

Statement by Neha Sood on behalf of Action Canada for Population and Development.

Mr. President,

It is my honour to present this statement, prepared in consultation with civil society organizations in Malaysia. We thank the State for its national report, and other States participating in Malaysia's Universal Periodic Review for their questions and recommendations.

As detailed in paragraph 48 of the report of the Working Group, the Malaysian delegation acknowledged that the Malaysian Penal Code criminalizes oral and anal sex, and stated that it was against the tenets of the State's official religion, Islam, and also Christian and Buddhist religions. The delegation also stated that under the Minor Offences Act, cross dressing is not an offence. However, the delegation did not share that Malaysia's laws do not allow for the change of a person's name or sex assigned at birth on identification papers, which poses difficulties for the State's transgender population.

These statements, however, do not reflect that the enforcement of both these laws is targeted towards people of non-normative sexual orientation, gender identity and expression. This displays neither transparency nor accountability for the instances of targeted discrimination and violence, including beatings of transgender people, police harassment and violence targeted towards people who are perceived as gay. To justify discrimination, criminalization and violation of human rights on the grounds of moral or religious beliefs undermines the principles enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

We encourage Malaysia to promote non-discrimination and tolerance; to amend in the Penal Code all laws that discriminate against people of diverse sexual orientation, gender identity and expression, including decriminalising consensual sexual acts and allowing for the change of a person's name and sex on identification papers; and to train law enforcement officers and the judiciary on the human rights of all people.

Thank you, Mr. President.