Malaysia
Mid-term Implementation Assessment

UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW
1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, UPR Info seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, UPR Info invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, UPR Info publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up’s importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, UPR Info is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR’s follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 15 February 2012
Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/malaysia

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

8 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. The domestic NHRI was contacted as well.

1 NGO responded to our enquiry. The State under Review did not respond to our enquiry. The domestic NHRI responded to our enquiry.

IRI: 24 recommendations are not implemented, 53 recommendations are partially implemented, and 23 recommendations are fully implemented. No answer was received for 29 out of 147 recommendations.

2. Index

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3. Feedbacks on recommendations

Recommendation n°1: Strengthen the monitoring mechanism at the federal and district level to ensure that the programmes on poverty eradication reach the intended target group. (Recommended by Algeria).

**HRMC response:**
The Commission commends the Government for its efforts and commitment to reducing poverty and eradicating hardcore poverty in Malaysia. The Commission supports the Government Transformation Programme, an effort by the current Prime Minister’s administration, under which six National Key Result Areas (NKRA) have been identified, which include raising the living standards of low income households. The Government, through various agencies has put in place a number of programmes which seek to address the issue of poverty. They include:

- 1 AZAM Programme which seeks to increase income generation of low income households;
- E-Kasih system, which is a registry system that keeps a database of poor households for the purpose of planning, implementing and monitoring programmes related to poverty reduction.

As of 31 December 2010, the Government has succeeded in reducing the number of registered hardcore poor households by 99.8 percent which is equivalent to 44,535 households. Conversely, the number of poor households has increased from approximately 210,000 households in 2007 to approximately 228,000 households in 2009. The increase is however, believed to be attributed to the global economic crisis. The Commission hopes that the Government will continue prioritizing and eradicating hardcore poverty and poverty in the country and maintain its course in the implementation of effective programmes to ensure that such goals are met.

**Malaysian Bar Council (MBC) response:**
UNDP mid-term review study shows that overall MDG goals have been met. However disaggregated data shows that the situation in Sabah has deteriorated.

**Recommendation n°2:** Continue to spearhead progress towards gender equality and development for women, in particular by giving due consideration to the recommendations of the Inter-agency Committee coordinated by the Ministry of Women, Family and Development regarding the compliance of Malaysia with the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination Against Women and the withdrawal of its reservations to both conventions (Recommended by Algeria).

**HRMC response:**
In addition to the Government’s effort to ratify the OP to CRC and CEDAW, the Commission also notes the Government’s measures in supporting women’s participation in the work force through the following:
• Enforcement of Work Regulations (Part-time Workers) 2010 under the Employment Act 1955 to provide flexible working arrangements;
• Providing training to develop women entrepreneurs;
• Continued effort to mainstream the interests and concerns of women, children and PWDs at all levels through policy formulation and programme planning and legislation;
• Appointment of two female Sharia judges in May 2010;
• Establishment of a Special Committee chaired by the Minister of Women, Family and Community Development to implement gender sensitization programmes in the public sector towards enhancing women’s representation in key decision-making positions within the parliament, state legislative assemblies, judiciary and ministries;
• Introduction of guidelines to address sexual harassment issues in the workplace and the possibility for the guideline to be made compulsory for employers’ adoption and implementation;
• Increased maternity leave facility for female government servants with the flexibility to self-determined full-paid maternity leave, not exceeding 90 days from the previous 60 days;
• Continued measures to increase the female labour force participation rate.

The Commission welcomes the initiative by the Government to boost the appointment of women as members of board of directors in the private sector. In the recently launched New Corporate Governance Blueprint 2011, companies are recommended to put in place a policy that would ensure that women candidates are sought as board members, thus reflecting the Government’s commitment in bridging the enormous gender gap in the composition of board members in Malaysia. Currently, women make up only 8.2% of all directors on boards of listed companies. In this regard, the Commission fully supports such measures and hopes that Government and relevant actors would take the necessary steps to ensure that the goal of reaching 30% women participation on boards by 2016 is achieved.

The Commission also echoes the proposal of the Government to enact a Gender Equality Act in Malaysia. The Commission deems it as another step forward to enhance women’s rights and gender equality in the country following its amendment made to Article 8(2) of the Federal Constitution to include ‘gender’ as one of the prohibited grounds for discrimination in 2001. It is the Commission’s hope that the proposed Gender Equality Act would be drafted based on broad consultation with relevant stakeholders and is in compliance with fundamental human rights principles, particularly CEDAW.

Noting the Government’s initiative in addressing sexual harassment issues at the workplace, the Commission recommends the Government to:
• consider the enactment of an effective legislation on sexual harassment;
• review the Employment Act 1955, in particular, its scope of application and protective measures in tackling sexual harassment issues. The Act basically outlines the general conditions on employer/employee relationship but excludes a significant group of employees such as contract workers and domestic workers.
• implement effective training and rehabilitation programmes to prevent occurrence of sexual harassment in the workplace.

In respect of child rights, the Commission welcomes the Government for the positive moves it has made. They include:
• Formulation of the Child Protection Policy to ensure protection of the child from all forms of violence, abuse, neglect and exploitation.
• Introduction of an alert system namely “National Urgent Response (NUR) Alert (NUR 15999) and a dedicated line for children namely “Childline 15999” for the purpose of child abuse reporting;
• Establishment of shelter home which provides basic needs for the rescued street children in Menggatal, Sabah;
• Conduct of a study on street children in Sabah, particularly in the area of Kota Kinabalu.

The Commission further recommends the Government to strengthen its mechanisms to safeguard the basic rights of women and children in the vulnerable groups (eg. PWDs, Indigenous Peoples, migrant workers, refugees and asylum seekers as well as those placed in detention centres) by ensuring the realisation of their rights in social and health services, education and adequate legal protection measures.

The Commission records its appreciation to the Government particularly the Ministry of Women, Family and Community Development (MWFCD), for appointing the Commission as members to the National Advisory and Consultative Council for Children and National Advisory and Consultative Council for the Elderly. With these memberships, the Commission believes that it could play a greater role to ensure the rights and welfare of children and the elderly are safeguarded in the developmental agenda of the nation.

The Commission is further pleased with MWFCD’s decision to appoint the Commission as a member that attends the meetings of the National Council for Persons with Disabilities (NCPWD), a national body responsible for monitoring the country’s implementation of its obligations under the newly ratified Convention – CRPD. [...] 

**MBC response:**
Government has withdrawn some reservations to CEDAW and CRC.

**Recommendation n°3: Continue to take effective policies to ensure adequate housing for all citizens and in particular for those in the lower income bracket (Recommended by Algeria).**

IRI: fully implemented

+ **Recommendation n°8: Continue its efforts to provide adequate housing and an adequate standard of living for all (Recommended by Bahrain).**

IRI: fully implemented

**HRMC response:**
The Commission commends the Government for its commitment to improving rural basic infrastructure, which has been identified as one of the Government’s six National Key Result Areas (NKRA) under Malaysia’s Government Transformation Plan. Under this NKRA, an amount of RM1.32 billion has been allocated by the Government to provide 50,000 new and restored houses to the rural communities and to the hardcore poor by 2012. Approximately 33,333 of these houses will be
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constructed in the states of Sabah and Sarawak, where most of the poor and hardcore poor are located.

The Government has also introduced the Public Housing Programme (Program Perumahan Rakyat) and the Kuala Lumpur City Hall Public Housing Programme (Program Perumahan Awan DBKL), which seek to provide affordable housing for low-income households.

In the 2011 National Budget, the Government announced that RM568 million will be allocated to build 300 housing units under the Urban Housing Assistance Project, 79,000 units under the People’s Housing Programme and 8,000 units under the Rental House Assistance Project. An additional allocation of RM50 million has also been set aside to assist estate workers to own a house under the Low Cost Housing Fund Scheme.

The Government also launched the “My First Home Scheme” in March 2011 providing an opportunity to those under the age of 35 earning not more that RM3,000 a month to own their first house.

The Commission views these efforts by the Government as positive steps in ensuring the right to housing for the population of Malaysia. The Commission hopes that the Government will continue with its policy that aims to provide adequate, affordable and safe houses to all Malaysians including the low-income groups.

In addressing issues concerning economic, social and cultural rights as a whole, the Commission strongly recommends that the Government ratify the International Covenant on Economic, Social and Cultural Rights.

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Description</th>
<th>IRI Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>n°46</td>
<td>Continue to undertake the appropriate steps in view of considering the ratification of the international human rights instruments mentioned in paragraph 23 of the national report International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights, Convention Against Torture and Convention on the Elimination of All Forms of Racial Discrimination (Recommended by Algeria).</td>
<td>IRI: fully implemented</td>
</tr>
<tr>
<td>n°26</td>
<td>Become a party to the ICCPR, ICESCR, CERD, and CAT (Recommended by Canada).</td>
<td>IRI: not implemented</td>
</tr>
<tr>
<td>n°48</td>
<td>Sign and ratify core international human rights instruments CAT, CERD, CCPR and CESCR (Recommended by Finland).</td>
<td>IRI: not implemented</td>
</tr>
<tr>
<td>n°87</td>
<td>Facilitate attempts indicated in the report to the UPR procedure in order to ratify the core human rights instruments, in particular ICCPR and ICESCR (Recommended by Lithuania).</td>
<td>IRI: fully implemented</td>
</tr>
</tbody>
</table>
Recommendation n°21: Consider positively accession to international human rights treaties, particularly ICCPR, ICESCR, ICRMW and ILO Convention 169 on indigenous peoples and tribes (Recommended by Mexico).

IRI: partially implemented

Recommendation n°108: favourably consider becoming a party to the ICCPR, ICESCR, CAT and CERD (Recommended by the Republic of Korea).

IRI: fully implemented

Recommendation n°118: Speed up its considerations over the signature and ratification of the international human rights covenants (Recommended by Turkey).

IRI: -

HRMC response:
The Commission further welcomes the Government’s initiative in establishing a Technical Sub-Committee to study four main international human rights treaties in its consideration to accede to the core human rights treaties. They include:
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

MBC response:
Government has formed 4 technical working committees, each focusing on the possibility of acceding to the 4 instruments.

Recommendation n°5: Pursue the ongoing reforms aimed at restoring public confidence in the judiciary (Recommended by Algeria).

IRI: fully implemented

Recommendation n°21: Continue its judicial reforms, including by strengthening the independence of the judiciary (Recommended by Canada).

IRI: fully implemented

Recommendation n°147: Continue with the positive steps it has taken in the implementation of the Bangalore Principles of Judicial Conduct (Recommended by Zimbabwe).

IRI: fully implemented

HRMC response:
The Commission welcomes several encouraging reforms and improvement in the judiciary. They include:
- Establishment of the Judicial Appointments Commission (JAC) in February 2009, to provide a more transparent mechanism in appointing judges.
- Establishment of a Special Committee to refine Shariah system;
• Introduction of human rights subjects in the training programmes conducted by the Judicial and Legal Training Institute (ILKAP) for the judicial officers, public prosecutors, the Police and social workers involve in cases of children;
• Mechanisms to avoid delays in court cases, such as pro-forma judgments.

As follow-up to the Colloquium on Human Rights for the Judiciary it held in collaboration with the judiciary in 2009, the Commission looks forward to a closer engagement with the judiciary to promote integration of international human rights principles into judicial system.

The Commission is also in the midst of pursuing an amicus curiae role within the memberships, the Commission believes that it could play a greater role to ensure the realisation of their rights in safeguard the basic rights of women and children in the vulnerable groups (eg. those placed in detention centres) by ensuring the protection of women and children.

Recommendation n°97: Continue its efforts in finding ways to improve the protection of children victims of abuse and to enhance family institutions and reinforce moral values as an effective mean to promote and protect child rights (Recommended by Bahrain).

IRI: partially implemented

Recommendation n°95: Continue to organize training programmes for parental competencies targeted to the general public to ensure the well-being of children (Recommended by Morocco).

IRI: partially implemented

HRMC response:
In respect of child rights, the Commission welcomes the Government for the positive moves it has made. They include:
• Formulation of the Child Protection Policy to ensure protection of the child from all forms of violence, abuse, neglect and exploitation.
• Introduction of an alert system namely “National Urgent Response (NUR) Alert (NUR 15999) and a dedicated line for children namely “Childline 15999” for the purpose of child abuse reporting;
• Establishment of shelter home which provides basic needs for the rescued street children in Menggatal, Sabah;
• Conduct of a study on street children in Sabah, particularly in the area of Kota Kinabalu.

The Commission further recommends the Government to strengthen its mechanisms to safeguard the basic rights of women and children in the vulnerable groups (eg. PWDs, Indigenous Peoples, migrant workers, refugees and asylum seekers as well as those placed in detention centres) by ensuring the realisation of their rights in social and health services, education and adequate legal protection measures.

The Commission records its appreciation to the Government particularly the Ministry of Women, Family and Community Development (MWFCD), for appointing the Commission as members to the National Advisory and Consultative Council for Children and National Advisory and Consultative Council for the Elderly. With these memberships, the Commission believes that it could play a greater role to ensure the
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rights and welfare of children and the elderly are safeguarded in the developmental agenda of the nation.

**Recommendation n°9: Step up its efforts to enhance women’s participation at the decision-making level in both public and private sectors in line with the progress made in women’s education** (Recommended by Bangladesh).  
**IRI: partially implemented**

**Recommendation n°13: Continue to take measures to protect the rights of women, children and people with disabilities** (Recommended by Belarus).  
**IRI: partially implemented**

**HRMC response:**

In addition to the Government’s effort to ratify the OP to CRC and CEDAW, the Commission also notes the Government’s measures in supporting women’s participation in the work force through the following:

- Enforcement of Work Regulations (Part-time Workers) 2010 under the Employment Act 1955 to provide flexible working arrangements;
- Providing training to develop women entrepreneurs;
- Continued effort to mainstream the interests and concerns of women, children and PWDs at all levels through policy formulation and programme planning and legislation;
- Appointment of two female Sharia judges in May 2010;
- Establishment of a Special Committee chaired by the Minister of Women, Family and Community Development to implement gender sensitization programmes in the public sector towards enhancing women’s representation in key decision-making positions within the parliament, state legislative assemblies, judiciary and ministries;
- Introduction of guidelines to address sexual harassment issues in the workplace and the possibility for the guideline to be made compulsory for employers’ adoption and implementation;
- Increased maternity leave facility for female government servants with the flexibility to self-determined full-paid maternity leave, not exceeding 90 days from the previous 60 days;
- Continued measures to increase the female labour force participation rate.

The Commission welcomes the initiative by the Government to boost the appointment of women as members of board of directors in the private sector. In the recently launched New Corporate Governance Blueprint 2011, companies are recommended to put in place a policy that would ensure that women candidates are sought as board members, thus reflecting the Government’s commitment in bridging the enormous gender gap in the composition of board members in Malaysia. Currently, women make up only 8.2% of all directors on boards of listed companies. In this regard, the Commission fully supports such measures and hopes that Government and relevant actors would take the necessary steps to ensure that the goal of reaching 30% women participation on boards by 2016 is achieved.

The Commission also echoes the proposal of the Government to enact a Gender Equality Act in Malaysia. The Commission deems it as another step forward to enhance women’s rights and gender equality in the country following its amendment
made to Article 8(2) of the Federal Constitution to include ‘gender’ as one of the prohibited grounds for discrimination in 2001. It is the Commission’s hope that the proposed Gender Equality Act would be drafted based on broad consultation with relevant stakeholders and is in compliance with fundamental human rights principles, particularly CEDAW.

The Commission is further pleased with MWFCD’s decision to appoint the Commission as a member that attends the meetings of the National Council for Persons with Disabilities (NCPWD), a national body responsible for monitoring the country’s implementation of its obligations under the newly ratified Convention – CRPD. The Commission sees its participation in the NCPWD’s meetings as a potential avenue contributing to its independent monitoring role as set forth in Article 33.2 of the CRPD. Nevertheless, in accepting the Ministry’s invitation to the meetings, the Commission is also mindful of its role as an NHRI and will continue to maintain its independence as required by the Principles Relating to the Status of National Institutions (Paris Principles).

Recommendation n°10: Continue its effort to protect the rights and interests of foreign workers (Recommended by Bangladesh).

IRI: fully implemented

HRMC response:
The Commission further recommends the Government to strengthen its mechanisms to safeguard the basic rights of women and children in the vulnerable groups (eg. PWDs, Indigenous Peoples, migrant workers, refugees and asylum seekers as well as those placed in detention centres) by ensuring the realisation of their rights in social and health services, education and adequate legal protection measures.

MBC response:
Government has passed amendments to the Employment Act to state that outsourced foreign workers are employees of outsourcing companies.

Recommendation n°11: Share its experiences and best practices in poverty alleviation with other developing countries (Recommended by Bangladesh).

IRI: -

Recommendation n°38: Continue positive efforts directed at eradicating poverty (Recommended by Cuba).

IRI: fully implemented

Recommendation n°98: Share its experience with other developing countries in the area of poverty eradication, in particular, urban poverty (Recommended by Myanmar).

IRI: -

Recommendation n°120: Continue to enhance its activities towards the eradication of poverty in all its states and share its experiences with other countries (Recommended by Turkey).

IRI: fully implemented
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<table>
<thead>
<tr>
<th>Recommendation n°130: Share its experience and good practices with other developing countries with respect to poverty eradication (Recommended by United Arab Emirates).</th>
<th>IRI: -</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendation n°138: Share its experience and best practices with other developing countries in the area of poverty eradication, in particular between the rural and urban population (Recommended by Uzbekistan).</td>
<td>IRI: -</td>
</tr>
<tr>
<td>Recommendation n°142: Share with the international community its experiences in national development and poverty reduction (Recommended by Viet Nam).</td>
<td>IRI: -</td>
</tr>
<tr>
<td>Recommendation n°83: Share its experiences and best practices with other countries in the area of poverty eradication, especially in developing small and medium-sized enterprises (Recommended by Laos).</td>
<td>IRI: -</td>
</tr>
</tbody>
</table>

**HRMC response:**
The Commission commends the Government for its efforts and commitment to reducing poverty and eradicating hardcore poverty in Malaysia. The Commission supports the Government Transformation Programme, an effort by the current Prime Minister’s administration, under which six National Key Result Areas (NKRA) have been identified, which include raising the living standards of low income households.

The Government, through various agencies has put in place a number of programmes which seek to address the issue of poverty. They include:

- 1 AZAM Programme which seeks to increase income generation of low income households;
- E-Kasih system, which is a registry system that keeps a database of poor households for the purpose of planning, implementing and monitoring programmes related to poverty reduction.

As of 31 December 2010, the Government has succeeded in reducing the number of registered hardcore poor households by 99.8 percent which is equivalent to 44,535 households. Conversely, the number of poor households has increased from approximately 210,000 households in 2007 to approximately 228,000 households in 2009. The increase is however, believed to be attributed to the global economic crisis.

The Commission hopes that the Government will continue prioritizing and eradicating hardcore poverty and poverty in the country and maintain its course in the implementation of effective programmes to ensure that such goals are met.

**Recommendation n°12: Work more actively to accede to the core international human rights instruments (Recommended by Belarus).** IRI: partially implemented
HRMC response:
The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:
• Withdrawal of the reservations to Articles 1, 13 and 15 of the Convention on the Rights of the Child (CRC) in 2010.
• Ongoing studies on the remaining reservations to Articles 2, 7, 14, 28(1)(a) and 37 of the CRC
• Possibility of the ratification of the Optional Protocol (OP) to CRC on the involvement of children in armed conflict (OP-CRC-AC) and Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC).
• Withdrawal of the reservations to Articles 5(a), 7(b) and 16(2) of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2010.
• Further studies on the Optional Protocol to CEDAW (OP-CEDAW).
• Ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in 2010.

The Commission further welcomes the Government’s initiative in establishing a Technical Sub-Committee to study four main international human rights treaties in its consideration to accede to the core human rights treaties. They include:
• International Covenant on Civil and Political Rights (ICCPR)
• International Covenant on Economic, Social and Cultural Rights (ICESCR)
• Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
• International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Whilst the Commission welcomes these positive steps undertaken by the Government, it also hopes that the Government will speed up its effort towards the accession of all the core international human rights instruments and withdrawal of the remaining reservations it has made to CRC, CEDAW and CRPD.

The Commission refers to Paragraphs 21 and 22 of the CRC Committee report CRC/C/MYS/CO/1, which took cognizant of the independent monitoring role of the Commission in observing the implementation of the CRC at national and local levels. The Commission, therefore, calls upon the Government to consider the justification papers it has submitted to the Government concerning the ratification of OP-CRC-SC and OP-CEDAW in 2010. The Commission looks forward to continue working closely with the Government in the implementation of international human rights standards at the domestic level.

MBC response:
Government has formed 4 technical working committees, each focusing on the possibility of acceding to ICCPR, ICESCR, CERD and CAT.
Recommendation n° 14: Continue to take measures to ensure that the rights of migrants are observed and not to allow any negative phenomena related to migration, including trafficking in persons (Recommended by Belarus).

IRI: fully implemented

HRMC response:

The Commission welcomes the Government’s initiative in introducing the National Strategic Plan on Anti-Trafficking in Persons (2010-2015), which the Commission was involved in the drafting process, in its capacity as one of the members of the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO). It is the Commission’s hope that the objectives of the Strategic Plan will be achieved within the timeline set.

The Commission appreciates the Government’s continuous efforts to eliminate human trafficking and all forms of exploitation of both locals and foreigners, in particularly its extensive enforcement of the Anti-Trafficking in Persons Act 2007 (ATIP Act).

While the Commission welcomes the Government’s amendments to the ATIP Act which entered into force on 15 November 2010, it is concerned with the inclusion of ‘human smuggling’ element in the amended ATIP Act. The Commission is of the view that trafficking in persons and smuggling of migrants should be treated as separate issues so as to avoid confusion and problem in identifying victims of human trafficking as smuggled migrants which could lead to human rights violations, since trafficked persons are victims of exploitation while smuggled persons are violators of immigration law.

The Commission took note of the Report of the Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ngozi Ezeilo, and the Government’s response to the communication sent by Special Rapporteur concerning the amendments to the ATIP Act. The Government stated its full awareness of the difference between the crime of trafficking in persons and that of the smuggling of migrants. It also noted that crime of trafficking contains the element of exploitation; the non-requirement of illegal border crossing and the fact that victims of trafficking are treated as commodities. On the other hand, smuggling of migrants is identified mainly from the non-existence of the element of exploitation; the involvement of illegal border crossing and the fact that the smuggled migrants have paid for the illegal passage and are considered clients of the smugglers.

The Commission also welcomes various measures undertaken by the Government to avoid misidentification of trafficked persons as irregular migrants. They include: providing training courses for prosecutors and enforcement agencies as well as the development of a Standard Operating Procedures.

The Commission commends the Government for the protection it accords to the trafficked victims through providing shelter homes, counselling and medical treatment to the victims. In its response to the Commission’s Annual Report 2010, the Government informed the Commission that, thus far, six shelter homes are
operational while the Government is studying the possibility of gazetting trafficking shelters provided by NGOs.

**MBC response:**
Government has passed amendments to the Employment Act to state that outsourced foreign workers are employees of outsourcing companies.

**Recommendation n°15: Withdraw its reservations to CRC (Recommended by Belgium).**  
**IRI: partially implemented**

**HRMC response:**
The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:
- Withdrawal of the reservations to Articles 1, 13 and 15 of the Convention on the Rights of the Child (CRC) in 2010.
- Ongoing studies on the remaining reservations to Articles 2, 7, 14, 28(1)(a) and 37 of the CRC
- Possibility of the ratification of the Optional Protocol (OP) to CRC on the involvement of children in armed conflict (OP-CRC-AC) and Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC).

**MBC response:**
Government has withdrawn some reservations.

**Recommendation n°16: Recommended the accession to the ICCPR, ICESCR (Recommended by Belgium).**  
**IRI: not implemented**

**HRMC response:**
The Commission further welcomes the Government’s initiative in establishing a Technical Sub-Committee to study four main international human rights treaties in its consideration to accede to the core human rights treaties. They include:
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

**MBC response:**
Government has formed 4 technical working committees, 2 of which will focus on the possibility of acceding to the ICCPR and ICESCR.

**Recommendation n°17: The accession to the Convention on the Status of Refugees and its Additional Protocol of 1967 (Recommended by Belgium).**  
**IRI: not implemented**

**MBC response:**
Government continues to refuse to accede.
Recommemdon n°18:  *Take concrete measures to address the absence of adequate infrastructure for the reception, registration and housing of refugees and asylum seekers* (Recommended by Belgium).

IRI: *partially implemented*

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Recommemdon n°67:  *Enact legislation providing for the status determination and protection of asylum seekers, refugees and stateless persons and revise national immigration laws and procedures to distinguish such persons from those termed irregular migrants* (Recommended by Israel).

IRI: *partially implemented*

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Recommemdon n°100:  *Develop with UNHCR an administrative framework to distinguish refugees and asylum seekers from irregular migrants and apply international standards for the treatment of foreign nationals* (Recommended by the Netherlands).

IRI: *partially implemented*

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**MBC response:**

Government has commenced biometric registration of refugees and asylum seekers registered with the UNHCR.

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Recommemdon n°19:  *Continue to carry out comprehensive reviews and studies on its existing legislation and level of preparedness, moving towards accessions of international human rights instruments as it deems appropriate, in the context of its institutional and legal framework, resources, and national priorities* (Recommended by Bhutan).

IRI: *fully implemented*

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**HRMC response:**

The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:

- Withdrawal of the reservations to Articles 1, 13 and 15 of the Convention on the Rights of the Child (CRC) in 2010.
- Ongoing studies on the remaining reservations to Articles 2, 7, 14, 28(1)(a) and 37 of the CRC
- Possibility of the ratification of the Optional Protocol (OP) to CRC on the involvement of children in armed conflict (OP-CRC-AC) and Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC).
- Withdrawal of the reservations to Articles 5(a), 7(b) and 16(2) of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2010.
- Further studies on the Optional Protocol to CEDAW (OP-CEDAW).

The Commission further welcomes the Government’s initiative in establishing a Technical Sub-Committee to study four main international human rights treaties in its consideration to accede to the core human rights treaties. They include:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
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- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Whilst the Commission welcomes these positive steps undertaken by the Government, it also hopes that the Government will speed up its effort towards the accession of all the core international human rights instruments and withdrawal of the remaining reservations it has made to CRC, CEDAW and CRPD. The Commission refers to Paragraphs 21 and 22 of the CRC Committee report CRC/C/MYS/CO/1, which took cognizant of the independent monitoring role of the Commission in observing the implementation of the CRC at national and local levels. The Commission, therefore, calls upon the Government to consider the justification papers it has submitted to the Government concerning the ratification of OP-CRC-SC and OP-CEDAW in 2010. The Commission looks forward to continue working closely with the Government in the implementation of international human rights standards at the domestic level.

MBC response:
Government has announced its intention to accede to the Rome Statute, which will entail some amendments to existing legislation. Government has also announced a Peaceful Assembly Bill to regulate the holding of public assemblies, and which will involve amending the existing Police Act.

Recommendation n°20: Continue to carry out further measures to reduce poverty and redouble its efforts to strengthen relations and harmony between the different races in the country (Recommended by Cambodia).

IRI: partially implemented

MBC response:
Government has introduced some income support initiatives in Budget 2012.

Recommendation n°22: Repeal or amend the Internal Security Act and the Emergency Public Order and Preventive Ordinance in accordance with its international human rights obligations, and in the meantime refrain from applying them to political activists, journalists or others engaged in peaceful activities (Recommended by Canada)

IRI: not implemented

Recommendation n°65: Abrogate or amend legislation, such as the Internal Security Act ISA, that restricts fundamental freedoms in the name of national security or the economic life of the state, fosters the arbitrary arrest and detention of persons without granting access to judicial review, hinders the right to a fair trial, and acts to repress the free expression of human rights defenders and other members of civil society (Recommended by Israel).

IRI: not implemented

Recommendation n°70: Consider amending the Internal Security Act and bring domestic security legislation in line with international human rights standards,
including through increasing legal safeguards of detainees and abolishing the practice of long detention without trial (Recommended by Italy).

IRI: partially implemented

**HRMC response:**
The Commission welcomes the announcement by the Government to review several pieces of legislation that are not in compliance with human rights principles, namely:
- Internal Security Act (ISA) 1960;
- Emergency (Public Order and Prevention of Crime) Ordinance 1969 (EO);
- Dangerous Drugs (Special Preventive Measures) Act 1985 (DDA);
- Restricted Residence Act 1933 (RRA).
The Commission hopes that the review is done in accordance with fundamental human rights principles, leading to a comprehensive change in the Government’s measure in addressing security issues of the country while ensuring the detainees’ rights to personal liberty, fair trial and to be presumed innocent until proven guilty, as enshrined in Articles 3, 10 and 11(1) of the Universal Declaration of Human Rights 1948 (UDHR).
Noting the Government is in the midst of revising the ISA, the Commission reiterates its call to the Government to ensure that the amendments are in line with and fully observe the following fundamental principles:
- Right to be informed of reasons for arrest and detention;
- Right to be brought promptly before a judicial authority;
- Right to challenge the lawfulness of the detention;
- Right to habeas corpus applications should not be limited to procedural matters only but challenges must reflect the original idea of such prerogative writs.

**MBC response:**
Government has announced its intention to repeal the Internal Security Act, to repeal all outstanding declarations of Emergency, and has introduced a Peace Assembly bill in Parliament. However certain restrictions will continue and/or are provided for.

**Recommendation n°23:** Review and amend laws such as the Sedition Act, the Printing Press and Publications Act, and the Official Secrets Act, to enable its citizens to exercise fully the right to freedom of opinion and expression, including freedom of the press and freedom of information (Recommended by Canada).

IRI: not implemented

**HRMC response:**
The Commission welcomes the Prime Minister’s announcement on the formation of a Parliamentary Select Committee on Electoral Reforms and a review of the existing media censorship laws. The Commission hopes that the Parliamentary Select Committee will be provided ample time to study the concerns of various groups and put forth recommendations which will ensure equal access to media, longer campaign period and automatic registration of all eligible voters as proposed by the Commission in its Annual Report 2007.
Over the years, the Commission has observed the arbitrary application of laws such as the Official Secrets Act 1972 (OSA), the Sedition Act 1948 and the Printing Presses and Publication Act 1984 (PPPA), leading to restrictions on the freedom of expression and information.
The Commission recommends that the government form an independent media council to self-regulate through mandatory industry code, enforced through a complaint bureau to arbitrate disputes or complaints and compliance monitoring.

**MBC response:**
Government has announced an intention to remove annual licensing requirements for publications.

**Recommendation n°27:** Take steps to ensure that all migrant workers, refugees, and asylum seekers are treated in accordance with international human rights standards and that it sign and ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and adopt and implement refugee protection legislation (Recommended by Canada).

**IRI: not implemented**

**Recommendation n°71:** Adhere to the 1951 Convention on the Status of the Refugees and its additional Protocols (Recommended by Italy).

**IRI: not implemented**

**Recommendation n°132:** Take further steps towards protecting human rights of migrant workers, refugees and their dependants, including through signature and ratification of the 1951 United Nations Convention relating to the Status of Refugees (Recommended by the United Kingdom).

**IRI: not implemented**

**MBC response:**
Government continues to refuse to accede, but has commenced biometric registration of refugees and asylum seekers registered with the UNHCR.

**Recommendation n°28:** Review its Police Act to enhance its citizens’ ability to exercise the right to peaceful assembly (Recommended by Canada).

**IRI: partially implemented**

**Recommendation n°102:** That the Police Act be reformed in such a way that the requirement of a police permit for public assemblies of three or more persons does not violate the right to peaceful assembly (Recommended by the Netherlands).

**IRI: partially implemented**

**HRMC response:**
The freedom of assembly is an important component of a free and democratic society. The Commission has, over the years, called upon the Government to allow peaceful assembly to take place and to reiterate that people have the right to participate in a peaceful assembly, as guaranteed under Article 10 (1) (b) of the Federal Constitution and Article 20 (1) of the UDHR.

The Commission recommends that the Government repeal sub-sections (2), (2A)-(2D), (4), (4A), (5), (5A)-(5C), (7) and (8) of Section 27 and Section 27A of the Police Act 1967; and where the police find it necessary to control or disperse a crowd, the use of proportionate and non-violent methods should be employed.
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MBC response: Government has introduced a Peaceful Assembly bill in Parliament, but intends to prohibit street protests. New relaxations and new restrictions are introduced. A bill to repeal Section 27 of the Police Act has also been introduced.

Recommendation n°29: Continue its positive efforts to improve the human rights situation in its country (Recommended by Chad).

HRMC response: The Commission commends the Government for agreeing to develop a National Human Rights Action (NHRAP) for Malaysia in 2010. The Commission also welcomes the appointment of the Legal Division of the Prime Minister’s Department (BHEUU) as the focal agency to develop the plan.

The Commission deems it an important milestone as it signifies the important step undertaken by the Government to improve the promotion and protection of human rights in the country by placing human rights in the centre of public policy and goal setting. This will require the Government to ensure appropriate programmes, sufficient resources and necessary engagement with all stakeholders in reaching its goals.

The Commission is pleased to note the positive progress spearheaded by BHEUU in its preparatory stage of the NHRAP. The Commission had also attended two meetings organised by the latter to discuss the preparation of the plan.

The Commission reiterates the need for the Government to incorporate UPR recommendations into the NHRAP and to ensure broad participation by various stakeholders, towards ensuring a more comprehensive, realistic and effective national Plan.

The Commission also recommends the Government to consider establishing a Parliamentary Select Committee on Human Rights to look into human rights matters as an additional measure to uphold the rights of people in the furtherance of parliamentary democracy in the country.

MBC response: Government has announced several legislative reforms purportedly improving respect for human rights.

Recommendation n°30: Bring domestic legislation into conformity with CEDAW (Recommended by Chile).

HRMC response: The Commission also echoes the proposal of the Government to enact a Gender Equality Act in Malaysia. The Commission deems it as another step forward to enhance women’s rights and gender equality in the country following its amendment made to Article 8(2) of the Federal Constitution to include ‘gender’ as one of the prohibited grounds for discrimination in 2001. It is the Commission’s hope that the
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proposed Gender Equality Act would be drafted based on broad consultation with relevant stakeholders and is in compliance with fundamend human rights principles, particularly CEDAW.

Recommendation n°31: *Adopt the measures necessary to guarantee freedom of religion* (Recommended by Chile).

**MBC response:**
In response to a specific incident, Government has taken certain administrative action that further erodes the freedom of non-Muslims to practice and propagate their religion.

Recommendation n°32: *Adopt the necessary measures to prevent abuses against migrant workers and respect for their rights* (Recommended by Chile)

**HRMC response:**
See response to recommendation n°2.

**MBC response:**
Government has launched a programme to biometrically register all foreign workers, both documented and undocumented. Government has also passed amendments to the Employment Act to state that outsourced foreign workers are employees of outsourcing companies.

Recommendation n°33: *Elimination from the Penal Code of standards which allow for discrimination against people on the grounds of their sexual orientation* (Recommended by Chile).

**MBC response:**
Police banned all activities in conjunction with Seksualiti Merdeka 2011, an annual event organised by the LGBT community.

Recommendation n°34: *Recommended as a first step that a moratorium on executions be established* (Recommended by Chile).

**IRI: not implemented**

Recommendation n°64: *Abolish the death penalty as the final form of punishment and establish a moratorium on the use of the death penalty in accordance with General Assembly resolution 62-149* (Recommended by Israel).

**IRI: not implemented**

Recommendation n°74: *Consider the establishment of a moratorium on the use of death penalty with a view to its abolition* (Recommended by Italy).

**IRI: not implemented**

Recommendation n°88: *Reconsider consequences of the death penalty to the society and to take steps to reduce the number of crimes which carry death penalty as*
sanction, and secondly, to introduce a moratorium on the death penalty that would be followed by abolition (Recommended by Lithuania).

IRI: partially implemented

MBC response:
No official moratorium, but no executions have been carried out in 2010 and 2011. However death sentences continue to be meted out.

Recommendation n°36: Continue cooperation with civil society in capacity-building and further improve people’s lives (Recommended by China).

IRI: partially implemented

HRMC response:
HRC Resolution 5/1 has flagged the important need for the States to work, in a cooperative, with other stakeholders. The Council, in its adopted outcome of the review of HRC work and functioning, has further encouraged that States conduct broad consultation with all relevant stakeholders, in the UPR follow-up process.

The Commission welcomes the Government’s initiative in conducting a Post-UPR Briefing Session for Civil Society Organisations (CSOs) in May 2010 to share the progress of UPR implementation by various Government agencies. The session had provided a platform for both the Government agencies and members of CSOs to exchange views and suggestions pertaining to the UPR follow-up.

The Commission also appreciates the Government’s active participation in the Consultation Meeting on the UPR Follow-up held by the Commission on 20 December 2010 as well as a Briefing Session on the UPR Follow-up jointly facilitated by the Commission and the Office of the Commission for Human Rights (OHCHR) on 20 April 2011. A similar briefing session had also been conducted for members of CSOs on the same day.

Based on its discussion with various stakeholders on the UPR follow-up issues, the Commission observes that there is a need for the Government to enhance its engagement with the CSOs through more regular dialogue or briefing sessions in order to promote greater understanding among the civil society of the progress of UPR implementation as well as the possible role of various stakeholders could play in supporting the implementation of the UPR at both national and levels.

Given its unique position as an NHRI and the need for it to play a bridging role between the Government and other stakeholders, the Commission seeks to promote constructive engagement and collaboration effort among all key stakeholders in the advancement of human rights in the country. This will include sharing of best practices and expertise, capacity building and conduct of joint studies in human rights issues of common concerns.

Recommendation n°36: Continue its efforts and positive initiatives in guaranteeing indigenous peoples’, access to education, healthcare and judicial assistance (Recommended by China).

IRI: partially implemented
HRMC response:
See response to recommendation n°10.

MBC response:
Indigenous peoples continue to face financial and other difficulties in bringing cases to court in relation to protection of their customary land rights.

Recommendation n°37: Encouraged sharing with other developing countries its education development, especially in formulating plans to ensure that students, regardless of their location and background, have access to education (Recommended by China)

+ Recommendation n°76: Enhance human rights education (Recommended by Jordan).

IRI: partially implemented

+ Recommendation n°81: Continue with its efforts to develop education as a great investment for the future (Recommended by Kuwait).

IRI: partially implemented

+ Recommendation n°109: Continue on this positive path to support education (Recommended by Saudi Arabia).

IRI: partially implemented

+ Recommendation n°144: Share its experience in strengthening education with other countries, in particular with multi-cultural and multi-religious countries (Recommended by Yemen).

IRI: -

HRMC response:
The Commission appreciates the Government’s commitment in improving and strengthening education, especially in terms of the amount of resources and financial allocation it continues to provide in the name of education over the years.

The Commission refers to the report “Malaysia: The Millennium Development Goals at 2010” which states that Malaysia is close and on track to achieving the second MDG - universal primary education by 2015. The report also states that gender gap in education participation has been eliminated at the primary and secondary levels. Nevertheless, for tertiary education, the level of women participation exceeds that of men by a ratio of approximately 3:2.

The Commission commends the joint initiative of the Ministry of Education and Prison Department for introducing the Integrity School Programme for juvenile offenders. The Commission hopes the relevant agencies will continue its efforts to assist the detainees in the rehabilitation and reintegration process.
Mid-term Implementation Assessment: Malaysia

Whilst the Commission acknowledges the encouraging strides that the Government has made in its education system, it hopes that the Government will intensify its effort to address the issues of non-schooling and learning problem of indigenous children.

The Commission also calls upon the Government to look into education needs of those children lacking Malaysian citizenship status such as children of refugees and asylum seekers, children of migrant workers, stateless children as well as street children, as highlighted in the Report of the Special Rapporteur on the Right to Education concerning his country mission to Malaysia in 2007. The report was presented to the 11th Session of the Human Rights Council in March 2009.

The Commission hopes that the Government will continue its efforts in promoting universal primary education and take necessary measures to address the issue of non-schooling children. To this end, the Commission recommends that the Government withdraw all its reservations with regard to the Convention on the Rights of the Child (CRC), including Article 28(1)(a), which calls upon state parties to make primary education compulsory and free to all.

In addition, the Commission is also concerned with the practice of caning in public schools as a measure to discipline students. The Commission reiterates the need for schools to look into more student-friendly alternatives in meting out punishment.

Since its inception in 1999, the Commission has been conducting various educational programmes to inculcate human rights culture among various stakeholders, particularly in schools. In 2009, the Commission, in collaboration with the Ministry of Education, have embarked on a pilot project namely “Human Rights Best Practices in Schools”, to promote integration of human rights values and principles among the school community. Given the encouraging response from the participated schools, the Commission looks forward to working closely with the Ministry to promote good human rights practises to the entire educational system.

Recommendation n°39: Continue with positive efforts to promote economic, social and cultural rights, particularly the priority given to health, education and the care of disabled (Recommended by Cuba)

IRI: partially implemented

Recommendation n°59: Continue its efforts to promote greater prosperity and improve the welfare of the population, notably through progressive education and health policies (Recommended by Indonesia).

IRI: partially implemented

Recommendation n°84: Continue to take proactive and innovative measures to ensure sustainable development policies related to the promotion of economic, social and cultural rights in the country (Recommended by Laos).

IRI: partially implemented

Recommendation n°97: Continue to share and extend its experience and best practices in the efforts in developing comprehensive policies and strategies for the
advancement of indigenous groups which focus on uplifting the status and quality of life of the community via socio-economic programmes (Recommended by Myanmar).

IRI: partially implemented

HRMC response:

Poverty Eradication
The Commission commends the Government for its efforts and commitment to reducing poverty and eradicating hardcore poverty in Malaysia. The Commission supports the Government Transformation Programme, an effort by the current Prime Minister’s administration, under which six National Key Result Areas (NKRA) have been identified, which include raising the living standards of low income households. The Government, through various agencies has put in place a number of programmes which seek to address the issue of poverty. They include:
• 1 AZAM Programme which seeks to increase income generation of low income households;
• E-Kasih system, which is a registry system that keeps a database of poor households for the purpose of planning, implementing and monitoring programmes related to poverty reduction.

As of 31 December 2010, the Government has succeeded in reducing the number of registered hardcore poor households by 99.8 percent which is equivalent to 44,535 households. Conversely, the number of poor households has increased from approximately 210,000 households in 2007 to approximately 228,000 households in 2009. The increase is however, believed to be attributed to the global economic crisis.

The Commission hopes that the Government will continue prioritizing and eradicating hardcore poverty and poverty in the country and maintain its course in the implementation of effective programmes to ensure that such goals are met.

Healthcare
The Commission acknowledges the positive developments that have taken place with regard to accessibility to healthcare in Malaysia in recent years. According to the Department of Statistics of Malaysia, over the period of 1990 to 2008, the infant mortality rate has reduced from 16 to 6 per 1000 live births. In addition, the average life expectancy at birth has increased from 69.2 years to 71.6 years for males, and from 73.7 years to 76.4 years for females between 1990 and 2008.

The Commission welcomes the Government’s plan to transform healthcare to improve quality and provide universal access through various steps as highlighted in the Tenth Malaysia Plan 2011–2015.

Nevertheless, the Commission is concerned with a number of issues in relation to access to equitable healthcare in Malaysia as follows:
• that accessibility to health facilities and services is limited especially in the rural and remote villages. Indigenous communities are particularly affected by this predicament;
• that the efficacy of the implementation of outreach programmes such as mobile clinics and flying doctor service is impeded by several factors such as bad weather, floods, inadequate number of staff and vehicles.
The Commission welcomes the Government's introduction of the 1Malaysia Clinics, which are community clinics that are strategically placed throughout the country and cost a mere RM1 for citizens and RM15 for non-citizens for every treatment. However, the Commission notes that services provided by the 1Malaysia clinics are only treatment for fever, cough, cold and other minor ailments and follow-up treatment for well controlled diabetes, hypertension and asthma. Treatment for other serious sicknesses is not provided. These clinics are managed only by assistant medical officers and trained nurses. In addition, although primary healthcare at public hospitals and clinics is provided at a minimal fee, some still cannot afford it because of extreme poverty. In addition, the cost of secondary and tertiary healthcare may not be affordable even to those with medium income.

The Commission commends the efforts made by the Ministry of Health to provide healthcare services to 13 immigration detention centres by assigning 14 hospitals and 17 clinics, which are in close vicinity to the detention centres, to assist in providing the healthcare services.

The Commission recommends that the Government assign medical personnel to be permanently based at the immigration detention centres. These personnel should conduct daily health checks and be on-call 24 hours in case of any medical emergencies.

**Housing**

The Commission commends the Government for its commitment to improving rural basic infrastructure, which has been identified as one of the Government's six National Key Result Areas (NKRA) under Malaysia's Government Transformation Plan. Under this NKRA, an amount of RM1.32 billion has been allocated by the Government to provide 50,000 new and restored houses to the rural communities and to the hardcore poor by 2012. Approximately 33,333 of these houses will be constructed in the states of Sabah and Sarawak, where most of the poor and hardcore poor are located.

The Government has also introduced the Public Housing Programme (Program Perumahan Rakyat) and the Kuala Lumpur City Hall Public Housing Programme (Program Perumahan Awan DBKL), which seek to provide affordable housing for low-income households.

In the 2011 National Budget, the Government announced that RM568 million will be allocated to build 300 housing units under the Urban Housing Assistance Project, 79,000 units under the People’s Housing Programme and 8,000 units under the Rental House Assistance Project. An additional allocation of RM50 million has also been set aside to assist estate workers to own a house under the Low Cost Housing Fund Scheme.

The Government also launched the “My First Home Scheme” in March 2011 providing an opportunity to those under the age of 35 earning not more that RM3,000 a month to own their first house.

The Commission views these efforts by the Government as positive steps in ensuring the right to housing for the population of Malaysia. The Commission hopes that the Government will continue with its policy that aims to provide adequate, affordable and safe houses to all Malaysians including the low-income groups.
In addressing issues concerning economic, social and cultural rights as a whole, the Commission strongly recommends that the Government ratify the International Covenant on Economic, Social and Cultural Rights.

**The right to education**

The Commission appreciates the Government’s commitment in improving and strengthening education, especially in terms of the amount of resources and financial allocation it continues to provide in the name of education over the years. The Commission refers to the report “Malaysia: The Millennium Development Goals at 2010” which states that Malaysia is close and on track to achieving the second MDG - universal primary education by 2015. The report also states that gender gap in education participation has been eliminated at the primary and secondary levels. Nevertheless, for tertiary education, the level of women participation exceeds that of men by a ratio of approximately 3:2.

The Commission commends the joint initiative of the Ministry of Education and Prison Department for introducing the Integrity School Programme for juvenile offenders. The Commission hopes the relevant agencies will continue its efforts to assist the detainees in the rehabilitation and reintegration process. Whilst the Commission acknowledges the encouraging strides that the Government has made in its education system, it hopes that the Government will intensify its effort to address the issues of non-schooling and learning problem of indigenous children.

The Commission also calls upon the Government to look into education needs of those children lacking Malaysian citizenship status such as children of refugees and asylum seekers, children of migrant workers, stateless children as well as street children, as highlighted in the Report of the Special Rapporteur on the Right to Education concerning his country mission to Malaysia in 2007. The report was presented to the 11th Session of the Human Rights Council in March 2009. The Commission hopes that the Government will continue its efforts in promoting universal primary education and take necessary measures to address the issue of non-schooling children. To this end, the Commission recommends that the Government withdraw all its reservations with regard to the Convention on the Rights of the Child (CRC), including Article 28(1)(a), which calls upon state parties to make primary education compulsory and free to all.

In addition, the Commission is also concerned with the practice of caning in public schools as a measure to discipline students. The Commission reiterates the need for schools to look into more student-friendly alternatives in meting out punishment. Since its inception in 1999, the Commission has been conducting various educational programmes to inculcate human rights culture among various stakeholders, particularly in schools. In 2009, the Commission, in collaboration with the Ministry of Education, have embarked on a pilot project namely “Human Rights Best Practices in Schools”, to promote integration of human rights values and principles among the school community. Given the encouraging response from the participated schools, the Commission looks forward to working closely with the Ministry to promote good human rights practises to the entire educational system.

The Commission hopes that the Government will continue its efforts in promoting universal primary education and take necessary measures to address the issue of non-schooling children. To this end, the Commission recommends that the Government withdraw all its reservations with regard to the Convention on the Rights
of the Child (CRC), including Article 28(1)(a), which calls upon state parties to make primary education compulsory and free to all.

Recommendation n°41: Establish an independent committee responsible for appointing judges (Recommended by Djibouti).

IRI: not implemented

HRMC response:
The Commission welcomes several encouraging reforms and improvement in the judiciary. They include:
- Establishment of the Judicial Appointments Commission (JAC) in February 2009, to provide a more transparent mechanism in appointing judges;
- Establishment of a Special Committee to refine Shariah system;
- Introduction of human rights subjects in the training programmes conducted by the Judicial and Legal Training Institute (ILKAP) for the judicial officers, public prosecutors, the Police and social workers involve in cases of children;
- Mechanisms to avoid delays in court cases, such as pro-forma judgments.

As follow-up to the Colloquium on Human Rights for the Judiciary it held in collaboration with the judiciary in 2009, the Commission looks forward to a closer engagement with the judiciary to promote integration of international human rights principles into judicial system.

MBC response:
Government has set up a Judicial Appointments Commission. However its membership is not independent of Government.

Recommendation n°43: Further pursue national strategies and policies aimed at consolidating the human rights infrastructure and achieving more progress in the promotion of a culture of respect for human rights (Recommended by Egypt).

IRI: partially implemented

Recommendation n°77: Continue to develop the institutional framework with respect to the promotion and protection of human rights (Recommended by Jordan).

IRI: partially implemented

HRMC response:
The Commission commends the Government for agreeing to develop a National Human Rights Action (NHRAP) for Malaysia in 2010. The Commission also welcomes the appointment of the Legal Division of the Prime Minister’s Department (BHEUU) as the focal agency to develop the plan.

The Commission deems it an important milestone as it signifies the important step undertaken by the Government to improve the promotion and protection of human rights in the country by placing human rights in the centre of public policy and goal setting. This will require the Government to ensure appropriate programmes, sufficient resources and necessary engagement with all stakeholders in reaching its goals.

The Commission is pleased to note the positive progress spearheaded by BHEUU in its preparatory stage of the NHRAP. The Commission had also attended two meetings organised by the latter to discuss the preparation of the plan.
The Commission reiterates the need for the Government to incorporate UPR recommendations into the NHRAP and to ensure broad participation by various stakeholders, towards ensuring a more comprehensive, realistic and effective national Plan.

The Commission also recommends the Government to consider establishing a Parliamentary Select Committee on Human Rights to look into human rights matters as an additional measure to uphold the rights of people in the furtherance of parliamentary democracy in the country.

**Recommendation n° 44:** Continue exercising its sovereign right of adopting national legislation and the penal code, including the application of the death penalty (Recommended by Egypt).

- **IRI:** not implemented

**Recommendation n°51:** Reduce the number of crimes for which the death penalty may be handed down, including non-violent crimes, and to consider abolishing the death penalty (Recommended by France).

- **IRI:** not implemented

**MBC response:**
Death sentences continue to be meted out.

**Recommendation n°46:** Ratify the Disabilities Convention (Recommended by Finland).

- **IRI:** fully implemented

**HRMC response:**
The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:

- Ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in 2010

**MBC response:**
Malaysia has ratified the Convention on the Rights of Persons with Disability.

**Recommendation n°47:** Withdraw all of its reservations to CEDAW and CRC as soon as possible (Recommended by Finland).

- **IRI:** partially implemented

**HRMC response:**
The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:

- Withdrawal of the reservations to Articles 1, 13 and 15 of the Convention on the Rights of the Child (CRC) in 2010.
- Ongoing studies on the remaining reservations to Articles 2, 7, 14, 28(1)(a) and 37 of the CRC
[...]

- Withdrawal of the reservations to Articles 5(a), 7(b) and 16(2) of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2010.
- Further studies on the Optional Protocol to CEDAW (OP-CEDAW).

Whilst the Commission welcomes these positive steps undertaken by the Government, it also hopes that the Government will speed up its effort towards the accession of all the core international human rights instruments and withdrawal of the remaining reservations it has made to CRC, CEDAW and CRPD.

The Commission refers to Paragraphs 21 and 22 of the CRC Committee report CRC/C/MYS/CO/1, which took cognizant of the independent monitoring role of the Commission in observing the implementation of the CRC at national and local levels. The Commission, therefore, calls upon the Government to consider the justification papers it has submitted to the Government concerning the ratification of OP-CRC-SC and OP-CEDAW in 2010. The Commission looks forward to continue working closely with the Government in the implementation of international human rights standards at the domestic level.

**MBC response:**
Government has withdrawn some reservations to CEDAW and CRC.

**Recommendation n°49:** Accede to the Rome Status of the International Criminal Court (Recommended by France).

**MBC response:**
Government has announced its intention to accede to the Rome Statute.

**Recommendation n°52:** Withdraw the reservations made to CEDAW, as an extension of measures already taken in 1998 (Recommended by France).

**IRI: not implemented**

**HRMC response:**
The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:

- Withdrawal of the reservations to Articles 5(a), 7(b) and 16(2) of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2010.
- Further studies on the Optional Protocol to CEDAW (OP-CEDAW).

Whilst the Commission welcomes these positive steps undertaken by the Government, it also hopes that the Government will speed up its effort towards the accession of all the core international human rights instruments and withdrawal of the remaining reservations it has made to CRC, CEDAW and CRPD.

The Commission, therefore, calls upon the Government to consider the justification papers it has submitted to the Government concerning the ratification of OP-CRC-SC and OP-CEDAW in 2010. The Commission looks forward to continue working closely with the Government in the implementation of international human rights standards at the domestic level.

**MBC response:**
Government has withdrawn some reservations to CEDAW.

**IRI: partially implemented**
Recommendation n°53: Respect the human rights of all individuals, including homosexuals, by de-penalizing homosexuality (Recommended by France).

IRI: -

MBC response:
Police banned all activities in conjunction with Seksualiti Merdeka 2011, an annual event organised by the LGBT community.

Recommendation n°54: Allow migrant domestic workers full access to legal remedies in case of abuse and duly investigate all cases of abuse and bring perpetrators to justice. take effective steps to protect migrant workers from attacks from militia groups, ensure that the pre-departure training centres are operated to meet the basic needs of the workers and do not encourage any form of abuse (Recommended by Germany).

IRI: -

HRMC response:
See response to recommendation n°10.

MBC response:
Malaysia and Indonesia have signed a new Memorandum of Understanding in relation to domestic workers.

Recommendation n°57: Ensure that provisions for arrest and detention are compatible with international human rights standards. that all persons detained have timely access to legal remedies to challenge their detention, have access to legal counsel and are brought to trial or released without unnecessary delays (Recommended by Germany).

IRI: partially implemented

HRMC response:
The Commission welcomes the announcement by the Government to review several pieces of legislation that are not in compliance with human rights principles, namely:
• Internal Security Act (ISA) 1960;
• Emergency (Public Order and Prevention of Crime) Ordinance 1969 (EO);
• Dangerous Drugs (Special Preventive Measures) Act 1985 (DDA);
• Restricted Residence Act 1933 (RRA).

The Commission hopes that the review is done in accordance with fundamental human rights principles, leading to a comprehensive change in the Government’s measure in addressing security issues of the country while ensuring the detainees’ rights to personal liberty, fair trial and to be presumed innocent until proven guilty, as enshrined in Articles 3, 10 and 11(1) of the Universal Declaration of Human Rights 1948 (UDHR).

Noting the Government is in the midst of revising the ISA, the Commission reiterates its call to the Government to ensure that the amendments are in line with and fully observe the following fundamental principles:
• Right to be informed of reasons for arrest and detention;
• Right to be brought promptly before a judicial authority;
• Right to challenge the lawfulness of the detention;
• Right to habeas corpus applications should not be limited to procedural matters only but challenges must reflect the original idea of such prerogative writs.

**MBC response:**
Government has launched a National Legal Aid Foundation that will begin to provide legal aid for to Malaysian citizens detained and/or charged for criminal offences. It has yet to commence operations.

**Recommendation n°58:** *Continue to guarantee religious freedom by taking away any impediment to the full enjoyment of this basic human rights for all its citizens (Recommended by the Holy See).*

**IRI: not implemented**

**MBC response:**
In response to a specific incident, Government has taken certain administrative action that further erodes the freedom of non-Muslims to practice and propagate their religion. The Government has delayed its appeal against the court’s decision allowing a Christian publication to use the word "Allah".

**Recommendation n°60:** *Take more effective measures to strengthen family institution and inculcate good moral values and effective ways to protect and promote the rights of the child (Recommended by Iran).*

**IRI: partially implemented**

**HRMC response:**
The Commission also echoes the proposal of the Government to enact a Gender Equality Act in Malaysia. The Commission deems it as another step forward to enhance women’s rights and gender equality in the country following its amendment made to Article 8(2) of the Federal Constitution to include ‘gender’ as one of the prohibited grounds for discrimination in 2001. It is the Commission’s hope that the proposed Gender Equality Act would be drafted based on broad consultation with relevant stakeholders and is in compliance with fundament human rights principles, particularly CEDAW.

In respect of child rights, the Commission welcomes the Government for the positive moves it has made. They include:
• Formulation of the Child Protection Policy to ensure protection of the child from all forms of violence, abuse, neglect and exploitation.
• Introduction of an alert system namely “National Urgent Response (NUR) Alert (NUR 15999) and a dedicated line for children namely “Childline 15999” for the purpose of child abuse reporting;
• Establishment of shelter home which provides basic needs for the rescued street children in Menggatal, Sabah;
• Conduct of a study on street children in Sabah, particularly in the area of Kota Kinabalu.

The Commission further recommends the Government to strengthen its mechanisms to safeguard the basic rights of women and children in the vulnerable groups (eg. PWDs, Indigenous Peoples, migrant workers, refugees and asylum seekers as well as those placed in detention centres) by ensuring the realisation of their rights in social and health services, education and adequate legal protection measures.
Recommendation n°63: Explore further ways and means aimed at improving and enhancing the welfare and protection of victims of child abuse (Recommended by Iran).

IRI: fully implemented

HRMC response:
In respect of child rights, the Commission welcomes the Government for the positive moves it has made. They include:
- Formulation of the Child Protection Policy to ensure protection of the child from all forms of violence, abuse, neglect and exploitation.
- Introduction of an alert system namely “National Urgent Response (NUR) Alert (NUR 15999) and a dedicated line for children namely “Childline 15999” for the purpose of child abuse reporting;
- Establishment of shelter home which provides basic needs for the rescued street children in Menggatal, Sabah;
- Conduct of a study on street children in Sabah, particularly in the area of Kota Kinabalu.

Recommendation n°72: Publish official figures concerning executions and death sentences. (Recommended by Italy).

IRI: partially implemented

MBC response:
Some statistics have been disclosed in response to a Parliamentary question. But Government continues not to publish such information voluntarily.

Recommendation n°75: Provide and improve training programmes on human rights for the judiciary, law enforcement personnel and lawyers (Recommended by Jordan).

IRI: partially implemented

HRMC response:
As follow-up to the Colloquium on Human Rights for the Judiciary it held in collaboration with the judiciary in 2009, the Commission looks forward to a closer engagement with the judiciary to promote integration of international human rights principles into judicial system.

The Commission is also in the midst of pursuing an amicus curiae role within the judicial process. It has, thus far, been granted leave to present its views in at least two cases in which issues pertaining to human rights were involved, with assistance from members of the Malaysian Bar.

MBC response:
This is being done, but there does not appear to be any noticeable change in respect of law-enforcement personnel from an operational level.

Recommendation n°78: Pay special attention to the problems of the children living and working on the streets (Recommended by Kazakhstan).

IRI: fully implemented

HRMC response:
In respect of child rights, the Commission welcomes the Government for the positive moves it has made. They include:
• Formulation of the Child Protection Policy to ensure protection of the child from all forms of violence, abuse, neglect and exploitation.
• Introduction of an alert system namely “National Urgent Response (NUR) Alert (NUR 15999)” and a dedicated line for children namely “Childline 15999” for the purpose of child abuse reporting;
• Establishment of shelter home which provides basic needs for the rescued street children in Menggatal, Sabah;
• Conduct of a study on street children in Sabah, particularly in the area of Kota Kinabalu.

Recommendation no 104: Continue to enhance efforts to further improve the status of women to enable them to reach their full potential and contribute towards the social and economic development of the country (Recommended by Kazakhstan).  
IRI: fully implemented

Recommendation no 104: Take all necessary measures and implement all necessary programmes to overcome the obstacles that prevent women’s status from progressing further (Recommended by Oman).  
IRI: partially implemented

HRMC response:
In addition to the Government’s effort to ratify the OP to CRC and CEDAW, the Commission also notes the Government’s measures in supporting women’s participation in the work force through the following:
• Enforcement of Work Regulations (Part-time Workers) 2010 under the Employment Act 1955 to provide flexible working arrangements;
• Providing training to develop women entrepreneurs;
• Continued effort to mainstream the interests and concerns of women, children and PWDs at all levels through policy formulation and programme planning and legislation;
• Appointment of two female Sharia judges in May 2010;
• Establishment of a Special Committee chaired by the Minister of Women, Family and Community Development to implement gender sensitization programmes in the public sector towards enhancing women’s representation in key decision-making positions within the parliament, state legislative assemblies, judiciary and ministries;
• Introduction of guidelines to address sexual harassment issues in the workplace and the possibility for the guideline to be made compulsory for employers’ adoption and implementation;
• Increased maternity leave facility for female government servants with the flexibility to self-determined full-paid maternity leave, not exceeding 90 days from the previous 60 days;
• Continued measures to increase the female labour force participation rate.

The Commission welcomes the initiative by the Government to boost the appointment of women as members of board of directors in the private sector. In the recently launched New Corporate Governance Blueprint 2011, companies are recommended to put in place a policy that would ensure that women candidates are sought as board members, thus reflecting the Government’s commitment in bridging the enormous gender gap in the composition of board members in Malaysia.
Currently, women make up only 8.2% of all directors on boards of listed companies. In this regard, the Commission fully supports such measures and hopes that Government and relevant actors would take the necessary steps to ensure that the goal of reaching 30% women participation on boards by 2016 is achieved.

The Commission also echoes the proposal of the Government to enact a Gender Equality Act in Malaysia. The Commission deems it as another step forward to enhance women’s rights and gender equality in the country following its amendment made to Article 8(2) of the Federal Constitution to include ‘gender’ as one of the prohibited grounds for discrimination in 2001. It is the Commission’s hope that the proposed Gender Equality Act would be drafted based on broad consultation with relevant stakeholders and is in compliance with fundamental human rights principles, particularly CEDAW.

Noting the Government’s initiative in addressing sexual harassment issues at the workplace, the Commission recommends the Government to:

• consider the enactment of an effective legislation on sexual harassment;
• review the Employment Act 1955, in particular, its scope of application and protective measures in tackling sexual harassment issues. The Act basically outlines the general conditions on employer/employee relationship but excludes a significant group of employees such as contract workers and domestic workers.
• implement effective training and rehabilitation programmes to prevent occurrence of sexual harassment in the workplace.

Recommendation n°82: *Continue to carry out efforts to reduce the incidence of poverty and lessen income and educational inequalities* (Recommended by Laos).

IRI: fully implemented

Recommendation n°128: *Continue efforts to reduce poverty and limit disparities in education and income* (Recommended by United Arab Emirates).

IRI: fully implemented

Recommendation n°136: *Continue to carry out efforts to reduce the incidence of poverty and lessen inequalities in income and education* (Recommended by Uzbekistan).

IRI: fully implemented

**HRMC response:**

**Poverty Eradication**

The Commission commends the Government for its efforts and commitment to reducing poverty and eradicating hardcore poverty in Malaysia. The Commission supports the Government Transformation Programme, an effort by the current Prime Minister’s administration, under which six National Key Result Areas (NKRA) have been identified, which include raising the living standards of low income households. The Government, through various agencies has put in place a number of programmes which seek to address the issue of poverty. They include:

• 1 AZAM Programme which seeks to increase income generation of low income households;
• E-Kasih system, which is a registry system that keeps a database of poor households for the purpose of planning, implementing and monitoring programmes related to poverty reduction.

As of 31 December 2010, the Government has succeeded in reducing the number of registered hardcore poor households by 99.8 percent which is equivalent to 44,535 households. Conversely, the number of poor households has increased from approximately 210,000 households in 2007 to approximately 228,000 households in 2009. The increase is however, believed to be attributed to the global economic crisis.

The Commission hopes that the Government will continue prioritizing and eradicating hardcore poverty and poverty in the country and maintain its course in the implementation of effective programmes to ensure that such goals are met.

The right to education:
The Commission appreciates the Government’s commitment in improving and strengthening education, especially in terms of the amount of resources and financial allocation it continues to provide in the name of education over the years. The Commission refers to the report “Malaysia: The Millennium Development Goals at 2010” which states that Malaysia is close and on track to achieving the second MDG - universal primary education by 2015. The report also states that gender gap in education participation has been eliminated at the primary and secondary levels. Nevertheless, for tertiary education, the level of women participation exceeds that of men by a ratio of approximately 3:2. The Commission commends the joint initiative of the Ministry of Education and Prison Department for introducing the Integrity School Programme for juvenile offenders. The Commission hopes the relevant agencies will continue its efforts to assist the detainees in the rehabilitation and reintegration process.

Whilst the Commission acknowledges the encouraging strides that the Government has made in its education system, it hopes that the Government will intensify its effort to address the issues of non-schooling and learning problem of indigenous children. The Commission also calls upon the Government to look into education needs of those children lacking Malaysian citizenship status such as children of refugees and asylum seekers, children of migrant workers, stateless children as well as street children, as highlighted in the Report of the Special Rapporteur on the Right to Education concerning his country mission to Malaysia in 2007. The report was presented to the 11th Session of the Human Rights Council in March 2009.

The Commission hopes that the Government will continue its efforts in promoting universal primary education and take necessary measures to address the issue of non-schooling children. To this end, the Commission recommends that the Government withdraw all its reservations with regard to the Convention on the Rights of the Child (CRC), including Article 28(1)(a), which calls upon state parties to make primary education compulsory and free to all.
In addition, the Commission is also concerned with the practice of caning in public schools as a measure to discipline students. The Commission reiterates the need for schools to look into more student-friendly alternatives in meting out punishment. Since its inception in 1999, the Commission has been conducting various educational programmes to inculcate human rights culture among various stakeholders, particularly in schools. In 2009, the Commission, in collaboration with the Ministry of Education, have embarked on a pilot project namely “Human Rights Best Practices in Schools”, to promote integration of human rights values and principles among the school community. Given the encouraging response from the participated schools, the Commission looks forward to working closely with the Ministry to promote good human rights practises to the entire educational system.

Recommendation n°85: *Maintain its commitment to realizing the Millennium Development Goals in parallel with striving for economic success (Recommended by Lebanon).*

**HRMC response:**
See response to recommendation n°39.

In addition, the Commission is also concerned with the practice of caning in public schools as a measure to discipline students. The Commission reiterates the need for schools to look into more student-friendly alternatives in meting out punishment. Since its inception in 1999, the Commission has been conducting various educational programmes to inculcate human rights culture among various stakeholders, particularly in schools. In 2009, the Commission, in collaboration with the Ministry of Education, have embarked on a pilot project namely “Human Rights Best Practices in Schools”, to promote integration of human rights values and principles among the school community. Given the encouraging response from the participated schools, the Commission looks forward to working closely with the Ministry to promote good human rights practises to the entire educational system.

**MBC response:**
UNDP mid-term review study shows that overall MDG goals have been met. However disaggregated data shows that the situation in Sabah has deteriorated.

Recommendation n°86: *Ratifying the OP-CEDAW (Recommended by Lithuania).*

**HRMC response:**
The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:
- Withdrawal of the reservations to Articles 5(a), 7(b) and 16(2) of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2010.
- Further studies on the Optional Protocol to CEDAW (OP-CEDAW).

Whilst the Commission welcomes these positive steps undertaken by the Government, it also hopes that the Government will speed up its effort towards the
accession of all the core international human rights instruments and withdrawal of the remaining reservations it has made to CRC, CEDAW and CRPD.

The Commission, therefore, calls upon the Government to consider the justification papers it has submitted to the Government concerning the ratification of OP-CRC-SC and OP-CEDAW in 2010. The Commission looks forward to continue working closely with the Government in the implementation of international human rights standards at the domestic level.

Recommendation n°89: **Promote gender equality and protection of childhood (Recommended by Mexico).**

| IRI: fully implemented |

Recommendation n°122: **Continue to implement the comments and recommendations of the Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child (Recommended by Ukraine).**

| IRI: - |

HRMC response:
In addition to the Government’s effort to ratify the OP to CRC and CEDAW, the Commission also notes the Government’s measures in supporting women’s participation in the work force through the following:
• Enforcement of Work Regulations (Part-time Workers) 2010 under the Employment Act 1955 to provide flexible working arrangements;
• Providing training to develop women entrepreneurs;
• Continued effort to mainstream the interests and concerns of women, children and PWDs at all levels through policy formulation and programme planning and legislation;
• Appointment of two female Sharia judges in May 2010;
• Establishment of a Special Committee chaired by the Minister of Women, Family and Community Development to implement gender sensitization programmes in the public sector towards enhancing women’s representation in key decision-making positions within the parliament, state legislative assemblies, judiciary and ministries;
• Introduction of guidelines to address sexual harassment issues in the workplace and the possibility for the guideline to be made compulsory for employers’ adoption and implementation;
• Increased maternity leave facility for female government servants with the flexibility to self-determined full-paid maternity leave, not exceeding 90 days from the previous 60 days;
• Continued measures to increase the female labour force participation rate.

The Commission welcomes the initiative by the Government to boost the appointment of women as members of board of directors in the private sector. In the recently launched New Corporate Governance Blueprint 2011, companies are recommended to put in place a policy that would ensure that women candidates are sought as board members, thus reflecting the Government’s commitment in bridging the enormous gender gap in the composition of board members in Malaysia. Currently, women make up only 8.2% of all directors on boards of listed companies. In this regard, the Commission fully supports such measures and hopes that
Government and relevant actors would take the necessary steps to ensure that the goal of reaching 30% women participation on boards by 2016 is achieved.

The Commission also echoes the proposal of the Government to enact a Gender Equality Act in Malaysia. The Commission deems it as another step forward to enhance women’s rights and gender equality in the country following its amendment made to Article 8(2) of the Federal Constitution to include ‘gender’ as one of the prohibited grounds for discrimination in 2001. It is the Commission’s hope that the proposed Gender Equality Act would be drafted based on broad consultation with relevant stakeholders and is in compliance with fundamental human rights principles, particularly CEDAW.

Noting the Government’s initiative in addressing sexual harassment issues at the workplace, the Commission recommends the Government to:
• consider the enactment of an effective legislation on sexual harassment;
• review the Employment Act 1955, in particular, its scope of application and protective measures in tackling sexual harassment issues. The Act basically outlines the general conditions on employer/employee relationship but excludes a significant group of employees such as contract workers and domestic workers.
• implement effective training and rehabilitation programmes to prevent occurrence of sexual harassment in the workplace.

In respect of child rights, the Commission welcomes the Government for the positive moves it has made. They include:
• Formulation of the Child Protection Policy to ensure protection of the child from all forms of violence, abuse, neglect and exploitation.
• Introduction of an alert system namely “National Urgent Response (NUR) Alert (NUR 15999) and a dedicated line for children namely “Childline 15999” for the purpose of child abuse reporting;
• Establishment of shelter home which provides basic needs for the rescued street children in Menggatal, Sabah;
• Conduct of a study on street children in Sabah, particularly in the area of Kota Kinabalu.

The Commission further recommends the Government to strengthen its mechanisms to safeguard the basic rights of women and children in the vulnerable groups (eg. PWDs, Indigenous Peoples, migrant workers, refugees and asylum seekers as well as those placed in detention centres) by ensuring the realisation of their rights in social and health services, education and adequate legal protection measures. The Commission records its appreciation to the Government particularly the Ministry of Women, Family and Community Development (MWFCD), for appointing the Commission as members to the National Advisory and Consultative Council for Children and National Advisory and Consultative Council for the Elderly. With these memberships, the Commission believes that it could play a greater role to ensure the rights and welfare of children and the elderly are safeguarded in the developmental agenda of the nation.
Mid-term Implementation Assessment: Malaysia

Recommendation n°90: Give favourable consideration to withdrawing the reservation on CRC and CEDAW. (Recommended by Mexico).

HRMC response:
The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:
• Withdrawal of the reservations to Articles 1, 13 and 15 of the Convention on the Rights of the Child (CRC) in 2010.
• Ongoing studies on the remaining reservations to Articles 2, 7, 14, 28(1)(a) and 37 of the CRC
• Possibility of the ratification of the Optional Protocol (OP) to CRC on the involvement of children in armed conflict (OP-CRC-AC) and Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC).
• Withdrawal of the reservations to Articles 5(a), 7(b) and 16(2) of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2010.
• Further studies on the Optional Protocol to CEDAW (OP-CEDAW).

Whilst the Commission welcomes these positive steps undertaken by the Government, it also hopes that the Government will speed up its effort towards the accession of all the core international human rights instruments and withdrawal of the remaining reservations it has made to CRC, CEDAW and CRPD.

The Commission refers to Paragraphs 21 and 22 of the CRC Committee report CRC/C/MYS/CO/1, which took cognizant of the independent monitoring role of the Commission in observing the implementation of the CRC at national and local levels. The Commission, therefore, calls upon the Government to consider the justification papers it has submitted to the Government concerning the ratification of OP-CRC-SC and OP-CEDAW in 2010. The Commission looks forward to continue working closely with the Government in the implementation of international human rights standards at the domestic level.

MBC response:
Government has withdrawn some reservations to CRC and CEDAW.

Recommendation n°94: Continue its efforts to support children with special needs, namely, children with visual impairment, children with hearing impairment and those with learning difficulties (Recommended by Morocco).

HRMC response:
The Commission records its appreciation to the Government particularly the Ministry of Women, Family and Community Development (MWFCFD), for appointing the Commission as members to the National Advisory and Consultative Council for Children and National Advisory and Consultative Council for the Elderly. With these memberships, the Commission believes that it could play a greater role to ensure the rights and welfare of children and the elderly are safeguarded in the developmental agenda of the nation.

The Commission is further pleased with MWFCFD’s decision to appoint the Commission as a member that attends the meetings of the National Council for
Persons with Disabilities (NCPWD), a national body responsible for monitoring the country’s implementation of its obligations under the newly ratified Convention – CRPD. The Commission sees its participation in the NCPWD’s meetings as a potential avenue contributing to its independent monitoring role as set forth in Article 33.2 of the CRPD. Nevertheless, in accepting the Ministry’s invitation to the meetings, the Commission is also mindful of its role as an NHRI and will continue to maintain its independence as required by the Principles Relating to the Status of National Institutions (Paris Principles).

Recommendation n°99: *Continue its efforts for the protection of the rights of foreign workers, and enhance their safety and welfare through institutional arrangements (Recommended by Nepal).*

IRI: partially implemented

Recommendation n°111: *Implement the recommendations of the Committee on the Rights of the Child to ensure comprehensive protection of the rights of children, including those of minority groups, indigenous peoples and migrant workers (Recommended by South Africa).*

IRI: -

HRMC response:
See response to recommendation n°10.

MBC response:
Government has launched a programme to biometrically register all foreign workers, both documented and undocumented. Government has also passed amendments to the Employment Act to state that outsourced foreign workers are employees of outsourcing companies.

Recommendation n°101: *Establish an independent and impartial police complaints commission in accordance with the recommendations of the Royal Commission on police reform (Recommended by the Netherlands).*

IRI: partially implemented

MBC response:
Government has established an Enforcement Agency Integrity Commission that will oversee some complaints over 21 law-enforcement agencies. It has yet to commence operations.

Recommendation n°106: *Continue raising awareness of trafficking in persons and migrant workers, particularly women and children, who are a vulnerable group in the society and deserve all possible help (Recommended by Palestine).*

IRI: -

Recommendation n°117: *Continue to focus its efforts on ensuring full protection of human rights for all vulnerable groups, one such avenue is through the ongoing rigorous capacity building programmes that Malaysia has initiated in this area, particularly for public officers (Recommended by Thailand).*

IRI: -
HRMC response:
See response to recommendation n°10.

| Recommendation n°107: Share its best practices and strategies on reduction of maternal mortality rates (Recommended by Philippines). | IRI: - |
| Recommendation n°110: Continue to further improve the health care system and guarantee more extensive protection in this area to the Malaysian people (Recommended by Saudi Arabia). | IRI: fully implemented |
| Recommendation n°139: Continue and deepen its current health plans, the main objective of which is to facilitate the access of the population to modern and quality health services (Recommended by Venezuela). | IRI: partially implemented |

HRMC response:
The Commission acknowledges the positive developments that have taken place with regard to accessibility to healthcare in Malaysia in recent years. According to the Department of Statistics of Malaysia, over the period of 1990 to 2008, the infant mortality rate has reduced from 16 to 6 per 1000 live births. In addition, the average life expectancy at birth has increased from 69.2 years to 71.6 years for males, and from 73.7 years to 76.4 years for females between 1990 and 2008. The Commission welcomes the Government’s plan to transform healthcare to improve quality and provide universal access through various steps as highlighted in the Tenth Malaysia Plan 2011–2015.

Nevertheless, the Commission is concerned with a number of issues in relation to access to equitable healthcare in Malaysia as follows:
- that accessibility to health facilities and services is limited especially in the rural and remote villages. Indigenous communities are particularly affected by this predicament;
- that the efficacy of the implementation of outreach programmes such as mobile clinics and flying doctor service is impeded by several factors such as bad weather, floods, inadequate number of staff and vehicles.

The Commission welcomes the Government’s introduction of the 1Malaysia Clinics, which are community clinics that are strategically placed throughout the country and cost a mere RM1 for citizens and RM15 for non-citizens for every treatment.

However, the Commission notes that services provided by the 1Malaysia clinics are only treatment for fever, cough, cold and other minor ailments and follow-up treatment for well controlled diabetes, hypertension and asthma. Treatment for other serious sicknesses is not provided. These clinics are managed only by assistant medical officers and trained nurses. In addition, although primary healthcare at public hospitals and clinics is provided at a minimal fee, some still cannot afford it because of extreme poverty. In addition, the cost of secondary and tertiary healthcare may not be affordable even to those with medium income.
The Commission commends the efforts made by the Ministry of Health to provide healthcare services to 13 immigration detention centres by assigning 14 hospitals and 17 clinics, which are in close vicinity to the detention centres, to assist in providing the healthcare services. The Commission recommends that the Government assign medical personnel to be permanently based at the immigration detention centres. These personnel should conduct daily health checks and be on-call 24 hours in case of any medical emergencies.

Recommendation n°112: Comprehensive protection be accorded to all migrant workers, including access to essential services like education, health and housing (Recommended by South Africa).

HRMC response:
See response to recommendation n°10.

Recommendation n°114: Continue to intensify its efforts to prevent and combat disparities against children belonging to vulnerable groups, including children of indigenous groups, children with disabilities as well as those living in remote areas (Recommended by Sri Lanka).

HRMC response:
The Commission further recommends the Government to strengthen its mechanisms to safeguard the basic rights of women and children in the vulnerable groups (eg. PWDs, Indigenous Peoples, migrant workers, refugees and asylum seekers as well as those placed in detention centres) by ensuring the realisation of their rights in social and health services, education and adequate legal protection measures.

The Commission is further pleased with MWFC’s decision to appoint the Commission as a member that attends the meetings of the National Council for Persons with Disabilities (NCPWD), a national body responsible for monitoring the country’s implementation of its obligations under the newly ratified Convention – CRPD. The Commission sees its participation in the NCPWD’s meetings as a potential avenue contributing to its independent monitoring role as set forth in Article 33.2 of the CRPD. […]

Recommendation n°119: Continue its positive actions for further promoting the rights of disabled people (Recommended by Turkey).

HRMC response:
The Commission is [...] pleased with MWFC’s decision to appoint the Commission as a member that attends the meetings of the National Council for Persons with Disabilities (NCPWD), a national body responsible for monitoring the country’s implementation of its obligations under the newly ratified Convention – CRPD. The Commission sees its participation in the NCPWD’s meetings as a potential avenue contributing to its independent monitoring role as set forth in Article 33.2 of the CRPD. […]
Recommendation n°121: Recommended ratification of the Optional Protocol to CEDAW (Recommended by Turkey).

IRI: not implemented

HRMC response:
The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:
• Withdrawal of the reservations to Articles 5(a), 7(b) and 16(2) of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2010.
• Further studies on the Optional Protocol to CEDAW (OP-CEDAW).

Whilst the Commission welcomes these positive steps undertaken by the Government, it also hopes that the Government will speed up its effort towards the accession of all the core international human rights instruments and withdrawal of the remaining reservations it has made to CRC, CEDAW and CRPD. The Commission, therefore, calls upon the Government to consider the justification papers it has submitted to the Government concerning the ratification of OP-CRC-SC and OP-CEDAW in 2010. The Commission looks forward to continue working closely with the Government in the implementation of international human rights standards at the domestic level.

Recommendation n°123: Enact laws pertaining to anti-discrimination (Recommended by Ukraine).

IRI: not implemented

MBC response:
No laws on anti-discrimination have been enacted.

Recommendation n°124: Ensure comprehensive and universal access to health services for citizens and non-citizens alike, including migrant workers, refugees, asylum seekers, indigenous peoples (Recommended by Ukraine).

IRI: partially implemented

MBC response:
Refugees and asylum seekers registered with UNHCR are able to access government medical services, at 50% the charges levied on foreigners generally. This is still a prohibitive cost for many.

Recommendation n°125: Ensure the regular training for judges, prosecutors, the representatives of the police and other law enforcement agencies on human rights, non-discrimination and the legally binding nature of international law (Recommended by Ukraine).

IRI: partially implemented

MBC response:
This is being done, but there does not appear to be any noticeable change from an operational level.

Recommendation n°127: Ratify all core human rights treaties to which Malaysia is not a party (Recommended by Ukraine).

IRI: partially implemented
Mid-term Implementation Assessment: **Malaysia**

**HRMC response:**
The Commission welcomes the positive steps undertaken by the Government in respect of Malaysia’s ratification to international human rights instruments. They include:
- Withdrawal of the reservations to Articles 1, 13 and 15 of the Convention on the Rights of the Child (CRC) in 2010.
- Ongoing studies on the remaining reservations to Articles 2, 7, 14, 28(1)(a) and 37 of the CRC
- Possibility of the ratification of the Optional Protocol (OP) to CRC on the involvement of children in armed conflict (OP-CRC-AC) and Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC).
- Withdrawal of the reservations to Articles 5(a), 7(b) and 16(2) of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2010.
- Further studies on the Optional Protocol to CEDAW (OP-CEDAW).

The Commission further welcomes the Government’s initiative in establishing a Technical Sub-Committee to study four main international human rights treaties in its consideration to accede to the core human rights treaties. They include:
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Whilst the Commission welcomes these positive steps undertaken by the Government, it also hopes that the Government will speed up its effort towards the accession of all the core international human rights instruments and withdrawal of the remaining reservations it has made to CRC, CEDAW and CRPD.

The Commission refers to Paragraphs 21 and 22 of the CRC Committee report CRC/C/MYS/CO/1, which took cognizant of the independent monitoring role of the Commission in observing the implementation of the CRC at national and local levels. The Commission, therefore, calls upon the Government to consider the justification papers it has submitted to the Government concerning the ratification of OP-CRC-SC and OP-CEDAW in 2010. The Commission looks forward to continue working closely with the Government in the implementation of international human rights standards at the domestic level.

**MBC response:**
Government has formed 4 technical working committees, each focusing on the possibility of acceding to ICCPR, ICESCR, CERD and CAT.

**Recommendation n°129:**  
**Continue to set up policies and programmes necessary to guarantee adequate housing at reasonable cost for all inhabitants, particularly people with limited income** (Recommended by United Arab Emirates).

**IRI:** partially implemented
HRMC response:
The Government also launched the “My First Home Scheme” in March 2011 providing an opportunity to those under the age of 35 earning not more that RM3,000 a month to own their first house.

The Commission views these efforts by the Government as positive steps in ensuring the right to housing for the population of Malaysia. The Commission hopes that the Government will continue with its policy that aims to provide adequate, affordable and safe houses to all Malaysians including the low-income groups.

In addressing issues concerning economic, social and cultural rights as a whole, the Commission strongly recommends that the Government ratify the International Covenant on Economic, Social and Cultural Rights.

Recommendation n°131: *Ratify ICCPR and CAT and implements both treaties at national level* (Recommended by the United Kingdom).

IRI: *not implemented*

HRMC response:
The Commission further welcomes the Government’s initiative in establishing a Technical Sub-Committee to study four main international human rights treaties in its consideration to accede to the core human rights treaties. They include:
• International Covenant on Civil and Political Rights (ICCPR)
• International Covenant on Economic, Social and Cultural Rights (ICESCR)
• Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
• International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

MBC response:
Government has formed 4 technical working committees, 2 of which focus on the possibility of acceding to ICCPR and CAT.

Recommendation n°134: *Consider an alternative to indefinite preventive detention such as criminal prosecutions* (Recommended by the United Kingdom).

IRI: *partially implemented*

MBC response:
Government has announced its intention to repeal the Internal Security Act and to repeal all outstanding declarations of Emergency, but will introduce specific anti-terrorism legislation that will still allow for detention without trial.

Recommendation n°140: *Continue its positive engagement with neighbouring countries in combating trafficking in persons and explore further ways and means aimed at improving and enhancing protection of victims of domestic violence* (Recommended by Viet Nam).

IRI: *partially implemented*

HRMC response:
The Commission welcomes the Government’s initiative in introducing the National Strategic Plan on Anti-Trafficking in Persons (2010-2015), which the Commission
was involved in the drafting process, in its capacity as one of the members of the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO). It is the Commission’s hope that the objectives of the Strategic Plan will be achieved within the timeline set.

The Commission appreciates the Government’s continuous efforts to eliminate human trafficking and all forms of exploitation of both locals and foreigners, in particularly its extensive enforcement of the Anti-Trafficking in Persons Act 2007 (ATIP Act).

While the Commission welcomes the Government’s amendments to the ATIP Act which entered into force on 15 November 2010, it is concerned with the inclusion of ‘human smuggling’ element in the amended ATIP Act. The Commission is of the view that trafficking in persons and smuggling of migrants should be treated as separate issues so as to avoid confusion and problem in identifying victims of human trafficking as smuggled migrants which could lead to human rights violations, since trafficked persons are victims of exploitation while smuggled persons are violators of immigration law.

The Commission took note of the Report of the Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ngozi Ezeilo, and the Government’s response to the communication sent by Special Rapporteur concerning the amendments to the ATIP Act. The Government stated its full awareness of the difference between the crime of trafficking in persons and that of the smuggling of migrants. It also noted that crime of trafficking contains the element of exploitation; the non-requirement of illegal border crossing and the fact that victims of trafficking are treated as commodities. On the other hand, smuggling of migrants is identified mainly from the non-existence of the element of exploitation; the involvement of illegal border crossing and the fact that the smuggled migrants have paid for the illegal passage and are considered clients of the smugglers.

The Commission also welcomes various measures undertaken by the Government to avoid misidentification of trafficked persons as irregular migrants. They include: providing training courses for prosecutors and enforcement agencies as well as the development of a Standard Operating Procedures.

The Commission commends the Government for the protection it accords to the trafficked victims through providing shelter homes, counselling and medical treatment to the victims. In its response to the Commission’s Annual Report 2010, the Government informed the Commission that, thus far, six shelter homes are operational while the Government is studying the possibility of gazetting trafficking shelters provided by NGOs.

**MBC response:**
Malaysia deported 11 Chinese nationals of Uighur ethnicity back to China allegedly because they were involved in trafficking of persons.

**Recommendation n°141:** Continue with its efforts to strengthen the enforcement of law on violence against women (Recommended by Viet Nam).

**HRMC response:**
Noting the Government’s initiative in addressing sexual harassment issues at the workplace, the Commission recommends the Government to:
• consider the enactment of an effective legislation on sexual harassment;
• review the Employment Act 1955, in particular, its scope of application and protective measures in tackling sexual harassment issues. The Act basically outlines the general conditions on employer/employee relationship but excludes a significant group of employees such as contract workers and domestic workers.
• implement effective training and rehabilitation programmes to prevent occurrence of sexual harassment in the workplace.

Recommendation n°145: Continue its capacity-building programmes related to all aspects of human rights (Recommended by Zimbabwe).

IRI: partially implemented

HRMC response:
HRC Resolution 5/1 has flagged the important need for the States to work, in a cooperative, with other stakeholders. The Council, in its adopted outcome of the review of HRC work and functioning, has further encouraged that States conduct broad consultation with all relevant stakeholders, in the UPR follow-up process.

The Commission welcomes the Government’s initiative in conducting a Post-UPR Briefing Session for Civil Society Organisations (CSOs) in May 2010 to share the progress of UPR implementation by various Government agencies. The session had provided a platform for both the Government agencies and members of CSOs to exchange views and suggestions pertaining to the UPR follow-up.

The Commission also appreciates the Government’s active participation in the Consultation Meeting on the UPR Follow-up held by the Commission on 20 December 2010 as well as a Briefing Session on the UPR Follow-up jointly facilitated by the Commission and the Office of the Commission for Human Rights (OHCHR) on 20 April 2011. A similar briefing session had also been conducted for members of CSOs on the same day.

Based on its discussion with various stakeholders on the UPR follow-up issues, the Commission observes that there is a need for the Government to enhance its engagement with the CSOs through more regular dialogue or briefing sessions in order to promote greater understanding among the civil society of the progress of UPR implementation as well as the possible role of various stakeholders could play in supporting the implementation of the UPR at both national and levels.

Given its unique position as an NHRI and the need for it to play a bridging role between the Government and other stakeholders, the Commission seeks to promote constructive engagement and collaboration effort among all key stakeholders in the advancement of human rights in the country. This will include sharing of best practices and expertise, capacity building and conduct of joint studies in human rights issues of common concerns.
Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders’ submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the
recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The Implementation Recommendation Index (IRI) is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The IRI is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the IRI score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Implementation level</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 0.32</td>
<td>Not implemented</td>
</tr>
<tr>
<td>0.33 – 0.65</td>
<td>Partially implemented</td>
</tr>
<tr>
<td>0.66 – 1</td>
<td>Fully implemented</td>
</tr>
</tbody>
</table>

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an IRI score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

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Mid-term Implementation Assessment: **Malaysia**

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