

Working Together for Child Rights in the Plantation Sector in Malaysia

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INTERVENTION BY

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First, allow me to thank the RSPO for providing UNICEF with this platform to share the child rights perspective on the work that we are all doing.

UNICEF has been working with the Government of Malaysia since 1954 to give children the best start in life by supporting programs in health, nutrition, water and sanitation, formal and non-formal education as well as services for deprived children in poor urban areas.

In all the countries where UNICEF is present, we have been given the special mandate to be the guardian of children's rights, as laid out in the Convention on the Rights of the Child. The CRC was adopted by the UN General Assembly 20 years ago and became the first legally binding international convention to affirm human rights for all children.

Like all powerful ideas, the Convention demands for deep and profound change in the way the world treats its children, based on the core belief that every child is born with fundamental human rights.

Essentially every child has the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life.

CHECK AGAINST DELIVERY

Please let me draw your attention to a few key rights that we are concerned with today:

- Article 7: All children have a right to a legally registered name, officially recognized by a government, and a right to a nationality.
- Article 19: All children have a right to be protected from being hurt and mistreated.
- Article 24: All children have a right to good quality health care.
- Article 28: All children have a right to a primary education, which should be free.

Every child can lay claim to these rights, regardless of race, religion, abilities or country of origin.

In Malaysia, the vast majority of children enjoy a normal life and have access to a range of services provided by the government, including access to health and education. However, in certain states and among certain populations, there are children who are left behind due to socioeconomic and geographical disparities.

Sabah is the state with the biggest acreage under palm oil and has contributed significantly to the development of the Malaysian economy, due to palm oil being the main agricultural export for Malaysia and contributing about 5-6% of the GDP.

In 2008, the total oil palm area in Sabah was approximately 1.4 million hectare – much of which are run with the use of foreign labour. Many of these foreign workers live on the plantations with their family.

While it is evident that children of migrant workers are present in the plantations, it is not clear how accurately this is recorded by the plantation companies and the authorities. Estimates range from between 20,000 and 100,000 children living on the plantations, depending on the sources. It is believed that most are undocumented and have poor access to social services.

CHECK AGAINST DELIVERY

The children of migrant workers in the plantations face many challenges, which directly violate their basic rights. Among these are:

- Limited access to documentation and certification of nationality
- Limited access to education – which is further constrained by limited access to documentation
- Out of reach of welfare services to provide effective protection
- Unclear access to health care
- Unclear occurrence of child labour, especially in plantations without schools or other facilities for children.

The move towards certification for sustainable palm oil production, which is being heavily promoted by RSPO, is a laudable initiative to ensure minimum global environmental and social standards are met through engagement with stakeholders.

Under the principle of ensuring responsible consideration of employees, and of individuals and communities, one criterion specifically states that children should not be employed or exploited, or exposed to hazardous working conditions.

However, the indicators for fulfilling this criterion only relate to minimum working age, not to the provision of education. Thus, it leaves the issue of education as a voluntary provision by companies and still falls short of upholding the Convention on the Rights of the Child.

Nonetheless, we are encouraged to note that the RSPO Criteria Working Group is urging the Executive Board to engage with the Malaysian, Indonesian and Philippines governments to address the problem of stateless persons, especially children and women. We are confident that the RSPO and its stakeholders will have the force to push this agenda forward.

Despite the lack of regulation or standards relating to education, we are enheartened that many palm oil companies have been voluntarily providing comprehensive social services and education facilities in collaboration with Humana, otherwise known as Borneo Child Aid Society.

CHECK AGAINST DELIVERY

Borneo Child Aid Society is the only NGO in Malaysia that has been officially recognised by the Ministry of Education of Malaysia to offer education services via its learning centres. The society is presently operating 106 learning centres for over 8,000 children, with approximately 220 teachers.

The society uses an innovative model to provide quality education opportunities at a low cost regardless of the legal status of the children – the learning centres are run with assistance from the Indonesian Government in the form of teachers, while funding is primarily from socially responsible companies and donations from the Embassies of Finland and the Netherlands as well as private persons.

The strong point of Borneo Child Aid Society's model is its partnership with plantation companies, who are encouraged to sponsor learning centres within the plantations and provide housing for the teachers. Companies like Wilmar International, which operates the Sabahmas Plantation, have been fully supportive and proactive in providing education for children in their plantations – even providing free transport for the children who live a distance from the schools.

We commend them and other plantation companies such as Sime Darby, IOI Group, Hap Seng, Asiatic and many others who see the children's education and development as an important investment within their corporate social responsibility. We urge other corporations, not just plantation companies, to explore how they can invest in socially responsible initiatives to create real change in children's lives.

Through NGOs like Borneo Child Aid Society, thousands of invisible children are now seeing some light. However, there is a long way to go for them and for us, and we look forward to tackling the remaining issues together.

Our priority is, firstly, to create a complete picture of how many migrant children are living in plantations. We also need to know what is the status of their documentation, and whether they have access to education, health and protection.

CHECK AGAINST DELIVERY

We are jointly undertaking this initiative with the RSPO, and we thank the RSPO for their cooperation and interest in improving opportunities for children in Sabah.

On a broader level, we aim to work together with more companies, stakeholders from private and civil society, and the Government of Malaysia to ensure that the rights of **all** children in Malaysia are fulfilled.

Thank you very much for your time and attention. We hope that this conversation will spark many more discussions that will lead towards some concrete actions.

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