

**SUHAKAM REITERATES CONSTITUTIONAL, STATUTORY AND CRC
OBLIGATIONS IN THE HANDLING OF STATUTORY RAPE CASES**

KUALA LUMPUR (24 DECEMBER 2025) – The Human Rights Commission of Malaysia (SUHAKAM) is concerned with the recent statement by the Kelantan Police Chief indicating that cases of statutory rape will be referred by the Royal Malaysia Police (PDRM) to the Islamic religious authorities. SUHAKAM stresses that such a practice must cease immediately. Under the Federal Constitution (FC), criminal law and criminal procedure fall within the Federal List, and the investigation of rape as a criminal offence is a core constitutional and statutory responsibility of PDRM as the principal law enforcement agency. Any referral of statutory rape cases to Islamic enforcement authorities is inconsistent with this mandate and risks undermining the supremacy of the Constitution and the rule of law.

Pursuant to its mandate under the Human Rights Commission of Malaysia Act 1999 (Act 597), SUHAKAM is obliged to promote and protect human rights and to advise the Government on the alignment of laws, policies and practices with constitutional guarantees and international human rights standards. In this regard, SUHAKAM recalls that Malaysia is a State Party to the Convention on the Rights of the Child (CRC), which requires the State to ensure that all children are protected from sexual exploitation and abuse, and that the best interests of the child are treated as a primary consideration in all actions concerning children. Statutory rape must therefore be addressed as a serious criminal offence against children, through processes that are lawful, child-sensitive and rights-compliant.

SUHAKAM wishes to emphasise that, while it fully respects the position and role of Islamic law and religious institutions within Malaysia's legal and social framework, its primary concern in this matter is the best interests, protection and welfare of children, which must remain paramount in the handling of all cases involving sexual offences against children. SUHAKAM stresses unequivocally that statutory rape perpetrated against children constitutes a serious criminal offence and must be investigated and prosecuted by PDRM in accordance with the FC and applicable criminal laws. In line with the CRC, SUHAKAM emphasises that responses to cases involving children must prioritise protection, recovery and appropriate social interventions, rather than punitive criminalisation. Children in the justice system, including in cases involving consensual peer relationships, must not be subjected to measures that disregard their status as rights-holders under the CRC and domestic law.

SUHAKAM is further concerned that public statements by a senior police officer may contribute to moral panic and reactionary responses that are not grounded in Malaysia's legal framework. Approaches that rely solely on punishment fail to recognise that teenagers are children under the law, whose evolving capacities, vulnerability and immaturity must be understood within the spirit and intent of the Child Act 2001, read together with Malaysia's obligations under the CRC. Evidence has consistently shown that purely punitive measures are ineffective in preventing the recurrence or escalation of statutory rape and may instead compound harm to children.

SUHAKAM reiterates the urgent need to review and reform Malaysia's criminal justice framework to better reflect the lived realities of children and young persons in the justice system, many of whom experience socio-economic disadvantage, violence and neglect. Effective prevention requires a shift towards child-centred and rights-based approaches, including the use of diversion from detention and the strengthening of social interventions involving families, schools and community support networks. In this regard, SUHAKAM



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underscores that reforms to the Penal Code and the Criminal Procedure Code are necessary to promote positive behaviour change, enhance child protection and support rehabilitation, in line with constitutional principles and international human rights standards.

SUHAKAM reaffirms its commitment to constructive engagement and extends its readiness to collaborate with PDRM, relevant government ministries and Parliament in developing a 2026 plan of action grounded in the FC, the CRC and a human rights-based approach to criminal justice. Through collective and principled action, SUHAKAM believes that the rule of law and a child-sensitive, effective criminal justice system can be strengthened for the benefit of all children in Malaysia.

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Human Rights Commission of Malaysia (SUHAKAM)
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