

Good morning. My name is thilaga, and my pronouns are they/them. My intervention will focus on gender equality and SOGIESC.

Malaysia has made some progress on gender equality, although, critical gaps remain. While the Federal Constitution protects 'gender' as a ground of discrimination following the ratification of CEDAW, its understanding and application remain binary and essentialist. Malaysia still maintains several reservations and has not ratified Optional Protocols. CEDAW has yet to be domesticated into national laws. A gender equality bill kickstarted in 2019, has been stalled due to concerns over the use of 'gender'.

We recommend that Malaysia maintains the gender equality bill titled as is and includes protected characteristics guided by Article 2 and General Recommendation 28 of CEDAW to ensure protection for persons of all genders.

Freedom of religion and belief in Malaysia has declined with increased persecution and declaration of minority religious sects as deviant groups. While Syiah believers were declared a deviant sect in 2013, the Ahmadiyya community was declared as being outside the fold of Islam in 2018. Both communities, however, continue to be subjected to raids and arrests by state Islamic departments.

The Syariah Criminal Enactments, enacted at the state level criminalizes and imposes punitive measures against a range of behavior deemed as immoral, including exposure of modesty, not fasting during Ramadhan, pre-marital or extra-marital sex for Muslim persons. In some states, these laws are strengthened by by-laws, and are applied to persons regardless of religious background. Together they have a negative impact on the livelihoods of ordinary citizens, who have been subjected to arrests and fines for selling food during the Ramadhan, for providing haircuts to persons of different genders from theirs, wearing 'inappropriate' clothes in their own shops.

Both CEDAW and CRC committees have recommended Malaysia to take effective measures to ensure that civil law and Syariah law are in full compliance with CEDAW at all levels. and removing inconsistencies between the two legal systems by conducting an international comparative study on its implications. However, these have yet to be implemented. We urge the government to implement the CEDAW concluding observations and ensure all laws, including syariah laws are human rights compliant. We also urge the government to increase capacity on human rights among state actors, namely state religious actors.

The human rights of LGBTIQ and gender-diverse persons are at an all-time low given the increasing and intense state-sponsored anti-LGBT efforts through criminalization, conversion practices, censorship, the introduction of guidelines to regulate trans people's access to religious spaces and performers based on their SOGIE or LGBT activism, surveillance and raids of LGBT events, and investigation of rally organizers and those who defend the rights of LGBT people in offline and online spaces. This is exacerbated by exclusionary statements by state actors to appease religious conservatives, which in turn contributes to an environment of impunity and increased trust deficit in public institutions.

In the last 5 years, at least 8 new anti-LGBT state Syariah laws have been introduced, bringing it to a total of 52 anti-LGBT laws at the state level. This is in spite of court decisions declaring similar laws unconstitutional. According to state reports, at least 2,000 people have participated in its conversion camps, with at least 220 having attended the camps this year. The state provides financial incentives to aid SOGIE-change and supports at least 12 ex-LGBT groups. Through its promotion of conversion practices, new so-called psychospiritual therapeutic methods, built on the false and harmful notion that LGBT people are morally and spiritually corrupt, have been developed and are being practised in hospitals to return LGBT people to the right path. Human rights defenders and others who question these harmful practices face threats from state and non-state actors.

This level of distortion of facts and misuse of religion is not just a threat to LGBTQ people, but it is also a fundamental threat to democracy as evidenced by growing polarization in Malaysia through the exploitation of LGBTphobia, 'liberalism', and human rights.

Our studies have found low levels of self-acceptance, internalized shame and guilt among LGBT people, and a correlation between the promotion of conversion practices and SOGIE-change pressure on LGBT people. Trans women have reported changing their gender identity and expression to avoid arrest and discrimination, and simply access opportunities.

Our studies also show increased self-censorship, strain on mental health, discrimination with impunity, and desire to migrate and seek asylum due to the intense structural and systemic discrimination against LGBTQ people. Despite this, the state maintains that LGBT people are treated equally and have access to rights under the Federal Constitution, completely failing to see the correlation between the state's anti-LGBT efforts and its impact on our ability to access employment, healthcare services, redress, practice religion, and most importantly to live with dignity as equal members of society.

To that end, we urge the government to strengthen capacity among state actors on human rights, gender, and diversity, immediately end all forms of criminalization, conversion practices or LGBT rehabilitation programmes, censorship, and regulations of all areas of LGBTIQ people's lives in line with international human rights law.