

Malaysia

Stakeholder Report on Malaysia – Submission by World Vision Malaysia For Universal Periodic Review (UPR), Second Cycle, 2013

Children are Educated for Life

Introduction – The Context

The Malaysian Government ratified the Convention on the Rights of the Child (CRC) in 1995 to uphold its commitment to the protection and welfare of children in the country. However, it was with reservations expressed on several articles, including Article 1,2, 7,13, 14,15, 28 1(a) and 37. The reservations were said to be put in place due to the discrepancies between the CRC articles and the national and Syariah laws¹.

Malaysia submitted its first report to the Committee on the Rights of the Child in 2006, and in return the Committee recognized the Government’s genuine attempts to comply with the CRC—especially through the enactment of the Child Act in 2001².

On 19 July 2010, the Malaysia made commendable achievements towards the provision of CRC and removed its reservation to Articles 1, 13, and 15. Furthermore, in 2011, the government ratified the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, and the Optional Protocol on the Involvement of Children in Armed Conflict, which resulted insignificant progress made towards strengthening the protection of Malaysia children³.

However, the government maintained its reservation on Articles 2, 7, 14, 28 (1)(a) and 37 of the provision to the CRC and declared that the said provisions would only be applicable if in conformity with the Malaysian Constitution, national laws and national policies of the Government of Malaysia⁴. Article 28 of the CRC refers to the right of all children to have access to education. The article states that “the 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: I.(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, making them available and accessible to every child, and taking appropriate measures such as the introduction of free education and

¹ UNICEF Malaysia Convention on the Rights of the Child, Website: http://www.unicef.org/malaysia/children_crc-in-malaysia.html

² UNICEF Malaysia Convention on the Rights of the Child website

³ UNICEF Welcomes Malaysia’s plans to Ratify Child Rights Optional Protocols, Website: http://www.unicef.org/malaysia/media_news11-unicef-welcomes-malaysia-decision-to-ratify-child-rights-optional-protocols.html

⁴ United Nations Treaty Collection: Declaration & Reservations of Malaysi, Website: http://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-11&chapter=4&lang=en#EndDec

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”.

The government maintained its reservation on 28 (1) (a), “to make primary education compulsory and available free to all”. The education system in Malaysia has made significant progress since the country gained its independence in 1957. The country is close to attaining universal primary education and is striving towards achieving universal secondary education⁵. The Ministry of Education has also development Long Term Education Development Master Plan to execute and strengthen the education system in the country.

World Vision Malaysia – a brief overview

World Vision Malaysia is an international Christian relief, development and advocacy organization dedicated to working with children, families and their communities worldwide to reach their full potential by tackling the causes of poverty. We serve all people regardless of religion, race, ethnicity or gender. As a part of the World Vision partnership, we serve in nearly 100 countries and more than 100 million of the poorest children, families and communities. World Vision seeks to bring about life in all its fullness for every child through the four Child Well Being Aspirations: that children will be educated for life, enjoy good health, experience the love of God and their neighbors, and are cared for, protected and participating.

In response to Malaysia’s provision to the CRC articles, World Vision Malaysia therefore seeks to actively promote the access of quality education for all children in Malaysia so that all children are educated for life.

⁵ United Nations Country Team Malaysia, Malaysia: The Millennium Development Goals at 2010, page 32, Website:http://www.undp.org.my/files/editor_files/files/Malaysia%20MDGs%20report%20clean%200419.pdf

Issues and Recommendations

High dropout rates in rural areas

Recommendation 22 of the Report of the Working Group on the Universal Periodic Review of Malaysia in 2009⁶ recommended that the Government of Malaysia “Continue to intensify its efforts to prevent and combat disparities against children belonging to vulnerable groups, including children of indigenous groups, children with disabilities as well as those living in remote areas”, by Sri Lanka. This recommendation was accepted by the Government of Malaysia.

Such disparities are particularly evident which respect to access to education. Efforts have been made to enhance the teaching profession by providing high quality teachers; however, there is still a shortage of quality teachers especially in the most rural areas of the country, namely Sabah, Sarawak and the Orang Asli settlements. The ratio of students to teachers is high and there is often inconsistency in the teachers’ attendance in schools. Furthermore, teachers are often not equipped to teach the school syllabus.

This issue has also significantly impacted the ability of students to comprehend the lessons resulting in a loss of interest to stay in school, which subsequently leads to high dropout rates especially when transitioning from primary to secondary school education. Between 2005 – 2009, an estimated 44,000 to 55,000 children from Year 6 did not continue their education to secondary school, of which about 5% transitioned to private secondary schools⁷. The highest drop-out rates occurred in the states with higher poverty rates, rural areas with limited access to education, and in Sabah and Sarawak (mainly inhabited by the indigenous communities) and the orang asli communities in Pahang⁸. There was often no access to secondary schools in rural villages, which resulted in high drop-out rates. Children had to walk very far to attend school, or had to stay in school hostels, leaving their families in order to attend secondary schools.

Access to vocational schools remains a challenge for the poor. The government converted vocational schools to technical schools offered it to students at upper secondary school. However, the curriculum of vocational studies is offered as an elective subject apart from the core subjects which are mainly academic. This remains a challenge for children who are poor in their studies as enrolling in a technical vocational school will also require exceling in academic and vocational elective studies.

Recommendation

- I. Strengthen the qualifications of teachers, at least with a degree in education to ensure quality teachers are recruited to teach in schools

⁶ A/HRC/11/30*

⁷ United Nations Country Team Malaysia, Malaysia: the Millennium development goals at 2010, page 34

⁸ United Nations Country Team Malaysia, Malaysia: the Millennium Development Goals at 2010, page 36

2. The government should take necessary action to increase deployment of quality teachers to the rural areas of Sabah, Sarawak and orang asli settlements in Peninsular Malaysia to ensure that schools are equipped with dedicated and quality teachers to teach.
3. Introduce creative and interactive teaching methods and teaching materials to teachers to encourage more participation and interaction with students rather than a passive and memorizing teaching methodology.
4. The government should prepare and better equip primary school students towards transitioning to secondary school by streamlining the primary and secondary school curriculum to reflect a better transition of the curriculum into secondary school.
5. The government should conduct regular updated surveys of children of schooling age in rural villages and plan the building and implementation of primary and secondary schools in the rural areas.
6. Vocational schools should focus on skill-based education and learning rather than academic based. The government should review the current vocational school structure to be geared towards a career-oriented education.
7. Vocational schools must be implemented in the most rural areas of the states to provide more opportunities for rural children to be equipped with suitable skills for their income-generation back in the respective villages.

Refugee, asylum-seeking and stateless children are denied access to formal education

World Vision considers that refugee, asylum-seeking and stateless children are a particularly “vulnerable group” and as such, recommendation 22 as outlined above applies to them⁹.

Many asylum-seeking, migrants, refugee and stateless children do not have access to formal education at national schools as the schools often do not accept non-Malaysian or ‘undocumented’ children¹⁰. Education is not free for all children. In many instances, the parents of these children cannot afford to send their children to private schools and therefore rely on informal education provided by informal learning centers. Apart from this avenue, children will not have access to education and will often resort to entering the workforce at an early age. These children are often deprived of a normal childhood and lack a safe environment to play and learn. There is an estimate of 18,500 children below the age of 18 registered with UNHCR out of which 13,800 children are of school-going age. Only 40% of these children have access to informal education, which means over 60% of these children are not going to school. Furthermore, the informal education learning centers are operating under resource-scarce conditions¹¹.

In May 2009, the government announced that Malaysian children without birth certification will be allowed to attend government schools provided that the status of the children being born in Malaysia is confirmed and verified by the village headmen. However, the awareness on this provision is

⁹ A/HRC/11/30*

¹⁰ Coalition of Child Rights Malaysia, Status Report of Children’s Rights in Malaysia, December 2012, pg. 19

¹¹ UNHCR Website: <http://www.unhcr.org.my/Education-@-Education.aspx>

relatively low and even though these children are granted access to attend formal education, they are not eligible to sit for official national examinations.

Recommendation:

1. The government must provide free education to all children, regardless of their citizenship and immigration status, enabling all children that are living in Malaysia proper access to formal education.
2. The government should formally recognize NGOs and community-based learning centers, allowing children to sit for the national official examinations in these centers.
3. The government should provide grants or funding resources to the learning centers to provide a conducive learning environment for children to learn.
4. Government to bring awareness to parents and teachers that Malaysian-born children without birth certification are able to attend formal education in government schools and the government must grant these children access to sit for the official nation examinations.

Children with disabilities

Recommendations 13, 14, urge the Government to “continue its positive actions” (13), and “continue to take measures” with respect to the promotion of the rights of people with disabilities. In addition, recommendation 23 particularly calls for the Government to continue its efforts to provide educational facilities and support to children with disabilities and learning difficulties. These recommendations were accepted by the Government of Malaysia.¹²

The government has made significant efforts towards ensuring that the rights of children with disabilities are being upheld. Amongst those include adopting the National Policy for Persons with Disabilities 2007, 2008 to 2012 and the People with Disability Act. However, more needs to be done as there are gaps in the implementation of the policies and frameworks.

Currently, there 28 special education primary schools, 2 special education secondary schools and 2 special education vocational schools which are catered for students with disabilities in Malaysia¹³. There is an obvious lack of special education schools for children with disabilities. Moreover, the concept of inclusive education, including children with disabilities into mainstream schools is scarcely practiced. In 2012, it was reported that the majority (89%) of special needs students currently enrolled in government schools were placed in special education classes but only 6% were in inclusive education programmes¹⁴. In general, children with disabilities in Malaysia also lacked sufficient access to education and health facilities.

¹² A/HRC/11/30*

¹³ Coalition of Child Rights Malaysia, Status Report of Children’s Rights in Malaysia, December 2012, pg. 20

¹⁴ Preliminary Report: Malaysia Education Blue Print 2013 - 2025

Recommendation

1. The government must review the current People With Disabilities Act to ensure full conformity as it currently does not impose any penalty or provision for compensation against those who discriminate against persons with disabilities.
2. The government must enhance its data collection and provide a system to accurately collect statistical data on children with disabilities. With the aggregation of data according to age and types of disabilities, the government will be able to implement its plans to ensure that the needs of people with disabilities are being met by available services.
3. The government must implement clear guidelines and criteria to segregate children of disabilities into special education schools or inclusive education in mainstream schools instead of allowing such decisions to be made subjectively by respective school administrations.
4. The government must ensure that teachers are equipped to implement inclusive education and are able to provide proper care and attention according to the disabilities of the children. Resources and specialized services must be complemented by the government in efforts to provide a conducive environment for children with disabilities to learn and to be integrated into the communities with the other school children.