



Malaysia

Shia Rights Watch Submission for the UN Universal Periodic Review

31st Session of the UPR Working Group, November 2018

Established in 2011, Shia Rights Watch (SRW) is a non-governmental, not-for-profit research entity and advocacy group headquartered in Washington D.C. USA. SRW works with over 700 local respondents to verify humanitarian news. SRW aims to draw international attention to countries where minority rights, namely that of Shia Muslims, are violated by providing an outlet for freedom of speech. As of 2015, SRW holds an ECOSOC status with the United Nations.

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Summary

1. Despite commitments to comply with 2013 UPR suggestions, Malaysia continues to violate the freedom of religion, expression, and assembly.
2. In response to recommendations presented by the 17th session of the UPR in 2013, Malaysia failed to endorse 85 of the 235 recommendations. Recommendations endorsed are yet to be fully implemented. Moreover, contrary to suggestions made in 2013, Malaysia has further displayed incitement of hate language and reduced its compliance with international human rights guidelines.
3. Systematic targeting of minority groups undermines the government's claims of cooperation to international human rights efforts.
4. In this submission, Shia Rights Watch highlights the systematic discrimination against minority religious groups, namely Shia Muslims.

National Framework for Promotion and Protection of Human Rights

5. Since 2013, the Malaysian Parliament has repealed and amended some laws in respect to UPR suggestions. However, while changes included decriminalization of free speech in specific geographical areas, they also increased punishment against protestors.
6. Further, systemic discrimination against minority groups limits access to already existing outlets for human rights protection. Given the government plays an ultimate role in authorizing press and media outlets, there is little room for non-governmental, independent news organizations.
7. Absolute discretion is granted to the national authorities in all aspects of the country.
8. Despite acceptance of UPR measures to increase human rights conventions, recent revisions to Malaysian laws are regressive as they limit freedoms and create grounds for anti-humanitarian endeavors.

Discrimination against Religious Minorities

9. The religious sects such as Shia Islam have been classified as deviant and often their private activities are raided by the Islamic Religious Enforcement Officers. A case example was the raid on a congregation center of an Ahmadiyah sect's Friday prayers by Jabatan Agama Islam Selangor (JAIS). The event which took place on the 11th April 2014 also saw 41 people arrested, including a child, two United Kingdom, and one Pakistani national. During these raids, the followers, women, and children with no exception, were also detained and put in rehabilitation centers to "fix" their faith.
10. The government's dedication to the administration of "Islamic Law" restricts religious expression to Islam as defined by State officials. Enforcement of the Sunni school of thought (Shafei, Hanafi, Maliki, and Hanbali) along with the growing Wahabbi influence demonized other religions and promoted the marginalization of other religious groups.
11. The lack of tolerance for non-conformists creates room for nation-wide discrimination against minority groups.



Recommendations

- a. Social education against discrimination against minority groups for active members of social service (i.e., Law Enforcement)
- b. Full promotion and implementation of International Covenant on Civil and Political Rights (ICCPR)
- c. Full ratification and implementation of the Covenant on the Rights of a Child (CRC), International Covenant on the Protection of Migrant Workers (ICRMW), and Covenant of Elimination of Racial Discrimination (CERD).

Freedom of Speech

12. Freedom of Speech and Freedom of Assembly are limited in Malaysia. Laws such as the Sedition Act, Communications and Multimedia Act 2015 (CMA), Printing Presses and Publications Act (PPPA) and the Peaceful Assembly Act (PAA), are used with political motives to repress freedom of speech.
13. The PPPA limits expression through printed press and content deemed seditious faces censorship, while its author faces criminal charges. Further, licensure of printing presses is upon permission of the Deputy Minister of Home Affairs. Thus, individuals and publications can easily be denied licensure to operate. Publications and agents deemed as “threats to national security” can be detained for up to 3 years.
14. As of 2015, the CMA allows grounds for arbitrary arrest for social media and blog posts deemed “abusive” to religious harmony.
15. The PAA grants the government final authority in deciding which groups have the right to protest or assemble as it requires registry of assembly for approval.
16. Limitations in press and freedom of speech are augmented for religious minority groups in Malaysia.

Recommendation

- d. Revise CMA, PPPA, PAA to comply with international freedom of speech guidelines
- e. Limit usage of PPPA and revise act to increase authority for independent media services
- f. Redefine terms such as “national security” to limit government power to censor online and in-press content
- g. Increase availability of licensure for non-governmental news agencies.

Freedom of Assembly

17. The Registrar of Societies requires all forms of societies to announce and gain approval for their assembly by the home ministry. Through the Registrar, the Malaysian government aims to ensure enforcement of its unilateral definition of Islam throughout the nation. Societies deemed a threat to “security of Malaysia” or “public morality” are restricted in the congregation.

18. Despite commitments to promote and protect the rights of all people to worship in peace and security without discrimination or restriction, Malaysian security forces continue crackdowns in places of religious minority congregation.
19. In September of 2017, Islamic authorities in Selangor arrested more than 200 Iraqi nationals for taking part in a Shia Muslim ceremony.
20. October 2016: Selangor State Islamic Department (JAIS) detained 50 Pakistani nationals believed to be Shia Muslims at an event to mark the day of Ashura.
21. November 2016: Melaka State Islamic Department arrested 15 suspected members of what authorities said was a “deviant” Shia group. Those arrested were free on bail pending trial as of the end of the year. Under state sharia law, each faced up to three years in jail or a 5,000 ringgit fine for “insulting Islam.”

Recommendations

- h. Create all-inclusive requirements for Registrar of Societies
- i. Define broad terms and provide guidelines as to terms such as “threats to national security.”

Enforced Disappearances and Lack of Justice for Minorities

22. On November 24, 2016, the co-founder of Perlis Hope, Amri Che Mat was taken by five armed vehicles. Locals report Mat was warned by the local mufti and law enforcement to stop his social activism, calling his charitable organization a “threat to national security.” Locals have compared the disappearance of Mat to that of Pastor Raymond Koh, who was also abducted in a “military-like assault” by his home on February 13, 2017. Neighbors recall seeing five cars, two of which were SUV’s, and 15 men stopping Koh and pulling him out of his car in broad daylight.
23. Despite the emerging facts and the continued violence against minority groups in Malaysia, little has been done by local law enforcement. Norhayati Mohd Ariffin, Mat’s wife, states she has lodged numerous police reports over the past year, yet her case was not taken seriously. During investigations, the Koh family recalls the same procedure- instead of investigating the crime, the police questioned the Pastors social activities.
24. Prejudice against minority groups has become systematic in the nation as law enforcement ignores acts of violence that threaten these communities. The lack of due-process for direct violence welcomes increased bigotry and targeting of these groups.

Recommendation

- j. Full ratification and implementation of International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED)
- k. Ensure non-discriminatory due-process procedure
- l. Ensure non-discriminatory justice procedure by ensuring police accountability