



REPORT ON ACCESS TO EDUCATION IN MALAYSIA

CHAPTER 1

INTRODUCTION

1. Preamble

Education is a fundamental human right which is one of the five economic, social and cultural rights stated in the Universal Declaration of Human Rights (UDHR). This right which is Article 26 in the UDHR states that everyone shall have the right to free and compulsory education, at least in the elementary and fundamental stages. The right of every child to free and compulsory primary education is reiterated in Article 28 of the Convention of the Rights of the Child which Malaysia had acceded on 17 February 1997. However, the Government of Malaysia has reservation on this Article when adopting the Convention. This seems to contradict the spirit of universalizing and promoting equity which is Article 3 of the Declaration on Education for All which Malaysia is a signatory.

In 2002, Malaysia amended the Education Act 1966 (Act 550) to make 6 years of primary education compulsory for all children of Malaysian citizens who are of ages 6-12 years.

On 25 January 2007, at the 44th Session of the Committee on the Rights of the Child, the Government presented its initial report on the Convention of the Rights of the Child. Among the recommendations of the Committee were:

24. The Committee recommends that the State party continues to prioritize resources for social and health services, education and child protection and to allocate more resources for the implementation of special protection measures for vulnerable children groups (for example the Orang Asli, children living in economic hardship, children of indigenous children living in remote places, children of migrant workers and child victims of trafficking). The Committee recommends that the State party establish a systematic assessment of the impact of budgetary allocations

on the implementation of of the rights of the child and identify the yearly budgetary amount and proportion spent on persons under 18 years of age.

83. The Committee notes with concern that many asylum-seeking and refugee children who lived in Malaysia since 1990s, lack access to formal education.
84. With reference to articles 2, 22 and 28 of the Convention, the Committee recommends, that the State party take urgent measures to ensure that asylum-seeking and refugee children have access to free and formal primary, secondary and other forms of education, and that in particular refugee and asylum-seeking children who are engaged in informal education have access to official exams.
87. The Committee recommends that the State party continue and strengthen its efforts to register and document all children of migrant workers and ensure their unrestricted access to education and health care services....

These comments of the Committee on the Rights of the Child in response to the initial report of the Malaysian government indicate the Committee's concern about the accessibility of vulnerable children to primary education. Based on the fact that not all children of Malaysian citizens are not in school and the necessity to ascertain the reasons for their attending school and the comments of the Committee on the Rights of the Child, the Promotion and Education Working Group of the Human Rights Commission of Malaysia (SUHAKAM) decided in May 2007 to conduct a study to determine who are the children, irrespective of the status of their eligibility, do not have access to primary education and the reasons.

2. Aims and Objectives

2.1 Aim

The aim of the study is to investigate who are the children who do not have access to 6 years of primary school education and the reasons for their not attending school to enable the Commission to make recommendations to the government after taking into considerations the resources of the country, the UN Conventions, especially the Convention on the Rights of the Child, and Declarations signed by the Government. No attempt will be made to estimate the extent of the problems as it will be extremely difficult to realistically estimate the number of undocumented children as well as that of children of migrants and asylum seekers.

2.2 Objectives of the Study

The following are the objectives:

- i) To identify the children groups who do not have access to six years of primary school.
- ii) To determine the reasons for the unavailability of access to six years of primary school.
- iii) To obtain profiles of children who do not have access to six years of primary school
- iv) To identify measures that can be taken to provide vulnerable children with access to basic education

3. Methodology

The following steps were taken to carry out the study:

- i) Identifying the probable children groups who do not have access to education through literature review, the internet search, consultation with experts, government bodies and non-government organizations.
- ii) Constructing the questionnaires to obtain the data needed by the study.
- iii) Pilot testing the questionnaires by using them to interview children, parents, teachers, administrators and/or community leaders in at least one community representative of the groups during the pilot study.

- iv) Modifying the questionnaires.
- v) Identifying the areas to obtain the data.
- vi) Carrying out the data collection.

4. Preparation

4.1 Consultation

Besides carrying literature review and the internet search, the Committee had three meetings with the Social Welfare Department, United Nations High Commission for Refugees (UNHCR) and NGOs to identify children groups who are vulnerable to be denied of the access to primary education. At these meetings, the NGOs who are working with vulnerable groups to provide children with some form of education were also identified.

4.2 Questionnaires

Questionnaires were designed to obtain information from children, parents, school administrators, teachers and community leaders or heads/leaders of the organization of the different children groups as well as parents, children and the authorities in centres of detention. Questionnaires designed were as follows

- i) Indigenous People
 - Children
 - Parents
 - School Administrators & Teachers
 - Community leaders
- ii) Hardcore Poor
 - Children
 - Parents
 - School Administrators & Teachers
 - Community leaders/Administrators or Leaders of NGOs
- iii) Plantation Migrant Workers and undocumented persons
 - Children

Parents
Teachers
Administrators/Head of NGOs or Community Leaders

iv) Refugees or Asylum Seekers

Children
Parents
Teachers
Community Leaders/Leaders or Administrators of NGOs

iv) Centres of Detention

Children
Parents
Teachers if any
Administrators

v) Street Children

Children
Parents/Guardians

5. Pilot Study

A pilot test was carried out to ascertain (i) the appropriateness of the items to obtain the data needed; (ii) whether the questionnaires could be understood by the subjects; and (iii) the feasibility of the study.

Tawau and Kota Kinabalu were selected for the pilot test. The selection of these towns was based on the following reasons:

- i) Tawau has a big population of migrant workers who have their families with them. In addition, there is a detention centre and several hardcore poor areas. Furthermore, HUMANA (Borneo Aid Child Association), who works with plantation owners (and with permission of the Ministry of Education) to give children of migrant workers some basic education, was very approachable and demonstrate great willingness to provide us with the assistance needed. In addition, its headquarters is in Lahad

Datu which is 150 km from Tawau and this meant that the leaders were readily accessible while we were carrying out the pilot test.

- ii) Kota Kinabalu was selected because of the large population of street children. In addition, there are numerous hardcore poor in Kota Kinabalu and a detention centre which is much larger than the detention centre in Tawau.

6. Modification of the Questionnaires

The following minor amendments were made:

- i) to add items to collect information important to obtain better understanding of the situation such as the country of origin of the spouse of the respondents, educational level and occupation working siblings and whether they possess identity card.
- ii) to modify the format of some of the items to facilitate the recording of the interview;
- iii) to delete items that provide meaningless data such as whether they were interested in studying.
- iv) to modify the wording of some items such as “surat beranak” instead of “surat kelahiran”.

7. Data Collection

The data collection involved several steps:

- i) Identifying the locations of the various children groups;
- ii) Mapping out areas and selecting them for data collection;
- iii) Contacting the relevant authorities to obtain permission and to make arrangements such as dates for the visit;

iv) Interviewing the various target groups

In each of the places visited, the team comprising 3-4 members usually contacted the relevant authorities or bodies first who, in most cases, accompanied the team to ensure the team had the full cooperation of the people. Generally, the team encountered little problems and the interviews were completed in the time allotted. Occasionally, we failed to get the number of respondents targetted for unavoidable reasons such as the parents were away at home, the number of parents who were asked to come for the interview was smaller than the number anticipated.

Unexpected problems also cropped up and decisions had to be made on the spot. For instance, the Department of Social Welfare in the East Coast states misunderstood the purpose of our research and identified the poor but not the hardcore poor. As a consequence, changes to the place for data collection had to be made almost immediately.

The respondents, especially parents and community leaders, were responsive as they were keen to let us know of their problems. A number of children were less uncommunicative or not forthcoming with their responses. This could be due to their shyness or limited ability to communicate.

Interpretators were needed when interviewing parents and children in the centres of detention who could not speak Bahasa Malaysia. Interpretators were also needed to interview children and parents of refugees and asylum seekers.

8. Conclusion

Locating the various children groups, especially those of the hardcore poor and indigenous people, was difficult. Though it is well known that the hardcore poor are prevalent in certain states in Malaysia, it is not common for them to be not living together within a specific community. In spite of the difficulty of locating respondents, the team was able to collect the necessary data because the people, the authorities and NGOs were very cooperative. The willingness to render help made our data collection easier.

Chapter 2

The Poor

Preamble

The amendment to the Education Act 1966 in 2002 stipulates that primary education is compulsory for children of Malaysian citizens of ages 6-12 years. Though no fee is charged, it is not really free. Poor children are eligible for free school uniform, school textbooks and some financial assistance for the very poor but food, transport and stationery are the responsibilities of parents. Until very recently, that is, 2008), parents have to pay quite fees for after-school activities which include fees for extracurricular activities, computer classes and in some schools, parent-teacher association. The cost of education for poor families, especially those with many children, can be quite substantial.

The Act also stipulates that parents who fail to send their primary-going children to school shall be fined RM5000 or imprisoned or both. This aspect of the Act has not, since the passing of the Amendment in 2002, been enforced. The enforcement will definitely further aggravate the financial hardship of the poor parents. The government probably realizes that taking legal actions against parents will not only burden poor parents further but it will not put the children in school without the government can relieve parents of their financial hardship.

This study aims to identify hardcore poor families to look into the accessibility of their children to school. To look for these hardcore families, we identified two states which have the highest percentage of hardcore poor families, namely Kelantan and Sabah. However, though when the research team went to villages identified by the Department of Social Welfare, Kelantan, we found the families were poor but they were not the hardcore poor. As the families who were interviewed in the “poor families” categories are the indigenous people of Sabah, we decided to group them with those who were identified as the indigenous people and reported in Chapter 4. There were the rural poor interviewed by the research team who also went to Kuala Lumpur to interview the urban poor.

Sample

A total of 214 children from 16 villages/community were interviewed.

Findings

Some of the children were interviewed in their local villages whilst others were interviewed in school. Nearly 40% of all the children interviewed were from Sekolah Kebangsaan Rantau Panjang 1, Kampung Dalamas Paitan or Sekolah Kebangsaan Bolok.

Table 2.1: Number of subjects by place

| Place | Number of Subjects | Percent |
|-------------------------------------|--------------------|---------|
| FLAT BANDARAYA KL | 16 | 7.5 |
| KAMPUNG BELUKAR BUKIT | 8 | 3.7 |
| KAMPUNG BERCHANG | 9 | 4.2 |
| KAMPUNG CABANG TIGA BAGUS | 9 | 4.2 |
| KAMPUNG SANGWAI | 21 | 9.8 |
| KAMPUNG SUNGAI BERUA | 17 | 7.9 |
| KG. BETANGAN DARAT | 5 | 2.3 |
| KG. DALAMAS, PAITAN | 25 | 11.7 |
| KG. KUALA GANDAH | 3 | 1.4 |
| KG. SG. BEH | 3 | 1.4 |
| KG. SG. ENGGANG | 12 | 5.6 |
| KG. SULIT, PAITAN | 5 | 2.3 |
| KG. TANDOAN SEMPORNA | 13 | 6.1 |
| KG. TIMPUS, PAITAN | 10 | 4.7 |
| S.K.BOLOK | 22 | 10.3 |
| SEKOLAH KEBANGSAAN RANTAU PANJANG 1 | 36 | 16.8 |
| Total | 214 | 100.0 |

The male composition was slightly more than half, making up 53% whilst the females made up the remaining 47%. The data indicate a fair representation from the two genders.

Table 2.2: Number of Subjects by gender

| Gender | Number of Subjects | Percent |
|--------|--------------------|---------|
| MALE | 113 | 52.8 |
| FEMALE | 101 | 47.2 |
| Total | 214 | 100.0 |

As for age groups, the children interviewed ranged from five years old until 18 years old. A large majority of 68% were between the ages of 10-18 years old.

Table 2.3: Number of Subjects by age

| Age group | Number of Subjects | Percent |
|-----------|--------------------|---------|
| 1-5 | 1 | .5 |
| 6-9 | 67 | 31.3 |
| >10 | 146 | 68.2 |

As for the size of the families, the results are as follows; half of them have 1-5 siblings, only 40% come from smaller families which only have between 6-9 siblings, whilst the remaining 6% come from extraordinarily large families with more than 10 siblings.

Table 2.4: Number of Subjects by siblings

| Siblings | Number of Subjects | Percent |
|----------|--------------------|---------|
| 1-5 | 115 | 54 |
| 6-9 | 85 | 40 |
| >10 | 13 | 6 |

The children were also asked about their school attendance. A majority of them, totaling 85%, responded negatively to this question. Only 15% said that they attended school before. Only 0.5% did not provide an answer.

Table 2.5 Number of subjects based on attendance

| School attendance | Number of Subjects | Percent |
|-------------------|--------------------|---------|
| Never attended | 181 | 84.6 |
| Have attended | 32 | 15.0 |
| Total | 213 | 99.5 |
| No answer | 1 | .5 |
| Total | 214 | 100.0 |

However, 73% do have birth certificates, indicating the majority of them had proper documents. There is still 22% of them who are without birth certificate.

Table 2.6: Number of subject with birth certificate

| Hold s birth certificate | Number of Subjects | Percent |
|--------------------------|--------------------|---------|
| Yes | 156 | 72.9 |
| No | 47 | 22.0 |
| Total | 203 | 94.9 |
| No answer | 11 | 5.1 |
| Total | 214 | 100.0 |

As for Identification Cards, only 37% have them, although we need to take into account that 20% do not yet qualify to have the IC as they are under the age requirement. From the children who do qualify but do not yet have their IC, they make up a total of 26%.

Table 2.7: Number of subject with Identification cards

| Holds Identification Cards | Number of Subjects | Percent |
|----------------------------|--------------------|---------|
| Yes | 80 | 37.4 |
| No | 56 | 26.2 |
| No (Below 12 years) | 43 | 20.1 |
| Total | 179 | 83.6 |
| No answer | 35 | 16.4 |
| Total | 214 | 100.0 |

As for their places of birth, nearly 97% were born in Malaysia, 7% were born in Malaysia, whilst another 2% were born in Thailand.

Table 2.8: Number of subject by country

| Country | Number of Subjects | Percent |
|-----------|--------------------|---------|
| Malaysia | 208 | 97 |
| Thailand | 6 | 2 |
| No answer | 2 | 1 |

Parents Living in Hardcore Poverty

A total of 142 parents who are experiencing hardcore poverty were interviewed. According to the Malaysian Government, hardcore poverty applies to people with a monthly household income of less than RM264.50.

Table 2.9: Number of subjects by place

| Place | Number of Subjects | Percent |
|-------------------------------|--------------------|---------|
| KAMPUNG DELAMAS, PAITAN | 13 | 9.2 |
| KAMPUNG GELAMAS, PAITAN | 14 | 9.9 |
| KG. BELUKAR BUKIT | 9 | 6.3 |
| KG. BERCHANG (TANAH MERAH) | 9 | 6.3 |
| KG. BERUA | 12 | 8.5 |
| KG. BETANGAN DARAT | 9 | 6.3 |
| KG. CABANG TIGA BAGUS | 7 | 4.9 |
| KG. DALAMAN | 4 | 2.8 |
| KG. NUMBAK | 8 | 5.6 |
| KG. SG. BEH, PAHANG | 2 | 1.4 |
| KG. SG. ENGGANG, PAHANG | 9 | 6.3 |
| KG. SULIT | 3 | 2.1 |
| KG. TANDOAN | 6 | 4.2 |
| KG. TAWANAN, PAITAN | 5 | 3.5 |
| KG. TIMPUS PAITAN | 2 | 1.4 |
| KUALA GANDAH, PAHANG | 6 | 4.2 |
| POS BROOKE (KG SAWAI) | 11 | 7.7 |
| PPR SABAH, CHERAS KL | 9 | 6.3 |
| SG. SIPUT, PERAK | 1 | .7 |
| SKIM PENEMPATAN TELEPOK,SABAH | 3 | 2.1 |
| Total | 142 | 100.0 |

From the parents interviewed, 37% were male parents, whilst 62% were female parents.

Table 2.10: Number of subject by parents

| Parents | Number of Subjects | Percent |
|-------------|--------------------|---------|
| FATHER | 53 | 37.3 |
| MOTHER | 88 | 62.0 |
| GRANDMOTHER | 1 | .7 |
| Total | 142 | 100.0 |

Malaysians were the largest group facing hardcore poverty when compared to other nationalities. They constituted 94% of the total population interviewed whilst Filipinos and Indonesians constituted 2.1% and 0.7% respectively.

Table 2.11 Number of Subject by country

| Country | Number of Subjects | Percent |
|-----------|--------------------|---------|
| MALAYSIA | 134 | 94.4 |
| FILIPINA | 3 | 2.1 |
| INDONESIA | 1 | .7 |
| Others | 4 | 2.8 |
| Total | 142 | 100.0 |

As for their monthly income, almost 89% of the parents interviewed earn less than RM500 per month. Furthermore, only 9% earn between RM500-RM1000 per month, which is still arguably insufficient to provide for families which have children.

Table 2.12: Number of subject by income

| Income | Number of Subjects | Percent |
|------------|--------------------|---------|
| <RM500 | 126 | 88.7 |
| RM500-1000 | 13 | 9.2 |
| >RM1000 | 1 | .7 |
| Total | 140 | 98.6 |
| No answer | 2 | 1.4 |
| Total | 142 | 100.0 |

These income levels however are not surprising when one analyses the occupation of these parents. Nearly half of them earn their living through self employment which is farming, agricultural activities, rubber-tapping and selling what they obtain from forests. 1.4% is unemployed and 21.1% are housewives, neither of which contributes financially to their respective households.

Table 2.13: Number of subjects by occupation

| Occupation | Number of Subjects | Percent |
|--------------------|--------------------|---------|
| Business | 7 | 5 |
| Self employed | 60 | 42.2 |
| Employed by others | 40 | 28.2 |
| Retired | 1 | 0.7 |
| House wives | 30 | 21.1 |
| Unemployment | 2 | 1.4 |
| No answer | 2 | 1.4 |

As for the size of their families, the majority of the families have 1-5 children. From these families, 39% even had 6-9 children. We can conclude that majority of parents which are facing hardcore poverty are those with larger families to support. Furthermore, 8.5% of them claim that they do not receive any assistance or support from the government.

Table 2.14: Number of subjects based on family size

| Number of children in the family | Number of Subjects | Percent |
|----------------------------------|--------------------|---------|
| 1-5 | 78 | 55 |
| 6-9 | 56 | 39 |
| >10 | 8 | 6 |

Many of them are facing financial problems, as admitted by 49%. 11% claim to have problems with transportation. Other main problems reported include; children not interested in attending school, no assistance from government, and the schools being too distant from their houses.

Table 2.15:

| Problems raised | Number of Subjects | Percent |
|--|--------------------|---------|
| Financial problem | 69 | 49 |
| Transportation problem | 15 | 11 |
| Children uninterested to attend school | 12 | 9 |
| No assistance from government | 12 | 9 |
| School to distant | 8 | 6 |
| Others | 26 | 16 |

Chapter 3

Children of Migrant Workers, Undocumented Children, Children of Refugee, Displaced People and Children in Informal Education Centre

The 1966 Education Act was amended in 2002 to make primary education free and compulsory for primary school-going children whose parents are citizens of Malaysia. But children without birth certificates cannot attend government schools even though their parents are citizens because there are no documents to indicate they are the biological children of the family. Non-citizens, particularly children of permanent residents, can attend government primary schools but they have to pay. Undocumented children, that is, children of migrant workers who came to Malaysia to work without proper or legal work permit, have no legal status in the country. Likewise, children of refugees and asylum seekers have no legal status and are therefore regarded as undocumented persons.

This chapter attempts to look at the accessibility of undocumented children in Malaysia to education. But it was difficult to have an accurate estimate of the undocumented children in Malaysia because they shun away from the public's view to avoid being arrested let alone getting a representative sample of undocumented children. Secondly, some of those who could be contacted were reluctant to be interviewed. As the only way to reach the undocumented children was through non-governmental agencies that provide them with basic education. This being the case, the findings do not reflect the real accessibility or rather the inaccessibility of undocumented children to basic education.

Children on Plantations

The research team visited only four estates, namely Balong Eco Plantation in Tawau, Kampung Gemilang, Ladang Semundul and Ladang Sungai Balong in Tawau. In all of these plantations, HUMANA – a Non-government Agency - provides the children with basic education. Before 2002, these children were permitted to attend government school but this facility was withdrawn due to several factors. One of them was the draw of more undocumented children to

Tawau as the educational system in Malaysia is comparatively of higher quality and is free.

Profile

A total of 51 children were interviewed. This sample size includes children who have parents working on plantations, farms and involved in agricultural activities. Of the 51 children interviewed, 57% interviewed were boys and 43% were girls.

Table 3.1 Number of Subjects in Plantations by Gender

| Gender | Number of subjects | Percent |
|--------|--------------------|---------|
| Male | 29 | 56.9 |
| Female | 22 | 43.1 |
| Total | 51 | 100 |

A 47% of the children interviewed are still young, and only between the ages of 1-5 years old. As for the other half, the children were more than 10 years old make up 49% of the sample size.

Table 3.2: Number of Subjects in Plantations by Age

| Age | No of Subjects | Percent |
|---------------|----------------|---------|
| 1-5 years old | 2 | 4 |
| 6-9 years old | 24 | 47 |
| >10 years old | 25 | 49 |

On the question of education, only 4% are attending school, or attended but only half-way. On the other hand, a significant numbers 96% responded, No, they are never attending school. This is despite the fact that 71% of the children never attended pre-school.

Table 3.3 Attendance based on number of subjects

| Attend school | Number of subjects | Percent |
|---------------|--------------------|---------|
| Yes | 2 | 96 |
| No | 49 | 4 |

When asked to describe their educational experiences, 29% failed to give any response. However, 22% were very positive and said they enjoyed learning. 12% also said they enjoyed going to school and making new friends. Another 18% would like to further their studies. Unfortunately, for 4% of them, they would like to go to school but do not have birth certificates.

As for their backgrounds, 33% were born in Indonesia, and are therefore not Malaysians. 8% were born in Balong Riba, and another 8% were born in Tawau.

Majority of them come from average sized families whereby 61% have 1-5 siblings. 39% come from smaller families with 6-9 siblings. 96% of these children are living with their parents.

Table 3.4: Numbers of Siblings

| Siblings | Number of subjects | Percent |
|----------|---------------------------|---------|
| 1-5 | 31 | 61 |
| 6-9 | 20 | 39 |
| >10 | 0 | 0 |

Parents Working on Plantations

Profile

A total of 20 people were interviewed. This sample size includes parents who are working on plantations, farms and involved in agricultural activities. The four locations which the parents reside in include, Balong Eco Plantation in Tawau, Kampung Gemilang in Tawau, Ladang Semundul/GG Burung, and Ladang Sungai Balong. From the 20 parents interviewed, 45% were fathers whilst the remaining 55% were mothers.

Table 3.5: Number of subjects with parents

| Parents | Number of subjects | Percent |
|---------|--------------------|---------|
| Father | 9 | 45 |
| Mother | 11 | 55 |

They were all either Malaysian or Indonesian, though Indonesians constitute a significantly large majority of 85%.

Table 3.6: Number of subjects by country

| Country | Number of subjects | Percent |
|-----------|--------------------|---------|
| Malaysia | 3 | 15 |
| Indonesia | 17 | 85 |

As for their state of employment, only 95% were working with the balance 5% acting as housewives. From the 95% who were employed, 90% worked on the farms and plantations whilst the remaining 5% sold agricultural produce.

Even though most of them were working, their income levels were very low. An overwhelming 80% earned less than RM500 per month. As for the remaining 20%, although they are better off, still only earned a worrying RM500-RM1000 per month. Despite these low levels of income, the people still remain in this line

of employment. 35% of them have even worked for more than 10 years. Another 30% have worked between 5-10 years.

Table 3.7: Number of subjects by income

| Income | Number of subjects | Percent |
|-------------|--------------------|---------|
| RM 0-500 | 16 | 80 |
| RM 501-1000 | 4 | 20 |

As for the number of children, most of them only have small families. 85% only have 1-5 children, whereas the larger families with 6-9 children are only 15%.

Table 3.8: Number of Children

| | Number of subjects | Percent |
|-----|--------------------|---------|
| 1-5 | 17 | 85 |
| 6-9 | 3 | 15 |

When asked about their children's schooling background, it was discovered that only 55% of their children are actually attending school, 40% are not attending school, and the remaining 5% did attend school but only half-way.

When asked about the reasons as to why their children are not attending school, 50% failed to give a response. 25% claimed that their children were still too young. Not having an Identification Card was an issue for 20% of the parents. As for the remaining 5%, they complained that the schools were too far away.

Table 3.9: Reasons for not attending school

| | Number of subjects | Percent |
|--------------------------------|--------------------|---------|
| Children too young | 5 | 25 |
| No answer | 10 | 50 |
| Not having Identification Card | 4 | 20 |
| School too far way | 1 | 5 |

Refugee and Homeless Children

Profile

50 children who were either refugees, homeless or both, were interviewed. These children were found in three different locations, namely, Kampung Telipok, Pasar Besar Kota Kinabalu, and Skim Penempatan Telipok. 68% of them were boys, and 32% of them were girls.

Table 3.10: Number of subjects by gender

| Gender | Number of subjects | Percent |
|--------|--------------------|---------|
| Male | 34 | 68 |
| Female | 16 | 32 |

Many of them were still very young, with 18% only between the ages of 6-9 years old. A 82% majority is more than 10 years old.

Table 3.11: Number of subjects by age

| Age (years) | Number of subjects | Percent |
|---------------|--------------------|---------|
| 1-5 years old | 0 | 0 |
| 6-9 years old | 9 | 18 |
| >10 years old | 41 | 82 |

As for the size of their families, many of them had 6-9 siblings (38%). 34% came from smaller families with only 1-5 siblings, whilst another 28% came from larger families with more than 10 siblings.

Table 3.12: Number of subjects based on number of siblings

| Siblings | Number of subjects | Percent |
|----------|--------------------|---------|
| 1-5 | 17 | 34 |
| 6-9 | 19 | 38 |
| >10 | 14 | 28 |

Most of them are not new to Malaysia. 34% of them have stayed in Malaysia between 6-10 years, whilst 48% have stayed here for 11 years or more. Only 12% have stayed here for only 1-5 years.

Table 3.13: Number of subjects based on length of stay in Malaysia

| | Number of subjects | Percent |
|-----------|---------------------------|---------|
| 1-5 | 6 | 12 |
| 6-10 | 17 | 34 |
| >11 | 24 | 48 |
| No answer | 3 | 6 |

When asked if they had attended pre-school, only 20% said Yes. When asked if they had a birth certificate, 60% said Yes, 22% said No, whilst 6% had a permit instead. Even more worrying is that only 14% of the children had Identification Cards. 66% did not have them, whilst 18% had not yet met the minimum age requirement.

Table 3.14: Number of subjects based on possession of birth certificate

| | Number of subjects | Percent |
|-----|---------------------------|---------|
| Yes | 10 | 20 |
| No | 40 | 80 |

The issues which they raised include, having to work at the markets (10%). 8% of them gave a positive response and showed interest in attending school. 6% however, pointed out that they did not have the necessary documents to be able to enroll in a school. Another 6% complained about not having birth certificates.

On the question of education, only 11% are attending school. On the other hand, a 89% responded, No, they are never attending school.

Table 3.3 Attendance based on number of subjects

| | Number of subjects | Percent |
|-----|---------------------------|---------|
| Yes | 6 | 11 |
| No | 44 | 89 |

Refugee Parents

Profile

Nineteen parents who are currently attached to refugee centres were interviewed. The three refugee centres which are taking care of them and providing support include the ABIM Centre, the Chin Refugee Centre and the Malaysian Care Centre. From the parents interviewed, 64% were mothers whilst 36% were fathers. All of them are citizens of Myanmar.

Table 3.15: Number of Father and Mother

| | Number of subjects | Percent |
|---------|---------------------------|---------|
| Parents | | |
| Father | 7 | 36 |
| Mother | 12 | 64 |

A majority of the parents interviewed are housewives (58%) whilst the others are involved in small businesses, labor work and plumbing. 5% however is unemployed due to health reasons.

Table 3.16: Number of subjects based on employment

| | Number of subjects | Percent |
|---------------|---------------------------|---------|
| Housewives | 11 | 58 |
| Self employed | 7 | 37 |
| Unemployed | 1 | 5 |

As for their sources of income, 63% are employed by other people and 11% are self-employed.

Table 3.17: Sources of income

| Sources of income | Number of subjects | Percent |
|-------------------|--------------------|---------|
| Self employed | 3 | 11 |
| Employed | 12 | 63 |
| No answer | 4 | 26 |

Neither of these sources provides them with a high level of income. 26% earn less than RM500 per month, whilst 58% earn between RM500-RM1000 per month. 16% are self-dependant and therefore have no fixed income.

Table 3.18: Number of subjects based on income

| | Number of subjects | Percent |
|-----------------|--------------------|---------|
| RM 0-500 | 5 | 26 |
| RM 501-1000 | 11 | 58 |
| No fixed income | 3 | 16 |

Most of them come from smaller families, whereby a 84% majority only have between 1-5 children. The remaining 16% have between 6-9 children. None of the parents admitted to having more than 10 children.

Table 3.19: Number of subjects with children

| Number of children | Number of subjects | Percent |
|--------------------|--------------------|---------|
| 1-5 | 16 | 84 |
| 6-9 | 3 | 16 |
| >10 | 0 | 0 |

The duration of their stay in Malaysia varies. 58% of the parents are relatively new to Malaysia, as they have only stayed between 1-5 years. 21% have stayed here between 6-9 years, whilst another 21% have stayed here for the longest duration of more than 10 years.

Table 3.20: Number of subjects based on duration of stay

| Number of years in Malaysia | Number of subjects | Percent |
|-----------------------------|--------------------|---------|
| 1-5 | 11 | 58 |
| 6-9 | 4 | 21 |
| >10 | 4 | 21 |

A main area of concern identified by 26% of the parents is financial problems. 21% of them complained about not being able to enter schools. Another 5% is facing language barriers as they are unable to speak in Malay or English. 48% failed to give a response.

Table 3.20: Number of subjects not attending school

| Reason for not attending school | Number of subjects | Percent |
|---------------------------------|--------------------|---------|
| Not able to enter schools | | 21 |
| Language barriers | | 5 |
| Financial problem | | 26 |
| No response | | 48 |

Children in Informal Education Centres

Informal education is a general term for education outside of a standard school setting. Many children attend Informal Education Centre's mainly because they are not able to access or enroll into government schools. Often their parents are migrants or refugees who lack necessary documentation, face financial problems, and are unable to send them to proper schools.

Profile

169 children were interviewed from 10 education centres. The centres are as follows; (1) ABIM Centre, (2) Chin Refugee Centre, (3) Malaysian Care Centre, (4) Pertubuhan Kebangsaan St. Vincent De Paul, Sungai Siput, Perak, (5) Pusat Kampung Numbak, (6) Pusat Pendidikan Bak Bang, (7) Pusat Tahanan Menggatal – 1, (8) Pusat Tahanan Menggatal, (9) Pusat Tahanan Sementara Tawau, and (10) Sekolah Kafa Penempatan Telipok. 57% of the children interviewed were boys, whilst 43% were girls.

Table 3.21: Number of subjects by gender

| Gender | Number of subjects | Percent |
|--------|--------------------|---------|
| Male | 96 | 57 |
| Female | 73 | 43 |

Some of the children were still quite young, between the age of 1-5 years old (5%). A 45% majority were between the ages of 6-9 years old. The remaining 50% still have not yet reached adulthood as they were more than 10 years old.

Table 3.22: Number of subjects by age

| Age group | Number of subjects | Percent |
|-----------|--------------------|---------|
| 1 - 5 | 9 | 5 |
| 6 – 9 | 76 | 45 |
| >10 | 84 | 39 |

As for their birth places, only 9% were born in a hospital or clinic. A significant number of them were born in Myanmar (40%) whilst a smaller percentage was born in Philippines (5%). The remaining children were born in various places within Malaysia and Indonesia.

Table 3.23: Number of subjects based on country of birth

| Country of birth | Number of subjects | Percent |
|------------------|--------------------|---------|
| Myanmar | 68 | 40 |
| Philippines | 9 | 5 |
| Others | 92 | 55 |

Many of them came from small to average sized families. 39% only had 1-5 siblings, whilst 58% had between 6-9 siblings. The remaining 3% were exceptional, whereby they each had more than 10 siblings.

Table 3.24: Number of Siblings

| Number of Siblings | Number of subjects | Percent |
|--------------------|--------------------|---------|
| 1 – 5 | 65 | 39 |
| 6 – 9 | 98 | 58 |
| >10 | 6 | 3 |

When asked if they were currently attending school, a positive 78% responded, Yes.

Table 3.25: Number of subjects attending school

| | Number of subjects | Percent |
|-----|--------------------|---------|
| Yes | 132 | 78 |
| No | 37 | 22 |

It was worrying though that only 54% had birth certificates.

Table 3.26: Number of subject without birth certificate

| Number of child without birth certificate | Number of subjects | Percent |
|---|---------------------------|---------|
| Yes | 91 | 54 |
| No | 78 | 46 |

Another issue of concern which was raised by some of the children was that their parents were not working (5%). Some were also concerned that although their fathers were working, their mothers were not (12%). 7% also reiterated that they were keen to study.

Teachers in Informal Education Centres

Profile

Many educators are willing to teach at informal education centres because of their sympathy and compassion towards children with migrant and/or refugee parents. 20 teachers from eight different education centres were interviewed. The centres which they teach at are; (1) ABIM Centre, (2) Chin Centre, (3) Kampung Dalam, (4) Kampung Numbak, (5) Kampung Tawanan, (6) Malaysian Care, (7) Pusat Tahanan Menggatal, and (8) Sekolah Kebangsaan Bolok. 40% of the teachers interviewed were male, whilst the majority of 60% were female.

Table 3.27: Number of subject by gender

| | Number of subjects | Percent |
|--------|---------------------------|---------|
| Male | 8 | 40 |
| Female | 12 | 60 |

Not all the teachers were Malaysian, only 65% of them. 35% were from Myanmar.

Table 3.28: Number of subject by country origin

| Country origin | Number of subjects | Percent |
|----------------|---------------------------|---------|
| Yes | 13 | 65 |
| No | 7 | 35 |

Furthermore, their qualifications range from having a degree (65%) to only having a Certificate in Teaching (5%). Some did not even reach these levels with their highest education being only SPM (25%). The remaining 5% are still students as well.

Table 3.29: Number of subject by level of education

| Level of Education | Number of subjects | Percent |
|-------------------------|--------------------|---------|
| Degree | 13 | 65 |
| Certificate in Teaching | 1 | 5 |
| SPM | 5 | 25 |
| Students | 1 | 5 |

As for the number of years they have been working, majority of them are relatively new. A majority of 60% have only been working for 1-5 years. 25% have been working for 6-9 years, whilst 10% were very experienced as they had been working for 10 years or more. The remaining 5% is unaccounted for.

Table 3.30: Number of subject by Length of Employment in Malaysia

| Length of Employment in Malaysia | Number of subjects | Percent |
|----------------------------------|--------------------|---------|
| 1 – 5 | 12 | 60 |
| 6 – 9 | 5 | 25 |
| >10 | 2 | 10 |
| No answer | 1 | 5 |

When asked specifically about the number of years they had been teaching at their respective centres, a majority of 70% responded as having only worked there for 1 year. 15% had only taught at their respective centres for 2 years, whilst 10% had taught for 3 years. Only 5% could be considered as experienced, having taught at their centre for 6 years.

Table 3.31: Numbers of years in profession

| Years | Number of subjects | Percent |
|-------|--------------------|---------|
| 1 | 14 | 70 |
| 2 | 3 | 15 |
| 3 | 2 | 10 |
| > 4 | 1 | 5 |

Some of the centres provide education from pre-school level. Most of them provide between Grade 1 until Grade 6. Only a few centres, however, provide education as high as Grade 8. The curriculum the centres use includes Mathematics, Science and English. Some centres also places an emphasis on learning Bahasa Malaysia whilst one centre in particular even teaches Chinese.

From the interviews conducted, it was discovered that the main problem faced by these centres is the lack of facilities (30%). They also do not receive much support or cooperation from the government or their agencies (26%). According to 16% of them, it is the children's attitude which is the problem, whilst another 14% blame the parents. For the remaining 14%, their issue of concern was insufficient funds.

Table 3.32: Reasons for not attending school

| Reasons for not attending school | Number of subjects | Percent |
|----------------------------------|--------------------|---------|
| Lack of facilities | 6 | 30 |
| No support from government | 5 | 26 |
| Children's attitude | 4 | 16 |
| Parents attitude | 3 | 14 |
| Insufficient funds | 3 | 14 |

Employees of Informal Education Centres

Profile

In addition to teachers, informal education centres also hire other staff to assist and support the administration and maintenance of the centres. Five staff members were interviewed from four different centres, namely 1) ABIM Rohingya Centre, 2) Chin Refugee Centre, 3) Malaysian Care School, and 4) Sekolah Kebangsaan Bolok, Lanchang, Pahang,

ABIM Rohingya Centre is funded by the "Angkatan Belia Islam Malaysia (ABIM)". The centre was run by "Yayasan Salam" before taken over by ABIM. ABIM funds this centre through donations collected from external parties. Chin Refugee Centre is funded by an organisation called Malaysia Care. It was established January 2007 and employs five teachers. Malaysian Care School is funded by an organization called Malaysian Care. It was established five years ago and has five teachers employed to educate the children in this area.

Three of the staff members interviewed is male, whilst the other two are female.

Table 3.33: Number of subjects by gender

| Gender | Number of subjects | Percent |
|--------|--------------------|---------|
| Male | 3 | 60 |
| Female | 2 | 40 |

Only three of them are Malaysian, whilst another two are from Myanmar. The various positions they held include: Administrator, Student Welfare Supervisor, security guard, school coordinator and project coordinator.

Table 3.34: Number of subjects by nationality

| Nationality | Number of subjects | Percent |
|-------------|--------------------|---------|
| Malaysia | 3 | 60 |

| | | |
|---------|---|----|
| Myanmar | 2 | 40 |
|---------|---|----|

Four of them have only worked with their respective centers for five years or less, whilst one staff member has served for more than 10 years

Table 3.35: Number of subjects by years of service

| Years of service | Number of subjects | Percent |
|------------------|--------------------|---------|
| 1-5 | 4 | 80 |
| >10 | 1 | 20 |

When asked about the number of Malaysians employed by the centre, 20% said there were three of them whilst another 20% said there were four of them. According to another 20%, their centre employed more than 10 Malaysian staff.

As for the number of immigrants employed by the centres, 40% said their centre only hired one immigrant. 20% said their centre hired five immigrants, whilst another 20% said their centre had 6 immigrant staff. 80% of the immigrants hired were from Myanmar.

The centres accommodate for different numbers of children. One centre has 300 children; another centre has 80 children, whilst the remaining two centres have 60 and 56 children respectively. One centre did not respond to this question.

Table 3.36: Number of students

| Number of students | Number of subjects |
|-----------------------|--------------------|
| S. K Sungai Bolok | 300 |
| ABIM Rohingya Centre | 56 |
| Chin Refugee Centre | 80 |
| Malaysian Care School | 60 |

Not all the children are attending school. According to one staff member, only 17% of the children at its centre attend school. There was no response from the other four staff members. The schools which some of the children at the centres

attend are either government schools or schools provided by non-government organizations.

Findings

Most of the children are really want to go the school and learn with hope that they can help their family in future. The absence of basic education among refugee children will become a handicap for them as they grow up, inhibiting their access to opportunities to better their lives.

Even though the NGO's working hard to provide an informal education for these children but financial constrains is still a big problem for them. It is make difficult for them to hire more teachers and rent new building to run the class. They also find difficult recruit more students to attend the class. The NGO's only depend on donation from individual or organization as a source for their financial.

Chapter 4

Children in Detention Centres

96 children who are currently in detention centres were interviewed. The detention centres visited include; Depot Tahanan Pati Tahanan Merah, Pusat Tahanan Menggatal, and Pusat Tahanan Sementara Tawau. Immigration detention center is the place where immigrants are detained because of various offences which fall under Immigration Act 1959/1963. Until today there are about 11 immigration detention centers throughout Malaysia.

Profile

56% of the children were boys, 31% were girls. There was no response given for the remaining 13%.

Table 4.1: Number of subjects based on gender

| Gender | Number of subjects | Percent |
|-------------|--------------------|---------|
| Male | 54 | 56 |
| Female | 30 | 31 |
| No response | 12 | 13 |

As for their birth places, 14% of the children were born in Sabah, 8% were born in Cambodia, 7% were born in Philippines and 6% were born in Vietnam. The rest were born in various places within Malaysia, Indonesia and Myanmar.

Table 4.2: Number of subjects by nationality

| Nationality | Number of subjects | Percent |
|------------------|--------------------|---------|
| Malaysia (Sabah) | 13 | 14 |
| Cambodia | 8 | 8 |
| Philippines | 7 | 7 |
| Vietnam | 6 | 6 |
| Others | 62 | 65 |

Most of these children have already reached the age of maturity. A 4% of them is between the ages 1-5 years old. Only 10% were still young, between the ages of 6-9 years old. A significant number of them, 70%, were more than 10 years old, whilst the remaining 13% was unaccounted for.

Table 4.3: Number of subjects by age group

| Age group | Number of subjects | Percent |
|---------------|--------------------|---------|
| 1-5 years old | 4 | 4 |
| 6-9 years old | 10 | 10 |
| >10 years old | 70 | 73 |
| No answer | 12 | 13 |

When asked about their educational background, 46% had attended school before.

Table 4.4 Number of subjects by school attendance

| School attendance | Number of subjects | Percent |
|-------------------|--------------------|---------|
| Yes | 44 | 46 |
| No | 52 | 54 |

However, the highest level of education which they attained was not adequate. 8% had only reached Year 1-3, whilst 4% managed to reach Year 4-6. 88% did not provide a response.

Table 4.5 Number of subjects based on education

| Level of education | Number of subjects | Percent |
|--------------------|--------------------|---------|
| Year 1-3 | 8 | 8 |
| Year 4-6 | 4 | 4 |
| No response | 84 | 88 |

As for the duration of their stay at the detention centres, 6.2% had been there for between 12 days – 2 months. Worse yet, 7.3% had been there for 3 – 10 months. Only 3.1% had been there for 1-2 years.

Table 4.6: Number of subjects based on duration of detention

| Duration in detention centres | Number of subjects | Percent |
|-------------------------------|---------------------------|---------|
| 12 days – 2 months | 6 | 6.2 |
| 3 – 10 months | 7 | 7.3 |
| 1 – 2 years | 3 | 3.1 |
| No answer | 80 | 83.4 |

The children in the detention centres mostly have fathers and mothers who are not Malaysian. 9.4% have fathers who are from Philippines, 8.3% have fathers from Cambodia, and 6.3% have fathers who are from Vietnam. These figures are very similar for the mothers as well. 11.5% of the children have mothers who are from the Philippines, 8.3% have mothers from Cambodia, and 6.3% have mothers from Vietnam.

Most of them belong to families which are average to large in size. A 53% have 1-5 siblings. 30% have 6-9 siblings whilst 4% have more than 10 siblings. The remaining 13% were unaccounted for.

Table 4.7: Number of subjects based on family size

| Number of siblings in the family | Number of subjects | Percent |
|----------------------------------|---------------------------|---------|
| 1 – 5 | 51 | 53 |
| 6 – 9 | 29 | 30 |
| >10 | 4 | 4 |
| No answer | 12 | 13 |

When asked if they were attending any educational programs at the centre, only 2% answered Yes. Unfortunately, 29% were not attending any of the programs, whilst 69% of them are unaccounted for.

Table 4.8: Number of subjects receiving education

| Attending educational programs | Number of subjects | Percent |
|--------------------------------|---------------------------|---------|
| Yes | 2 | 2 |
| No | 28 | 29 |
| No answer | 66 | 69 |

5% of the children were positive about staying at the detention centres as they were able to make many friends. 4% complained about not having birth certificates, whilst another 3% were worried about their parents' financial position being uncertain.

Parents in Detention Centers

Detention Centers are facilities which confine individuals who have committed offenses related to migration. The detainees are usually immigrants who have entered or stayed in Malaysia illegally. A total of 20 people were interviewed, from two different detention centres; Depot Pati Tanah Merah and PTS Menggatal. 70% of them were mothers, whilst 20% of them were fathers. The remaining 10% is no accounted for.

Table 4.9: Number of subjects based on gender

| Gender | Number of subjects | Percent |
|-----------|--------------------|---------|
| Male | 4 | 20 |
| Female | 14 | 70 |
| No answer | 2 | 10 |

As previously mentioned, the detainees will usually be from other countries. In this survey, a 60% majority were from Philippines whilst 15% were from Indonesia, both of which are neighboring countries to Malaysia. 15% were from countries other than Philippines and Indonesia.

Table 4.10: Number of subjects based on nationality

| Nationality | Number of subjects | Percent |
|-------------|--------------------|---------|
| Philippines | 12 | 60 |
| Indonesia | 3 | 15 |
| Others | 3 | 15 |
| No answer | 2 | 10 |

Upon being detained, the migrants may be held for an indefinite period. The parents interviewed have been detained at the detention centres for different durations. 5% had only stayed there for 7 days. A large majority of 70% had been

detained for 1- 4 months, whilst a smaller figure of 15% had stayed there for 6 months – 1 year. The remaining 10% gave no response.

Table 4.11: Number of subjects based on duration

| Duration in detention centres | Number of subjects | Percent |
|-------------------------------|---------------------------|---------|
| 0 – 7 days | 1 | 5 |
| 1 – 4 months | 14 | 70 |
| 6 – 1 years | 3 | 15 |
| No answer | 2 | 10 |

Most of them were detained due to insufficient documents. 75% did not have a passport or birth certificate. Another 15% did have passports, but which had already expired and therefore were no longer valid.

Many of the detainees had children. 50% had smaller families with only 1-3 children, whilst 40% of them had 5-10 children. As for the number of the children who were actually detained with their parents, the figures are slightly different. 45% had 1-4 children detained with them, 40% had 5-10 children detained, whilst 5% even had 11 children in the detention centre.

Some of their children who are detained with them are still young as they are only between the ages of 6-12 years old. 65% of the parents had 1-4 children detained who are between the ages of 6-12, whilst 25% had 5-8 children.

Table 4.12: Number of subjects based on age group

| Children's age group | Number of subjects | Percent |
|----------------------|---------------------------|---------|
| 1 – 5 | 14 | 68 |
| 6 –9 | 4 | 22 |
| No answer | 2 | 10 |

When asked if their children had been attending school prior to their detention, only 25% said Yes. However it is even more worrying that currently, only 5% of the parents are attending educational programs in the detention centers.

When asked about their condition, 14% responded that they wanted to be released from the detention centers as soon as possible, whilst 10% are waiting to be extradited. 7% complained that they were not given enough food, whilst another 7% complained that their children were not granted birth certificates despite being born in Malaysia.

Findings

According to authorities, the reason why children in immigration detention centers are not given an education is because they are only held for short periods as they await deportation to their own country. Usually they will be held with their father except babies who are still breast feeding. Issues of overcrowding also made difficult for Immigration Department to provide better treatment for detainee especially for child and woman.

Conclusion

Article 77(1) Standard Minimum Rules Treatment of Prisoners stated that provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration. However this article did not mention that state party oblige to provide education for detainee in immigration detention centers.