



Item 6

25th Session of the United Nations Human Rights Council – 20 March 2014
Oral Statement on the UPR Outcome Report for Malaysia

Speaker: Praveen Gunaseelan

Mr. President,

The Government of Malaysia notes that it has 'engaged in and would continue inclusive and transparent consultations, including with civil society' regarding the UPR. This statement is in stark contrast with the situation on the ground. COMANGO, a coalition of 54 CSOs, was declared illegal in an electronic government statement, after COMANGO made comprehensive submissions to the UPR. This apparent reprisal against a body that cooperates with the UN was brought to the attention of the High Commissioner and relevant Special Rapporteurs. The government subsequently amended their statement. CHRI urges Malaysia, in the strongest terms, to cease all intimidation and acts of reprisal against human rights defenders and to cooperate with the UPR.

CHRI regrets Malaysia's view that the Enforcement Agencies Integrity Commission (EAIC) is a suitable substitute for the Independent Police Complaints and Misconduct Commission (IPCMC). At present the EAIC is not independent, sufficiently resourced or effective at responding to allegations of excessive use of force, abuse of power or custodial deaths. Malaysia is in urgent need of a dedicated, fully functioning independent police oversight mechanism. CHRI urges Malaysia to take steps to establish an IPCMC in accordance with the recommendations of the Royal Commission on police reform.

CHRI regrets Malaysia's rejection of all recommendations related to sexual orientation and gender identity. "Carnal intercourse against the order of nature" is punished with imprisonment and whipping in Malaysia. In addition to a breach of international obligations the provisions have allegedly been used to harass opponents of the government. Criminalisation of same-sex conduct encourages and reinforces intolerance, abuse, discrimination and marginalisation, leading to an overall destabilisation of society. CHRI urges the government to issue a moratorium on prosecutions and to take necessary action to protect members of the SOGI community and all human rights defenders from threats, intimidation and violence.

Thank you