**OPENING STATEMENT**

**H.E. DATO’ SERI RAMLAN IBRAHIM**

**SECRETARY GENERAL, MINISTRY OF FOREIGN AFFAIRS OF MALAYSIA**

**UNIVERSAL PERIODIC REVIEW (UPR) OF MALAYSIA**

**(THIRD CYCLE), 8 NOVEMBER 2018**

Good afternoon, salam sejahtera.

Thank you Mr. President, and the troika comprising of Cuba, Nepal, and South Africa, for this constructive dialogue on the human rights situation in Malaysia under the UPR framework. I thank the *113* Member States on the speakers list and those who have submitted their advance questions.

2. I shall now present Malaysia’s report for the 3rd cycle of the Universal Periodic Review (UPR).

*Mr. President,*

*Distinguished delegates,*

3. The coverage of our national report under review is from November 2013 to March 2018. Since then, Malaysia has undergone an unprecedented and peaceful transition of power following the 14th General Elections on 9 May this year. Under this new Government, much is in store in terms of our commitment to uphold in far greater measure values and principles of human rights.

4. After 61 years, Malaysians have enthusiastically embraced change through the ballot box peacefully in order to reboot governance, instil integrity and eradicate corruption.

5. The reform measures of the Government is in tandem with the creation of Malaysia Baharu. A renewed focus on human rights will be firmly espoused at home and in our international engagement. The new Malaysia commits itself to ratifying all remaining core international human rights instruments as stated by the Prime Minister at the 73rd session of the United Nations General Assembly.

6. Malaysia remains a firm proponent of multilateralism and its unwavering support and commitment to the Human Rights Council and the Universal Periodic Review.

7. Malaysia sees the UPR as an exemplification of positive dialogue between friends and as a forum for sharing best practices. The UPR is an avenue for a constructive and frank assessment on our achievements and shortcomings. We value your views on how further improvement could be made in the protection and promotion of human rights.

8. In light of the greater political vigour towards a much more dynamic discourse on human rights issue, it is appropriate that this review of Malaysia is seen in the context of “Embracing Change”.

9. Increasingly, the Malaysian Government attaches great importance on the role of its civil societies and National Human Rights Institution - SUHAKAM and had developed collaborative efforts with them to develop policy responses to questions on human rights.

10. The Minister of Foreign Affairs, the Honourable Dato’ Saifuddin Abdullah, has himself been deeply engaged with SUHAKAM, as well as numerous Malaysian human rights CSOs across the spectrum of civil society. We recognise many of these friends who are present here today in Geneva, as well as those viewing this Session in Malaysia through webcast.

*Mr. President,*

11. Malaysia’s National Report was prepared in an inclusive manner, ensuring full participation of all parties through a series of deliberative multi-stakeholders’ consultation session with our partners – SUHAKAM and Malaysian CSOs.

12. For this presentation, I will only highlight the pertinent points to the respective clusters which have been implemented. I will also touch on some of the questions presented in advance.

13. We admit that there are no easy solutions to the many challenging human rights issues. But we are committed to finding a way forward. It is in this context that we are willing to learn the best practices of countries that are suited to our own needs and situation.

14. In embracing change, a transformative agenda will have to be put in place to trigger the right and positive enablers. This will include greater buy-ins and wider acceptance of new values to support the progressive shift taking place in the country.

**CLUSTER 1 – INTERNATIONAL OBLIGATIONS**

**International Human Rights Instruments**

*Mr. President,*

15. On Cluster 1, the Malaysian Government is committed to accede to the remaining six international human right instruments namely the International Covenant on Civil and Political Rights; the International Covenant for Economic, Social and Cultural Rights; the International Convention on the Prevention of Enforced Disappearance; the Convention Against Torture, the International Convention on the Rights of Migrant Workers and their Families; and the Convention on Elimination of Racial Discrimination. The process towards ratification of these instruments is currently being deliberated extensively with all stakeholders.

16. Malaysia is also considering acceding to the Rome Statute and the internal process on this matter has begun.

**Visits by Special Procedure mandate holders**

17. The Government firmly believes in engagement, complete openness and transparency and for this reason, agreed to the requests for country visits by the Special Procedure Mandate holders during the reporting cycle. In addition, the Special Rapporteur on the Sale and Sexual Exploitation of Children visited Malaysia in September 2018; and the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation will visit Malaysia next week. The Government has also agreed to invite the Special Rapporteur on Extreme Poverty and Human Rights.

**CLUSTER 2 - CIVIL AND POLITICAL RIGHTS**

18. On Cluster 2 with regard to civil and political rights, given the recent developments in Malaysia, this is an area where vibrant political values had expressed itself through political emancipation. Malaysians have exercised better judgment on the various political agenda and narratives presented to them. Their judgement and political maturity prevailed.

19. Under the new Government, ongoing political discourse is robust and healthy. In reflecting this current change, the Public Accounts Committee is now headed by an opposition Member of Parliament. This indicates the Government’s seriousness in ensuring checks and balances in its governing system.

20. The decision to abolish the death penalty and a moratorium on all pending sentences presents a new and fresh narrative on human rights. This is indeed a significant landmark development which will go down in the annals of the country’s human rights records. The amendments to the relevant laws will be tabled in Parliament at the earliest opportunity while a moratorium has now been imposed on death sentences.

21. I hope that this development will be viewed positively as a precursor to all other new human rights developments. The Government is serious in walking the talk on human rights. Furthermore, in safeguarding the freedom of expression and speech, the Government is taking steps to repeal the Anti-Fake News Act and Sedition Act. In the meantime, the Government has made a firm decision to suspend the application of Sedition Act.

22. In order to ensure the emancipation of the press and the informed public could exercise better judgement, the Government has also established a Special Committee to review the provisions of several other laws namely Printing Presses and Publications Act, the Communications and Multimedia Act. At the same time, the suspension of the Security Offences (Special Measures) Act, the Prevention of Crime Act, and the Prevention of Terrorism Act are also being reviewed for the said reason.

**General Elections and Judicial Reform**

*Mr. President,*

23. In the new Malaysia, the supremacy of law is upheld and respected. It has set a level political playing field with democratic values and principles deeply entrenched. It is for this reason that democratic change in Malaysia took place, and where the voice of the people is paramount. The last election also empowered the Government to revamp weak institutions and eliminate excesses and abuses in the interest of creating a much more vibrant and matured democracy, promote good governance and accountability. In a sweeping reform, universal suffrage has been lowered from 21 to 18 years old. This will provide the younger generation with greater political and democratic space in shaping the governance of our country.

24. As part of the reform, the Election Commission has been proposed to be under the supervision of the Parliamentary Select Committee, instead of under the aegis of the Prime Minister’s Office. The composition of the Commission is now constituted by representatives from civil society and headed by a prominent civil rights’ advocate. Transparency and accountability is now central to this new arrangement.

25. In upholding the supremacy of law, the questionable appointment of prominent members of the judiciary would be a thing of the past as the new Government attaches great importance to the independence and invaluable work of the judiciary in upholding the rule of law.

**CLUSTER 3 - ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND THE RIGHTS OF INDIGENOUS PEOPLES**

*Mr. President,*

26. On Cluster 3, inclusivity has always been the core principle of the Government’s distributive economic policy in ensuring the equal participation of all its citizens. The 11th Malaysia Plan further promotes four main thrusts, namely: Enhancing Inclusiveness Towards Equitable Society; Improving Well-being for All; Accelerating Human Capital Development Towards Enhanced Nation; and Re-engineering Economic Growth for Greater Prosperity.

27. However, in its midterm review, the Government has put in place six new pillars namely: i. Reforming governance towards a greater transparency and enhancing the efficiency of public review; ii. Enhancing inclusive development and wellbeing of the people; iii. Pursuing balanced regional development; iv. Empowering human capital; v. Enhancing environmental sustainability through green growth; and vi. Strengthening economic growth.

28. These pillars, among others, are targeted to raise the socio-economic standard of the people and to carry out development programmes, providing infrastructure and utilities to help reduce further the poverty gap.

29. The Government is also committed in ensuring shared prosperity and narrowing the income disparity between the rich and the poor and those between different races and ethnic groups. At the same time, the Government will also ensure that no states, regions and groups will be left behind from mainstream development. This was further amplified in the country’s recent budget.

30. To this end, the Government has re-categorised its poverty eradication programme by expanding the target group to include households which fall within the bottom 40 percent by income (B40). This is done through capacity building, education, entrepreneurship and special programmes for the targeted groups, regardless of ethnicity, gender, socio-economic status and geographic location.

31. During the implementation of the Eleventh Malaysia Plan, the quality of life of the indigenous people has also been elevated. All these have been achieved through income-generating activities, providing modern infrastructure in traditional settlements, education opportunities and medical assistance. These steps are aimed at addressing concerns of the vulnerable and disadvantaged groups. Other programmes include economic-related activities, resettlement initiatives, infrastructure facilities, electricity and treated water supply.

32. For the people of Sabah and Sarawak, who are the indigenous population of the two States, the Eleventh Malaysia Plan emphasises on raising the income of all, reducing income disparity improving rural basic infrastructure, and introducing various programmes to create economic opportunities. In addition, the Federal Government has allocated over RM350 million for measures specific to both states, including native courts, capacity building and native customary land survey programmes.

33. Rural Community Centres have now been established all over Malaysia. In Sarawak, all of these facilities were built at strategic locations in remote areas including for the Penan community. All the centres provide basic and essential facilities to implement programmes by government agencies in a coordinated manner.

34. The Government is working closely with its partners including CSOs in uplifting the wellbeing and addressing the need of indigenous peoples on matters ranging from native land rights to education.

**CLUSTER 4 – VULNERABLE GROUPS**

**Promotion and Protection of the Rights of Children**

*Mr. President,*

35. As a State Party to the Convention on the Rights of the Child (CRC), Malaysia has spared no efforts in ensuring the best interest of the child. Malaysian children are provided with full opportunity to maximize their true potential. In this context, the Government is working progressively towards ensuring the emotional and mental growth as well as their safety are protected at all times.

36. Recently, the State Chief Ministers and the Government agreed for the minimum marriageable age be set at 18 years old.

37. This new Government has also adopted the policy that all newborns in Malaysia, regardless of the nationality or the legal status of their parents, should have access to formal birth registration procedures and birth certificates. Towards this end, the National Registration Department has conducted several programmes including dispatching Mobile Registration Teams to remote areas nationwide for parents to avail to this facility.

**Women empowerment**

*Mr. President,*

38. Since 1989, gender equality and empowerment of the rights of women has been embedded in Malaysia’s long-term strategies and programmes. The National Policy on Women has since been revised and updated. At the same time, under the Eleventh Malaysia Plan, the National Policy on Women and National Action Plan for the Advancement of Women have been further strengthened. For example, Malaysia has exceeded the 30% target by having 35.8% of women in decision making positions in the public sector.

39. With regard to future development of persons with disabilities in Malaysia, this will be undertaken through the adoption of a dual approach, encompassing the Convention on the Rights of Persons with Disabilities (CRPD) as a global mandate and the regional mandate for persons with disabilities in Asia and Pacific region. The Government is fully committed to both mandates.

40. On the rights of persons with disability, Malaysia has shifted from a ‘charity-based approach’ towards a ‘right-based approach’. Such emphasis under the Eleventh Malaysia Plan aims at empowering productive PWDs through the creation of more PWDs friendly physical environment and enhancement of skills and trainings for their increased employability.

41. Towards this end, Malaysia has reviewed and approved the new Plan of Action for Persons with Disabilities for the period of 2016 to 2022.

**CLUSTER 5 - Foreign Workers, Refugees, Asylum Seekers and Trafficking in Persons**

**Protection of the Rights of Migrant Workers**

*Mr. President,*

42. Foreign workers have contributed towards Malaysia’s development. Currently there are about 1.9 million in the country.

43. The Government has recently increased the minimum wage which also applies to foreign workers, and will continue to have periodical review at regular intervals. Concrete steps are also now being undertaken for the rights and welfare of migrant workers to be protected under Malaysian labour laws.

44. In addressing the issue of irregular migration, the Government has formed an independent committee with the aim to provide a way forward on the existing policies and management of foreign workers.

**Management of Refugees and Asylum Seekers**

45. Global migration is a challenge to many countries particularly when it relates to human rights, security and sovereignty issues. However, despite these challenges posing additional burden and constraint to governmental institutions, the Government will look into the 1951 Convention relating to the Status of Refugees.

46. Despite currently not being a State Party to the Refugee Convention, the Government has continuously worked with the office of the UNHCR on humanitarian grounds. There are approximately 160,000 persons of concern in Malaysia, particularly from conflict zones including Syrians, Yemenis and Rohingyas.

47. For those in possession of the UNHCR card in Malaysia, access to local healthcare facilities and institutions is provided. Education is also provided by registered Alternative Learning Centers (ALCs) for children with UNHCR card. The Government has also established a Joint Task Force with the UNHCR, to provide closer cooperation and information sharing to address the challenges on migration management issues in Malaysia.

48. Malaysia’s participation in the New York Declaration on the Global Compact on Refugees manifests its commitment to support the human rights protection of all refugees and migrants, regardless of their status. In this regard, Malaysia looks forward to the adoption on the Global Compact on Refugees expected to take place at the UNGA in 2018.

**CLUSTER 6 - NATIONAL MECHANISMS ON HUMAN RIGHTS**

*Mr. President,*

49. There have been several significant developments on Malaysia’s national mechanisms on human rights, which are covered in Cluster 6 of the report.

50. The Government launched Malaysia’s National Human Rights Action Plan in March 2018, demonstrating our commitment to strengthening human rights implementation. This Plan will be reviewed periodically to remain practical and objective according to the progress of its implementation.

51. With regard to SUHAKAM, its annual report will be debated in both houses of Parliament and appointments of its Commissioners will be approved by a Parliament Committee thus ensuring its independence and its continued compliance with the Paris Principles.

52. At the regional perspective, the Government has pledged to enhance the capacity of the Office of the Malaysian Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR). Going forward, Malaysia shall build on this mechanism as it plays a more prominent role in human rights issues of concern at the regional level.

53. To that end, the appointment of the new Malaysian representative to AICHR will be held in an open and transparent manner allowing us to draw from the widest possible pool of human rights experts to fill this important position.

**CLUSTER 7 – GENERAL RECOMMENDATIONS**

*Mr. President,*

54. Those pertinent points were the key developments in the progress made on implementation of the recommendations received in the second UPR. Malaysia has been, and will continue to be, committed towards making this progress, as we advance and further develop as a nation. We have acknowledged the need to continuously monitor and, where necessary, improve the implementation of these recommendations, so as to ensure the continued enjoyment and exercise of human rights by all persons in Malaysia.

55. But we are also aware of the need, and the expectations for Malaysia to further evolve our approach to the UPR process. And so today, I am proud to announce three key advancements in how Malaysia will undertake the UPR for this 3rd cycle and beyond.

56. First, our efforts to promote and protect human rights will not stop at those recommendations which the previous Government had accepted in the 2nd cycle. We have taken a fresh look at the recommendations which Malaysia had only noted in previous cycles, and we believe there is ample room for us to progress in this direction. As I have elaborated earlier, Malaysia has implemented several recommendations which were problematic before.

57. Moving forward, we will keep this UPR process continuously under our close scrutiny by increasing the regularity of our internal monitoring and reporting mechanisms. Even though a State is under review once every five years or so, it should not mean that the resultant processes should happen just as frequently. Accordingly, Malaysia will now conduct half-yearly reviews to keep track of the progress on implementation of UPR recommendations. We believe that this move will provide us with more opportunities to take stock of our efforts and identify responses to challenges that may arise.

58. To that end, we have already set in motion a calendar for half-yearly meetings to be held between the main stakeholders from both the government and CSOs side to monitor the progress in implementing the agreed and accepted recommendations from this Cycle. In fact, our first meeting is expected to take place after we return to Malaysia whereby all parties concerned will go through the recommendations put forth today with a view of taking it forward.

59. A sense of ownership for the final UPR report will therefore be shouldered by all parties and stakeholders. This is a marked departure from the previous approach. The Government will constructively engage with the CSOs concerned from the very outset to jointly achieve a higher standard of human rights in the country. So, Ladies and Gentlemen, our task begins the moment we arrive home.

60. Thirdly, we will institutionalise collaboration and engagement with our national human rights institution and our civil society stakeholders, towards achieving a more effective UPR process. The Minister of Foreign Affairs had personally directed and supervised a working group to develop a cross-cutting database, which will not only encompass the UPR recommendations and the status of implementations, but also draws from the Sustainable Development Goals, relevant treaty body mechanisms and special procedures. It is being built, and will be continuously reviewed, with the direct involvement of SUHAKAM, the UN Country Team, and a cross-section of Malaysian human rights CSOs. We firmly believe that this will place Malaysia in a much better position to evaluate our human rights performance through a broad set of indicators.

61. Let me take this opportunity to underscore the personal commitment that Foreign Minister of Malaysia Saifuddin Abdullah had made towards ensuring a successful UPR for Malaysia. He being the Secretary-General of the Alliance of Hope, had pushed for Malaysia’s UPR to be a key element of the election manifesto.

62. Before I conclude, let me assure the Member States that under the new Government, the work towards substantial promotion and protection of human rights has begun in earnest. Admittedly, there will be unsurmountable challenges, but it would not dampen our collective will and firm commitment to embrace change.

63. For this, we will actively work and engage with all Member States, the UN mechanisms and CSO stakeholders in fostering and strengthening human rights values and principles in this new Malaysia.

64. It is in this context that we make this presentation as the State under Review and welcome you as partners in this process.

65. On that note Mr. President, permit me to cede the floor for our interactive dialogue. I would very much welcome comments, views and recommendations within the context of our common desire to move forward the human rights agenda in Malaysia.

Thank you, terima kasih.

**CLOSING STATEMENT**

**H.E. DATO’ SERI RAMLAN IBRAHIM**

**SECRETARY GENERAL, MINISTRY OF FOREIGN AFFAIRS OF MALAYSIA**

**UNIVERSAL PERIODIC REVIEW (UPR) OF MALAYSIA**

**(THIRD CYCLE), 8 NOVEMBER 2018**

*Mr. President,*

1. Malaysia appreciates the opportunity to engage with the international community in a constructive and consolidated manner on how best to promote and protect human rights.

2. To this end, I wish to express my thanks for the questions, recommendations, observations, including the constructive views and comments put forward and the sharing of experiences in improving the human rights situation in our respective countries.

3. Malaysia has taken this review exercise very seriously and with an open mind. We are convinced that this process, conducted as it was in the spirit of collegiality and goodwill, has laid a good foundation for the further enhancement and protection of human rights and fundamental freedoms internationally.

4. Malaysia, has participated in this process with the aim of sharing its experiences, challenges, new developments and certain fundamental viewpoints relating to the promotion and protection of human rights.

5. While we acknowledge that there are certain areas which require more attention and action, rest assured that the various comments, suggestions and recommendations made during the interactive dialogue have been duly noted and will be given full consideration by the Government.

*Mr. President,*

6. Before concluding, I wish to also recognise and pledge my delegation’s fullest cooperation to the delegations of Cuba, Nepal and South Africa which have been appointed as the Troika to facilitate Malaysia’s review.

7. Allow me once again, on behalf of my delegation, to thank you Mr. President for ably leading this meeting and to thank all delegations who have contributed to Malaysia’s review today.

I thank you, Mr. President.