

Responses to Recommendations

MALAYSIA

Review in the Working Group: 11 February 2009
 Adoption in the Plenary: 12 June 2009

Malaysia's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
62 REC accepted; 22 rejected; 19 pending	The delegation commented the 19 pending REC but no clear position was given	The delegation further commented the 19 REC but no clear position was given	None	Accepted: 62 Rejected: 22 No clear position: 19 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/30:

“104. The recommendations formulated during the interactive dialogue have been examined by Malaysia and the recommendations listed below enjoy the support of Malaysia:

- 1. 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) (Algeria);
- 2. Speed up its considerations over the signature and ratification of the international human rights covenants (Turkey); Work more actively to accede to the core international human rights instruments (Belarus);
- 3. 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 (Algeria);

- 4. 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 (Ukraine);
- 5. 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 (Bhutan);
- 6. Consider undertaking a comprehensive study on the positive implications of the legal system of civil law and Shari'ah law (Iran); Undertake more effective measures to further improve the implementation of Shari'ah law in the country (Iran);
- 7. Continue cooperation with civil society in capacity-building and further improve people's lives (China); Continue its capacity-building programmes related to all aspects of human rights (Zimbabwe);
- 8. 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. (Thailand);
- 9. Provide and improve training programmes on human rights for the judiciary, law enforcement personnel and lawyers (Jordan); Enhance human rights education (Jordan);
- 10. Continue to promote human rights in accordance with the values of the country (Oman); Continue with efforts to promote and protect human rights according to international commitments and religious and cultural specificities (Kuwait);
- 11. 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 (Egypt);
- 12. Continue to develop the institutional framework with respect to the promotion and protection of human rights (Jordan);
- 13. Continue its positive actions for further promoting the rights of disabled people (Turkey);
- 14. Continue to take measures to protect the rights of women, children and people with disabilities (Belarus);
- 15. Continue exercising its sovereign right of adopting national legislation and the penal code, including the application of the death penalty (Egypt, Sudan);
- 16. Continue with its efforts to strengthen the enforcement of law on violence against women (Viet Nam);
- 17. Take all necessary measures and implement all necessary programmes to overcome the obstacles that prevent women's status from progressing further (Oman);
- 18. 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 (Kazakhstan);
- 19. 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 (Bangladesh);
- 20. 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 (Bahrain); 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 (Iran);

- 21. Explore further ways and means aimed at improving and enhancing the welfare and protection of victims of child abuse (Iran);
- 22. 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 (Sri Lanka);
- 23. Continue its efforts in providing educational facilities to students with special educational needs, such as children with visual and hearing impairment and those with learning difficulties (Sri Lanka); Continue its efforts to support children with special needs, namely, children with visual impairment, children with hearing impairment and those with learning difficulties (Morocco);
- 24. Pay special attention to the problems of the children living and working on the streets (Kazakhstan);
- 25. Pursue the ongoing reforms aimed at restoring public confidence in the judiciary (Algeria);
- 26. Continue its judicial reforms, including by strengthening the independence of the judiciary (Canada);
- 27. Continue with the positive steps it has taken in the implementation of the Bangalore Principles of Judicial Conduct (Zimbabwe);
- 28. Establish an independent committee responsible for appointing judges (Djibouti);
- 29. 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 (Viet Nam);
- 30. 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 (Palestine);
- 31. Continue on this positive path to support education (Saudi Arabia);
- 32. Continue with its efforts to develop education as a great investment for the future (Kuwait);
- 33. Take the necessary measures to effectively promote and strengthen family and moral values (Morocco);
- 34. Continue to organize training programmes for parental competencies targeted to the general public to ensure the well-being of children (Morocco);
- 35. Strengthen the monitoring mechanism at the federal and district level to ensure that the programmes on poverty eradication reach the intended target group, as well as to share best practices with interested developing countries (Algeria);
- 36. Continue efforts to reduce poverty and limit disparities in education and income (The United Arab Emirates); Continue to carry out efforts to reduce the incidence of poverty and lessen inequalities in income and education (Uzbekistan);
- 37. Continue to carry out efforts to reduce the incidence of poverty and lessen income and educational inequalities (Lao People's Democratic Republic);
- 38. 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 (Cambodia);
- 39. Continue positive efforts directed at eradicating poverty (Cuba); Continue to implement the existing policy and programmes to eradicate poverty (Zimbabwe);

- 40. Continue to enhance its activities towards the eradication of poverty in all its states and share its experiences with other countries (Turkey);
- 41. Continue to find ways and means to increase investments by the public and private sectors in combating urban poverty (Uzbekistan);
- 42. Encourage the participation of public and private sectors and non-governmental organizations in the efforts towards poverty eradication, among other by creating more employment opportunities and providing human resources skills and training (Uzbekistan);
- 43. Continue with positive efforts to promote economic, social and cultural rights, particularly the priority given to health, education and the care of disabled (Cuba);
- 44. 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 (Lebanon);
- 45. Maintain its commitment to realizing the Millennium Development Goals in parallel with striving for economic success (Lebanon);
- 46. 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 (Venezuela); Continue to further improve the health care system and guarantee more extensive protection in this area to the Malaysian people (Saudi Arabia);
- 47. Continue its efforts to promote greater prosperity and improve the welfare of the population, notably through progressive education and health policies (Indonesia);
- 48. Continue to take effective policies to ensure adequate housing for all citizens and in particular for those in the lower income bracket (Algeria); Continue to set up policies and programmes necessary to guarantee adequate housing at reasonable cost for all inhabitants, particularly people with limited income (The United Arab Emirates);
- 49. Continue its efforts to provide adequate housing and an adequate standard of living for all (Bahrain);
- 50. Continue its efforts for the protection of the rights of foreign workers, and enhance their safety and welfare through institutional arrangements (Nepal); Continue its effort to protect the rights and interests of foreign workers (Bangladesh);
- 51. Continue its efforts and positive initiatives in guaranteeing indigenous peoples' access to education, healthcare and judicial assistance (China);
- 52. Share in detail and through the appropriate mechanisms of the Council, its achievements, experiences and lessons drawn in the following areas: (a) how it managed to bring down poverty rates in urban and rural areas in a consistent and progressive way during the last 35 years; (b) how the establishment of the Anti- Corruption Academy in Malaysia helped and continues to help fighting corruption and raising awareness (Sudan);
- 53. 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 (China);
- 54. Share its experience with other countries as regards education programmes for students to teach them the values of tolerance and openness of Islam (Morocco);
- 55. Share its experience in strengthening education with other countries, in particular with multi-cultural and multi-religious countries (Yemen);
- 56. Share with the international community its experiences in national development and poverty reduction (Viet Nam); Share its experience with other developing countries in the area of poverty

eradication, in particular, urban poverty (Myanmar); Share its experience and best practices with other developing countries in the area of poverty eradication, in particular between the rural and urban population (Uzbekistan); Share its experience and good practices with other developing countries with respect to poverty eradication (The United Arab Emirates); Share its experiences and best practices in poverty alleviation with other developing countries (Bangladesh);

- 57. Share its experiences and best practices with other countries in the area of poverty eradication, especially in developing small and medium-sized enterprises (Lao People's Democratic Republic);
- 58. 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 (Myanmar);
- 59. Share with the international community their good practices in matters of access to health, particularly the advantages of the "teleprimary care" system (Cuba);
- 60. Share its best practices and strategies on reduction of maternal mortality rates (The Philippines);
- 61. Share its experience in combating corruption with the countries that have the same interest (Yemen);
- 62. Continue its positive efforts to improve the human rights situation in its country (Chad).

105. The recommendations noted in the report in paragraphs: 71; 72 (c); 81 (d), (f) and (h); 83 (b); 94; 67 (a), (b) (i) and (ii); 89 (a) and (b); 64 (b); 75 (d) and (f); 93 (b) and (c); 21; 76 (b) and (f); 88 (a); and 84 (b), above did not enjoy the support of Malaysia."

- Paragraph 71 (The Republic of Korea): "Recommended that Malaysia favourably consider becoming a party to the ICCPR, ICESCR, CAT and CERD"
- Paragraph 72(c) (Finland): "To sign and ratify core international human rights instruments (CAT, CERD, CCPR and CESC)"
- Paragraph 81(d) (Canada): "To review its Police Act to enhance its citizens' ability to exercise the right to peaceful assembly"
- Paragraph 81(f) (Canada): "To 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"
- Paragraph 81(h) (Canada): "To become a party to the ICCPR, ICESCR, CERD, and CAT"
- Paragraph 83(b) (Djibouti): "To consider abolishing the death penalty"
- Paragraph 94 (Lithuania):
 - (a) "To facilitate attempts indicated in the report to the UPR procedure in order to ratify the core human rights instruments, in particular ICCPR and ICESCR"
 - (b) "To 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"
 - (c) "Recommended ratifying the OP-CEDAW"
- Paragraph 67 (a) (Belgium): "To take concrete measures to address the absence of adequate infrastructure for the reception, registration and housing of refugees and asylum seekers"
- Paragraph 67 (b) (i) (Belgium): "Recommended the accession to the ICCPR, ICESCR"
- Paragraph 67 (b) (ii) (Belgium): "Recommended the accession to the Convention on the Status of Refugees and its Additional Protocol of 1967"

- Paragraph 89 (a) (Mexico): “To consider positively accession to international human rights treaties, particularly ICCPR, ICESCR, ICRMW and ILO Convention 169 on indigenous peoples and tribes”
- Paragraph 89 (b) (Mexico): “Recommended an open standing invitation to special procedures visiting the country, particularly relating to the fundamental rights and freedoms of indigenous peoples and the rights of migrants”
- Paragraph 64 (b) (Turkey): “Recommended ratification of the Optional Protocol to CEDAW”
- Paragraph 75 (d) (Ukraine): “To ratify all core human rights treaties to which Malaysia is not a party”
- Paragraph 75 (f) (Ukraine): “To issue a standing invitation to all special procedures”
- Paragraph 93 (b) (Italy): “To (i) publish official figures concerning executions and death sentences, (ii) restrict the application of the death penalty to the most serious crimes according to international minimum standards and (iii) consider the establishment of a moratorium on the use of death penalty with a view to its abolition”
- Paragraph 93 (c) (Italy): “To adhere to the 1951 Convention on the Status of the Refugees and its additional Protocols”
- Paragraph 21 (Israel):
 - (a) “To 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”
 - (b) “To 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”
 - (c) “To outlaw the practice of torture and cruel, inhuman and degrading treatment, including the whipping of persons for alleged violations of the Immigration Act”
 - (d) “To 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”
 - (e) “To end the impunity of members of the Malaysian Volunteer Corps (RELA) for acts of violence, corruption, and the abuse of power against immigrants by amending the relevant RELA regulation”
 - (f) “To develop and adopt national legislation and practices granting formerly trafficked and exploited women and children remaining in Malaysia immunity from penalties under national immigration laws.”
- Paragraph 76 (b) (Chile): “Recommended as a first step that a moratorium on executions be established”
- Paragraph 76 (f) (Chile): “Recommended the elimination from the Penal Code of standards which allow for discrimination against people on the grounds of their sexual orientation”
- Paragraph 88 (a) (France): “To respect the human rights of all individuals, including homosexuals, by de-penalizing homosexuality”
- Paragraph 84 (b) (South Africa): “Recommended that comprehensive protection is accorded to all migrant workers, including access to essential services like education, health and housing”

“106. As for recommendations listed below, Malaysia notes those recommendations and will provide the response in due time. The response of Malaysia will be included in the outcome report to be adopted by the Human Rights Council at its eleventh session.

- 1. Ratify ICCPR and CAT and implements both treaties at national level (United Kingdom); Ratify the Disabilities Convention (Finland); Withdraw all of its reservations to CEDAW and CRC as soon as possible (Finland); Withdraw its reservations to CRC (Belgium); Promote gender equality and

protection of childhood and give favourable consideration to withdrawing the reservation on CRC and CEDAW (Mexico); Withdraw the reservations made to CEDAW, as an extension of measures already taken in 1998 (France);

- 2. 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 (United Kingdom);
- 3. Bring domestic legislation into conformity with CEDAW (Chile);
- 4. Accede to the Rome Statute of the International Criminal Court (France);
- 5. Enact laws pertaining to anti-discrimination (Ukraine);
- 6. 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 (South Africa);
- 7. Ensure the independence of SUHAKAM in accordance with the Paris Principles (United Kingdom and Netherlands) and amend act 597 (United Kingdom); so that the SUHAKAM's scope covers all rights in the Universal Declaration of Human Rights (United Kingdom, Netherlands), an efficient follow-up system for the recommendations given by SUHAKAM to be developed and take measures to ensure the compliance of the Commission with the Paris Principles (Finland); strengthen the independence of SUHAKAM in accordance with the Paris Principles (Canada);
- 8. Establish an independent and impartial police complaints commission in accordance with the recommendations of the Royal Commission on police reform (Netherlands);
- 9. 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 (Ukraine);
- 10. 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 (France);
- 11. Outlaw corporal punishment at home; and provide victims of domestic violence with access to legal remedies and protection from potential perpetrators (Germany); Set in place effective campaigns to inform and sensitize the population on this matter (Germany);
- 12. Strengthen efforts to combat violence against women, including by ensuring that rape within marriage, defined as being when one of the spouses does not consent, is a criminal offence (Canada);
- 13. Consider an alternative to indefinite preventive detention such as criminal prosecutions (United Kingdom); 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 (Germany); 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 (Italy);
- 14. Adopt the measures necessary to guarantee freedom of religion (Chile); Continue to guarantee religious freedom by taking away any impediment to the full enjoyment of this basic human rights for all its citizens (the Holy See);
- 15. Adopt a law on the media in order to guarantee the freedom of expression and information (France); 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 (Canada);
- 16. 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 (Netherlands); 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 (Canada);

- 17. Ensure comprehensive and universal access to health services for citizens and non-citizens alike, including migrant workers, refugees, asylum seekers, indigenous peoples (Ukraine);

- 18. 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 (Netherlands);

- 19. Adopt the necessary measures to prevent abuses against migrant workers and respect for their rights (Chile); 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 (Germany); 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 (Belarus).

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