



**CHILD PROTECTION AND CHILD WELFARE SERVICES  
IN MALAYSIA**

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**MINISTRY OF WOMEN, FAMILY AND COMMUNITY DEVELOPMENT**

## **Executive Summary**

Malaysia ratified the Convention on the Rights of the Child (CRC) in 1995 that followed with introduction of various national laws relating to child protection, including the Child Act 2001. Significant progress was made to establish legal frameworks for child protection services. The formation of the Ministry of Women Family and Community Development (MWFCD) in 2004 laid the foundation for an effective and operational child protection system in Malaysia. There was increasing necessity to address issues and challenges faced by children more effectively and a Child Division was created in 2005 at the Department of Social Welfare, an agency under the Ministry.

In July 2009, the National Policy on Children<sup>1</sup> and the National Child Protection Policy<sup>2</sup> together with the Action Plans formulated by the MWFCD were approved by the Government. Objectives of the the policies highlight the rights of the child to survival, protection, development and participation, all of which are in-line with the CRC. Supporting the implementation of these two policies are the Government's initiative to propose a Social Worker Act due to be tabled in Parliament in 2011. The Act will propose to regulate the profession of social work in Malaysia and strengthen the provision of welfare services towards the care, safety and protection of all citizens in Malaysia.

The Ministry also recognises the important role that civil society plays in strengthening the child protection system. In this respect, the MWFCD organizes various NGO dialogues and consultations with these groups in order to not only strengthen the current services but to develop priority policies that that are most relevant for children.

However, Malaysia also acknowledges that its child protection system still needs to be strengthened in several areas, particularly in prevention and early intervention, which are in line with a global shift from one that is focus on reactive interventions to one that is proactive. This includes a clear continuum of prevention, early and rehabilitative interventions. Furthermore, Malaysia acknowledges that the legal framework can be further strengthened to ensure that the administration of juvenile justice encompasses a more modernistic and holistic approach.

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<sup>1</sup> Please see Annex A for more on National Policy on Children and Action Plan 2009.

<sup>2</sup> Please see Annex B for more information on the National Policy on Child Protection and Action Plan 2009.

The two national policies on children and child protection have set the framework for two national reform processes after two national assessments on child protection and juvenile justice system were both carried out in 2009 with UNICEF spearheaded by the Ministry. Malaysia is encouraged by the fact that fundamental steps that are recently being undertaken will revolutionise the changing landscape of child protection in a middle income country and ensure that all children are protected from all forms of violence, abuse, neglect and exploitation through a comprehensive child protection system.

## **Introduction: Malaysia's Middle Income Socio-Economic Development**

The next decade has two major milestones for Malaysia's development agenda: the Millennium Development Goals (MDG) in 2015 and the culmination of a 30-year national development process launched in 1991 to make Malaysia a fully developed country by 2020.

Malaysia is well on track to meet nearly all the MDGs in aggregate terms. The robust 6 per cent annual rate of growth in the five years to 2007 has contributed to a reduction in overall poverty (based on the national poverty line) from 22.8 per cent in 1990 to 5.7 per cent in 2004 to 3.6 per cent in 2008. The incidence of absolute poverty (i.e. availability of food) fell from 2.9 per cent in 2004 to 0.7 per cent in 2007). The strongest development priority remains to ensure better geographic and ethnic equity in social outcomes and specifically the need to improve the situation of poor, indigenous, migrant and other marginalized and vulnerable children.

In March 2010, the Government introduced the highly anticipated New Economic Model (NEM) that aims to transform the country into a high-income nation. It has been estimated that the country must grow at an annual rate of 8 per cent over the next 10 years to surpass the World Bank's threshold for high-income economies.<sup>3</sup> Growth in the service sector is already higher than in manufacturing and about twice as strong as in the agricultural sector, which is a similar economic profile found in most developed countries.

The newly released Tenth Malaysia Plan (10MP) 2011–2015 is the key development strategy and planning instrument of the Government. The 10MP sets out to create an environment which is conducive to rapid economic growth including a move towards an inclusive human development in which equity and disparity reduction is prioritised. The 10th Malaysia Plan will complement the recently launched New Economic Model, which provides an additional road map for the "high income economy" strategy.

In 2010, the population of Malaysia was estimated at 28.25 million, including an estimated 3 million indigenous people and 2 million non-Malaysian citizens. Meanwhile, there are an estimated 11 million children under 18 with 3.2 million under the age of five.<sup>4</sup> With a significant portion of almost

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<sup>3</sup> Keynote address of the Prime Minister Datuk Seri Najib Tun Razak at the National Economic Advisory Council's (NEAC) inaugural meeting on 28<sup>th</sup> August 2009.

<sup>4</sup>: Social Statistics Bulletin Malaysia 2010 (Government of Malaysia, Department of Statistics).

one third of the total population is children, Malaysia recognizes the importance of investing in children and places a huge emphasis on the survival, protection, development and participation of children, as underlined in the Convention on the Rights of the Child (CRC).

### **The Evolving Child Protection System**

The socio-economic and political environment are fundamental to a successful child protection system. Malaysia began its creation of such an environment when it ratified the Convention on the Rights of the Child (CRC) in 1995 with an initial 12 reservations. In 1998, Malaysia withdrew 5 reservations i.e. Article 22, 28 (1) (b), (c), (d) and (e), 40(3) and (4), 44 dan 45. Subsequently, in July 2010, Malaysia withdrew 3 more reservations i.e. Article 1, 13 and 15 leaving 5 remaining reservations (articles 2, 7, 14, 28(1)(a) and 37) and it indicates the Government's commitment towards strengthening the child protection system. The first country report on the implementation of the CRC was presented to the United Nations Committee on the Rights of the Child in January 2007 and the second report is due to be submitted to the Committee in 2012. Subsequently, the country enacted various legislations contributing to the evolving child protection environment that included the Child Care Centre Act of 1984, Care Centre Act 1993 and lead to the most significant enactment of the Child Act in 2001. .

#### Key Milestones

Following the establishment of the Ministry of Women, Family and Community Development (MWFCD) in 2004, which was tasked as the primary government agency to handle issues of concern relating to family, women and children, Malaysia's child protection agenda became visibly noticed. The formation of the MWFCD laid the foundation for an effective and operational child protection system. With the ever increasing necessity to address issues and challenges of children, a special Child Division was created in 2005 at the Department of Social Welfare, an agency under the Ministry. This move allowed the Government to handle and administer matters pertaining to children more effectively. Part of this process included the creation and deployment of child protectors who are gazetted under the Child Act 2001 and are placed at the community grass-root level. They intervene to prevent child abuse, neglect and violence.

In July 2009, the National Policy on Children<sup>5</sup> and the National Child Protection Policy<sup>6</sup> as well as Action Plans formulated by the MWFCD were approved by the Government. These two policies

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<sup>5</sup> Please see Annex A for more on National Policy on Children and Action Plan 2009.

were based on the 1991-2000 National Plan of Action for Children that were linked to objectives and strategic visions of the National Mission of *Wawasan 2020* (Vision 2020). Objectives of the the policies highlight the rights of children to survival, protection, development and participation, all of which are in-line with the CRC.

Another key milestone that has contributed to Malaysia's child protection environment is the recent Government approved Social Work Competency Standards in April 2010. The Social Work Competency Standards brings Malaysia a step closer to be in-line with international standards but most importantly equip and professionalize the human resource capacity of government to deliver quality primary, secondary and tertiary interventions in child protection.

#### 10<sup>th</sup> Malaysian Plan Commitment to Child Protection and Child Well-Being

The 10 MP also highlights the importance on protecting and providing for the well-being of the nation's children and ensuring every child can succeed and thrive. Investing in children is seen as investing in the future human capital of the country.

#### Working with Civil Society and Developing Complementary Roles with Government

Civil society is a key stakeholder to ensure an effective and comprehensive child protection system is in place. Inputs at the grassroot level are mostly collected and provided by civil society who are able to depict the realities and challenges family, women and children face in society today. The MWFCDC organizes various NGO dialogues and consultations with these groups in order to not only strengthen the current services but to develop priority policies that that are most relevant for children. For example, through mutual partnership and close collaboration, the MWFCDC and an NGO, *Childline Malaysia*, are delivering services in primary interventions that seek to strengthen the overall capacity of society in caring for children and keeping them safe. *Childline Malaysia* makes available a child friendly 24-hour hotline service, using the *Childline 15999* number managed by the MWFCDC, for children to call and report child maltreatment cases. Meanwhile the *Talian Nur 15999* 24- hour hotline number provides for anyone to report suspected child abuse and other social ills that the community believes a family or child is facing.

### **Strengthening the Legal and Policy Development Framework**

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<sup>6</sup> Please see Annex B for more information on the National Child Protection Policy and Action Plan 2009.

Over the years, significant progress has been achieved in the establishment of legal frameworks for child protection services with the introduction of the Child Act 2001 and other relevant laws. This framework has further been strengthened with the introduction of the National Policy for Children and the National Child Protection Policy. However, Malaysia has recognised that its legal and policy framework needs to be strengthened in several areas, particularly in the area of prevention and early intervention, which is also in line with a global shift from this traditional focus on reactive protective interventions towards ones that are more proactive including a clear continuum of prevention, early and rehabilitative interventions.

Many challenges also remain in the implementation of children's rights, and efforts are being made to address them by applying the system's approach to child protection. The National Child Protection Policy and Child Policy intends to mobilize intra and inter ministerial involvement to address the needs of children and community. They also intend to maximize the efforts and leverage the roles of the private sector, media, civil society and the community. The policies additionally encourage a systematic approach to advocacy and building evidence to help make in-depth analysis related to children and propose interventions that would promote child well-being.

#### *Child and Family Welfare and Juvenile Justice Reforms*

In addition, the MWFC and UNICEF have undertaken two national assessments on child protection and the juvenile justice system in Malaysia in 2009 that highlighted the level of understanding and adherence to child protection principles as defined in international and national law and policy; function of government agencies at all levels; operationalisation of the policy framework; and the relevance of the currently established systems to the Malaysian context. The strengths and weaknesses of the system were highlighted and recommendations were made emphasizing the need for Malaysia to embark on a reform process to achieve best practice programmes for children all of which are supported by the national frameworks of the child protection policy and the action plan for children but most importantly to realise the system envisaged in the Child Act 2001. The two national policies on children and child protection have set the framework for the two reform processes that the MWFC is spearheading. This includes "safety net" programmes and policies for all children in Malaysia.

However, the findings of the two assessments acknowledges that there are pockets of marginalised children for whom the current safety net programmes do not always work or apply in the current child protection system. These are the children most vulnerable and at risk of abuse and exploitation,

including: children with HIV; children without documents; children in conflict with the law; and ethnic minority groups.

Specifically for juvenile justice, the assessment noted that while there are important protections for children in conflict with the law as provided in the Child Act, the legal framework can be strengthened further to ensure that the administration of juvenile justice encompasses a more modernistic and holistic approach. This would include exploring the introduction of new global strategies, which are moving away from formal police and Court-based interventions and institution-based rehabilitation, towards approaches such as diversion and other community-based responses. This has been acknowledged in the National Action Plan on Children. Additionally, Malaysia also recognises that there is a need to develop more comprehensive legal provisions relating to the arrest and custody of children.

#### *Social Workers Act*

The recent Government approval of the social work competency standards in April 2010 brings Malaysia closer to achieving a comprehensive child protection system with a clear continuum of prevention, early and rehabilitative interventions. The competency standards will be used as a key tool for the government and the Malaysian Association of Social Workers (MASW) to set up systems to generate professional, competent and accountable social workers and deliver quality timely welfare services. This will include building capacity to efficiently prevent, intervene and respond to incidences of abuse, neglect and violence among women, children and other vulnerable groups. Specifically the Government approved the following six recommendations:

- i) Establish the National Competency Standards for Social Work Practice and Education;
- ii) Enact a Social Workers Act;
- iii) Set up a regulatory licensing board;
- iv) Recruit social work graduates into social work positions in the civil service;
- v) Standardise all social work programmes in Institutions of Higher Learning; and
- vi) Develop social work courses at certificate and diploma levels

All of these six recommendations will be reflected in the proposed Social Workers Act due to be tabled in Parliament in 2011 and currently deliberated by the appointed technical working group chaired by the Department of Social Welfare. The Act will propose to regulate the profession of social work in Malaysia and strengthen the provision of welfare services towards the care, safety and protection of all citizens in Malaysia. In addition, the Act seeks to ensure those most vulnerable



in society are protected from harm when receiving services from social workers. The Act will also breakdown and explain five purposes which are all reflected in the six recommendations from the Government approval of the social work competency standards:

1. To respond to the social welfare needs of citizens within the context of the social, cultural and religious needs of Malaysian society
2. To provide assurance to the community that social workers in Malaysia meet professional social work practice competency standards
3. To facilitate the provision of quality social work practice in Malaysia which meet international best practice standards
4. To provide citizens with avenues for professional accountability of social work practice
5. To enhance the professional capacity and public standing of the social work profession in Malaysia.

### **Quality Service Delivery**

Based on the Child and Family Welfare national assessment, a continuum of child protection services that promote children's well-being and protection include "primary prevention initiatives directed at the community as a whole to strengthen the overall capacity of society in caring for children and keeping them safe; secondary prevention, or early intervention services, directed at children and tertiary interventions to respond to circumstances where a child is at serious risk of or is being abused, exploited, neglected or harmed in any way."<sup>7</sup>

#### Primary Prevention

Primary prevention initiatives and activities are central to a strong child protection system. Malaysia is actively carrying out awareness campaigns working with the media and other stakeholders to mobilize the community to be empowered to stop child abuse. However, current efforts in primary prevention is not proportionate to the significant response efforts undertaken such as deployment of child protectors, number of children activity centres and child care centres/ homes that are currently in place. The National Child Action Plan and Protection Policy however have outlined the commitment required to socialize and mobilize various stakeholders between government agencies, the private sector, media and civil society in hopes to change public attitudes that would contribute to building a comprehensive child-based protection system.

#### Secondary Interventions

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<sup>7</sup> Child Protection System in Malaysia: An Analysis of the System for Prevention and Response to Abuse, Violence and Exploitation Against Children.- DRAFT Copy. Ministry of Women, Family and Community Development 2010.

Social and family dynamics are rapidly evolving and the need to respond to them at an early intervention period is essential. Against the backdrop of evolving societal challenges together with rapid socio-economic development experienced in a middle income country like Malaysia, there is a need to consistently adapt to the needs of children. To date, the Government have put in place: telephone hotlines such as *Talian Nur 15999*, established Children Activity Centres (PAKK), created and mobilized Child Protection Teams, set up Community Care Centres, provided financial assistance for children, women and families, and made available courses for strengthening the family institution, family counselling services and established Family Centres.

Furthermore, in 2010 the Department of Social Welfare have developed minimum standards of care for children in care centres / homes managed by NGO to ensure the child is protected and cared for in an institutional setting. Even though NGOs may be the providers of care and services to children (and their families), by virtue of the commitments the Malaysian Government has made (in line with the United Nations Convention on the Rights of the Child, 1989), the ultimate accountability for ensuring that children's rights are upheld and their welfare promoted, rests with the Government. Targeting the most-at-risk groups are still on-going exercise and is linked to the national missions to narrow the gaps of equity.

### *Tertiary Interventions*

Tertiary interventions consist of mechanisms, processes, and services that must be enacted when a child experiences suffering, abuse, violence and exploitation. Various initiatives and resources have been put forward in the form of care homes and institutions, emergency medical services including One-Stop Crisis Centres and Suspected Child Abuse and Neglect (SCAN) teams under the Ministry of Health, and establishment of the Child Protection Unit in 2001 under the Royal Malaysian Police.

Finding the right balance between reactive interventions such as the above with those that are proactive towards the prevention of child abuse is an on-going challenge. These will be addressed in the reforms of the child and family welfare system as well as the juvenile justice system.

### **The Way Forward**

Malaysia is committed to safeguarding the child through stable family institutions and its support mechanisms. This commitment is based on the belief that the advancement of the present generation will usher in a future generation that is confident, responsible and caring in line with Vision 2020,

specifically on improving the standard and sustainability of quality of life. In keeping to this commitment, Malaysia has embarked on a reform process to strengthen the family institutions and facilitate a comprehensive child welfare system. Such system aims to define and link up services in and between the primary, secondary and tertiary interventions of a child protection system that is currently in place as well as those that are still yet to be established. Guiding this reform process are the National Policy on Children and the National Policy on Child Protection.

As part of these reform processes, different models of welfare and justice systems will be explored before designing a comprehensive child and family welfare system and a modernise juvenile justice system that is suitable for Malaysia. The first reform will be a more family-based, non-adversarial and a prevention-oriented system that will particularly ensure that the most vulnerable children, irrespective of their ethnicity and legal status, in Malaysia are also protected. Meanwhile, the second reform of the juvenile justice system will begin next year with the setting up of a high-level, inter-agency Child Justice Working Group that will develop an integrated national Juvenile Justice Reform Strategy and Plan of Action.

Additionally, more resources will be injected into the Department of Social Welfare so that it is able to provide the full range of prevention, early and rehabilitative and protective interventions within the new system including the implementation of the minimum care standards for children in care centres / homes. The building blocks for investment in the professional development of staff within the Department have already begun with the development of the Social Workers Act and the social work competency standards which aims to professionalize social work in Malaysia. This is the fundamental approach that the country is using to build its capacity to ensure that quality services for children are available and accessible. Priority is given to implement these new measures as soon as possible to increase the number of professional social workers.

With the growing need to manage the increasingly sophisticated system that is being put in place, it is also recognised that the current Child Division will not be able to handle this role. A creation of a Children's Department is being explored.

The MWFCDC also recognises that there are many opportunities for partnership and collaboration that needs to be optimised. To effectively utilize the opportunities available, the Ministry will map out

the roles of key partner agencies that contribute to primary, secondary, and tertiary measures with the aim of clearly defining the mandated roles of these agencies.

While it is acknowledged that many challenges remain in building a comprehensive child protection system and we are just at the beginning of this long journey, Malaysia is encouraged by the fact that fundamental steps that are recently being undertaken will revolutionise the changing landscape of child protection in a middle income country like Malaysia. Malaysia will continue to build on these steps to ensure that its commitment to ensuring that all children in the country are protected from all forms of violence, abuse, neglect and exploitation through a comprehensive child protection system is met.

## **Annex A**

The National Policy on Children and its Plan of Action was approved on 29 July 2009, and reflect the Government's commitment to the promotion of a protective environment for children. The Policy and its Plan of Action focus on the thrusts of development relating to children's survival, protection, development and participation as provided for in the CRC. A Technical Committee chaired by MWFCDC has been established in order to coordinate and monitor the implementation of the Plan of Action. Some of the focus areas in this new policy include:

- a. The implementation of awareness programmes among the public on the necessity and means of protecting children;
- b. Strengthening efforts to create a safer and more friendly environment for children;
- c. The development of protocols on the protection of children by all stakeholders dealing with children;
- d. The development of an alert system for missing children; and
- e. Training children to protect themselves.

## **Annex B**

The National Child Protection Policy and Action Plan which was approved in July 2009 The Policy and Action Plan is aimed at ensuring that every child is protected from neglect, abuse, violence and exploitation. This policy also serves as a catalyst to heighten the awareness and commitment of all parties, including each member of society in protecting children. The policy lays down the following 7 main objectives:

- (i) To increase awareness and commitment of various parties of efforts to protect children as a common responsibility;
- (ii) To create a safe and child-friendly environment;
- (iii) To encourage organisations that deal directly or indirectly with children to formulate their respective child protection policies;
- (iv) To protect every child from any form of neglect, abuse, violence and exploitation;
- (v) To stipulate that only suitable individuals may deal directly with children;
- (vi) To enhance support services to address the neglect, abuse, violence and exploitation of children; and
- (vii) To enhance research and development to improve protection for children.