UPR 17, October 24, 2013

Recommendations by Canada

**Malaysia**

**Question**

Canada is concerned that recent amendments to the *Prevention of Crime Act* reinstate preventive detention without trial. How does Malaysia intend to ensure the legal and human rights of detainees, including access to legal representation, judicial review and presumption of innocence?

**Recommendations**

Canada recommends that Malaysia:

1. Amend the *Peaceful Assembly Act* to allow the full enjoyment of the freedom of association, expression and peaceful assembly, by removing limitations or restrictions on movement, location or participation.
2. Take concrete steps to implement its commitment to promote and protect the rights of all people to worship in peace and security without discrimination or restriction.
3. Ensure that all migrant workers, refugees and asylum seekers are treated in accordance with international standards, including respecting the principle of non-*refoulement*.
4. Enact legislation prohibiting violence based on sexual orientation, and repeal laws that directly or indirectly criminalise consensual same-sex sexual activities.
5. Ensure the right to equal protection under the law by criminalizing marital rape through the removal of the exception in Section 375 of the *Penal Code*.

**Observations (if time allows):**

Canada encourages Malaysia to remove restrictions on freedom of expression, assembly, and on freedom of religion or belief; and to end governmental discrimination toward all religious communities, including both mainstream and minority faith groups.