

## Country Updates on Human Rights and Democracy 2019

### Malaysia

**1. Overview of the human rights and democracy situation:** Almost two years after the elections in May 2018, Malaysia's human rights situation has improved in some respects, but has a long way to go in fulfilling the spirit of reform in the ruling coalition's election manifesto. Malaysia made progress in some areas, such as lowering the voting age, strengthening the independence of the parliament and of the courts and the freedom of expression. Other commitments were not fulfilled though: the government withdrew from the Rome Statute of the International Criminal Court (ICC) in April 2019, after filing its accession. Following the Malaysian Cabinet decision to abolish the death penalty in its entirety (October 2018) and the introduction of a de facto moratorium on executions, in March 2019 the Government announced that it would keep the focus only on the elimination of the mandatory application of death penalty and only for some crimes.

Freedom of expression, including in the media, constitutes an area of quantifiable improvement when compared with the situation pre-2018 election. The government initiated the formation of a Malaysian Media Council and a guiding code of conduct. The Anti-Fake News Act 2018 (Act 803) was finally abolished in December 2019.

The 2018 National Human Rights Commission's (SUHAKAM) annual report was debated and adopted in parliament in 2019, for the first time, since the creation of SUHAKAM in 1999. The Minister for Law, Liew Vui Keong, announced the establishment of the Law Commission and Ombudsman Malaysia as part of the continuous effort in law reform. Civil society is particularly critical of the number of existing laws severely curtailing the civil and human rights, labelled by the human rights defenders as 'draconian legislation'. However, none of these laws was abolished or reformed in 2019.

The LGBTI community continues to face serious discrimination in Malaysia, with same-sex relationships being criminalised. The HR/VP Spokesperson issued a statement regarding the sentencing of five men to caning in Malaysia in November 2019. Malaysia remained in Tier 2 Watch List in the United States TIP 2019 Report.

On protecting the rights of indigenous peoples, the government took a historic step by instituting legal action against one of the states of the federation (Kelantan), in seeking legal recognition of native land rights of the Temiar Orang Asli.

**2. EU action - key focus areas:** One of the key focus areas for EU action was on the death penalty. The EU continued the project 'Accompanying Parliamentarians, National Institutions and Civil Society for the Abolition of Death Penalty in Central Africa and Southeast Asia'. A documentary showing how a death penalty sentence can affect the families in Malaysia, 'Menunggu Masa' (Waiting for the Time) was presented at the Freedom Film Festival in Malaysia and in Brussels (27 February – 1 March 2019) at the World Congress against the Death Penalty.

Another important area was the protection of women's rights. During 2019, the EIDHR-funded project 'Protecting Women Human Rights Defenders by Expanding the Space for Public Discourse on Islam and Women's Rights' finalised the national survey on the acceptance of the rule of religious law and the awareness of its impact on fundamental and women's rights, and justice in Malaysia. The survey was presented at the international

conference in Kuala Lumpur, in October 2019.

**3. EU bilateral political engagement:** The National Human Rights Commission of Malaysia (SUHAKAM) organised, through EU funding, the Regional Dialogue on Malaysia's Accession to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), in July 2019. The regional dialogue was established as a platform for the exchange of best practices among relevant ASEAN and OIC countries, to learn of the UNCAT's implication on state parties, to discuss on contemporary concerns, as well as to promote better understanding of the convention among stakeholders. Extended dialogues between leading experts in this field and the relevant Malaysian agencies took place.

**4. EU financial engagement:** In addition to the projects that supported the key focus areas for EU action (death penalty; women's rights), the EU also funded projects supporting women migrant workers, in cooperation with ILO. Activities included the organisation of a training on gender equality and elimination of violence against women in the context of labour migration.

Preparatory work started for two projects aiming to increase the space for dialogue between journalists, citizens and local authorities and to advance a strong, independent and diverse media. Another new project relates to strengthening women's rights, in particular reproductive rights.

**5. Multilateral context:** During its third UPR in 2018, Malaysia received 268 recommendations put forward by 108 UN Member States. After internal consultations, in 2019, Malaysia accepted 147 recommendations in full (outright) and 37 recommendations in part. Among the recommendations accepted (which later were not fully implemented or stalled), were the ones related to ratifying all remaining core international human rights instruments, abolition of the death penalty, and the rights of migrant workers.

The government did not follow its policy commitments to accede to all six international core human rights conventions not yet ratified by Malaysia, in particular the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Malaysia is a party to CEDAW, CRC and CRPD. For the time being, Malaysia has not withdrawn its reservations to CEDAW, CRC and CRPD and has not fully implemented the CEDAW and CRC Committees' recommendations.