

Response on the List of issues in relation to the combined second to fourth periodic reports of Malaysia to the Committee on the Rights of the Child - LGBTI children

Submitted by: Justice for Sisters

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Justice for Sisters, PLUHO, PT Foundation, JEJAKA submitted a joint submission in 2024. This submission provides additional information based on the List of Issues to Malaysia on LGBTI children.

3. Please provide information about measures taken: (a) To explicitly prohibit in law all forms of discrimination, and to prevent and address discrimination faced in particular by ... lesbian, gay, bisexual, transgender and intersex children;

Discrimination against LGBTI children

LGBTI children continue to face state-led and societal discrimination with impunity. In 2025, at least 305 LGBTQ adults have been subjected to arrests through various raids. LGBTQ events continue to face disruptions by both state and non-state actors,¹ resulting in shrinking spaces for LGBTIQ people to socialise, interact and advocate for their rights.

Children's access to information and positive representations of LGBTIQ people are restricted. At least 24 books were banned between January and August 2025 - seven books target LGBTIQ children and teens, and two are on sexual reproductive health and rights for all children² (see list in Annexe 1). A children's animation was taken off air following public complaints due to the portrayal of queer relationships.³

In December 2025, a state-wide Islamic sermon expressed disappointment regarding the promotion of LGBT issues as "rights", "freedom", and "identity". It described LGBT people as sinners who harm themselves, their families, and their surrounding communities. It further claimed that LGBT people suffer from a 'treatable mental illness', consistent with the state-sponsored conversion practices programmes, which are described as voluntary spiritual programmes. The sermon linked the HIV prevalence among the GBQ and MSM as a result of the "perverted sexual habits" instead of social determinants of health, such as criminalisation and discrimination.⁴ The sermon targeting adults could exacerbate the self-censorship among LGBTI children at home. Research shows that parents are key actors in pressuring or forcing their children into conversion practices as well as in enforcing binary gender conformity.⁵

¹ Honouring PRIDE Safely: A Guide for Participants, Organisers, and Allies in Malaysia <https://justiceforsisters.org/resources/celebrating-pride/>

² Freedom of Expression <https://justiceforsisters.org/en/topics/censorship/>

³ RTM halts 'Santiago of the Seas' after complaints of alleged LGBTQ+ content

<https://www.scenemag.co.uk/rtm-halts-santiago-of-the-seas-after-complaints-of-alleged-lgbtq-content/>

⁴ "LGBT: BECKONS CALAMITY, REMOVES BLESSINGS", 12 December 2025

<https://e-khutbah.jais.gov.my/wp-content/uploads/2025/12/LGBT-Mengundang-Bala-12.12.2025-english.pdf>

⁵ Situation In Malaysia <https://justiceforsisters.org/en/balik-pangkal-jalan/situation-in-malaysia/>

The **Handbook for the Management of Bullying in Schools**, released in 2005, identifies five factors that cause bullying: family, school, individual, media influence, and environment. Under the individual factor, it includes body size, bad temper, being hyperactive, ego, previous experience of being bullied, low self-esteem, “gender confusion” (read being gender diverse or LGBTI), disability, and desire for popularity. These appear to be a mix of factors that cause and make a person vulnerable to bullying. However, it provides mixed messages and mistakenly suggests that disability, neurodivergence, and being LGBTI are causal factors for bullying. In this way, these identified factors in fact misdirect the identification of harm.⁶

Sexual misconduct in the guideline refers to a range of sexual acts categorised as criminal sexual misconduct and non-criminal misconduct. Criminal sexual misconduct refers to sexual crimes based on Malaysian laws, namely the Penal Code and the Sexual Offences Against Children Act (SOAC). This includes laws which criminalise sexual relations between any gender and sexual orientation, including LGBTQ and gender-diverse people:

- Section 377A: Carnal intercourse against the act of nature, including anal and oral sex
- Section 377B: Punishment for carnal intercourse against act of nature
- Section 377D: Outrages of decency

The broad definition of “sexual misconduct” in the guidelines which also criminalises consensual sexual relationships between diverse genders and sexual orientations fosters an environment for gender policing to uphold “good behaviour” or “morality” with impunity and without adequate consideration to children’s evolving capacity and needs, particularly concerning sexual health and sexuality. LGBTQ and gender-diverse students are particularly vulnerable to scrutiny, policing, and discrimination against growing calls to curb the spread of “LGBT ideology” among students.

Recommendations

- End all LGBTIQ misinformation and undertake evidence and rights-based awareness-raising campaigns
- Repeal all laws and regulations that discriminate against LGBTI people based on actual or perceived sexual orientation, gender identity, gender expression, and sex characteristics at all levels of government
- Review the Handbook for the Management of Bullying in Schools and remove all elements that discriminate LGBTIQ students
- End all forms of rehabilitation, or spiritual guidance programmes, aiming to change LGBT children and people’s SOGIE
- Engage the UN Special Rapporteur on freedom of religion to end misinformation, discrimination and exclusion of LGBTIQ people

⁶ Kementerian Pendidikan Malaysia, *Buku Panduan Pengurusan Menangani Buli di Sekolah* (Putrajaya: Kementerian Pendidikan Malaysia, 2020), <https://www.moe.gov.my/storage/files/shares/Aduan%20Buli/BUKU%20PANDUAN%20PENGURUSAN%20MENANGANI%20BULI%20DI%20SEKOLAH.pdf>.

Discrimination faced by intersex children

Malaysia abstained in the UN Resolution adopted by the Human Rights Council on 4 April 2024 55/14. Combating discrimination, violence and harmful practices against intersex persons

1. Health policy and guidelines

In Malaysia, intersex related issues are primarily viewed from medical and religious perspectives. The religious intersection often focuses on issues related to marriage, inheritance, *aurat* (modesty), among others.

Several fatwas relating to intersex people have been discussed at the national and state levels since 1982. To date, only one gazetted state fatwa, which notes that medical intervention is permissible or required for people with Congenital Adrenal Hyperplasia (CAH) and Testicular Feminisation Syndrome (TSF), although acknowledging that it is more complex for those with TSF.⁷ The fatwas make a clear distinction between trans and intersex people, with explicit prohibition of medical transition for trans people. The content of this fatwa is reflected in the Ministry of Health's health guideline.

Intersex people are broadly categorised as

- *Khunsa nyata* (person with visible intersex characteristics)
- *Khunsa musykil* (person with non-visible intersex characteristics). *Khunsa musykil* is defined in a 1982 fatwa as a person who has two private parts, male and female. They are permitted to undergo medical procedures to retain the most functional parts according to suitability.

The Ministry of Health's and the Malaysia Paediatric Association's guidelines outline steps for healthcare providers in addressing babies with intersex or atypical sex characteristics. Both guidelines recommend sex normalizing procedures and reinforcement of binary gender roles. Additionally, consent of the child, their best interest and evolving capacity are not taken into consideration, unlike in Malta's law.⁸

a. Guideline on the Management of Problems Related to Gender and Health (2017)

The guideline refers to intersex people as 'ambiguous'. It recommends the use of *Disorders of Sex Development (DSD)* as the right term, and does not recommend the use of 'intersex'.

While the guideline healthcare providers are encouraged to have open communication, use gender neutral language, dispel some myths about intersex people, and make referrals to an expert pediatric endocrinologist so that parents can make informed decisions about the child's sex characteristics, it still medicalises intersex babies and reinforces the sex and gender binary. It also states that in cases where there's 'ambiguity', not to inform the parents. Instead, refer to a pediatric endocrinologist first.

It recommends an interdisciplinary approach to parents, which includes genetic, psychology, psychiatry, religious, welfare aspects. The state Islamic agencies are often involved and included in intersex related issues. The Intersex Asia report, through their communication with a state official from the Mufti Department for the study found that parents of the intersex children have the right to decide on behalf of their child to undergo 'sex assignment surgery', based on the "condition that a

⁷ <http://e-smaf.islam.gov.my/e-smaf/fatwa/fatwa/find/pr/11465>

⁸ <https://legislation.mt/eli/cap/540/eng/pdon the that f>

comprehensive and detailed inspection has been done to ensure the actual sex of the infant and the functionality of the organs.”⁹

It recommends sex normalizing procedures for babies with 46 XX chromosomes. “Gender reassignment surgery to return to the original genetic female is permissible or required (*adalah diharuskan*) in Islam because it can be done through hormonal treatment and surgery.”

Similarly, while it suggests that the baby's gender is registered as "undetermined" until further information is obtained and encourages gender neutral names, parents are recommended to reinforce binary gender roles. It also notes that there is a “need to be more concerned in ensuring their children are not influenced by transgender characters on social media.”

The guideline also recommends that healthcare providers provide parents with information on the normal development of the reproductive system, instead of diverse sex characteristics. Further, it is also unclear if parents have access to information about intersex babies and children in various languages. The guideline provides a mayoclinic link as reference, which is no longer accessible.

b. Malaysia Paediatric Association’s 4th Edition of the Paediatric Protocols (2019)

The Protocol recommends gender assignment and sex rearing for intersex babies based on ‘most probable adult gender identity and potential for adult function’ and medical and non-medical measures to reinforce the assigned gender,¹⁰ inconsistent with medical and human rights standards.

Recommendations

- Review fatwas and align them with the latest human rights standards that respect intersex children and people’s rights to self-determination, bodily autonomy, health, and non-discrimination, among others.
- End sex normalizing procedures for intersex babies and children. Medical interventions are only recommended in exceptional circumstances or cases of medical emergencies. For examples in cases where there is salt wasting or closed urethra¹¹
- Ensure intersex children and adults’s bodily autonomy and ability to provide informed consent
- Review the health guidelines to meet human rights standards. Remove information that reinforces medicalisation and pathologisation of intersex babies and children and reinforce sex and gender binary.
- Develop intersex-affirming resources for parents in various languages

2. Birth registration

Birth registration and change of gendered details on national identification cards for intersex and transgender children are inaccessible, medicalised and judicialised. A report by intersex Asia¹² found that the birth registration process differs for Muslim and non-Muslim intersex children and adults.

⁹ Intersex Asia: Nicole Fong, “Intersex Justice in Malaysia: A Country Report on the situation of intersex rights in Malaysia” (Taiwan: June 2024). <https://intersexasia.org/research-report/>

¹⁰ PAEDIATRIC PROTOCOLS For Malaysian Hospitals 4th Edition (2019), page 322 and 323

¹¹ https://oijeurope.org/wp-content/uploads/2018/10/Supporting-your-intersex-child_WEB_final.pdf

¹² Intersex Asia: Nicole Fong, “Intersex Justice in Malaysia: A Country Report on the situation of intersex rights in Malaysia” (Taiwan: June 2024). <https://intersexasia.org/research-report/>

In general, a letter from a doctor to the National Registration Department is required to record an intersex child's sex to be recorded as "undermined" or to be changed. Meanwhile, Muslim intersex children and adults are required to seek an additional supporting letter from the state Islamic department to change the gendered details in their legal documents.

While the health guideline offers some steps for medical professionals in government healthcare settings to facilitate the birth registration process, the process of registration is not transparent, easy, or accessible.

Recommendations

- Allow legal gender recognition for intersex, trans and non-binary based on self-determination without the requirement of medical and state Islamic agencies, while ensuring an easy, accessible, and transparent process

3. Discrimination (Education)

There is very limited documentation and research about intersex children and adults. A 2017 paediatric study in Malaysia found that medical interventions negatively affect intersex children's overall quality of life and schooling. In particular, intersex children who were assigned female at birth faced a lower quality of life as compared to non-intersex children assigned female at birth.¹³

A 2024 intersex report found that intersex children and teenagers in schools face discrimination, bullying, sexual harassment and violence, public humiliation, stalking, violation of privacy, harassment, and violence from their peers because of their physical and gender expression that may not fit within the binary sex and gender stereotypes, upon being outed or discovery of their intersex identity. The endosexism that intersex students face intersects with LGBTphobia.

The report includes two experiences

1. She was bullied for a lack of Adam's apple and the sound of their voice. And one time they were playing and pulled my trousers, and people were laughing at me."
2. "I got beaten up, I got bullied in school when I was in Form 1 or 2 because the senior girls noticed that I was very manly. I even got molested by the Form 5 student girls because they were like, 'You don't look like the younger girls, you look like the boys.' So, it was very bad. They even asked me to sleep with them in the bed."

Suhakam concludes that the educational system lacks any redress mechanism that transgender and intersex children trust to discuss the unique challenges they face.¹⁴ This negatively impacts their long-term mental health, performance in school, and ability to stay in the same school.

Recommendations

- Introduce comprehensive sexuality education
- Train school counsellors, teachers and schools administrators on gender, diversity and human rights
- Ensure school counsellors are equipped to respond to LGBTI-related bullying and harassment

¹³ Selveindran NM and others, "Quality of Life in Children with Disorders of Sex Development," *Hormone Research in Paediatrics*, (2017) 88 (5): 324–330, available at: <https://doi.org/10.1159/000478780>

¹⁴ SUHAKAM. (2019). Study on discrimination against transgender persons based in Kuala Lumpur and Selangor. Available at: <https://drive.google.com/file/d/1wEJ2pVGheprNhqFquoQtMNV01nmfbK48/view>

- Introduce a comprehensive plan to end school related gender based discrimination, including endosexism

4. Access to information

Intersex children in Malaysia have a lower quality of life compared to their peers, potentially due to limited access to specialised medical care and psychological services. Interviews with intersex individuals reveal low awareness and understanding of intersex conditions, with some respondents not even being familiar with the term “intersex.”

Recommendations

- Raise awareness and inclusion of intersex people, including by developing child friendly intersex affirming resources

(c) To ensure the provision for children of mental health services that are of high quality, confidential and accessible without parental consent; to provide appropriate sexual and reproductive health services and support, including to pregnant adolescents and adolescent mothers; and to provide education on such topics in primary and secondary schools, including information for and about lesbian, gay, bisexual, transgender and intersex children;

Mental health

Research and service provision for LGBTI children is challenging due to parental consent and the negative perception of LGBTI people and children. Mental health studies among adults indicate the situation among children. A 2022 study found that the prevalence of mental disorders among the Malaysian adult LGBT+ population is more than double that of the general population (80.3% vs. 29.2%).¹⁵

A study with 696 LGBT people (12% were between 18 and 20 years old) found that more than a quarter (29.5%) reported an unmet need for mental healthcare, and some groups (younger, asexual or queer, or participants living in non-major cities) reported higher unmet needs. More than three-fifths (60.5%) reported not knowing where to find culturally safe mental health professionals.¹⁶

Suhakam, in its report, noted that the educational system lacks any redress mechanism that transgender children trust to discuss the unique challenges they face.¹⁷

LGBTI children and adults continue to be pathologised through a medical and religious lens.

Recommendations

- Sensitise school counsellors, educators and others within the school system on SOGIESC and non-discrimination
- Train counsellors to provide LGBTIQ-affirming and culturally competent mental health support

¹⁵ [Coping Strategies and Mental Disorders among the LGBT+ Community in Malaysia](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9601328/)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9601328/>

¹⁶ Mental Healthcare Needs and Experiences of LGBT+ Individuals in Malaysia: Utility, Enablers, and Barriers <https://www.mdpi.com/2227-9032/12/10/998>

¹⁷ SUHAKAM. (2019). Study on discrimination against transgender persons based in Kuala Lumpur and Selangor. Available at: <https://drive.google.com/file/d/1wEJ2pVGheprNhqFquoQtMNV01nmfbK48/view>

Education in primary and secondary schools, including information for and about lesbian, gay, bisexual, transgender and intersex children

Our previous submission included some information on LGBTIQ-related education provided in schools, which mostly vilifies LGBTIQ people as a “social ill” and “disorder”. In June 2023, in response to a parliamentary question regarding the spread of LGBT ideology among students, the Minister of Education assured that the MOE’s Karamah Insaniah initiative, which aims to instill good values in students, could be used to curb such ideology.¹⁸¹⁹

In 2023 alone, 18 anti-LGBT activities, including seminars, webinars, and Training of Trainers (ToT) were held. 16 of which were ToT with PROSTAR, an HIV/AIDS prevention program targeting youth in government schools. The training module notes that “teens are now exposed to challenging environments ... negative elements ... social media influence, and lesbian, gay, bisexual, and transgender (LGBT).”²⁰

In 2023, over 80 secondary school students in Penang participated in a “health programme” organised by a state university medical faculty to combat the “spread of LGBT” among youth, how LGBT people go against Islam, and its negative impacts on family institutions.²¹

A 2024 religious programme targeting primary school students in Malacca, students were taught that gender is engrained at birth, that genitals determine gender identity, and that those who are not within the binary gender constructs are going against nature. Students were told to gesture the words LGBT with their hands and then used their hands to symbolically beat the “LGBT” out of their friends’ backs. They were told to chant a pledge “Dear me, LGBT is despicable, I don’t want to be LGBT”.²²

Additionally, at least two incidents were shared on social media where anti-LGBT questions were asked school-based examination papers - Moral Education in 2019²³ as well as Physical and Health Education in 2022.²⁴ The questions include what are the causes of the prevalence of the LGBT phenomenon, the government roles in preventing LGBT people, negative impacts of being LGBT, how to bring your peers back to “the right path”, what are the roles of teens in overcoming “identity disorder” and the sexual orientation problem.

¹⁸ Sinar Harian, “Gagasan ABC bina karakter disiplin, adab pelajar sekolah,” *Sinar Harian*, May 27, 2023.

<https://www.sinarharian.com.my/article/260559/berita/nasional/gagasan-abc-bina-karakter-disiplin-adab-pelajar-sekolah>.

¹⁹ KPM proaktif tangani unsur LGBT di institusi pendidikan

<https://www.bharian.com.my/berita/nasional/2023/06/1114383/kpm-proaktif-tangani-unsur-lgbt-di-institusi-pendidikan>

²⁰ http://elearningjknj.moh.gov.my/pluginfile.php/57508/mod_folder/content/0/35.%20MODUL%20PROSTAR%202.0%20updated%20Februari%202023.pdf?forcedownload=1

²¹ Eva Nabiha binti Zamri, “Mengenali, Memahami & Menangani (3M) Golongan ‘LGBT’ bersama Pelajar SMK Dato’ Onn, Pulau Pinang,” *AMD I Newsletter*, August 4, 2023,

<https://news.amdi.usm.my/fullnews.php?id=NS9NMGJmU3hjUWthUmJXdlluaHE5UT09>

²² SK Taman Merdeka, “Remaja hebat jauhi Maksiat,” *Facebook*, August 28, 2024,

<https://www.facebook.com/mba2049/posts/pu-rahmat-sk-taman-merdekaceramah-remaja-hebat-jauhi-maksiatkerana-dirimu-begitu/1403423713994489/>

²³ Anonymous, “We had our Moral Exam at school today in Malaysia and this shit was in one of the question. As you can see the question is related with Anti-LGBT and question (b) asks us to stop LGBT communities from growing, one of the answer is about boycotting gay people. Disgraceful,” *Reddit*, November 13, 2019,

https://www.reddit.com/r/malaysia/comments/dvpc6e/we_had_our_moral_exam_at_school_today_in_malaysia/

²⁴ Anonymous, “homophobia,” *Reddit*, July 6, 2022.

<https://www.reddit.com/r/malaysia/comments/vsp0ug/homophobia/#lightbox>

A 2025 study found that teachers who advocate for their students' rights to express their SOGIESC often face backlash and harassment from their peers. They are labelled with derogatory terms like "liberal," "open", and "wild" for questioning patriarchal and cisheteronormative practices within the school environment.²⁵

The same study also found that Muslim LGBTQ students are referred to Islamic teachers when they are discovered engaging in same-sex romantic or sexual relationships. This subjects LGBTQ students to intense pressures to change their SOGIESC and promotes self-censorship to prevent disciplinary action being taken against them. The study found adverse psychological impacts of SOGIESC-based moral policing on LGBTQ students. The shame and guilt caused by moral policing causes LGBTQ students to have lower self-esteem and feel discouraged from seeking support.

Recommendations

- Prohibit all discriminatory programmes, including against LGBTIQ people in schools by issuing a circular to schools

Annexe 1

Banned books targeting LGBTI children and teens

1. The (Nearly) Teenage Boy's Guide To (Almost) Everything
2. The (Nearly) Teenage Girl's Guide To (Almost) Everything
3. My Shadow Is Purple
4. All That's Left In The World
5. A Day In The Life Of Marlon Bundo
6. I Am Jazz
7. Grandad's Camper
8. Tales From Beyond The Rainbow
9. Julian Is A Mermaid

²⁵ Justice for Sisters, SIS Forum and KRYSS Network, Behind Classroom Walls:Unpacking Moral Policing in Malaysian Public Schools (2025)
<https://justiceforsisters.org/resources/behind-classroom-wallsunpacking-moral-policing-in-malaysian-public-schools/>