

Country Updates on Human Rights and Democracy 2018

Malaysia

1. Overview of the human rights and democracy situation: The historic election in Malaysia on 9 May 2018, with the first democratic regime change in 61 years, brought to power the Pakatan Harapan (PH) coalition. The new government's first months in office were promising in terms of progress on human rights. The government has delivered on a first batch of crucial institutional reforms. Nine government agencies, until recently part of the Prime Minister's Department, now report directly to Parliament. Following the elections, the media has become considerably freer and approximately 90% of human rights defenders (HRDs) and former opposition (now ruling coalition) politicians charged under the previous administration have been acquitted or the charges have been dropped. The Malaysian Cabinet decided to abolish the death penalty in its entirety and a moratorium on executions for all crimes has been put in place. The LGBTI community continues to face serious discrimination in Malaysia, with same-sex relationships being criminalised. Cross-dressing is criminalised in most of Malaysia's 13 states. Two women were caned publicly on 3 September in the Sharia High Court in the State of Terengganu, for allegedly attempting to have same-sex relations. The EU reacted with a HRVP Spokesperson's statement. Malaysia was downgraded to Tier 2 Watch List in the U.S. TIP 2018 Report.

2. EU action - key focus areas: EU activities in Malaysia in 2018 focused on death penalty, freedom of religion and belief (FoRB) and accession of Malaysia to remaining International Human Rights Treaties. On death penalty, in the framework of a European Instrument for Democracy and Human Rights (EIDHR) project, the EU held a Parliamentary Roundtable on the abolition of the death penalty and encouraged Malaysia's vote in favour of UNGA's Moratorium Resolution. The EU Special Envoy on Freedom of Religion or Belief outside the EU, Jan Figel, visited Malaysia on 12-13 November 2018, engaging with Malaysian authorities, as well as with civil and religious actors. The EU funded a project under an EIDHR grant (EUR 275,000) on "Promoting the Accession of Remaining International Human Rights Treaties in Malaysia" implemented by the National Human Rights Commission of Malaysia (SUHAKAM).

3. EU bilateral political engagements: A constructive EU-Malaysia senior officials meeting took place in June during which human rights issues were discussed. The EU welcomed the new government's commitment to ratify the ICCPR as well as to revoke the mandatory death penalty. The EU also called on the government to grant refugees the rights to work, healthcare and education.

4. EU financial engagement: The EU implemented a project under EIDHR for "Accompanying Parliamentarians, National Institutions and Civil Society for the Abolition of Death Penalty in Central Africa and Southeast Asia" implemented by *Ensemble Contre La Peine de Mort* (ECPM) (Together against the death Penalty) in cooperation with the Coalition on the Abolishment of Death Penalty in ASEAN (ADPAN) (EUR 1.2 million until 2019). Parliamentary

Roundtable on the abolition of the death penalty in Malaysia co-organised by the Parliamentarians for Global Action (PGA) and ECPM on 30-31 October at the Parliament of Malaysia was organised in the framework of this EIDHR project.

There is also an ongoing project implemented by Malaysian NGO *Sisters in Islam* was granted

a project for EUR 745,000 (from the EIDHR Global Call) on "Protecting Women Human Rights Defenders by Expanding the Space for Public Discourse on Islam and Women's Rights", which will be executed until 2019.

Another EU project for realising women migrant workers' rights and opportunities in the ASEAN region (Spotlight Initiative) is called "Safe and Fair" and is implemented by the ILO. The official launch of the project in Malaysia took place on 25 September 2018. Total budget is EUR 25 million and it will last under 2022. Under the project for protecting children affected by migration in Southeast, South, and Central Asia, which is implemented by UNICEF, Malaysia component is EUR 1.6 million and it will last until June 2021.

The EU is also funding a UNHCR implemented project (under EIDHR 2016/372-801) called "Global technical assistance and capacity building programme to prevent detention of children and to protect children and other asylum-seekers in detention"; implemented by the UNHCR. It started in 2016 and is ending in March 2019.

5. Multilateral context: For the first time, Malaysia shifted to a positive vote regarding the UNGA Death Penalty Moratorium Resolution.

During Malaysia's 3rd Universal Periodic Review (UPR) held in November, many participating States recognised Malaysia's achievements under its new government. Recommendations focused mainly on the total abolition of the death penalty and corporal punishment, female genital mutilation, children's rights, child marriage, rights of migrant workers and discrimination of LGBTI persons. Malaysia received a total of 268 recommendations.

The Government has pledged the ratification of all six remaining international core human rights conventions (Malaysia has ratified CEDAW, CRC and CRPD). This has been reiterated both by PM Mahathir in his speech at UNGA, as well during Malaysia's 3rd UPR in November. However, following pressure and a public demonstration by Malay Muslim groups (who fear that the ratification of ICERD would impact negatively on their positive discrimination), the Government announced in November that Malaysia will not ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in the near future.