



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues in relation to the combined second to fourth periodic reports of Malaysia\*

1. The State party is requested to submit in writing additional, updated information, of 10,700 words maximum, by 15 June 2025. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

#### Part I

2. Please provide information on:

(a) The measures taken or envisaged to withdraw its reservations to articles 2, 7, 14, 28 1 (a) and 37 of the Convention;

(b) The measures taken to remove inconsistencies in the legal and court systems and sharia law, and to ensure that the legal frameworks are in full compliance with the Convention and that there are no legal gaps in the protection of children and their access to justice, including in relation to family and religious matters and criminal offences;

(c) The National Policy and Plan of Action on Children, adopted in 2024, including its scope, timeline, indicators and monitoring plans, resource allocation and responsible entities for implementation, and the results of the assessment of the preceding policy and plan of action;

(d) The progress made by the technical working group convened in 2016 to institute an integrated approach to planning, budgeting, monitoring and reporting for child-focused outcomes, and the results of the specific activities undertaken by the Department of Child Development, the National Council for Children and other relevant bodies, including to coordinate interministerial policies and interventions, to ensure the proper allocation of resources and appropriate standards for services provided to children, to collect and manage comprehensive and disaggregated data on all children across all sectors and to promote the participation of children in decision-making processes;

(e) The measures taken to ensure access to justice and effective remedies for children, including child-friendly complaints mechanisms and judicial procedures, and to strengthen the mandate and activities of the Office of the Children's Commissioner in the Human Rights Commission of Malaysia, including its independence, scope of work and geographical reach and the allocation of sufficient human, technical and financial resources;

(f) The integration of children's rights into the national action plan on business and human rights, which is currently under development and is expected to be implemented from 2025 to 2030, including plans to adopt applicable regulations, to ensure due diligence with regard to children's rights and to develop relevant guidelines for companies, government agencies and law enforcement agencies.

\* Adopted by the pre-sessional working group on 7 February 2025.



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 children belonging to minority and Indigenous groups, including Orang Asli children, asylum-seeking, refugee, migrant, unaccompanied and separated, and stateless children, children with disabilities, children living in poverty and lesbian, gay, bisexual, transgender and intersex children;

(b) To unequivocally prohibit capital punishment in law for all children without exception, including for the “grave crimes” specified under the amended Child Act 2001 (Act 611) and on national security and terrorism-related grounds;

(c) To develop a national policy, guidelines and toolkits on meaningful and empowered participation of children in order to systematize, enhance, geographically expand and ensure inclusivity and follow-up in the work of the Children’s Representative Councils at the national and local levels, the National Council for Children and other consultative councils and mechanisms.

4. Please provide information on:

(a) The measures taken to strengthen the birth registration system, particularly for children in vulnerable situations;

(b) The ongoing discussions on the Constitution (Amendment) Bill 2024 regarding citizenship, including whether the amendment to enable the automatic conferral of citizenship on children born overseas to Malaysian mothers will be retroactively applied and whether regressive proposals that could exacerbate statelessness for children, such as the removal of the automatic conferral of citizenship for children born to permanent residents and the reduction in the age limit for children in “special circumstances” to be registered as citizens, have been rescinded;

(c) The measures taken to prevent statelessness among children, including children born to unmarried parents, children of irregular migrants and children belonging to ethnic minority and Indigenous groups, such as the Bajau Laut and Tamil communities.

5. Please provide information about the measures taken:

(a) To ensure the full practical implementation of the rights of children to freedom of expression, religion, association and peaceful assembly, including in relation to the publication of educational materials, the restrictions placed on expression under laws such as the Sedition Act 1948 (Act 15) and the Communications and Multimedia Act 1998 (Act 588), the reports of religious conversion practices and the prohibition of persons under the age of 21 years from organizing assemblies and of children under the age of 15 years from participating in assemblies other than the four types specified in the Second Schedule of the Peaceful Assembly Act 2012 (Act 736);

(b) To facilitate children’s access, in law and in practice, to diverse forms of information in a safe and inclusive manner, including in the digital environment, in particular for children in disadvantaged situations and for those living in rural and remote areas.

6. Please provide information about the measures taken:

(a) To prevent and address all forms of violence against children in all settings, including the implementation of relevant guidelines developed for hospitals and schools; the strengthening and expansion of Child Protection Teams, the social services workforce and support services, including the enactment of the bill on the social work profession and the operation of helplines for children; the enforcement of relevant laws, such as the Evidence of Child Witness Act 2007 (Act 676) and the Sexual Offences against Children Act 2017 (Act 792), as both amended up to 2024; and the operation of the special courts for sexual offences against children since 2017;

(b) To abolish, in law and in practice, all forms of corporal punishment, torture and other cruel, inhuman or degrading treatment or punishment, in all settings, including in schools, the family environment, religious institutions and other alternative care settings, and in the administration of justice;

(c) To prohibit child marriage and female genital mutilation without exception across all legislation, including in sharia law and customary law, and to prevent, document and address such practices in all areas of the country against all children, regardless of their nationality or situation.

7. Please provide information on:

(a) The progress made in the deinstitutionalization of children, the expansion of family- and community-based care options and the regulation of alternative care settings, including the registration of private institutions managed by religious and non-governmental organizations, the strict enforcement of quality standards for facilities and staff in both public and private institutions, the outcomes of regular monitoring and evaluation conducted at these institutions and any plans to establish a nationwide independent commission of inquiry to conduct a comprehensive review of all alternative care settings;

(b) The measures taken to properly regulate domestic and intercountry adoption and to ensure safeguards for children, including the outcomes of the review of the Adoption Act 1952 (Act 257), the Registration of Adoptions Act 1952 (Act 253) and other relevant legislation.

8. Please provide information about measures taken:

(a) To facilitate the conduct of disability assessment procedures on the basis of a human rights-based approach to disability, to strengthen access to health, education and social services for children with disabilities, to systematically collect and analyse data on children with disabilities and to combat the stigmatization of and prejudice against children with disabilities;

(b) To address malnutrition among infants, children in disadvantaged situations, children belonging to minority and Indigenous groups and children living in rural and remote areas;

(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;

(d) To implement an inclusive and adequate framework of social protection for children, and to strengthen social assistance programmes and the entities mandated with coordinating and delivering them.

9. Please provide information about legislation, policies and programmes that address environmental protection and climate change, including child-centred disaster risk reduction strategies, taking into account the needs and views of children and the adverse effects of environmental degradation and climate change, such as floods, rising sea levels, deforestation, landslide hazards, high temperatures, air and water pollution and improper waste management, on the enjoyment by children of their rights.

10. Please provide information on:

(a) The implementation of laws, policies and programmes: (i) to ensure access to quality education free of charge for all children, including children belonging to minority and Indigenous groups, children living in rural and remote areas, children living in poverty and children who lack the required documents; and (ii) to address the root causes that lead to children remaining out of school, including issues of accessibility;

(b) The meaningful participation of children in the development and planned implementation of the plan entitled “Future of Malaysian Education 2026–2036”;

(c) The measures taken to effectively prevent and address bullying in schools and in the digital environment;

(d) The progress made in the implementation and expansion of the Inclusive Education Programme in mainstream schools for children with disabilities, including adapted curricula and specialized teachers in integrated classes.

11. Please provide information about the measures taken:

(a) To strengthen and effectively implement a comprehensive framework for asylum-seeking and refugee children, including to uphold the principle of non-refoulement and prevent the deportation of children, such as those from Myanmar;

(b) To prohibit the detention of children for migration-related reasons, to implement non-custodial measures as an expansion of the pilot programme, to ensure accountability for the reported deaths of children held in detention and to facilitate access to detention facilities for monitoring bodies and the Office of the United Nations High Commissioner for Refugees;

(c) To ensure that asylum-seeking, refugee and stateless children have unrestricted access to healthcare services and to formal primary and secondary education beyond the Alternative Learning Centres.

12. Please provide information on:

(a) The protection of the rights of children engaged in labour that may be considered hazardous but is not specified in the Fourth Schedule of the Children and Young Persons (Employment) Act 1966 (Act 350), as amended in 2019, in particular on oil palm plantations;

(b) The measures taken to expand programmes and support services for children in street situations beyond Sabah and Labuan, and to ensure that such children are not subjected to detention;

(c) The measures taken to improve the processes for screening and identifying child victims of trafficking, including the application of the presumption of minority, and to address the reported rise in recent years of suspected cases of trafficking in children, including for the purposes of sexual exploitation and forced marriage;

(d) The progress made towards bringing the child justice system fully into line with the Convention and other relevant standards, including raising the minimum age of criminal responsibility in the Penal Code (Act 574) to at least 14 years, removing exceptions to the application of specialized procedures for children, prohibiting life imprisonment for children, systematizing diversion programmes across the country, guaranteeing legal assistance and decriminalizing status offences; and information on the application of sharia law in relation to children alleged as, accused of or recognized as having infringed criminal law.

## **Part II**

13. The Committee invites the State party to provide a brief update, of no more than three pages, on the information set out in its report with regard to the following:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions and their mandates or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

## **Part III**

### **Data, statistics and other information**

14. Please provide consolidated information for the past three years on the budget lines regarding children and the social sectors, indicating the percentage of each budget line in

terms of the total national budget and the gross national product. Please also provide information on the geographical allocation of those resources.

15. Please provide updated statistical data, for the past three years, disaggregated by age, sex, ethnic origin, national origin, geographical location and socioeconomic status, on the following:

- (a) Cases of violence against children, including torture, inhuman and degrading treatment, abuse, corporal punishment, neglect, domestic violence, and sexual exploitation and abuse, including in the digital environment, that have been reported to the authorities, investigated and prosecuted, and information on the sanctions imposed on the perpetrators;
- (b) Child marriage and female genital mutilation;
- (c) Adolescent pregnancies;
- (d) Children who have died by or attempted suicide;
- (e) Substance abuse among children;
- (f) Children living in poverty;
- (g) Children who are out of school;
- (h) Asylum-seeking, refugee, migrant, unaccompanied and separated, and stateless children, specifying whether they are in detention;
- (i) Children belonging to minority and Indigenous groups, including the Orang Asli;
- (j) Working children, including those involved in hazardous work;
- (k) Children in street situations;
- (l) Children who are victims of trafficking, including information on the investigations and prosecutions conducted, sanctions imposed on the perpetrators and the reparations awarded to victims.

16. With regard to the situation of children deprived of a family environment, please provide data, for the past three years, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, on the number of children who are or who have been:

- (a) Separated from their families, including data on the duration of the separation;
- (b) In alternative care facilities;
- (c) Placed with foster families;
- (d) In kinship care;
- (e) Adopted.

17. Please provide data, for the past three years, disaggregated by age, sex, type of disability, ethnic origin and geographical location, on the number of children with disabilities who are or who have been:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;
- (g) Abandoned by their families.

18. Please provide data, for the past three years, disaggregated by age, sex, type of offence, ethnic origin, national origin, geographical location and socioeconomic status, on

children alleged as, accused of or recognized as having infringed criminal law who are or who have been:

- (a) Arrested;
- (b) Referred to diversion programmes;
- (c) Placed in pretrial detention;
- (d) Serving a sentence in detention, specifying the length of the sentence, including life imprisonment;
- (e) Charged or detained on national security- or terrorism-related grounds;
- (f) Sentenced to, or facing the possibility of being sentenced to, capital punishment.

19. Please provide information on how a children's rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to child participation and data collection, and on how those measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

20. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

21. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

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