



United Nations  
Educational, Scientific and  
Cultural Organization

UNESCO Bangkok  
HIV/AIDS Coordination and School Health Unit

# Compendium

Conventions and Laws Guaranteeing All Children  
the Equal Right to a Quality Education in an Inclusive Setting  
Malaysia Version



**Every child has the right:** To be born, to have a name and nationality; To have a family who will provide love and care; To live in a peaceful community and a wholesome environment; To have adequate food and a healthy and active body; To obtain a good education and develop my potential; To be given opportunities for play and leisure; To be protected against abuse, exploitation, neglect, violence and danger; To be defended and given assistance by the government; To be able to express my own views.

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# Foreword

This Compendium has been developed to ensure that all children who are vulnerable to exclusion and marginalisation are able to realise their right to quality education in an inclusive setting. The Government of Malaysia have taken positive actions to improve the education sector, where children continue to be marginalised in or excluded from schooling because of disabilities, gender, HIV and health status as well their social, economic, cultural, ethnic, language and religious backgrounds.

This Compendium is an important tool in creating awareness among key government and non-government stakeholders about the legal and moral right all children have to education, care and protection. These rights translate into legal obligation of all government and non-government organisations, in particular those who are responsible for education, health and social services to remove the barriers to learning, development and participation many children continue to experience in schools and communities.

Schools and communities should embrace diversity and provide all children quality education in an inclusive and child-friendly environment. Education and health authorities should in close collaboration offer all children who are living with HIV access to free education and health care services in their home communities - without discrimination - while children with disabilities should have access to quality education in their neighbourhood schools together with their non-disabled siblings and peers. The diversity found in communities throughout Malaysia should be reflected in schools so that children with their different strengths, abilities and backgrounds can play, learn and grow up together.

This Compendium is a timely and important initiative. The development of inclusive and child-friendly schools as well as the education sector response to HIV and AIDS are important elements in the struggle towards education for all [EFA]. The conventions, declarations and laws contained in this Compendium can be used by legislators, education and health officials, university lecturers, principals, head-masters, teachers, education and child-rights activists as well as parents and children to ensure that all children - without exception - are included in education and can attend schools together with their siblings and peers.

The goal of education for all can only be achieved if authorities, schools and communities recognise their legal and moral responsibility towards all children. We hope that this Compendium will help all those involved in education to fulfil their responsibilities to offer all children free access to schools that will enable them to develop their full academic, social, emotional and physical potential.

UNESCO National Commission for Malaysia

# Foreword

The publication of this compendium is sincerely welcomed as it creates awareness of the various issues and factors concerning disabilities, education and children in Malaysia.

Education authorities, parents, schools and communities have a legal and moral duty to ensure that the basic human right to quality education, care, protection and non-discrimination of a child is enforced.

Children with disabilities have the right to quality education as their peers. Education with an inclusive and child-friendly environment is the key to integrating all children, whatever their abilities, disabilities and background. It is very crucial to include special needs children as they are normally marginalised or excluded.

Government education authorities, educators, schools, higher learning institutions and non-governmental organisations have made great progress over the years in the area of inclusive education. They still continue with their endeavours to move forward and further progress in creating a conducive and inclusive education environment for all.

This compendium brings to attention all the efforts carried out to make inclusive education a reality for all in Malaysia. Children regardless of their disabilities and background should have access for equal opportunities to develop, learn and participate actively and positively.

It is hoped that this compendium is an eye-opener for all especially for those involved in the continuous improvement of the education system towards ensuring quality Education for All.

We would like to sincerely thank UNESCO Office for its support on the publication of this compendium and gratitude is also extended to BRAILLO NORWAY and IDP NORWAY for their support and contributions as well.

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Chairman, East Asia Region  
International Council for Education of People with Visual Impairment (ICEVI)

President  
Malaysian Association for the Blind  
Tun Hussein Onn National Eye Hospital

# Introduction

All children - regardless of their abilities or disabilities, their gender, their social, economic, cultural, ethnic or religious backgrounds, or their HIV and health status - have equal right to quality education, care and protection. To achieve this goal it is essential that schools, communities, faith-based and other non-governmental organisations, as well as education and health authorities are aware of their legal responsibilities and that they act on these. Efforts towards Education for All [EFA] should be comprehensive and holistic - education, health and social sectors should work together and co-ordinate their programs.

The education sector must show leadership and courage in the fight for the right of all children to education, care and protection. Schools and education authorities must enable children and young people to respond effectively to the many challenges they face in today's world, among others; war and military conflicts, civil and religious strife, economic and social injustice, discrimination and intolerance, drugs, the HIV and AIDS epidemic as well as natural disasters.

Responding effectively to these and other challenges, leaders in communities, schools, private organisations and government ministries as well as in mosques, temples and churches must lead *"... with a clear vision and imaginative action ... They will be faced with tough decisions, and they must come up with bold and innovative responses. This is what leaders are for ..."* Nelson Mandela

Children and young people develop knowledge, values and skills in school that will guide them through life. Inclusive and child-friendly schools are designed to be responsive to the individual needs of all their students, thereby helping them to develop the self-esteem and skills necessary to protect themselves and others against discrimination, abuse, violence, drugs and HIV. In inclusive and child-friendly schools children and young people will learn to embrace diversity. They will develop empathy with those who are

vulnerable to marginalisation and exclusion - helping to ensure that schools and communities become inclusive of all.

In spite of numerous international conventions as well as national laws guaranteeing all children equal access to education thousands of school-age children in Malaysia remain out of school. Some children never enrol while others drop out or are expelled from school, often because education authorities and schools do not fully realize their legal responsibility to provide quality education for all children.

Therefore, in an effort to increase awareness among legislators, government officials, university lecturers, principals, head-masters, teachers, students, parents, education activists, and other key stakeholders, about their legal and moral responsibilities, we have developed an accessible and reader-friendly Compendium on a rights-based approach to education.

The Compendium is a collection of short versions and excerpts from relevant conventions, agreements, laws, declarations and recommendations. Full versions are available online as well as through the Malaysian Ministry of Education, the Malaysian Ministry of Health, the Malaysian AIDS Council [MAC], UNESCO and UNICEF.

It is our hope that the Malaysian version of the Compendium will become an important tool in creating awareness among, and encouraging response from key stakeholders, to ensure equal access and right of all children to quality education, care and protection in an inclusive setting. Further editions of the Compendium should follow as the discussion about a rights-based approach to education, care and protection progresses and additional stakeholders join this effort - making sure that all children in future will be able to grow up, play and learn together in an inclusive and child-friendly environment - without fear of discrimination, marginalisation and exclusion.

The Compendium Development Team

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# Universal Declaration of Human Rights

## Preamble

[...] Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,  
Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

## Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

## Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

## Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

## Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Inclusive education is a human right, it's good education and it makes good social sense

#### HUMAN RIGHTS

1. All children have the right to learn together.
2. Children should not be devalued or discriminated against by being excluded or sent away because of their disability or learning difficulty.
3. Disabled adults, describing themselves as special school survivors, are demanding an end to segregation.
4. There are no legitimate reasons to separate children for their education. Children belong together - with advantages and benefits for everyone. They do not need to be protected from each other.

#### GOOD EDUCATION

5. Research shows children do better, academically and socially, in inclusive settings.
6. There is no teaching or care in a segregated school which cannot take place in an ordinary school.
7. Given commitment and support, inclusive education is a more efficient use of educational resources.

#### SOCIAL SENSE

8. Segregation teaches children to be fearful, ignorant and breeds prejudice.
9. All children need an education that will help them develop relationships and prepare them for life in the mainstream.
10. Only inclusion has the potential to reduce fear and to build friendship, respect and understanding.

[Centre for Studies on Inclusive Education;  
<http://inclusion.uwe.ac.uk/csie/10rsns.htm>]

What do human rights have to do with HIV/AIDS?

Human rights are inextricably linked with the spread and impact of HIV/AIDS on individuals and communities around the world. A lack of respect for human rights fuels the spread and exacerbates the impact of the disease, while at the same time HIV/AIDS undermines progress in the realisation of human rights. This link is apparent in the disproportionate incidence and spread of the disease among certain groups which, depending on the nature of the epidemic and the prevailing social, legal and economic conditions, include women and children, and particularly those living in poverty. It is also apparent in the fact that the overwhelming burden of the epidemic today is borne by developing countries, where the disease threatens to reverse vital achievements in human development. AIDS and poverty are now mutually reinforcing negative forces in many developing countries.

[OHCHR; <http://www.ohchr.org/english/issues/hiv/introhiv.htm>]



Full Version - English:  
<http://www.un.org/Overview/rights.html>

Other languages:  
<http://www.unhcr.ch/udhr/navigate/alpha.htm>

# Federal Constitution of Malaysia

## Article 5

(1) No person shall be deprived of his life or personal liberty save in accordance with law.

## Article 6

(1) No person shall be held in slavery.

(2) All forms of forced labour are prohibited[...]

## Article 8

(1) All persons are equal before the law and entitled to the equal protection of the law.

(2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth in any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

(3) There shall be no discrimination in favour of any person on the ground that he is a subject of the Ruler of the State.

(4) No public authority shall discriminate against any person on the ground that he is resident or carrying on business in any part of the Federation outside the jurisdiction of the authority. [...]

## Article 11

(1) Every person has the right to profess and practice his religion and, subject to Clause (4), to propagate it.

(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

(3) Every religious group has the right -

- (a) to manage its own religious affairs;
- (b) to establish and maintain institutions for religious or charitable purposes; and
- (c) to acquire and own property and hold and administer it in accordance with law.

## Article 12

(1) Without prejudice to the generality of Article 8, there shall be no discrimination against any citizen on the grounds only of religion, race, descent or place of birth -

- (a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or
- (b) in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside the Federation).

(2) Every religious group has the right to establish and maintain institutions for the education of children in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law; but it shall be lawful for the Federation or a State to establish or maintain or assist in establishing or maintaining Islamic institutions or provide or assist in providing instruction in the religion of Islam and incur such expenditure as may be necessary for the purpose.

## Article 132

(1) For the purposes of this Constitution, the public services are -

- (a) the armed forces;
- (b) the judicial and legal service;
- (c) the general public service of the Federation;
- (d) the police force;
- (e) the joint public services mentioned in Article 133;
- (f) the public service of each State; and
- (g) the education service. [...]

## Act 597 - Human Rights Commission of Malaysia Act 1999

[http://www.suhakam.org.my/en/act\\_597.asp](http://www.suhakam.org.my/en/act_597.asp)

### 4. Functions and powers of the Commission

(1) In furtherance of the protection and promotion of human rights in Malaysia, the functions of the Commission shall be -

- (a) to promote awareness of the provide education in relation to human rights;
- (b) to advise and assist the Government in formulating legislation and administrative directives and procedures and recommend the necessary measures to be taken;
- (c) to recommend to the Government with regard to the subscription or accession of treaties and other international instruments in the field of human rights; and
- (d) to inquire into complaints regarding infringements of human rights referred to in section 12.

(2) For the purpose of discharging its functions, the Commission may exercise any or all of the following powers:

- (a) to promote awareness of human rights and to undertaken research by conducting programmes, seminars and workshops and to disseminate and distribute the results of such research;
- (b) to advise the Government and/or the relevant authorities of complaints against such authorities and recommend to the Government and/or such authorities appropriate measures to be taken;
- (c) to study and verify any infringement of human rights in accordance with the provisions of this Act;
- (d) to visit places of detention in accordance with procedures as prescribed by the lays relating to the places of detention and to make necessary recommendations;
- (e) to issue public statement on human rights as and when necessary; and
- (f) to undertake any other appropriate activities as are necessary in accordance with the written laws in force, if any, in relation to such activities.

(3) The visit by the Commission to any place of detention under paragraph (2)(d) shall not be refused by the person in charge [...]

(4) For the purpose of this Act, regard shall be had to the Universal Declaration of Human Rights 1948 to the extent that it is not inconsistent with the Federal Constitution.

### 12. Commission may inquire on own motion or on complaint

(1) The Commission may, on its own motion or on a complaint made to it by an aggrieved person or group of persons or a person acting on behalf of an aggrieved person or a group of persons, inquire into allegation of the infringement of the human rights of such person or group of persons.

(2) The Commission shall not inquire into any complaint relating to any allegation of the infringement of human rights which-

- (a) is the subject matter of any proceedings pending in any court, including any appeals; or
- (b) has been finally determined by any court. [...]



Fuui version - English:

[http://cps.org.my/resource\\_centre/malaysia%20constitution.pdf](http://cps.org.my/resource_centre/malaysia%20constitution.pdf)

# Convention on the Right of the Child

## It Is Every Child's Right

- To be born, to have a name and nationality;
- To have a family who will love and care;
- To live in a peaceful community and a wholesome environment;
- To have adequate food and a healthy and active body;
- To obtain a good education and develop my potential;
- To be given opportunities for play and leisure;
- To be protected against abuse, exploitation, neglect, violence and danger;
- To be defended and given assistance by the government;
- To be able to express my own views.

"A World Fit for Us"

### In this world

- We see respect for the rights of the child.
- We see an end to exploitation, abuse and violence.
- We see an end to war.
- We see the provision of health care.
- We see the eradication of HIV/AIDS.
- We see the protection of the environment.
- We see an end to the vicious cycle of poverty.
- We see the provision of education.
- We see the active participation of children.
- We are not the sources of the problems; we are the resources that are needed to solve them.
- We are not expenses, we are investments.
- We are the children of the world, and despite our different backgrounds we share a common reality.
- We are united by our struggle to make the world a better place for all.
- You call us the future, but we are also the present.

We want a world fit for children, because a world fit for us is a world fit for everyone.

UNGASS on Children - May 2002

<http://www.unicef.org/specialsession/documentation/childrens-statement.htm>

## Convention on the Right of the Child:

### Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. [...]

### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, [...]

### Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

### Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

**Article 23**

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. [...]

**Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; [...]

**Article 29**

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment. [...]

**Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

**Article 32**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. [...]

**Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.



Full Version - English:

<http://www.ohchr.org/english/law/pdf/crc.pdf>

Full Version - Other Languages:

<http://www.unicef.org/magic/briefing/uncorc.html>

Further information:

UNHCHR: <http://www.ohchr.org/english/bodies/crc/index.htm>

UNICEF: <http://www.unicef.org/crc>

CRIN: <http://www.crin.org>

EENET: <http://www.eenet.org.uk>

# Child Act

## Establishment of the Co-ordinating Council for the Protection of Children

### Article 3

(1) There shall be established a Council which shall be known as the "Co-ordinating Council for the Protection of Children".

(2) The Council shall-

- (a) be responsible for advising the Minister on all aspects of child protection;
- (b) design an efficient and effective management system throughout Malaysia incorporating information channels for reporting cases of children in need of protection;
- (c) recommend services that are specifically oriented to meet the needs of persons, children and families in need of child protection services;
- (d) co-ordinate the various resources of any Government Department which is involved with child protection;
- (e) develop programmes to educate the public in the prevention of child abuse and neglect;
- (f) advise on the management, operation and practice of Child Protection Teams throughout Malaysia;
- (g) advise on the development of training programmes for members of Child Protection Teams throughout Malaysia;
- (h) resolve any conflict that may arise within Child Protection Teams; and
- (i) perform such other functions as may be prescribed by regulations made under this Act.

## Establishment of Child Protection Teams

### Article 7

(1) The Council shall establish throughout Malaysia groups of persons, each group to be known as a "Child Protection Team", for the purpose of co-ordinating locally-based services to families and children if children are or are suspected of being in need of protection.

(2) A Child Protection Team shall consist of the following members:  
(a) a Protector to be named by the Council on the advice of the Director General, who shall be the chairman;  
(b) a medical officer; and  
(c) a senior police officer.

(3) A Child Protection Team shall have the authority to coopt from time to time such other persons as it may reasonably require to assist it in the performance of its functions and duties or as the circumstances of each case may require, including any person qualified to advise

## Meaning of Child in Need of Care and Protection

### Article 17

(1) A child is in need of care and protection if-  
(a) the child has been or there is substantial risk that the child will be physically injured or emotionally injured or sexually abused by his parent or guardian or a member of his extended family;  
(b) the child has been or there is substantial risk that the child will be physically injured or emotionally injured or sexually abused and his parent or guardian, knowing of such injury or abuse or risk, has not protected or is unlikely to protect the child from such injury or abuse;  
(c) the parent or guardian of the child is unfit, or has neglected, or is unable, to exercise proper supervision and control over the child and the child is falling into bad association;  
(d) the parent or guardian of the child has neglected or is unwilling to provide for him adequate care, food, clothing and shelter;  
(e) the child-  
(i) has no parent or guardian; or  
(ii) has been abandoned by his parent or guardian and after reasonable inquiries the parent or guardian cannot be found, and no other suitable person is willing and able to care for the child;

- (f) the child needs to be examined, investigated or treated-
- (i) for the purpose of restoring or preserving his health; and
  - (ii) his parent or guardian neglects or refuses to have him so examined, investigated or treated;
- (g) the child behaves in a manner that is, or is likely to be, harmful to himself or to any other person and his parent or guardian is unable or unwilling to take necessary measures to remedy the situation or the remedial measures taken by the parent or guardian fail;
- (h) there is such a conflict between the child and his parent or guardian, or between his parents or guardians, that family relationships are seriously disrupted, thereby causing him emotional injury;

[...]

- (k) the child is allowed to be on any street, premises or place for the purposes of—
- (i) begging or receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale; or
  - (ii) carrying out illegal hawking, illegal lotteries, gambling or other illegal activities detrimental to the health and welfare of the child.
- (2) For the purposes of this Part, a child is—
- (a) physically injured if there is substantial and observable injury to any part of the child's body as a result of the non-accidental application of force or an agent to the child's body that is evidenced by, amongst other things, a laceration, a contusion, an abrasion, a scar, a fracture or other bone injury, a dislocation, a sprain, haemorrhaging, the rupture of a viscus, a burn, a scald, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth;
  - (b) emotionally injured if there is substantial and observable impairment of the child's mental or emotional functioning that is evidenced by, amongst other things, a mental or behavioural disorder, including anxiety,

- depression, withdrawal, aggression or delayed development;
- (c) sexually abused if he has taken part, whether as a participant or an observer, in any activity which is sexual in nature for the purposes of—
- (i) any pornographic, obscene or indecent material, photograph, recording, film, videotape or performance; or
  - (ii) sexual exploitation by any person for that person's or another person's sexual gratification.

*"All children and young people of the world, with their individual strengths and weaknesses, with their hopes and expectations, have the right to an education. It is not our education system that has the right to a certain type of children. Therefore, it is the school system of a country that must be adjusted to meet the needs of all its children"*

[Bengt Lindqvist;  
UN-Special Rapporteur on Disability, 1994]



courtesy of IDP Norway

Full Version - English:  
<http://www.parlimen.gov.my/actindexbi/pdf/ACT-611.pdf>

Further information:  
Ministry of Education: <http://www.moe.gov.my>  
Parliament: <http://www.parlimen.gov.my>

17. Acknowledging that prevention of HIV infection must be the mainstay of the national, regional and international response to the epidemic; and that prevention, care, support and treatment for those infected and affected by HIV/AIDS are mutually reinforcing elements of an effective response and must be integrated in a comprehensive approach to combat the epidemic;

20. Emphasizing the important role of cultural, family, ethical and religious factors in the prevention of the epidemic, and in treatment, care and support, taking into account the particularities of each country as well as the importance of respecting all human rights and fundamental freedoms;

22. Noting the importance of establishing and strengthening human resources and national health and social infrastructures [...];

23. Recognizing that effective prevention, care and treatment strategies will require behavioural changes and increased availability of and non-discriminatory access to, inter alia, vaccines, condoms, microbicides, lubricants, sterile injecting equipment, drugs including anti-retroviral therapy, diagnostics and related technologies as well as increased research and development;

31. Affirming the key role played by the family in prevention, care, support and treatment of persons affected and infected by HIV/AIDS, [...];

32. Affirming that beyond the key role played by communities, strong partnerships among Governments, the United Nations system, intergovernmental organizations, people living with HIV/AIDS and vulnerable groups, medical, scientific and educational institutions, non-governmental organizations, the business sector including generic and research-based pharmaceutical companies, trade unions, media, parliamentarians,

foundations, community organizations, faith-based organizations and traditional leaders are important;

33. Acknowledging the particular role and significant contribution of people living with HIV/AIDS, young people and civil society actors in addressing the problem of HIV/AIDS in all its aspects [...];

37. By 2003, ensure the development and implementation of multisectoral national strategies and financing plans for combating HIV/AIDS that: address the epidemic in forthright terms; confront stigma, silence and denial; address gender and age-based dimensions of the epidemic; eliminate discrimination and marginalization; involve partnerships with civil society and the business sector and the full participation of people living with HIV/AIDS, those in vulnerable groups and people mostly at risk, particularly women and young people; are resourced to the extent possible from national budgets without excluding other sources, inter alia international cooperation; fully promote and protect all human rights and fundamental freedoms, [...];

52. By 2005, ensure: that a wide range of prevention programmes which take account of local circumstances, ethics and cultural values, is available in all countries, particularly the most affected countries, including information, education and communication, in languages most understood by communities and respectful of cultures, aimed at reducing risk-taking behaviour and encouraging responsible sexual behaviour, [...]

56. By 2005, develop and make significant progress in implementing comprehensive care strategies to: strengthen family and community-based care including that provided by the informal sector, and health care systems to provide and monitor treatment to people living with HIV/AIDS,

including infected children, and to support individuals, households, families and communities affected by HIV/ AIDS; [...];

58. By 2003, enact, strengthen or enforce as appropriate legislation, regulations and other measures to eliminate all forms of discrimination against, and to ensure the full enjoyment of all human rights and fundamental freedoms by people living with HIV/AIDS and members of vulnerable groups; [...]

60. By 2005, implement measures to increase capacities of women and adolescent girls to protect themselves from the risk of HIV infection, principally through the provision of health care and health services, including sexual and reproductive health, and through prevention education that promotes gender equality within a culturally and gender sensitive framework;

62. By 2003, in order to complement prevention programmes that address activities which place individuals at risk of HIV infection, such as risky and unsafe sexual behaviour and injecting drug use, have in place in all countries strategies, policies and programmes that identify and begin to address those factors that make individuals particularly vulnerable to HIV infection, [...]

65. By 2003, develop and by 2005 implement national policies and strategies to: build and strengthen governmental, family and community capacities to provide a supportive environment for orphans and girls and boys infected and affected by HIV/AIDS including by providing appropriate counselling and psycho-social support; ensuring their enrolment in school and access to shelter, good nutrition, health and social services on an equal basis with other children; to protect orphans and vulnerable children from all forms of abuse, violence, exploitation, discrimination, trafficking and loss of inheritance;

75. By 2003, develop and begin to implement national strategies that incorporate HIV/AIDS awareness, prevention, care and treatment elements into programmes or actions that respond to emergency situations, recognizing that populations destabilized by armed conflict, humanitarian emergencies and natural disasters, including refugees, internally displaced persons and in particular, women and children, are at increased risk of exposure to HIV infection; and, where appropriate, factor HIV/AIDS components into international assistance programmes;

82. Increase and prioritize national budgetary allocations for HIV/AIDS programmes as required and ensure that adequate allocations are made by all ministries and other relevant stakeholders;



Full version:

[http://www.ungass.org/index.php/en/ungass/declaration\\_of\\_commitment/ungass\\_declaration\\_of\\_commitment](http://www.ungass.org/index.php/en/ungass/declaration_of_commitment/ungass_declaration_of_commitment)

Further information:

UNGASS: <http://www.ungass.org>

UN: <http://www.un.org/ga/aids>

<http://www.un.org/ga/aidsmeeting2006>

<http://www.un.org/issues/docs/d-aids.html>

UNAIDS: <http://www.unaids.org/en/AIDSreview2006>

# UNGASS

## Political Declaration on HIV/AIDS

18. Reaffirm our commitment to implement fully the Declaration of Commitment on HIV/AIDS, entitled "Global Crisis Global Action", adopted by the General Assembly at its twenty-sixth special session, in 2001; and to achieve the internationally agreed development goals and objectives, including the Millennium Development Goals [...]

20. Commit ourselves to pursuing all necessary efforts to scale up nationally driven, sustainable and comprehensive responses to achieve broad multisectoral coverage for prevention, treatment, care and support, with full and active participation of people living with HIV, vulnerable groups, most affected communities, civil society and the private sector, towards the goal of universal access to comprehensive prevention programmes, treatment, care and support by 2010;

26. Commit ourselves to addressing the rising rates of HIV infection among young people to ensure an HIV-free future generation through the implementation of comprehensive, evidence-based prevention strategies, responsible sexual behaviour, including the use of condoms, evidence- and skills-based, youth-specific HIV education, mass media interventions and the provision of youth-friendly health services;

27. Commit ourselves also to ensuring that pregnant women have access to antenatal care, information, counselling and other HIV services and to increasing the availability of and access to effective treatment to women living with HIV and infants in order to reduce mother-to-child transmission of HIV, as well as to ensuring effective interventions for women living with HIV, including voluntary and confidential counselling and testing, with informed consent, access to treatment, especially life-long antiretroviral therapy and, where appropriate, breast-milk substitutes and the provision of a continuum of care;

31. Commit ourselves to strengthening legal, policy, administrative and other measures for the promotion and protection of women's full enjoyment of all human rights and the reduction of their vulnerability to HIV/AIDS through the elimination of all forms of discrimination, as well as all types of sexual exploitation of women, girls and boys, including for commercial reasons, and all forms of violence against women and girls, including harmful traditional and customary practices, abuse, rape and other forms of sexual violence, battering and trafficking in women and girls;

32. Commit ourselves also to addressing as a priority the vulnerabilities faced by children affected by and living with HIV; providing support and rehabilitation to these children and their families, women and the elderly, particularly in their role as caregivers; promoting child-oriented HIV/AIDS policies and programmes and increased protection for children orphaned and affected by HIV/AIDS; ensuring access to treatment and intensifying efforts to develop new treatments for children; and building, where needed, and supporting the social security systems that protect them;

42. Commit ourselves also to finding appropriate solutions to overcome barriers in pricing, tariffs and trade agreements, and to making improvements to legislation, regulatory policy, procurement and supply chain management in order to accelerate and intensify access to affordable and quality HIV/AIDS prevention products, diagnostics, medicines and treatment commodities;

## Executive Summary of the National Strategic Plan on HIV/AIDS 2006 - 2010

[http://www.moh.gov.my/MohPortal/NationalStrategicPlanAids\\_FINAL.pdf](http://www.moh.gov.my/MohPortal/NationalStrategicPlanAids_FINAL.pdf)

The Government acknowledges the threat posed by HIV/AIDS to human well being. The Government is concerned by the escalation in the rate of HIV transmission in Malaysia, particularly amongst young people and injecting drug users. It notes with apprehension the growing impact of HIV on women and other vulnerable groups.

The Government acknowledges that in the absence of effective prevention there is potential for Malaysia to progress to the stage of a generalised epidemic within just a few years. It recognises that the epidemic has the ability to reverse the development gains achieved. It is therefore critical that HIV/AIDS is addressed as a development issue, not just a health issue but also integral to national planning.

It is therefore timely for the Government of Malaysia to re-examine its responses to HIV/AIDS to ensure it is both complementary to the 9th Malaysian Plan as well as in line with its broader commitments to the outcomes of the United Nations General Assembly Special Session on HIV/AIDS and the Millennium Development Goals.

A successful response to the epidemic requires strong political commitment and leadership at the highest level. A new National Strategic Plan on HIV/AIDS 2006-2010 (NSP) will provide the basis for coordinating the work of all partners. It will adopt an approach integrating prevention, treatment and care, and reducing the impact of the epidemic.

The NSP will continue to focus on providing an appropriate balance between prevention, treatment and care. The priority focus areas are:

- Strengthening leadership and advocacy
- Training and capacity enhancement
- Reducing HIV vulnerability among injecting drug users and their partners

- Reducing HIV vulnerability among women, young people and children
- Reducing HIV vulnerability among marginalised and vulnerable populations
- Improving access to diagnostics, treatment and care

In striving to achieve these priorities, the Government will expand its partnership with Non Governmental Organisations (NGOs), religious leaders, business and community groups. The NSP will strengthen the capacity of the Government to deliver effective interventions.

The successful implementation of the NSP will require a significant increase in the current level of resources allocated to respond to the epidemic. It is proposed that a fund be set up to supplement present budget allocations. The funds would be used as a start up to attract relevant external funders.

In adopting the NSP, the Government of Malaysia has shown a strong commitment to address HIV/AIDS as a national agenda and to drive an expanded, multi-sectoral and well resourced responses.



courtesy of PROSTAR

Full version:

[http://data.unaids.org/pub/Report/2006/20060615\\_HLM\\_PoliticalDeclaration\\_ARES60262\\_en.pdf](http://data.unaids.org/pub/Report/2006/20060615_HLM_PoliticalDeclaration_ARES60262_en.pdf)

Further information:

UNGASS: <http://www.ungass.org>

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<http://www.un.org/ga/aidsmeeting2006>

<http://www.un.org/issues/docs/d-aids.html>

UNAIDS: <http://www.unaids.org/en/AIDSreview2006>

# HIV and AIDS

## UNESCO

<http://www.unesco.org/aids>

## UNESCO Bangkok

<http://www.unescobkk.org/hivaids>

## UNAIDS

<http://www.unaids.org>

HIV prevention, like treatment, is for life. Instead of short-term or isolated prevention initiatives, effective national programmes need to sustain essential programmatic and policy actions at a sufficient scale over the long term, adapting them as the epidemic evolves, responding to changes in infection patterns and social environments.

[UNAIDS; 2006 Report; p. 124]

Education has a documented impact on the pandemic. A study in 32 countries found that literate women were 4 times more likely than illiterate ones to know the main ways to avoid HIV/AIDS. [...] Schools can play an active role in mitigating the spread of the disease by providing reliable information and counselling, and taking measures to prolong girls' education.

[UNESCO; EFA Global Monitoring Report 2006 - Summary; p. 8]

## What is HIV and AIDS

HIV stands for Human Immunodeficiency Virus. This is the virus known to cause AIDS (Acquired Immune Deficiency Syndrome). If someone is HIV-positive, it means they have been infected with the virus.

A person infected with HIV does not have AIDS until the virus seriously damages their

immune system, making them vulnerable to a range of infections, some of which can lead to death.

HIV is transmitted through body fluids in particular blood, semen, vaginal secretions and breast milk.

## Only 4 ways you can become HIV positive

1. unprotected sexual intercourse with an infected partner (the most common);
2. sharing needles or other contaminated injection or skin-piercing equipment;
3. blood and blood products through, for example, infected transfusions and organ or tissue transplants;
4. transmission from infected mother to child in the womb or at birth and breastfeeding.

## You cannot get HIV by

1. Shaking hands
2. Sharing cutlery
3. Hugging each other
4. Drinking from the work fountain
5. Using the same cup
6. Being a friend
7. Playing together
8. Learning together / going to the same school.

As the UN specialised agency for education, UNESCO supports lifelong learning that builds and maintains essential skills, competencies, knowledge, behaviours and attitudes. This includes learning in formal educational settings [...]; through non-formal educational activities [...]; and through informal education through family and neighbours, work and play, the marketplace, the mass media and other resources found in the learners' environment.

The priority that UNESCO has given to education is based on the evidence that education - especially education on prevention - contributes toward the knowledge and skills essential for the prevention of HIV and protects individuals, families, communities, institutions and nations from the impact of AIDS. Education also helps to overcome the conditions that facilitate the spread of HIV, including poverty, ill-health, gender inequality, violence and abuse, particularly against girls and women. Beyond this, education can create the conditions of understanding, respect and tolerance - all of which contribute to reduced stigma and discrimination against vulnerable and marginalised communities and people living with HIV.

AIDS is among the key factors exerting pressure on education systems, particularly in countries in transition and least developed countries, as well as on the abilities of learners to access and complete education. While progress has been made in recent years in efforts to achieve Education for All (EFA), about 77 million children are still not enrolled in primary school, 55 percent of them girls. There is growing recognition that efforts aimed at achieving the EFA goal of universal primary education (EFA Goal 2) must be strongly linked with interventions supporting gender equality in education (EFA Goal 5); addressing the educational needs of young people and adults through appropriate learning and life skills programmes (EFA Goal 3); and reducing illiteracy, -particularly among women (EFA Goal 4).

There is also growing recognition among partners that EFA cannot be achieved without a much stronger overarching focus on HIV and AIDS. As a result, the Working Group on EFA had a session in its July 2006 meeting to discuss strategies to scale up and enhance attention to HIV and AIDS within the EFA framework. Ministers, top-officials of multilateral and

bilateral agencies, and leaders of civil society organizations reaffirmed the *"central role of education in enabling individuals, communities and nations to respond effectively to the challenges of HIV and AIDS, and in enabling learners to protect themselves and others from HIV"* at the High-Level Group on EFA in Cairo, Egypt in November 2006. [...]

UNESCO's Executive Board has included EDUCAIDS, the UNESCO-led UNAIDS Global Initiative on Education and HIV & AIDS, as one of three core priority initiatives within EFA, acknowledging the importance of comprehensive education sector engagement as part of the national response to HIV and AIDS. EDUCAIDS links with these core initiatives for maximum synergy and impact.

Through EDUCAIDS, UNESCO and its partners support countries to implement comprehensive, scaled-up educational programmes on HIV and AIDS that cover: content, curriculum and learning materials; educator training and support; policy management and systems; and that ensure quality and the full utilisation of approaches and entry points, through both formal and non-formal education. Its aims are promoted through greater collaboration among UNAIDS Cosponsors and key stakeholders, including national authorities, ministries [...], bilateral agencies and civil society groups at the country level.

Recent research through a 'global readiness survey' of national education sector capacity to respond to the epidemic, undertaken in over 70 countries, demonstrates that encouraging progress has been made, but much more is still required. For example, the study revealed that while nearly three-quarters of the participating ministries of education have dedicated HIV and AIDS management structures in place, only one-third have adopted a sector-specific HIV and AIDS policy. Moreover, national education sector responses continue to emphasise HIV prevention, with comparatively little attention to issues of treatment, care and support, workplace issues, and management of the impact of HIV and AIDS.

In order to achieve the maximum effectiveness of educational efforts on HIV and AIDS, holistic approaches are required along a continuum from prevention to treatment, care and support. [...]

# Convention against Discrimination in Education

## Article 1

1. For the purpose of this Convention, the term "discrimination" includes any distinction, exclusion, limitation or reference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

- (a) Of depriving any person or group of persons of access to education of any type or at any level;
- (b) Of limiting any person or group of persons to education of an inferior standard;
- (c) Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
- (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man. [...]

## Article 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of article 1 of this Convention:

- (a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;
- (b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in

particular for education of the same level;

- (c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

## Article 3

In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake:

- (a) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education;
- (b) To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;
- (c) Not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;
- (d) Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group;
- (e) To give foreign nationals resident within their territory the same access to education as that given to their own nationals.

## Article 4

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances

and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

- a. To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;
- b. To ensure that the standards of education are equivalent in all public education institutions of the same level, and that the conditions relating to the quality of education provided are also equivalent;
- c. To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;
- d. To provide training for the teaching profession without discrimination.

### Article 5

1. The States Parties to this Convention agree that:

- (a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;
- (b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education

of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction;

(c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, [...]

*“At the heart of inclusive education is the right to education. Inclusive education is no more and no less than implementing the right to non-discrimination to and in education as laid down in the Universal Declaration of Human Rights (1948), reiterated by the Convention on the Rights of the Child (1989), the Salamanca Statement (1994) and the Dakar Framework for Action (2000). Every person has the right to belong to mainstream society, mainstream development and therefore to mainstream education! The question is whether we are ready to face the implications of such a position.”*

[Els Heijnen; International Symposium on Inclusion and the Removal of Barriers to Learning, Participation and Development - 09/2005]



United Nations  
Educational, Scientific and  
Cultural Organization

Full version:  
[http://www.unesco.org/education/pdf/DISCRI\\_E.PDF](http://www.unesco.org/education/pdf/DISCRI_E.PDF)

Further information:  
UNESCO: <http://portal.unesco.org/education>  
EENET: <http://www.eenet.org.uk>

# World Declaration on Education for All

## Meeting Basic Learning Needs

Every person - child, youth and adult - shall be able to benefit from educational opportunities designed to meet their basic learning needs.

## Shaping The Vision

To serve the basic learning needs of all requires more than a recommitment to basic education as it now exists. What is needed is an "expanded vision" that surpasses present resource levels, institutional structures, curricula, and conventional delivery systems while building on the best in current practices.

## Universalising Access And Promoting Equity

Basic education should be provided to all children, youth and adults.

## Focussing On Learning

Whether or not expanded educational opportunities will translate into meaningful development - for an individual or for society - depends ultimately on whether people actually learn as a result of those opportunities, i.e., whether they incorporate useful knowledge, reasoning ability, skills, and values.

## Broadening The Means And Scope Of Basic Education

Learning begins at birth.

- The main delivery system for the basic education of children outside the family is primary schooling.
- The basic learning needs of youth and adults are diverse and should be met through a variety of delivery systems.
- All available instruments and channels of information, communications, and social action could be used to help convey essential knowledge and inform and educate people on social issues.

## Enhancing The Environment For Learning

Learning does not take place in isolation. Societies, therefore, must ensure that all learners receive the nutrition, health care, and general physical and emotional support they need in order to participate actively in and benefit from their education.

## Strengthening Partnerships

National, regional, and local educational authorities have a unique obligation to provide basic education for all, but they cannot be expected to supply every human, financial or organizational requirement for this task. New and revitalized partnerships at all levels will be necessary:

## Developing A Supportive Policy Context

Supportive policies in the social, cultural, and economic sectors are required in order to realize the full provision and utilization of basic education for individual and societal improvement.

## Mobilising Resources

If the basic learning needs of all are to be met through a much broader scope of action than in the past, it will be essential to mobilize existing and new financial and human resources, public, private and voluntary.

## Strengthening International Solidarity

Meeting basic learning needs constitutes a common and universal human responsibility. It requires international solidarity and equitable and fair economic relations in order to redress existing economic disparities.

From: Embracing Diversity - UNESCO Toolkit for Creating Inclusive Learning-Friendly Environments [ILFE];  
Booklet 6: Creating a healthy and protective ILFE

### SKILLS-BASED HEALTH EDUCATION TO PREVENT HIV/AIDS

This section describes how skills-based health education can be used to prevent HIV/AIDS and reduce the stigmatization of those affected by the disease. The activities in this section, moreover, can be adapted for use in dealing with other health problems as discussed above.

Education is the key to reducing stigma and promoting greater understanding of HIV/AIDS. Your school is an important setting for educating children about HIV/AIDS, as well as for stopping the further spread of the HIV infection. Success in doing this depends upon how well we reach children and young adults in time to promote positive health behaviours and prevent the behaviours that place young people at risk.

Our crucial responsibility is to teach young people how to avoid either contracting the infection or transmitting it to others, as well as to promote the development of HIV-related school policies. In this way, we can make important improvements in the quality of health education provided to young people in our schools, and we can take an important step towards improving the health of our communities.

A skills-based approach to HIV/AIDS uses participatory (active) learning techniques to:

- help individuals evaluate their own level of risk;

- examine their personal values and beliefs;
- decide what actions to take to protect themselves and others from HIV; and
- acquire skills that will help them to carry through on their decisions.

Skill-based health education to prevent HIV/AIDS can be linked to other relevant issues already addressed in many of our schools, including pregnancy and reproductive health, population education, family life education, and prevention of substance abuse.

What are some of the ways you can begin a skills-based programme to prevent HIV/AIDS amongst our children? Let's look at some of these in terms of activities that you and your schools can do, as well as what you can do with our children.



Full version:

[http://www.unesco.org/education/efa/ed\\_for\\_all/background/jomtien\\_declaration.shtml](http://www.unesco.org/education/efa/ed_for_all/background/jomtien_declaration.shtml)

Embracing Diversity - UNESCO Toolkit for Creating Inclusive, Learning-Friendly Environments:  
<http://www2.unescobkk.org/elib/publications/032revised>

Further information:

UNESCO: <http://www.unesco.org>

UNESCO Bangkok: <http://www.unescobkk.org>

EENET: <http://www.eenet.org.uk>

IDP Norway: <http://www.idp-europe.org>

# Salamanca Statement and Framework for Action on Special Needs Education

## Statement

### Article 2

We believe and proclaim that :

- every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning,
- every child has unique characteristics, interests, abilities and learning needs,
- education systems should be designed and educational programmes implemented to take into account the wide diversity of these characteristics and needs,
- those with special educational needs must have access to regular schools which should accommodate them within a child centred pedagogy capable of meeting these needs,
- regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; more over, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system.

### Article 3

We call upon all governments and urge them to:

- give the highest policy and budgetary priority to improve their education systems to enable them to include all children regardless of individual differences or difficulties,
- adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise, develop demonstration projects and encourage exchanges with countries having experience with inclusive schools,
- establish decentralized and participatory mechanisms for planning, monitoring and evaluating educational provision for

children and adults with special education needs,

- encourage and facilitate the participation of parents, communities and organization of persons with disabilities in the planning and decision-making processes concerning provision for special educational needs,
- invest greater effort in early identification and intervention strategies, as well as in vocational aspects of inclusive education,
- ensure that, in the context of a systemic change, teacher education programmes, both pre-service and in-service, address the provision of special needs education in inclusive schools.

## Framework for Action

### Article 3

The guiding principle that informs this Framework is that schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions. This should include disabled and gifted children, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups. These conditions create a range of different challenges to school systems. In the context of this Framework, the term 'special educational needs' refers to all those children and youth whose needs arise from disabilities or learning difficulties. Many children experience learning difficulties and thus have special educational needs at some time during their schooling. Schools have to find ways of successfully educating all children, including those who have serious disadvantages and disabilities. There is an emerging consensus that children and youth with special educational needs should be included in the educational arrangements made for the majority of children. This has

led to the concept of the inclusive school. The challenge confronting the inclusive school is that of developing a child-centred pedagogy capable of successfully educating all children, including those who have serious disadvantages and disabilities. [...]

#### Article 4

[...] It assumes that human differences are normal and that learning must accordingly be adapted to the needs of the child rather than the child fitted to preordained assumptions regarding the pace and nature of the learning process. A child-centred pedagogy is beneficial to all students and, as a consequence, to society as a whole. [...] it can substantially reduce the drop-out and repetition [...], while ensuring higher average levels of achievement. [...] Child-centred schools are, moreover, the training ground for a people-oriented society that respects both the differences and the dignity of all human beings.

#### Article 6

[...] Inclusion and participation are essential to human dignity and to the enjoyment and exercise of human rights. [...]

#### Article 7

The fundamental principle of the inclusive school is that all children should learn together, wherever possible, regardless of any difficulties or differences they may have. Inclusive schools must recognize and respond to the diverse needs of their students, [...]

#### Article 10

[...] Experience, moreover, suggests that inclusive schools, serving all of the children in a community, are most successful in eliciting community support and in finding imaginative and innovative ways of using the limited resources that are available.

#### Article 18

Educational policies at all levels, from the national to the local, should stipulate that a child with a disability should attend the neighbourhood school that is, the school that would be attended if the child did not have a disability. [...]

*"I've come to the frightening conclusion that I am the decisive element in the classroom. It's my personal approach that creates the climate. It's my daily mood that makes the weather. As a teacher, I have a tremendous power to make a child's life miserable or joyous. I can be a tool of torture or an instrument of inspiration. I can humiliate or honour, hurt or heal. In all situations, it is my response that decides whether a crisis will be escalated or de-escalated and a child humanised or dehumanised."*

Ginnot

*"... we already have enough knowledge to develop schools that can be successful in educating all children. The big question is, do we have the will to make it happen?"*

Mel Ainscow, University of Manchester



courtesy of IDP Norway

Full version - English:

[http://www.unesco.org/education/pdf/SALAMA\\_E.PDF](http://www.unesco.org/education/pdf/SALAMA_E.PDF)

Further information:

UNESCO: <http://www.unesco.org>

EENET: <http://www.eenet.org.uk/newsletters/news8/news8.shtml>

# The Dakar Framework - Education For All

## Article 3

[...] It is an education geared to tapping each individual's talents and potential, and developing learners' personalities, so that they can improve their lives and transform their societies.

## Article 6

Education is a fundamental human right. [...]

## Article 7

We hereby collectively commit ourselves to the attainment of the following goals:

- (i) expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
- (ii) ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality;
- (iii) ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life-skills programmes;
- (iv) achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;
- (v) eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality;
- (vi) improving all aspects of the quality of education [...].

## Article 8

To achieve these goals, we the governments, organizations, agencies, groups and associations represented at the World Education Forum pledge ourselves to: [...]

- (vii) implement as a matter of urgency education programmes and actions to combat the HIV/AIDS pandemic; [...]

## Article 15

Implementation of the preceding goals and strategies will require national, regional and international mechanisms to be galvanized immediately. To be most effective these mechanisms will be participatory and, wherever possible, build on what already exists. [...]

## Article 16

The heart of EFA activity lies at the country level. National EFA Forums will be strengthened or established to support the achievement of EFA. All relevant ministries and national civil society organizations will be systematically represented in these Forums. [...] Countries will prepare comprehensive National EFA Plans [...] goals; (within the national development planning framework and process.

## Article 27

The threat posed by HIV/AIDS to the achievement of EFA goals and to development more broadly, especially in sub-Saharan Africa, presents an enormous challenge. The terrifying impact of HIV/AIDS on educational demand, supply and quality requires explicit and immediate attention in national policy-making and planning. Programmes to control and reduce the spread of the virus must make maximum use of education's potential to transmit messages on prevention and to change attitudes and behaviours.

## Article 62

The HIV/AIDS pandemic is undermining progress towards Education for All in many parts of the world by seriously affecting educational demand, supply and quality. This situation requires the urgent attention of governments, civil society and the international community. Education systems must go through significant changes if they are to survive the impact of HIV/AIDS and counter its spread, especially in response to the impact on teacher supply and student

demand. To achieve EFA goals will necessitate putting HIV/AIDS as the highest priority in the most affected countries, with strong, sustained political commitment; mainstreaming HIV/AIDS perspectives in all aspects of policy; redesigning teacher training and curricula; and significantly enhancing resources to these efforts.

### Article 63

The decade has shown that the pandemic has had, and will increasingly have, a devastating effect on education systems, teachers and learners, with a particularly adverse impact on girls. Stigma and poverty brought about by HIV/AIDS are creating new social castes of children excluded from education and adults with reduced livelihood opportunities. A rights-based response to HIV/AIDS mitigation and ongoing monitoring impact of the pandemic on EFA goals are essential. This response should include appropriate legislation and administrative actions to ensure the right of HIV/AIDS affected people to receive education and to combat discrimination within the education sector.

### Article 64

Education institutions and structures should create a safe and supportive environment for children and young people in a world with HIV/AIDS, and strengthen their protection from sexual abuse and other forms of exploitation. Flexible non-formal approaches should be adopted to reach children and adults infected and affected by HIV/AIDS, with particular attention to AIDS orphans. Curricula based on life-skills approaches should include all aspects of HIV/AIDS care and prevention. Parents and communities should also benefit from HIV/AIDS-related programmes. Teachers must be adequately trained, both in-service and pre-service, in providing HIV/AIDS education, and teachers affected by the pandemic should be supported at all levels.

### Out-of-School Children: How Many And Who Are They?

[EFA Global Monitoring Report 2007, p. 3]

Progress is being made in reducing the number of primary school-age children who are not enrolled in school. Between 1999 and 2004 the number fell by around 21 million to 77 million. This is still very high, unacceptably so. Sub-Saharan Africa, and South and West Asia are home to more than three-quarters of these children, although the latter region halved its number between 1999 and 2004, mainly due to reductions in India. The global estimate, high though it is, understates the problem: data from household surveys show that many children enrolled in school do not attend regularly.

The children most likely to be out of school and to drop out live in rural areas and come from the poorest households. On average, a child whose mother has no education is twice as likely to be out of school as one whose mother has some education.



Full version:

[http://www.unesco.org/education/efa/ed\\_for\\_all/background/jomtien\\_declaration.shtml](http://www.unesco.org/education/efa/ed_for_all/background/jomtien_declaration.shtml)

Further information:

UNESCO: <http://www.unesco.org>

UNESCO Bangkok: <http://www.unescobkk.org>

EENET: <http://www.eenet.org.uk>

IDP Norway: <http://www.idp-europe.org>

# Millennium Development Goals

All UN member states declared that by 2005 the following goals will be realised:

## Goal 1: Eradicate extreme poverty and hunger

- Reduce by half the proportion of people living on less than a dollar a day
- Reduce by half the proportion of people who suffer from hunger

## Goal 2: Achieve universal primary education

- Ensure that all boys and girls complete a full course of primary schooling

## Goal 3: Promote gender equality and empowerment of women

- Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015

## Goal 4: Reduce child mortality

- Reduce by two thirds the mortality rate among children under five

## Goal 5: Improve maternal health

- Reduce by three quarters the maternal mortality ratio

## Goal 6: Combat HIV/AIDS, malaria and other diseases

- Halt and begin to reverse the spread of HIV/AIDS
- Halt and begin to reverse the incidence of malaria and other major diseases

## Goal 7: Ensure environmental sustainability

- Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources
- Reduce by half the proportion of people without sustainable access to safe drinking water
- Achieve significant improvement in lives of at least 100 million slum dwellers, by 2020

## Goal 8: Development a global partnership for development

- Develop further an open trading and financial system that is rule-based, predictable and non-discriminatory, includes a commitment to good governance, development and poverty reduction nationally and internationally
- Address the least developed countries' special needs. This includes tariff- and quota-free access for their exports; enhanced debt relief for heavily indebted poor countries; cancellation of official bilateral debt; and more generous official development assistance for countries committed to poverty reduction
- Address the special needs of landlocked and small island developing States
- Deal comprehensively with developing countries' debt problems through national and international measures to make debt sustainable in the long term
- In cooperation with the developing countries, develop decent and productive work for youth
- In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries
- In cooperation with the private sector, make available the benefits of new technologies especially information and communications technologies

Preface by the UN Secretary-General Kofi Annan for the 2006 Report on the Global AIDS Epidemic by UNAIDS  
[[http://www.unaids.org/en/HIV\\_data/2006GlobalReport](http://www.unaids.org/en/HIV_data/2006GlobalReport)]

From the Summary of the EFA Global Monitoring Report 2007  
[<http://www.efareport.unesco.org>]

This year marks a quarter century since the first cases of AIDS were reported. In that time, AIDS has fundamentally changed our world—killing more than 25 million men and women, orphaning millions of children, exacerbating poverty and hunger, and, in some countries, even reversing human development altogether. Nearly 40 million people are living with HIV today—half of them women. What was first reported as a few cases of a mystery illness is now a pandemic that poses among the greatest threats to global progress in the 21st century.

After a tragically late and slow start, the world's response has gathered strength—as we saw at the United Nations General Assembly Special Session on HIV/AIDS five years ago. Since then, there has been remarkable progress in rallying political leadership, mobilizing financial and technical resources, bringing lifesaving antiretroviral treatment to people the world over, and even reversing the spread in some of the world's poorest nations.

It is my hope that the General Assembly 2006 High Level Meeting on AIDS—a key follow-up to the Special Session—will help move the response to AIDS to yet another level: effectively containing and reversing the pandemic. That means doing much more than simply redoubling our current efforts. We need a far greater commitment of political will, courage and resources: we need united action on a new scale. The only acceptable goal for the world is to stop and, ultimately, put an end to AIDS. Only then will we achieve the Millennium Development Goals and succeed in our efforts to build a humane, healthy and equitable world.

### Gender Parity: Still Not A Reality

There are now 94 girls in primary school for every 100 boys, up from 92 in 1999. Of the 181 countries with 2004 data available, about two-thirds have achieved gender parity in primary education. The primary education gender gap in favour of boys has closed in only four of the twenty-six countries that had gross enrolment ratios below 90% in 2000.

Only one-third of the 177 countries with data available on secondary education have achieved parity. At this level disparities are in favour of girls as often as boys. At tertiary level, gender parity exists in only five countries out of 148 with data in 2004. Gender equality also remains an issue, with stereotypes persisting in learning materials and, too often, teachers' expectations of girls and boys differing.



For further information please visit:  
UN: <http://www.un.org/millenniumgoals>  
UNDP: <http://www.undp.org/mdg>  
UNAIDS: <http://www.unaids.org/>

“national school” means a government or government-aided primary school-

- (a) providing primary education appropriate for pupils from the age of six years;
- (b) using the national language as the main medium of instruction;
- (c) in which the English language is a compulsory subject of instruction; and
- (d) in which facilities for the teaching of -
  - (i) the Chinese or Tamil language shall be made available if the parents of at least fifteen pupils in the school so request; and
  - (ii) indigenous languages shall be made available if it is reasonable and practicable so to do and if the parents of at least fifteen pupils in the school so request;

## National language as the main medium of instruction

17. (1) The national language shall be the main medium of instruction in all educational institutions in the National Education System except a national-type school established under section 28 or any other educational institution exempted by the Minister from this subsection. (2) Where the main medium of instruction in an educational institution is other than the national language, the national language shall be taught as a compulsory subject in the educational institution.

## Language of instruction in kindergartens

23. Notwithstanding subsection 17(1), languages other than the national language may be used as a medium of instruction in kindergartens, but where a kindergarten uses a language other than the national language, the national language shall be taught as a compulsory subject.

## Duration of primary education

29. A national school, national-type school or private school established under this Act shall provide a course of primary education design for a duration of six years but which may be completed within five to seven years.

## Compulsory primary education

29A. (1) The Minister may, by order published in the Gazette, prescribe primary education to be compulsory education.

(2) Every parent who is a Malaysian citizen residing in Malaysia shall ensure that if his child has attained the age of six years on the first day of January of the current school year that child is enrolled as a pupil in a primary school in that year and remains a pupil in a primary school for the duration of the compulsory education. [...]

(4) A parent who contravenes subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

## Minister to provide special education

40. The Minister shall provide special education in special schools established under paragraph 34(1)(b) or in such primary or secondary schools as the Minister deems expedient.

## Power to prescribe the duration of and curriculum on special education

41. (1) Subject to subsections (2) and (3), the Minister may by regulations prescribe-

(a) the duration of primary and secondary education suitable to the needs of a pupil in receipt of special education;

(b) the curriculum to be used in respect of special education;

(c) the categories of pupils requiring special education and the methods appropriate for the education of pupils in each category of special schools; and

(d) any other matter which the Minister deems expedient or necessary for the purposes of this Chapter.

(2) The duration prescribed by the Minister under paragraph (1)(a) shall not be less than the minimum duration for primary or secondary education, as the case may be, provided for under this Act.

(3) The curriculum prescribed under paragraph (1)(b) shall comply with the requirements of the National Curriculum in so far as it is reasonably practicable.

**Power of Minister to render assistance**

[Subsection 18(2)]

64. Subject to any regulations made under this Act, the Minister may render assistance whether financial or otherwise in respect of pupils or any class of pupils in government or government-aided educational institutions and such assistance may include—

(a) the granting of bursaries, scholarships, loans or such other assistance; and

(b) the provisions of—

- (i) accommodation;
  - (ii) transport;
  - (iii) books; and
  - (iv) medical and dental services,
- for the purpose of enabling the pupils to take full advantage of the educational facilities available to them or for the purpose of promoting their health and well-being.

**Medical and dental inspection of pupils**

65. (1) Without prejudice to the generality of the powers conferred by section 64, the Minister shall, so far as it is reasonable and practicable so to do, provide for the medical and dental inspection at appropriate intervals of pupils of government or government-aided educational institutions. [...]

66. Without prejudice to the generality of the power conferred by section 64, the Minister may, where pupils cannot reasonably be provided with the requisite education or training unless boarding accommodation is provided, make such arrangements for the accommodation (whether free or subject to such charges as the arrangements provide) as he may consider appropriate.

**Private educational institutions to comply with the requirement of National Curriculum and to prepare pupils for prescribed examinations**

74. A private educational institution providing primary education or secondary education or both shall comply with the requirements of the National Curriculum and shall prepare pupils for prescribed examinations.



Full version - English:

<http://www.agc.gov.my/agc/oth/Akta/Vol.%2011/Act%20550.pdf>

Further information:

Ministry of Education: <http://www.moe.gov.my>Parliament of Malaysia: <http://www.parlimen.gov.my>

# Bangkok Declaration of the Southeast Asian Ministers of Education Conference/UNESCO/SEAMEO

We, Ministers and High Officials of Ministries of Education from the 10 countries of Southeast Asia, met in a Ministerial Forum on 26 May in Bangkok, Thailand, to discuss the issue of "increasing access to, and the quality of, education through child-friendly learning environments".

We recognize the following:

- That the ongoing SEAMEO project on "Quality and Equity in Education" highlights our concern for fulfilling the right of all children to obtain a basic education of good quality;
- That a comprehensive definition of quality and equity in education includes
  - a. inclusive education; and
  - b. Gender responsive education; and
  - c. Healthy and protective learning environments;
- That many countries in our region are developing and implementing educational innovations and systematic reforms;
- That many of these innovations are based upon a framework of child-friendly schools" and "child-friendly environments".

We, therefore, agree to the following:

- To reaffirm our commitment to the shared vision on quality and equity in education in SEAMEO Member Countries, as stated in the SEAMEO Declaration on Quality and Equity in Education in Southeast Asia signed by SEAMEO Education Ministers at the 37th SEAMEO Council Conference in Chiang Mai, Thailand, in March 2002;
- To promote within our ministries of education a comprehensive definition of educational quality which ensures effective teaching and learning, but also includes
  - a. Inclusive education;
  - b. Gender responsive education; and

c. Healthy and protective learning environments;

- To share experience and best practices on, and where possible, further develop ongoing innovations and reforms [such as Child-Friendly Schools and SMART Schools] which pay particular attention to enhancing access to and quality of education through child-friendly school learning environments including their integration into both pre-service and in-service teacher education and support programmes;
- To promote within our ministries of education a systematic programme of capacity building in school-based management and community-based education which promotes school-community partnerships and the empowerment of educational stakeholders;
- To collaborate more actively and build partnerships and networks within SEAMEO, as well as explore possible collaborations with other countries, with relevant ministries in our governments and with interested development assistance agencies and non-government organizations, in efforts to address quality of education from a holistic perspectives;
- To annually review these efforts at the SEAMEO High Officials' Meeting and explore further activities which could be undertaken to enhance access to and quality of education through child-friendly learning environments.

Bangkok, 26 May 2004

## From the Introduction of: Education in a Multilingual World

UNESCO Education Position Paper; 2003

[...] Language and, in particular, the choice of language of instruction in education is one such concern and often invokes contrasting and deeply felt positions. Questions of identity, nationhood and power are closely linked to the use of specific languages in the classroom. Language itself, moreover, possesses its own dynamics and is constantly undergoing processes of both continuity and change, impacting upon the communication modes of different societies as it evolves. Educational policy makers have difficult decisions to make with regard to languages, schooling and the curriculum in which the technical and the political often overlap. While there are strong educational arguments in favour of mother tongue (or first language) instruction, a careful balance also needs to be made between enabling people to use local languages in learning, and providing access to global languages of communication through education. The purpose of this position paper, therefore, is to consider some of the central issues concerning languages and education and to provide related guidelines and principles. In doing so we are conscious of the need for a clear statement on language policy in relation to education, particularly within the context of Education for All and in terms of the Dakar goals of ensuring that by 2015 all children have access to quality primary education and that there is a 50 per cent increase in adult literacy by the year 2015.

In 1953 UNESCO published the expert report on The Use of Vernacular Languages in Education and this continues to be the most frequently cited UNESCO document on language issues in education. Significant changes have taken place over the past fifty years, however: there have been profound political transformations leading to new language policies especially in postcolonial and newly independent countries; many hundreds of languages have disappeared throughout the world and many more remain

endangered; migratory movements on a mass scale have brought new and varied languages to other countries and continents; the internet has dramatically affected the way in which language and languages are used for communication and indeed for learning; and rapidly accelerating globalization increasingly challenges the continued existence of many small, local identities frequently based on language. The time has come, therefore, for UNESCO to reconsider its position on languages and education.

This position paper is divided into three separate parts. In Part I, we present the key concepts [...] In Part II, we present a synthesis of the normative framework for languages and education based, [...] Part III of the position paper provides a synthesis of the many discussions and agreements on language issues that have been adopted under the auspices of both the United Nations and UNESCO. [...]



Full Version:

<http://www.idp-europe.org/indonesia/bkkforum.pdf>

Education in a Multilingual World:

<http://unesdoc.unesco.org/images/0012/001297/129728e.pdf>

Further Information:

SEAMEO: <http://www.seameo.org/v1/library/dlwelcome/photogallery/mou/bangkok>

# Recommendations of the International Symposium: Inclusion and the Removal of Barriers to Learning,

Taking account of national, regional and international obligations and commitments regarding the equal rights of children, the participants recommend that inclusive and child friendly education should be seen as:

- An approach to whole school improvement that will ensure that national strategies for 'Education for All' are really for all;
- A means of ensuring that all children receive quality care and education in their home communities as part of early child development, pre-school, primary and secondary education programmes, particularly those who are currently excluded from mainstream education or vulnerable to marginalisation and exclusion; and
- A contribution to the development of a society that respects and values the individual differences of all citizens.

This being the case, more than 500 participants from thirty countries attending this international symposium make the following recommendations for further enhancement of education systems in Asia and beyond:

1. Inclusion should be seen as a fundamental principle that provides the basis of all national policies
2. The concept of quality should focus on the social, emotional and physical development, as well as the academic achievements of children
3. National assessment and evaluation systems need to be revised in relation to the principle of non-discrimination and inclusion and the concept of quality mentioned above
4. Adults should respect and value all children, irrespective of their individual characteristics and circumstances, and take their views into account
5. All ministries should work together to develop common strategies towards inclusion
6. To ensure Education for All through the child friendly school (CFS) framework, the issue of non-discrimination and inclusion must be addressed in all dimensions of CFS, with coordinated and shared efforts between government and non-government organisations, donors, communities, local groups, parents, children and the private sector
7. All governments, and international and non-governmental organisations, should collaborate and co-ordinate their efforts to achieve sustainable development of inclusive communities and learning-friendly environments for all children
8. Governments should consider the social and economic implications of not educating all children, and should therefore include all school age children in their Education Management Information Systems (EMIS)
9. Pre- and in-service teacher education programmes should be revised in order to support the development of inclusive practices from early pre-school age and up with emphasis on a holistic understanding of child development and learning including early intervention
10. Governments (central, provincial and district) and schools should establish and sustain a dialogue with communities, including parents, about the value of a non-discriminatory and inclusive education system

The implication of these recommendations is that the principle of inclusion must be the basis of all strategies for raising standards within (formal and non-formal) education systems, developing child-friendly schools and, therefore, achieving Education for All. This must involve other agencies providing services to children and their families, such

# Participation and Development

as health and social authorities and organisations supporting at risk groups. It also requires a continued commitment to in-country and regional networking.

## Grounds for discrimination against Children

Source : Implementation Handbook for the Convention on the Rights of the Child; UNICEF 2002; p.28]

- gender
- disability
- race, xenophobia and racism
- ethnic origin
- sexual orientation
- particular castes, tribes
- "untouchability"
- language
- children not registered at birth
- children born a twin
- children born on an unlucky day
- children born in the breech position
- children born in abnormal conditions
- a "one child" or "three child" policy
- orphans
- place of residence
  - distinction between different provinces/territories/states, etc.
  - rural (including rural exodus)
  - urban
  - children living in slums
  - children in remote areas and remote islands
  - displaced children
  - homeless children
  - abandoned children
  - children placed in alternative care
  - ethnic minority children placed in alternative care
  - institutionalized children
  - children living and/or working in the streets
- children involved in juvenile justice system
  - in particular, children whose liberty is restricted
- children affected by armed conflict
- working children
- children subjected to violence
- child beggars
- children affected by HIV/AIDS
- children of parents with HIV/AIDS
- young single mothers
- minorities, including
  - Roma children/gypsies/travellers/nomadic children
  - children of indigenous communities
- non-nationals, including
  - immigrant children
  - illegal immigrants
  - children of migrant workers
  - refugees/asylum-seekers
    - including unaccompanied refugees
- children affected by natural disasters
- children living in poverty/extreme poverty
- unequal distribution of national wealth
- social status/social disadvantage/social disparities
- children affected by economic problems/changes
- economic status of parents causing racial segregation at school
- parental property
- parents' religion
- religion-based personal status laws
- non-marital children (children born out of wedlock)
- children of single-parent families
- children in incestuous unions
- children of marriages between people of different ethnic/religious groups or nationalities



Further information:

UNESCO Bangkok: <http://www.unescobkk.org/ie>

IDP Norway: <http://www.idp-europe.org/symposium>

IDP Norway: <http://www.idp-europe.org/eenet>

# Inclusion

## IDDC Seminar on Inclusive Education

[http://www.eenet.org.uk/theory\\_practice/agra/agra.shtml](http://www.eenet.org.uk/theory_practice/agra/agra.shtml)

## Inclusive Education - Where there are few resources

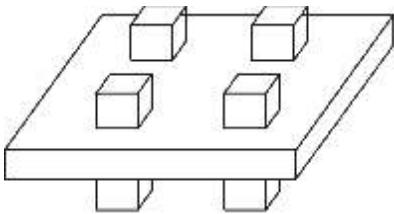
[http://www.eenet.org.uk/theory\\_practice/ie\\_few\\_resources.pdf](http://www.eenet.org.uk/theory_practice/ie_few_resources.pdf)

"In a school moving Towards Inclusion quality education should be provided in a child and learning friendly environment, where diversity is experienced, embraced and recognised as enrichment for all involved. Curricula, and teaching approaches and methods should be characterised by emphasising social aspects of learning, dialogue, sensitivity to children's needs and interests, sharing - rather than competing and creative and flexible teachers and classroom management. All children, also children experiencing barriers to learning, development and participation, including children with disabilities, have the right for quality education in a school that is close to their home and a class that suits their age."  
[By Miriam Donath Skjørten, 2005]

## Special Education

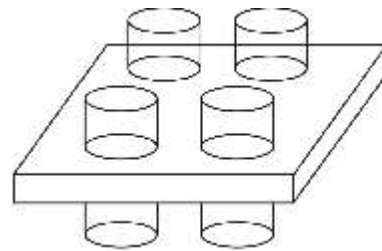
### Special Education

- Special child;
- Square pegs for square holes;
- Special teacher;
- Special school.



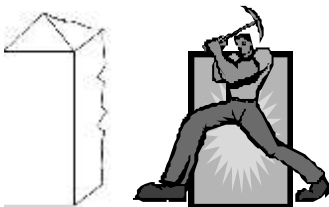
### 'Normal Education'

- Normal child;
- Round pegs for round holes;
- Normal teachers;
- Normal schools.

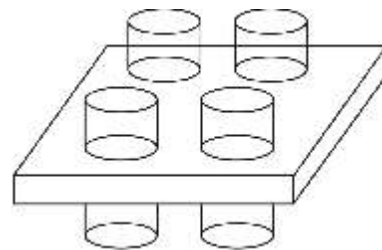


## Integrated Education

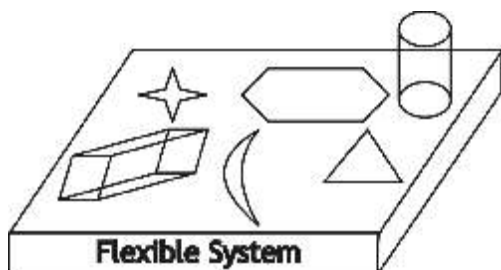
- Change the child to fit the system;
- Make the square peg round.



Therapy  
Rehabilitation



## Inclusive Education



- Children are different;
- All children can learn;
- Different abilities, ethnic groups, size, age, background, gender;
- Change the system to fit the child.

## From the Introduction Booklet of Embracing Diversity: UNESCO Toolkit for Creating Inclusive, Learning-Friendly Environments

An inclusive, learning-friendly environment (ILFE) welcomes, nurtures, and educates all children regardless of their gender, physical, intellectual, social, emotional, linguistic, or other characteristics. They may be disabled or gifted children, street or working children, children of remote or nomadic peoples, children from linguistic, ethnic or cultural minorities, children affected by HIV/AIDS, or children from other disadvantaged or marginalized areas or groups.

# Child Friendly Schools

## Embracing Diversity: UNESCO Toolkit for Creating Inclusive, Learning-Friendly Environments

<http://www2.unescobkk.org/elib/publications/032revised>

### Pro-Actively Inclusive

- Pro-actively seeking all children who are excluded from education
- Promoting the rights and well-being of All children in the community
- Respecting diversity and ensuring equality of opportunities
- Providing education that is free and compulsory, affordable and accessible

### Healthy, Safe and Protective

- Clean sanitary facilities
- Access to clean drinking water
- No corporal punishment or bullying
- HIV and AIDS prevention and non-discrimination of children affected/infected by HIV and AIDS

### Community Participation

- Family Focused:
  - Working to strengthen the family as a child's primary caregiver and educator
  - Helping children, parents and teachers establish harmonious, collaborative relationships
- Community Based:
  - Encouraging local partnership in education
  - Acting in and with the community for the sake of children

### Effective and Child-Centred

- Acting in the best interest of the child
- Concerned about the whole 'child': health, nutritional status and well-being
- Concerned about what happened to children before they enter school and after they leave school
- Creative classroom methods

### Gender Responsive

- Promoting gender equality in enrolment and achievement
- Not just equal numbers, but equity in content
- Eliminating gender stereotypes
- Guaranteeing girl-friendly facilities, curricula, textbooks and teaching

### Child-Friendly Systems

- Child friendly policies and regulations
- Flexible curricula
- Child friendly assessment and examination systems
- Guaranteeing access for all children to the neighbourhood school
- Collaboration between education, health and welfare systems

# The Standard Rules on the Equalization of Opportunities for Persons with Disabilities

## Rule 1: Awareness-raising

States should take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution.

## Rule 2: Medical care

States should ensure the provision of effective medical care to persons with disabilities.

## Rule 3: Rehabilitation

States should ensure the provision of rehabilitation services to persons with disabilities in order for them to reach and sustain their optimum level of independence and functioning.

## Rule 4: Support services

States should ensure the development and supply of support services, including assistive devices for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights.

## Rule 5: Accessibility

States should recognize the overall importance of accessibility in the process of the equalization of opportunities in all spheres of society. For persons with disabilities of any kind, States should (a) introduce programmes of action to make the physical environment accessible; and (b) undertake measures to provide access to information and communication.

## Rule 6: Education

States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system.

## Rule 7: Employment

States should recognize the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban areas they must have equal opportunities for productive and gainful employment in the labour market.

## Rule 8: Income maintenance and social security

States are responsible for the provision of social security and income maintenance for persons with disabilities.

## Rule 9: Family life and personal integrity

States should promote the full participation of persons with disabilities in family life. They should promote their right to personal integrity and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage and parenthood.

## Rule 10: Culture

States will ensure that persons with disabilities are integrated into and can participate in cultural activities on an equal basis.

## Rule 11: Recreation and sports

States will take measures to ensure that persons with disabilities have equal opportunities for recreation and sports.

## Rule 12: Religion

States will encourage measures for equal participation by persons with disabilities in the religious life of their communities.

## Rule 13: Information and research

States assume the ultimate responsibility for the collection and dissemination of information on the living conditions of persons with disabilities and promote

comprehensive research on all aspects, including obstacles that affect the lives of persons with disabilities.

#### Rule 14: Policy-making and planning

States will ensure that disability aspects are included in all relevant policy-making and national planning.

#### Rule 15: Legislation

States have a responsibility to create the legal bases for measures to achieve the objectives of full participation and equality for persons with disabilities.

#### Rule 16: Economic policies

States have the financial responsibility for national programmes and measures to create equal opportunities for persons with disabilities.

#### Rule 17: Coordination of work

States are responsible for the establishment and strengthening of national coordinating committees, or similar bodies, to serve as a national focal point on disability matters.

#### Rule 18: Organizations of persons with disabilities

States should recognize the right of the organizations of persons with disabilities to represent persons with disabilities at national, regional and local levels. States should also recognize the advisory role of organizations of persons with disabilities in decision-making on disability matters.

#### Rule 19: Personnel training

States are responsible for ensuring the adequate training of personnel, at all levels, involved in the planning and provision of programmes and services concerning persons with disabilities.

#### Rule 20: National monitoring and evaluation of disability programmes in the implementation of the Rules

States are responsible for the continuous monitoring and evaluation of the implementation of national programmes and services concerning the equalization of opportunities for persons with disabilities.

#### Rule 21: Technical and economic cooperation

States, both industrialized and developing, have the responsibility to cooperate in and take measures for the improvement of the living conditions of persons with disabilities in developing countries.

#### Rule 22: International cooperation

States will participate actively in international cooperation concerning policies for the equalization of opportunities for persons with disabilities.



courtesy of Government of Malaysia

Full version:

<http://www.un.org/esa/socdev/enable/dissre00.htm>

Further information:

UN: <http://www.un.org/disabilities/convention>

UN: <http://www.un.org/esa/socdev/enable>

# UN Convention on the Rights of Persons with Disabilities

## Article 5: Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. [...]
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

## Article 7: Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration. [...]

## Article 9: Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life [...]. These measures [...] shall apply to, inter alia:
  - a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
  - b. Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures to:
  - a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
  - b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

- c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
- d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public; [...]
- g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

## Article 19 - Living independently and being included in the community

- States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:
- a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
  - b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
  - c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

### Article 24 - Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- a. Persons with disabilities are not excluded from the general education system on the basis of disability, [...]
- b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live; [...]
- e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- a. Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community; [...]

### Article 25 - Health

[...] States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. [...]

1. Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
2. Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
3. Provide these health services as close as possible to people's own communities, including in rural areas; [...]
5. Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance [...]



Full Version:

<http://www.un.org/disabilities/convention/conventionfull.shtml>

# Indigenous and Tribal Peoples Convention

## Article 7

[...] 2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. [...]

## Article 25

1. Governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.

2. Health services shall, to the extent possible, be community-based. [...]

## Article 26

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

## Article 27

1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations. [...]

3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, [...]

## Article 28

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they

belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.

2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.

3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

## Article 29

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

## Article 30

1. Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.

2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.

## Article 31

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

## Act 134 - Aboriginal Peoples Act 1954

<http://www.agc.gov.my/agc/oth/Akta/Vol.%203/Akta%20134.pdf>

### Aborigines not to be excluded from any school

17. (1) No aboriginal child shall be precluded from attending any school by reason only of his being an aborigine.  
(2) No aboriginal child attending any school shall be obliged to attend any religious instruction unless the prior consent of his father or of his mother if his father is dead, or of his guardian should both parents be dead, is notified to the Director General, and is transmitted by

the Director General in writing to the headmaster of the school concerned. [...]

### Aboriginal children not to be adopted, etc.

18. (1) No person who is not himself an aborigine of the same ethnic group shall adopt or assume the care, custody or control of any aboriginal child except with the consent of the Director General and in giving the consent the Director General may impose such conditions as he thinks fit. [...]

## United Nations Declaration on the Rights of Indigenous Peoples - 2007

<http://www.ohchr.org/english/issues/indigenous/docs/draftdeclaration.pdf>

### Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

### Article 6

Every indigenous individual has the right to a nationality.

### Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.  
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.  
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.  
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.



Full version - English:

<http://www.ohchr.org/english/law/indigenous.htm>

# Worst Forms of Child Labour Convention

## Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

## Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

## Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
  - (a) prevent the engagement of children in the worst forms of child labour;

- (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
- (d) identify and reach out to children at special risk; and

Additional Information:

Worst Forms of Child Labour Recommendation - 1999

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R190>

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, inter alia:
  - (a) identifying and denouncing the worst forms of child labour;
  - (b) preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;
  - (c) giving special attention to:
    - i. younger children;
    - ii. the girl child;
    - iii. the problem of hidden work situations, in which girls are at special risk;
    - iv. other groups of children with special vulnerabilities or needs;
  - (d) identifying, reaching out to and working with communities where children are at special risk;

- (e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.
3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, *inter alia*, to:
- (a) work which exposes children to physical, psychological or sexual abuse;
  - (b) work underground, under water, at dangerous heights or in confined spaces;
  - (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
  - (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
  - (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

4. For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

12. Members should provide that the following worst forms of child labour are criminal offences:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of

- pornography or for pornographic performances; and
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.



Full version:  
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>  
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R190>

Further information:  
 ILO: <http://www.ilo.org>  
 ILO-IPEC: <http://www.ilo.org/public/english/standards/ipec>  
 UNICEF: [http://www.unicef.org/protection/index\\_childlabour.html](http://www.unicef.org/protection/index_childlabour.html)

# Anti-Trafficking in Persons Bill

## Article 12

Any person, who traffics in persons not being a child, for the purpose of exploitation, commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding fifteen years, and shall also be liable to fine.

## Article 13

Any person, who traffics in persons not being a child, for the purpose of exploitation, by one or more of the following means:

- (a) threat;
- (b) use of force or other forms of coercion;
- (c) abduction;
- (d) fraud;
- (e) deception;
- (f) abuse of power;
- (g) abuse of the position of vulnerability of a person to an act of trafficking in persons; or
- (h) the giving or receiving of payments or benefits to obtain the consent of a person having control over the trafficked person, commits an offence and shall, on conviction, be punished with imprisonment for a term not less than three years but not exceeding twenty years, and shall also be liable to fine.

## Article 14

Any person, who traffics in persons being a child, for the purpose of exploitation, commits an offence and shall, on conviction, be punished with imprisonment for a term not less than three years but not exceeding twenty years, and shall also be liable to fine.

## Article 15

Any person who profits from the exploitation of a trafficked person commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding fifteen years, and shall also be liable to a fine of not less than fifty thousand ringgit but not exceeding five hundred thousand ringgit.

## Article 17

A trafficked person's past sexual behaviour is irrelevant and inadmissible for the purpose of proving that the trafficked person was

engaged in other sexual behaviour or to prove the trafficked person's sexual predisposition.

## Article 21

(1) Any person who, directly or indirectly, provides or makes available financial services or facilities

(a) intending that the services or facilities will be used, or knowing or having reasonable grounds to believe that the services or facilities will be used, in whole or in part, for the purpose of committing or facilitating the commission of an act of trafficking in persons, or for the purpose of benefiting any person who is committing or facilitating the commission of an act of trafficking in persons; or

(b) knowing or having reasonable grounds to believe that, in whole or in any part, the services or facilities will be used by or will benefit any person involved in an act of trafficking in persons, commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding ten years and shall also be liable to fine.

(2) For the purpose of subsection (1), "financial services or facilities" include the services or facilities offered by lawyers or accountants acting as nominees or agents for their clients.

## Article 25

A trafficked person shall not be liable to criminal prosecution in respect of

(a) his illegal entry into the receiving country;

(b) his period of unlawful residence in the receiving country; or

(c) his procurement or possession of any fraudulent travel or identity document which he obtained, or with which he was supplied, for the purpose of entering the receiving country, where such acts are the direct consequence of an act of trafficking in persons.

## Article 42

(1) The Minister may, by notification in the Gazette, declare any house, building or place, or any part thereof, to be a place of refuge for the care and protection of trafficked persons and may, in like manner, declare that such place

of refuge ceases to be a place of refuge.

(2) The Minister may, from time to time, direct the separation of different categories of trafficked persons, among others, according to age and gender either at the same place of refuge or at different places of refuge.

### Article 53

(1) Where a trafficked person placed in a place of refuge is a citizen or permanent resident of Malaysia, the parent, guardian or relative of that person may, at any time, make an application to the Magistrate's Court to commit that person into the custody of the parent, guardian or relative.

(2) The parent, guardian or relative of the trafficked person shall serve a copy of the application to the Protection Officer.

(3) Upon receipt of an application under subsection (2), the Protection Officer shall cause a report to be prepared in relation to

- (a) the trafficked person;
- (b) the status of any investigation or prosecution for any offence under this Act in relation to the trafficked person;
- (c) the background of the trafficked person, his parent, guardian or relative; [...]

to enable the Magistrate to determine the application in the best interest of the trafficked person.

(4) The Magistrate shall, upon receipt of the application, fix a date for the hearing of the application, and shall, by notice in writing, inform the parent, guardian or relative of the trafficked person, as the case may be, the Protection Officer or other person the Magistrate deems fit, and shall require the production of the trafficked person before him on the appointed date.

(5) After hearing the application and having read the report of the Protection Officer, and if the Magistrate is satisfied that it is in the best interest of the trafficked person, he may

- (a) commit the person into the care and protection of the parent, guardian or relative of the person, upon such conditions as he may deem fit to impose;

- (b) require the parent, guardian or relative of the person to enter into a bond; or

- (c) require the person to be placed under the supervision of a Protection Officer, for a



courtesy of PROSTAR

Full version:

<http://www.parlimen.gov.my/billindexbi/pdf/DR%20072007E.pdf>

# Convention on the Elimination of All Forms of Discrimination against Women

## Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

## Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

## Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

- (d) The same opportunities to benefit from scholarships and other study grants;

- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

- (g) The same Opportunities to participate actively in sports and physical education;

- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

## Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

## Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## Beijing Declaration of the 4<sup>th</sup> Conference on Women 1995

27. Promote people-centred sustainable development, including sustained economic growth, through the provision of basic education, life-long education, literacy and training, and primary health care for girls and women;

30. Ensure equal access to and equal treatment of women and men in education and health care and enhance women's sexual and reproductive health as well as education;

32. Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people;

34. Develop the fullest potential of girls and women of all ages, ensure their full and equal participation in building a better world for all and enhance their role in the development process.



Full version:

<http://www.ohchr.org/english/law/pdf/cedaw.pdf>

Further information:

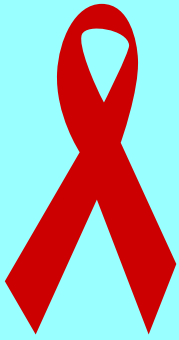
UN: <http://www.un.org/womenwatch/daw/beijing/platform>

UN: <http://www.un.org/womenwatch/daw/beijing/index.html>

UNGEI: <http://www.ungei.org>

UNIFEM: <http://www.unifem.org>

UNFPA: <http://www.unfpa.org>



indonesia  
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BRAILLO ● NORWAY



idpnorway

**Hak Setiap Anak-Kanak:** Untuk dilahirkan, untuk mempunyai nama dan kewarganegaraan; Untuk mempunyai keluarga yang akan menjaga dan menyayangi; Untuk tinggal di dalam komunitas dan persekitaran yang aman dan damai; Untuk mempunyai makanan yang mencukupi dan tubuh badan yang aktif dan sihat; Untuk mendapatkan pendidikan yang baik dan membentuk potensi diri; Untuk diberi peluang untuk bermain dan beribadah; Untuk dilindungi dari pada penderaan, eksploitasi, kecuaihan, keganasan dan bahaya; Untuk dipertahankan dan diberi bantuan oleh kerajaan; Untuk berupaya mengekspresi pandangan sendiri.



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