

Distr.: Limited  
22 May 2015

Original: English

**For information**

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## **United Nations Children's Fund**

Executive Board

**Annual session 2015**

16-19 June 2015

Item 10 of the provisional agenda\*

### **Report of the field visit to the UNICEF East Asia and Pacific Regional Office, Bangkok, and to Malaysia by members of the Bureau of the UNICEF Executive Board, 27 March to 3 April 2015**

#### **I. Introduction**

1. The following members of the Bureau of the Executive Board of UNICEF participated in the field visit to Bangkok and Malaysia from 27 March to 3 April 2015: H.E. Ms. Laura Elena Flores Herrera, Ambassador, Permanent Representative, Permanent Mission of Panama to the United Nations, and Vice-President of the UNICEF Executive Board; H.E. Mr. Heiko Thoms, Ambassador, Deputy Permanent Representative, Permanent Mission of Germany to the United Nations, and Vice-President of the UNICEF Executive Board; H.E. Mr. Sahebzada Ahmed Khan, Ambassador, Deputy Permanent Representative, Permanent Mission of Pakistan to the United Nations; Ms. Kristel Lõuk, First Secretary, Permanent Mission of Estonia to the United Nations, and Vice-President of the UNICEF Executive Board; Mr. Silvester Mwanza, Counsellor, Permanent Mission of the Republic of Zambia to the United Nations; and Mr. Nicolas Pron, Secretary of the Executive Board of UNICEF.

2. The field visit allowed the Bureau to gain first-hand understanding of the UNICEF work in the East Asia and Pacific region and at the country level in Malaysia. More specifically, the visit was an opportunity for the Bureau to gain a more in-depth understanding of the UNICEF strategic relationship with the Government of Malaysia and with other partners in the country, which included the United Nations Country Team, the private sector and non-governmental organizations. Furthermore, the visit provided an opportunity for the members of the Bureau to better understand the issues and challenges facing children and women in Malaysia in the context of a country transitioning from middle income to high income.

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\* E/ICEF/2015/4.

3. The delegation expresses its gratitude to the Government of Malaysia for the opportunity for substantive and in-depth dialogue with members of the Government.

4. The delegation would like to thank the UNICEF team in the East Asia and Pacific Regional Office (EAPRO) in Bangkok and the UNICEF country team in Malaysia for the very well detailed and organized visit, and for the professionalism of the UNICEF staff at hand to facilitate the efficient flow of the prepared schedule.

## **II. Key issues facing children and women in the region and in Malaysia**

### **East Asia and Pacific Region**

5. The region contains one quarter of the world's children – around 580 million children in total. The region stretches from Mongolia to the north to Tonga to the south, and from Western China to the Cook Islands. The 28 countries of the region are significantly diverse – in peoples, religions, cultures, environments, economies, political systems and potential. The region includes some of the fastest-growing economies in the world as well as 8 of the world's least-developed countries. UNICEF has 14 country offices in the East Asia and Pacific region, which manage and implement programmes supporting children's rights throughout the region.

### **Malaysia**

6. In general, children and women enjoy the benefits of the recent momentum in development of the country. If the current pace of development in Malaysia continues, the country is scheduled to attain high-income status by 2020. The Government has prudently distributed its resources to the approximately 30 million citizens of the country, of which 9.5 million are children under 18 years old and 2.8 million are children under 5. Both women and children citizens of Malaysia enjoy quality access to basic social services such as health, education, and water and sanitation. For the citizens of Malaysia, the country has attained Millennium Development Goal 1.

7. Malaysia is an advocate for women's and children's issues in the region. During the Malaysian chairmanship of the Association of Southeast Asian Nations (ASEAN) in 2015, two of the eight focus areas have been issues facing children and women. Malaysia also is a member of the United Nations Security Council (2015-2016) and Chair of the Security Council Working Group on Children and Armed Conflict. In their discussion with the Ministry of Foreign Affairs, the members of the UNICEF Bureau discussed the work of Malaysia in these and other international forums.

### **Child rights protection**

8. Malaysia ratified the Convention on the Rights of the Child in 1995, albeit with 12 reservations, 7 of them since withdrawn. The 5 that remain pertain to article 2, on non-discrimination; article 7, on name and nationality (birth registration); article 14, on freedom of thought, conscience and religion; article 28 (1a), on making primary education compulsory and free for all; and article 37, on not being subject to torture or other cruel, inhuman or degrading treatment or punishment. In 2012, Malaysia made a significant step forward in acceding to two optional protocols to the Convention: 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. The Convention on the Elimination of all Forms of Discrimination against Women was ratified in 1995 with a number of reservations, which have subsequently been withdrawn. In 2010 Malaysia also ratified the Convention on the Rights of Persons with Disabilities, with reservations to article 15, on freedom from torture or cruel, inhuman and degrading treatment and punishment, and article 18, on the right to liberty of movement and nationality.

9. Malaysia has a dual legal system whereby Sharia courts rule on religious, family, and some criminal issues involving Muslims, and secular courts rule on other issues pertaining to both Muslims and the broader population.

10. Malaysia has not signed the Convention relating to the Status of Refugees. The Department of Statistics has identified more than 2.6 million non-Malaysians in the country, including those who are refugees, undocumented, stateless and migrant workers. This group includes 451,900 children and young people 0-19 years old, of whom 54 per cent are in Sabah State. For non-citizens in Malaysia, it has been a challenge to access some of the critical basic social services. In some cases the Government of Malaysia partners with institutions like UNICEF to provide basic services. Available and reliable child protection data are limited in Malaysia. Department of Social Welfare data (2013) indicate that 4,119 cases of suspected child abuse, neglect and abandonment were reported. Around 10 per cent of these children have been placed in children's institutions. The minimum age of criminal responsibility of children is 10 years, which is below the minimum age of 12 years recommended by the Committee on the Rights of the Child. A 2013 study conducted by the Ministry of Women, Family and Community Development and UNICEF highlighted the need for a coherent and integrated approach to justice for children. The study recommended the development of an integrated national Juvenile Justice Reform Strategy and Plan of Action for children that incorporates prevention and early intervention, drawing on international standards and global best practices in the administration of juvenile justice. The Bureau members discussed the issues of child protection, juvenile justice system and child marriages during their meetings with various ministries, including Ministry for Women, Family and Community Development.

### **Education**

11. Malaysia is close to achieving universal primary education by 2015. Primary education was made compulsory in 2003. Around 96 per cent of Malaysian children are enrolled in primary school, with the numbers of girls and boys equal. Yet, some 100,000 primary-school-age children are out of school. They include Orang Asli and indigenous children, children with disabilities, undocumented children, and migrant and refugee children. In 2013, some 14,000 children dropped out in the transition from primary to secondary school. There are various reasons for this: they cannot afford to go to school, need to help their families with farm or household work, face transportation difficulties in rural areas, have low academic achievement or discipline problems, marry early, or lack family support. The Bureau visited the Bahagia Alternative Learning Centre in the town of Sandakan, where UNICEF Malaysia engaged in a project to provide education to 800 primary school children, in partnership with the Ministry of Education and the Federal Special Task Force, and with funds from IKEA.

12. Children of migrant workers on palm plantations in the states of Sabah and Sarawak are one of the most marginalized groups of children in the country. Because of their status, these children have limited access to social services, including education and, to a lesser extent, health. The Bureau visited Sime Darby Learning Centre, which provides basic education for the children of plantation workers.

### III. The role of UNICEF in the region and in Malaysia

#### Role of the UNICEF Regional Office

13. The Regional Office (EAPRO) is a hub for information, technical expertise, coordination, quality assurance and oversight for UNICEF country offices in the region. It also supports the country offices in their efforts to raise resources. Specialist advisers based in Bangkok help develop programmes in health and nutrition, child protection, HIV and AIDS, education, water and sanitation, early childhood development, social policy, disaster risk reduction and emergency preparedness, and corporate social responsibility. EAPRO also provides technical oversight and support for financial management, communications, planning and programme monitoring, private sector fundraising, and evaluation, as well as backstopping, including surge capacity for humanitarian crises.

#### The role of UNICEF in Malaysia

14. UNICEF recently celebrated its 60<sup>th</sup> year of presence in Malaysia. Its current engagement in Malaysia provides a unique example of the emerging role of UNICEF in a country that is transitioning from middle-income to high-income status. The changing role of UNICEF was clearly manifested in the current interventions based on UNICEF's strategic plan, both at the programme and fundraising levels, notably regarding the in-country private sector fundraising mechanisms. Some examples of new strategies and approaches in the transformed engagement:

(a) **UNICEF work for equity.** The lives of MOST children have improved in the country, the main challenge being how to improve the lives of ALL children in Malaysia;

(b) **Advocating for policies based on disaggregated data.** This is especially important, as disparities are easily lost and hidden among national averages;

(c) **From pilot to policy approach.** The Bureau visited the Kampung Bahagia school, in Sabah, where UNICEF is doing pilot-to-policy work. The pilot aims to provide evidence of a proof of concept, as UNICEF advocates for the development of a national policy on Alternative Education for all children. Currently only 40 per cent of the children in Sabah have access to education; another 60 per cent need to be reached;

(d) **New funding models.** UNICEF has successfully raised funds from the private sector, to the extent that the Malaysia country programme is essentially self-funded. UNICEF is also able to gather funds from the private sector to benefit children in ASEAN countries and around the world, as a proud contribution by Malaysia to the survival and well-being of children outside as well as inside the country;

(e) **Establishing new partnerships.** The Bureau members noted with gratitude how UNICEF in Malaysia has established a strategic working relationship

with the Government of Malaysia and other partners in support of the country's national development priorities. This was particularly evident at the meeting held at the Economic Planning Unit, the Prime Minister's Department, which is main counterpart of UNICEF in Malaysia, and also during the meeting of the Ministry of Women, Family and Community Development. Additionally, UNICEF is partnering with ministries such as the Ministry of Finance and Ministry of Science Technology and Innovation, which was newly restructured and reflects the important focus on second-decade issues (harnessing talent, creating systems that provide a work force with the skills the country needs, etc.). UNICEF has also established partnerships with:

- (i) Private sector, to deliver results for children, as the Bureau members saw while visiting the companies Sime Darby, Digi and Microsoft, who see their corporate social responsibility as an investment, not a cost. These visits underlined the critical role and contribution of the private sector, especially in the context of Sustainable Development Goals, in partnering with UNICEF to deliver results for children. The support of the private sector is given not out of charity, but rather out of a sense of vested self-interest in building a competitive work force and a sustained and vibrant economy through investment in human capital development;
- (ii) Private sector, to leverage its voice and influence to champion children's issues and rights;
- (iii) Civil society, among which UNICEF is a critical convener, enabler, and capacity builder;
- (iv) Children and adolescents themselves, as champions of change in their own right;
- (v) Parliamentarians.

#### **IV. High-level meetings**

15. The UNICEF Malaysia office prepared a series of high-level meetings that included the Director General of the Economic Planning Unit, Prime Minister's Department; Secretary-General of the Ministry of Finance; Secretary-General, Ministry of Science, Technology and Innovation; Deputy Secretary-General, Department of Multilateral Affairs, Ministry of Foreign Affairs; Deputy Secretary-General of the Ministry of Women, Family and Community Development; and Chief Executive Officer of Sime Darby.

16. Among these partners, UNICEF works very closely with the Economic Planning Unit, the Ministry of Women, Family and Community Development and the Ministry of Education in areas of child rights and supporting the Government of Malaysia in reviewing the necessary laws pertaining to children's rights and child protection. As for Sime Darby, UNICEF engagement with this private company serves as an emerging model of how private sector partnerships can be nurtured in a middle-income country to advance children's rights and protection.

## V. Observations and recommendations

17. The Bureau members wish to share the following observations and recommendations:

(a) Malaysia can be described as a developed country that will by 2020 attain high-income status, according to current definitions based on gross national product per capita. The level of development in education, health and other key areas is very impressive. Because of this and other factors, Malaysia ranks among the world's emerging economies. Most of the Government officials the Bureau members met on this visit emphasized that the next step for the country is to achieve inclusive development for all. Therefore, the main challenge for UNICEF in Malaysia is similar to that of a number of other middle- and upper-middle-income countries: now that the lives of MOST children have improved, how to move on to improve the lives of ALL children, no matter who they are, where they come from or where they live. Equally important is the question of how can UNICEF support Malaysia as it moves forward with social inclusion, sustainable development and promoting the well-being of children and adolescents;

(b) UNICEF has adapted well to the rapid development and fast-changing environment in Malaysia. Some of the good examples include cooperation with the private sector and increasingly reaching out to the civil society organizations, with both activities being critical to the agenda of reaching every child. In this context inter-agency collaboration is more important than ever;

(c) UNICEF engagement with partners, civil society and communities, including the private sector, was a good example of the added value and the multiplier effect UNICEF can bring by acting as a catalyst and pulling different partners together;

(d) The Bureau welcomed the Government's Vision 2020 as an important strategy for achieving results for children, with UNICEF efforts aiming to influence policies, legislation and public spending towards the most disadvantaged;

(e) In the context of a middle-income country in transition to high-income status, the Bureau sees the importance of UNICEF's emphasis on supporting disaggregated data to inform and shape policy and budgeting decisions. The contribution of the statistical profiles by UNICEF Malaysia was a critical value added to the technical working groups in the formulation of the 11th Malaysia Plan (2016-2020), which is the last stretch before achieving the country's 2020 vision;

(f) Given that one key part of the programme focus for UNICEF and its partners is child protection (including, for example, prevention of violence and abuse against children), there is a need to step up the gathering and analysis of data on the long-term effects of violence against children. In the broader sense, there is a need to ensure that data contribute to improved policy development and implementation and to address some of the social norms linked to those issues, such as child marriage;

(g) The Bureau observed how the leadership role of Malaysia during 2015 with the ASEAN chairmanship and in 2016 with the hosting of the South-South Cooperation conference provides a great opportunity for UNICEF collaboration in positioning and furthering children's rights. EAPRO has already established a Memorandum of Understanding with ASEAN;

(h) Throughout the visit, Government officials were very welcoming towards the delegation and shared with them the details relating to the efforts and interventions that the respective Government offices were making in order to deliver results for children. It was observed that the various levels of Government were united around the cause of children and worked towards improving their lives;

(i) The Bureau notes the very positive results of the pilot project in Kampung Bahagia school in Sabah and the support this project has received from the Government of Malaysia. The Bureau sees merit in expanding the effort and – if the positive assessment is confirmed – transitioning at some point in the future from the pilot phase to a wider policy approach under the auspices of the Government;

(j) Based on observations made during the visits to the pilot projects in Kampung Bahagia and Sime Darby Learning Centre in Sabah, the Bureau thinks that tapping into the children's talent pool that these projects address will also have positive economic effects, not least in a technologically advanced country with virtually full employment;

(k) The challenge of refugee and undocumented children and families vis-à-vis the dual legal system will continue to require a lot of prudent attention by all stakeholders so that all children in Malaysia, regardless of their citizenship, have access to services they need in order to develop in accordance with the provisions of the Convention on the Rights of the Child and other international agreements, protocols and children's charters to which Malaysia is a signatory.

## Annex

### **Summary of the programme of the field visit to the UNICEF East Asia and Pacific Regional Office, Bangkok, and to Malaysia by Members of the Bureau of the UNICEF Executive Board, 27 March to 3 April 2015**

#### **Bangkok**

*Friday 27 March*

- Meeting with the Regional Director and team for the UNICEF East Asia and Pacific Regional Office (EAPRO)
- Overview of EAPRO and discussion
- Presentation on the human rights situation in the region and working with the Association of Southeast Asian Nations by Professor Vitit Muntarbhorn

#### **Kuala Lumpur**

*Monday 30 March*

- Meeting with the UNICEF Malaysia team
- Meeting with the United Nations Country Team
- Meeting with the Ministry of Foreign Affairs
- Meeting with the Ministry of Science, Technology and Innovation
- Dinner reception with partners and donors

*Tuesday 31 March*

- Meeting with Sime Darby Berhad
- Meeting with the Ministry of Finance
- Meeting with the Economic Planning Unit, Prime Minister's Department

#### **Kota Kinabalu and Sandakan, Sabah**

*Wednesday 1 April*

- Visit to Sime Darby Learning Centre, Tu Tan Siew Sin Estate
- Lunch with partners
- Visit to Kampung Bahagia Alternative Learning Centre
- Dinner with partners in Kota Kinabalu

#### **Kuala Lumpur**

*Thursday 2 April*

- Corporate social responsibility' lunch hosted by Microsoft
- Visit to Microsoft Workshop for Youth with Disabilities
- Meeting with the Ministry of Women, Family and Community Development

*Friday 3 April*

- Meeting with representatives of civil society organizations

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