

HUMAN RIGHTS COMMISSION OF MALAYSIA

**SUHAKAM'S REPORT ON
THE HUMAN RIGHTS APPROACH TO THE
MILLENNIUM DEVELOPMENT GOALS**

**GOAL 2 : ACHIEVE UNIVERSAL
PRIMARY EDUCATION**



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ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
MDGs	Millennium Development Goals
PRS	Poverty Reduction Strategy
UDHR	Universal Declaration of Human Rights

LONG, DARK TREK ... to school



Penampang, Tues. – Several million children started the school year today, but few would have to go through what Jalisa Jium, 7, and her elder sister Wendy, 12, face every day.

Up before dawn, they put on their uniforms, heft their backpacks and set off for school, an hour's walk away in the pitch dark, their path lit by small kerosene lamp set in a bamboo holder.

The distance is just 3km but the trail keeping shoes clean and white they take winds across steep jungle hills with thick foliage and sheer ravines.

They wear no shoes, picking their way along the narrow root-tangled and rock- strewn path and crossing a river in their bare feet.

Only when they reach the other side, do they reach into their backpacks to pull out and don their socks and shoes, still pristine and white. They walk barefoot to keep their school shoes clean, they said.

EXECUTIVE SUMMARY

1. INTRODUCTION

The importance of education is acknowledged by the United Nations. Education has been adopted as the second goal of the Millennium Development Goals (MDGs). The target is to ensure that, by 2015, all children will be able to complete a full course of primary schooling.

Goal 2 : Achieving Universal Primary Education

Target	Indicators
Target 3 : Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.	<ul style="list-style-type: none">• Net enrolment ratio in primary education• Proportion of pupils starting Grade 1 who reach Grade 5• Primary completion rate• Literacy rate of 15-24 year-olds

**The full list of MDGs Targets and Indicators is attached as Annexure 1*

According to the World Declaration of Education for All, the term ‘primary education’ refers to the main delivery system for the basic education of children outside the family. Education provided to these children must be universal but at the same time should take into consideration the varying aspects of culture, needs and opportunities of different groups of community.¹

2. PERSPECTIVES ON EDUCATION

2.1 Development Perspective on Education

From a development perspective, education is treated as a means to enhance a person’s earning capacity in order to reduce poverty and to produce efficient human capital.²

2.2 The Human Rights Perspective to Education

The human rights approach acknowledges that education enables economically and socially marginalised adults and children to lift themselves out of poverty and obtain means to participate in their communities. The human rights approach to education also believes that education is an end in itself rather than just a means to achieve other ends, whereby obtaining knowledge is seen as a goal rather than just a tool to obtain employment or other reasons.³

¹ See para. 9 of General Comment No. 13 of Article 13 of the ICESCR on ‘The Right to Education’.

² See the Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with the Commission on Human Rights resolution 1998/33. Document can be found at <http://www.right-to-education.org/content/unreports/unreport1prt1.html>

³ See para. 13 of the Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with the Commission on Human Rights resolution 1998/33. Document can be found at <http://www.right-to-education.org/content/unreports/unreport1prt1.html>

A very good example which differentiates the human rights approach and the development approach to education was given by the Special Rapporteur on the Right to Education. The Special Rapporteur on the Right to Education distinguished the different approaches by taking children with disabilities as an example. While the human rights approach guarantees education for all children, the development approach may take a different stand. Extra resources needed to support education for children with mental and physical disabilities may be deemed too expensive, while the return on investment of these extra resources may be seen as insufficient. This type of reasoning obviously challenges the very assumption of human rights, namely the equal worth of all human beings.⁴

Various international human rights instruments provide a person's right to education. They include the following:

- Article 26 of Universal Declaration of Human Rights (UDHR);
- Article 28 and General Comment 1 of the Convention on the Rights of the Child (CRC);
- Article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- Article 13 and 14, and General Comment 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- Articles 5 and 7 of the International Convention of the Elimination of All Forms of Racial Discrimination (CERD).

3. MALAYSIA'S ACHIEVEMENT

Malaysia's achievement vis-à-vis the second Goal of the MDGs is commendable. In 2004 for instance, 92.75%⁵ of the total population of children between the age of 6+ and 11+ were enrolled in primary schools. Literacy rate was 95.0%⁶ in 2003.

Various efforts have been implemented by the Government to ensure education is available for all children. They include:

- Amendment to the Education Act 1996;
- Abolishment of school fees;
- Ratification of CRC;
- Federal Government Budget allocation for educational development;
- Programmes to assist children from poor families.

⁴ See para. 13 of the Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with the Commission on Human Rights resolution 1998/33. Document can be found at <http://www.right-to-education.org/content/unreports/unreport1prt1.html>

⁵ Source: Quick Facts. Malaysian Educational Statistics 2004, p.10

⁶ Source: Quick Facts. Malaysian Educational Statistics 2004, p.2

However, there are issues in relation to education in Malaysia that needs more attention and they include:

- Dropout rate amongst male students;
- Issues of availability of schools;
- Issues of physical and economic accessibility;
- Lack of supporting facilities;
- Accessibility to quality education amongst children with disabilities;

4. RECOMMENDATIONS

SUHAKAM would like to make the following recommendations:

4.1 Increase availability of schools in less developed areas

SUHAKAM recommends that the number of schools be increased. This should be in accordance to the educational needs of different areas. Consequently, there is the need to do frequent research on the demand for education in various areas as population growth and migration pattern may change over time. This is to avoid inadequate number of schools particularly in urban areas, and under enrolled schools in rural areas.

School buildings should be reasonably convenient in terms of geographic locations. Therefore, children and their families – particular children from families living in poverty – are not burdened with the cost that they may not afford, for instance, transportation cost.

4.2 Enhance basic infrastructure to ensure a conducive and safe learning environment

SUHAKAM recommends that the Government ensures basic facilities such as clean water supply, sufficient number of dormitories, sanitation, transportation, access road and communication facilities are provided, particularly in less developed areas. Basic facilities in rural and remote areas are often inadequate, thus affecting the motivation of students to attend school.

4.3 Extensive programmes to educate people on the importance of education

This programme should be targeted to members of communities living in isolated, rural and less developed areas. Communities living in these areas, such as the orang asli community, often do not see education as vital. This is because they are not aware of the benefits of having education. These programmes must clearly specify the communities' entitlement to education as stipulated in the CRC and the benefits of acquiring education.

Consequently, facilities that support education such as the internet and other communication facilities that encourage the transfer of knowledge should be put in place in these areas.

4.4 Stricter monitoring system for contractors

SUHAKAM recommends that the Government implements a stricter monitoring and inspection system on contractors who are awarded with contracts to build school buildings as well as other supporting infrastructure for schools.

SUHAKAM also recommends that irresponsible contractors are imposed with stricter punishment. As schools are primarily built for children's benefits, irresponsible contractors that neglect safety features should be punished as their actions compromise the innocent lives of children.

4.5 Ensure quality of education

This is pertinent for students who are members of communities living in rural and isolated areas. This is to ensure that these children are able to compete with other students in developed and well off areas which has a more advanced education system. Education received by all children, regardless of their economic, social and cultural background, should be of equal standard.

4.6 Equipment for children with physical disabilities in schools

SUHAKAM strongly recommends that schools in Malaysia be equipped with facilities for physically disabled children. In some cases, children with certain physical disabilities are fit to study in public schools. However, they are denied of their right to education because schools are not physically equipped to enroll these children. Currently, schools in Malaysia are not equipped with facilities for children with physical disabilities. Facilities such as wheelchairs, ramps and toilets for children with physical disabilities should be made available.

4.7 Mainstream education for children with disabilities

SUHAKAM recommends that education provided for children with disabilities are mainstreamed so as to ensure that these children receive the same standard of education as the rest of the children in Malaysia.

Mainstreaming education for children with disabilities requires the adoption of specific educational programmes and making provisions in curriculums. Although methods and approach to provide education may differ, all children will be able to receive the same type and quality of education.

4.8 Ensuring the wellbeing of educator

SUHAKAM recommends that teachers be provided with adequate facilities such as clean water supply, transportation, sanitation, quarters and so on, to safeguard their wellbeing. This is particularly relevant to teachers posted to rural and remote areas. Teachers play an important role in the moulding and development of a child's personality and abilities. Thus, teachers must be motivated to commit themselves to provide meaningful education to children.

ACHIEVE UNIVERSAL PRIMARY EDUCATION

1. INTRODUCTION

The second goal of the Millennium Development Goals (MDGs) is to ensure children everywhere are able to receive and complete a full course of primary education. The target and indicators for this goal is shown in Table 1.

TABLE 1: Goal 2 : Achieve Universal Primary Education

Target	Indicators
Target 3: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.	<ul style="list-style-type: none">• Net enrolment ratio in primary education• Proportion of pupils starting Grade 1 who reach Grade 5• Primary completion rate• Literacy rate of 15-24 year-olds

An important feature of the MDGs is the spillover effect among the Goals. Thus, education (Goal 2) is the fundamental catalyst to poverty reduction (Goal 1). Education generally improves a person's chance to obtain proper employment. Income generated from employment enhances a person's access to basic needs where the absence of these basic needs worsens the incidence of poverty.¹

According to the World Declaration of Education for All, the term 'primary education' refers to the main delivery system of basic education for children outside the family. Education provided to these children must be universal but at the same time should take into consideration the varying aspects of culture, needs and opportunities of different groups of community.²

¹ The idea of constitutive relevance of human rights derives from the understanding of what it means to be poor. According to UNHCHR, being poor is widely seen a person who is deprived of basic capabilities, such as capabilities to be free from hunger, to live in good health, to be literate and so on. Thus, a poor person is one for whom a number of human rights remain unfulfilled, such as the right to food, health, education and so on. See para. 29 of the Draft Guidelines on the "Human Rights Approach to a Poverty Reduction Strategy". Draft guidelines can be found at <http://www.unhchr.ch/development/povertyfinal.html>.

² See para. 9 of General Comment No. 13 of Article 13 of the ICESCR on 'The Right to Education'.

2. EDUCATION FROM A DEVELOPMENT AND HUMAN RIGHTS PERSPECTIVE

2.1 EDUCATION FROM A DEVELOPMENT PERSPECTIVE

From a development perspective, education is treated as a means to enhance a person's earning capacity and to produce efficient human capital.³ This is explained as below:

2.1.1 *Enhancing earning capacity.* Providing education for all proves to be an effective tool to eradicate poverty. For instance, Malaysia's success in reducing poverty has been rooted in education.⁴ Education opens up employment opportunities. Income acquired from employment is used to acquire basic needs.

2.1.2 *Efficient human capital.* Education is treated as a tool to produce efficient human capital whereby the society is provided with education so that they will be able to socially and economically contribute to an organisation as well as to their country's development.

2.2 EDUCATION FROM A HUMAN RIGHTS PERSPECTIVE

The human rights approach to education acknowledges that education enables economically and socially marginalised adults and children to lift themselves out of poverty and obtain means to participate in their communities.

However, the human rights approach to education also believes that education is an end in itself rather than just a means to achieve other ends. Hence, acquiring knowledge is seen as a goal rather than just a tool to obtain employment or other reasons.⁵

A very good example which differentiates the human rights approach and the development approach was given by the Special Rapporteur on the Right to Education. The Special Rapporteur on the Right to education distinguished the different approaches by taking children with disabilities as an example. While the human rights approach guarantees education

³ See the Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with the Commission on Human Rights resolution 1998/33. Document can be found at <http://www.right-to-education.org/content/unreports/unreport1prt1.html>

⁴ Statement by Puan Noriyah Ahmad, the Secretary to the Energy Division of the Ministry of Energy, Communications and Multimedia at the Seminar on "Human Rights and the Millennium Development Goals" organised by SUHAKAM. Refer to the report on the Seminar on "Human Rights and the Millennium Development Goals".

⁵ See para. 13 of the Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with the Commission on Human Rights resolution 1998/33. Document can be found at <http://www.right-to-education.org/content/unreports/unreport1prt1.html>

for all children, the development approach may take a different stand. Children with disabilities, either physical or mental, are exposed to the risk of not getting adequate education. The provision of wheelchair ramps for children with physical disabilities for instance, may be considered too expensive by some. Extra resources may be needed to provide education to children with mental disabilities, however, the marginal return on investment may be deemed not sufficient. This type of reasoning obviously challenges the very assumption of human rights, namely the equal worth of all human beings.⁶

2.2.1 Compulsory and Free Education for All

There are two vital aspects of primary education which includes “compulsory” and “free for all”. The right to education requires education to be provided because a person is entitled to obtain free education, rather than obtaining education after having to pay or having the ability to pay for it. The human rights approach requires duty holders to adequately fund education to ensure children are not deprived of their right to education, simply because they cannot afford the cost.⁷

In addition, since private educational institutions do not guarantee free primary education, the Government is obligated to ensure that there is sufficient number of public schools, as well as the recruitment of trained teachers and ensure that children receive quality education as required by human rights laws.⁸

2.2.2 International Human Rights Instruments Applicable on Achieving Universal Primary Education

The right to education is highlighted in various international human rights instrument and they include:

i) Universal Declaration of Human Rights (UDHR)

Article 26 of the UDHR guarantees everyone’s right to education. The article further stipulates that education, particularly at elementary and fundamental stage should be free.

⁶ See para. 13 of the Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with the Commission on Human Rights resolution 1998/33. Document can be found at <http://www.right-to-education.org/content/unreports/unreport1prt1.html>

⁷ See Report on the Sixtieth Session on “The Right to Education” by the Special Rapporteur, Katarina Tomasevski. Document code E/CN.4/2004/45.

⁸ See para 128 of the “Draft Guidelines: Human Rights Approach to Poverty Reduction Strategies” Document can be found at <http://www.unhchr.ch/development/povertyfinal.html>

In addition, the article states that education provided to children should be directed to the full development of human personality as well as to strengthen respect towards human rights and fundamental freedom.

The article also recognises the right of parents to choose the kind of education that will be provided to their children.

ii) Convention on the Rights of the Child (CRC)

Malaysia became a state member to the CRC on 17 February 1995 which later entered into force in 19 March 1995.

Article 28(a) of the Convention provides that State Parties to the Convention, such as Malaysia, must recognise every child's right to education. State Parties are to realise this right progressively and equally. The article also clearly states that State Parties to the convention shall make primary education compulsory and available free to all.

The General Comment No. 1 (GC 1) of the CRC refers to article 29 of the Convention. In particular, the article touches on (i) the development of a child's personality, talents and mental and physical abilities which are essential to the development of a child's personality to their fullest potential; (ii), the development of the respect of human rights and fundamental freedom; (iii) the development of respect of their cultural identity, language and values; (iv) the preparation of the child's responsibility in a free society, spirit of understanding peace, tolerance, equality of sexes and friendship among all peoples; and (v) the development of respect for the natural environment.

iii) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Malaysia is also a state member to the CEDAW since 5 July 1995. Article 10 of the Convention states that countries that have ratified the Convention are obligated to ensure both male and female students receive the same standard and treatment in education. It is the responsibility of duty holders to ensure not only equality in terms of enrollment but also to ensure male and female students are treated in a manner that guarantees perceived traditional roles of men and women are not stereotyped.

iv) International Covenant on Economic, Social and Cultural Rights (ICESCR)

The General Comment on Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) has outlined the core features in providing education for all. The core human rights obligations in education include availability, accessibility, acceptability and adaptability.

a. Availability

State Parties to the ICESCR are obligated to ensure that functioning educational institutions within each State Party's jurisdiction is sufficient in quantity to accommodate educational needs of its society. Facilities such as sanitation, safe drinking water, trained teachers who receive domestically competitive salaries, teaching materials, library, computer facilities and information technology should be provided.

b. Accessibility

Education should be accessible to all without discrimination. State Parties are responsible to ensure this is realised within each State Party's jurisdiction. There are three coinciding dimensions of accessibility which are as follows:

- **Non-discrimination** – education must be accessible to all with special attention to vulnerable groups. State Parties to the ICESCR must ensure the country coincides with this in its law as well as implementation;
- **Physical accessibility** – State Parties of the Covenant must ensure that physical educational institutions are within safe physical reach. The General Comment No. 13 (GC 13) of the ICESCR specifies that this can either be reasonably convenient geographic location (for instance schools located nearby housing areas) or through modern technology (for instance access to distance learning programmes);
- **Economic Accessibility** – education should be affordable to all. Affordable in this context is subject to the different levels of education as stipulated in article 13(2) of the ICESCR where primary education should be available “free for all” while secondary and higher education should progressively introduce free education.

c. Acceptability

The nature of education as well as the manner which it is provided should conform to the needs of the society. This includes relevant, culturally appropriate and of good quality. However this is subject to the provisions in article 13(1)⁹, 13(3)¹⁰ and 13(4)¹¹ of the ICESCR.

d. Adaptability

Because society is dynamic and changes through time, education has to be flexible to ensure education provided can adapt to the needs of the changing society. Further, education provided should also be adaptable to the diverse social and cultural setting that may exist within a society.

v) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Article 5(e)v of the ICERD guarantees every person's right to education and training without discrimination on the basis of race, color, or national or ethnic origin.

Further, article 7 of the Convention, among others, provides that State Parties to the Convention are take immediate and effective measures, particularly in the field of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial and ethnical groups.

⁹ Article 13 (1):

The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

¹⁰ Article 13 (3):

The State Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

¹¹ Article 13 (4):

No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State

2.2.3 Human Rights Monitoring Targets and Indicators

The “Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies” was prepared for the Office of the High Commissioner for Human Rights (OHCHR) by a number of experts to link human rights with various aspects that influence poverty, such as education. Shown below are the targets and indicators to monitor the progress towards achieving the right to education prepared by them.¹² Among others, the targets and indicators brought forward by the human rights approach encompass the importance of primary and secondary education, education for children with disabilities, cost of attaining education, the adequacy of education facilities and other factors that influence accessibility, affordability and quality of education which the MDGs fail to address.

KEY TARGETS AND INDICATORS TO ACHIEVE THE RIGHT TO EDUCATION

Target	Indicators
Target 1 : To ensure universal primary education for boys and girls as soon as possible, but no later than 2015.	<ul style="list-style-type: none"> • Net enrolment ratio in primary education • Proportion of pupils starting grade 1 who reach grade 5 • Literacy rate in the age group 15-24 • Drop-out and attendance rates in primary schools • Share of public expenditure on primary education
Target 2 : To make free primary education available to all children	<ul style="list-style-type: none"> • Proportion of primary school pupils in State schools not paying school fees • Average fees paid by primary school pupils in State schools
Target 3 : To implement compulsory primary education	<ul style="list-style-type: none"> • Number of years' schooling made compulsory
Target 4: To eradicate illiteracy	<ul style="list-style-type: none"> • Overall adult literacy rate • Literacy rate in the age group 15-24
Target 5: To ensure equal access for all to secondary education	<ul style="list-style-type: none"> • Net enrolment ratio in secondary education, disaggregated for poor and non-poor • Share of public expenditure on secondary education • Ratio of girls to boys in secondary education • Proportion of children with disabilities attending secondary education

¹² The document entitled “Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies” is the outcome of a request by the United Nations Committee on Economic, Social and Cultural Rights to the Office of the High Commissioner for Human Rights (OHCHR) “to develop substantive guidelines for the integration of human rights in national poverty reduction strategies”. The principal authors of the Draft Guidelines were Professor Paul Hunt, Professor Manfred Nowak and Professor Siddiq Osmani. Various International development bodies also made their contribution to the draft guidelines.

Target	Indicators
Target 6: To make free secondary education available to all children	<ul style="list-style-type: none"> • Proportion of secondary school pupils in State schools not paying school fees, disaggregated for poor and non-poor • Average fees paid by secondary school pupils in State schools
Target 7: To eliminate gender disparity in primary and secondary education	<ul style="list-style-type: none"> • Ratio of girls to boys in primary education • Ratio of girls to boys in secondary education • Ratio of literate females to males in the age group 15-24
Target 8: To improve the quality of primary and secondary education	<ul style="list-style-type: none"> • Pupil-teacher ratio • Teacher-classroom ratio • Proportion of primary/ secondary school pupils receiving textbooks free of charge

Source : Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies” by the Office of the High Commissioner for Human Rights (OHCHR)

3. ACHIEVING UNIVERSAL PRIMARY EDUCATION IN MALAYSIA

In Malaysia, education is an important tool in the country’s poverty reduction strategy. According to Puan Noriyah Ahmad, the Secretary to the Energy Division of the Ministry of Energy, Communications and Multimedia, Malaysia’s success in poverty reduction is rooted in Education.¹³

3.1 Primary Enrolment and Literacy Rate in Malaysia

Table 2 shows the primary school enrolment and literacy rate for students studying in schools under the Ministry of Education system in Malaysia for 1990 and from 2000 to 2004. The primary school enrolment rate in Malaysia decreased from 93.3%¹⁴ in 1990 to 92.08%¹⁵ in 2001. However, the rate increased in 2004 to 92.75%.¹⁶

In addition to this, the literacy rate in Malaysia has also shown commendable improvements. In 1990, the literacy rate in Malaysia was 85.0%.¹⁷ This figure reached 95.0%¹⁸ in 2003.

¹³ See Views and Issues Discussed in relation to Poverty Eradication of the Report on the Seminar on “Human Rights and the MDGs” held in Kuching, Sarawak on 12 and 13 October 2004, p.21

¹⁴ Source: Malaysian Economic in Figures 2002, p.7

¹⁵ Source: Quick Facts. Malaysian Educational Statistics 2004, p.10

¹⁶ Source: Quick Facts. Malaysian Educational Statistics 2004, p.10

¹⁷ Source: Malaysian Economic in Figures 2004, p.7

¹⁸ Source: Quick Facts. Malaysian Educational Statistics 2004, p.2

TABLE 2 : PRIMARY SCHOOL ENROLMENT AND LITERACY RATE IN MINISTRY OF EDUCATION (MOE) EDUCATIONAL INSTITUTION, MALAYSIA, 1990, 2000 – 2004

Primary*	1990	2000	2001	2002	2003	2004
Population (6+ - 11+)	n.a	3,132,500	3,168,000	3,204,600	3,243,000	3,282,500
Enrolment	n.a	2,907,123	2,917,214	2,959,653	3,005,173	3,044,368
Enrolment Rate	93.3	92.81	92.08	92.36	92.67	92.75
Literacy Rate (age 10 and above)	85.0	93.8	93.9	94.0	95.0p	n.a

* Excluding pre-school enrolment in primary schools.

^p Preliminary

^{n.a} Not Available

Source: *The Malaysian Economy in Figures 2002;*

The Malaysian Economy in Figures 2004;

Quick Facts, Malaysian Educational Statistics 2004, Educational Planning & Research Division (EPRD) Ministry of Education Malaysia

3.2 Primary School Enrolment by Sex

Table 3 shows the primary school enrolment rate by gender in Malaysia from 1998 to 2002. Although the primary school enrolment rate among female students is slightly lower, this is justified by the fact that the number of female and male live births which represent these students, proportionately represents the female and male primary school enrolment for the respective years.

TABLE 3: PRIMARY SCHOOL ENROLMENT IN GOVERNMENT AND GOVERNMENT AIDED SCHOOLS BY SEX, MALAYSIA, 1998 - 2002

EDUCATION LEVEL	1998	1999	2000	2001	2002 ¹
Primary					
Male	1,484,636	1,485,514	1,507,988	1,511,283	1,534,946
Female	1,404,220	1,407,227	1,425,899	1,432,544	1,454,338
Total	2,888,856	2,892,741	2,933,877	2,943,827	2,989,284
% Females	48.6	48.6	48.6	48.7	48.7

Note: ¹Preliminary figure

Source: Ministry of Women and Family Development website. <http://www.kpwk.gov.my>

Table 4 shows the number of male and female live births in Malaysia from 1986 to 1995. In Malaysia, primary education consists of six years. Children aged 6+ are required to enroll in primary one and will reach their final primary education at the age of 11+ (primary 6). Primary students enrolled in 1998 (enrolment from

primary one to primary six) are among children who were born between 1986 and 1991.¹⁹ Thus, between 1986 and 1991, there was a total of 1,445,160²⁰ female live births (48.3%) and 1,545,933²¹ male live births (51.7%).

TABLE 4: LIVE BIRTHS BY GENDER, MALAYSIA 1986-1995

	1986-1991	1987-1992	1988-1993	1989-1994	1990-1995
Live Births					
Male	1,545,933	1,561,234	1,588,103	1,601,982	1,636,310
Female	1,445,160	1,459,285	1,483,631	1,496,065	1,527,692
Total	2,991,093	3,020,519	3,071,734	3,098,047	3,164,002
% Females	48.3	48.3	48.2	48.3	48.3

Note: Primary students enrolled in 1998 are among children born from 1986 to 1991
 Primary students enrolled in 1999 are among children born from 1987 to 1992
 Primary students enrolled in 2000 are among children born from 1988 to 1993
 Primary students enrolled in 2001 are among children born from 1989 to 1994
 Primary students enrolled in 2002 are among children born from 1990 to 1995

Source: Vital Statistics Time Series, Malaysia 1963-1998

3.3 Dropout Rates

In Malaysia, male students at primary level show higher dropout rate when compared to female students. Tables 5 to 8 show the student dropout rate for male and female students under the MOE system from 1991 to 2003.

According to the Educational Planning and Policy Research Division of the Ministry of Education, Malaysia, the participation rates for boys and girls were about the same (93%-97%) at the beginning of primary school (year 1). Dropout occurred along the transition from one grade level to another. The drop out rate among boys was consistently higher than girls.²²

According to the United Nation Development Programme (UNDP) Resident Representative for Malaysia, Singapore and Brunei Darussalam, Dr. Richard Leete, Malaysia's desire to attain a developed nation status requires support from both male and female population in the labour force. However, high male dropout rate may result in social consequences and serious trends in the quality of the labour force, which subsequently may affect Malaysia's aspiration.²³

¹⁹ Primary 6 students are basically born 13 years earlier while primary 1 students are born 8 years earlier.

²⁰ Vital Statistics Time Series Malaysia 1963 - 1998

²¹ Vital Statistics Time Series Malaysia 1963 - 1998

²² However, the Ministry also highlighted that a number of students that dropout from schools under the MOE system, continued their education in private schools and Community Religious Schools (Sekolah Agama Rakyat). For instance, from 1999 to 2002, approximately 7.3% of students within the lower secondary level age (12+ to 14+ years old) were registered in schools outside the MOE system.

²³ See Malay Mail Newspaper on 21 October 2004. Dr. Richard Leete's statement on "Need to Bridge Gender Divide".

TABLE 5: MALE DROPOUT IN MOE SCHOOLS BY LEVEL: COHORT FLOW ANALYSIS

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Year 1													
Year 2		-1993	-1575	-1396	-1685	-1599	2061	-1689	4277	26	-1511	-2403	-5111
Year 3		-1061	-992	-1150	-389	-381	-1481	-723	-2349	906	-1006	-2029	925
Year 4		-1275	-1316	-1116	-211	-1343	-1392	-2011	-6624	-3113	-558	-1868	-26
Year 5		-2539	-2212	-1750	-1381	-2113	269	383	-460	1357	28	-2671	-366
Year 6		-3537	-2922	-3806	-3199	-3276	-3342	-5097	-4598	-3267	-4284	-3572	-1595
Total Loss in Primary					-7326	-8758	-8391	-7956	-7673	-8818	-8213	-10695	-10695

TABLE 6: MALE DROPOUT RATES (%) IN MOE SCHOOLS BY LEVEL: COHORT FLOW ANALYSIS

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Year 1													
Year 2		-0.84	-0.64	-0.56	-0.69	-0.63	0.88	-0.67	-1.68	0.01	-0.58	-0.92	-1.93
Year 3		-0.48	-0.42	-0.47	-0.16	-0.16	-0.59	-0.31	-0.94	0.36	-0.39	-0.78	0.36
Year 4		-0.57	-0.59	-0.48	-0.09	-0.55	-0.58	-0.80	-2.82	-1.26	-0.22	-0.73	-0.01
Year 5		-1.17	-1.00	-0.79	-0.59	-0.87	0.11	0.16	-0.18	0.59	0.01	-1.09	-0.14
Year 6		-1.72	-1.36	-1.74	-1.46	-1.41	-1.39	-2.09	-1.91	-1.31	-1.86	-1.47	-0.66
Total Loss in Primary						-3.69	-3.41	-3.22	-3.15	-3.46	-3.51	-4.27	-4.21

TABLE 7: FEMALE DROPOUT IN MOE SCHOOLS BY LEVEL: COHORT FLOW ANALYSIS

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Year 1													
Year 2		-1882	-1197	-1027	-799	-1320	841	-3159	-2369	533	-1441	-2222	-4101
Year 3		-1082	-475	-993	-390	-402	-1671	24	-391	-638	-807	-2157	745
Year 4		-1161	-1068	-868	-605	-974	-2241	-2776	-5418	-4770	-372	-1509	115
Year 5		-2281	-1659	-959	-1146	-1238	532	2125	1310	2271	1989	-1915	-795
Year 6		-2798	-2174	-2739	-2561	-2703	-2985	-2604	-3988	-2123	-3066	-3534	-1143
Total Loss in Primary					-5670	-7074	-7018	-4463	-5305	-6580	-5348	-9865	-9865

TABLE 8: FEMALE DROPOUT RATES (%) IN MOE SCHOOLS BY LEVEL: COHORT FLOW ANALYSIS

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Year 1													
Year 2		-0.84	-0.51	-0.44	-0.35	-0.55	0.38	-1.33	-0.99	0.22	-0.58	-0.90	-1.63
Year 3		-0.51	-0.21	-0.42	-0.17	-0.18	-0.70	0.01	-0.17	-0.27	-0.33	-0.88	0.30
Year 4		-0.55	-0.51	-0.39	-0.26	-0.42	-0.98	-1.17	-2.44	-2.04	-0.16	-0.62	0.05
Year 5		-1.11	-0.79	-0.46	-0.52	-0.53	0.23	0.94	0.56	1.05	0.87	-0.82	-0.33
Year 6		-1.44	-1.07	-1.32	-1.23	-1.23	-1.29	-1.12	-1.74	-0.9	-1.40	-1.53	-0.49
Total Loss in Primary						-3.16	-2.98	-1.91	-2.31	-2.73	-2.42	-4.16	-4.13

Reading the tables

- For students who enrolled in Year 1 in 1991 for example,
 - the total loss in primary school was 3.41% for boys and 2.98% for girls
- For students who enrolled in Year 1 in 1992 for example,
 - the total loss in primary school was 3.22% for boys and 1.91% for girls

Source: Educational Planning and Research Division (EPRD), Ministry of Education

Children from the *Orang Asli* community have high student dropout rate. In 1976, the number of *Orang Asli* children who registered in primary 1 was 2,105²⁴ children. From that total, only 29.9% were able to complete their primary education in 1981. However, the enrolment rate amongst orang asli children has progressively increased while their dropout rate has gradually decreased. In 1995, the total number of *Orang Asli* children enrolled in primary education was 5,505²⁵ students, out of which 57.1%²⁶ students managed to complete primary education in 2000. Table 9 shows the number and rate of dropout for *Orang Asli* children in Malaysia from 1976 to 2000.

TABLE 9: NUMBER AND RATE OF DROPOUT FOR ORANG ASLI CHILDREN, MALAYSIA, 1976 – 2000

Year of Admission (Year)	No. of registered students in Primary Education	Year completing Primary 6 (Year)	No. of students completing Primary 6	No. of students dropping out	Dropout Rate (%)
1976	2,105	1981	630	1,475	70.1
1977	2,151	1982	741	1,410	65.6
1978	2,317	1983	705	1,612	69.6
1979	3,102	1984	757	2,345	75.6
1980	2,304	1985	654	1,650	71.6
1981	2,416	1986	783	1,633	67.6
1982	2,729	1987	9,44	1,785	65.4
1983	2,868	1988	1,000	1,868	65.1
1984	2,651	1989	1,052	1,599	60.3
1985	2,879	1990	1,124	1,755	60.9
1986	2,942	1991	1,031	1,911	64.9
1987	2,988	1992	1,217	1,771	59.2
1988	2,881	1993	1,255	1,626	56.4
1989	2,970	1994	1,466	1,404	48.9
1990	3,078	1995	1,699	1,379	44.8
1991	3,248	1996	1,679	1,569	48.3
1992	3,202	1997	1,825	1,377	43.0

²⁴ Source: Jabatan Hal Ehwal Orang Asli

²⁵ Source: Jabatan Hal Ehwal Orang Asli

²⁶ Based on statistic from Jabatan Hal Ehwal Orang Asli

1993	3,379	1998	2,264	1,115	33.0
1994*	3,128	1999	2,574	472	15.1
1995	5,505	2000	3,144	2,361	42.9
Total	58,843		26,544	32,117	54.6

Note: * The totals show a discrepancy of 182 arising from errors in the 1989 and 1994 figures
Source: Jabatan Hal Ehwal Orang Asli

4 EFFORTS TO ACHIEVE UNIVERSAL PRIMARY EDUCATION IN MALAYSIA

Malaysia's success in reducing poverty has been rooted in education.²⁷ From the amendment to Malaysia's education act to the provision of food supplements, the Malaysian Government has in fact prioritised education as a key social aspect.

4.1 Amendment to Education Act 1996

In 2002, Malaysia's Education Act 1996 was amended to make primary education compulsory. Under Section 29 of the Education Act 1996, parents are obligated to ensure that their children receive primary education starting from age 6+ and remain in primary school for the duration of the compulsory education of 6 years which may be completed within five to seven years. This is in line with article 28(1a) of the Convention on the Rights of the Child (CRC), which, among others, require State Parties to the convention to make primary education compulsory.

In addition Section 29A(4) states that parents who fail to do so will be found guilty and upon conviction will be liable to a fine not exceeding five thousand ringgit or to imprisonment for the term not exceeding six months or to both.

4.2 Abolishment of School Fees

Article 28(1) of the Convention of the Rights of the Child also provides that State Parties to the Convention are to ensure primary education is free for all. In 1962, school fees were abolished in all fully Government assisted schools.²⁸ Children enrolled in public primary schools under the Ministry of Education of Malaysia are not required to pay any tuition fee. This is, among others, to assist children, especially children from poor families to enroll in primary education.

²⁷ See Views and Issues Discussed in relation to Poverty Eradication of the Report on the Seminar on "Human Rights and the MDGs" held in Kuching, Sarawak on 12 and 13 October 2004, p.21

²⁸ See Ministry of Education's Report on "Education in Malaysia. A Journey to excellence", p.10

Despite not having to pay tuition fees, school administrative often imposes other non-tuition fees such as sports fees, club fees and other co-curriculum fees. Thus, fees imposed by school administrative render public primary education in Malaysia chargeable.

4.3 Ratification of the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Malaysia became a member state to the Convention on the Rights of the Child (CRC) on 17 February 1995 which later entered into force on 19 March 1995. Article 28 of the CRC states that State Parties to the Convention are obligated to ensure education is compulsory and free for all. Further, the article stipulates the duties of States Parties to ensure that this right is realised. Article 29 of the CRC further specifies the various kinds of education that should be directed to the child.

Malaysia has also been a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) since 5 July 1995. Article 10 of the Convention states that countries that have ratified the Convention are obligated to ensure both men and women receive the same standard and treatment in education. Thus, it is the responsibility of duty holders to ensure equality not only in terms of enrolment of students in primary school, but also to ensure male and female students have equal access to the various types of education. This is to ensure perceived traditional roles of men and women are not stereotyped.

4.4 Budget Allocation

From 1996 to 2000, development of preschool, primary and secondary education received the largest share of the Ministry of Education's development allocation received from the Federal Government.

During the Eighth Malaysia Plan (8MP) period, education and training received the highest sum of Federal Government Development Allocation and Expenditure. According to the Mid-Term Review of the Eighth Malaysia Plan 2001-2005, the revised 8MP allocation for education was RM40,033.4²⁹ million. From this total, RM 376.1million³⁰ was allocated for pre-school education, RM6,606.0³¹ million for primary education and RM10,901.1³² for secondary education.

²⁹ See Mid-Term Review of the Eighth Malaysia Plan 2001-2005, p.137

³⁰ See Mid-Term Review of the Eighth Malaysia Plan 2001-2005, p.130

³¹ See Mid-Term Review of the Eighth Malaysia Plan 2001-2005, p.130

³² See Mid-Term Review of the Eighth Malaysia Plan 2001-2005, p.130

Table 10 shows the development allocation for education and training from 2001 to 2005.

TABLE 10: DEVELOPMENT ALLOCATION FOR EDUCATION AND TRAINING, MALAYSIA, 1996-2000 (RM Million)

Programme	8 MP Allocation		Estimated Expenditure 2001-2003	Balance 2004-2005
	Original	Revised		
Education	18,660.0	34,977.9	30,834.8	4,143.1
Pre-school	147.4	376.1	202.8	173.3
Primary Education	2,750.0	6,606.0	5,922.2	683.8
Secondary Education	4,862.6	10,801.1	9,164.9	1,636.9
Government & Government aided Schools	3,262.6	7,891.6	7,030.0	861.6
MARA Junior Science College	700.0	677.0	466.7	210.3
Technical & Vocational Schools	900.0	2,233.2	1,668.2	565.0
Tertiary Education	8,900.0	1,1251.6	10,484.0	767.6
Teachers Education	300.0	909.4	801.4	108.0
Other Educational Support Programmes	1,700.0	5,033.0	4,259.5	773.5
Training	4,000.3	5,187.2	3,823.2	1,364.0
Total	22,660.3	40,165.1	34,658.0	5,507.1

Source: Mid-Term Review of the Eighth Malaysia Plan, 2001-2005

4.5 Availability of Schools

There are various demographic reasons that result to the increasing population size in Malaysia. For instance expatriates working and studying in Malaysia and migration of illegal immigrants to Malaysia consequently increases the demand for more places for education.

To meet the increasing demand, the Government has taken various efforts to increase the number of educational facilities throughout Malaysia. In 2000, there were a total of 7,231 schools at the primary level. After only four years, the number of primary schools increased by 331 primary schools. Table 11 shows the number of primary schools in the Ministry of Education of Malaysia from 2000 to 2004.

TABLE 11: NUMBER OF PRIMARY SCHOOLS, MALAYSIA, 2000-2004

TYPE OF SCHOOLS	2000	2001	2002	2003	2004
National	5,393	5,487	5,581	5,664	5,723
National Type (C)*	1,284	1,285	1,286	1,287*	1,286*
National Type (T)	526	526	526	525	525
Special Education	28	28	28	28	28
TOTAL	7,231	7,326	7,421	7,504	7,562

Source : Quick Fact. Malaysian Education Statistics 2004, Educational Planning & Research Division, Ministry of Education Malaysia

Note : *There is no increase or decrease in number of schools – recategorised the National Type (C) to National Schools

4.6 Programmes to Assist the Poor

The Government has implemented numerous programmes to assist and motivate children from various economic and social backgrounds – such as children from families living in poverty – to attend and complete a full course of primary education.³³ Among the programmes implemented by the Government include the following:

4.6.1 Provision of Hostels

The setting up of day school hostels, central hostels and fully residential hostels throughout the country have enhanced accessibility to education among children, particularly children living in rural and remote areas.

Day school hostels are provided by schools to accommodate selected students from their own schools while central hostels are built to accommodate students from a group of neighbouring schools. Fully residential school hostels on the other hand, are set up to accommodate all students studying in a particular school.

4.6.2 Textbook-on-Loan Scheme

In 1975, the textbook-on-loan scheme was implemented throughout the country with the objective to uplift some of the burden carried by parents, in particular, parents from low income group and to enhance accessibility to education. This scheme is being implemented in primary and secondary schools.

³³ See Chapter on 'Support Services, Educational Facilities and Special Projects' of the Ministry of Education's Report on 'Education in Malaysia. A Journey to excellence', p.45-p.62

4.6.3 The Nutrition and Health Programme

An unhealthy child may not be able to go to school and produce good work in school. Recognising the relationship between health and going to school, the nutrition and health programme was implemented.

4.6.4 The Supplementary Food Scheme

This programme is an extension of the Nutrition and Health Programme. This programme is primarily to help students from poor families throughout the country. Students are given supplementary food for 120 school days at a rate of 80 cent in Peninsular and 90 cent in Sabah and Sarawak.

4.6.5 The School Health Programme

Another extension of the Nutrition and Health Programme is the School Health Programme. This programme is implemented and provided by the Ministry of Health to provide various health services for primary and lower secondary students. Services include dental treatment, prevention and control of contagious diseases and the provision of first aid facilities in schools.³⁴

4.6.6 Scholarships

Scholarships known as the Federal Minor Scholarship and Pre-University Scholarships are awarded to selected students at the primary and secondary school level. According to the Ministry of Education, in 2000, a total of 166,164 students received the former mentioned scholarship while a total of 21,268 received the latter mentioned scholarship.

4.7 Catering for Children with Disabilities

Article 23(2) of the CRC states, among others, the right to education amongst children with disabilities. In Malaysia, the Ministries that are responsible to cater for the needs of children with disabilities include the Ministry of Health, the Ministry of National Unity and National Development and the Ministry of Education. The Ministry of National Unity and National Development and the Ministry of Education is responsible for providing education for these children.

³⁴ The Ministry of National Unity and Community Development is responsible to provide education for children with severe physical disability, moderate and severe mentally retarded children, and other kinds of disabilities that result in the inability of those children to attain education provided by the Ministry of Education, while the Ministry of Education is responsible towards children with down syndrome, mild autism, attention deficit hyperactive disorder, mentally retarded (minimum) and specific learning disabilities such as dyslexia. Refer to Special Education Department's Report on 'Maklumat Pendidikan Khas 2003', p.2

The Special Education Department was established on 1 October 1995. This department is responsible for planning and managing all primary and secondary special education schools. This includes planning and managing programmes, policies, research as well as training and development programmes for teachers.

4.8 Quality of Education

Trained teachers are among the main factors that influence students' motivation which in turn affects the quality of education. In Malaysia, teachers training colleges have been provided by the Government to ensure teachers that are posted in schools are of good quality and are able to adequately educate and assist students. In 2004, there were a total of 27 teachers training colleges with a total of 24,853 enrolments throughout Malaysia.³⁵

In addition, various projects have been implemented by the Government to motivate as well as to attract the interest of students and teachers in pursuing and delivering education. Among the projects implemented by the Government includes the establishment of Educational Resources Centres, Educational Radio and Television, Smart Schools, Sports Schools, Vision Schools, Computers in Education, E-Learning Projects, the Environmental Education Project, the Tech-Prep Programme and the Students Exchange Programmes.³⁶

Article 29(1)(a) of the CRC emphasises that education received by children should be directed to the development of their personality, talents and mental and physical abilities to their fullest potential. Thus, it is necessary that State Parties to the CRC such as Malaysia, to ensure that education provided to children is more centered to development of skills as well as application of theoretical concepts to real life activities. This is to avoid rote³⁷ teaching and learning, which may not be beneficial for student.³⁸

³⁵ See MOE's Report on "Quick Facts. Malaysian Education Statistics 2004", p.15

³⁶ See MOE's Report on "Education in Malaysia. A Journey to Excellence", p.43-p.62

³⁷ Rote is a memorization process using routine or repetition often without full attention or comprehension.

³⁸ See Report entitled "Malaysia: Achieving the Millennium Development Goals. Success and Challenges " by EPU and UNDP, p.85. See also SUHAKAM's Report on "Convention on the Rights of the Child: Report of the Round Table Discussion" on the recommendation (c) on Education System, Aims and Policies , P.15

Further, students as well as teachers should be motivated to perform in the tasks given to them. There are various factors that influence motivation amongst students and teachers. According to Mr. Zaimuarfuddin Shukri Nordin from University Malaysia Sarawak (UNIMAS), physical facilities, teaching and learning equipment and support, teachers, as well as teaching and learning environment were among the factors identified to have significant influence on the motivation of a student to attend school.³⁹

5. ISSUES ON EDUCATION IN MALAYSIA

Numerous programmes and projects have been implemented by the Government and by other private institutions to ensure primary education is available in Malaysia. And most of these efforts have proven to be beneficial to the society of Malaysia. Nonetheless, there are still some gaps in various aspects of adequacy in education within Malaysia that needs attention.

5.1 Availability

Availability means ensuring sufficient quantity to accommodate educational needs as well as ensuring other facilities such as sanitation, safe drinking water, trained teachers who receive domestically competitive salaries, teaching materials, library, computer facilities and information technology are adequately provided.

5.1.1 Quantity

Although children in more developed areas have better access to education, the increasing number of school-going children due to population growth and migration of people from rural to urban areas and migration of people from foreign countries have further increased the demand for education.

SUHAKAM found that the number of places available to accommodate the increasing number of students in urban areas is insufficient especially around the Klang Valley.

In Puchong, Selangor, for example, 1,000 children had been registered for admission into Primary One for the year 2005 in SJKC Hau Ming and SJKC Yak Chee. They had to turn away these children due to insufficient places in the classrooms. The children were then grouped according to their geographic location and only those who lived nearby were accepted into schools.⁴⁰

³⁹ See SUHAKAM's Report on the Seminar on "Human Rights and the Millennium Development Goals. See paper prepared by Prof. Datin Napsiah Mahfoz and Mr. Zaimuarfuddin Shukri Nordin from UNIMAS entitled "Mencapai Pendidikan Sejangat: Isu dan Cabaran Pendidikan Rendah".

⁴⁰ See The Star Newspaper on 4 August 2004 on "Puchong Schools Have To Turn Away Pupils".

Although those who were not able to enroll in SJKC Hau Ming and SJKC Yak Chee were placed in other schools, it is important to note that article 26(3) of the UDHR guarantees that parents have prior right to choose the kind of education that shall be given to their children.

On the other hand the Ministry of Education found that 60.6%⁴¹ of Tamil schools, 38.2% Chinese schools and 25.2% national schools were under-enrolled.

5.1.2 Adequate Facilities.

Facilities that support education such as dormitories, learning and teaching materials, school buses, sanitation and clean water supply are essential to ensure children are learning in a conducive and safe environment. Much attention should be given to schools in remote and rural areas.

• Physical facilities

SUHAKAM was informed by a participant at SUHAKAM's Seminar on "Human Rights and the MDGs" held in Kuching, Sarawak on 12 and 13 October 2003 that basic facilities in school dormitories such as clean water supply are not adequate in the rural areas of Sarawak. The participant relates to an incident where young students were instructed to go to nearby rivers – monitored by one or two teacher – to take their bath every morning. Thus, safety of these children is also an issue.

• Facilities for educators.

Apart from students, teachers also face difficulties teaching in remote, rural and less developed areas. Although they are presented with lucrative monetary incentives,⁴² issues on infrastructure and safety should be looked into.

For instance, it was reported that 30 newly-graduated teachers posted to Sekolah Menengah Kebangsaan Felda Tenggara A, in Mersing, Johor were living in a termite-ridden ramshackle quarters that could literally fall apart with a push.⁴³ This in some ways influences teachers' motivation to commit themselves fully to their work and the children that they are attending to. **(See Picture 1 on Page 22)**

⁴¹ See The Star Newspaper on 17 August 2005 on "Solution must be found – Under-enrolled schools not cost effective to maintain"

⁴² According to Puan Rabiah Johari Ministry of Education has planned to increase the number of graduate teachers in primary schools by 50% by 2010. She explained that currently in Sarawak, out of 18,798 teachers, 480 teachers are graduates. In addition, there are about 300 teachers that are in training. These teachers will be posted in areas that need prioritization. They will be given an attractive allowance of RM1,300 per month for their contribution. See SUHAKAM's Report on the Seminar on "Human Rights and the Millennium Development Goals"

⁴³ See New Straits Times Newspaper on 19 February 2005, Saturday on "Teachers' Quarters Woefully Neglected", p.14

TEACHERS' QUARTERS WOEFULLAY NEGLECTED



TERMITE-RIDDEN : The teacher's quarters at Tenggaroh 2 that could literally fall apart



DEPLORABLE CONDITIONS : One of the teachers nailing a plank to the window after a grille was prised open by burglars.

New Straits Times, 19 February 2005
Picture 1

According to the Minister of Education Y.B. Dato' Sri Hishammudin Tun Hussein, 67% of the 1,060 primary schools in Sabah were located in rural areas. In Perak, 265 schools were under enrolled, some of which accommodate *Orang Asli* students. Many teachers from these schools applied for transfer once their three year compulsory service term was over. Turnover of teachers in these areas is substantively high even though hardship allowance is offered.⁴⁴

⁴⁴ See The Star Newspaper on 17 August 2005 on "Solution must found: Under-enrolled schools not cost effective to maintain"

5.2 Accessibility

5.2.1 Physical accessibility.

In light of physical accessibility, more attention should be given to communities living in less developed areas such as remote rural areas which are usually dwelled by the *Orang Asli* Community. In addition, efforts should also be directed to families earning low income as well as more assistance to families with children with disabilities. Location, distance and route are some aspects that affect accessibility.

In some instance, school buildings are available. However, absence of proper access to the school buildings may render the schools impossible to reach.

For instance, SMK Mutiara Rini was supposed to have opened in 2002. But as of 2 December 2004, the school is yet to open due to non existence of access road leading to the school. **(See Picture 2 on page 24).**

• Location

SUHAKAM through its dialogues with various indigenous groups in Peninsular Malaysia, and natives in Sabah and Sarawak found the following:-

- i. Schools are often inaccessible to these minority groups. For instance, an *Orang Asli* settlement in Selangor was located on a hill.⁴⁵ The school was located far below. The *Orang Asli* children in this particular settlement were therefore not keen to go to school as they found it very tiring to travel up and down the hill everyday.⁴⁶
- ii. That the education facilities in *Orang Asli* settlements were often inadequate.⁴⁷
- iii. Absenteeism prevailed not only among *Orang Asli* students but also teachers.⁴⁸

⁴⁵ See The Star newspaper on 16 December 2003 on "SUHAKAM Report On Orang Asli Out Soon".

⁴⁶ See The Star newspaper on 16 December 2003 on "SUHAKAM Report On Orang Asli Out Soon".

⁴⁷ See SUHAKAM's Report on "Hak Asasi Orang Asal"

⁴⁸ See also SUHAKAM's Report on "Hak Asasi Orang Asal" p.15.

SCHOOL WITH NO ACCESS ROAD



SOON TO BE OPENED : Lallang growing in the school compound

New Straits Times, 2 December 2004
Picture 2

SUHAKAM, through its Seminar on “Human Rights and the MDGs”⁴⁹ found that there were problems of physical accessibility of schools. A participant from the Chief Minister’s Department of Sarawak informed SUHAKAM of a previous complaint received from a school in Bakong, Miri. Parents of students of that particular school took the alternative to build shelters and houses near to the school premises just to be near their children, thus creating the problem of squatter settlements.

- **Distance**

The distance that children take to reach their schools should be reasonable. Transportation should also be provided to children living in areas where public transportation is not accessible.

⁴⁹ SUHAKAM held a Seminar entitled “Human Rights and the Millennium Development Goals” on 12 and 13 October 2003 in Kuching, Sarawak.

Firdaus Mohd. Zin, a primary three student of Sekolah Kebangsaan Kuala Gris, Gua Musang, is among 300 other students studying within Dabong and Kuala Krai area. These children have to wake up as early as 4.00 a.m. to catch the 5.46 a.m. train in Kampung Baru Bukit Abu, Tanah Merah. Teachers that are posted here have also changed their routine so as to realise their obligations towards these children. Mohamed Awang (42), a Mathematics teacher in Sekolah Kebangsaan Dabong has to wake up as early as 3.00 a.m to catch the 3.24 a.m. train and travel as far as 180 kilometres from Kota Bahru to Dabong everyday.⁵⁰

- **Route**

The route taken by children – whether by public transportation, private transportation or by foot – should be safe. However, there are some areas in Malaysia – particularly in less developed areas – the routes taken by children to reach their schools are improper and unsafe.

Children from Kampung Pulau Teluk Rajuna have to follow dangerous routes to reach the school at Sekolah Kebangsaan Tanjung Mas. **(See Picture 3 on Page 26).**

In another incident, three students were injured after falling from a partially collapsed bridge in Kampung Seligi Tok Harun in Pasir Putih, Kelantan. **(See Picture 4 on Page 27)**

⁵⁰ See Berita Harian Newspaper on 27 June 2005 on “Murid bangun jam 4 pagi ke sekolah naik kereta api”.

BRIDGE OF DEATH



Jambatan maut



The top picture shows students from Kampung Pulau Teluk Rajuna who had to cross a narrow wooden bridge to get their school in Pulau Beluru. The bottom left picture shows two siblings climbing down the Tanjung Mas Bridge which is made of wood and bamboo to get to their schools. The bridge which was previously made of concrete, collapsed after a recent flood. The bottom right picture shows villagers using the Sungai Baung bridge which took the life of a child in Kampung Kok Pasir, Pengkalan Chepa.

Berita Harian, 17 February 2005

PICTURE 3

THREE STUDENTS INJURED AFTER FALLING FROM UNFIXED BRIDGE



GHAZALI Ahmad with his children Nursuhada, Haslan and Fatinasuha, who fell into a river yesterday while trying to cross a collapsed bridge. The bridge has not been fixed since it collapsed due to flood a year ago in Kampung Seligi Tok Harun, Pasir Puteh, Kelantan. The children were on their way back from school at 2.00 p.m. when the incident occurred.

Utusan Malaysia, 12 July 2005

PICTURE 4

• Other safety issues

SUHAKAM is also concerned with irresponsible contractors who compromise over children's safety. On 3 November 2004, it was reported that a total of 16 schools and five community college buildings were defective; and some were even classified as dangerous.⁵¹

It was reported that these schools were built by the same contractor which had been appointed by the Finance Ministry.⁵² Amongst the defective school buildings was a four-storey building of Sekolah Kebangsaan Danau Perdana in Sungai Besi.

5.2.2 Economic Accessibility.

Malaysia is acknowledged as one of the countries that has successfully reduced its incidence of poverty and well ahead of target 1 of Goal 1 of the MDGs which is to halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day. Despite this remarkable progress, there are still individuals and families that are unable to send their children to school due to the costs associated with sending their children to school. This includes transportation costs, school uniforms as well as co-curricular and other fees.

⁵¹ Utusan Malaysia, 3 Nov. 2004.

⁵² See New Straits Times Newspaper on 02/02/2005 on "Schools with defects closed indefinitely".

In some cases, families could not even afford transportation fare which is as low as 50 cents. In Gua Musang, children studying in Dabong and Kuala Krai have to travel up to two hours by train to reach their schools. Although the train fare is only 50 cents, some children could not afford it as their families live in poverty.⁵³ They were fortunate enough that the staff of Keretapi Tanah Melayu (KTM) were ready to do their social duty and send the children to their schools for free.

In addition, SUHAKAM through its Seminar on “Human Right and the MDGs” found that the *Penan* community in Sarawak was also facing the same problem. The *Penan* community is among the groups that are greatly affected by poverty. The cost involved in sending their children to school – such as the cost to buy school bags, uniforms as well as cost of transportation, demotivates *Penan* families to send their children to school.

A participant of the Seminar relates a personal experience traveling from Miri to Long Jeeh that cost up to RM 100 per person.⁵⁴

In another example, Ainin Akmar, a 36 year old single mother could not send her children to school as she could not afford it. She earns RM40 to RM60 a day from selling *pisang goreng*. Although the children were finally able to go to school this year after the Kedah Vespa Scooter Club and a restaurant owner Abdul Jalil Abdul Wahab, visited their rented low cost home and presented them with school uniforms and also arranged the registration for the children with the District Education Office, will they be as fortunate next year? **(See Picture 5 page 29)**.

⁵³ See Berita Harian Newspaper on 27 June 2005 on 'Murid bangun jam 4 pagi ke sekolah naik kereta api'.

⁵⁴ See SUHAKAM's Report on the Seminar entitled “Human Rights and the Millennium Development Goals” organised on 12 and 13 October 2004 in Kuching, Sarawak.

Club, eatery owner adopt needy children



“They cried pestered me about me going to school but I just couldn’t afford it”

HOPE IN SIGHT: Ainin (second from left) preparing the banan, which will be fried and sold later on the evening. Her income is not enough to send her children (from right) Nur Amalina, Iqbal Ali, Nur Rieka and Nazrah to school. Her youngest children Iqwan Syaaban is a left.

New Straits Times, 8 February 2005

Picture 5

5.2.3 Non-Discrimination.

Children in Malaysia – regardless of race, gender, religious beliefs, social origin as well as other basis as provided in the Federal Constitution of Malaysia and the CRC – have the freedom to enroll in primary education.

Despite this, some groups may be stigmatised and may avoid themselves to take part in the community due to discriminative treatment from others. For instance, treatment towards the *Orang Asli* Community by some members of the society may discourage children of the *Orang Asli* Community to attend school. Tijah Yok Chopil, an *Orang Asli* woman, now aged 35, claimed that discrimination towards the *Orang Asli* Community goes as far back from childhood. Throughout her schooling years, she was called with various names such as kura-kura (tortoise), biawak (lizard), monyet (monkey) and other degrading nicknames. She implied that discriminative treatment towards the *Orang Asli* community is one of the reasons why they distance themselves from the general society.⁵⁵

⁵⁵ Tijah Yok Chopil is currently the advisor of the Perak Orang Asli network. This network consist 25 Semai Orang Asli settlements in Perak. See The Star newspaper on 29 December 2003, on ‘Pursuing the Orang Asli dream’, p. 28

Issues pertaining to education among children with disabilities should also be given more attention. It was found that there are 28⁵⁶ schools which cater for the needs of children with learning disabilities. Albeit the establishment of the Specialist Teachers Training College to address the educational needs of children with disabilities, there are still insufficient trained educators for children with special needs.

A permissible legislation is needed to support special education to ensure the crucial aspects of equal access are adequately addressed. This is to ensure that all children with disabilities are provided with free and appropriate public education.⁵⁷

Currently school buildings do not cater for the needs of children with physical disabilities. Whilst large amounts of money have been spent on buildings, the basic facility of providing for ramps for wheelchairs has not been looked into. Unfortunately, most schools do not even have wheelchairs for the disabled.

One of the most important recommendations derived from the Dhaka Declaration on Disability 2003 was mainstreaming education for children with disabilities which requires the adoption of specific educational programmes and making provisions in curriculums. Though methods or approach may differ, mainstreaming education for disabled children requires equal standard of education among all children.

Article 23(3) of the CRC stated that State Parties to the Convention must recognise the special needs of a disabled child. Therefore, State Parties are responsible to provide among others, education, training and preparation for employment in a manner conducive to the disabled child in order for him or her to achieve the fullest possible social integration and individual development.

⁵⁶ Quick Facts-Malaysian Educational Statistics 2004 by Educational Planning and Research Division (EPRD) of the Ministry of Education (MOE), p.5.

⁵⁷ See Sunday Star on 1 August 2004 on "Helping families with disabled members". Article can also be found at <http://www.usj.com.my/bulletin/upload/showthread.php?t=4114&page=2>

6. CONCLUSION

In Malaysia, education is recognised as an important aspect in the country's poverty reduction strategy. Various efforts have been taken by the Country's government to ensure all children have adequate access to education. Amongst the efforts include the amendment to the Education Act 1996, ratification of the CRC which spells out children's right to education as well as programmes to assist children from low income families.

Despite those efforts, there are some members within the society of Malaysia who seem to be left behind in terms of education. Thus, these individuals and groups are in need of attention and assistance. Most of the incidence where members of the community faces some difficulties to obtain education, occur in rural, remote and other less developed areas. In addition, there are some issues in relation to education and children with disabilities which need more attention.

The General Comment on article 13 of ICESCR has in fact mentioned that the adoption of temporary measures to give priority to disadvantaged groups is not a violation of the human right's principle of non-discrimination, so long as such measures do not result to the maintenance of unequal or separate standards for different groups, and provided that these special measures are not continued after the objective has been reached.

The human rights approach acknowledges the development perspective of education as an investment as well as a means for a person to obtain proper employment. Income generated from the employment is used to obtain other basic human needs such as health care facilities and food.

On the other hand, the human rights approach also recognises education as an end and not just a means to obtain other ends.

Recognising every child's right to education, the human rights approach to education has put forward a set of targets and indicators to monitor progress on education from the human rights perspective which points out the relevant factors that the MDGs fail to consider. Thus, providing education through the human rights approach, a country will be able to ensure positive progress, with strong emphasis to equality and non-discrimination, in realising every child's right to education.

ANNEXURE 1

MILLENNIUM DEVELOPMENT GOALS, TARGETS AND INDICATORS

Goal 1: Eradicate Extreme Poverty and Hunger		
Target 1:	Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day	1a. Proportion of population below \$1 (PPP) per day ^a 1b. Poverty headcount ratio (% of population below the national poverty line) 2. Poverty gap ratio (incidence x depth of poverty) 3. Share of poorest quintile in national consumption
Target 2:	Halve, between 1990 and 2015, the proportion of people who suffer from hunger	4. Prevalence of underweight children under five years of age 5. Proportion of population below minimum level of dietary energy consumption
Goal 2: Achieve Universal Primary Education		
Target 3:	Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	6. Net enrolment ratio in primary education 7a. Proportion of pupils starting grade 1 who reach grade 5 7b. Primary completion rate 8. Literacy rate of 15-24 year olds
Goal 3: Promote Gender Equality and Empower Women		
Target 4:	Eliminate gender disparity in primary and secondary education preferably by 2005 and to all levels of education no later than 2015	9. Ratio of girls to boys in primary, secondary and tertiary education 10. Ratio of literate females to males of 15-24 year olds 11. Share of women in wage employment in the non-agricultural sector 12. Proportion of seats held by women in national parliament
Goal 4: Reduce Child Mortality		
Target 5:	Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate	13. Under-five mortality rate 14. Infant mortality rate 15. Proportion of 1 year old children immunised against measles
Goal 5: Improve Maternal Health		
Target 6:	Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio	16. Maternal mortality ratio 17. Proportion of births attended by skilled health personnel

ANNEXURE 1

Goal 6: Combat HIV/AIDS, Malaria and other Diseases			
Target 7:	Have halted by 2015, and begun to reverse, the spread of HIV/AIDS	18. 19. 19a. 19b. 19c. 20.	HIV prevalence among 15-24 year old pregnant women Condom use rate of the contraceptive prevalence rate ^b Condom use at last high-risk sex Percentage of population aged 15-24 with comprehensive correct knowledge of HIV/AIDS ^c Contraceptive prevalence rate Ratio of school attendance of orphans to school attendance of non-orphans aged 10-14
Target 8:	Have halted by 2015, and begun to reverse, the incidence of malaria and other major diseases	21. 22. 23. 24.	Prevalence and death rates associated with malaria Proportion of population in malaria risk areas using effective malaria prevention and treatment measures ^d Prevalence and death rates associated with tuberculosis Proportion of TB cases detected and cured under Directly Observed Treatment Short Course (DOTS)
Goal 7: Ensure Environmental Sustainability			
Target 9:	Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources	25. 26. 27. 28. 29.	Proportion of land area covered by forest Ratio of area protected to maintain biological diversity to surface area Energy use (kg oil equivalent) per \$1 GDP (PPP) Carbon dioxide emissions (per capita) and consumption of ozone depleting CFCs (ODP tons) Proportion of population using solid fuels
Target 10:	Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation	30. 31.	Proportion of population with sustainable access to an improved water source, urban and rural Proportion of urban and rural population access to improved sanitation
Target 11:	By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers	32.	Proportion of households with access to secure tenure
Goal 8: Develop a Global Partnership for Development*			
Target 12:	Develop further an open, rule-based, predictable, non-discriminatory trading and financial system Includes a commitment to good governance, development, and poverty reduction – both nationally and internationally	33. 34. 35.	Official Development Assistance Net ODA, total and to LDCs, as percentage of ECD/DAC donors' gross national income Proportion of total bilateral, sector-allocable ODA of OECD/DAC donors to basic social services (basic education, primary health care, nutrition, safe water and sanitation) Proportion of bilateral ODA of OECD/DAC donors that is untied

ANNEXURE 1

<p>Target 13:</p>	<p>Address the Special Needs of the Least Developed Countries</p> <p>Includes: tariff and quota free access for LDC exports; enhanced programme of debt relief for HIPC and cancellation of official bilateral debt; and more generous ODA for countries committed to poverty reduction</p>	<p>36. 37.</p>	<p>ODA received in landlocked countries as proportion of their GNIs</p> <p>ODA received in small island developing States as proportion of their GNIs</p>
<p>Target 14:</p>	<p>Address the Special Needs of landlocked countries and small island developing states</p> <p>(through the Programme of Action for the Sustainable Development of Small Island Developing States and the outcome of the twenty-second special session of the General Assembly)</p>	<p>38. 39. 40. 41.</p>	<p>Market Access</p> <p>Proportion of total developed country imports (by value and excluding arms) from developing countries and LDCs admitted free of duties</p> <p>Average tariffs imposed by developed countries on agricultural products and textiles and clothing from developing countries</p> <p>Agricultural support estimates for OECD countries as percentage of their GDP</p> <p>Proportion of ODA provided to help build trade capacity</p>
<p>Target 15:</p>	<p>Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term</p>	<p>42. 43. 44.</p>	<p>Debt Sustainability</p> <p>Total number of countries that have achieved their HIPC decision points and number that have reached their HIPC completion points (cumulative)</p> <p>Debt relief committed under HIPC initiative, US\$</p> <p>Debt service as a percentage of exports of goods and services</p>
<p>Target 16:</p>	<p>In co-operation with developing countries, develop and implement strategies for decent and productive work for youth</p>	<p>45.</p>	<p>Unemployment rate of 15-24 year olds, each sex and total^a</p>
<p>Target 17:</p>	<p>In co-operation with pharmaceutical companies, provide access to affordable, essential drugs in developing countries</p>	<p>46.</p>	<p>Proportion of population with access to affordable essential drugs on a sustainable basis</p>
<p>Target 18:</p>	<p>In co-operation with the private sector, make available the benefits of new technologies, especially information and communications</p>	<p>47. 48a. 48b.</p>	<p>Telephone lines and cellular subscribers per 100 population</p> <p>Personal computers in use per 100 population and Internet users per 100 population</p> <p>Internet users per 100 population</p>

ANNEXURE 1

- ^a For monitoring country poverty trends, indicators based on national poverty lines should be used, where available
- ^b Amongst contraceptive methods, only condoms are effective in preventing HIV transmission. The contraceptive prevalence rate is also useful in tracking progress in other health, gender and poverty goals. Because the condom use rate is only measures amongst women in union, it is supplemented by an indicator on condom use in high-risk situations (indicator 19a) and an indicator on HIV/AIDS knowledge (indicator 19b).
- ^c This indicator is defined as the percentage of population aged 15-24 who correctly identify the two major ways of preventing the sexual transmission of HIV (using condoms and limiting sex to one faithful, uninfected partner), who reject the two most common local misconception about HIV transmission, and who know that a healthy looking person can transmit HIV. However, since there are currently not a sufficient number of surveys to be able to calculate the indicator as defines above, UNICEF, in collaboration with UNAIDS and WHO, produced two proxy indicators. They are the following: a) Percentage of women and men 15-24, who know that a person can protect herself from HIV infection by “consistent use of condoms”. b) Percentage of women and men 15-24 who know a healthy looking person can transmit HIV. Data for this year’s report are only available on women.
- ^d Prevention to be measured by the percentage of children under 5 sleeping under insecticide-treated bednets; treatment to be measured by percentage of children under 5 who are appropriately treated.
- ^e An improved measure of the target is under development by ILO for future years.
- ^{*} Some of the indicators listed are monitored separately for the least developed countries (LDCs), Africa, landlocked countries and small island developing States

Source: *UNFPA Report on Achieving the Millennium Development Goals: Population and Reproductive Health as Critical Determinants (No. 10)*