

**40<sup>th</sup> Regular Session of the UN Human Rights Council  
Item 6: Universal Periodic Review of Malaysia**

**Oral Statement Delivered by Rosanna Ocampo on behalf of  
Asian Forum for Human Rights and Development (FORUM-ASIA), ARTICLE 19, and Commonwealth  
Human Rights Initiative (CHRI)**

**Thursday, 14 March 2019**

Mr President,

We make this statement in solidarity with SUARAM and Pusat KOMAS. We note that Malaysia has fully accepted 147 of the 268 recommendations it received during its Universal Periodic Review (UPR).

We are encouraged by the government's commitments and positive steps towards reform such as the recent accession to the Rome Statute for the International Criminal Court (ICC). However, we call on the government to follow up its commitments with concrete action including by ratifying the International Covenant on Civil and Political Rights (ICCPR) and other core international human rights treaties, abolishing the death penalty, and repealing or amending restrictive legislation in line with international human rights standards. In this regard, we are concerned by the government backtracking on the commitment to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

We regret that Malaysia has not fully accepted several key recommendations on freedom of expression, peaceful assembly and association, and the protection of human rights defenders.

We call on Malaysia to repeal restrictive legislation, including the Sedition Act, Section 233 of the Communication and Multimedia Act, and the Peaceful Assembly Act, which have been used extensively to criminalise and silence human rights defenders, journalists and dissidents, and impose undue restrictions on freedoms of expression, assembly and association.

Furthermore, we call on Malaysia to fully implement recommendations to repeal or amend legislation which continue to be misused to arbitrarily detain individuals without trial, including the Security Offences (Special Measures) Act, the Prevention of Terrorism Act, and the Prevention of Crime Act.

We also regret that Malaysia has not accepted recommendations to criminalise marital rape and all forms of female genital mutilation, and to decriminalise consensual same-sex sexual activity. We urge the government to accept these recommendations, and to end all forms of discrimination based on sexual orientation and gender identity.

We note that the government has committed to creating a national mechanism for the implementation, reporting and follow-up of recommendations from the UPR. We urge the government to develop a concrete and time-bound action plan, in consultation with civil society, the national human rights institution, and other stakeholders.

Thank you.