**Submission to the Call for Contributions:** **The Right to Adequate Housing of Older Persons by the Independent Expert on the Enjoyment of All Human Rights by Older Persons**

1. **What are the local and national legal, policy and institutional frameworks protecting and promoting the right to adequate housing of older persons? Please identify both existing or planned legal frameworks such as constitutional provisions, laws, regulations, or decrees.**

Malaysia has begun emphasising on issues related to older persons since 1960. This can be seen through the Malaysia five-year plan, which has been conducted since the First Malaysia Plan. The Fourth Malaysia Plan (1981-1985) marked the first history in population by witnessing dramatic changes in demographic profile of older persons. During that time, the life expectancy of the population was expected to rise from the age of 68 to the age of 70 in 1985. Following this, concerted efforts have been taken by the Government to manage fertility and mortality rate.

In the 11th Malaysia Plan (11MP) (2016-2020), the ageing agenda continued to be one of the focus particularly in addressing the needs of older persons. The Government aspires to achieve their fundamental roles within their families, society and nation by enhancing inclusiveness in all aspects such as health, safety, self-respect, security and welfare.

In line with the concept of equality underpinning this effort, nine groups have been identified and given priority to improve their socio-economic status and to ensure that they are not left behind in the Government’s efforts to achieve the goals of Shared Prosperity Vision 2030. The nine target groups identified are as follows:

1. B40 group (Poor and economically vulnerable);
2. Community in Economic Transition;
3. Indigenous Community;
4. Bumiputera in Sabah and Sarawak;
5. Persons with Disabilities;
6. Youth;
7. Women;
8. Children; and
9. Older Persons.

MWFCD and the Ministry of Health are major providers of public-funded services and regulate major functions such as social welfare and public health care facilities and services. The Government of Malaysia through the Ministry of Women, Family and Community Development and its agencies pay great attention to the less fortunate older persons who have no social or family support.

The Department of Social Welfare (DSW) provides cash assistance for poor and vulnerable older persons through Financial Assistance for Older Persons. To qualify, individuals must be age 60 or above and have no income or family which they can rely upon for support. Other than that, DSW also provides substantial social assistance to poor and vulnerable older persons through its Public Assistance programme directed at various vulnerable groups facing financial difficulties.

DSW provides services including rehabilitation, care and protection by establishing institutions for older persons. *Rumah Seri Kenangan* (Homes for Older Persons) only caters for older persons, while those with chronic illnesses will be placed in *Rumah Ehsan* (Home for Chronically Ill) and destitute or homeless to *Desa Bina Diri* (Homes for Destitute). **Further information on these institutions is explained under the item: promotion, safeguarding and ensuring the right to housing and shelter for older persons.**

The Ministry of Housing, and Local Government (MHLG) on the other hand plays the important role of providing affordable housing schemes, regulates various areas pertaining to physical planning and housing, and guides local government agencies in delivering municipal services and maintaining recreational and socioeconomic facilities.

Legal, Policy and Institutional Frameworks Protecting and Promoting the Right to Adequate Housing of Older Persons

**LEGISLATION**

Fundamental liberties are protected under the supreme law of the State, the Federal Constitution, which include freedom of speech, assembly and association; freedom of religion and rights to education and property, amongst others. These liberties are accorded to citizens of Malaysia including vulnerable groups such as older persons, people with disabilities, women and children.

Currently, there is no specific law governing the rights of older persons. However, Article 8 (1) **Federal Constitution of Malaysia** guarantees equality for all before the law and equal protection of the law for all, including older persons.

The Government is currently conducting a study on the content, approach and scope in drafting a Bill specifically for older persons. This study is being carried out by University of Malaya as consultant. The outcome of the study will be translated into a Bill which is expected to be tabled at Parliament in 2023.

Even though Malaysia has yet to have a specific law to protect older persons including against discrimination, most written laws on matters such as employment, retirement and health care in Malaysia concerning human rights protection are age neutral. Therefore, there is nothing to restrict older persons from accessing justice and seeking redress through and within the parameters of these laws. Among statutes applicable to the elderly include:

**Destitute Persons Act 1977**

An Act to provide for the care and rehabilitation of destitute persons and for the control of vagrancy. Old destitute persons and vagrants are also subjected to this Act, for care and rehabilitation**.**

**Care Centre Act 1993**

This Act provides a guideline that sets out the requirements for the registration, control and inspection of care centres. Care services provided at these centres include protection, supervision, rehabilitation and training. Care Centres Regulations 1994 complements the Care Centre Act 1993 and outlines administrative, operational, health and safety requirements.

**Mental Health Act 2001**

An Act to consolidate laws related to mental disorders and to provide for the admission, detention, lodging, care, treatment, rehabilitation, control and protection of those who are mentally ill. Older persons can benefit from this Act as it ensures their well-being especially those having such illness as they age. This Act and Legislation provides a framework for the delivery of comprehensive care, treatment, control, protection and rehabilitation of mental health services across all level.

**Private Aged Healthcare Facilities and Services Act 2018 (PAHFAS)**

One of the initiatives taken by the Government of Malaysia in preparation for Malaysia to become an aged nation by 2030, is to have a law that will safeguard the wellbeing of the elderly receiving care in private aged care centres. PAHFAS which was gazetted on 26 March 2018 adopts a more holistic approach, specifically for the elderly. It will ensure that the minimum standards for services, facilities and personnel providing care are adhered to by the operators of private aged care centres. This Act is yet to be enforced and MOH is working closely with various agencies including MWFCD to finalise the regulations under this Act. Previously, all private care facilities for senior citizens were subjected to the Care Centres Act 1993 enforced by DSW.

**POLICY FRAMEWORK**

**National Policy and Plan of Action for Older Persons**

With the rapidly changing socio-economic environment, there was a need to shift the emphasis of policies and programme from a welfare approach to a development approach to help older persons become less poverty-stricken, live healthier and lead more socially supported lives. Thus, the National Policy for Older Persons was formulated in October 1995. Later in January 2011, the Policy and Plan of Action was reviewed. The new policy acknowledges older persons as citizens with varied background and experiences, have the rights to enjoy a comfortable and respected life and contribute to the development of the nation. This policy is the Government’s commitment to create a conducive environment for older persons who are independent, with dignity, high sense of self-worth and respected by optimizing their self-potential through a healthy, positive, active, productive and supportive ageing for their increased well-being.

The objective of the policy is to empower individuals, families and the community to provide friendly services to older persons effectively and efficiently as well as to ensure enabling and supportive environment for the well-being of older persons through 6 strategies outlined in the areas below:

1. Promotion and Advocacy;
2. Life-long Learning;
3. Safety and Security;
4. Governance and Shared Responsibility;
5. Intergenerational Solidarity; and
6. Research and Development.

MWFCD will assess the effectiveness of the National Plan of Action for Older Persons 2011-2020 in preparation to draft a new plan of action. The newly-revised plan of action will be implemented from 2022 to 2030 and will take into consideration the key findings of study on facilities and services to meet the future needs of the elderly in 2030 in Malaysia, the 12th Malaysia Plan (12MP) (2021-2025), the Shared Prosperity Vision 2030 (SPV 2030), the draft of Older Persons Act as well as the Regional Plan of Action.

The National Advisory and Consultative Council for Older Persons (NACCOP) is the main body that overlooks the implementation and policy status of Malaysia’s National Policy for Older Persons and its Plan of Action. The Plan of Action is renewed every 10 years.

Under the chairmanship of the Minister of Women, Family and Community Development, NACCOP monitors and evaluates the effectiveness of programmes carried out for older persons. The Council consists of members from the various Ministries and agencies, non-governmental organisations (NGOs), private sectors, communities as well as individuals who have interests in ageing.

DSW is the secretariat for the Council and serves as the focal point for all issues related to older persons. Seven (7) subcommittees have been set up under this Council which are led by the following Ministries:

(i) Health – Ministry of Health;

(ii) Social and Recreation - Department of Social Welfare;

(iii) **Housing and Environment - Ministry of Housing and Local Government**;

(iv) Employment - Ministry of Human Resource;

(v) Economy - Ministry of Economic Affairs;

(vi) Research and Development – Ministry of Science, Technology and Innovation; and

(vii) Education and Spirituality - Ministry of Education.

NACCOP has been established as a means of sharing findings and receiving updates from the ground. NACCOP meets at least twice a year. Members appointed to NACCOP are representative of policymakers, experts on ageing, NGOs and the private sector.

**National Affordable Housing Policy (2011)**

This Policy states the need for the Government and private sector to continue to provide affordable housing for specific target groups including older persons.

The National Affordable Housing Policy developed by MHLG aims to achieve adequate housing for vulnerable groups based on the following objectives:

1. To formulate standard affordable housing development for developer;
2. To provide direction in ensuring each household is able to own a house at affordable price;
3. To formulate affordable housing policy;
4. To set the specification and criteria of affordable housing development to uplift the quality of life at affordable price;
5. To assist private and public sector in developing affordable houses with minimum cost and time; and
6. To reduce development cost of affordable houses without forgoing house quality, common property and conducive environment.

The Public Low-Cost Housing (*Projek Perumahan Rakyat*, PPR) provides affordable housing to low income group via ownership or lease. The selling price of PPR per unit is as low as RM35,000 for Peninsular Malaysia, RM42,000 for Sabah and Sarawak, while rental is RM124 per month.

Since 2018 to 30 June 2021, a total of 83,587 units of affordable houses have been built. Currently, 130,024 units are under construction while 319,929 units are in the planning to be built.

Recently, *Rumah IKRAM Keluarga Malaysia* has been introduced as an initiative in providing shelter to those affected by COVID-19. It is a form of temporary measure for those who have lost their homes during the pandemic, whereby free home rental of 6 months period is given.

**Physical Planning Guidelines**

Physical Planning Guidelines for Senior Citizens serves as a physical planning and design guidance in catering to the needs and providing facilities for the elderly. These guidelines shall be read together with Development Plans, in particular Local Plans and Special Area Plan.

The Government has taken action of the following measures with regard to public buildings that are easily accessible as follows:

1. Provide legal requirements through the amendment of the Uniform Building By-Laws (UBBL) 1984 through Sections 34A (1) and (2). Section 34A (1) requires all public buildings to provide access and facilities to the disabled persons and must comply with Malaysian Standards (MS) namely MS 1184: 2002 and MS 1183: 1990;
2. Issuance of notification letter to all Local Authorities on the application of Malaysian Standard MS1184: 2014 (Universal Design & Accessibility in the Built Environment);
3. Implementing Compliance Audits on the access of the disabled facilities in accordance with UBBL 34A and MS1184: 2016; and
4. Local authorities can use the Global Design Planning Guidelines from PLANMalaysia which outlines the need to plan urban facilities and environments that apply universal design.

Where the older members of the society are concerned, the development of public parks or green spaces in the urban and neighbourhood area are listed as priorities. Adequate landscape spaces for recreation and social interaction among Malaysian especially for older persons will improve the productivity, health and quality of life. Among the major development programmes are:

1. public parks, federal parks and botanical parks;
2. urban fringe areas, river corridors and green networks; and
3. living environment in neighbourhood area.

Promotion, safeguarding and ensuring the right to housing and shelter for older persons

DSW under the Ministry of Women, Family and Community Development (MWFCD) is in charged of the provision for the Public Residential Care Home for the Elderly. These institutions are provided to protect the vulnerable, poor, abandoned and needy senior citizens. Presently, there are 10 Public Residential Care Homes for the Elderly in Malaysia known as *Rumah Seri Kenangan* (RSK) throughout the whole of Peninsular Malaysia. RSK as the government-funded shelter home for the elderly provides care, treatment and shelter to the poor elderly aged 60 years old and above, to ensure their well-being and quality of life.

Relevant legislations are as below:

* 1. Destitute Person’s Act 1977 (Act 183) ;
  2. Regulations of the Management of the Old Folks Home 1983; and
  3. Rules for the Management of Homes for The Chronically ill 1978.

As this is considered the last option for older person, the Government encourages family and community support system to continue taking care of older persons by introducing cash incentives for qualified older persons and care providers in terms of medical and assistive supplies. Homes with minimal fee or provided free of charge, are also offered by some charitable organisations. Private retirement or nursing homes on the other hand are provided by the private sectors for older persons who can afford them.

**Publicly Funded Shelter Homes**

Older persons are also provided shelter at *Rumah Seri Kenangan* (RSK). These homes are publicly funded shelter homes for older persons who do not have any family and financial support. There are 10 RSKs which offer shelter and protection for 3,120 residents. These homes offer satisfactory care and support in the form of rehabilitative and counselling services for the residents.

RSKs are located throughout Malaysia. Few facilities are undergoing reconstructions and residents were temporarily relocated to other nearby welfare institutions while the project was being completed. The residents of these homes must fulfil the admission criteria including being Malaysian citizens aged 60 years and above who do not have the means to support themselves. They also must have good mental well-being (i.e., be free from any mental illnesses) and do not have any contagious diseases. The lack of family support is normally the main factor affecting the decision to stay or be admitted to the old persons’ homes.

For those who are poor but have family members to provide care for them, financial assistance of RM350 per month is given. This amount has been raised to RM500 after the 2020 budget announcement. DSW also runs two homes for the chronically ill and two social rehabilitation centres for beggars and destitute which are not age specific facilities.

As of June 2021, there are a total of 17 Government Funded Shelter Homes under the auspices of DSW with 2,040 registered residents.

**Nursing homes for the Chronically Ill**

Nursing homes for the chronically ill provide care, treatment and protection to the poor dependent older persons that allows them to continue to live in a comfortable and safe environment. The catalogue of services includes care and protection, guidance and counselling, physiotherapy, recreation and job recovery, as well as medical treatment. These homes cater for destitute patients that are in need of non-intensive treatment. Presently, there are two such homes in Malaysia.

**Nursing home (under the purview of the Ministry of Health)**

Nursing home facilities that provide nursing care for sick and disabled have been catering for the rising demand in the country. Currently, care centres are registered under the Care Centre Act 1993 and nursing homes under PAHFAS. In 2018, PAHFAS was gazetted with the intentions to regulate the care centres in the country, to maintain quality in the services and to protect the wellbeing of older persons staying in care centres.

There are 21 nursing home licensed under PAHFAS. To ensure these private nursing homes adhere and comply with the Act, regular monitoring and surveillance activities are being carried out in the form of visits, checks and audits.

***Desa Bina Diri* (DBD) - transit center**

*Desa Bina Diri* as a temporary transit center was established to provide care, protection and rehabilitation of beggars and the destitute. It helps individuals to be productive, self-reliant, and be able to work and return back to the community. The objectives of its implementation are to provide protection, care and destitute rehabilitation, to train inmates so that they can adapt and be integrated into the society, as well as to equip inmates with knowledge and basic skills.

There are five (5) DBD directly under the management of DSW

* + 1. DBD Mersing, Johor
    2. DBD Jerantut, Pahang
    3. DBD Kuching, Sarawak
    4. DBD Kota Kinabalu, Sabah
    5. Pusat Sehenti Bina Diri Sungai Buloh, Selangor.

The entry requirements are as follows:

1. Malaysian Citizen
2. Age 18 – 59 years
3. No Family
4. No Income
5. Not diagnosed with contagious diseases

**Social Intervention Centre for Homeless**

*Anjung Singgah* is a social intervention centre to help the homeless in Malaysia. The *Anjung Singgah* provided by the National Welfare Foundation project is implemented with the support of the Government in helping the homeless to give them space and opportunity to live independently. It provides temporary shelter, food, drinks and as an intervention centre to prepare the homeless to survive with the country’s current development. At this moment, *Anjung Singgah* is available at the five locations:

1. Federal Territory of Kuala Lumpur
2. Kuching, Sarawak
3. Johor Bahru, Johor
4. Pulau Pinang
5. Perak.

As of December 2021, a total of 8,325 homeless been registered in this temporary shelter.

**Establishment of Kuala Lumpur Homeless Transit Centre**

Kuala Lumpur Homeless Transit Centre is a one-stop centre that provides temporary stay for the homeless in Kuala Lumpur whereby all categories of the homeless are allowed to stay and use services offered at the Centre. The Centre opened on 10 February 2016 with only 200-bed capacity. As of 31 December 2021, a total of 3,588 homeless have registered at the Centre.

Measures with regard to the housing and living environment of older persons and their families

**Living Environment**

Age-Friendly City at Taiping serves as a pilot model for the Government to address two global demographic trends - the rapid ageing of populations and increasing urbanization. The objective is to promote public participation in local planning to develop a framework and action plan with the aim of creating an environment that is child, elderly and disabled-friendly.

**Public Transportation Design/Facilities**

Ministry of Transport (MOT) currently aims for better accessibility for older persons and persons with disabilities, through providing awareness towards complying and conforming with the MS 1184: Malaysian Standard on Universal Design and Accessibility in the Built Environment. This aim is shared with all agencies and operators to ensure smooth and inclusive journey for everyone in the society.

For persons with disabilities, all rail stations are equipped with tact tiles for visually impaired; designated washroom for persons with disabilities, wheelchair ramps, elevators with braille and specially lowered ramps for buses.

At Malayan Railways Limited, the design of the facilities at the station takes into consideration better accessibility to the station area in order to attract more users from various groups to use rail transport.

In addition, collaboration with other modes of transport i.e. bus, taxi, e-hailing would also improve first and last mile connectivity to/from station primarily for disabled and older persons.

1. **What are the existing local and national action plans, development plans and support** **programmes for advancing the right to adequate housing for older persons? If available, please specify the budget allocated for their implementations.**

**Age-Friendly City**

Following a study by the Malaysian Research Institute on Ageing in 2017, one of the suggestions proposed is for Malaysia to set up an age-friendly city in order to empower the role of local authorities in increasing the well-being of older persons. The main purpose of this project is to encourage public participation in local development while maintaining elderly-friendly environment. The Government through the MWFCD has collaborated with the Economic Planning Unit (EPU), the Perak state government, Taiping Municipal Council and United Nations Development Programmes (UNDP) on age-friendly city pilot project. The project is based on international guidelines on age-friendly city by WHO. The WHO Global Age-Friendly City Framework which assesses cities’ age-friendliness comprise of following features:

1. outdoor spaces and buildings;
2. access to transportation;
3. affordable housing;
4. social participation;
5. respect and social inclusion;
6. communication and information; and
7. community support and health services.

This pilot project defines “age-friendly” in the local context through multi-stakeholder engagements and consultations. In fact, the perspectives of gender and persons with disabilities are considered as well. Outputs from this project consist of:

1. a national framework outlining the Plan of Action for age-friendly cities which can be tailored to any localities in Malaysia; and
2. a specific framework for Taiping for the realization of Taiping as an age-friendly city.

This project is expected to be completed by April 2022.

**Retirement Village Act**

The Government has proposed to carry out a study on the drafting of a Retirement Village Act to regulate the development of retirement village or houses by private and public sector. The objectives are:

1. to formulate frame work, policy and guideline of developing houses for older persons (retirement village/houses);
2. to standardize and ensure good quality of retirement village/houses; and
3. to study the market demand and supply, implication of retirement village/houses to the housing industry.
4. **How are older persons involved and participating in the development of action plans, policies or legislation related to housing?**

Older persons’ active participation in society and decision-making processes at various levels are highly valued especially in the academia and in the public sector where their experience in the service is needed even after reaching mandatory pension age. Many continue to work on contract basis and hold decision-making positions. The following are among examples of older persons’ participation.

**Participation through NACCOP**

NACCOP is the main body that overlooks the implementation and policy status of Malaysia’s National Policy for Older Persons and its Plan of Action. Through NACCOP, representatives of older persons in various fields are able to raise issues and provide recommendations that serve to benefit older persons. The following are among examples of older persons’ participation.

**Participation in the development of town planning related legislations**

In the process of drafting Planning Guidelines, MHLG has involved the relevant ministries and agencies, private sector and non-profit organizations to include specific interest of the elderly.

For the benefit of their city and district, regardless of their age, religion, race, and education background, anyone can voice out to their Local Authority in the decision-making process of their respective city and district. For example, during the Yearly Budget Planning for the Local Governments, the public can convey their expectation of better services or better infrastructures or make suggestions.

1. **What challenges, barriers and forms of discrimination are faced by older persons in fulfilling their right to adequate housing? Please also include any existing legislation, policy or practice. Please also state how it impact older persons’ enjoyment of other human rights.**

**No central database on older persons**

Concerning statistics (administrative data) used by the ministry/agency in the formulation, implementation and monitoring of policy for the ageing population, there are still challenges in harmonizing these with the data provided by the Department of Statistic Malaysia (DOSM). It has been proposed by DOSM for data received from the ministry/agency to have an identification document such as a unique ID to be matched with other administrative data. The compilation of administrative records in relevant agencies also needs to be improved.

The separation between housing programmes and social programmes contribute to various issues regarding the need of the elderly to be housed efficiently. Housing policy and institutional care has been separated and considered as a different social policy programme. With regards to this, in the context of governance, a formal and informal housing provision in Malaysia is managed by the Ministry of Housing and Local Government whereas the provision of homes for the elderly is in the social services programme under MWFCD.

Instead of having adequate and healthy housing, the increasing number of elderly people requiring personal care (or nursing care) will be an even greater issue of importance. The problems faced by the elderly population are multi-dimensional, especially regarding congenial living space and environment. One of the challenges is the lack of adequate elderly care homes built by private sectors compared to other countries, where space is devoted for communities comprising only the elderly is sponsored by the government.

MWFCD propagates ageing in place which involves developing services and facilities that will allow a person to stay in their home or chosen environment for as long as they are able to as they grow older. Ageing in place is seen as a desirable concept for many as it provides an option other than institutional care where a person can remain independent even as their health conditions change over time.  The establishment of the Elderly Activity Center (PAWE) in urban and rural areas throughout Malaysia is one of the government's initiatives in preparation to be an old country by 2030. Currently there are 153 premises converted to function as PAWE. These Elderly Activity Center is an organization which was established for the senior citizens to carry out their daily activities in the community. PAWE can provide an excellent medium for the senior citizens to indulge in cross-generational interactions.

Apart from having an age-friendly home environment, it is equally important to provide the necessary services and facilities within a community to enable more people to age in place. The quality and delivery of services to the community play an important role in allowing more elderly persons to remain in their homes and maintain their independence despite weakening physical and mental conditions.

1. **What impact has had the COVID-19 pandemic on older persons’ right to adequate housing in your country (e.g., has the pandemic caused any policy shift away from institutions and more emphasis on community supports)? What measures have been taken to minimize its impact?**

During the MCO, a comprehensive ban on public movements and gatherings was imposed throughout the country including religious, sports, social and cultural activities. Everyone was urged to stay at home and travel only on necessary basis (such as for food, medical attention and essential services). This MCO covered both formal and informal settlements. There was no prohibition on evictions.

Nonetheless, on 27 March 2020, the Prime Minister of Malaysia announced the first stimulus package which included monetary incentives to people according to their income range. For public housing, rental waive was given for 6 months and rent-to-own scheme was given suspension for 6 months (until September 2020). The banks were also instructed by the Central Banks to give 6 months suspension/ moratorium for housing loans, personal loans and hire purchases. No eviction happened at public housing and since the housing loan moratorium, the Malaysian Government urged landlords to ease the rental of their tenants.

There were no evictions in Public Housing or People’s Housing Programme (PHP) during the MCO and the Malaysian Government has also imposed condition that house moving was not allowed along with other restrictions such as house renovations, visitation, gatherings and Homeowner Association meetings. The Malaysian Government is very strict on implying social distancing and no unnecessary movement was allowed. Legal action, including jail time and compound will be taken against anyone who does not comply with the MCO. If there were evictions at private properties, it can only be seen after the MCO has been lifted. The Government does not have any details of evictions by private property owners.

Measures been taken to ensure that households are not cut-off from water, heat or other utility provision when they are unable to pay their bills

Other than various subsidies that were given by the Malaysian Government to the lower income group such as minimal charges of utility companies, the Government has announced 15% to 50% discount rate for electricity, free internet and provisions such as RM1 Billion to sustain the agriculture, cultivation and food industries during the MCO. Other measures such as monetary benefit was also provided by the Government. These incentives ensure sustainability of the vulnerable groups during the pandemic.

Legal or financial measures aimed to ensure that households do not lose their home if they cannot pay their rent or mortgage payments

Understanding the hardship faced and income disruption during the MCO, the Central Bank of Malaysia instructed all Banking Institutions to give option of moratorium or suspension of payment for 6 months from April to September 2020 to their respective borrowers. The moratorium includes housing loans, personal loans and hire-purchases. Despite direct monetary incentives for the citizen, increment of unemployment rate and income disruption has left many households especially the renters leaving the city to go back to their respective hometown to seek refuge with their parents, siblings or relatives.

As for the households on Public Housing or PHP, rental waive was given for 6 months and rent-to-own scheme was suspended for 6 months from April to September 2020.

There are no specific laws other than the contract laws between landlords and tenants. Until the Rental Tenancy Act is enacted, the Government can only urge the renters to negotiate in good terms with the landlords either to suspend the rentals according to the 6 months moratorium given by banks for housing mortgage or discount the rentals to an amount that is affordable to the renters.

Measures have been taken to protect persons living in informal settlements, refugee or IDP camps, or in situation of overcrowding from COVID-19

As the MCO has been imposed throughout the country, rural areas covering informal settlements were also affected. Various aids were channelled through the Ministry of Rural Development, the Welfare Department, the National Security Council as well as NGOs. Other settlements for refugee, IDP camps or even in correctional facilities has been standardised with SOPs of social distancing and strict sanitation to avoid outbreaks in these areas. Among the NGOs were MERCY Malaysia, MyCARE and Malaysian Relief Agency.

Measures been taken to provide safe accommodation for persons in situation of homelessness

Relocation of the homelessness to the Public Housing or PHP has been the Malaysian Government’s agenda since decades throughout the cities. However, the number of homelessness continues to grow since more and more are migrating from villages to cities to secure better job despite the high cost of living. For homeless people during the crisis, the Ministry of Federal Territory have taken the action to turn indoor stadiums or halls for the homeless to seek refuge and receive proper treatment or sanitation to avoid spreading of the virus. There are 12 temporary settlements housing 854 homeless people in Kuala Lumpur. During the temporary settlements, the Ministry of Federal Territory also collaborates with private sectors on job placements for prospective homeless people to bring them in the workforce and contribute to the society. Homeless people employed will have accommodations or hostels provided by their employers that will ensure access to shelter or housing after the crisis. In addition, other states are also implementing similar initiatives as in Kuala Lumpur for the homeless people in their respective cities.

1. **What alternative housing strategies for older persons, other than care homes and state institutions, exist in your country? What policies/programmes are in place to enable older persons to live independently in their communities as they age? Please provide detailed information.**

**Guided/Supported Homeless Home Programme**

This Guided/Supported Homeless Home is provided on rental basis to the homeless, as a measure to help them be more productive. It is a joint-collaboration between the National Welfare Foundation and Kuala Lumpur City Council. This programme is open to homeless persons who have completed their transit programmes at the Kuala Lumpur Homeless Transit Programme and undergone counselling at *Anjung Singgah*. It is one of the measures to reintegrate them into society.

The Guided/Supported Homeless Home programme involves 20 houses in the Seri Negeri Sembilan and Seri Selangor Public Housing with rental rate charged at a mere RM1 per day, and can house 4 persons. In 2019, this programme has been extended to cater for homeless women that have successfully undergone counseling and job matching. Since it first began operation on 1 September 2016 until 31 December 2021, a total of 107 employed homeless persons have been housed under this programme.

1. **How does the State fulfil its obligations to ensure older persons’ access justice, and to obtain remedies and reparations, when their right to adequate housing have been violated?**

In Malaysia, the protection conferred for the elderly is contained in the Penal Code. Older persons can always visit the district offices of DSW to submit complaints regarding infringement of their rights.

1. **What are the lessons learned from advocacy, legal, and policy actions undertaken to combat ageism and to access of adequate and affordable housing by older persons?**

MHLG realises that the current policies on housing are general in nature and doesn’t specifically address the needs of older persons. As a way forward, initiatives have been taken to constructively engage with older persons through their participation in Town Hall Planning. Older persons are able to convey their expectations and suggestions to the local government authority at their respective cities and districts in terms of improvement needed in service delivery, infrastructure, and etc.

1. **Data:** 
   1. **Does your country collect data on older persons’ living conditions in your country? If yes, please provide any available and disaggregated figures and statistics (e.g., number of older persons: in institutions, living alone, living with family, or living in urban and rural areas).**

**Data on living arrangement**

Data on living arrangement of older persons have been captured through the Malaysia Ageing and Retirement Survey (MARS) Wave 1, 2018 – 2019, a major research undertaken by the Social Wellbeing Research Centre of Universiti Malaya. This research aims to produce nationwide longitudinal micro-level data relating to ageing and retirement involving personal interviews of individuals aged 40 years and older in Malaysia.

Based on MARS, overall those living alone constitute about 4.2%, majority being female aged 60 and older. The data show that 20.3% of respondents live in multigenerational household consisting of possible combinations of respondents with parents, grandparents, children or grandchildren.

Across age groups, the proportion of respondents living with family members is 77.4% among those aged 60 - 69, 71.0% among those aged 70 - 79. Meanwhile, respondents in the oldest age group, 80 and older, 82% were reported to be living with family members as many may not be able to live independently.

Majority of respondents are not prepared to live in an assisted living facility such as a nursing home, suggesting that they wish to continue to live in their own homes. Those who are prepared to live alone, and frequently participate in social outings, are more likely to want to live in an assisted living facility.

**Data on poverty**

Commencing from the Second Malaysia Plan to the Twelfth Malaysia Plan, the findings of the Household Income, Expenditure and Basic Amenities Survey (HIES/BA) have been used extensively in the formulation of policies and poverty eradication programmes as well as policies related to household income equality.

In the 2019 HIES/BA report, it was revealed that poor households with the household heads aged between 45 to 49 years had the highest percentage of poverty with 16.3 per cent followed by between 40 to 44 years of age group (15.4%) and between 50 to 54 years (13.1%). However, the report highlighted the need to give more attention to the age group of 65 years and over who recorded a poverty incidence of 12.0 per cent in 2019 as compared to 10.9 per cent in 2016.

**Data related to poor and vulnerable older persons**

Data related to poor and vulnerable older persons residing in DSW institutions is reflected in the **Annex**.

* 1. **Is data on older persons broken-down into groups of different ages over 65 years to plan and address each specific age group’s needs in terms of housing?**

The data recorded on the poor and vulnerable older persons residing in DSW institutions under the Ministry’s database is not broken down into groups of different ages over 65 years. However, MWFCD is looking into breaking down the data by different ages over 65 years for better informed policies.

1. **Data on Destitute**

**Operation and Destitute Persons Rescued by State and Sex, 2020 - 2021**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **State** | **2020** | | | | **2021** | | | |
| **Operations** | **Destitute Persons Rescued** | | | **Operations** | **Destitute Persons Rescued** | | |
| **Male** | **Female** | **Total** | **Male** | **Female** | **Total** |
| Johor | **109** | **130** | **53** | **183** | **158** | **155** | **72** | **227** |
| Kedah | **80** | **56** | **28** | **84** | **40** | **26** | **4** | **30** |
| Kelantan | **65** | **47** | **14** | **61** | **22** | **9** | **5** | **14** |
| Melaka | **74** | **62** | **23** | **85** | **54** | **19** | **11** | **30** |
| Negeri Sembilan | **89** | **63** | **15** | **78** | **125** | **76** | **22** | **98** |
| Pahang | **44** | **214** | **15** | **229** | **6** | **0** | **0** | **0** |
| Perak | **54** | **63** | **11** | **74** | **60** | **99** | **30** | **129** |
| Perlis | **51** | **25** | **7** | **32** | **23** | **20** | **14** | **34** |
| Pulau Pinang | **366** | **287** | **86** | **373** | **284** | **266** | **55** | **321** |
| Sabah | **27** | **45** | **26** | **71** | **22** | **8** | **1** | **9** |
| Sarawak | **82** | **76** | **32** | **108** | **172** | **180** | **76** | **256** |
| Selangor | **256** | **150** | **101** | **251** | **322** | **188** | **92** | **280** |
| Terengganu | **92** | **48** | **23** | **71** | **50** | **16** | **15** | **31** |
| W.P. Kuala Lumpur | **156** | **281** | **127** | **408** | **106** | **40** | **26** | **66** |
| W.P. Labuan | **2** | **0** | **0** | **0** | **3** | **1** | **2** | **3** |
| **Overall Total** | **1547** | **1547** | **561** | **2108** | **1447** | **1103** | **425** | **1528** |

**Destitute Persons Rescued by Age Group and Sex, 2020-2021**

| **Age Group** | **2020** | | | **2021** | | |
| --- | --- | --- | --- | --- | --- | --- |
| **Male** | **Female** | **Total** | **Male** | **Female** | **Total** |
| 4 years and below | 35 | 16 | 51 | 13 | 10 | 23 |
| 5-6 | 23 | 21 | 44 | 10 | 10 | 20 |
| 7-12 | 34 | 33 | 67 | 18 | 14 | 32 |
| 13-17 | 18 | 8 | 26 | 13 | 8 | 21 |
| **Children** | **110** | **78** | **188** | **54** | **42** | **96** |
| 18-21 | 15 | 18 | 33 | 8 | 8 | 16 |
| 22-45 | 446 | 200 | 646 | 400 | 183 | 583 |
| 46-59 | 594 | 168 | 762 | 365 | 128 | 493 |
| 60 years and above | 382 | 97 | 479 | 276 | 64 | 340 |
| **Adult** | **1437** | **483** | **1920** | **1049** | **383** | **1432** |
| **OVERALL TOTAL** | **1547** | **561** | **2108** | **1103** | **425** | **1528** |

**Destitute Persons Rescued by Ethnic Group and Sex, 2020-2021**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Ethnic Group** | **2020** | | | **2021** | | |
| **Male** | **Female** | **Total** | **Male** | **Female** | **Total** |
| Malay | 800 | 273 | **1073** | 500 | 200 | **700** |
| Chinese | 297 | 54 | **351** | 246 | 65 | **311** |
| Indian | 236 | 83 | **319** | 256 | 105 | **361** |
| Peninsular Natives | 2 | 3 | **5** | 2 | 0 | **2** |
| Sabah Natives | 12 | 10 | **22** | 19 | 4 | **23** |
| Sarawak Natives | 7 | 0 | **7** | 4 | 1 | **5** |
| Others | 3 | 6 | **9** | 13 | 4 | **17** |
| Non-Citizen | 190 | 132 | **322** | 63 | 46 | **109** |
| **TOTAL** | **1547** | **561** | **2108** | **1103** | **425** | **1528** |

**Older Persons Residing Temporary Shelter Centre (*Desa Bina Diri*)**

| **No.** | **Institution** | **2020** | | | | **2021** | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Capacity** | **Male** | **Female** | **Total** | **Capacity** | **Male** | **Female** | **Total** |
|  | DBD Mersing | 350 | 158 | 165 | 323 | 350 | 132 | 149 | 281 |
|  | DBD Jerantut | 300 | 278 | 0 | 278 | 300 | 248 | 0 | 248 |
|  | DBD Kota Kinabalu | 50 | 15 | 6 | 21 | 50 | 14 | 4 | 18 |
|  | DBD Kuching | 50 | 15 | 11 | 26 | 50 | 19 | 13 | 32 |
|  | KPB Sg. Buloh (PSBD) | 100 | 20 | 17 | 37 | 100 | 16 | 24 | 40 |
|  | KPB Sg. Buloh (*Rumah Tunas Budi*) | 20 | 4 | 4 | 8 | 20 | 3 | 3 | 6 |
| **TOTAL** | | **870** | **490** | **203** | **693** | **870** | **432** | **193** | **625** |

1. **Data on Older Persons Residing Home for Elderly (*Rumah Seri Kenangan*)**

| **No.** | **Institution** | **2020** | | | | **2021** | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Capcity** | **Male** | **Female** | **Total** | **Capacity** | **Male** | **Female** | **Total** |
|  | RSK Kangar | 140 | **62** | **53** | **115** | 150 | **68** | **48** | **116** |
|  | RSK Bedong | 250 | **93** | **31** | **124** | 250 | **0** | **0** | **0** |
|  | RSK Taiping | 200 | **97** | **72** | **169** | 200 | **108** | **71** | **179** |
|  | RSK Ulu Kinta | 200 | **139** | **53** | **192** | 200 | **124** | **51** | **175** |
|  | RSK Cheras | 250 | **91** | **64** | **155** | 300 | **119** | **86** | **205** |
|  | RSK Seremban | 200 | **0** | **0** | **0** | 200 | **59** | **15** | **74** |
|  | RSK Cheng | 250 | **88** | **67** | **155** | 250 | **102** | **60** | **162** |
|  | RSK Johor Bahru | 200 | **138** | **81** | **219** | 200 | **0** | **0** | **0** |
|  | RSK Taman Kemumin | 130 | **42** | **39** | **81** | 150 | **44** | **42** | **86** |
|  | RSK Seri Iskandar | **200** | **17** | **15** | **32** | 200 | **70** | **33** | **103** |
| **TOTAL** | | 2020 | 767 | 475 | 1242 | 2100 | 694 | 406 | 1100 |

1. **Data on Older Persons Residing Home for Chronically Ill**

| **No.** | **Institution** | **2020** | | | | **2021** | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Capacity** | **Male** | **Female** | **Total** | **Capacity** | **Male** | **Female** | **Total** |
|  | RE Kuala Bharu | 120 | 58 | **55** | **113** | 135 | **65** | **52** | **117** |
|  | RE Dungun | 120 | 57 | **46** | **103** | 120 | **56** | **42** | **98** |
| **TOTAL** | | **240** | **115** | **101** | **216** | **255** | **121** | **94** | **215** |