-	-	-	-	-	
Right to life and basic health									
Infant mortality rate (Infant deaths per 1,000 live births, 2009)	6.9	6.8	7.7	9.5	9.0	8.9	8.8	7.2	
Under-5 mortality rate (Under-5 deaths per 1,000 live births, 2009)	8.5	8.1	9.4	12.2	10.7	10.1	11.8	10.4	
Moderate undernutrition (underweight) among children under-5 years (%, 2010)	4.27	0.89	2.25	6.95	4.41	3.76	5.85	3.65	
Children less than 15 years served by one doctor (Number, 2010)	238	335	325	501	192	198	328	233	
All households access to public health centre less than 5 km (%, 2012)	77.6	78.1	86.8	83.7	87.2	76.5	85.4	78.2	
Poor households access to public health centre less than 5 km (%, 2012)	65.9	67.9	74.4	73.5	100.0	56.5	79.9	83.0	
Right to early childhood development and education									
Children in kindergartens (Number, 2010)	640394	-	-	-	-	-	-	-	
Population aged 6-18 years enrolled in education (%, 2011)	79.9	83.3	83.7	74.1	85.4	89.3	75.9	78.5	
All households living on less than 5 km from government primary school (%, 2012)	95.4	95.7	99.2	97.0	97.3	93.1	96.9	96.5	
Poor households living on less than 5 km from government primary school (%, 2012)	91.4	93.6	98.0	98.0	100.0	85.5	88.0	97.9	
Transition rate from primary to secondary education (%, 2009)	87.7	82.0	89.2	81.2	92.6	90.4	83.2	86.0	
All household members aged 7-18 years not in school (%, 2007)	2.7	1.5	2.8	6.1	1.2	1.2	2.3	1.1	
Poor household members aged 7-18 years not in school (%, 2007)	13.5	10.2	6.3	19.3	16.7	21.1	20.7	4.9	
Household monthly expenditure on education (% of average monthly expenditure, 2009/10)	1.4	-	-	-	-	-	-	-	
Right to identity, care and protection									
Application for registration of adoptions and adoptions (Number, 2011)	1697	46	107	9	138	100	55	70	
Juvenile offenders (Number, 2010)	4465	655	460	229	191	214	368	357	
Juvenile offenders rate (juvenile offenders per 100,000 population aged 10-21 years, 2010)	66.6	86.7	95.2	52.4	94.0	87.0	98.6	62.7	

Notes: National average for Transition rate from primary to secondary education is unweighted average from state rates.

Labour force participation: for the age group 15-19 years population groups w/ values below the national average are assessed as "Better off" as this is mostly school age.; for the age group 20-24 years population groups w/ values above te national average are assessed as "Better off".

Juvenile offenders rates may be affected by rates of recording.

				State							Ethnic	group			Gender	
Perlis	Pulau Pinang	Sabah	Sarawak	Selangor	Terengganu	W.P. Kuala Lumpur	W.P. Labuan	W.P. Putrajaya	Malay	Other bumiputera	Chinese	Indians	Others	Non- Malaysian citizens	Male	Female
12.4	3.7	31.0	8.6	2.3	12.4	-	-	-	6.8	25.6	1.0	6.5	33	3.3	-	-
1.9	0.6	8.1	2.4	0.4	1.7	0.8	1.1	-	2	.2	0.3	1.8	1.5	-	-	-
3538	5055	4013	4293	7023	3967	8586	6317	8101	44	157	6366	5233	3843	-	-	-
1243	5529	9596	11056	9682	5992	1460	199	-	-	-	-	-	-	-	-	-
2371	2902	4243	2938	3353	3410	2497	2536	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	16	6.7	11.7	14.9	28.3	65.3	23.8	13.1
-	-	-	-	-	-	-	-	-	59	9.8	60.8	61.5	69.4	79.4	72.9	52.3
7.6	6.4	3.9	7.1	5.9	8.7	5.3	9.1	-	8.1	6.9	3.9	5.5	3	.9	7.5	6.2
9.5	7.6	4.6	8.8	7.0	10.6	6.5	12.1	-	-	-	-	-	-	-	9.2	7.7
2.75	2.46	6.26	10.09	2.72	3.34	4.18	3.36	2.41	-	-	-	-	-	-	-	-
216	161	532	434	232	400	78	611	92	-	-	-	-	-	-	-	-
79.3	97.0	71.6	53.8	68.7	85.9	93.4	86.9	100.0	-	-	-	-	-	-	-	-
59.8	100.0	59.5	45.0	57.7	81.4	100.0	100.0	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	314043	326351
83	83.0	67.6	78.9	89.8	79.8	66.0	64.6	-	-	-	-	-	-	-	-	-
94.3	98.2	92.1	90.7	93.8	98.8	99.4	92.6	100.0	-	-	-	-	-	-	-	-
75.0	100.0	89.1	84.9	84.6	97.7	100.0	100.0	-	-	-	-	-	-	-	-	-
96.1	82.7	87.7	85.7	87.9	94.7	78.9	97.1	-	-	-	-	-	-	-	-	-
2.4	0.8	6.0	4.6	0.7	3.6	0.4	-	-	-	-	-	-	-	-	-	-
8.3	6.4	14.9	25.2	10.6	4.7	9.7	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	1	.2	1.8	1.9	0.9	0.7	-	-
0	0	0	0	852	52	268	0	-	-	-	-	-	-	-	-	-
92	332	269	216	507	411	158	6	-							4182	283
145.2	103.0	31.1	36.7	43.9	144.9	47.5	30.0	-	-	-	-	-	-	-	-	-

Equal or close to national average (10% interval around national average; for Households living on less than 5 km from government primary school - 5% interval).

Better than national average

Worse than national average

# RIGHT TO ADEQUATE STANDARD OF LIVING

#### **CRC Article 27**

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

MDG 1: Eradicate extreme poverty and hunger

**Target 1A:** Halve, between 1990 and 2015, the proportion of people whose income is less than US\$1 a day

**Target 1B:** Achieve full and productive employment and decent work for all, including women and young people

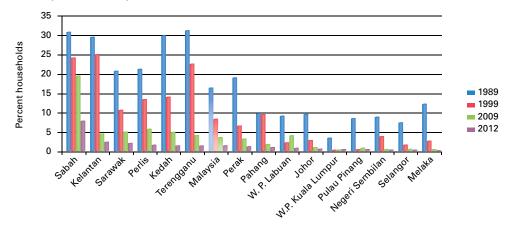
NKRA 4: Raising Living Standards of Low-Income Households

NKRA 7: Addressing the Rising Cost of Living



### Poverty has decreased substantially over time, discrepancies between states remain

Poverty incidence by state, 1989, 1999, 2009 and 2012 (Percent households)

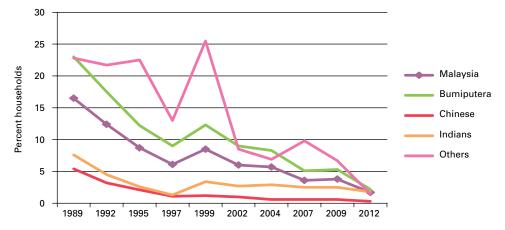


Source: 1989, 1999, 2009 : www.epu.gov.my/household-income-poverty. Household Income Survey (HIS) by income groups. Department of Statistics, Malaysia (2011); 2012: Department of Statistics Malaysia (2013): Household Income and Basic Amenities Survey Report 2012.

Note: States are ranked by 2012 values. Data refer to Malaysian citizens only. Calculation of poverty for 1999, 2009 and 2012 is based on 2005 methodology.

### Ethnic groups are affected differently

Poverty incidence by ethnic group, 1989-2012 (Percent households)

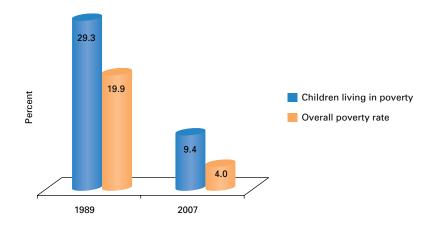


Source: 1989 - 2009 : www.epu.gov.my/household-income-poverty. Household Income Survey (HIS) by income groups. Department of Statistics, Malaysia (2011); 2012: Department of Statistics Malaysia (2013): Household Income and Basic Amenities Survey Report 2012.

Note: Data refer to Malaysian citizens only. Calculation of poverty from 1999 onwards is based on 2005 methodology.

#### Children remain disproportionately affected by poverty

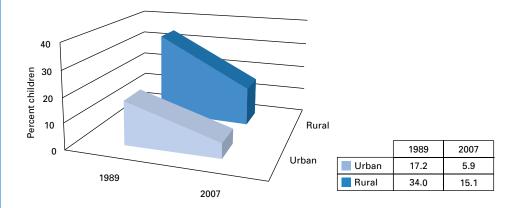
Overall and child poverty rates, 1989 and 2007 (Percent)



Source: United Nations Country Team Malaysia & Economic Planning Unit, Prime Minister's Department Malaysia (2011): Malaysia: The Millennium Development Goals at 2010. Derived from Household Income Survey, 1989 and 2007. Note: Children under 15 years of age. Includes non-citizens.

### The risk of a rural child to live in poverty in 2007 was 2.5 times higher than the risk of a child living in urban settlement

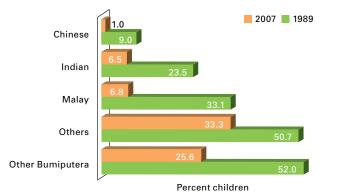
Children in urban and rural areas living in poverty, 1989 and 2007 (Percent)



Source: United Nations Country Team Malaysia & Economic Planning Unit, Prime Minister's Department Malaysia (2011): Malaysia: The Millennium Development Goals at 2010. Derived from Household Income Survey, 1989 and 2007. Note: Children under 15 years. Includes non-citizens.

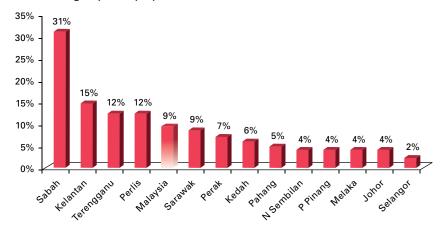
### Significant progress in reduction the number of children living in poverty was made between 1989 and 2007. However disparities increased tremendously with children from Other minorities hardest hit by poverty.

Children living in poverty by ethnic group, 1989 and 2007 (Percent)



Source: United Nations Country Team Malaysia & Economic Planning Unit, Prime Minister's Department Malaysia (2011): Malaysia: The Millennium Development Goals at 2010. Derived from Household Income Survey, 1989 and 2007. Note: Children under 15 years of age. Others include non-citizens.

### Proportion of poor children varied between 31 percent in Sabah and 2 percent in Selangor in 2007

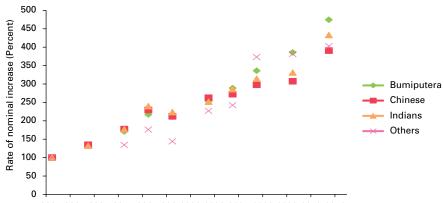


Children living in poverty by state, 2007 (Percent)

Source: United Nations Country Team Malaysia & Economic Planning Unit, Prime Minister's Department Malaysia (2011): Malaysia: The Millennium Development Goals at 2010. Derived from Household Income Survey 2007. Note: Children under 15 years of age. Includes non-citizens.

### Bumiputera and Others saw the highest increase in their household income over the last 20 years...

Increase in mean monthly household income, 1989 – 2012 (Rate of nominal increase, percent)

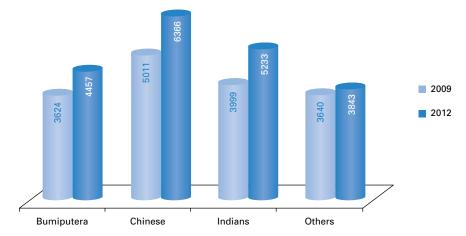


1988 1990 1992 1994 1996 1998 2000 2002 2004 2006 2008 2010 2012

Source: UNICEF's calculation based on www.epu.gov.my/household-income-poverty. Household Income Survey (HIS) by income groups. Department of Statistics, Malaysia (2011) for 1989-2010; and on Department of Statistics Malaysia (2013): Household Income and Basic Amenities Survey Report 2012, for 2012. Note: Data refer to Malaysian citizens only.

### Yet, their income remains the lowest

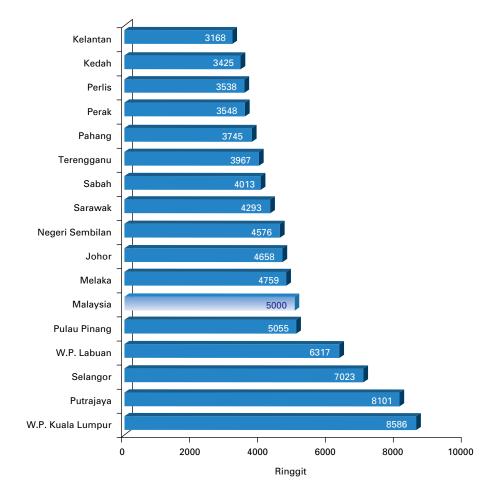
Mean monthly household income by ethnic group, 2009 and 2012 (Ringgit)



Source: 2009 : www.epu.gov.my/household-income-poverty. Household Income Survey (HIS) by income groups. Department of Statistics, Malaysia (2011); 2012: Department of Statistics Malaysia (2013): Household Income and Basic Amenities Survey Report 2012. Note: Data refer to Malaysian citizens only.

#### **Discrepancies between incomes across states persist**

Mean monthly household income by state, 2012 (Ringgit)

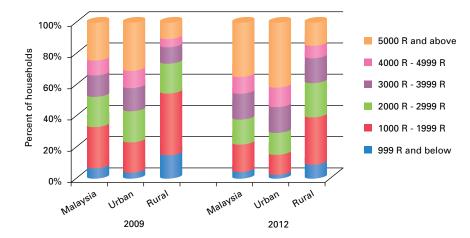


Source: Department of Statistics Malaysia (2013): Household Income and Basic Amenities Survey Report 2012.

In 2011 "some 5.2 million Malaysian households earning RM3,000 and below each received one-off RM500 financial assistance from the government. Over 75% of all households in the country benefited from the RM2.6 billion budget set aside for this exercise".

### Poverty affects rural households more than urban households

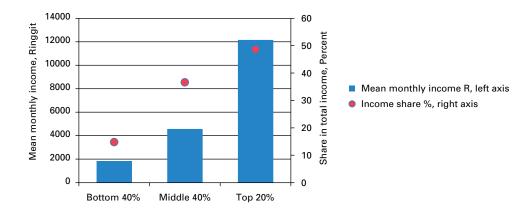
Distribution of households by income groups, 2009 and 2012 (Percent)



Source: 2009 : www.epu.gov.my/household-income-poverty. Household Income Survey (HIS) by income groups. Department of Statistics, Malaysia (2011); 2012: Department of Statistics Malaysia (2013): Household Income and Basic Amenities Survey Report 2012. Note: Data refer to Malaysian citizens only.

Income of the richest 20% of households is over six times higher than income of the poorest 40%. The richest get almost half of the total household income.

Monthly income and income share of bottom, middle and top income groups, 2012

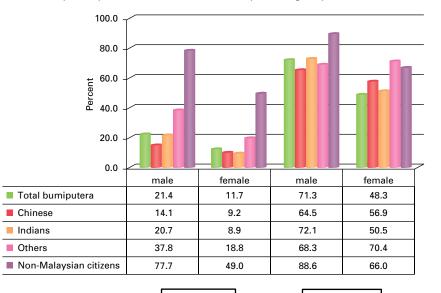


Source: Department of Statistics Malaysia (2013): Household Income and Basic Amenities Survey Report 2012.

Government Transformation Programme, Annual Report 2011

## Young males and non-Malaysian citizens enter labour force earlier than females and other ethnic groups

Labour force participation, 2011 (Percent of respective group)



15-19 years

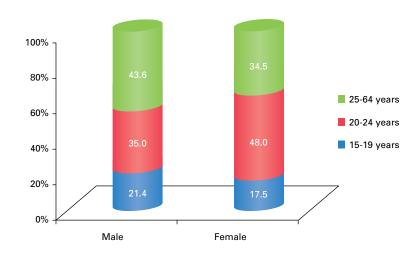
Source: Department of Statistics Malaysia (2012): Labour Force Survey Report 2011



20-24 years

### Young women are less likely to find employment than young men

Youth unemployment, 2011 (Percent of total unemployed from the respective group)

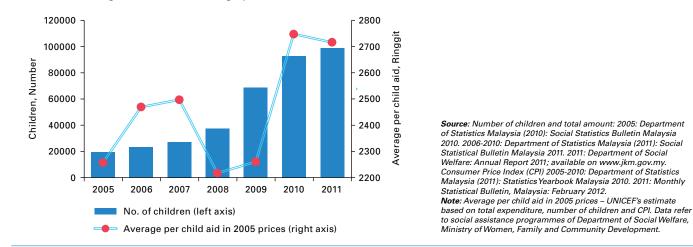


**Source**: Department of Statistics Malaysia (2012): Labour Force Survey Report 2011 **Note**: Percentage refers to the share of the specific age group in the total unemployment of the respective gender group.



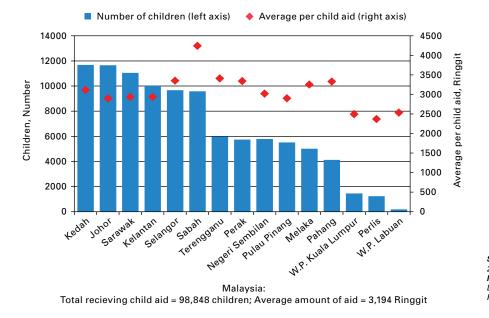
### The number of children receiving child aid increased five times in seven years, the average annual aid amount stabilised at over 2,700 Ringgit, in 2005 prices, in recent years

Children receiving child aid and average per child real annual aid, 2005-2011



### Coverage of children and average amount of child aid differ across states

Distribution of children receiving child aid and average nominal annual amount of aid, 2011



Source: Department of Social Welfare: Annual Report 2011; available on www.jkm.gov.my Note: Data refer to social assistance programmes of Department of Social Welfare, Ministry of Women, Family and Community Development.

#### **CRC Article 26**

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

# **RIGHTTO LIFE** AND BASIC HEALTH

### **CRC Article 24**

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

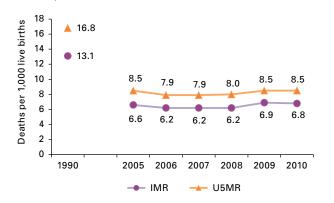
MDG 4: Reduce child mortality

Target 4A: Reduce by two thirds, between 1990 and 2015, the under-five mortality rate



### Child mortality is kept at low levels

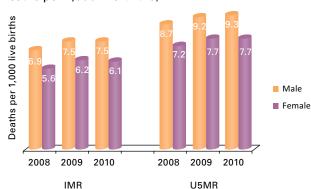
Infant and under-5 mortality, 1990 and 2005-2010 (Deaths per 1,000 live births)



Source: 1990: United Nations Country Team Malaysia & Economic Planning Unit, Prime Minister's Department Malaysia (2011): Malaysia: The Millennium Development Goals at 2010; 2005: Department of Statistics Malaysia (2008): Vital Statistics Malaysia 2007; 2007: Department of Statistics Malaysia (2009): Vital Statistics Malaysia 2008; 2008: Department of Statistics Malaysia (2010): Vital Statistics Malaysia 2009; 2009-2010: Department of Statistics Malaysia (2011): Vital Statistics Malaysia 2009; 2009-2010: Department of Statistics Malaysia (2011): Vital Statistics Malaysia 2010.

Note: IMR refers to infant deaths per 1,000 live births; U5MR refers to under-5 deaths per 1,000 live births. 2010 - preliminary.

### Young boys face higher risk to die than young girls

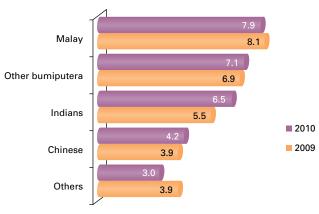


Infant and under-5 mortality rate by gender, 2008-2010 (Deaths per 1,000 live births)

Source: 2008: Department of Statistics Malaysia (2010): Vital Statistics Malaysia 2009; 2009-2010: Department of Statistics Malaysia (2011): Vital Statistics Malaysia 2010. Note: 2010 - preliminary figures.

### The risk for Malay new-born to die before reaching the age of one year is twice higher than the risk for Chinese new-born

Infant mortality by ethnic group, 2009-2010 (Infant deaths per 1,000 live births)



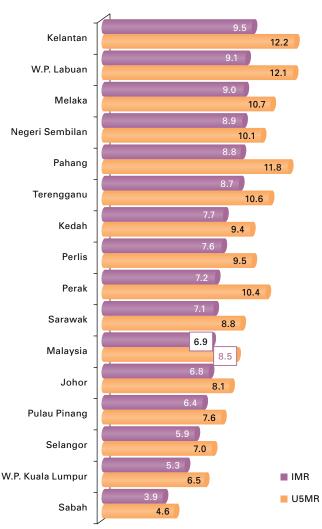
Number of infant deaths per 1,000 live births

Source: Department of Statistics Malaysia (2011): Vital Statistics Malaysia 2010. Note: Others include non-Malaysian citizens. Data for 2010 is preliminary.



### **Discrepancies between states exist**

Infant and under-5 mortality rates by state, 2009 (Deaths per 1,000 live births)

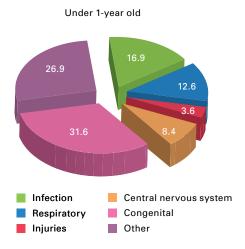


Deaths per 1,000 live births

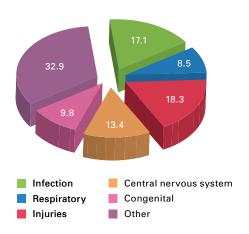
Source: Department of Statistics Malaysia (2011): Vital Statistics Malaysia 2010 Note: IMR refers to infant deaths per 1,000 live births; U5MR refers to under-5 deaths per 1,000 live births. States are ranked by IMR. Selangor includes Putrajaya. Data for Sabah should be considered with caution.

### Most causes of young children's deaths are preventable or treatable

Top five causes of under-five deaths in government hospitals, 2006 (Percent)



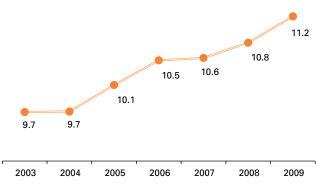
4-year old



**Source:** United Nations Country Team Malaysia & Economic Planning Unit, Prime Minister's Department Malaysia (2011): Malaysia: The Millennium Development Goals at 2010.

### Low-weight births proportion increased over time

Proportion of low-weight births, 2003 - 2009 (Percent)

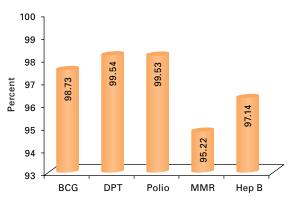


**Source**: 2003-2007: Department of Statistics Malaysia (2010): Social Statistics Bulletin Malaysia 2010; 2008: Department of Statistics Malaysia (2011): Social Statistical Bulletin Malaysia 2011; 2009: Department of Statistics Malaysia 2011: Vital Statistics 2010.

Note: Low-weight birth is a birth of a baby with weight less than 2,500 grams.

### Immunization coverage of children is high

#### Childhood immunisation coverage, 2011 (Percent)

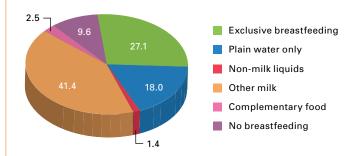


**Source**: Ministry of Health Malaysia: Health Informatics Centre Planning and Development Divisions: Health Facts 2012.

Note: B.C.G. Immunisation Coverage of Infants. Denominator: Live births from Tuberculosis Information Centre; DPT-HIB (Diphtheria, Pertusis & Tetanus -Haemophilus Influenzae Type B) Immunisation Coverage of Infants (3rd Dose). Denominator: Estimated live births from Department of Statistics; Polio Immunisation Coverage of Infants (3rd Dose). Denominator: Estimated live births from Department of Statistics; MMR (Mumps, Measles, Rubella) Immunisation Coverage of Infants (3rd Dose). Aged 1 to <2 years; Hepatitis B Immunisation Coverage of Infants (3rd Dose -Completed Dose). Denominator: Estimated live births from Department of Statistics.

### Only one fourth of very young children are exclusively breastfed

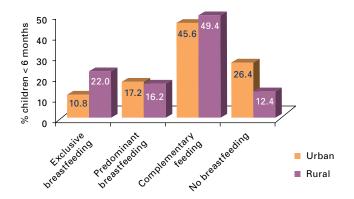
Percentage distribution of children less than two months of age by breastfeeding status, 2006 (Percent)



Source: Institute for Public Health, National Institute of Health, Ministry of Health, Malaysia 2008: The Third National Health and Morbidity Survey 2006

# Exclusive breastfeeding of children less than six months of age is low, especially in urban settings

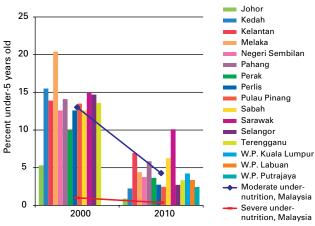
Breastfeeding status of children less than six months of age, 2006 (Percent)



Source: Institute for Public Health, National Institute of Health, Ministry of Health, Malaysia 2008: The Third National Health and Morbidity Survey 2006

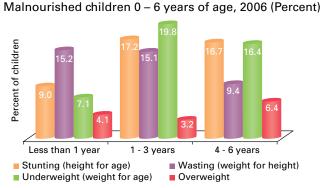
### Incidence of under-nutrition improved over time; however discrepancies between states remain

Incidence of moderate under-nutrition (underweight) among under-five years old children attending health clinics, 2000 and 2010 (Percent)



**Source:** 2000: Ministry of Health Malaysia, Sub System-Health Management Information System (2000): Family Health 2000; 2010: Ministry of Health Malaysia, Health Informatics Centre (2011): Family Health 2010; Annual Report.

### Children 1 to 3 years of age are the most susceptible to under-nutrition, children 4 to 6 years of age are at higher risk of being overweight



**Source:** Institute for Public Health, National Institute of Health, Ministry of Health, Malaysia 2008: The Third National Health and Morbidity Survey 2006.



In 2011, 35,245 children benefited from the Bakul Nutrisi (Nutritional Basket) programme.

Government Transformation Programme, Annual Report 2011

### Malaysia is able to reverse the spread of HIV by 2015

Cumulative number of HIV cases since 1986 (Number)

	2003	2006	2009	2011
Total	58,012	76,389	87,710	94,841
Children under 13 years, as of December	464	706	870	974

Source: 2003: UNGASS Country Report Malaysia, 2005; 2006: UNGASS Country Progress Report, Malaysia, 2008; 2009: UNGASS Country Progress Report Malaysia, 2010; 2011: Global AIDS Response Country Progress Report Malaysia, 2012 Note: Data for children under 13 years for 2006 is from United Nations Country Team Malaysia & Economic Planning Unit, Prime Minister's Department Malaysia (2011): Malaysia: The Millennium Development Goals at 2010. Reported number of children as of December 2006 in the UNGASS report is 1,786 but reference is to 0-19 years of age.

#### **CRC Article 24**

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

... (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

#### **CRC Article 27**

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

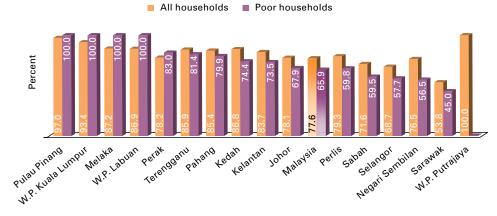
**MDG 1:** Eradicate extreme poverty and hunger **Target 1C:** Halve, between 1990 and 2015, the proportion of people who suffer from hunger.

**MDG 6:** Combat HIV/AIDS, malaria and other diseases **Target 6A:** Have halted by 2015 and begun to reverse the spread of HIV/AIDS

NKRA 7: Addressing the Rising Cost of Living

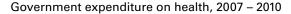
Access to public health facilities does not differ significantly for the poor and non-poor; however discrepancies between states are considerable

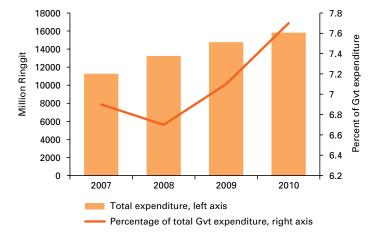
Households with access to public health centre at less than five kilometres, 2012 (Percent)



Source: Department of Statistics Malaysia (2013): Household Income and Basic Amenities Survey Report 2012 Note: Poor households are defined as per the methodology introduced in 2005. Data refer to Malaysian citizens only. States are ranked by poor-households values. Putrajaya – no cases of poor households.

#### Government expenditure on health increased over time



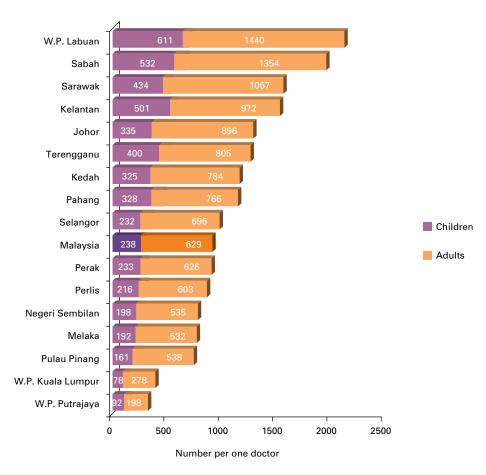


Source: Department of Statistics Malaysia (2011): Social Statistical Bulletin 2011 Note: Expenditure is in current prices. Data for 2010 is estimate. Today, medical treatment is virtually free and affordable for the rakyat (people of Malaysia) with 1Malaysia Clinics only charging RM1 for treatment.

Government Transformation Programme, Annual Report 2011

### Availability of qualified doctors' services varies significantly across states

Children and adults served by one doctor, 2010 (Number of persons per one doctor)



Source: Doctors: Department of Statistics Malaysia (2011): Social Statistical Bulletin Malaysia 2011. Population: Department of Statistics Malaysia (2012): Demographic Indicators Malaysia, 2012. Note: Doctors in public and private practices. Children less than 15 years old.

#### **CRC Article 6**

2. States Parties shall ensure to the maximum extent possible the ... development of the child.

#### **CRC Article 18**

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

#### **CRC Article 23**

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

#### **CRC Article 28**

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

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

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

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

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

**MDG 2**: Achieve universal primary education **Target 2A**: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling

MDG 3: Promote gender equality and empower women

**Target 3A**: Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015

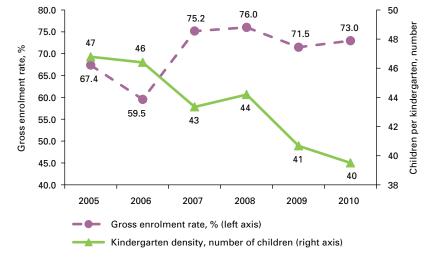
NKRA 3: Improving Student Outcomes.



RIGHTTO EARLY CHILDHOOD DEVELOPMENT AND EDUCATION

### Increasing number of children is enrolled in pre-school education and enjoys improving conditions

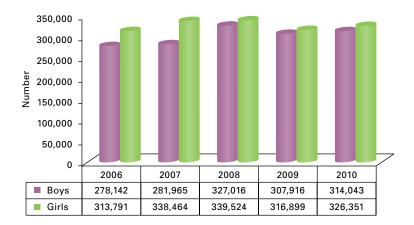
Children in kindergartens - enrolment and density, 2005-2010



Source: Enrolment rate: Ministry of Education Malaysia (2012): Malaysia, Education for All; Standalone report Goal 1, 2000-2010. Kindergartens and students: 2005-2009: Department of Statistics Malaysia (2010): Social Statistics Bulletin Malaysia 2010. 2010: Department of Statistics Malaysia (2011): Social Statistical Bulletin 2011. Note: Refers to Gross Enrolment.

### Slightly more girls than boys are enrolled in pre-school education

Children in kindergartens by gender, 2006-2010 (Number)



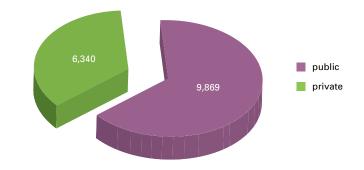
Source: Department of Statistics Malaysia (2011): Social Statistical Bulletin 2011

In 2011 pre-school fee assistance was provided to 14,122 students from low-income households enrolled in private pre-schools. Achieved a 77.23% enrolment rate for pre-schools by December 2011.

Government Transformation Programme, Annual Report 2011

### Sixty percent of kindergartens are public

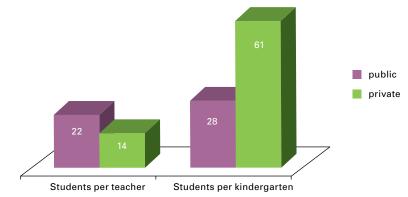
Kindergartens by ownership, 2010 (Number)



Source: Department of Statistics Malaysia (2011): Social Statistical Bulletin 2011

### Private kindergartens are equipped with more staff and accommodate more children than public ones

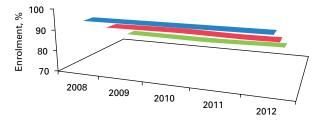
Ratio of students per teacher and per kindergarten in non-private and private kindergartens, 2009



Source: Department of Statistics Malaysia (2010): Social Statistics Bulletin Malaysia 2010

### School enrolment remains high and stable at primary, lower secondary and upper secondary level

Enrolment in primary, lower secondary and upper secondary education, 2008-2012 (Percent)

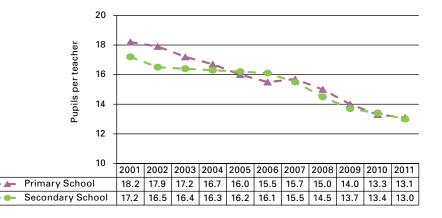


	2008	2009	2010	2011	2012
Primary	93.97	94.33	94.23	94.42	94.54
Lower Secondary	86.31	86.51	86.76	86.07	86.18
Upper Secondary	77.72	77.25	77.19	77.75	77.96

Source: Ministry of Education Malaysia (2012): Malaysia Educational Statistics 2012 Note: Refers to enrolment in educational institutions under the Ministry of Education. Denominator is based on live births. Age groups: primary level 6+ to 11+ years; lower secondary level 12+ to 14+ years; upper secondary level 15+ to 16+ years.

### The ratio of pupils to teacher improved over time both in primary and secondary education

Pupils-teacher ratio in primary and secondary school, 2001-2011 (Number of pupils per one teacher)



Source: 2001-2006: Department of Statistics Malaysia: Selected Socio-economic Indicators Malaysia 2010; 2007-2011: Department of Statistics Malaysia (2011): Social Statistical Bulletin 2011

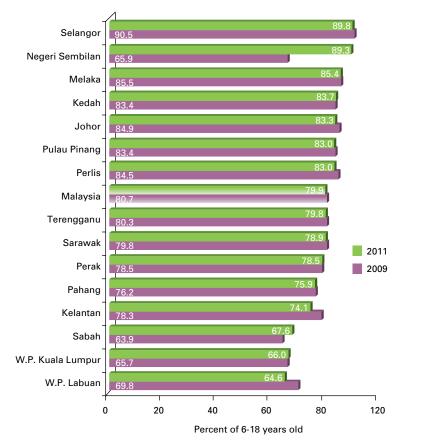
Note: May differ from other sources due to different denominators used. 2011 – preliminary data.

In 2011, some 5.3 million primary and secondary school-going children received RM100 to cover "back-to-school" and other expenses. 48,509 sets of school uniform (i.e. uniforms and shoes) were given out to school children registered under Kumpulan Wang Amanah Pelajar Miskin.

Government Transformation Programme, Annual Report 2011

### Enrolment of school-age children in education varies across states

Population aged 6 – 18 years enrolled in schools, 2009 and 2011 (Percent of 6-18 years old)



Source: 2009: Ministry of Education Malaysia, 2009: Malaysia Educational Statistics 2009; 2011: Ministry of Education Malaysia, 2011: Malaysia Educational Statistics 2011

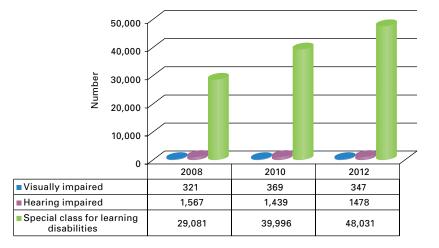
**Note**: Denominators are based on live births. Part of those who were not enrolled may had already concluded their education, dropped-out after some years of schooling or moved to religious and private schools. States are ranked by 2011 values. Data is not available for W.P. Putrajaya.



In 2011, an instrument to identify children with symptoms of learning disabilities was developed and 3,916 such students were identified among Primary 2 children. *GovernmentTransformation Programme, Annual Report 2011* 

### School enrolment of children with special education needs improved

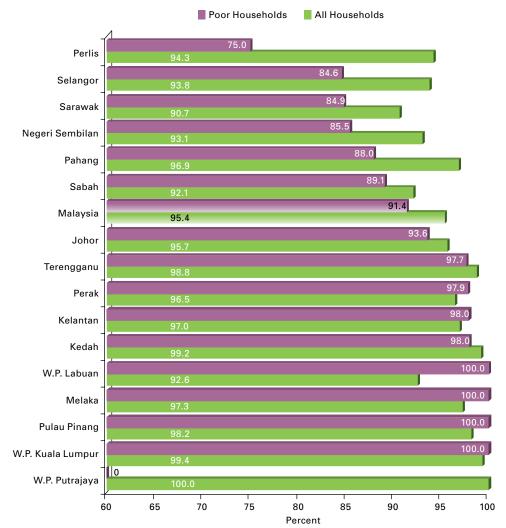
Enrolment of children in special education, as of 30 June 2008, 2010 and 2012 (Number)



Source: 2008: Ministry of Education Malaysia (2008): Malaysia Educational Statistics 2008; 2010: Ministry of Education Malaysia (2010): Malaysia Educational Statistics 2010; 2012: Ministry of Education Malaysia (2012): Malaysia Educational Statistics 2012 Note: Includes pre-school education. Excludes Special Education schools. In 2010 - Special Education Integration Programme.

### Availability of government primary schools in a short distance varies between states. Availability for the poor is more challenging in the less privileged states

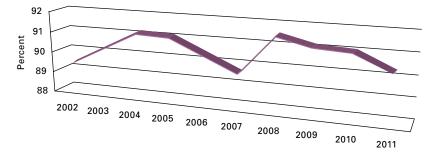
Households living on less than five kilometres from the nearest government primary school, 2012 (Percent)



Source: Department of Statistics Malaysia (2013): Household Income and Basic Amenities Survey Report 2012. Note: Poor households are defined as per the methodology introduced in 2005. Data refer to Malaysian citizens only. States are ranked by poor-households values. Putrajaya – no cases of poor households.

### Transition from primary to secondary education has increased over time...

Transition rates of enrolment from primary to secondary level in government and government aided schools, 2002-2011 (Percent of students)

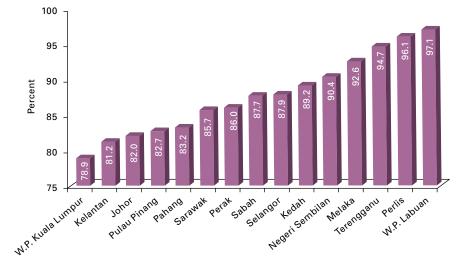


	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Transition rate, %	89.43	90.31	91.11	91.04	90.29	89.61	91.51	91.11	91.01	90.26

Source: Ministry of Education Malaysia (2011): Malaysia Educational Statistics 2011 Note: Includes only transition from MoE to MoE schools at the next educational level.

### Yet, discrepancies between states are significant

Transition rate from primary to secondary education by state, 2009 (Percent of students)



Source: Department of Statistics Malaysia, 2010: State/District Data Bank, Malaysia 2010 Note: Excludes national type primary schools (Chinese and Tamil)

#### ln 2011,

Achieved a 97.5% literacy rate and a 98.6% numeracy rate for Primary 2 children in the Literacy and Numeracy Screening (LINUS) programme Achieved a 91.0% literacy rate and a 95.4% numeracy rate for Primary 1 children for

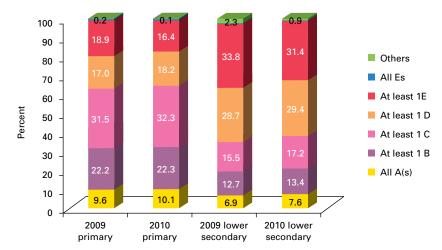
the second cohort of the LINUS programme

Government Transformation Programme, Annual Report 2011



### Around two thirds of both primary and lower secondary students achieved the necessary pass scores in all subjects

National examination results, 2009-2010 (Percent)

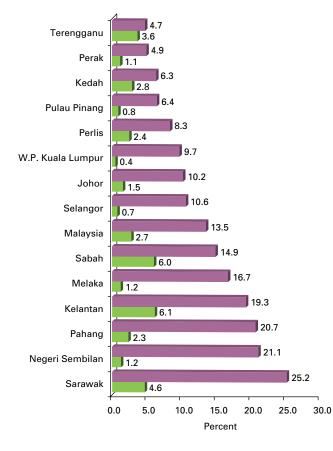


Source: 2009: Department of Statistics Malaysia (2010): Social Statistics Bulletin Malaysia 2010. 2010: Department of Statistics Malaysia (2011): Social Statistical Bulletin Malaysia 2011

Note: Achieved all subjects includes: for Primary School Assessment Test = all As+ at least 1 B + at least 1 C; for Lower Secondary Assessment = all As+ at least 1 B + at least 1 C + at least 1 D. Values for "All Es" are negligibly small and do not appear on the graph.

### Discrepancies in non-schooling for children in school age exist between states as well as between the poor and non-poor

Children 7-18 years of age not in school, 2007 (Percent)



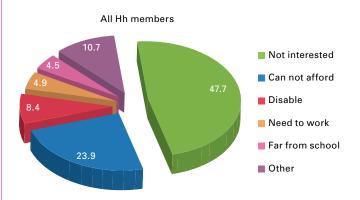
Poor Hh members
 All Hh members

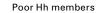
Source: Department of Statistics Malaysia (2009): Basic Amenities Survey Report 2007.

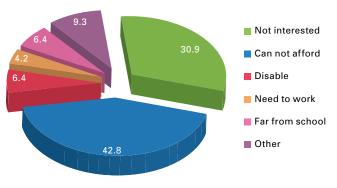
**Note:** Data refer to Malaysian citizens only. States are ranked by the value for poor households. Causes for not schooling may be, among others, completed education or drop-out after some years of schooling. Poor households are defined as per the methodology introduced in 2005.

Children in poor households more often cannot afford going to school than children in non-poor households

Reasons for not schooling, children 7-18 years of age, 2007 (Percent of responses)

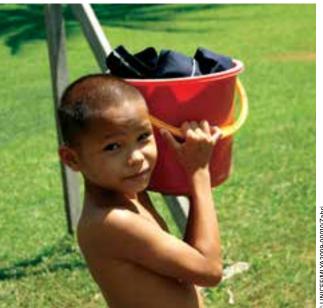






Source: Department of Statistics Malaysia (2009): Basic Amenities Survey Report 2007

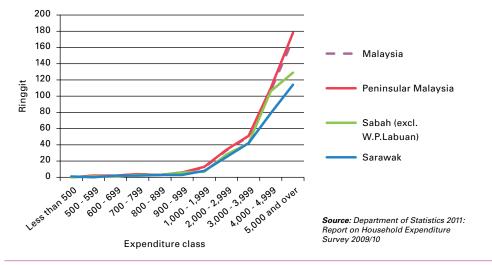
**Note:** Refers to the distribution of children 7-18 years of age who were not schooling at the time of the nationally representative survey, i.e. 2.7% among all household members and 13.5% among poor household members of the respective age. Classification of causes has been developed by Department of Statistics. Poor households are defined as per the methodology introduced in 2005.





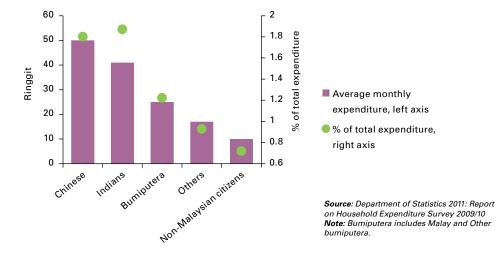
### Expenditures on education differ significantly between low-income and high-income households

Average monthly expenditure on education by household expenditure class, 2009/10 (Ringgit)



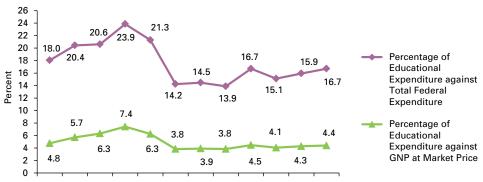
### The difference in education expenditure between ethnic groups is five-fold

Average monthly expenditure on education by ethnic group of household head, 2009/10



### The proportion of Government expenditure on education has stabilized around four percent of Gross National Product and around 16 percent of the total Federal expenditure

Estimated proportion of Government education expenditures, 2000-2011 (Percent)

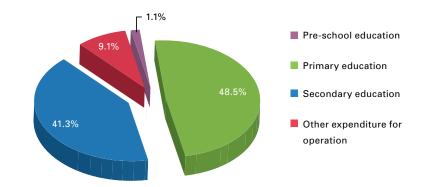


<sup>2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011</sup> 

Source: 2000-2010: Ministry of Education Malaysia (2010): Malaysia Educational Statistics 2010. 2011: Ministry of Education Malaysia (2011): Malaysia Educational Statistics 2011.

### Primary education is priority for operation management expenditures

Structure of Educational Operation Management expenditures, 2011 (Percent)



Source: Ministry of Education Malaysia (2011): Malaysia Educational Statistics 2011. Note: Expenditures on pre-school education of other agencies are not included. Preschool expenditures are borne by other

Note: Expenditures on pre-school education of other agencies are not included. Preschool expenditures are borne by other Ministries such as Ministry of Women, Family and Community Development, Ministry of Rural and Regional Development, Malaysia Department of Islamic Development (JAKIM), Prime Minister's Department and Private Sector.

# **RIGHTTO** IDENTITY, **CARE AND PROTECTION**

#### **CRC Article 7**

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.

#### **CRC Article 8**

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.



### In recent years over 450,000 babies are born annually

#### Births 2006-2011

	2006	2007	2008	2009	2010	2011
Live births	465,112	472,048	487,346	496,313	491,239	494,601
Registered births	480,998	492,254	501,517	519,588	513,052	532,934

Source: Live births: 2006: Department of Statistics Malaysia (2008): Vital Statistics 2007; 2007: Department of Statistics Malaysia (2009): Vital Statistics 2008; 2008: Department of Statistics Malaysia (2010): Vital Statistics 2009; 2009: Department of Statistics Malaysia (2011): Vital Statistics 2010.2010-2011: Department of Statistics Malaysia (2012): Vital Statistics 2011. Registered births: direct communication with National Registration Department, 20 May 2013. Note: Live births 2011 - preliminary. Registered births may exceed live births due to late registration.

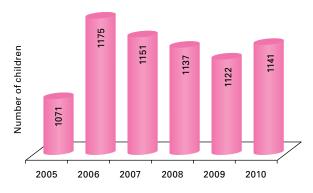
# Adoptions as an alternative of living with biological parents are on increase

Applications for registration of adoption and adoptions, 2006-2011(Number)

State	2006	2007	2008	2009	2010	2011
Johor	34	67	0	0	42	46
Kedah	32	4	12	7	9	107
Kelantan	2	2	35	2	66	9
Melaka	23	7	125	28	171	138
Negeri Sembilan	14	13	52	33	98	100
Pahang	33	13	78	20	47	55
Perak	37	30	22	48	59	70
Perlis	0	0	0	0	0	0
Pulau Pinang	33	23	58	10	0	0
Sabah	0	1	0	0	0	0
Sarawak	13	4	0	0	0	0
Selangor	93	171	632	802	907	852
Terengganu	6	8	7	16	43	52
W.P. Kuala Lumpur	32	18	0	29	9	268
W.P. Labuan	0	0	0	0	0	0
Total	352	361	1021	995	1451	1697

# Over a thousand children receive care and support annually in Government supported children homes

Residents in children homes, 2005-2010 (Number)



Source: Department of Statistics Malaysia (2011): Social Statistical Bulletin Malaysia 2011. Note: As of year-end. Refers to services offered by Ministry of Women, Family and Community Development.

**Source:** Department of Social Welfare: Annual report, various years. Available on www.jkm.gov.my



# **CRC Article 18**

 States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
 For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

# **CRC Article 20**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child. 3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

## **CRC Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

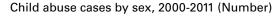
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

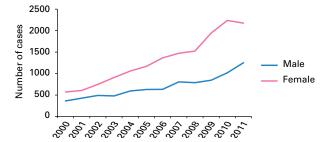
#### **CRC Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

NKRA 1: Reducing Crime

The overall increase in child abuse cases may be partly due to improved reporting, however the gender gap remained high over time

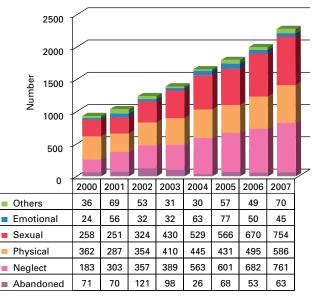


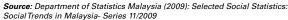


Source: 2000-2008: Department of Statistics Malaysia (2009): Selected Social Statistics: Social Trends in Malaysia- Series 11/2009; 2009-2011: Department of Social Welfare: Annual Reports 2009, 2010, 2011; available on www.jkm.gov.my

#### The overall increase in child abuse cases may be partly due to improved reporting, however the proportions of neglect and sexual abuse increased over time

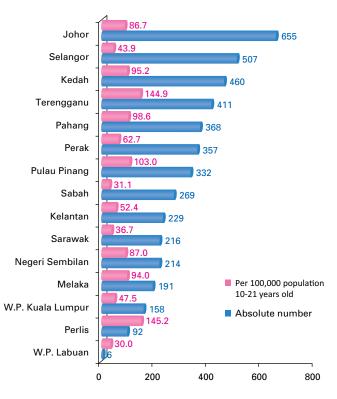
Child abuse cases by type, 2000-2007 (Number)





# The numbers of registered juvenile offenders differ significantly across states

Registered juvenile offenders 10-21 years old by state, 2010



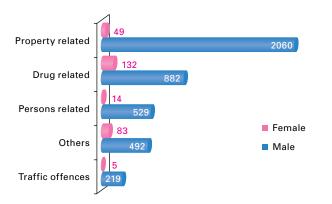
Malaysia: Total number = 4,465; Average per 100,000 juveniles = 66.6

Source: Juvenile offenders: Department of Social Welfare: Annual Report 2010; available on www.jkm.gov.my. Population 10-21 years of age: UNICEF's estimate based on Population Distribution and Basic Demographic Characteristics: Population and Housing Census of Malaysia 2010. Note: Data refers to the age group 10-21 years. Registered numbers and rates may

Note: Data refers to the age group 10-21 years. Registered numbers and rates may be affected by both real number of offenders and recording rates. States are ranked by absolute number of registered juvenile offenders.

# Boys commit more offences than girls and mainly property-related

Juvenile offenders 10–21 years old by gender and type of offence, 2010 (Number)

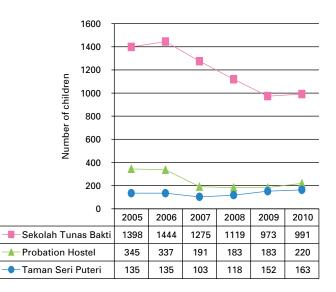


Source: Department of Social Welfare: Annual Report 2010; available on www. jkm.gov.my Note: Others include: minor offences, gambling, firearm related, run-aways from school, non-classified.



# Children involved with the law are most often placed in schools where can develop good personal character, self-esteem and responsibility

Residents in child institutions, 2005-2010 (Number)



Source: 2005: Department of Statistics Malaysia (2010): Social Statistics Bulletin Malaysia 2010; 2006-2010: Department of Statistics Malaysia (2011): Social Statistical Bulletin Malaysia 2011. Note: Data refers to the end of the year.

Sekolah Tunas Bakti schools are responsible to rehabilitate juvenile offenders in need of care and protection. They also aim to develop good personal character, self-esteem and responsibility in order to become useful members of the society once released.

Probation hostels provide care, shelter and guidance to children under remand, in transit to Tunas Bakti school and those who are under Probation Order.

Taman Seri Puteri is a compound to rehabilitate and provide protection to children especially girls, who are exposed to moral danger to adjust to culturally accepted norms of behavior.

#### **CRC Article 40**

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. ... having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

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Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

Entry into force 2 September 1990, in accordance with article 49

#### Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community, Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

# **APPENDIX:**

# CONVENTION ON THE RIGHTS OF THE CHILD

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

# PART I

# Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

## Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

# Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

### Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

# Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

# Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

# Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

# Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

#### Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

#### Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the

rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

#### Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

#### Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

#### Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or(b) For the protection of national security or of public order (ordre public), or of public health or morals.

#### Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

#### Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

#### Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

#### Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

# Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties. 2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

#### Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: (a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

#### Article 28

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

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

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

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

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

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

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

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

# Article 29

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

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

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

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

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

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

# Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child

belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

### Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

### Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

# Article 33

States Parties shall take all appropriate measures,

including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

#### Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

#### Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

#### Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

#### Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
(b) No child shall be deprived of his or her liberty

unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

#### Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

#### Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

#### Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law; (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used; (vii) To have his or her privacy fully respected at all

stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

#### Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in: (a) The law of a State party; or

(b) International law in force for that State.

# Part II

# Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

#### Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention. 5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

#### Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

#### Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

# PART III

# Article 46

The present Convention shall be open for signature by all States.

#### Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

# Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

# Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

# Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval. 2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

#### Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

#### Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

#### Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

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