The Legal Rights of Indigenous Children to Have Access to Quality Education in Peninsular Malaysia: Issues and Challenges in Complying with the Convention on the Rights of the Child (CRC) 1989

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ABSTRACT

Approximately eighteen (18) indigenous tribes, including children, live in Peninsular Malaysia. However, reports indicate a high rate of school dropouts among indigenous children in Peninsular Malaysia, including those from Sabah and Sarawak. As a State Party to the Convention on the Rights of the Child (CRC) 1989, Malaysia is obliged to ensure that all children, including indigenous children, have access to quality education. Yet it remains unclear whether these children receive quality education that respects their culture, language, and lifestyle. Many indigenous children are excluded from mainstream schools because of language barriers, logistical challenges, a lack of qualified teachers, and unsuitable teaching methods. Hence, this research aims to examine whether Malaysia's legal framework adequately provides quality education to indigenous children in Peninsular Malaysia and to propose suitable recommendations. This study employs a qualitative, library-based research design to review and explore the barriers indigenous children face in accessing quality education and to assess whether the current legal framework meets CRC and other international standards. This research finds that concerted efforts by parents and educators, along with inter-agency cooperation, are crucial to keeping indigenous children in the education system. This research contributes to Malaysia's Ministry of Education Strategic Planning (2024-2030), the CRC, the international legal framework, and Goal 4.5 of the Indigenous Peoples and the 2030 Agenda for Sustainable Development.

Keywords: education, child rights, indigenous children, CRC 1989

INTRODUCTION

The term indigenous people is said to derive from an Arabic word meaning 'original' and to refer to the earliest inhabitants of a country (Nordin et al., 2020). The term *orang asli* is a Malay term for "original people" and refers to a diverse group of ethnic minority subgroups that maintain their own knowledge systems, beliefs, and customs. Their unique identity is linked to the land that underpins their traditional value system and ensures their physical and cultural survival (Bennet & Harrington, 2025). The indigenous people of Malaysia consist of the indigenous people in Peninsular Malaysia (also known as orang asli) and the natives of Sabah and Sarawak. The term indigenous people is also used in international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007), and the rights of the indigenous people are legally recognised by UNDRIP (Nordin et al., 2020). For the purpose of this paper, the discussion focuses on the indigenous people in Peninsular Malaysia, or orang asli. There are three main groups of indigenous people in Peninsular Malaysia: the Senoi, Melayu Proto and Negrito. It is reported that at the end of December 2024, there were approximately 221,098 indigenous people in Malaysia, with the Senoi having the highest population (120, 240), followed by Melayu Proto (93,702) and Negrito (7,156) (Department of Orang Asli Development, 2024). These three main

groups are further divided into eighteen (18) indigenous tribes living across all states in Peninsular Malaysia. These tribes comprise indigenous communities that speak different dialects and practise distinct cultures and lifestyles (Renganathan & Kral, 2018).

Even though education is an integral part of every child's life, it is reported that there is an increasing rate of school dropouts among indigenous children (Singar & Zainuddin, 2017). It is reported that indigenous children, as well as those from Sabah and Sarawak, make up 4% of school-going children in both primary and secondary schools in Malaysia. 68% of these indigenous children are from rural areas in Peninsular Malaysia, and 80% are from Sabah and Sarawak. It is also highlighted that only 30% of indigenous children complete secondary school, below the national average of 72% *(Malaysia Education Development Plan, 2013-2025).*

The right to access education is legally recognised for all children under the Convention on the Rights of the Child (CRC) 1989. As a State Party to the CRC, Malaysia is obliged to ensure that all children, including indigenous children, have access to quality education. However, whether these children receive a quality education that respects their culture, language, and lifestyle, in line with the CRC, remains questionable. Many factors have been attributed to school dropout in Malaysia, including socio-economic factors, family structures, student characteristics, and external factors such as culture, environment, teaching approaches, and peer pressure (Zakari et al., 2022). Low attendance rates among indigenous children remain a long-standing issue, though the situation is better now than before (Zamzuri et al., 2023). Numerous contributing factors have been cited as barriers to indigenous children's access to quality education, contributing to high dropout rates (Renganathan, 2016; Wan, 2020; Wan & Idrus, 2021; Renganathan, 2022; Othman, 2022; Angit & Ahmad Azlan, 2025; Angit et al., 2025). To address the challenges facing indigenous children's access to education, the Malaysian government, led by the Ministry of Education (MOE), has undertaken various initiatives to improve and ensure that indigenous children have access to education, alongside the Department of Orang Asli Development (JAKOA) (formerly known as the Department of Orang Asli Affairs, Jabatan Hal Ehwal Orang Asli [JHEOA]). These initiatives have included the establishment of Comprehensive Special Model Schools (K9 and K11) and national schools in orang asli settlements, ensuring that more indigenous children, especially in remote areas, have access to education (Ahmad Azlan et al., 2025). However, dropout rates among indigenous children still pose a primary concern, and one of the greatest contributing factors is poor academic performance (Md Nor et al., 2011; Rosnon & Abu Thalib, 2019). Nevertheless, despite many past studies identifying the challenges and barriers indigenous children face in accessing quality education and the government initiatives to address them, the extent of Malaysia's compliance with the CRC in ensuring indigenous children's access to quality education remains largely unexplored.

In light of the discussion in the preceding paragraphs, the objectives of this research are: (a) to examine the challenges and barriers that indigenous children face in accessing quality education; (b) to analyse the adequacy of the legal framework in providing access to education for indigenous children, in line with the provisions of the CRC; and (c) to propose recommendations to the legal framework to ensure that indigenous children have access to quality education in Malaysia. This study is also significant in ensuring that parents, the indigenous community, educators, main stakeholders, and key agencies undertake concerted efforts to keep indigenous children in the education system. The findings of this research will be in line with and can further contribute to progress in meeting Malaysia's Ministry of Education Strategic Planning (2024-2030), Malaysia Education Development Plan (2013-2025), Malaysia's National Education Policy (2017), as well as Goal 4.5 of the Indigenous Peoples and the 2030 Agenda for Sustainable Development, in ensuring that indigenous children have access to quality education in Malaysia.

METHODOLOGY

This paper adopts a qualitative research design to explore in greater detail the issues surrounding indigenous children's access to quality education in Peninsular Malaysia. To examine this area in depth, the study employs doctrinal research. This involves identifying, analysing, and synthesising legal content (Hutchinson, 2013). Doctrinal research follows a two-stage process: locating the relevant sources and interpreting and analysing the texts. For this study, relevant sources are first identified through library-based research, examining primary and secondary sources. The former focuses on relevant legislation, policies, and judicial decisions, while the latter constitutes a literature search of online databases such as Scopus, SAGE, Hein Online, LexisNexis, and others.

Second, content analysis of primary and secondary sources establishes the law's nature and parameters (Hutchinson & Duncan, 2012). Thus, this study's doctrinal research examined the domestic legal framework governing indigenous children's access to quality education in Peninsular Malaysia. Accordingly, the study also analysed the international legal framework, including the CRC, the Committee on the Rights of the Child's General Comments, and other international instruments, to ensure that Malaysia's obligation to provide indigenous children with access to education aligns with international law.

LITERATURE REVIEW

Every child has the right to education, and the educational process needs to be child-centred, child-friendly, and empowering. Accordingly, the goal of education is to equip the child with necessary life skills, learning, and other capacities while developing the child's self-esteem, self-confidence, and respect for human dignity (Committee on the Rights of the Child General Comment No. 1 (2001) on The Aims of Education, para 2). In a similar vein, education enables indigenous children to enjoy economic, social and cultural rights for their personal benefit and for the benefit of the indigenous community as a whole. Additionally, the right to and access to education for indigenous children will foster their self-empowerment and their right to exercise self-determination (Committee on the Rights of the Child General Comment No. 11 (2009) on Indigenous Children and Their Rights under the Convention (hereinafter referred to as General Comment No. 11 (2009), para 57)). However, indigenous children in Peninsular Malaysia, together with other categories of vulnerable population, face many challenges in accessing quality education, mainly due to their remote living locations and lack of infrastructure (Renganathan, 2016; Wan, 2020; Wan & Idrus, 2021; Renganathan, 2022; Othman, 2022; Angit & Ahmad Azlan, 2025; Angit et al., 2025, Malaysia's Ministry of Education Strategic Planning (2024-2030)). Many underlying factors have been identified that contribute to the high rates of school dropouts among indigenous children in Malaysia. Subsequently, the following factors have been identified as the leading causes of high dropout rates among indigenous children:

(a)Socio-economic background

(i) poverty or financial constraints facing families, since most parents do not have enough money to pay for the relevant school fees, transport, meals and expenses for extracurricular activities (Nicholas, 2010; Wan, 2020; Angit et al., 2025).

(ii) parents' educational level and lack of awareness of the importance of education (Nicholas, 2010; Md Nor et al., 2011; Renganathan, 2016; Singar & Zainuddin, 2017; Wan, 2020).

(iii) indigenous children lack birth registration documents due to parents' lack of awareness of the importance of birth registration, preventing them from accessing education, healthcare and other social services (Md Nor et al., 2011; Wan, 2020).

(b) Geographical barriers

(i) indigenous families living in remote areas, contributing to logistical issues for children's access to and travel to schools (Nicholas, 2010; Md Nor et al., 2011; Renganathan, 2016; Wan, 2020).

(ii) lack of basic amenities, including electricity, water, sanitation and communication infrastructure (Renganathan, 2016; Wan, 2020; Angit et al., 2025).

(c)Language and cultural barriers

(i) most indigenous children speak their mother tongue and lack proficiency in the other two languages, Malay and English, which makes it difficult for them to understand the lessons taught in school. Similarly, the majority of teachers of indigenous children do not communicate in or understand the native languages, creating a barrier to communication with the children (Wan, 2020).

(ii) indigenous culture, values and learning are rooted in their natural environment, family and community, making it difficult for Indigenous children to transition to the mainstream, exam-oriented education system (Nicholas, 2010; Md Nor et al., 2011; Wan, 2020).

(d)Challenges in Schools

(i) misalignment of the national curriculum in mainstream education because it is insensitive to the needs, culture, environment and lifestyle of indigenous children, creating a barrier to effective learning for indigenous children (Nicholas, 2010; Md Nor et al., 2011).

(ii) misalignment of the national curriculum in mainstream education with the culture and environment of indigenous children hinders their ability to retain lessons taught in schools (Md Nor et al., 2011; Renganathan, 2016).

(iii) challenges in social interactions due to indigenous children's background, which contribute to low self-esteem and, at times, to bullying in schools (Nicholas, 2010; Renganathan, 2016).

(iv) lack of teachers who have undertaken training in indigenous pedagogy and culture, creating an obstacle to effective teaching delivery and to instilling in indigenous children an understanding of the lessons taught to them in schools (Nicholas, 2010; Md Nor et al., 2011; Nordin et al., 2020; Angit et al., 2025)

The discussion in the preceding paragraphs highlighted myriad barriers and challenges facing indigenous children, as recognised by past studies. However, these barriers can only be addressed if a holistic approach is adopted to tackle systemic challenges such as poverty, inadequate infrastructure and policies, as well as the misalignment of the national curriculum in mainstream education with the culture and environment of indigenous children (Angit & Ahmad Azlan, 2025).

International Legal Framework

The civil, social, economic and cultural rights of indigenous people, including children, are enshrined and recognised by the international community in UNDRIP. Article 30 of the CRC recognises the legal rights of indigenous children to enjoy and practise their own culture and religion, and to use their own language with other members of the community. Like other children, indigenous children also have the right to access education, as enshrined in Article 28 of the CRC. Moreover, Article 29 of the CRC sets out the aims of education for all children. For instance, among the objectives of education are to contribute to the development, support and respect for children's unique cultural identity, language, values and civilisations. Further, the aims of education are to facilitate and prepare children to lead a responsible life in a free society while embracing the spirit of peace, tolerance, equality of the sexes and friendship across the fabric of society, and to respect ethnicity, nationality, religious groups and indigenous groups (General Comment No. 11 2009, para 56).

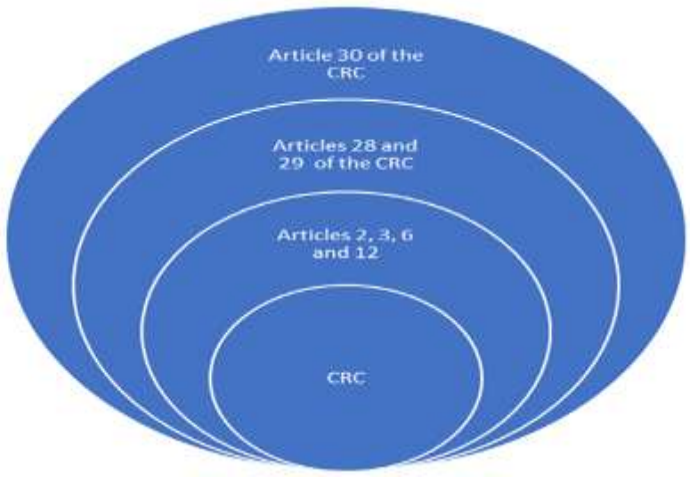
As a State Party to the CRC, Malaysia is obliged to ensure that all children, including indigenous children, have access to quality education. The protection of indigenous children's legal rights under the CRC is underpinned by the principle embodied in Article 26(1) of the Universal Declaration of Human Rights (UDHR, 1948), which affirms the right to education and provides that elementary education shall be made free to everyone. Article 14(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) further affirms the right to free primary education. These objectives are also affirmed in Article 14 of the UNDRIP, which highlights the rights of indigenous people to access education. In addition, Article 30 of the CRC, which recognises the legal rights of indigenous children to enjoy their own culture, religion, or to use their own language, is reinforced by Article 28 of the International Labour Organisation Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries (1989), which recognises the rights of indigenous children to be taught to read and write in their own indigenous language or in a language most commonly used by their community (Nordin et al., 2020).

The CRC also upholds the principle of non-discrimination and ensures that all children have access to education, regardless of whether they belong to indigenous or non-indigenous groups (General Comment No. 11 (2009),

para 58; Articles 2 and 14(3), UNDRIP). Access to quality education is fundamental for indigenous children, as it can contribute to their individual and community development and ensure their participation in the community. Moreover, access to quality education instils in indigenous children the awareness that they can equally enjoy and exercise their economic, social and cultural rights in the community. Hence, education is a powerful tool that can empower indigenous children and help them develop self-determination, which can shape their future (General Comment No. 11 (2009), para 57; Article 2, UNDRIP).

Article 28 of the CRC obliges State Parties to make primary education compulsory for all children, including indigenous children, and to ensure that all children have access to education on an equal basis. Additionally, all State Parties are encouraged to ensure that all children have access to secondary and vocational education (General Comment No. 11 (2009), para 59). Since Malaysia is a State Party to the CRC, Malaysia is obliged to take measures to ensure that indigenous children attend and remain in school, as one of the aims of education is to facilitate the development of the child's cultural identity, language, and values (Ahmad Azlan et al., 2025). However, in reality, many indigenous children are not part of the mainstream education system, and there remains a persistent percentage of school dropouts among indigenous children. The Committee on the Rights of the Child recognised that the enrolment rate of indigenous children in schools is low, and the dropout and illiteracy rates among them remain high due to factors such as insufficient educational facilities and teachers, direct or indirect costs for education, and a curriculum that does not reflect the cultural and linguistic components of the indigenous community. Moreover, discrimination and racism remain contributing factors to low attendance rates among indigenous children in schools (General Comment No. 11 (2009), para 59). Additionally, the legal rights of indigenous children to have access to education highlighted earlier, in the CRC, need to be read together with the four guiding principles underpinning the CRC, which are the principle of the best interests of the child (Article 3), the principle of non-discrimination (Article 2), the right to life, survival and development (Article 6), and the right to be heard (Article 12) (General Comment No. 11 (2009), para 14), as highlighted in Figure 1 below.

Figure 1: The Legal Rights of Indigenous Children to have Access to Education in the CRC



The preceding paragraphs highlighted various obstacles that indigenous children face in accessing quality education. Hence, a concerted effort needs to be undertaken by the governments, with interagency cooperation, to ensure that the education system in Malaysia does not fall short of the aims and goals of the educational system highlighted in the international legal framework above, since education is a human right and must be provided without any form of discrimination (SUHAKAM, 2010).

National Legal Framework

The Federal Constitution of Malaysia makes specific reference to *orang asli* as *aborigines of the Malay Peninsula* in Article 160(2). Additionally, Article 8(5)(c) of the Federal Constitution recognises their special status by providing the following safeguards: "…for the protection, well-being or advancement of the aboriginal peoples of the Malay Peninsula (including the reservation of land) or the reservation to aborigines of a reasonable proportion of suitable positions in the public service" (Nicholas, 2010). Article 12(1) of the Federal Constitution

enshrines the right to education, including for indigenous children, emphasising that no citizen should be subjected to any form of discrimination on the grounds of religion, race, descent, or place of birth in enjoying the right to education in Malaysia. Furthermore, Article 8 of the Federal Constitution strengthens indigenous children's right to education by upholding the principle that every citizen is "equal before the law and entitled to equal protection of the law" (Nordin et al., 2020).

The only legal framework in Malaysia that specifically refers to the indigenous people, or orang asli, is the Aboriginal Peoples Act 1954 (revised 1974) (hereinafter referred to as the 1954 Act) (Nicholas, 2010). The 1954 Act seeks to protect the welfare of indigenous peoples in every aspect, and the Department of Orang Asli Affairs, or Jabatan Hal Ehwal Orang Asli (JHEOA) (now known as the Department of Orang Asli Development, or Jabatan Kemajuan Orang Asli (JAKOA)), was established to develop the indigenous community while protecting their heritage. In addition, JHEOA was created to safeguard the welfare and ensure the progress of indigenous peoples, in line with the Federal Constitution and the 1954 Act (Nicholas, 2010; Renganathan & Kral, 2018). The preamble of the 1954 Act provides that the laws seek to provide "…for the protection, well-being and advancement of the aboriginal peoples of Peninsular Malaysia." Subsequently, Section 17 of the 1954 Act provides that indigenous children shall not be excluded from attending any school on the basis of being an aborigine (SUHAKAM, 2010; Nordin et al., 2020). Furthermore, the government, through JHEOA, established the *1961 Statement of Policy Regarding the Administration of Orang Asli of Peninsular Malaysia* (hereinafter referred to as the 1961 Policy Statement), which sets out broad principles that uphold the rights of indigenous peoples (Nicholas, 2010). It is provided that the 1961 Policy Statement remains the only official policy governing the administration and development of the indigenous people (Nicholas, 2010), and it highlights that necessary measures need to be undertaken to ensure that indigenous people have equal opportunity to acquire education while ensuring their own dialects are preserved. Nevertheless, this policy is worded in general terms and does not make specific reference to the right of indigenous children to education. Hence, in the absence of any legal binding effect, the 1961 Policy Statement does not have any enforcement mechanisms to ensure that indigenous children have the right to education. Although one of the policies highlighted in the 1961 Policy Statement provides that necessary measures need to be undertaken to ensure that indigenous people have equal opportunity to acquire education while ensuring their own dialects are preserved, this policy is worded in general terms and does not make specific reference to the right of indigenous children to education.

Initially, JHEOA was mandated to manage and ensure that indigenous children have access to education. However, barriers such as resource constraints and a lack of culturally informed educators prevent JHEOA from ensuring that all indigenous children have access to education (Rosnon & Abu Talib, 2019; Nordin et al., 2020; Ahmad Azlan et al., 2025). In 1996, a fundamental milestone was reached when MOE was vested with responsibility for all schools previously overseen by JAKOA (Rosnon & Abu Talib, 2019; Ahmad Azlan et al., 2025). Subsequently, an amendment to the Education Act 1996 in 2003 made primary education compulsory for all Malaysian children, including indigenous children, as highlighted in Section 29A of the Education Act (Ahmad Azlan et al., 2025). These amendments carry significant implications, since not all school-age indigenous children attend school (SUHAKAM, 2010). Despite amendments to align Malaysia's legal framework with the CRC, these changes have not yielded positive results, as not all indigenous children attend school (Nordin et al., 2020).

To address some of these challenges, particularly the high rates of school dropouts during the transition from primary to secondary school, MOE has established special Comprehensive Model Schools (K9 and K11) and national schools for indigenous children in their villages, and has improved boarding facilities to ensure indigenous children have access to education (Malaysia's National Education Policy, 2017; Malaysia Education Development Plan (2013-2025); Nordin et al., 2020; Harian Metro, 2022, March 2022; Ahmad Azlan et al., 2025). These schools are designed to support indigenous children living in isolated rural areas, far from primary and secondary schools, and to help reduce dropout rates caused by logistical issues and barriers to accessing schools (Malaysia's National Education Policy, 2017; Ahmad Azlan et al., 2025). Additionally, MOE has implemented measures within adaptive curricula to reduce school dropout rates, support school retention, and improve the academic performance of indigenous children through Initiative 57 under the *Malaysian Education Blueprint*. Moreover, incorporating indigenous education through the Education for All Policy and including it within the Special Education framework helps maintain the academic support provided to indigenous children.

Further, a notable initiative by MOE to meet the special needs of indigenous children is the incorporation of culturally relevant curricula that embed indigenous knowledge and pedagogy into mainstream education through *Kurikulum Asli dan Penan (KAP).* Subsequently, to ensure that KAP can be implemented effectively, training for indigenous teachers was undertaken at the Teachers Training College. Further, to improve indigenous children's understanding of core subjects such as Malay, English, and Mathematics, the Indigenous Pedagogy Strengthening Programme was introduced using culturally responsive teaching methods. Moreover, to help improve literacy and numeracy skills in the early stages of primary education, MOE has also established initiatives such as *Program Kelas Khas (ProKhas)* and *Chup Badui Sikulah (CBS).* Although MOE leads these initiatives, JAKOA remains an important partner in helping realise their aims (Ahmad Azlan et al., 2025). However, despite various government initiatives to ensure indigenous children have access to education, the underlying issues facing the indigenous community in the education system remain largely unaddressed (Nordin et al., 2020). Additionally, since Malaysia is a State Party to the CRC, past studies that explore Malaysia's obligations to provide access to education to indigenous children under the CRC and other international instruments remain scarce. Hence, the government needs to adopt a more inclusive approach to ensure the full participation of the indigenous community in making the national curriculum more adaptive to the needs of indigenous children, in line with the provisions of the international legal framework, including UNDRIP, as highlighted above (Rosnon & Abu Talib, 2019).

FINDINGS AND DISCUSSION

The preceding paragraphs highlight some of the barriers that indigenous children face in accessing quality education. Under the principle of non-discrimination in Article 2 of the CRC, the Committee on the Rights of the Child has explicitly reminded State Parties to eliminate all forms of discrimination and racism against indigenous children by ensuring equal access to quality education. For instance, school curricula, educational materials, and history textbooks should portray the lifestyles and cultures of indigenous people fairly and accurately (General Comment No. 11 (2009), para 58). Moreover, State Parties to the CRC are urged to ensure equal access to quality education for indigenous children and to adopt specific measures to this end. For instance, governments must allocate budgets, materials, and human resources to implement policies and programmes that meet indigenous children's specific needs within the education system.

Further, governments should recognise the rights of indigenous communities to establish their own educational institutions and facilities that meet the requirements of local governments (General Comment No. 11 (2009), para 60). In this context, Malaysia submitted a report to the Committee on the Rights of the Child outlining special measures the government has undertaken to improve indigenous children's access to quality education, particularly to reduce dropout rates among indigenous children. Among the measures undertaken were: (a) providing pocket money to indigenous children to encourage them to attend school; (b) teachers conducting home visits in villages with poor attendance rates; (c) establishing residential schools under the Comprehensive Model Schools (K9) for Year 1 to Form 3 students; and (d) providing teacher training to enable teachers to better understand the needs of indigenous children (Committee on the Rights of the Child, Combined Second to Fourth Periodic Reports; Malaysia, 2024).

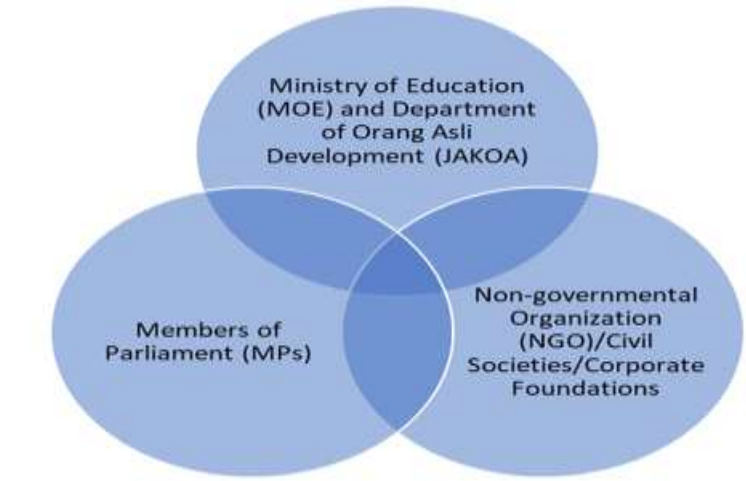
While the Government of Malaysia's efforts are commendable, it needs to take further measures to increase attendance and reduce dropout rates among indigenous children. The school's culture and leadership, measures to motivate children, access to and facilities for education, parental support, and teaching pedagogy are critical areas requiring further improvement. The Committee on the Rights of the Child urged State Parties to continue making a concerted effort to ensure that indigenous communities understand the importance of education for indigenous children (General Comment No. 11 (2009), para 60). In response to Malaysia's submission to the Committee on the Rights of the Child, Malaysia is advised to address the special educational needs of indigenous children, particularly by ensuring they remain in school (Committee on the Rights of the Child, Concluding Observations; Malaysia, 2007). Malaysia is also obliged to provide access to education for indigenous children, as this is a fundamental human right (Report of the Working Group on the Universal Periodic Review, 2013), and, in particular, to ensure access to quality education to prevent them from dropping out of school (Report of the Working Group on the Universal Periodic Review, 2019). Thus, providing indigenous children in Peninsular Malaysia with access to quality education in a child-friendly environment, with well-qualified teachers, will

uphold their best interests (General Comment No. 14 (2013), para 79). These recommendations are consistent with past studies that emphasise the importance of adopting and implementing indigenous pedagogies to support effective learning and prevent indigenous children from being left behind in the mainstream education system (Angit et al., 2025).

The international community has also urged Malaysia to ensure that not only indigenous children but all children have access to education, and to provide adequate meals and transport allowances, as well as scholarships, and to give them the opportunity to pursue technical, vocational and educational training (Report of the Working Group on the Universal Periodic Review, 2024). Additionally, Malaysia is tasked with continuing to strengthen measures to prevent discrimination against children in vulnerable groups, including those from indigenous groups, children with disabilities, and those living in remote areas (Report of the Working Group on the Universal Periodic Review, 2009; Report of the Working Group on the Universal Periodic Review, 2024). These recommendations align with past studies highlighting the need to strengthen partnerships among schools, communities, and other stakeholders to address the systemic barriers to indigenous children's access to education identified earlier (Angit et al., 2025; Angit & Ahmad Azlan, 2025).

Additionally, Malaysia is urged to remove discriminatory barriers to education for indigenous children, implement inclusive education for all children, and maintain the zero-rejection policy to ensure that indigenous children (including stateless children and those living in remote areas) have access to education (Committee on the Rights of the Child, Concluding Observations; Malaysia, 2026). Past studies underscore the importance of inclusive education by emphasising the need for a culturally responsive approach to educating indigenous children, ensuring no indigenous child is left behind in the education system (Bennett & Harrington, 2025; Angit et al., 2025). However, to implement inclusive education effectively, there is an urgent need to establish and strengthen cross-sector cooperation among key stakeholders, such as the MOE, JAKOA, Members of Parliament (MPs), non-governmental organisations (NGOs), civil society, and corporate foundations, to meet the special needs of indigenous children (Ahmad Azlan et al., 2025), as well as to strengthen partnerships with parents, indigenous communities, and schools (Othman, 2022; Angit et al., 2025; Angit & Ahmad Azlan, 2025). Cross-sector cooperation is crucial in ensuring that indigenous children have access to education and that targeted policies and interventions are carried out to meet their educational needs. While MOE is entrusted with the responsibility to implement policies, improve enrolment and retention, improve the curriculum through culturally responsive pedagogy, and increase school accessibility, JAKOA can play a supplementary role in addressing dropout rates and providing financial assistance. Additionally, MPs can strengthen their advocacy roles to enhance the educational opportunities for indigenous children. On the other hand, NGOs, civil society, and corporate foundations can help improve educational outcomes for indigenous children by providing the necessary services to enable access to quality education (Ahmad Azlan et al., 2025). Figure 2 below illustrates the importance of cross-sector cooperation across multiple sectors in ensuring that indigenous children have access to quality education. Consequently, cross-sector cooperation can translate the legal framework and policy highlighted earlier into concrete actions, in line with JAKOA Strategic Planning (2019-2026).

Figure 2: Cross-Sector Co-operations to Enhance Access to Quality Education for Indigenous Children



Although the government faces many obstacles in ensuring that indigenous children have access to schools, lessons can be drawn from other jurisdictions, particularly New Zealand, where the indigenous right to education and languages is given statutory recognition (Nordin et al., 2020). To meet New Zealand's obligations under the CRC, particularly in ensuring that Māori indigenous children have access to education, Section 33(1) of New Zealand's Education and Training Act 2020 (2020 Act) provides that every enrolled student has the right to free enrolment and free education in any state or charter school. Additionally, Section 34 of the 2020 Act provides that students with special educational needs (due to disability or otherwise) have similar rights to enrol, attend, and receive education in any state or charter school, like other children. To further safeguard indigenous children's right to a quality education in schools, the school boards have the paramount objectives, among others, to ensure the following protections are given to Māori indigenous children: (a) achieving equitable outcomes for Māori students; (b) streamlining education by incorporating the Māori language; and (c) ensuring that the policies and practices in school reflect the cultural diversity in New Zealand (Ministry of Education, New Zealand, 2024).

Closer to home, indigenous children in Thailand face similar barriers to accessing education as in Malaysia. However, Thailand's regulatory framework seeks to safeguard all children's right to education. For instance, the Constitution 2560 (2017) provides that every person has the right to compulsory education and to receive comprehensive, quality public education for at least twelve (12) years (from pre-school to completion of compulsory education) free of charge. Additionally, in line with Thailand's obligations under the CRC, the government adopted a Cabinet Resolution on 5 July 2005 titled "Educational Provision for Persons with No Civil Registration Evidence or Not Having Thai Nationality", which affirms the right of all children, regardless of citizenship status and without civil registration evidence, to access education (UNICEF & UNHCR, 2025).

Legal protections in other jurisdictions that ensure indigenous children's access to education provide opportunities for Malaysia to strengthen the existing legal framework to address the barriers facing indigenous children highlighted above and to meet Malaysia's obligations under the CRC. Moreover, as a State Party to the CRC, Malaysia is obliged to take proactive measures to ensure that indigenous children have access to education, guided by the CRC's general principles, as highlighted in Figure 1 above. Additionally, undertaking measures advanced by the Committee on the Rights of the Child, in particular, ensures that indigenous children have access to education, in line with the First Strategic Thrusts under Malaysia's Ministry of Education Strategic Planning (2024-2030), the international legal framework, and Goal 4.5 of the Indigenous Peoples and the 2030 Agenda for Sustainable Development.

CONCLUSION

The right to access quality education is vested in every child, including indigenous children. Although many barriers impede indigenous children's access to education, concerted efforts and inter-sectoral cooperation are needed from stakeholders, particularly MOE, JAKOA, non-governmental organisations, parents, the indigenous community, and educators, to overcome the underlying challenges facing indigenous children and ensure they are not left out of the educational system. Inter-sectoral cooperation needs to be intensified to ensure not only that educational infrastructure and facilities are improved, but also that culturally responsive indigenous pedagogy is adopted, so indigenous children can fully participate in the educational system. An educational system that meets the needs of indigenous children will pave the way for a better future for them while demonstrating Malaysia's commitment to meeting its obligations under the CRC and the international legal framework.

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