**1. What social protection systems are in place for children in your country? Please provide examples of specific laws and regulations, measures, policies, and programmes directed at ensuring children’s access to inclusive social protection and how these respect the rights of child?**

The social assistance programmes in place are limited and insufficient. B40, an abbreviation for the Bottom 40 income group in Malaysia is the target household group that the Malaysian government continues to deliver aid and funds amid Malaysia’s back-to-normal tracks. Since the struck of Covid-19, B40 had been the focus group in the contingency plan of the Malaysian government to cope with the economic fallout during the Movement Control Order (MCO). Below are the umbrella terms for policies directed at children’s access to social protection:

* *Bantuan Prihatin Rakyat* (BPR) 2023: Cash transfer programme for low-income or B40 households
* (Benefits: RM2,500 one-off payment for household with 5 children above; RM1,000-2,000 for household with 1- 4 children; Eligibility: Project to benefit 5 million of population
* *Bantuan Kanak-Kanak* (BKK) 2023: Cash transfer programme for households with income under PLI. (Benefits: RM200 for every child under 6; RM150 for every child between 7 to 18 per month; RM1,000 maximum claim for every household; Eligibility: B40 group)
* Child-related tax relief: Include reliefs for unmarried children aged under 18, unmarried children aged 18 and above who are studying, disabled children, purchase of breastfeeding equipment for own use on children aged 2 years and below, childcare fees for children aged under 7 and net savings in SSPN.
* The social assistance system is also supplemented by religious-based schemes, for example, the Muslim *Zakat* system which covers all Muslims and provides protection to the poor, destitute, and those affected by natural disasters (Malaysia: Updating and Improving the Social Protection Index, Asian Development Bank 2012).

2. **What are the main gaps and challenges to children’s enjoyment of social protection in law, policy and practice in your country and the impacts on children’s rights? Please provide any relevant statistical and disaggregated data based on age, gender, disability, ethnicity, religion, sexual orientation and gender identity, migration status or other categories. Please consider the specific situation of marginalised children and those in vulnerable situations in your response.**

Based on the research conducted by the Khazanah Research Institute Malaysia (Booklet: Building Resilience towards inclusive social protection in Malaysia, 2021), to date, Malaysia does not have any existing legislated provisions for children in the matter of social protection system to provide a social safety net for children against any childhood risks such as child poverty and child malnutrition. The ‘deserving’ approach/charity model employed by the Malaysian government predominantly seeks to aid only the low-income group, i.e., the B40 group, through subsidies and short-term relief programmes, which are dubbed unsustainable and fall short of reaching the required coverage. The demarcation of the B40 threshold is arbitrary and does not take household composition, economies of scale and economic disparities into account as a benchmark. This results in ‘missing middles’ – (hereinafter M40, the middle-income group of 40% population in Malaysia) being left out of social assistance and prone to incoming social security risks. While the children of B40 are entitled to child-related assistance and the children of higher income groups benefit from child-related tax relief, more than half of the children from M40 are susceptible to falling into the group of B40, expanding the size of children of low-income groups. For instance, according to the data provided by the Department of Statistics Malaysia (DOSM), a total of 540,000 households belong to M40 have slipped into the category of B40 as a result of the Covid-19 pandemic.

Moreover, according to the Economic and monetary review 2020, the current system has weak targeting and verification capacity characteristics. This is the result of fragmented policies carried out by multiple agencies at both the Federal and State Government levels. The fragmentation resulted in overlapping and identical assistance being provided by different ministries, leading to double-dipping issues. The fragmentation issues are the consequence of implementing each policy targeting every issue over the decades of policymaking since the formation of Malaysia in 1963. Currently, 6 major administrative databases run across multiple ministries and agencies (Khazanah Research Institute), drawing back the efficiency of the service-delivering process.

The model adopted greatly limits the consideration of other intersectional vulnerabilities endured by individuals or children from various backgrounds. Although Malaysia has employed a near-universal healthcare and education system, there are large numbers of children who have their welfare unaccounted for, such as indigenous children, refugee children, and undocumented or stateless children. Public healthcare and education systems are only available free of charge for Malaysian citizens. As of now, children who are non-citizens who fall under the category below will have to pay to get access to healthcare and public school.:

1. Adopted children
2. Non-citizens children (illegitimate children - born outside marriage) whose father is Malaysian and mother is a foreigner.
3. Non-citizen children (both parents are not Malaysian and fulfilled the conditions­) which are: Permanent residents, foreign embassy staff, working in the professional field.

(They must pay RM120 per year for primary school and RM240 per year for secondary school.)

To expand on the argument of stateless and undocumented children, over 47,000 refugee children in Malaysia have no access to the public education system but depend on alternative learning systems. The running of the alternative schools is dependent on funding from various donors that are unpredictable. The school syllabus is not standardised and recognised nationally or internationally. This results in limiting the job prospect of refugee or stateless children in the formal sector.

Moreover, without access to the public system, the welfare of the said children will lose sight of the scope of the monitoring system of the state. This includes the healthcare of the children, such as those suspected to be malnourished.

The proposed free breakfast programme initiated by the former education minister, Maszlee Malik was halted at the height of the pandemic in 2020. ‘The complimentary breakfast programme would have benefitted 2.7 million primary pupils especially those from the rural area of Sabah and Sarawak and the indigenous children. There was no official explanation provided for the discontinuation of the programme.

**3. What are the good practices initiated by the Government to ensure that social protection benefits the rights of children in your country?**

Tobacco and Smoking Control Bill 2022 is an ambitious bill that contains clauses to prohibit the sales of cigarettes, tobacco and vape products to anyone born after 2005. This bill is aiming to reduce tobacco-causing diseases such as lung cancer and other obstructive pulmonary diseases dubbed as tobacco generational endgame legislation that eliminates the consumption of tobacco products in phases. Its expected outcome is to reduce the cost of treating tobacco-causing diseases and divert the funding to other non-preventative diseases. This bill benefits the children most where anyone born after 2005 will not be able to access tobacco-related products for consumption, reducing their chances of being diagnosed with tobacco-causing diseases at a later stage. Moreover, studies conducted by the Ministry of Health in preparation for this bill found that the hardcore poor are more prone to smoking. The vicious cycle of tobacco and poverty is found to be interlinked and interrelated. Smokers from the low-income group are often the commercial target of tobacco companies. In most countries, poor and less educated people are more likely to smoke than their more affluent and better-educated counterparts (Tobaconomics: Economic Research Informing Tobacco Control Policy, 2018). The former Minister of Health, Khairy Jamaluddin contended that Malaysia forks out a total of RM6.2 billion in 2020 to treat diseases caused by tobacco. The ending of the smoking cycle is a novel practice initiated by the government in 2022 without disrupting the current supply and economic flow.

**4. Are there examples of how measures and responses to alleviate poverty through social protection systems in emergency situations or, for example, in response to the Covid-19 pandemic, have positively affected children’s rights, particularly to social security?**

As the saying goes, ‘in the midst of crisis, lies every opportunity’. The Covid-19 crisis is a window of opportunity to drive policy reform in the view of extending the coverage of social protection to all. The new government was sworn in last December. The Covid-19 pandemic exposed the fallibility of the current social insurance system. The current system is various stakeholders have called out the new administration to look into the prospective implementation of an inclusive social protection system. A social protection floor scheme is urgently needed to break and uplift children from the poverty cycle and shield children from falling into the cycle. The current social protection system has proven itself to be untenable and requires a wholesale reconfiguration and restructuring of the social assistance plan.

The newly installed government is going to table its budget for 2023 in the coming months after vigorous consultations with their respective ministries. Malaysia is anticipating a budgetary plan that is more inclusive and shock-resistance to any economic crisis after the lesson learned from the recovery of the pandemic. The Social Assistance programme which was mentioned above was the draft budgetary plan 2023 by the previous government before the election took place in December 2022. It is expected that a plan that deviates from the proposed draft plan is forthcoming.

Nonetheless, Universal Child benefit (UCB) is one of the proposed concepts advocated by some stakeholders and Malaysian think thank including the Khazanah research institute, could extend coverage to all including the possibility of non-citizens such as refugees and stateless children. It can be transpired in the form of cash assistance monthly until the age of 18 years old without any condition.

**5. Can you provide information on any programs or activities your organization has implemented regarding inclusive social protection and the rights of the child?**

Since the establishment of the Office of the Children Commissioner (OCC) in September 2019, we have managed to realize the plan to form a Children Consultative Council (CCC). CCC is a children-led body, formed in view of Article 12 of the Convention on the Rights of Children (CRC) which stipulates, ‘*Children have the right to express their opinion freely in any matter or procedure affecting the child*.’

On 8 January 2023, OCC welcomed the third batch of members of CCC for the term of 2023/2025. The recruitment and composition were done to diversify our members. It comprises members from the community of indigenous, refugees, and persons with disabilities, with the age, ranging from 10-17 years old.

The first and second batches of CCC were elected during the COVID-19 pandemic. Owing to the movement control restrictions, all activities were done largely online. The members were given the reins to choose the areas of focus for the terms of their batch. With the selected themes, the activities and programmes were tailored and held with the expected outcome of imparting human rights knowledge and collecting views from the members.

These are some of the activities and programmes we have conducted for the previous batches and will be conducting for the current batch:

(a) Children Consultative Council Day: A 2-day-1-night programme that aims to gather all members from different backgrounds and locations including members from the states of Borneo. The members were exposed to certain children’s rights issues and were made aware of the importance of children’s participation in the policy-making process.

(b) Most importantly, the members were/ will be consulted for their views on the child-friendliness of the complaint system after their visit and introduction to the Complaint and Monitoring Department (CMG) of the National Human Rights Commission of Malaysia (SUHAKAM).

OCC capitalized on our limited power and capacity to organize and hold awareness programmes for certain pressing issues such as child marriage, stateless children, the alternative to detention (ATD) for minors, diversion for young offenders and more with relevant stakeholders to extend the social protection to children whom in our view had their ongoing right.

6. **How can States deliver more effectively to ensure the effective implementation of universal social protection for children, including through international cooperation?**

To effectively deliver the implementation of universal social protection for children, a National Social Protection Registry is needed to streamline and centralise the information and services to members of the population. The current social protection schemes in Malaysia are highly fragmented across agencies with no central databases to expedite social assistance services and data collection. This centralised database should be accessible to members of NGOs and International NGOs to allow effective and continuous channelling of funds and services to complement the government operation against any fiscal hurdles faced by the latter in the event of economic crisis. Digitalisation and modernisation of the administration of the social security system are pertinent and essential to extend the coverage of social assistance to the rural areas while concomitantly the expansion of the coverage of high-speed 5G is gradually rolled out by the Malaysian government. One-stop Shared Service Centre or kiosk should be set up to assist with registration and inquiry not only in densely populated areas but also in scarcely populated localities (Khazanah Research Institute).

The institutionalisation and codification of universal social protection of children into legislation could ensure the sustainability of the protection scheme without any interference or dependence on the shift of the political landscape. This is to safeguard and shield against any cuts of funding from the child protection scheme at the discretion of the government or Parliament.