



**STATEMENT BY H. E. OTHMAN HASHIM,
PERMANENT REPRESENTATIVE OF MALAYSIA,
ON THE ADOPTION OF MALAYSIA'S
UNIVERSAL PERIODIC REVIEW OUTCOME REPORT**

11TH SESSION OF THE HUMAN RIGHTS COUNCIL, 2 – 18 JUNE 2009

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Geneva, Switzerland

12 June 2009

On behalf of the Government of Malaysia, allow me to express my appreciation to the UPR Working Group, the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR) and the Troika, namely Egypt, Nicaragua and Qatar who have all contributed to a smooth UPR process for Malaysia last February. My sincere gratitude also goes out to all delegations that participated in Malaysia's review and for providing many constructive comments and criticisms.

2. In accepting majority of the recommendations, Malaysia exercised considerable flexibility with a view to effecting improvements to the human rights situation in the country. We have already begun taking action to implement those recommendations. We are committed to ensure that they are implemented through various programmes such as human rights awareness and training, harmonisation of national legislation with international human rights instruments and compliance with treaties that we have acceded to, and regional and international cooperation for capacity building.

3. Among the recommendations that have been implemented relates to continuous training for law enforcement officials. I am pleased to inform the Council that this recommendation will be implemented through a workshop entitled Human Rights Training for ASEAN Police Trainers to be jointly organised by the Government of Malaysia and the Commonwealth Secretariat from 15 to 19 June 2009 in Kuala Lumpur. Among others, this workshop seeks to enhance the capacity of ASEAN police trainers and increasing their knowledge in the area of human rights. It is also aimed at ensuring sustained human rights content in police training so that human rights considerations and obligations could be built into the structures, habits, culture and operational functions of the police. Malaysia is also in discussion with the OHCHR Regional Office in Bangkok on the possibility of organising other capacity-building workshops or seminars related to human rights in the future.

Mr. President,

4. Just last April, Malaysians welcomed the swearing in of its new Prime Minister. Our Prime Minister espouses the concept of 'One Malaysia' which among others, entails mutual trust and respect as the main ingredients for national unity and places utmost emphasis on the interest of the people. This notion gives a clearer picture to the term 'unity in diversity' and takes a pluralistic and integrationist approach in steering the Government's vision for the country.

5. Since independence, various policies have been developed and implemented for the benefit of the people and sustainability of the nation. In light of the current global economic and financial crisis, my Government continues to believe that policies which underscore the importance of achieving socio-economic and development goals as a way of ensuring such harmony and unity remain vitally important.

Mr. President,

6. With regard to the recommendations that Malaysia has undertaken to respond to, detailed explanation is provided in document A/HRC/11/30/Add.1. We wish to take this opportunity to shed further light on certain issues which we believe merits further clarification.

7. On the issue of preventive detention legislation, the Government had in early April 2009 decided to undertake a comprehensive study with a view to reviewing the Internal Security Act (ISA). For this purpose, a working committee has been established at the Ministry of Home Affairs. Since Malaysia's review last February, we wish to inform that the Government has released a significant number of persons previously detained under the ISA.

8. As part of Malaysia's efforts in ensuring transparency in law enforcement as well as to enhance and deepen cooperation with the Council's special procedures, Malaysia is also positively considering to invite the Working Group on Arbitrary Detention to undertake a country visit to Malaysia.

9. I also take this opportunity to inform the Council that serious efforts are being undertaken to review some of the reservations to CEDAW with a view to lifting them.

10. On the CRC, a Technical Committee was established to study the possibility of withdrawing Malaysia's reservations to the convention. This committee has consulted and obtained feedback from relevant government agencies, NGOs, academicians as well as the Human Rights Commission of Malaysia (SUHAKAM). The proposed withdrawal of reservations is expected to be considered by the Government before the end of 2009.

11. With a view to implement recommendations of the CRC Committee to ensure comprehensive protection of the rights of children, the Government is in the process of amending the Child Act 2001. The proposed amendments include among others, extending the powers of Child Protection Teams, broadening the scope of coverage to include victims of trafficking and to repeal corporal punishment sentences on children by replacing it with community service orders.

12. In addition, a National Child Policy and a National Child Protection Policy as well as their respective Plans of Action are being finalised and scheduled to be tabled for Cabinet approval before the end of 2009.

13. An additional MYR81.1 million has also been allocated to enhance a Community-Based Rehabilitation Programme for children with disabilities, including to provide new tools and equipment as well as increasing activities under this programme.

14. With a view to instilling the importance of gender equality in young minds, the Government is undertaking efforts to educate the society on gender awareness through programmes such as publication of books to help children

understand that girls should enjoy the same rights as boys, as outlined in CEDAW.

Mr. President,

15. With a view to strengthen the operational capabilities and enhance the transparency and independence of Malaysia's National Human Rights Commission or SUHAKAM, the Government amended the SUHAKAM Act of 1999 in April 2009. Among others, the amendments seek to refine the criteria for the appointment and reappointment of SUHAKAM members and to provide for performance assessment mechanisms. Further proposed amendments to the SUHAKAM Act expected to be tabled in the next Parliament sitting will include the requirement to consult with civil society representatives in the appointment of SUHAKAM members.

16. On the issue of the death penalty, we wish to reiterate that such penalty is only imposed on the most heinous crimes, such as drug trafficking, murder, treason and kidnapping. Although offences carrying the death penalty are small in number, the Government is presently considering proposals to replace the death penalty with a maximum sentence of life imprisonment.

Mr. President,

17. Malaysia views all instances of abuse, including those against foreign workers, with serious concern. Foreign workers are protected by domestic employment laws and have access to legal remedies. Employment disputes may be referred to both the Labour Department as well as the Industrial Court. Foreign workers who file cases against their Malaysian employers are granted an adequate period of stay in Malaysia and will be issued with gratis special pass while awaiting trial. Additionally, a 24-hour hotline to deal with complaints of abuses against foreign workers has been established. The Government has also introduced guidelines for employers for the recruitment of foreign workers.

18. In concluding Mr. President, Malaysia would like to reiterate that its efforts to secure the promotion and protection of human rights and fundamental freedoms for its people have been very much focused on achieving inter-racial harmony within society, coupled with equitable socio-economic development while taking into account the human rights and fundamental freedoms of the individual. We remain steadfast in our commitment to continue improving the protection and promotion of human rights in the country.

Thank you.

GENEVA

12 June 2009