

OPENING STATEMENT

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MULTILATERAL AFFAIRS, MINISTRY OF FOREIGN AFFAIRS
MALAYSIA**

**UNIVERSAL PERIODIC REVIEW (UPR) OF MALAYSIA
(SECOND CYCLE), 24 OCTOBER 2013**

Mr. President,

Excellencies,

Ladies and Gentlemen,

On behalf of the Malaysian delegation, I wish to express my appreciation for this opportunity to engage in a dialogue on the human rights situation in Malaysia under the UPR framework. In this endeavour, I will be ably assisted by colleagues from various ministries and agencies who are also here with me today.

2. In this regard, I wish to draw your attention to Malaysia's National Report, document A/HRC/WG.6/17/MYS/1 which was prepared for the present review.

3. In brief, the report comprises three main sections which sets out:
(i) the Government's responses to the 62 recommendations accepted

during the 2009 review; (ii) key developments in the human rights situation during the review period; and (iii) key achievements and challenges faced in promoting and protecting human rights in the country.

4. My delegation does not intend to revisit the contents of that report in detail. Instead, we would be providing updates and clarifications on certain issues, developments and questions that may not have been sufficiently addressed or covered with a view to complementing the information already available therein.

5. By doing so, we hope to provide a clear and comprehensive picture on the measures taken by the Government towards ensuring the promotion and protection of human rights in Malaysia.

Mr. President,

6. Malaysia remains convinced of the value of the UPR. We believe that the process provides an important avenue, especially for the State under Review, to share with a larger audience its achievements and shortcomings in the promotion and protection of human rights.

7. Malaysia also views the opportunity afforded by the UPR process to exchange views and share best practices as an important element in deepening respect for human rights by all concerned parties.

8. Based on such understanding, the Government approached the preparatory process for the present review in an inclusive and

transparent manner and had taken into account a wide range of views, including those from civil society.

9. The Government acknowledges the active and constructive engagement of civil society in the preparatory process for Malaysia's UPR and looks forward to continuing such engagement.

10. At this juncture, I wish to thank the delegations of Belgium, Czech Republic, Germany, the Netherlands, Norway, Slovenia, Sweden, the United Kingdom and the United States of America for submitting questions and comments in advance. We hope to address these and other questions that may be raised during the course of the present exercise.

Mr. President,

11. As a developing country, Malaysia remains committed to pursuing a national development agenda with the aim of achieving a high-income developed nation status by 2020.

12. The Government is optimistic that this long-term goal, which is itself underpinned by a commitment to ensuring just and equitable distribution of national wealth, could be achieved despite the challenges posed by the onset of the global economic and financial crises in 2008. Towards that end, the Government has initiated a number of significant policy initiatives beginning in 2010.

13. One key initiative on which I wish to elaborate – particularly with regard to its significance vis-à-vis the Government's on-going efforts to

promote and protect human rights in Malaysia – is the Government Transformation Programme or GTP and the Economic Transformation Programme or ETP.

14. In essence, the GTP is an initiative aimed at improving the Government's delivery of public goods and services in 7 key areas, collectively known as the National Key Results Areas (NKRAs). Embedded in the GTP is a mechanism of checks and balances which aims to ensure the transparency, accountability and predictability of the Government's actions.

15. Through the implementation of various measures under the GTP and NKRAs, the Government aims to explicitly address a number of human rights concerns and issues.

16. Among others, these include the right to security and safety of the person; the right to adequate housing and decent standard of living; the right to education; and the right to health. I am pleased to share that thus far, implementation of the GTP and the NKRAs has shown positive and encouraging results.

17. Additionally, I wish to highlight the NKRA on anti-corruption, signifying the Government's determination to weed out corruption and corrupt practices at all levels, starting with itself and implemented with the co-operation of Government vendors and private sector partners.

18. Under this NKRA, the Government has undertaken such efforts including the introduction of new legislation to protect whistle-blowers, the introduction of a fast-track process to expedite trials for corruption

cases by the Malaysian courts, and the establishment of compliance units in key law enforcement agencies including the Royal Malaysian Police, the Customs Department and Immigration Department.

19. Another notable measure introduced under this NKRA relates to the requirement for Parliament to debate the Annual Report of the Auditor-General (AG) on the Federal Government, the State Governments and Statutory Bodies. I am pleased to share that this measure was implemented for the first time on 1 October 2013 where Parliament debated the Auditor General's report for 2012.

20. Following Parliament's consideration of the Auditor General's report which among others raised questions of leakages and possible fraud involving public funds, the Government announced the establishment of a high-level, 5-member task force headed by the Chief Secretary to the Government on 5 October 2013.

21. In brief, the terms of reference of this taskforce includes initiating investigations into the findings of the Auditor General's report and making appropriate recommendations to relevant Ministries on possible action to be taken against civil servants found to be involved in fraudulent or corrupt practices. Such recommendations may range from disciplinary action at the organisational level to legal action in court.

22. In summary, my delegation wishes to emphasise that the GTP, the ETP and the NKRA are a concrete package of measures initiated by the Government which will result in an enhanced standard of living and better enjoyment of human rights in the country. The information on the GTP, the ETP and the NKRA is available in our National Report.

Mr. President,

23. To provide a brief and initial response which will later be elaborated on by the relevant members of my delegation to the questions by the United States and the United Kingdom on the political situation in Malaysia, I wish to highlight that Malaysia's stable socio-political and economic situation has contributed positively towards increasing awareness of human rights in the country.

24. In line with the aspirations of the people, the current administration led by Prime Minister Najib Abdul Razak has and continues to demonstrate a commitment to continue freeing up democratic space in the country, while placing due emphasis on ensuring continued political and economic stability and security.

25. As such, beginning in 2009, the Government undertook as a matter of priority an extensive review of existing laws and regulations with a view to addressing certain issues related to the enjoyment of civil and political rights in Malaysia.

26. At the moment, that exercise which is on-going has already yielded significant results, some of which are reflected in Section roman 4.A.2 of the National Report.

27. That notwithstanding, the Government has noted that certain parties seem very adamant in undermining the aim of freeing up more space for civil and political rights in the country through efforts such as sustained campaigning against certain legislations, such as the Peaceful Assembly Act 2012, the Security Offences (Special Measures) Act 2012

and the Prevention of Crime Act 1959 including by exhorting the public not to respect or comply with the law.

28. Despite such moves, the Government wishes to underscore that it remains committed to pursuing its law reform agenda with the aim of removing legislative and other possible impediments to the enjoyment of the full range of human rights in Malaysia. I believe this responds in part to questions by the Czech Republic and the United States on the issue of application of new legislation.

Mr. President,

29. As in other maturing democracies, Malaysia is seeing increased public participation and vibrant discourse with respect to the political situation in the country. This trend was first seen in the 2008 General Elections and once more in May this year when Malaysia held its 13th General Elections – GE13, which saw the incumbent National Front alliance facing a stiff challenge from the coalition of the opposition parties.

30. Despite the fact that the campaigning period was marred by several incidences of election related violence and inflammatory political rhetoric touching on sensitive racial and religious issues from both sides of the political divide, the voting exercise ensued in a peaceful manner. Apart from that, GE-13 was also significant for a number of other reasons including setting the record for highest voter turnout totaling 85% of eligible voters.

31. Following consultations with a wide range of partners and stakeholders and with a view to enhancing the credibility and transparency of the election process, a number of new measures were introduced in GE-13 by the Election Commission (EC). Among others, these measures include: (i) the introduction of postal voting for eligible Malaysian voters overseas; (ii) presence of 18 regional observers to monitor the election process in Malaysia, in addition to observers from local civil society; (iii) open and regular consultations with all political parties on the cleaning of the electoral roll and the introduction of indelible ink.

32. Concerning allegations of possible fraud involving the use of indelible ink, the Government wishes to highlight that the EC has publicly committed to conducting investigations in the matter. The Malaysian Anti-Corruption Commission (MACC) has also initiated investigations to determine whether fraud was involved. Those investigations are currently ongoing.

33. Moving forward, the Government is conscious of the need to work towards rebuilding national unity and achieving national reconciliation after the elections.

34. With a view to further enhancing the integrity, credibility and transparency of the EC, the Prime Minister's Office relinquished its oversight functions of the EC on 1 June 2013. Henceforth, the EC will report to a bipartisan Parliamentary Select Committee (PSC). Thus, the question by the United States on this issue I believe has been answered.

Mr. President,

35. On the question by the United Kingdom concerning debate by the Parliament on the Annual Report of the Human Rights Commission of Malaysia – SUHAKAM, this issue has been clarified in paragraph 86 of the National Report. That notwithstanding, the Government remains open to revisiting the issue in future.

36. With regard to Belgium's question on closer cooperation between Malaysia and the Special Procedures mechanism, I am pleased to inform that the Government is undertaking the necessary preparations to receive the Special Rapporteur on the Right to Food in December 2013. Most recently, the Government has decided to extend an invitation to the Special Rapporteur on the Right to Health, and will pursue this matter in due course.

37. In response to questions by Belgium, Czech Republic, the Netherlands and Slovenia on the issue of ratification of additional international human rights instruments, I wish to highlight that developments on this issue have been captured in paragraphs 43 and 44 of the National Report. However, I would add that the Government would be in a better position to revisit the issue once the existing internal processes on the International Covenant on Economic Social and Cultural Rights (ICESCR) are concluded.

38. With regard to questions by the Netherlands and the United States on the situation of certain minorities, the Government wishes to underscore that in its effort to preserve and enhance national unity and

integration, it has demonstrated openness to consider interpretations of fundamental constitutional and other legal provisions.

39. For example, this approach of tolerance, moderation and understanding is evidenced by among others, the Government's continued financial and material support for the parallel vernacular education system in the country.

40. That notwithstanding, on certain other issues, particularly on the situation of LGBT in Malaysia and the adherents of other Islamic schools of thought, the Government will handle the matter carefully taking into consideration and consistent with cultural traditions, religious doctrines and closely held societal norms and in accordance with our national laws and regulations.

Mr. President,

41. The preceding information is the initial statement of the Malaysian Government on certain key developments in the country during the period under review. My colleagues will provide additional information on specific questions and issues under their purview. We look forward to engaging with other delegations in the interactive dialogue.

Thank you.