

**ADVANCE UNEDITED VERSION**

Distr.: General  
5 February 2026

Original: English

---

**Committee on the Rights of the Child****Concluding observations on the combined second to fourth 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 Sexual Offences Against Children Act 2017, the National Child Policy and its Plan of Action 2026–2030 and the National Strategy Plan in Handling the Causes of Child Marriages (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 and 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

---

\* Adopted by the Committee at its one-hundredth session (12 – 30 January 2026).

<sup>1</sup> CRC/C/MYS/2-4.

<sup>2</sup> See CRC/C/SR.2924 and 2925.

<sup>3</sup> CRC/C/MYS/RQ/2-4.

implementing the 2030 Agenda for Sustainable Development. It urges the State Party 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))**

##### **The Committee's previous recommendations**

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, 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>4</sup>

##### **Reservations and declarations**

7. The Committee reiterates its previous concluding observations<sup>5</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 withdrawing 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 concluding observations<sup>6</sup> and recommends that the State Party:

(a) Strengthen its efforts and set up a timeline to fully harmonise its legislation, including the overhaul of the Child Act 2001, to ensure full compliance with the Convention and its Protocols;

(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 its Optional Protocols.

##### **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, however, concerned 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, particularly by ensuring 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. para. 12.

<sup>6</sup> Ibid. para. 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 however concerned that the entity is not explicitly mandated to coordinate the implementation of the Convention and its Optional Protocols.

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 cross-sectoral, national, regional and local levels.**

### Allocation of resources

13. The Committee is concerned about the lack of child-focused budgeting and 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 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 budgetary lines for all children, with special attention to those in disadvantaged or vulnerable situations that may require affirmative social measures, and make sure that those budgetary lines are protected even in situations of economic crisis, 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. 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, 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 covers all areas of the Convention and the Optional Protocols thereto, and includes comprehensive data on all vulnerable groups, and therefore data 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 (2025) and 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 schools, foster care systems,**

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-traumatisation;

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

#### **Independent monitoring**

19. The Committee notes with satisfaction the establishment of the Office of the Children's Commissioner in the Human Rights Commission's Office. It remains, however, concerned 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 Children's Commissioner 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 concluding observation<sup>7</sup> and recommends that the State Party strengthen its awareness-raising programmes, including campaigns, to ensure that the Convention and its Optional Protocols are widely known by the general public, including parents and children themselves.**

#### **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 rights.

23. **The Committee urges the State Party to take concrete 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 as well as 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, endorsed by the Human Rights Council in 2011, the Committee recommends that the State Party:**

(a) **Ensure that the National Action Plan on Business and Human Rights (2025-2030) include measures regarding children's rights;**

(b) **Establish and implement regulations to ensure that businesses, including 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.**

<sup>7</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 peoples, 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 to:**

- (a) **Strengthen its normative framework to prohibit all forms of discrimination against children of any kind, in line with article 2 of the Convention;**
- (b) **Conduct awareness-raising programs, including media campaigns, to change social norms and behaviours that contribute to discrimination;**
- (c) **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 concluding observations<sup>8</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**

**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 ensure that the presumption of minority is applied in all cases of criminal charges without exceptions.**

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

29. 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.

30. **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**

31. The Committee notes the initiatives taken by the State Party to achieve universal birth registration, such as the Outreach Programme, the Mobile Community Transformation Centres (*Menyemai Kasih Rakyat* (MEKAR) Programme) and the One-Stop Center. However, it remains seriously concerned about:

<sup>8</sup> Ibid. para. 37.

- (a) Administrative barriers such as parental document requirements, indirect travel cost and tight deadlines strictly enforced;
- (b) The insufficient knowledge about the registration process, partly due to inconsistent practices by National Registration Offices;
- (c) The lack of birth registration data, particularly within migrant and refugee communities;
- (d) Fear of detention and deportation due to their marital or immigration status, preventing some parents to register their children;
- (e) While the Constitution (Amendment) Act 2025 now allows Malaysian women alone to confer citizenship on children born abroad, such changes are not retroactive;
- (f) The low rate of birth registration among Indigenous Bajau Laut and migrant-descended children due to geographical isolation or lack of documentation.

**32. The Committee strongly urges the State Party to:**

- (a) **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) **Ensure reasonable alternatives to the requirement of parental and other documents, when those are impossible to obtain, in particular for asylum-seeking, refugee or migrant children;**
- (c) **Set up a data collection system on birth registration, particularly among migrant and refugee communities;**
- (d) **Adopt without delay guidelines that clearly define the process of birth registration and ensure its transparent and consistent application across the territory;**
- (e) **Expand outreach and awareness-raising programmes about the birth registration process among migrant and Indigenous communities;**
- (f) **Strengthen the Mobile Community Transformation Centers (*Menyemai Kasih Rakyat* (MEKAR) Programme), the One-Stop Center and the Stateless Individual Temporary Document in Sarawak;**
- (g) **Adopt concrete measures to ensure that travel costs and tight deadlines do not prevent parents living in remote areas to access birth registration;**
- (h) **Ensure that all children, including children of unmarried parents, are properly registered at birth;**
- (i) **Recognize marriages under customary laws in Sabah and Sarawak for the purpose of facilitating birth registration;**
- (j) **Establish a culturally sensitive program to ensure birth registration of Bajau Laut children;**
- (k) **Review the Constitution (Amendment) Act 2025 with a view to including children born abroad to Malaysian mothers before the laws' enactment thereby addressing the existing gap in citizenship rights for these children.**

**Nationality**

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

- (a) The lack of standard operating procedures and discriminatory administrative barriers for processing citizenship applications;
- (b) The absence of measures to prevent statelessness of abandoned children, children whose parents are unmarried, children whose mother is unknown while the father is Malaysian, adopted children, children of migrant workers, asylum seekers and refugees and Indigenous children;

(c) The adoption of the Constitution (Amendment) Act 2025 that contains provisions further aggravating the situation of stateless children.

**34. The Committee urges the State Party to:**

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

(b) **Adopt without delay a National Action Plan on Ending Childhood Statelessness, ensuring it is developed with meaningful participation of children;**

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

(d) **Ensure the consistent application of the citizenship application process;**

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

(f) **Urgently adopt culturally sensitive measures to ensure Indigenous and Bajau Laut children's access to citizenship;**

(g) **Adopt immediate and long-term measures to ensure the access to citizenship to all stateless children or at risks of statelessness.**

**Right to identity**

**35. The Committee is concerned about:**

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

(b) **The practice of child abandonment and continued operation of baby boxes (baby hatches);**

(c) **The lack of respect for self-identification of Indigenous peoples, particularly Orang Asli children;**

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

**36. 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 misidentification of Indigenous children, particularly 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**

**37. The Committee is seriously concerned about:**

(a) The deterrence impact on children's enjoyment of their freedom of expression of restrictive provisions contained in the Sedition Act 1948 and the section 233 of the Communication and Multimedia Act 1998;

(b) The provisions in the Peaceful Assembly Act 2012 that place an age-restriction on children's freedom of association and peaceful assembly;

(c) The impact of religious conversion practices and interfaith family disputes on children.

**38. 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) **Strengthen children's right to freedom of association and peaceful assembly, including by removing age-limit restrictions from the Peaceful Assembly Act 2012;**

(c) **Ensure that the measures adopted to address interfaith disputes and religious conversion practices do respect children's freedom of religion.**

**Right to privacy**

**39. 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 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**

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

(a) The lack of digital literacy and significant digital divide;

(b) The aged-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.

**41. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment and the 2026 Joint statement 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 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**

42. Noting the establishment of Child Welfare Teams mandated to coordinate the provision of local services, the Committee reiterates its previous recommendations<sup>9</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 meaningful participation of children from all backgrounds;

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

(d) Adopt without further delay the Social Work Profession Bill, ensuring 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 per day, 7 days per 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 prohibit the sale of children, including in the digital environment.

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

43. The Committee urges the State Party to:

(a) Ensure that children convicted of crimes that would carry the death penalty if committed by adults (art. 97 Child Act 2001) are entitled to the same protections provided to all children under the Child Act 2001, and ensure that clear guidelines are in place for periodic review and consideration of release, guided by consideration about 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.

<sup>9</sup> Ibid. para. 58.

**Corporal punishment**

44. Recalling its general comment No. 8 (2006) on corporal punishment, the Committee reiterates its previous concluding observations<sup>10</sup> and urges the State Party to:

(a) Explicitly prohibit corporal punishment in all settings in homes, public and religious schools (Tahfiz), childcare institutions, alternative care settings and penal institutions;

(b) Repeal sections 78, 89 of the Penal Code, Act 574, 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 corporal punishment;

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

**Harmful practices**

45. Noting the adoption of the National Strategy Plan in Handling the Causes of Child Marriages (2022–2025), the Committee remains deeply concerned about:

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

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

(c) The prevalence of medical and religious approach 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.

46. 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 to:

(a) Urgently unify the minimum legal age of marriage at 18 years and without exceptions in civil law, Sharia law and customary law;

(b) Assess the National Strategy Plan in Handling the Causes of Child Marriages (2022–2025) and update it with meaningful participation of children, in particular girls;

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

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

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

(f) Prohibit female genital mutilation in civil law, Sharia law and customary law;

---

<sup>10</sup> Ibid. paras. 8 c; 49 and 78.

(g) 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) Prohibit non-urgent and non-essential medical or surgical treatment, including feminising or masculinising of intersex children before they are of sufficient age or maturity to make their own decision and provide free, prior and informed consent;

(i) 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)–(2), 20–21, 25 and 27 (4))**

### **Family environment**

47. 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 affordability and quality of early childhood care and education.

48. The Committee draws the State Party's attention to its statement under article 5 of the Convention, 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 equally share the responsibility for their children in accordance with article 18, paragraph 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**

49. The Committee is concerned about:

(a) Lack of information about the number of children in non-registered institutional care and the lack of safeguards on both non-registered and 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) Report of prevalence of children with disabilities in institutional care and lack of reasonable accommodation in these institutions;

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

50. Drawing the State Party's attention to the Guidelines for the Alternative Care of Children,<sup>11</sup> the Committee recommends that the State Party:

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

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

<sup>11</sup> General Assembly resolution 64/142, annex.

(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;

(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**

51. The Committee reiterates its previous concluding observation<sup>12</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 informal adoption of children, which is neither registered nor monitored.

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

52. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee reiterates its previous concluding observations<sup>13</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) Harmonize national legislation with the human rights model of disability and amend the Persons with Disability Act 2008 to cover children with disabilities;

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

(c) Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes.

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

#### **Mental health**

53. 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.

54. The Committee recommends that the State Party:

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

(b) Maintain its efforts to address adolescents' mental health, including the decriminalization of suicide attempts;

(c) Develop guidelines and ensure 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.

---

<sup>12</sup> Ibid. para. 56.

<sup>13</sup> Ibid. para. 61

### **Adolescent health**

55. The Committee is concerned about the weak implementation of the national Adolescent Health Policy, the lack of sexual and reproductive education and limited scope of legal abortion. It is also concerned about drug use by adolescents.

56. Recalling its general comment No. 4 (2003) on adolescent health 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 on 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 by children by expanding accessible and child-friendly drug dependence treatment, including in care institutions.

### **Nutrition**

57. The Committee recommends that the State Party:

(a) Systematically collect data on food security and nutrition for children, including identifying 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 Action Plan of Action for Nutrition, by establishing a monitoring mechanism and by allocating sufficient human, technical and financial resources;

(d) Adopt concrete 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))**

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

59. 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, 26-31)**

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

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

61. 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 National Climate Change Policy 2.0 and 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 teachers' 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)**

### **Education: aims and coverage**

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

### **Quality of education**

63. 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**

64. 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 Reject 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**

65. 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**

66. 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 concluding observations<sup>14</sup> and recommends that the State Party:

(a) Amend the Immigration Act, the Child Act and related policies to end 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 (ATD) 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 to 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 10/2001), that requires health care personnel to report undocumented persons and establish a firewall policy between service providers and immigration authorities.

### **Children belonging to Indigenous Peoples**

67. 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 in comparison to other Indigenous Peoples, the impact of large-scale development projects on their livelihood, their high vulnerability to extreme climate events, such as floodings, and discriminatory barriers to access education, health and other basic services.

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

(a) 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) 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

<sup>14</sup> Ibid. para. 83.

their traditionally inhabited territories and in accordance with their culture and spiritual beliefs.

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

69. The Committee reiterates its previous concluding observation<sup>15</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**

70. Drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee reiterates its previous concluding observation<sup>16</sup> and recommends that the State Party ensure that children in street situation 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**

71. The Committee reiterates its previous concluding observation<sup>17</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**

72. 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) 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) Raise the legal age of criminal responsibility to at least 14 years of age;
- (b) Secure equal special protections and due process guarantees for all children before the High Court and for those co-accused with adults;
- (c) Ensure the provision of free and specialised 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) Actively promote non-judicial measures, such as diversion and mediation for children alleged as, accused of or recognized as having infringed criminal law and,

<sup>15</sup> Ibid. para. 92.

<sup>16</sup> Ibid. para. 94.

<sup>17</sup> Ibid. para. 96.



wherever possible, the use of non-custodial sentences for children, such as probation or community service, and ensure that health and psycho-social services are provided to such children;

(e) Ensure that detention is used 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**

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

74. 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**

75. 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 and 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**

76. The Committee recommends that the State Party cooperate, among others, with the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

### **IV. Implementation and reporting**

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

77. 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 current 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**

78. 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 it has 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 Human Rights 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 (SUHAKAM), and civil society.

## **C. Next report**

79. 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 report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>18</sup> and should not exceed 21,200 words.<sup>19</sup> In the event that a report exceeding the established word limit is submitted, the State Party will be asked to shorten the report. If the State Party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

---

<sup>18</sup> [CRC/C/58/Rev.3](#).

<sup>19</sup> General Assembly resolution 68/268, para. 16.