

UNITED NATIONS HUMAN RIGHTS COUNCIL 11<sup>th</sup> SESSION  
GENEVA, 2<sup>nd</sup> – 19<sup>th</sup> JUNE 2009  
UPR ON MALAYSIA

Mr. President,

In respect of the UPR on Malaysia, I would like to highlight 3 pressing concerns.

The first is on refugees. The Malaysian Government continues to decline to ratify the 1951 Convention on Refugees. The Office of the UNHCR in Malaysia has registered approximately 47,000 persons of concern, primarily from Burma. They estimate that a similar number remain unregistered. Of these 47,000 7,000 are of school-going age. However only 1/3 of them receive any form of education. Notwithstanding Malaysia's commitment under the Convention of the Rights of the Child, children of refugees, asylum seekers and undocumented migrants are not entitled to attend Malaysian schools. Instead, they rely on mainly faith-based organisations to provide informal and irregular basic education. Because these children are not recognised as refugees, those who provide them with education are openly at risk of prosecution for harbouring illegal immigrants under Malaysia's Immigration Act.

Refugees, asylum seekers and undocumented migrants face the risk of arrest. They are detained in immigration detention centres. Immigration courts located within detention centres regularly mete out sentences of jail and whipping. Although such courts are technically open to the public, because they are held at detention centres the presence of legal representation can be sporadic and attendance of the public is at the discretion of the authorities, which is often not facilitated.

Instead of the long wait for trial, often longer than any potential jail term would have been, some plead guilty, endure the whipping and are deported to the no-man's land at the Malaysian-Thai border where they are at the mercy of human traffickers who, for a fee, will return them to downtown Kuala Lumpur, the Malaysian capital. It is a revolving door.

Conditions at detention centres are highly questionable. Very recently 2 detainees from Burma died from leptospirosis, an illness caused by drinking water contaminated with animal urine.

The Malaysian Government needs to ratify the 1951 Convention on Refugees to end these violations of human rights and increase protection for refugees, asylum seekers and undocumented migrants.

The second concern is freedom of religion. Non-Muslim groups in Malaysia are suffering under the prohibition from using certain words and phrases deemed by the Malaysian Government as being the sole and exclusive right of the majority religion in Malaysia. This impacts upon the religious practice of certain non-Muslim faiths.

The third concern is freedom of expression and freedom of assembly, which the Malaysian Government continues to deny its citizens. Since the UPR session in February 2009, the Malaysian Government has arrested one person for calling the public to wear black to mourn the death of democracy in one of our states, and many others for holding candlelight vigils in

support of democracy and freedom of expression and assembly. The Malaysian Government and police have warned the public against wearing black and participating in candlelight vigils. The police also arrested 5 lawyers for gathering in front of a police station seeking to confer with their clients and refusing to disperse when instructed to do so. A few days ago a stall in our central arts and craft market was raided for selling T-shirts displaying satirical designs and slogans.

These blatant contraventions of international human rights norms are in stark contrast with the development of a modern and democratic society. The Malaysian Government should forthwith ratify the International Convention on Civil and Political Rights and respect real and meaningful freedom of expression and assembly in Malaysia and not be afraid of peaceful articulation of legitimate dissent and diversity of opinion by its citizens.

It is hoped that notwithstanding that Malaysia's UPR is now almost completed and the report about to be adopted, and that Malaysia is finishing its term on the Human Rights Council, the international community will continue to constructively engage Malaysia to improve its human rights record and not wait until the next UPR on Malaysia.

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