

**EDITOR, NEWS DESK**

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**CHILDREN'S COMMISSIONERS: CHILDREN MUST NOT BE DETAINED  
UNDER SOSMA**

**KUALA LUMPUR (28 JANUARY 2026)** - While the Government of Malaysia was undergoing its review by the Committee on the Rights of the Child (CRC) on 22 and 23 January 2026 in Geneva, the Children's Commissioners present were informed on 23 January 2026 that a 16-year-old girl who had been detained under the Security Offences (Special Measures) Act 2012 (SOSMA) had been released by the police.

The child had been detained since 14 January 2026 in connection with investigations under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007.

The Office of the Children's Commissioner (OCC) of the Human Rights Commission of Malaysia (SUHAKAM) welcomes the child's release. However, it must be stated unequivocally that the detention should never have occurred in the first place.

The apprehension and detention of the child were not in compliance with the Child Act 2001 [Act 611]. Section 84 of Act 611 requires that a child be brought before a Court for Children within 24 hours of arrest, a requirement that was not met. Further, Section 83(1) of Act 611 expressly provides that the Child Act prevails over all other laws relating to the arrest, detention, and trial of children. This overriding safeguard was disregarded, resulting in a clear violation of the child's rights.

In addition, the placement of the child in a lock-up together with adult female detainees contravenes Section 85(a) of Act 611 and breaches Article 37(c) of the Convention on the Rights of the Child (CRC), which requires that children be detained separately from adults and treated in a manner appropriate to their age.

The OCC is also deeply concerned that the child was denied the safeguards provided under Section 13(2)(a) and (b) of SOSMA. As a child and a female, she ought to have been granted bail rather than subjected to SOSMA's 28-day pre-charge detention under Section 4(5). This concern is further reinforced by Article 37(b) of the CRC, which stipulates that the detention of a child shall be used only as a measure of last resort and for the shortest appropriate period of time. The child's detention for close to ten days, which reportedly resulted in health complications, constitutes a violation of the child's best interests under Article 3 of the CRC.

The OCC's position is clear and unequivocal: **children must not be detained under SOSMA**. As the Act permits detention without trial, it is fundamentally incompatible with child rights standards, and any provision allowing for the detention of children under SOSMA should be repealed in its entirety. In light of Malaysia's recent CRC review, during which the Government reaffirmed its commitment to prioritising the protection, development and participation of children, this commitment cannot be meaningfully realised unless SOSMA is amended to expressly exclude its application to children.

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**Dr Farah Nini Dusuki  
Chief Children's Commissioner  
The Human Rights Commission of Malaysia (SUHAKAM)  
28 January 2026**