



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined second to fourth periodic reports of Malaysia\*

#### I. Introduction

1. The Committee considered the second to fourth periodic reports of Malaysia<sup>1</sup> at its 2924th and 2925th meetings,<sup>2</sup> held on 22 and 23 January 2026, and adopted the present concluding observations at its 2936th meeting, held on 30 January 2026.

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State Party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State Party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State Party.

3. Where not otherwise stated, the present recommendations are addressed to the Government of Malaysia, including the jurisdiction of the Malay Peninsula, and the island of Borneo, and, where relevant mandates fall under their jurisdiction, to the governments of the devolved administrations, as well as the states of Sabah and Sarawak.

#### II. Follow-up measures taken and progress achieved by the State Party

4. The Committee welcomes the various legislative, institutional and policy measures taken by the State Party to implement the Convention, including the adoption of the Sexual Offences Against Children Act, 2017, the national child policy and its plan of action, 2026–2030, and the national strategic plan for handling the causes of child marriage (2022–2025). It notes with appreciation its accession to the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict, in 2012.

#### III. Main areas of concern and recommendations

5. **The Committee recommends that the State Party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State Party**

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\* Adopted by the Committee at its 100th session (12–30 January 2026).

<sup>1</sup> [CRC/C/MYS/2-4](#).

<sup>2</sup> See [CRC/C/SR.2924](#) and [CRC/C/SR.2925](#).

<sup>3</sup> [CRC/C/MYS/RQ/2-4](#).



to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## A. General measures of implementation (arts. 1, 4, 42 and 44 (6))

### Previous recommendations of the Committee

6. The Committee recommends that the State Party take all measures necessary to address the recommendations contained in its previous concluding observations, adopted in 2006,<sup>4</sup> that have not been implemented or have been implemented insufficiently, in particular those related to reservations and declarations, legislation, dissemination of the Convention and awareness-raising, best interests of the child, abuse, neglect, sexual abuse and exploitation, corporal punishment, adoption, asylum-seeking, refugee and migrant children, economic exploitation, including child labour and administration of child justice.<sup>5</sup>

### Reservations and declarations

7. The Committee reiterates its previous recommendations<sup>6</sup> and encourages the State Party to expedite its efforts to withdraw its reservations regarding articles 2, 7, 14, 28 (1) (a) and 37 of the Convention, including by setting up a timeline to achieve the withdrawal of its remaining reservations to the Convention.

### Legislation

8. Taking note of the 2016 amendments to the Child Act, 2001, the Committee reiterates its previous recommendations<sup>7</sup> and recommends that the State Party:

(a) Strengthen its efforts and set up a timeline to fully harmonize its legislation, including the overhaul of the Child Act, to ensure full compliance with the Convention and the Optional Protocols thereto;

(b) Address inconsistencies between sharia law, civil law and customary law, including regarding the definition of the child, and ensure their full compliance with the Convention and the Optional Protocols thereto.

### Comprehensive policy and strategy

9. The Committee notes with satisfaction the adoption of the national child policy and its plan of action, 2026–2030. It remains concerned, however, about the insufficient allocation of resources and the lack of monitoring and accountability mechanisms.

10. The Committee recommends that the State Party:

(a) Ensure the effective implementation of the national child policy and its plan of action, 2026–2030, and allocate sufficient human, technical and financial resources to this end;

(b) Strengthen the monitoring and accountability mechanisms, in particular by ensuring the meaningful participation of children;

(c) Allocate sufficient human, technical and financial resources to the National Council for Children;

(d) Raise awareness about the national child policy and its plan of action, 2026–2030, among federal and local authorities.

<sup>4</sup> CRC/C/MYS/CO/1.

<sup>5</sup> Ibid., paras. 12, 16, 28, 37, 58, 100–102, 49, 58(c) and (d), 78, 56, 83, 85, 86, 92, 104 and 105.

<sup>6</sup> Ibid. para. 12.

<sup>7</sup> Ibid. paras. 16 and 30.

### Coordination

11. While noting the establishment of the National Council for Children, which serves as the primary advisory body to the Government on all child-related matters, including protection, development and participation, the Committee is concerned however that the entity is not explicitly mandated to coordinate the implementation of the Convention and the Optional Protocols thereto.

**12. The Committee urges the State Party to ensure that the National Council for Children has a clear mandate and sufficient authority, with the necessary human, technical and financial resources to coordinate all activities related to the implementation of the Convention at the national, regional and local levels and across all sectors.**

### Allocation of resources

13. The Committee is concerned about the lack of child-focused budgeting and the limited information on child-specific expenditures, limiting the State Party's capacity to prioritize resources for the realization of children's rights.

**14. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State Party:**

(a) **Conduct a comprehensive assessment of the budget required to meet the needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights;**

(b) **Apply a child-rights-based approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget;**

(c) **Define budget lines for all children, with special attention given to those in disadvantaged or vulnerable situations that may require affirmative social measures, and make sure that those budget lines are protected even in situations of economic crisis and during natural disasters or other emergencies;**

(d) **Ensure that the reduction in budget allocations for the delivery of services does not reduce the existing level of enjoyment of children's rights.**

### Data collection

15. While noting the launch of the Malaysia National Target Group Information System (MaNIS), the Committee remains concerned about the absence of an integrated system of data collection on children and the limited availability of disaggregated data.

**16. Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State Party:**

(a) **Strengthen its efforts and measures to enhance its data collection system to ensure that data collected on children's rights cover all areas of the Convention and the Optional Protocols thereto, that they include comprehensive data on all vulnerable groups and that data on children's rights are disaggregated by age, sex, disability, geographical location, ethnic and national origin, socioeconomic background and migrant status, including statelessness;**

(b) **Address the extensive gaps in child-related statistics to include stateless, undocumented, refugee and Indigenous children and children with disabilities.**

### Access to justice and remedy

17. Taking note of the revised Special Guidelines for Handling Child Sexual Abuse Cases, of 2025, and the amendments to the Evidence of Child Witness Act, 2007, the Committee remains concerned about children's limited access to justice and remedy.

**18. The Committee recommends that the State Party:**

(a) **Ensure that all children have access to: (i) confidential, child-friendly measures and independent complaint mechanisms in school, the foster care system, alternative care settings and places of detention for reporting all forms of violence, abuse, discrimination and other violations of their rights; and (ii) legal support and age-appropriate information on access to counselling and remedies, including compensation and rehabilitation; (iii) safe child interviews and forensic procedures to prevent re-traumatization;**

(b) **Expand the legal companion service, ensuring that it is accessible to all children, and increase awareness and referral pathways.**

#### **Independent monitoring**

19. The Committee notes with satisfaction the establishment of the Office of the Children's Commissioner in the Office of the Human Rights Commission. It remains concerned, however, about the limited resources allocated to these institutions.

20. **The Committee recommends that the State Party allocate sufficient human, technical and financial resources to ensure that the Office of the Children's Commissioner can adequately fulfil its mandate to monitor children's rights and to receive, investigate and address complaints by children in a child-sensitive and child-friendly manner.**

#### **Dissemination of the Convention and awareness-raising**

21. **The Committee reiterates its previous recommendation<sup>8</sup> and recommends that the State Party strengthen its awareness-raising programmes, including campaigns, to ensure that the Convention and the Optional Protocols thereto are widely known by the members of the general public, including parents and children.**

#### **Cooperation with civil society**

22. The Committee is seriously concerned about the lack of mechanisms to facilitate the cooperation between the State Party and civil society organizations working on children's rights.

23. **The Committee urges the State Party to take specific steps to give legitimate recognition to human rights defenders, including children, and their work, to build a climate of trust and cooperation with civil society and to systematically involve communities and civil society in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights.**

#### **Children's rights and the business sector**

24. Taking note of the adoption of the national action plan on business and human rights (2023–2028), the Committee is concerned about the lack of regulation to protect children's rights in the context of the business sector, including in the digital environment.

25. **Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, the Committee recommends that the State Party:**

(a) **Ensure that the national action plan on business and human rights (2025–2030) includes measures regarding children's rights;**

(b) **Establish and implement regulations to ensure that businesses, including in the financial, digital and palm sectors, fully comply with children's rights;**

(c) **Make a mandatory framework for companies to ensure full public disclosure of their environmental, health-related and children's rights impact assessments.**

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<sup>8</sup> Ibid. para. 28.

## **B. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

26. The Committee is deeply concerned by the structural discrimination against Indigenous children, including Orang Asli children, children with disabilities, children living in poverty, lesbian, gay, bisexual, transgender and intersex children and asylum-seeking, refugee, migrant, undocumented and stateless children.

27. **The Committee urges the State Party:**

(a) **To strengthen its normative framework to prohibit all forms of discrimination against children of any kind, in line with article 2 of the Convention;**

(b) **To conduct awareness-raising programmes, including media campaigns, to change social norms and behaviours that contribute to discrimination;**

(c) **To establish clear avenues for children to seek justice in cases of discrimination.**

### **Best interests of the child**

28. **Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee reiterates its previous recommendations<sup>9</sup> and recommends that the State Party develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area as a primary consideration.**

### **Right to life, survival and development**

29. **Taking note of the Abolition of Mandatory Death Penalty Act, 2023, the Committee urges the State Party to ensure that children have access to a prompt, effective and independent age determination process and to ensure that the presumption of minority is applied in all cases of criminal charges, without exception.**

### **Respect for the views of the child**

30. The Committee takes note of the establishment of the Children's Representative Council and the National Council for Children. However, it is concerned about the lack of public information on how the National Council for Children involves children in its agenda-setting, the absence of feedback to inform children on the impact of their participation in decision-making processes and the limited representation of non-citizen children.

31. **Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State Party:**

(a) **Strengthen the National Child Council and the Children's Representative Council, by expanding its membership, and ensure the representation of all children living in Malaysia, regardless of their nationality or any other status;**

(b) **Improve the processes related to the Children's Representative Council to ensure that children's recommendations are included or formally considered in decisions, to ensure that their views are respected.**

## **C. Civil and political rights (arts. 7, 8 and 13–17)**

### **Birth registration**

32. The Committee notes the initiatives taken by the State Party to achieve universal birth registration, such as the outreach programme, the Menyemai Kasih Rakyat programme and the one-stop centre. However, it remains seriously concerned about the following:

<sup>9</sup> Ibid. para. 37.

- (a) Administrative barriers, such as parental document requirements, indirect travel costs and tight deadlines that are strictly enforced;
- (b) Insufficient knowledge about the registration process, partly due to inconsistent practices by national registration offices;
- (c) Lack of birth registration data, in particular within migrant and refugee communities;
- (d) Fear of detention and deportation due to their marital or immigration status, preventing some parents from registering their children;
- (e) Whereas the Constitution (Amendment) Act, 2025, now allows Malaysian women alone to confer citizenship on their children born abroad, such changes are not retroactive;
- (f) Low rate of birth registration among Indigenous Bajau Laut and migrant-descended children due to geographical isolation or lack of documentation.

**33. The Committee strongly urges the State Party:**

- (a) To ensure birth certificates for all children born in its territory, immediately after the birth, regardless of the immigration status of the child or the parents;**
- (b) To ensure reasonable alternatives to the requirement of parental and other documents, when those are impossible to obtain, in particular for asylum-seeking, refugee and migrant children;**
- (c) To set up a data collection system on birth registration, in particular among migrant and refugee communities;**
- (d) To adopt without delay guidelines that clearly define the process of birth registration and ensure their transparent and consistent application across the territory;**
- (e) To expand outreach and awareness-raising programmes on the birth registration process among migrant and Indigenous communities;**
- (f) To strengthen the Menyemai Kasih Rakyat programme, the one-stop centre and the individual temporary identification document for stateless persons in Sarawak;**
- (g) To adopt specific measures to ensure that travel costs and tight deadlines do not prevent parents living in remote areas to access birth registration;**
- (h) To ensure that all children, including children of unmarried parents, are properly registered at birth;**
- (i) To recognize marriages under customary laws in Sabah and Sarawak for the purpose of facilitating birth registration;**
- (j) To establish a culturally sensitive programme to ensure birth registration among Bajau Laut children;**
- (k) To review the Constitution (Amendment) Act, 2025, with a view to including children born abroad to Malaysian mothers before the law's enactment, thereby addressing the existing gap in citizenship rights for these children.**

**Nationality**

34. The Committee is seriously concerned about the situation of stateless children, in particular the following:

- (a) Lack of standard operating procedures and discriminatory administrative barriers for processing citizenship applications;

(b) Absence of measures to prevent statelessness among abandoned children, children whose parents are unmarried, children whose mother is unknown while the father is Malaysian, adopted children, the children of migrant workers, asylum-seekers and refugees and Indigenous children;

(c) Adoption of the Constitution (Amendment) Act, 2025, which contains provisions further aggravating the situation of stateless children.

**35. The Committee urges the State Party:**

(a) **To review the amendments to the Constitution (Amendment) Act, 2025, to repeal the provisions allowing for the removal of access to citizenship for children whose parents are permanent residents, the reduction of the age limit for citizenship applications from 21 to 18 years of age and the revocation of citizenship of foreign spouses of Malaysian men when the marriage ends within two years;**

(b) **To adopt without delay a national action plan on ending childhood statelessness, ensuring that it is developed with the meaningful participation of children;**

(c) **To expedite the citizenship applications of overseas-born children, ensuring that decisions are issued within a year, with due process and an appeal procedure;**

(d) **To ensure the consistent application of the citizenship application process;**

(e) **To remove the administrative requirements for parental and other documents, such as witness statements or immigration status documents;**

(f) **To urgently adopt culturally sensitive measures to ensure access to citizenship for Indigenous and Bajau Laut children;**

(g) **To adopt immediate and long-term measures to ensure access to citizenship for all stateless children or children at risk of statelessness.**

**Right to identity**

36. The Committee is concerned about the following:

(a) Insufficient attention given to the rights and interests of children born as a result of assisted reproduction technologies, in particular with the involvement of surrogate mothers;

(b) Practice of child abandonment and the continued operation of baby boxes (baby hatches);

(c) Lack of respect for the self-identification of Indigenous peoples, in particular Orang Asli children;

(d) Difficulties in registering intersex children at birth and the absence of child-friendly procedures to change gender identity on identity documents.

**37. The Committee recommends that the State Party:**

(a) **Ensure that children born through assisted reproduction technologies, in particular with the involvement of surrogate mothers, have their best interests taken as a primary consideration and have access to information about their origins. In doing so, the State Party should consider providing surrogate mothers and prospective parents with appropriate counselling and support;**

(b) **Address the causes of the anonymous abandonment of children, with a view to eliminating the use of baby boxes (baby hatches);**

(c) **Recognize the right of Indigenous children to self-identification and that the responsibility to guarantee self-identification resides with Indigenous authorities;**

(d) **Cooperate with Indigenous authorities to identify and remedy cases of the misidentification of Indigenous children, in particular Orang Asli children;**

- (e) **Recognize the right to identity of intersex children and their right to modify their birth and identity documents.**

#### **Freedom of expression, religion, association and peaceful assembly**

38. The Committee is seriously concerned about the following:

- (a) Deterrence impact on children's enjoyment of their freedom of expression of restrictive provisions contained in the Sedition Act, 1948, and section 233 of the Communication and Multimedia Act, 1998;
- (b) Provisions in the Peaceful Assembly Act, 2012, that place an age-restriction on children's freedom of association and peaceful assembly;
- (c) Impact of religious conversion practices and interfaith family disputes on children.

39. **The Committee urges the State Party:**

- (a) **To review the Sedition Act, 1948, and section 233 of the Communication and Multimedia Act, 1998, to ensure that children feel safe to express their opinions and are free from censorship, surveillance, intimidation, harassment, bullying and cyberbullying;**
- (b) **To strengthen children's right to freedom of association and peaceful assembly, including by removing age-limit restrictions from the Peaceful Assembly Act, 2012;**
- (c) **To ensure that the measures adopted to address interfaith disputes and religious conversion practices do respect children's freedom of religion.**

#### **Right to privacy**

40. **The Committee is concerned about alleged violations of the right to privacy of children who are victims of online violence and whose personal data was leaked on social media. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, it recommends that the State Party apply a child rights-based approach in the implementation of the Online Safety Act, 2025, to ensure the protection of children's right to privacy and provide for mechanisms to prosecute violations.**

#### **Access to appropriate information**

41. Noting the steps taken by the State Party to ensure inclusive digital access for children, the Committee remains concerned by the following:

- (a) Lack of digital literacy and significant digital divide;
- (b) Age-based prohibition and control over access to social media, as limiting children's access to age-appropriate information and online child-friendly platforms;
- (c) Limited guarantee of privacy protection.

42. **Recalling its general comment No. 25 (2021) and the 2026 joint statement of the Committee and other signing parties on artificial intelligence and the rights of the child, the Committee recommends that the State Party:**

- (a) **Adopt a child rights-based approach to the implementation of the Online Safety Act, 2025;**
- (b) **Ensure that children are adequately protected from harmful content and materials and online risks and provide for mechanisms to prosecute violations;**
- (c) **Continue to improve digital inclusion for children in disadvantaged situations and living in remote areas, with accessible and affordable online services;**

(d) Adopt culturally sensitive measures to ensure the digital inclusion of children living in rural areas of East Malaysia and Indigenous children in West Malaysia;

(e) Scale up the measures taken to enhance the digital literacy and skills of children, teachers and families, including on online risks and safeguards;

(f) Elaborate regulations on artificial intelligence in the context of the rights of the child, with a view to ensuring the acceleration of opportunities and protecting them from harm.

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 35, 37 (a) and 39 of the Convention, and the Optional Protocol on the sale of children, child prostitution and child pornography)**

**Abuse, neglect, sexual abuse and exploitation**

43. While noting the establishment of child welfare teams mandated to coordinate the provision of local services, the Committee reiterates its previous recommendations<sup>10</sup> and, in the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, recommends that the State Party:

(a) Ensure the effective implementation of the Domestic Violence Act, 1994, and the Sexual Offences Against Children Act, 2017, as well as the Child Act, 2001, to protect all children regardless of their legal status in the State Party;

(b) Develop and adopt a national strategy on violence against children with the meaningful participation of children from all backgrounds;

(c) Strengthen the child protection system to ensure its effectiveness, notably by ensuring intersectoral coordination, nationwide coverage and case management, including in the digital environment, and provide sufficient human, technical and financial resources;

(d) Adopt without further delay the social work profession bill, ensuring that it includes all social workers in the child protection system, including from the public sector;

(e) Ensure that all cases of child abuse, including sexual abuse, are promptly reported and investigated, applying a child-friendly and multisectoral approach, with the aim of avoiding the revictimization of the child, that perpetrators are prosecuted and duly sanctioned and that reparations are provided to victims, as appropriate;

(f) Fully operationalize the amended Evidence of Child Witness Act, 2007, and develop guidelines on child-friendly forensic interviews for all proceedings;

(g) Allocate sufficient resources to the provision of child-friendly and comprehensive support, including trauma-focused therapy, to children who are victims, promote alternative family-based and community-based care options and prohibit the placement of children in centres that accommodate adults;

(h) Establish a new national child-friendly helpline for children, with a single, three-digit, toll-free number, operating 24 hours a day, 7 days a week, and provide it with the necessary human, financial and technical resources for its effective functioning;

(i) Adopt measures to address and prevent bullying in all settings, including against lesbian, gay, bisexual, transgender and intersex children;

(j) Adopt legislation that prohibits the sale of children, including in the digital environment.

<sup>10</sup> Ibid., para. 58.

### **Torture and cruel, inhuman or degrading treatment or punishment**

#### **44. The Committee urges the State Party:**

(a) To ensure that children convicted of crimes that would carry the death penalty if committed by adults are entitled to the same protections provided to all children under the Child Act, 2001, and ensure that clear guidelines are in place for the periodic review and consideration of release, guided by consideration for social reintegration and their best interests;

(b) To repeal immediately section 97 (2) of the Child Act, 2001, to ensure that children are not detained indefinitely.

### **Corporal punishment**

45. Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee reiterates its previous recommendations<sup>11</sup> and urges the State Party:

(a) To explicitly prohibit corporal punishment in all settings in homes, public and religious schools (*tahfiz*), childcare institutions, alternative care settings and penal institutions;

(b) To repeal sections 78 and 89 of the Penal Code (Act No. 574 of 1997), sections 288 and 293 of the Criminal Procedure Code, section 50 of the Prison Act, 1995, as well as all other norms in the Education Act, 1996, the Child Act, 2001, and sharia law that allow for corporal punishment;

(c) To promote positive, non-violent and participatory forms of child-rearing and discipline.

### **Harmful practices**

46. Noting the adoption of the national strategic plan for handling the causes of child marriages (2022–2025), the Committee remains deeply concerned about the following:

(a) Persistence of child marriage and that, while the minimum age for marriage is set at 18 under civil law, it is allowed for those under 18 years of age under sharia law and is undetermined in customary law;

(b) Practice of female genital mutilation, the lack of its explicit prohibition by law, the medicalization of the procedure leading to increasing harmful female genital mutilation and the lack of data on its prevalence;

(c) Prevalence of the medical and religious approaches to intersex children and the permissibility of medically unnecessary surgeries and other procedures on intersex children, which often entail irreversible consequences and can cause severe physical and psychological suffering.

47. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee urges the State Party:

(a) To urgently unify the minimum legal age of marriage at 18 years, without exception, in civil law, sharia law and customary law;

(b) To assess the national strategic plan for handling the causes of child marriages (2022–2025) and update it with the meaningful participation of children, in particular girls;

(c) To expand public awareness-raising programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls;

<sup>11</sup> Ibid., paras. 58 (c), 49 and 78.

(d) To establish a national child protection framework, including integrated data collection that includes all forms of marriage of those under 18 years of age, the mandatory monitoring of child marriage cases, independent oversight and child-friendly justice mechanisms;

(e) To undertake a study on female genital mutilation, including its acceptance in the context of cultural norms and religious beliefs;

(f) To prohibit female genital mutilation in civil law, sharia law and customary law;

(g) To set up strategies and mechanisms for data collection on female genital mutilation and for providing medical and psychological support to victims, as well as access to justice and remedies;

(h) To prohibit non-urgent and non-essential medical or surgical treatment, including the feminizing or masculinizing of intersex children before they are of sufficient age or maturity to make their own decision and provide their free, prior and informed consent;

(i) To provide social, medical and psychological services, as well as adequate counselling and support, to intersex children and their families.

## **E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

### **Family environment**

48. Taking note of the Child (Family-Based Care) Regulation, 2017, the Committee remains concerned about its weak implementation, the lack of policies to support families and the gaps in the affordability and quality of early childhood care and education.

49. The Committee draws the State Party's attention to its statement on article 5 of the Convention<sup>12</sup> and recommends that the State Party:

(a) Adopt measures for the effective implementation of the Child (Family-Based Care) Regulation, 2017;

(b) Ensure that mothers and fathers share the responsibility for their children equally, in accordance with article 18 (1) of the Convention;

(c) Adopt family-friendly policies, such as paid parental leave, breastfeeding breaks and childcare, that support women, working families and caregivers.

### **Children deprived of a family environment**

50. The Committee is concerned about the following:

(a) Lack of information about the number of children in non-registered institutional care and the lack of safeguards on both registered and non-registered institutional care, placing children at risk of abuse, neglect and sexual abuse and exploitation;

(b) Insufficient capacity of the Department of Social Welfare to register and monitor registered and non-registered institutions;

(c) Reports of the prevalence of children with disabilities in institutional care and lack of reasonable accommodation in these institutions;

(d) Insufficiency of foster care and family-based alternative care.

51. Drawing the State Party's attention to the Guidelines for the Alternative Care of Children,<sup>13</sup> the Committee recommends that the State Party:

<sup>12</sup> See [www.ohchr.org/sites/default/files/documents/hrbodies/crc/statements/CRC-Article-5-statement.pdf](http://www.ohchr.org/sites/default/files/documents/hrbodies/crc/statements/CRC-Article-5-statement.pdf).

<sup>13</sup> General Assembly resolution 64/142, annex.

(a) Phase out institutionalization and adopt, without delay, a strategy and action plan for deinstitutionalization, drawing from pilot experiences and ensuring that it has the adequate human, technical and financial resources for its implementation and includes the systemic transformation of the childcare, welfare and protection systems;

(b) Conduct a comprehensive mapping of all care institutions, including those that are not registered, as a basis for strengthening the registration and monitoring system, ensuring quality standards of care, including reasonable accommodation, and monitoring the situation of children placed in these institutions;

(c) Strengthen the capacity of the Department of Social Welfare, in coordination with other relevant regulatory authorities, to conduct regular inspections and enforce compliance with the Care Centre Act and Regulations, 1993;

(d) Step up efforts to ensure sufficient family-based, community-based and foster care options for children who cannot stay with their families;

(e) Strengthen the capacity of professionals and others working with families and children to enhance their awareness of the rights and needs of children deprived of a family environment.

#### **Adoption**

52. The Committee reiterates its previous recommendation<sup>14</sup> and recommends that the State Party review the legislative framework of domestic adoption by introducing a national uniform adoption law to regulate the adoption of non-Muslim children in Malaysia. It also urges the State Party to strengthen its efforts to prevent the informal adoption of children, which is neither registered nor monitored.

### **F. Children with disabilities (art. 23)**

53. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee reiterates its previous recommendations<sup>15</sup> and urges the State Party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

(a) To harmonize national legislation with the human rights model of disability and amend the Persons with Disability Act, 2008, to cover children with disabilities;

(b) To organize the collection of data on children with disabilities and develop an efficient system for diagnosing disability;

(c) To take immediate measures to ensure that children with disabilities have access to healthcare, including early detection and intervention programmes.

### **G. Health (arts. 6, 24 and 33)**

#### **Mental health**

54. The Committee is concerned about the deterioration of adolescents' mental health, notably the high rate of attempted suicide and the lack of a comprehensive framework to support children and adolescents' mental health.

55. The Committee recommends that the State Party:

(a) Develop a comprehensive strategy to provide adequate treatment and prevention for suicide and mental illnesses, with the meaningful participation of children;

<sup>14</sup> Ibid., para. 56.

<sup>15</sup> Ibid., para. 61.

- (b) **Maintain its efforts to address adolescents' mental health, including the decriminalization of suicide attempts;**
- (c) **Develop guidelines and ensure that there are focal points for mental health issues and psychological support in schools;**
- (d) **Scale up initiatives to prevent suicide through awareness-raising programmes, such as the Minda Sihat (Healthy Mind) Programme.**

#### **Adolescent health**

56. The Committee is concerned about the weak implementation of the national adolescent health policy, the lack of sexual and reproductive education and the limited scope of legal abortion. It is also concerned about drug use by adolescents.

57. **Recalling its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State Party:**

- (a) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescents, with special attention given to preventing early pregnancy and sexually transmitted infections;**
- (b) **Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;**
- (c) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children, including against discrimination;**
- (d) **Address the prevalence of drug use among children by expanding accessible and child-friendly drug dependence treatment, including in care institutions.**

#### **Nutrition**

58. **The Committee recommends that the State Party:**

- (a) **Systematically collect data on food security and nutrition among children, including to identify the root causes of child food insecurity and malnutrition;**
- (b) **Regularly assess the effectiveness of policies and programmes on child food security and nutrition and those on infants and young children;**
- (c) **Ensure the effective implementation of the national plan of action for nutrition, by establishing a monitoring mechanism and by allocating sufficient human, technical and financial resources;**
- (d) **Adopt specific measures to prevent the marketing of unhealthy foods to children, address child obesity and ensure poor households' access to healthy food;**
- (e) **Promote, protect and support breastfeeding and fully implement the International Code of Marketing of Breast-milk Substitutes.**

### **H. Standard of living (arts. 18 (3), 26 and 27 (1)–(3))**

59. Noting the progress made in poverty reduction, the Committee remains concerned about children still living in poverty and extreme poverty, in particular in Sabah, Kelantan and Sarawak. It is also concerned about the obstacles to gain access to social security and social assistance.

60. **The Committee recommends that the State Party:**

(a) Consider holding targeted consultations with families, children and children's rights civil society organizations on the issue of child poverty, with a view to strengthening the strategies and measures for fulfilling children's rights;

(b) Ensure that children and their families living in poverty have access to social security, regardless of their employment status, and receive adequate financial support and free and accessible services without discrimination.

## **I. Children's rights and the environment (arts. 2, 3, 6, 12, 13, 15, 17, 19, 24 and 26–31)**

### **Impact of environmental degradation and climate change on the rights of the child**

61. The Committee is concerned about the lack of policies to protect children from the impact of environmental degradation and climate change, in particular children with disabilities, Indigenous children and migrant children, and the limited meaningful participation of children in the development of environmental legislation and policies.

62. Recalling its general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, the Committee recommends that the State Party:

(a) Ensure that children's special vulnerabilities, needs and views are taken into account in policies environmental and climate policies, such as the second national climate change policy and the national disaster risk reduction policy, 2030;

(b) Strengthen the mechanisms for the participation of children in climate change and environmental policies, such as the Youth Climate Adaptation Forum;

(c) Increase children's awareness and preparedness for climate change and natural disasters by incorporating it into the school curriculum and teacher training programmes;

(d) Strengthen the disaster response by expanding child-friendly temporary evacuation centres that are equipped to provide psychological and medical support.

## **J. Education, leisure and cultural activities (arts. 28–31)**

### **Aims and coverage of education**

63. The Committee recommends that the State Party:

(a) Ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes;

(b) Take the measures necessary to improve accessibility and the quality of education and provide quality training for teachers, with particular emphasis on rural areas.

### **Quality of education**

64. The Committee recommends that the State Party strengthen the quality of education, including by reforming its school curricula, ensuring the availability of qualified teachers, providing high-quality pre-service and in-service training and ensuring that schools are fully and safely accessible to all and equipped with adequate infrastructure and educational technologies.

### **Inclusive education**

65. The Committee recommends that the State Party:

(a) **Ensure that all children with disabilities have access to inclusive education in mainstream schools, ensuring that schools are equipped with trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities;**

(b) **Maintain the zero rejection policy to provide access to education for stateless children and ensure that all children in a disadvantaged situation receive similar support, such as Orang Asli children and those living in rural areas in particular.**

#### **Vocational training and guidance**

66. **The Committee recommends that the State Party:**

(a) **Strengthen and promote quality vocational training to enhance the skills of children, especially those who drop out of school;**

(b) **Assess existing vocational training programmes with a view to further improvements.**

### **K. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40 of the Convention, and the Optional Protocol on the involvement of children in armed conflict)**

#### **Asylum-seeking, refugee and migrant children**

67. **Recalling the joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, the Committee reiterates its previous recommendations<sup>16</sup> and recommends that the State Party:**

(a) **Amend the Immigration Act, 1959–1963, the Child Act, 2001, and related policies to end the immigration detention of children;**

(b) **End the detention of asylum-seeking, refugee and migrant families with children to prevent the separation of children and accelerate the implementation of alternatives to detention, prioritizing family-based and community-based options;**

(c) **Ensure that migrant children are not detained on the basis of their or their parents' migration status and that alternatives to detention are available;**

(d) **Ensure access for refugee, asylum-seeking, migrant, undocumented and stateless children to legal protection and public education, health and other basic services;**

(e) **Remove any regulation, such as the Ministry of Health directive (circular No. 10/2001), that requires healthcare personnel to report undocumented persons and establish a firewall policy between service providers and the immigration authorities.**

#### **Indigenous children**

68. **The Committee is seriously concerned about the situation of Indigenous children, in particular the Orang Asli, considering the prevalence of underweight children, the weaker legal protection of Orang Asli compared with other Indigenous Peoples, the impact of large-scale development projects on their livelihoods, their high vulnerability to extreme climate events, such as floodings, and discriminatory barriers to access to education, health and other basic services.**

69. **Recalling its general comment No. 11 (2009) on Indigenous children and their rights under the Convention, the Committee urges the State Party:**

<sup>16</sup> Ibid., para. 83.

(a) To consult and cooperate with Indigenous Peoples, including Indigenous children, in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them, and provide effective remedies in cases of violations of their rights;

(b) To cooperate with Indigenous authorities to adopt a national policy and action plan and provide the necessary resources for Indigenous children to enjoy a decent standard of living and their right to decide their own development policies in their traditionally inhabited territories and in accordance with their culture and spiritual beliefs.

#### **Economic exploitation, including child labour**

70. The Committee reiterates its previous recommendation<sup>17</sup> and recommends that the State Party:

(a) Strengthen its efforts to ensure that no child engages in hazardous work and raise public awareness of child labour, its exploitative character and its consequences;

(b) Strengthen the capacity of the labour inspectorate to monitor child labour, in particular in the oil palm plantations in Sabah and Sarawak;

(c) Ensure that the Malaysian Sustainable Palm Oil Certification Scheme is implemented without child labour.

#### **Children in street situations**

71. Drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee reiterates its previous recommendation<sup>18</sup> and recommends that the State Party ensure that children in street situations are not criminalized and provide support for their reintegration with family or placement in alternative care, with their best interests as a primary consideration.

#### **Trafficking**

72. The Committee reiterates its previous recommendation<sup>19</sup> and, taking note of the 2022 amendments to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act, 2007, it recommends that the State Party:

(a) Allocate sufficient resources for the effective implementation of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act, 2007;

(b) Ensure the effective provision of referral and support services to children who are victims of trafficking within the child protection system;

(c) Investigate all cases of child trafficking and bring perpetrators to justice;

(d) Conduct awareness-raising activities in order to make parents, caregivers and children aware of the dangers of trafficking.

#### **Administration of child justice**

73. The Committee is concerned about the fact that the legal age of criminal responsibility is extremely low and, recalling its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State Party to bring its child justice system fully into line with the Convention and other relevant international rules and principles. In particular, the Committee urges the State Party:

(a) To raise the legal age of criminal responsibility to at least 14 years of age;

<sup>17</sup> Ibid., para. 92.

<sup>18</sup> Ibid., para. 94.

<sup>19</sup> Ibid., para. 96.

(b) To secure equal special protections and due process guarantees for all children before the High Court and for those accused jointly with adults;

(c) To ensure the provision of free and specialized legal aid to children alleged as, accused of or recognized as having infringed criminal law at an early stage of the procedure and throughout the legal proceedings;

(d) To actively promote non-judicial measures, such as diversion and mediation, for children alleged as, accused of or recognized as having infringed criminal law and, wherever possible, the use of non-custodial sentences for children, such as probation or community service, and ensure that health and psychosocial services are provided to such children;

(e) To ensure that detention is used only as a measure of last resort and for the shortest appropriate period of time and is reviewed on a regular basis with a view to the release of the child.

#### **L. Ratification of the Optional Protocol on a communications procedure**

74. The Committee recommends that the State Party ratify the Optional Protocol to the Convention on a communications procedure.

75. The Committee urges the State Party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, given that the related reports have been overdue since 12 May 2014.

#### **M. Ratification of international human rights instruments**

76. The Committee recommends that the State Party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

(a) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) International Covenant on Civil and Political Rights;

(c) Optional Protocol to the International Covenant on Civil and Political Rights;

(d) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to the abolition of the death penalty;

(e) International Convention on the Elimination of All Forms of Racial Discrimination;

(f) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

#### **N. Cooperation with regional bodies**

77. The Committee recommends that the State Party cooperate, among others, with the Commission on the Promotion and Protection of the Rights of Women and Children of the Association of Southeast Asian Nations.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

78. The Committee recommends that the State Party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined second to fourth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

79. The Committee recommends that the State Party strengthen the Human Rights and Humanitarian Division under the Department of Multilateral Affairs of the Ministry of Foreign Affairs, as well as the policy and international divisions of the Ministry of Women, Family and Community Development, and ensure that they have the mandate and adequate human, technical and financial resources to coordinate and engage with, and prepare reports to, international and regional human rights mechanisms and to coordinate and track national follow-up to, and the implementation of, treaty obligations and the recommendations and decisions emanating from those mechanisms effectively. The Committee emphasizes that the Human Rights and Humanitarian Division should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Human Rights Commission of Malaysia and civil society.

### **C. Next report**

80. The Committee will establish and communicate the due date of the combined fifth to ninth periodic reports of the State Party in due course, in line with the envisaged predictable reporting calendar, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State Party. The reports should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>20</sup> and should not exceed 21,200 words.<sup>21</sup> In the event that reports exceeding the established word limit is submitted, the State Party will be asked to shorten the reports. If the State Party is not in a position to review and resubmit the reports, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

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<sup>20</sup> [CRC/C/58/Rev.3](#).

<sup>21</sup> General Assembly resolution 68/268, para. 16.