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period 1 July 1969-30 June 1973, received from Governments  
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Addendum

MALAYSIA

/3 May 1974/

1. This report attempts to deal with only a particular aspect outlined in the United Nations Secretary-General's circular letter, namely III E, "the right of the family, motherhood and childhood to protection and assistance" in so far as it concerns the provision of public welfare services either by the state government or the Federal Government of Malaysia to all citizens.

2. Family and child care service

Generally, this service has the primary objective of preventing break-up of families and ensuring that the family unit is preserved as a cohesive, viable and functionable organization. Children who are deprived through neglect, abandonment or for any other reason, are given ample opportunity for substitute care. The service is sanctioned and strengthened by statutory legislation, namely, the Adoptions Ordinance, 1952; Registration of Adoptions Ordinance, 1952; the Children and Young Persons Ordinance, 1947; the Juvenile Courts Act, 1947, and the Women and Girls' Protection Act, 1973. The first two ordinances are designed to ensure that satisfactory substitute homes are secured for needy and deprived children. The Children and Young Persons Ordinance empowers protectors - social welfare officers - to intervene and prevent children from being ill-treated, neglected and abandoned, so that the inherent right of the child to grow up as a healthy member of the family is protected. Protection is also afforded to children registered as transferred children who are not living with their parents or relatives, in order to ensure that they are given the opportunity to grow up as normal individuals.

3. In addition to such legislative measures, administrative measures are provided in the form of an expanding family-assistance scheme. This has the primary objective of assisting with financial aid parents or guardians of children for whose needs, without such assistance, adequate provision could not be made and who would otherwise be institutionalized in Children's Homes. The basic assumption is that the natural home is far more suited to fulfil the emotional and material needs of the child in his/her primary years of development. It is only as a last resort that children from broken or semi-broken homes are placed in institutions, for which facilities are also made available. Even in the Children's Homes, as far as possible, traumatic experience is minimized in order to ensure that, on discharge, the child's resumption of a normal life with his family unit or the community will be facilitated. Any drastic transitional change without prior preparation is likely to create severe and adverse effects at a later date.

4. Family welfare service is also extended to aged persons who are vulnerable because of dislocation due to social and economic changes. The service has assumed a new approach to aid such dislocated people with financial assistance to enable them to continue to live out their lives with self-respect in their own community in order to lessen their need for admission to Institutional Homes.

5. Family welfare service also takes care of dependent members of the family, including children of detainees and prisoners convicted by the court.

6. The right of children and young persons needing special care and assistance is also met by other specialized services which include care and assistance for:

- (a) Handicapped persons,
- (b) Delinquent youths, and
- (c) Female persons in moral danger and in prostitution.

(a) Handicapped persons

The primary aim is the rehabilitation of handicapped persons compatible with their particular disability and residual ability to help them become productive citizens to the fullest extent possible. Such comprehensive rehabilitative measures include:

- (i) A comprehensive system of registration of handicapped persons of all ages and categories of handicap;
- (ii) The provision of educational and training establishments for the blind, the deaf and the mentally retarded. The other agencies involved, apart from the Welfare Ministry, are the Ministry of Education and the relevant voluntary organizations, the latter being active in supplementing the efforts of the Government;
- (iii) The provision of rehabilitation centres and sheltered workshops for physically handicapped persons, apart from the blind and the deaf;

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- (iv) The provision of custodial centres for mentally defective children;
- (v) A placement service to assist trained handicapped persons to find employment;
- (vi) The provision of grants to socially and physically handicapped persons to launch them in small-scale business compatible with their skills;
- (vii) A sales organization complementary to the placement service to enable handicapped workers to produce and market their products with financial assistance;
- (viii) The provision of full or subsidized artificial aids and appliances to handicapped persons to create or increase their mobility.

(b) Delinquent youths

Malaysia has adopted a humanistic approach in dealing with young people who come into conflict with the law compatible with the modern concept that punitive theory is less effective than rehabilitative theory in dealing with offenders against the law. Thus, the service embraces a comprehensive system of training, retraining and rehabilitation of juvenile delinquents after they have been subjected to legal trials. The entire operation of the service is governed and regulated by the Juvenile Courts Act, 1947 and, in attaining its objectives, therefore, juvenile courts, approved schools and remand homes and hostels have been set up. In this context, particular emphasis is laid on probation as an ideal concept in the reformation of juvenile delinquents. Supplementary to probation supervision is the provision of remand homes and probation hostels which serve a dual purpose; first, for the remand of accused juveniles pending the disposal of their cases; and secondly, for residential training of probationers required to stay in a condition of residence while being supervised. Where committal to institutions for detention and training is considered necessary, approved schools exist to meet this need, and adequate facilities are available for delinquent youths up to 17 years of age on admission. Non-criminal cases involving care and protection or cases beyond parental control may also be committed to approved schools by the court.

(c) Female persons in moral danger and in prostitution

The previous legislation enacted before the Second World War has been repealed and replaced by a new Act, the Women and Girls' Protection Act, 1973. The two principal objectives of this Act are:

- (i) To prevent and suppress prostitution among female persons under 21 years of age, and to rehabilitate them; and
- (ii) To punish persons responsible for procuring female persons for prostitution.

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Places of refuge for female persons in need of protection have been established. Under the new Act, female persons may, instead of being committed to a place of refuge by order of the court, be placed under supervision of social welfare officers. Female persons who are subject to inquiry conducted by protectors - i.e. social welfare officers - have the right to be represented by advocates and solicitors, and in this way the fundamental rights of citizens are protected as enshrined in the Constitution.

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