

## Malaysia

Children in Malaysia have benefited from several decades of economic and social progress that has resulted in better access to healthcare, education, clean water and sanitation. However, children continue to face challenges, notably children from indigenous and minority communities; refugee, asylum-seeking, irregular migrant, stateless, and undocumented children.

### Workplace

Malaysia scores in the enhanced [due diligence](#) category in the [Workplace Index](#). The biggest risks are reflected in legal framework indicators measuring decent work and child labour; and enforcement indicators measuring government capacity to enforce labour laws.

- **Decent work for parents and caregivers**

Decent working conditions are critical for parents to provide an adequate standard of living for their children. In particular, maternity and paternity protections are vital to parents' ability to provide an adequate standard of living to their children, supporting their health, development and well-being.

The government of Malaysia has not yet ratified ILO Convention No. 183 on Maternity Protections, and national laws provide for [60 days \(9 weeks\) of paid maternity leave](#). This entitlement is less than the 14 weeks stipulated in the convention, and 18 weeks stipulated in ILO Maternity Protection Recommendation No. 191. Women have job protection throughout the paid leave period; however, national laws do not provide any entitlement to paternity leave.

According to [ILO data](#), in practice less than one-third of women in Malaysia are covered by maternity leave cash benefits, due in large part to significant rates of informal employment. Without a sufficient period of paid maternity leave, working mothers may be less able to provide an adequate standard of living for their families, and may be compelled to return to work before they and their infants are ready.

Migrant parents are particularly vulnerable to lack of decent working conditions in Malaysia. Migrant workers make up 15% of the country's workforce. Many migrants from other Asian countries come to Malaysia through recruitment agencies and are vulnerable to trafficking. According to data from the UNODC, [303 victims of human trafficking](#) were detected in 2014 (latest available data). Access to basic services is a challenge for children of migrant workers, who must receive special dispensation from the government to attend public schools and are required to pay fees.

- **Child labour**

The Malaysian government has ratified both ILO Conventions on child labour (No. 138 on Minimum Age and No. 182 on Worst Forms of Child Labour). The minimum age for full time employment is 15 years, and children aged 15-17 are protected from hazardous work. However, the [government has yet to issue a list of the types of hazardous work](#) prohibited by children under 18.

There is little available data on the prevalence and nature of child labour in Malaysia. However, the Workplace Index captures indicators showing that child labour is a significant issue in the country. For instance, according to UNESCO data, [12% of youth of lower secondary school age](#) and [37% of youth of](#)

[upper secondary school age](#) are out of school, and vulnerable to child labour. The ILO Committee of Experts has also expressed concern about children of migrants working in the agricultural sector in Sabah, including an estimated [72,000 children thought to be in conditions of forced labour](#).

## Marketplace

Malaysia scores in the enhanced [due diligence](#) category in the [Marketplace Index](#). The biggest risks are in relation to gaps in national laws on marketing and online abuse and exploitation; and in efforts to product safety standards for children.

- **Online safety**

There is little known about the extent of online child sexual exploitation in Malaysia, which may mean that ICT companies should take extra steps to ensure children's protection from online risks. Malaysia has ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. National laws prohibit the production, sale and consumption of child pornography, but [do not require Internet Service Providers \(ISPs\) to report](#) instances, which may hamper enforcement efforts to combat the problem.

- **Marketing to children**

Malaysia has ratified key conventions on marketing to children, such as the Constitution of the World Health Organization (WHO) and the WHO Framework Convention on Tobacco Control. National laws limit children's exposure to harmful marketing by prohibiting the advertising of tobacco and alcohol products; however, there are limited restrictions on the marketing of high fat, salt and sugar (HFSS) foods to children and adolescents. Malaysia has [advertising self-regulations and a national marketing code](#).

There are rising levels of obesity in Malaysia linked to the marketing of high fat, salt and sugar (HFSS) foods to children and parents. According to the latest [WHO data](#), 26.5% of children and adolescents aged 5-19 years are overweight. These rates have increased despite [government efforts](#) to reduce unhealthy diets. Food and beverage companies should ensure that due diligence efforts incorporate marketing practices which limit marketing of HFSS foods to children, adolescents and parents.

Malaysia has not adopted any [legal measures to implement International Code on Marketing of Breast-Milk Substitutes](#). Non-implementation of the Code could be a contributing factor to low exclusive breastfeeding rates; in 2006, government data indicate that [just 14.5% of babies were exclusively breastfed](#), which is far below the global average of 40%. Companies should therefore ensure that their marketing practices align with the International Code, in order to avoid negatively impacting child health.

- **Product safety**

Product safety in Malaysia is regulated by the Consumer Protection Act of 1999 and 2009 Regulations, which have provisions covering safety of children's products. The Ministry of Domestic Trade and Consumer Affairs (formerly Domestic Trade, Co-operatives and Consumerism) is tasked with monitoring product safety, including recalls.

However, death rates from injuries caused by product use and mortality rates from poisoning are significant in Malaysia. In 2016, nearly 8% of deaths of children under five years of age were attributable injuries according to [WHO data](#). Companies should therefore take steps to ensure that product safety standards are enhanced, with a special focus on child safety.

## **Community and Environment**

Malaysia scores in the enhanced [due diligence](#) category in the [Community and Environment Index](#). The biggest risks are measured in legal framework indicators on domestication of the Convention on the Rights of the Child (CRC) and environmental protections.

- **Education and health**

Malaysia has made progress in ensuring the rights of children with respect to education and health. In Malaysia, primary education is compulsory for all children (aged 6-11), which the government provides to Malaysian children free of charge. In recent years, Malaysia has achieved near-universal primary education. In 2013, the gross enrolment rate in primary education was [over 96%](#), and 99% of those who enrolled went on to complete grade six. Infant mortality rates have increased slightly in recent years, with under-five mortality rates rising from 7.9 per 1,000 live births in 2011 to [8.3 in 2016](#). Nonetheless, this rate is on par with high income countries, and is far below the global average of 39 per 1,000 live births.

The most critical area of concern in Malaysia are the economic, social and rural-urban disparities in access to quality education and healthcare, particularly for migrant and refugee children who may be undocumented are particularly vulnerable. As of August 2018, there were over [40,000 refugee children](#) below the age of 18, and tens of thousands more migrant children. Many children from these communities lack access to formal education, as government schools do not accept non-Malaysian children without special dispensation from the Ministry of Education. Where they are able to attend public schools, migrant children may be required to pay fees, which limits their access.

- **Environmental protection**

Key environmental issues that affect children in Malaysia include air pollution and natural disasters, especially floods. According to WHO data, there were just 36 deaths attributable to ambient air pollution in children under 5 years in 2016. However, air pollution caused by forest fires and agricultural land clearing in Indonesia are known to cause levels of air pollution to nearly twice the government's hazardous threshold, causing the deaths of approximately [9,500 people](#) in 2016.

Children in some parts of Malaysia are affected by disasters, especially floods, which are being made worse by climate change. Malaysia scores [6.5/10 for flood risk](#) in the Index for Risk Management (INFORM), a risk index for humanitarian crises and disasters. In 2017, there were [82,000 people displaced](#) by flooding according to the Internal Displacement Monitoring Centre. Children can be disproportionately affected by these disasters; natural disasters increase the vulnerability of affected children to health risks, school disruption, displacement and separation.

**Further reading**

UNICEF Malaysia

UNICEF, State of the World's Children 2017