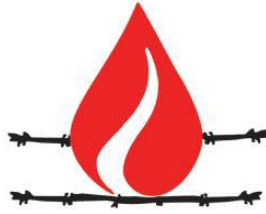


# Organization for Defending Victims of Violence (ODVV)

## UPR Submission

31th session of UPR Working Group (November 2018)

### Malaysia



سازمان دفاع از قربانیان خشونت  
Organization for Defending Victims  
of Violence

[www.odvv.org](http://www.odvv.org)

## About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.
2. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labor (based in New Delhi). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.
3. ODVV is also a member of the International Organization against Small and Light Weapons, the UN Conference of Non-Governmental Organizations (CONGO), the International Movement for a Just World (JUST), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT).
4. During the last 2 decades, we have done so many activities, mainly informative with regard to human rights and support of the victims of violence. Various human rights education courses, workshops, seminars, conferences have been held or co-held by ODVV for various sectors of society: civil society institutions and governmental organizations.
5. Other Activities:
  - Participation in UN Commission on Human Rights annual sessions, and the new Human Rights Council sessions in Geneva. Written and oral statements on various items of the agenda are issued by ODVV.
  - Internship for foreign students
  - Publication of different books and booklets on human rights such as Rights of the Child, Racism, Racial Discrimination and Xenophobia. Publication of Defenders Newsletter (English), human rights news and developments bulletin (Farsi), Rights of the Child bulletin (Farsi)
  - Daily electronic human rights newsletter in English and Farsi.
6. As a NGO active in human rights, ODVV has collected documents and data, through published information in news websites, and is providing the following report on the human rights situation of Malaysia, with the aim of the improvement of the human rights situation.

## **Freedom of expression**

7. Malaysia has violated the right to free expression through legal and political processes. Restrictive laws such as the Sedition Act and the Communications and Multimedia Act continued to be used to silence government critics and human rights activists, who were often harassed, intimidated and detained. For instance, following critical coverage of a corruption scandal linked to the Prime Minister by the independent news portal, The Malaysian Insider, it was shut down for commercial reasons after being blocked by the government. Also, some citizens was found guilty by the court and fined or imprisoned for criticizing the Prince on social media.<sup>1</sup> In the last one year, there have been several cases of arbitrary travel bans imposed on government critics, including cartoonist and political activists.<sup>2</sup>

8. Film Censorship Act has been used as a legal tool to restrict the freedom of expression for media. Malaysian authorities used the restrictive Act to require the deletion of scenes from a film by a Malaysian investigative journalist implicating Malaysian immigration officials in the trafficking of Rohingya girls.<sup>3</sup>

## **Freedom of Assembly**

9. Malaysian authorities regularly prosecute individuals and human rights activists who hold peaceful assemblies. Protesters advocating the electoral reform and raising awareness were subjected to physical attacks and intimidation, as well as death threats against their leaders.<sup>4</sup>

## **Criminal justice system**

10. Malaysia is in breach of its human rights obligations to ensure the freedom from arbitrary detention and fair trial for its citizens. Both the Prevention of Crime Act and the 2015 Prevention of Terrorism Act give government-appointed boards the authority to impose detention without trial for up to two years, to order electronic monitoring, and to impose other significant restrictions.<sup>5</sup> Wording in the Prevention of Terrorism Act is overly broad and open to abuse, it allows the authorities to arrest individuals without providing grounds for detention.<sup>6</sup>

11. The National Security Council Act, provide the executive officials with extensive powers including arrest, search and seizure without warrant, curfews, and authority to circumvent accountability measures such as inquests into deaths in security areas.<sup>7</sup>

## **Minorities**

12. The principles of equality and non-discrimination are principal grounds of a democratic society which Malaysia disregard. For instance, the constitution defines ethnic Malays– the majority

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<sup>1</sup> <https://www.hrw.org/report/2016/10/12/deepening-culture-fear/criminalization-peaceful-expression-malaysia>

<sup>2</sup> <https://www.amnesty.org/en/countries/asia-and-the-pacific/malaysia/report-malaysia/>

<sup>3</sup> <https://www.hrw.org/world-report/2018/country-chapters/malaysia>

<sup>4</sup> <https://www.amnesty.org/en/documents/asa28/5014/2016/en/>

<sup>5</sup> <https://www.hrw.org/world-report/2018/country-chapters/malaysia>

<sup>6</sup> <https://www.amnesty.org/en/countries/asia-and-the-pacific/malaysia/report-malaysia/>

<sup>7</sup> <http://says.com/my/news/the-national-security-council-bill-2016-takes-effect-from-1-august>

ethnic group – as Muslim, but in practice, the government only supports Sunni Islam. The government funds most Sunni mosques and imams and provides talking points for sermons, which regularly vilify religious minorities, such as Shia Muslims.<sup>8</sup> There are texts that openly brand Shias as “deviant” throughout Malaysian bookstores, with figures of authority also calling out for an “eradication” of the Shia branch of Islam.<sup>9</sup> Discrimination against Shia population intensified after the transfer of millions of dollars from Saudi Arabia to the country.<sup>10</sup>

### **Refugees and Asylum Seekers**

13. Malaysia is not a party to the 1951 Refugee Convention, and refugees and asylum seekers have no legal rights or status in the country. Over 150,000 refugees and asylum seekers, most of whom come from Myanmar, are registered with the UN Refugee Agency, UNHCR, in Malaysia but are unable to work, travel, or enroll in government schools.<sup>11</sup> In addition to Rohingya refugees, some 700 people from Bangladesh, many likely to have been victims of human trafficking, arrived in Malaysia and they have spent months in detention in harsh conditions and most of them have since been repatriated.<sup>12</sup> Also, asylum seekers arrested by authorities are treated as “illegal migrants” and locked up in overcrowded and unhealthy immigration detention centers.

14. No Malaysians have been held responsible for their role in the deaths of over 100 ethnic Rohingya trafficking victims whose bodies were found in 2015 in remote jungle detention camps on the Thai-Malaysian border. All policemen initially charged in the case were exonerated and released in early 2017.<sup>13</sup>

### **Recommendations**

15. Government of Malaysia must end its crackdown on civil society groups and allow civil society to peacefully exercise its human rights.

16. It must set the text of the rules, especially Terrorism Act, transparently in order to prevent violations of citizens' rights under the guise of national security.

17. Towards respecting the international human rights principles, Malaysia should seriously consider joining the Convention Relating to the Status of Refugees.

18. Malaysia must carry out independent and impartial investigations to bring perpetrators and the criminal gangs responsible for the refugee crisis and human trafficking victims to justice.

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<sup>8</sup> <http://www.freemalaysiatoday.com/category/nation/2017/05/02/unequal-treatment-for-non-muslims-minorities-says-us-report/>

<sup>9</sup> <https://ahlulbayt.tv/blog/shias-in-malaysia/>

<sup>10</sup> <http://newsrescue.com/saudi-royal-family-gave-681m-to-malaysian-pm-who-banned-shia-islam/#axzz56hjABQmV>

<sup>11</sup> <https://www.reuters.com/article/us-malaysia-refugees-women/silent-in-fear-refugee-women-in-malaysia-unprotected-against-violence-idUSKBN1EX00F>

<sup>12</sup> <https://www.amnesty.org/en/latest/news/2016/05/malaysia-one-year-on-no-justice-for-the-boat-crisis-survivors/>

<sup>13</sup> <https://www.hrw.org/world-report/2018/country-chapters/malaysia>

19. The Malaysian government must stop criminalizing and punishing refugees and migrants and work with international partners to ensure they are given the protection they are entitled to.

20. Malaysia should consider how best the specific needs of individuals belonging to minorities could be addressed in order to ensure their equal enjoyment of all human rights.