



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/4/MYS/1/Rev.1  
19 November 2008

ENGLISH ONLY

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Fourth session  
Geneva, 2-13 February 2009

**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**Malaysia**

---

\* The present document was not edited before being sent to the United Nations translation services.

## I. METHODOLOGY AND CONSULTATION PROCESS

1. Malaysia's national report for this review has been prepared in line with the General Guidelines for the Preparation of Information under the Universal Periodic Review contained in Document A/HRC/6/L.24. The national report covers all states and federal territories in Malaysia.
2. All relevant government agencies in Malaysia have been involved in the drafting of the report with the Ministry of Foreign Affairs of Malaysia as the coordinator. In the process of producing the report, the Government of Malaysia had conducted broad consultations with the Human Rights Commission of Malaysia (SUHAKAM), a range of non-governmental organisations (NGOs) active in the promotion of human rights and members of civil society and experts in human rights.

## II. COUNTRY BACKGROUND

3. Malaysia is a Federation comprising thirteen states and three federal territories. Being a continental and insular state with numerous offshore islands, Malaysia comprises Peninsular Malaysia (West Malaysia) and East Malaysia, which straddles the South China Sea. Peninsular Malaysia borders Thailand to the north and Singapore to the south. To the west of Peninsular Malaysia is located the island of Sumatra, which is separated from Peninsular Malaysia by the Straits of Malacca. East Malaysia is located on the island of Borneo which shares its borders with Indonesia and Brunei. Malaysia's total land mass is 329,758 km<sup>2</sup>.
4. Total population is 27.73 million. Main race structure: Malay 54.5 per cent, Chinese 25.0 per cent, indigenous 11.8 percent, Indian 7.5 per cent, others 1.2 per cent.<sup>1</sup> The Malays and other indigenous people are collectively known as *Bumiputra* (sons of the soil). The non-*Bumiputra* are descendants of later migrant settlers. Around the time of the British colonial administration, the Chinese came into Malaya (as the country was then known) as tin-mine workers, traders and support workers. The Indians, notably the Tamils and the Telegus, were brought in by the British as indentured labour to work on rubber plantations as well as teachers and professionals in various fields.
5. As a consequence of this historical background, Malaysia is today ethnically and culturally diverse with the presence of three main races – Malay, Chinese and Indian. -In addition, there is a myriad of about 214 other ethnic and sub-ethnic groups. Malaysia is also a multi-religious country and home to four major religions of the world, namely, Islam, Buddhism, Hinduism and Christianity. Other religions include Taoism, Sikhism and the Baha'i Faith. Hence, the preservation of national unity is of prime importance to Malaysia in view of such diversity.
6. The Federal Constitution of Malaysia, the supreme law of Malaysia, provides for the legal framework and system of government as follows:
  - (a) The establishment of Malaysia as a Federation;
  - (b) The division of powers between the Federal and the State;
  - (c) A constitutional monarchy; and

(d) A Westminster type of parliamentary government which provides for the separation of powers as follows:

- (i) Legislative authority, the power to make law vested in Parliament (Part IV, Chapter 4 of the Federal Constitution);
- (ii) Executive authority, the power to govern which is vested in the *Yang di-Pertuan Agong* (the Supreme Head of the Federation) and exercisable, subject to the Federal Constitution; and
- (iii) Judicial power which is vested in the judiciary (Article 121 of the Federal Constitution).

7. Chapter 1, Part VI of the Federal Constitution stipulates the distribution of legislative powers between the Parliament and the State Legislative Assembly. Article 73 of the Constitution describes the powers of the Parliament and the State Legislative Assembly to make law. As to the subject matter of the laws, Article 74 and the Ninth Schedule of the Federal Constitution sets out the basic division into three legislative lists, that is, the Federal List, State List and the Concurrent List. In exercising the legislative powers conferred on it, the Parliament may make laws with respect to any matters enumerated in the Federal List (First List in the Ninth Schedule) such as the defence of the Federation, internal security, external affairs, finance, education and health. It may also make laws with respect to any matters enumerated in the Concurrent List such as welfare, scholarships, sports and culture, housing, public health, town and rural development, protection of wildlife, civil defence, drainage and irrigation.

8. Article 76 (1) (a) of the Federal Constitution provides for the power of Parliament to make laws for the purpose of implementing any treaty, agreement or convention including human rights treaties. In this regard, Malaysia practices a “dualist” legal system to give effect to its international human rights obligations.

### **III. PROMOTION AND PROTECTION OF HUMAN RIGHTS**

#### **A. The Constitution of Malaysia**

9. The Federal Constitution is the primary source of law in Malaysia<sup>2</sup>. Fundamental liberties are enshrined in Part II of the Federal Constitution which form the basis for the promotion and protection of human rights. Articles 5 to 13 further reinforce the rights of personal liberty; prohibition against slavery and forced labour; protection against retrospective criminal laws and repeated trials; equal protection under the law; freedom of movement; rights to speech, assembly and association; freedom of religion; rights in respect of education and rights to property.

10. Apart from Part II, the Constitution also provides for other fundamental rights including rights to citizenship; rights to vote; rights to contest for Parliamentary seat; the rights of citizens to sue the Government; imposition of taxes only with Parliamentary authority; protection against racial discrimination in the public services; pension rights; and procedural safeguards for preventive detainees.<sup>3</sup> Further protection by way of judicial review against governmental actions on constitutional grounds is accorded under Article 128 of the Federal Constitution.

11. Malaysia would like to highlight that in implementing its commitment to eliminate all forms of discrimination against women consistent with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Article 8 (2) of the

Federal Constitution was amended and came into force on 28 September 2001. The amendment provides that there shall be no discrimination in any law against citizens on the grounds of gender. In addition, other provisions of the Federal Constitution are being reviewed to ensure consistency with Article 8 (2). This includes provisions that relate to rights in respect of education; citizenship by registration of wives and children of citizens; and citizenship by operation of law.

### **B. The Human Rights Commission of Malaysia**

12. Malaysia's commitment to the promotion and protection of human rights was demonstrated, among others, by the establishment of the Human Rights Commission of Malaysia (SUHAKAM) in 1999. The Commission is entrusted with the power to inquire into complaints relating to the infringement of human rights referred to in Part II of the Constitution and also mandated to promote awareness of human rights through education.

13. The awareness of human rights is also achieved through research based on programmes, seminars and workshops and disseminating its results to the public. SUHAKAM also advises the Government and relevant authorities on complaints lodged against them. It further recommends appropriate measures to address the complaints and also suggests ways to uphold and improve the situation of human rights in Malaysia.

14. The main functions of SUHAKAM are to promote awareness and provide education relating to human rights, and advise and assist the Government in formulating legislation and procedures. SUHAKAM also recommends the Government to subscribe or accede to treaties and other international human rights instruments as well as to inquire into complaints regarding infringements of human rights.

15. Since its inception, SUHAKAM has made numerous efforts to promote human rights and improve the protection of human rights in Malaysia. In its promotion efforts, SUHAKAM observes September 9 as the Malaysian Human Rights Day. SUHAKAM has also conducted a number of public inquiries into allegations of human rights infringements in Malaysia. These are testament of the Commission's aspiration to improve Malaysia's human rights situation.

### **C. Enactment of specific human rights legislation/amendments**

16. Malaysia enacted the Child Act 2001 to safeguard the welfare and interest of children which was promulgated based on the principles enumerated in the Convention on the Rights of the Child (CRC) which Malaysia acceded to in 1995.<sup>4</sup> This Act provides for care, protection and rehabilitation of a child without discrimination as to race, colour, sex, language, religion, social origin or physical, mental or emotional disabilities or any other status.

17. Malaysia signed the Convention on the Rights of Persons with Disabilities on 8 April 2008. As part of its internal process to ratify the Convention, Malaysia enacted the Persons with Disabilities (PWDs) Act which came into force on 7 July 2008. The Act provides for the registration, protection, rehabilitation, development and well-being of PWDs. The Act further provides for the establishment of the National Council for PWDs, chaired by the Minister in charge of matters relating to PWDs and with membership comprising, among others, the Attorney General, the Secretaries General of relevant ministries, and the Director General of Health and the Director General of Education. In order to fulfil the purposes of the Act, the Council is entrusted with the functions, among others, to oversee the implementation of the national policy and national plan of action relating to PWDs, to make recommendations to the

Government on all aspects of PWDs including matters relating to the support, care, protection, rehabilitation, development and well-being of PWDs, to review the activities of all ministries, government agencies, bodies or organisations and the private sector that are involved in the implementation of the national policy and national plan of action relating to PWDs.

18. The Anti-Trafficking in Persons Act came into force on 28 February 2008 and provides, among others, the legal mechanism to criminalise human trafficking and providing care, protection and shelter for the victims. At the international level, Malaysia has signed the United Nations Convention Against Transnational Organised Crime (UNTOC) in 2002 and ratified it in 2004. Malaysia is currently in the process of acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing UNTOC.<sup>5</sup>

19. Malaysia had strived to improve its legal framework to deal with terrorists. The amendment to Chapter VIA of the Penal Code<sup>6</sup> makes provisions for the commission of terrorist acts, the financing of terrorist acts and hostage taking as specific offences under Malaysian law. Apart from ongoing efforts in combating terrorism, the purpose of this amendment is also to ensure the protection of all persons against terrorist acts in Malaysia and the maintenance of peace and security. Due process of law is observed in the implementation of this provision.

20. In a groundbreaking effort to confer on students of higher institutions and their organisations freedom of association, the relevant provisions of the much-criticized Universities and University Colleges Act 1971 are being reviewed. The proposal to amend the Act include the imposition of legal responsibility on the Vice-Chancellors to communicate to the students of the University, and the organisations, body or group of students of the University, the names of the organisation, body or group of persons specified by the Minister of Higher Education as unlawful and unsuitable to the interest and well-being of the students and or student bodies.

21. Malaysia is also undertaking a comprehensive review of national legal framework to ensure compatibility with the principles and provisions of the CRC and CEDAW. In that regard, a Committee has been established to study the issues relating to dissolution of marriage, maintenance, custody, inheritance and determination of the religion of the child of a civil marriage during conflict situation resulting from one of the spouse converting to Islam. Simultaneously, a Committee was also established to review laws relating to women's rights under the Islamic family law.

#### **D. International commitments**

22. Apart from the CRC and CEDAW, Malaysia is also party to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; the Convention on the Nationality of Married Women; and the Convention on the Prevention and Punishment of the Crime of Genocide.<sup>7</sup>

23. In an effort to streamline and better coordinate Malaysia's response, compliance and implementation of its legal obligations under the human rights treaties, various committees were established. In 2004, the Cabinet Committee on Gender Equality was officially set up to show the readiness and commitment of the government in raising the status of women. An Inter-Agency Coordinating Committee chaired by the Ministry of Foreign Affairs with the task to study and recommend for accession to treaties had also been active. This Committee is currently examining the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention Against Torture

and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Appropriate steps are being taken to recommend the accession to CAT and CERD.

24. Malaysia is also in the process of considering withdrawal of its reservations to CRC and CEDAW. The Ministry of Women, Family and Community Development is coordinating an inter-agency committee to monitor Malaysia's compliance with the CRC and CEDAW, which include making necessary recommendations to the Government for the withdrawal of certain reservations to these treaties.

25. Malaysia is also a party to several International Labour Conventions (ILO) including the Convention Concerning Forced or Compulsory Labour, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Form of Labour, the Convention Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively and the Convention concerning Migration for Employment.

26. As one of the five original members of the Association of the South East Asia Nations (ASEAN), Malaysia played a significant role in the process of establishing ASEAN as an intergovernmental organisation with a legal personality through the signing of the ASEAN Charter by the leaders in November 2007. Malaysia has ratified the Charter on 20 February 2008. The Charter now provides for the establishment of an ASEAN human rights body, a positive milestone towards fulfilling ASEAN and its Member States' commitment to adhere to the principles of respect for fundamental freedoms and the promotion and protection of human rights. Currently, Malaysia is vigorously engaged with other ASEAN Member States and the relevant stakeholders, including various civil society organisations, in the formulation of the terms of reference for the operation of the ASEAN human rights body.

27. Due to its prosperous economic situation and its attractive and strategic geographical location, Malaysia is host to workers from its neighbouring countries. The employment of foreign workers is a measure to overcome the current shortage of labour in the country. The employment of foreign workers is subjected to certain terms and conditions, such as, the responsibility of employer for the return of foreign workers to their countries of origin and the provision of suitable living condition and wages.

28. As part of its commitment to promote and protect the rights of this group of persons, Malaysia entered into a bilateral agreement with the Government of Indonesia in May 2004 governing foreign workers between the two countries specifically in the construction, factory and plantation sectors. The two countries also signed a Memorandum of Understanding (MOU) in May 2006 relating to the employment of domestic workers. The MOU provides for positive measures which include the introduction of a standard contract and protection from deducting workers' salaries to repay fees borne by the employer.

#### **E. Enhancement of social, cultural and economic rights**

29. As a multiracial country, Malaysia recognises the importance of economic, social and cultural rights as much as the importance of civil and political rights. In this regard, Malaysia is firmly committed to a sustainable development of policies related to the promotion of economic, social and cultural rights within the country. Several related programmes have been implemented for the benefit of its citizens.

## 1. Right to education

30. The present education system in Malaysia has its origins in the pre-Independence era, when the British introduced secular education in 1816. Education in Malaysia, therefore, has evolved for a long time and this contributes to the reasonable success of the education system which corresponds to the demands for equity among the different ethnic groups as well as the needs of a rapidly developing country. Education and society in Malaysia, as in other nations, are inherently linked.

31. Malaysia recognises the importance of education as a major tool for national development. As such, it has been given the biggest allocation in the national budget since Independence in 1957. Today, given the greater importance of education, training and lifelong learning, under the Ninth Malaysia Plan (9MP) (2006-2010), Malaysia has allocated a total of MYR40.3 billion<sup>8</sup> (about 21 per cent of the total annual budget) for the expenditure of education and training development.

32. The Razak Report 1956 set a concrete start for education in Malaysia. The Report established a national education system that would promote the cultural, social, economy and political development accepted by the nation. The Report became the basis for the enactment of the Education Ordinance 1957 with the aim to use a common syllabus for all school, one which was integrated along national lines. To further develop the education system, the Education Act 1961 was enacted based on the Rahman Talib Report 1960. The Act introduced the Malay Language as a compulsory subject in primary and secondary schools, as well as training institutions. In 1979, the education system further evolved to emphasise reading, writing and arithmetic skills into the curriculum as well as increasing the duration of formal education to 11 years. To meet the demand of education in the 21<sup>st</sup> century, the Education Act 1996 provides the directions for education policies in Malaysia, making primary education compulsory in Malaysia. It has since moved towards a holistic and integrated development of individuals as envisioned in the National Educational Philosophy.<sup>9</sup>

33. In view of the multiracial society, there exists two types of primary school; the national and national-type (Chinese and Tamil) schools. The medium of instruction in national school is the Malay Language while national-type school, the medium of instruction is Chinese or Tamil. The existence of these two types of schools is part of the human rights dimension in Malaysia which also meets the needs of the country's multiethnic population, with a common school curriculum and a national language ensuring integration.

34. Malaysia has formulated an Education Development Master Plan (EDMP) 2006-2010 which further outlines Malaysia's initiatives in ensuring that all students receive fair and equal educational opportunities regardless of location, ability or ethnic background. Malaysia addresses the issue of the lack of access to school by providing a comprehensive set of education support measures which include the textbook loan scheme, supplementary food plan, poor students' trust fund, scholarship, hostel food assistance, transport assistance, life jackets, monthly allowance for disabled students, tuition aid scheme, and hostel facilities for disadvantaged students.

35. Students with special needs are provided education opportunities in special schools and in integration programmes in regular schools. Malaysia provides educational facilities to three types of children with special educational needs, namely, children with visual impairment, children with hearing impairment and those with learning difficulties. As of 2007, there were 28

special education national schools, two special education secondary schools, two special education vocational secondary schools and 973 schools under the Special Integrated Education Programme. The national school curricula are used in special education schools and in inclusive education programme. The curricula, however, have been modified to meet the needs of these students.

36. Malaysia recognises the importance of education for the indigenous groups. A number of special programmes to reduce the educational gap among indigenous students have been implemented and further identified under the EDMP. Programmes include the Outreach Programme for *Orang Asli* and Penan children, Special Remedial Programme for Indigenous People, Redesigning and Modifying of Curriculum tailored to their needs and backgrounds, and introducing vocational subjects to Penan students. Funds have also been allocated for *Orang Asli* students to provide them with uniform, transportation fares, school fees, examination fees, stationeries, food ration subsidy and scholarship.

37. Non-citizens are accepted into Government assisted schools, as long as the provisions of the Education Regulation are fulfilled and approval from the Ministry of Education had been obtained. They are also free to enrol in any private schools throughout the country. In view of the influx of foreign workers from Indonesia, Malaysia reached an agreement with Indonesia to appoint qualified teachers and develop syllabus for schools established by Humana, an institution established through mutual cooperation between the educational agencies of both countries, for children of foreign workers from Indonesia.

38. In full compliance with its treaty obligation under the CRC, all children in Malaysia are not denied access to education. The Government also constantly engages with various international organisations such as the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR), and civil societies, to ensure that children of illegal immigrants attend informal classes to be conducted by NGOs, such as, through community-based schooling.

## **2. Right to health**

39. Enjoyment of the right to health is vital to all aspects of a person's life and well-being. The right to health includes access to adequate health care (medical and preventive), nutrition, sanitation, and to clean water and air. In Malaysia, policies and programmes are developed to provide health services to address health needs of all. Malaysia also recognises and provides for the differences and specific health needs of all age groups from newborn to the elderly with high priority to women of reproductive age, children and PWDs.

40. Malaysia provides highly subsidised health services at minimum or no cost at primary, secondary and tertiary public health care facilities.<sup>10</sup> About 98 per cent of the health care cost is borne by the Government. These facilities are accessible to all, without any discrimination, regardless of social grouping, nationality or affordability to pay, including migrant workers irrespective of their legal status. Health facilities are well distributed throughout the different geographical locations of the country. In places with inadequate static facilities, the communities are provided with outreach services including services of mobile clinics and flying doctors.

41. In ensuring accessibility to high quality of care, Ministry of Health has introduced Tele Primary Care (TPC), an electronic clinic management system. It is a tool to ensure management of cases by paramedics and doctors working in remote and inaccessible localities are effective,



efficient and life saving. The system brings specialist care close to patients while reducing professional isolation.

42. The Government offers comprehensive family health services through various programmes for the prevention of morbidity and mortality among all age groups with greater focus on women and children. Among the programmes are maternal and prenatal health, prevention of mother to child transmission of HIV, family planning, and Pap smear screening and mammogram screening. Programmes which are available for children cover the spectrum of prevention, promotion, curative and rehabilitation services. Health services are available for the prenatal period, newborn, infant, and toddler at health clinics. Health services for children are also provided for preschool, primary and secondary schools through the establishment of School Health Teams. Health care programmes for PWDs include care of children with special need, the prevention and control programmes for blindness and deafness and rehabilitation services for adults with disabilities.

43. The Government has also initiated health promotion programmes that include health education, information and counseling to target groups in order to empower the public to make informed choices and decisions on all areas of health particularly reproductive and sexual health.

44. Malaysia has achieved considerable success in controlling many infectious diseases over the years. These diseases have been controlled through public health measures, such as provisions of safe drinking water, child immunisation programme, proper sanitation and waste disposal, improved nutrition and food quality control, as well as improved health services.

45. In view of the extent of the HIV/AIDS pandemic worldwide, Malaysia, in 1985, has developed the National HIV/AIDS Prevention and Control Programme which includes promoting health education and disseminating information on HIV/AIDS to the public and specific target groups. As part of the Programme, the Government provides funds to HIV-related NGOs as they play critical role in HIV/AIDS programme and advocacy in Malaysia especially in reaching out to high risk groups. The Government is aware that strong political commitment and aggressive preventive control measures are essential to prevent a generalised epidemic which may reverse the country's development gains thus far. In 2006, the National Strategic Plan was formulated to provide the framework for Malaysia's response to HIV/AIDS over a five-year period from 2006 to 2010. Health policies and strategies take into account the current scientific knowledge, recommendations of WHO and UNAIDS, international activities, existing government policies and regulations, as well as the sensitivities and acceptance by society.

46. Apart from providing general health services, Malaysia extends the AIDS prevention programmes to the indigenous groups to prevent the incidence and spread of HIV/AIDS among them. Provisions of medical and health services to indigenous groups located in Malaysia are provided through static facilities and mobile health teams and clinics which have increased to 80.0 per cent of coverage.

### **3. Cultural rights**

47. Cultural representation is significant in a multicultural country like Malaysia where the mode of representation is instrumental in determining the progress of integration. Racial unity and interaction has therefore formed a diverse and vibrant society that is exceptionally unique. The three major races not only retain their respective cultures and traditions but also maintain understanding and tolerance as well as share each other's cultural richness. This cultural unity in

diversity has given birth to peaceful coexistence and is the main catalyst for Malaysia's political stability and growth.

48. Malaysia's National Cultural Policy is based on its historical experiences, present situation and future anticipated development. The Policy provides for cultural development through absorption and synthesis to encourage national unity and reduce tendencies towards racial polarisation. Traditional culture and values are safe-guarded, maintained and practiced in people's daily lives to ensure a balanced and healthy way of life. Every community is encouraged to practice, express and showcase their cultural and artistic heritage, thus enhancing cross-cultural understanding and appreciation of the cultural diversity.

49. The socioeconomic policies and constitutional provisions have enabled the country to maintain and strengthen national unity through the process of inclusion of all people in the country. The New Economic Policy (NEP) was implemented in 1970 with national unity as the ultimate objective to be achieved through dual strategies of eradication of poverty irrespective of race and groups and the restructuring of society so that vocation will no longer be identified with race.

50. The NEP was succeeded by the National Development Policy (NDP) in 1990 with the objective of attaining balanced development in order to create a more united and just society. The National Vision Policy (NVP) was launched in 2001 with the central theme of building a resilient and competitive nation with national unity as its overriding objective. The NVP is aimed at establishing a progressive and prosperous Malaysian nation which lives in harmony and engages in full and fair partnership.

51. The political scenario in Malaysia reflects the involvement and participation of diverse ethnic and sub-ethnic groups. The incorporation of the various ethnic groups into the political system guarantees a voice of all. In addition, the various ethnic groups are given the opportunity to participate at every level of political and decision making process as well as administration of the country.

#### **4. Poverty eradication**

52. Malaysia believes in the importance of poverty eradication. For the past three and a half decades, the poverty rates have declined dramatically. This is due to Malaysia's effort in introducing new dimensions to address poverty of the indigenous people and minorities in Sabah and Sarawak; the urban poor and people in remote areas. Malaysia hopes to eliminate hardcore poverty and to halve general poverty to 2.8 per cent by 2010.

53. Since the 1970s, Malaysia has reduced poverty among nearly half of the population (49.6 per cent) through the implementation of various poverty eradication programmes. As a result, the incidence of poverty among Malaysians declined from 5.7 per cent in 2004 to 3.6 per cent in 2007. The incidence of urban poverty decreased from 2.5 per cent in 2004 to 2.0 per cent in 2007 while in rural areas, the incidence declined from 11.9 per cent to 7.1 per cent. With this achievement, the present target of the 9MP is to further reduce the incidence of poverty to 2.8 per cent by 2010 and Malaysia is confident in achieving this target.<sup>11</sup>

54. To further illustrate the reduction of poverty, the number of poor households dropped by 33.0 per cent from 311,300 to 209,000 during the corresponding period. The decline in the number of poor households was due to both positive economic growth and the implementation of various specific poverty eradication programmes and projects.

55. These reductions occurred in both the urban and rural areas. Urban household income increased at 3.3 per cent per annum from MYR3,956 in 2004 to MYR4,356 in 2007 while the corresponding rural household income increased at 6.8 per cent from MYR1,875 to MYR2,283. Mean household income among Malaysians has increased from MYR3,249 per month in 2004 to MYR3,686 per month in 2007, registering an average annual growth of 4.3 per cent.

56. The higher growth rate of income among rural households was mainly due to better commodity prices, particularly rubber and palm oil. Malaysia has conducted census for poor households and developed a common user data bank called *e-Kasih*, which is an integrated national data for common reference among the different government agencies with standard and uniform interpretation of Poverty Line Income and profiling of the poor families. Malaysia has also created a monitoring mechanism at the federal, state and district levels to monitor the implementation of the programmes.

57. Investments by the public and private sectors have significantly contributed in narrowing the poverty gap, in particular between the rural and urban populations. The public and private sectors and NGOs participate and contribute towards poverty eradication, among others, by creating jobs, awarding scholarships and sponsorships and providing skills training.

## **5. Right to adequate housing**

58. The right to shelter is aimed at providing adequate housing and improving the quality of life and well being of the entire population. Adequate housing is therefore, an imperative aspect of economic, social and cultural rights. As such, the Government places great emphasis in providing adequate, affordable, comfortable and quality housing for all Malaysians.

59. In Malaysia, housing programmes are undertaken by both the public and private sectors. As a measure to provide sufficient quality and affordable housing for all citizens, especially for those in the lower income group, Malaysia under the 9MP, encourages the private sector to build more low- and low-medium-cost houses in their mixed-development projects while the public sector concentrates on building low-cost houses for squatters and the poor in urban and rural areas.

60. Focus is given to building more low-cost housing units for lower income groups with a maximum household income of MYR2,500.00 per month. The People's Housing Programme (PHP) consists of a minimum built-up area of 650 square feet (63 m<sup>2</sup>) with three (3) bedrooms, a living room, a kitchen, a bathroom and a toilet to ensure comfortable living.

61. Projects under the "PHP for Rental" and "PHP for Sale" are financed and implemented by the Government to improve the quality of life, eradicate poverty and thwart the existence of urban slums.<sup>12</sup> The Government facilitates end-financing with selected financial institutions for qualified house buyers.

62. The Housing Loan Scheme for the lower income group is also provided by the Government through the Housing Loan Fund to enable the lower income group to build their own houses or to buy low-cost houses in order to improve their standard of living. Another scheme available for the lower income group is the Housing Guarantee Loan, managed by the Malaysian Credit Guarantee Company, which guarantees loans disbursed by two designated local financial institutions to those who are within eligible incomes and without pay slips.

63. Housing assistance is also provided to the poor in rural areas. In order to qualify for assistance, certain prerequisites must be met, such as, not owning a house, occupying a dilapidated house or renting or squatting on other people's or the Government's land.<sup>13</sup>

## **6. Rights of older persons**

64. Malaysia is one of the earliest countries in the Asia Pacific region to have its own policy for older persons. The National Policy for Older Persons enacted in October 1995 guarantees the social status, dignity and well-being of older persons as members of the family, society and the nation. The policy provides for the optimisation of self potential, access to all opportunities and provision for care and protection. The strategies outlined in the policy were reviewed in line with the Macao Plan of Action on Ageing for Asia and the Pacific, 1999, Madrid International Plan of Action on Ageing, 2002 and the Shanghai Implementation Strategy, 2002.

65. Malaysia is also concerned about the well-being of the senior citizens and undertakes measures to encourage family members to care for their elderly. Tax relief of up to MYR5,000 is provided to individuals for medical expenses and purchases of special equipment for their elderly parents.

66. Malaysia acknowledges that financial security remains a major concern for older persons and therefore, increased allowances from MYR200 to MYR300 for those over 60 who have no family support network and who are unable to support themselves financially. Taking into consideration the increased cost of living, the higher rate has given meaningful benefits to 28,000 poor senior citizens.

67. By 2035, 15.0 per cent of Malaysia's total population will be 60 years old and above. In line with this development, the Government is carrying out a study on the policy and plan of action to address issues relating to an aging society.

## **IV. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES, CONSTRAINTS AND NATIONAL PRIORITIES**

### **A. Achievements and best practices**

#### **1. Rule of law**

##### **(a) Good governance**

68. Good governance is recognised as necessary for the successful execution of human rights in Malaysia. In ensuring good governance in the domestic scenario, Malaysia has established the Malaysian Institute of Integrity to promote and coordinate the implementation of '*Pelan Integriti Nasional*' (PIN) or the National Integrity Plan. PIN was created through a series of consultations at the national level with the involvement of all sectors of society. The overall objective of PIN is to fulfil the fourth challenge of Malaysia's Vision 2020, namely to establish a fully moral and ethical society whose citizens are strong in religious and spiritual values and imbued with the highest ethical standards. Both the PIN and the launching of the Institute will be a catalyst for the attainment of the objective of enhancing integrity by addressing corruption, delivery system to the public and corporate governance.

69. Malaysia has also established the Malaysia Anti-Corruption Academy (MACA) which started its operations in 2005 to provide training in matters relating to anti-corruption. At the

international level, Malaysia has demonstrated its commitment in combating corruption by ratifying the United Nations Convention Against Corruption which became effective for Malaysia as of 24 October 2008.

70. In the 2007 Auditor-General Report, out of the 212 government agencies that were given the Accountability Index (AI) assessment, 4.7 per cent were categorised as “very good”, 66.5 per cent were “good” and 28.7 per cent were considered “satisfactory”. The AI is an instrument to measure progress made by public agencies in improving their financial management. Ministries, State Treasury, Federal and State Departments, statutory bodies, and local governments were star-rated based on the AI which evaluated the quality of performance by key indicators which include the control on revenue and expenditure and the management of public funds in respect of loans, investment and trust account.<sup>14</sup>

71. In January 2007, YAB Dato’ Seri Abdullah Ahmad Badawi, the Prime Minister, introduced the idea for a high-powered task force to address bureaucracy in business-government dealings, which led to the formation of *Pasukan Petugas Khas Pemudahcara Perniagaan* (PEMUDAH) or the Special Taskforce to Facilitate Business. PEMUDAH’s scope of work include facilitating businesses in Malaysia by identifying improvements to existing Government processes and regulation based on public feedback and global benchmarking reports, overseeing the implementations of identified improvements, and recommending business-related policy changes to the Government based on public feedback.<sup>15</sup>

#### **(b) Involvement of civil society organisations**

72. Malaysia is fully engaged with civil society organisations in charting out its course in the promotion and protection of human rights. One such instance is in the area of advancement of women. The Women’s Development Department, an agency under the Ministry of Women, Family and Community Development has been working closely with the civil society in the implementation of various capacity programmes such as income generating programmes, leadership skills programmes, and programmes to remove the barriers of women advancement.

### **2. Reinforcement of democratic process**

73. Under the Federal Constitution, the responsibility to conduct elections to the House of Representatives and the State Legislative Assemblies in Malaysia is vested with the Election Commission. The Election Commission has a duty to conduct election and registration of electors, and shall enforce on the part of all election officers fairness, impartiality and compliance with relevant provisions of the Federal Constitution. It also safeguards, supervises and maintains the democratic process of the country through free and fair elections as manifested in the most recent 12<sup>th</sup> Malaysian general elections held on 8 March 2008. The incumbent government under the political coalition *Barisan Nasional* did not secure a two-thirds majority. The opposition coalition succeeded in taking over 5 out of 13 state legislatures as compared to only one in the last election.

## **B. Challenges, constraints and national priorities**

### **1. Institutional/legislative reforms**

74. Malaysia is fully committed to strengthen and uphold the independence and integrity of the Judiciary. The promotion and protection of human rights is attainable through an effective and efficient system of administration of justice. Towards such goals, Malaysia subscribes to the

international standards and principles as laid down in the Bangalore Principles of Judicial Conduct such as impartiality, integrity and propriety. Malaysia has in fact taken positive steps to address the public concerns and allegations on certain aspects of the Malaysian Judiciary.

75. A Royal Commission of Inquiry was established to look into the allegations. For the purpose of transparency, the findings of the Royal Commission of Inquiry have been made public.

76. Malaysia has initiated reforms to restore public confidence in the Judiciary. The said reforms will also be looking at the possibility of establishing an independent committee to appoint judges.

77. The recruitment policies of magistrates and sessions court judges have also been strengthened to ensure a high level of competency and qualification is achieved. Vigorous training programmes have been carried out to meet the challenges of the present justice system.

78. Malaysia is also in the process of transforming the Anti Corruption Agency (ACA) into a more independent body in combating corruption.

79. The Royal Commission to Enhance the Operations and Management of the Royal Malaysian Police was formed in 2004 to improve the service and efficiency of the police as well as to restore the public's confidence in the force. Malaysia is still in the process of undertaking the necessary steps to implement the recommendations made by the Commission.

## **2. Enforcement and implementation challenges**

### **(a) The Internal Security Act and its implementation**

80. The Internal Security Act 1960 (ISA) which came into force on 1 August, 1960 (West Malaysia) and 17 September 1963 (East Malaysia) aims to counter the subversive elements and threats prejudicial to the national security.

81. Its purpose is to provide for the internal security of Malaysia, preventive detention, the prevention of subversion, the suppression of organised violence against persons and property in Malaysia and matters incidental thereto. The ISA is needed to maintain peace, stability and security of persons in Malaysia.

82. The ISA empowers the Minister to detain any person with a view to preventing him from acting in any manner prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services therein or to the economic life thereof.

83. Section 73 allows any police officer without warrant to arrest and detain, pending enquiries, any person in respect of whom he has reason to believe that there are grounds which would justify his detention under section 8 and that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services therein or to the economic life thereof.

84. Section 8 provides for the Minister's power to make an order for the detention of any person without trial for up to two years, on the ground that the Minister is satisfied that the detention is necessary to prevent the person from acting in any manner prejudicial to national

security. Such detention order may be renewed for a further period not exceeding two years at a time.

85. Section 11 of the ISA provides that any person against whom an order by the Minister under section 8 has been made shall be entitled to make representations against that order to an Advisory Board. The said Board shall, within three months of the date on which the representations are received, or within such longer period as the Yang di-Pertuan Agong may allow, consider the representations and make recommendations thereon to the Yang di-Pertuan Agong, whom shall in turn give such directions he thinks fit regarding the order made by the Minister.

86. Section 13 of the ISA further provides that any order made by the Minister under section 8 of the ISA shall, so long as it remains in force, be reviewed not less than once in every six months by an Advisory Board.

87. The detainees have rights to file writs of habeas corpus as provided for under section 365 of the Criminal Procedure Code challenging the procedural requirement of their detention order.

88. In the proceedings for the writ of habeas corpus and the representation before the Advisory Board, the detainees are entitled to be legally represented by counsels of their or their family's choice. The detained person is never held incommunicado and is provided with the right of visitation to their family members and access to counsels of their choice.

#### **(b) Death penalty/corporal punishment**

89. Although death penalty is prescribed under the law, such sentence could only be imposed for the most serious crimes and in accordance with the law in force at the time of the commission of the crime and subject to the due processes of the law. Malaysia notes that this practise is in line with international standards including Article 6 (2) of the ICCPR.

90. The Malaysian legal framework provides for stringent safeguards that must be complied with before the death penalty is carried out. Apart from the legal requirement that the death penalty shall only be imposed for a crime for which the death penalty was prescribed at the time of its commission, persons below the age of 18 years at the time of the commission of the crime shall not be imposed with the penalty, and that it may be imposed only when the crime of the person charged is based upon conclusive evidence, and is only carried out pursuant to a final judgment passed by a competent court.

### **3. Trafficking in persons and migrant workers**

91. Trafficking in persons especially women and children is viewed from a holistic perspective and not isolated from violence against women or abuse of children or confined solely to migrant women. Malaysia is supportive of measures and resolutions to protect women against rape, criminal force and assault, kidnapping, abduction, slavery and forced labour.

92. In providing assistance to victims of trafficking in persons, Malaysia has set up three shelter homes for them. These homes provide shelter and counselling services to the victims of trafficking in persons before they are sent to their countries of origin.

93. To strengthen the preventive and protective measures against trafficking in persons, Malaysia has embarked on vigorous public awareness campaigns on trafficking in persons through the holding of seminars, workshops and dissemination of brochures. Currently, Malaysia is setting up a One Stop Information Centre on trafficking in persons which provides comprehensive information on the statistics of traffickers and victims. Malaysia has also established an Inter-Agency Committee on Protection and Rehabilitation of Trafficked Victims. NGOs and academicians also form part of the Committee.

94. In the various reports regarding trafficking in persons, Malaysia is classified as mainly a transit and destination state. The influx of persons, whether they are migrants, trafficked victims and refugees, from the source States has only to be checked. Malaysia acknowledges its human rights obligations to every person, but due to Malaysia's porous borders the influx is increasing despite pledges by source states that they have taken progressive measures and ranked higher in the Annual US State Department's Trafficking in Persons Report. The problem can never be solved by the transit or destination State. The onus has to be on the source State to address the root cause of the migration.

95. All the actions taken by the transit and destination State would only be deemed as temporary as it would be unable to address the root cause of the migrations. As such Malaysia feels that the international community should place more emphasis on the source State both in financial and capacity building.

#### **4. Rights of indigenous groups and minorities**

96. Malaysia is home to a substantial number of indigenous groups. The term *Orang Asli* is used for the indigenous people in Peninsular Malaysia, while in East Malaysia the term used is natives of Sabah and Sarawak. As citizens of Malaysia, indigenous groups are entitled to the same rights as other ethnic groups. Harmonious relations between the indigenous people and the rest of the Malaysian population is important and contribute to the stability of Malaysia as well as promoting multicultural diversity in an increasingly pluralistic world.

97. The most significant challenge which besets Malaysia is lifting indigenous groups from backwardness and assimilating them into mainstream society. In line with this, Malaysia has developed comprehensive policies and strategies for the development of indigenous groups which focuses on uplifting the status and quality of life of the indigenous community via socioeconomic programmes. At the same time, the Government has given priority to help them preserve their traditional cultural heritage.

98. Malaysia protects the legal rights of *Orang Asli* through the Constitution.<sup>16</sup> Malaysia has also enacted the Aboriginal People Act 1954 concerning the protection, well-being and advancement of the aboriginal people of West Malaysia. The Department of *Orang Asli* Affairs headed by a Director General is responsible to protect the welfare and manage the development of the *Orang Asli*. Nevertheless, the headman of the aboriginal people has the right to exercise his authority in matters of aboriginal custom and belief in any aboriginal community or any aboriginal ethnic group. *Orang Asli* in Malaysia also holds various professional and non-professional posts in the public service such as in ministries, universities and hospitals.

99. Traditionally, Penans are nomadic people, however, a majority (97 per cent) of them have settled. The minority of Penans who prefer nomadic lifestyle are allowed to continue with



their traditions. Nevertheless, constant engagements were undertaken by the Government to convince them on the advantages of a more settled way of life.

100. Recognizing the need to assist the Penan Community to adapt to settled life-style so that they can contribute positively towards country's growth and development, the State Committee on Penan Affairs was established in 1987. The objective is to formulate policies, prepare and implement development plans for the Penan community.<sup>17</sup>

101. The various programmes formulated and implemented under the Committee are Penan Volunteer Corps<sup>18</sup>, Service Centres<sup>19</sup>, Education Assistance<sup>20</sup>, Health and Medical Services through Flying Doctors and Mobile Clinic,<sup>21</sup> and Agriculture Extension Services.<sup>22</sup> These programmes have improved the lifestyle and the general health condition and also brought progress to the Penan community. For example, a number of Penan youths have attained various qualifications from tertiary education. Currently, there are 22 Penans who have obtained Bachelor degrees from both overseas and local universities and are now holding high posts in the public and private sectors.

102. As regard to land rights, the Sarawak State Government has gazetted 2,128 hectares of land to the Penans as native customary rights (NCR) in 1981. These areas were developed for commercial plantation since 2003 involving 154 Penans. A total of 52,864 hectares of land in the Baram district was allocated for the activities of the semi-nomadic Penans such as hunting and gathering.

103. The development projects implemented in the Penan settlements are infrastructure, economic, human capital as well as relocation. Infrastructure development includes basic amenities, service centres, housing assistance programmes and road projects. Economic development includes agriculture and livestock projects whereas human capital development includes skills training and motivational programmes. The relocation project is an integrated programme encompassing infrastructure facilities, economic and social projects.

104. The Government will continue to provide basic infrastructures and amenities to the Penan settlements and also to encourage and engage them to embrace developments. This is to ensure that Penans enjoy quality living. Penans who have settled in specific areas permanently have benefited from the development projects implemented by the Government such as infrastructures and amenities.

105. An inter-agency committee has been established at the national level to investigate the report of alleged sexual harassment and abuse of Penan women in Sarawak by logging company workers. The Committee is chaired by Minister of Women, Family and Community Development and the members include representatives from Ministry of Education, Ministry of Home Affairs, Ministry of Health, Ministry of Rural and Regional Development, Ministry of Unity, Culture, Arts and Heritage, Sarawak State Government, Royal Malaysian Police and women NGOs. Based on the expected findings put forward by the police as well as SUHAKAM regarding the alleged abuse of Penan women, the Committee will formulate intervention programmes and provide counselling services to help the Penan women. This includes an awareness raising campaign to the Penan society, particularly women, so that they would be able to recognise and address issues of sexual harassment and abuse.

106. Indigenous groups and minorities continue to receive special attention from the Government with the aspiration to integrate them into the mainstream of society and national

development. The Government is sensitive to their needs in order to further protect their interests. The Government appoints minority leaders into the Senate where their interests are looked after. At present the Government has appointed a Senator from the Thai community<sup>23</sup> and the *Orang Asli* community respectively.

## V. CAPACITY BUILDING

107. Malaysia engages in various activities in ensuring capacity building in relation to all aspects of human rights. These activities include training, seminars, lectures, dissemination of information through publication and media, at in-house, national, regional and international levels. Through these programmes and activities, relevant officers of the government ministries are constantly engaged with numerous experts and representatives from regional and international organisations and bodies and various non-governmental organisations and civil society.

108. At the in-house level, for instance, the “Workshop on Compliance With Human Rights Instruments: The CRC”, was organised jointly by the Attorney General’s Chambers of Malaysia and UNICEF for the relevant officers of various government agencies. The Judicial and Legal Training Institute of the Prime Minister’s Department annually organised the “Human Rights from the International Perspective Seminar” for judicial and legal officers. At the national level, the Ministry of Women, Family and Community Development organised the “Workshop Towards Achieving at Least 30.0 per cent Participation of Women in Decision Making”, with the involvement of the United Nations Development Programme (UNDP).

109. In 2006, the Meeting of International Experts on Human Rights in Islam (MIEHRI) was organized by the Attorney-General’s Chambers of Malaysia in collaboration with the Asian-African Legal Consultative Organisation (AALCO) and the Kingdom of Saudi Arabia and co-sponsored by the Ministry of Women, Family and Community Development, Malaysia. MIEHRI aimed to contribute substantively to the enhancement of international cooperation, mutual respect and the dissemination of human rights principles and practices by bringing together experts and participants to initiate in-depth discussion on the key issues that affect the principles and practices of human rights as they are understood and applied in the Islamic world.

110. At the regional level, Malaysia also participated in various programmes relating to human rights, for example the Summer Institute in International Humanitarian Law (“IHL”) and Human Rights – “Asia Pacific Transitional Justice and Peace-building”, which was jointly organised by the Asian International Justice Initiative at the East West Centre, the UC Berkeley War Crimes Studies Centre and the East West Centre and in partnership with the Office of Human Rights Studies and Social Development, Mahidol University, Thailand. The training, among others, examined the key mechanisms used to deal with violations of IHL and human rights committed throughout the Asia Pacific region. It also look specifically at the role of post-conflict trials, national human rights commissions and commissions of inquiry and investigation, reconciliatory processes, and forms of mediation and arbitration.

111. At the international arena, Malaysia is actively engaging with the system. Malaysia became a member of the Human Rights Council of the United Nations in 2006. As a member State, Malaysia is committed to implement its obligations seriously towards human rights issues. Representatives of the key and relevant ministries and agencies of the Government regularly attend the meetings of the Human Rights Council and partake in the deliberations. Malaysia is also an active member of the Commonwealth, in particular with regards to our participation in

the AALCO Annual Sessions, Commonwealth Law Ministers Meeting as well as the Meeting of Senior Officials of Commonwealth Law Ministries, where various human rights issues are discussed and interventions are made to reflect Malaysia's views on the issues.

## **VI. MALAYSIA'S PLEDGES AT THE HUMAN RIGHTS COUNCIL**

112. Malaysia had been an active member of the Commission on Human Rights for three terms, the last being in 2005-2006 before the Commission was dissolved. Malaysia was elected Chairman of the Commission of Human Rights from 1995 to 1996. Malaysia's Chairman was Tun Musa Hitam, the former Deputy Prime Minister of Malaysia. Malaysia was then elected to the Human Rights Council for the term 2006-2009. It has played an active role both in the Commission and in the Council in the promotion and protection of human rights through constructive dialogues on views related to human rights issues.

113. During the elections of the Human Rights Council in 2006, Malaysia pledged that it will engage constructively in the evolving modalities of work of the Human Rights Council with the aim of making it a strong, fair, effective, efficient and credible vehicle for the promotion and protection of human rights worldwide; support the work of the Office of the High Commissioner for Human Rights; continue to participate actively in the norm-setting work of the Human Rights Council; work towards fostering a spirit of cooperation in the Human Rights Council, free from acrimony and politicisation based on the principles of mutual respect and dialogue; promote greater coherence between the work of the Human Rights Council with other United Nations agencies and actors in achieving internationally targets and goals; and actively support international action to advance the rights of vulnerable groups such as women, children and the disabled. Malaysia remains committed to these pledges.

114. While upholding the universal principles of human rights, Malaysia would like to accentuate its human rights values which take into account the history of the country as well as the religious, social and cultural diversities of its communities. This is to ensure that the respect for social harmony is preserved and protected. The practices of human rights in Malaysia are reflections of a wider Asian value system where welfare and collective well-being of the community are more significant compared to individual rights.

### *Notes*

---

<sup>1</sup> Statistics from the Economic Planning Unit, "The Malaysian Economy in Figures 2008".

<sup>2</sup> Article 4 (1) of the Federal Constitution.

<sup>3</sup> Articles 14-31; 47-48; 96; 119; 136; 147 and 180; 151 respectively.

<sup>4</sup> Malaysia acceded to the Convention on the Rights of the Child in February 1995 with reservation on 12 articles i.e: Articles 1, 2, 7, 13, 14, 15, 22, 28, 37, 40 (3), 40 (4), 44 and 45. The Government withdrew reservations in 1998 on Article 22, 28 (1) (b), (c), (d), (e), 40 (3), 40 (4), 44 and 45. Hence, the remaining reservations are on Articles 1, 2, 7, 13, 14, 15, 28 (1) (a) and 37.

<sup>5</sup> In addressing the problem caused by regional trafficking syndicates, Malaysian authorities have shared and exchanged intelligence information with their foreign counterparts and INTERPOL. At the regional level, Malaysia participates in the ASEAN Senior Officials Meetings on Transnational Crime (SOMTC) Working Group in Trafficking in Persons.

<sup>6</sup> Chapter VIA - Offences Relating To Terrorism, Section 130B - . Section 130T.

---

<sup>7</sup> Ratified in 1957, 1959 and 1994 respectively.

<sup>8</sup> USD1 is equivalent to approximately MYR3.57 based on the rate published by the Central Bank of Malaysia as of 23 October 2008.

<sup>9</sup> Based on the analysis of the past 15 years, the Government has identified several gaps and challenges that needed to be addressed to ensure the national vision can be achieved by 2020. Efforts to bridge the education gap have increased rapidly and progress has been made since the Third Malaysia Plan (1976-1980). The aim is to ensure that all schools and students have equal opportunity and capability to excel. The Ministry of Education of Malaysia has identified the gaps that need to be addressed to improve access, equity and quality:

(a) rural and urban gap - refers to the disparity in the provision of infrastructure and teachers' emplacement, especially in under-enrolled *Orang Asli* and remote schools;

(b) digital gap - refers to the disparity in terms of access to ICT facilities between locations and in the mastery of ICT skills among students and teachers;

(c) disparity in students' ability refers to the difficulty in mastering the 3Rs, failure to achieve the minimum standards and students with high risk of dropping out from the education system;

(d) gap between normal and special needs students – refers to the disparity in the provision of appropriate facilities to support the teaching and learning process for students with special needs, including the disabled, gifted and talented;

(e) socio-economic gap – refers to the disparity in students' health, discipline, welfare as well as poverty in both rural and urban areas.

<sup>10</sup> Services provided in government hospitals and clinics include, among others, maternal and child care and care of psychiatric patients.

<sup>11</sup> The Malaysian government upholds the continuous policy of eradicating hardcore poor (urban and rural) within the country. Plans to eradicate pockets of poverty in the remote areas where indigenous settlements are located were also included in the Ninth Malaysia Plan. The thrust of poverty eradication strategies will focus on eradicating totally hardcore poverty and sustaining them with safety nets programmes, preventing them from falling back in the hardcore poor level. In addressing these issues, the Malaysian government has categorised poverty into two strata which is urban and rural. Through the Ninth Malaysia Plan, common Poverty Line Income (PLI) with number of members of household, age groups and gender will determine the per capita poverty line income within different strata developed and applied. Each and every member of household has their own per capita income based on age, gender and special nutrient requirement based on calory intake.

<sup>12</sup> "PHP for Rental" houses are rented out by the local authorities to the squatters in urban areas as well as those who cannot afford to own a house for a monthly rental charge of MYR 124. Houses built under "PHP for Sale" are to be sold based on the 4-tier pricing of houses ranging from MYR 35,000.00 to MYR 42,000.00 per unit depending on the location and the value of land.

<sup>13</sup> In 2006, 2,136 hardcore poor households in rural areas were provided home reconstruction and restoration assistance, which benefited 10,680 members of the households. In 2007, housing assistance was provided to 1,942 hardcore poor households benefiting 9,710 members of the households.

<sup>14</sup> New Straits Times, "70pc of government agencies rated 'good' or better", Tuesday, 2 September 2008.

<sup>15</sup> Extract taken from [www.pemudah.gov.my](http://www.pemudah.gov.my).

<sup>16</sup> The rights of *Orang Asli* to education, health, political, civil, social and beliefs/culture are provided under the Constitution and Aboriginal People Act 1954. The Department of Orang Asli Affairs is given the responsibility to protect the welfare and manage the development of *Orang Asli*.

<sup>17</sup> The Sarawak State Committee on Penan Affairs is assisted by the Divisional Committee and headed by the respective Residents of Miri, Limbang and Kapit. Their responsibilities are to compile, study, screen and prioritise development proposals submitted by District Offices and make recommendations to the State Committee, and to supervise and monitor activities of District Committee.

<sup>18</sup> The Penan Volunteer Corps are trained with basic skills in agriculture, child and adult education and first-aid so that they can help the community in their respective villages. Basically, their roles include, to assist the formerly nomadic Penan to adopt settled life; to train the Penan with basic skills in agriculture and first-aid; to give informal

education to both children and the adults; and to help speed up the government efforts to bring the Penan community into the mainstream of development.

<sup>19</sup> The purpose of the Service Centre Programme is to provide basic services and facilities not only to the Penan but also to the community in the vicinity. These service centres will evolve as the nucleus or focal point for a bigger and holistic development of the Penan community. The State of Sarawak has established four (4) Service Centres at Long Kevok, Batu Bungan, and Long Jekitan in Baram District; and Lusong Laku in Belaga District. Each Service Centre is equipped with Primary School, Rural Clinic and Agriculture Station.

<sup>20</sup> The Sarawak State Government has extended various forms of educational assistance to the Penan community such as material assistance, which includes school uniforms, school bags, books, school fees and transportation. These educational assistances have encouraged the Penan students to attend school and hence, reduced dropouts. The Ministry of Education of Malaysia also provides financial assistance to the poor students through Poor Students Provident Fund and Tuition Voucher Scheme.

<sup>21</sup> The Government of Malaysia provides health and medical services in remote Penan settlement areas through Flying Doctors and Mobile Clinic. In addition, the Government trains the Penans with basic first aid and medical knowledge under Village Health Representative programme. The Government also provides clean water to the Penan communities through gravity-feed system. These services have improved the general health condition of the Penan community and has increased the Penan population from 9,237 (1990) to 16,281 (2008).

<sup>22</sup> The Department of Agriculture provides agriculture extension services to the Penan. These services have increased agricultural productivity of the Penan. Hence, they are able to produce sufficient food for their own consumption and provide alternative sources of income.

<sup>23</sup> The Thai community in Malaysia makes up about 60,000 of the nation's 27 million people. In line with Malaysia's principle of non-discrimination against minorities, the Government has ensured that the culture and language of the Malaysian Thais are preserved and protected.

-----