



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD
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**IMPLEMENTATION OF THE CONVENTION
ON THE RIGHTS OF THE CHILD**

List of issues: MALAYSIA

The list of issues has been adopted in the absence of the State party's initial report. The Committee takes note of the information that the initial report will be submitted to the Committee before its forty-fourth session. Therefore, the State party is requested to provide written replies to the list of issues only if the initial report does not cover the information, data and statistics requested or the information provided in the initial report needs to be updated.

PART I

Under this section the State party is requested to submit in written form additional and updated information, if possible, before 24 November 2006. As far as disaggregated data are concerned, the Committee would appreciate if the State party could provide data, when possible/available, on peninsular Malaysia, Sabah and Sarawak.

A. Data and statistics, if available

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

2. In the light of article 4 of the Convention, please provide disaggregated data on budget allocations and trends (in absolute figures and percentages of the national and regional budgets) for the years 2004, 2005 and 2006 regarding the implementation of the Convention evaluating also the priorities for budgetary expenditures given to the following:
 - (a) Education (different types of education, i.e. pre-primary, primary and secondary education);
 - (b) Health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care, HIV/AIDS and other health-care services for children, including social insurance);
 - (c) Programmes and services for children with disabilities;
 - (d) Support programmes for families;
 - (e) Support for children living below the poverty line;
 - (f) Protection of children who are in need of alternative care, including *kafalah* and the support of care institutions;
 - (g) Programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour;
 - (h) Programmes and services for refugee and asylum-seeking children;
 - (i) Programmes and services for migrant children;
 - (j) Programmes and services for indigenous children; and
 - (k) Juvenile justice and the recovery and social reintegration of juvenile offenders.
3. Please also indicate the estimated expenses of the private sector, in particular for health and education.
4. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by sex, age groups, if possible ethnic groups, urban and rural areas) for the years 2003, 2004 and 2005 on the number of children:
 - (a) Separated from their parents;
 - (b) Placed in institutions;
 - (c) Placed through *kafalah*;
 - (d) Adopted domestically or through intercountry adoptions; and
 - (e) Placed in other ways.

5. Please specify the number of children with disabilities, up to the age of 18, disaggregated by sex, age groups and, if possible, ethnic groups, urban and rural areas, covering the years 2003, 2004 and 2005:
 - (a) Living with their families;
 - (b) Living in institutions;
 - (c) Placed through *kafalah*;
 - (d) Attending regular schools;
 - (e) Attending special schools; and
 - (f) Not attending schools.

6. Please provide disaggregated statistical data (by sex, age groups, if possible ethnic groups, urban and rural areas) covering the years 2003, 2004 and 2005 on:
 - (a) Rates of infant and child mortality;
 - (b) Rates of immunization;
 - (c) Rates of malnutrition;
 - (d) Children infected with and/or affected by HIV/AIDS;
 - (e) In the area of adolescent health, the rates of early pregnancy and sexually transmitted infections (STIs), tobacco, alcohol and drug abuse, suicide and other mental health problems; and
 - (f) The number of health professionals working in the health-care services for children.

7. With reference to child abuse, please provide disaggregated data (by age, sex, if possible ethnic groups and types of child abuse reported) covering the years 2003, 2004 and 2005 on:
 - (a) The number of reported child abuse cases;
 - (b) The number and percentage of reports which have resulted in either a court decision or other types of follow-up; and
 - (c) The number and proportion of child victims who have received counselling and assistance in recovery.

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

9. With reference to the right to education, please provide disaggregated statistical data (by sex, age groups, if possible ethnic groups, urban and rural areas, internally displaced children) covering the years 2003, 2004 and 2005 in percentage of the relevant age group on:
 - (a) The rates of literacy (below 18 years);
 - (b) The rate of enrolment in pre-primary, primary and in secondary schools;
 - (c) The percentage of children completing primary and secondary education;
 - (d) The number and percentage of dropouts and repetitions; and
 - (e) The teacher per child ratio and the number of children per class.

10. Please provide disaggregated statistical data (including by sex, age and type of crime) covering the years 2003, 2004 and 2005, in particular on the number of:
 - (a) Persons below 18, who have allegedly committed a crime reported to the police;
 - (b) Persons below 18 who have been charged with a crime and the number of these who are sentenced, and the type of punishment or sanctions related to offences including length of deprivation of liberty;
 - (c) Detention facilities for persons below 18 in conflict with law and their capacity;
 - (d) Persons below 18 detained in these facilities and persons below 18 detained in adult facilities;
 - (e) Persons below 18 kept in pretrial detention and the average length of their detention;
 - (f) Reported cases of abuse and maltreatment of persons below 18 occurred during their arrest and detention; and
 - (g) Persons under 18 tried and sentenced as adults.

11. With reference to special protection measures, please provide statistical data (including by sex, age, if possible ethnic group, urban and rural areas) for the years 2003, 2004 and 2005 on the number of children:
 - (a) Victims of sexual exploitation, including prostitution, pornography and trafficking and the number of children provided with access to recovery and other assistance;
 - (b) Involved in substance abuse and the number of children who received treatment and recovery assistance;
 - (c) Involved in child labour; and

- (d) Unaccompanied asylum-seeking and refugee children;
- (e) Migrant children; and
- (f) Indigenous children.

B. General measures of implementation

1. Please provide information on the content and the implementation of the Child Act of 2001 and elaborate whether the Child Act fully complies with the provisions and principles enshrined in the Convention.
2. Please provide information on cases where the Convention has been directly invoked in domestic courts, and if so, please provide examples of such cases.
3. Please provide information on the measures taken to review the State party's reservations to articles 1, 2, 7, 13, 14, 15, 28, paragraph 1 (a), and 37 of the Convention.
4. Please describe measures undertaken to strengthen data and statistics collection mechanisms and procedures with regard to the implementation of all provisions of the Convention.
5. With regard to the implementation of the Convention, please provide information on the coordination activities of the Ministry of Women, Family and Community Development. Please elaborate on the coordination of the implementation of the Convention both at national and local levels. Does the inter-ministerial coordination also involve non-governmental organizations?
6. Please provide information on the status of the Second National Plan of Action for Children and the measures taken/planned to implement it as well as to monitor and evaluate its implementation.
7. Please provide a brief overview of the Ninth Malaysia Plan 2006-2010.
8. Please provide information on the situation of refugee and asylum-seeking children and the State party's laws, policies and programmes in this respect.
9. Please provide information on the amendments of 2002 to the Immigration Act 1959/63 (Act 155) and on the implementation of this Act. Please describe the situation of migrant children, with or without valid documentation, and provide information on their access to social and health services, education and housing in the State party.
10. Please provide information on efforts to disseminate the Convention.
11. Please provide information on efforts made to provide training, awareness on the Convention and on human rights in general, to children, parents, teachers, social workers and other professionals working with and for children.

12. Please provide information on the cooperation between the State party and the national and international community, including non-governmental organizations, in the efforts to implement the Convention.
13. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

PART II

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

PART III

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

- New bills or enacted legislation;
- New institutions;
- Newly implemented policies; and
- Newly implemented programmes and projects and their scope.

PART IV

The following is a preliminary list of major issues (that does not contain issues already covered in Part I) that the Committee may take up during the dialogue with the State party. They do no require written answers. This list is not exhaustive as other issues might be raised in the course of the dialogue.

1. The enforcement of domestic legislation, especially the Family Law, relating to the rights of the child.
2. Discrimination against children belonging to vulnerable groups, such as migrant children, refugee and asylum-seeking children, children living in poverty, children living in the most remote areas of the country, indigenous and minority children, children in conflict with the law, etc.
3. Respect for the views of the child.
4. Birth registration.
5. Freedom of religion.
6. Violence against children, including corporal punishment, in the family, schools and other institutions.

7. The situation of children with disabilities, access to social and health services, equal opportunities to education, recovery and recreation, public attitudes towards children with disabilities.
8. The health status of children and their access to adequate social and health services. Prevention of injuries.
9. The situation of adolescents, their health concerns, including reproductive health issues.
10. Educational system, including early childhood care and education, enrolment in primary and secondary education, literacy, repetition rates, non-formal education services and training, vocational training and religious education.
11. Economic exploitation of children, including child labour.
12. Sexual exploitation, including child prostitution, trafficking and sale of children.
13. The administration of juvenile justice.
