

**UNIVERSAL PERIODIC REVIEW ON MALAYSIA
FOR THE 31st SESSION
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STAKEHOLDER'S REPORT

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1. INTRODUCTION

- 1.1.** The Malaysian Youth Parliament (MYP) is modelled after the Parliament of Malaysia specifically for elected youth aged between 18 and 30. It is a democratic platform for the elected youth to table motions on policy for the betterment of youth to the Government of Malaysia (GoM). Motions adopted by MYP are brought to the Cabinet-level directly for consideration.¹
- 1.2.** In Malaysia, youth is defined as 'a person not less than fifteen years and not more than forty years old'². However, to be noted is the Malaysian Youth Policy that was launched in 2015 that seeks to lower the official definition of youth to be between 15 and 30.
- 1.3.** While the MYP was established by the Ministry of Youth and Sports Malaysia, it is independent and autonomous in its views and motions brought forward. The MYP commends the GoM's initiatives to empower the youth through the Ministry of Youth and Sports including the triannually held MYP proceedings and the biannual dialogue with the National Youth Consultative Council³.
- 1.4.** Issues related to the rights of the youth were not specifically addressed in the first (2009) and second cycle (2013) of the UPR on Malaysia. MYP reiterates that there are still issues to be resolved involving the rights of youth, to stand against discrimination, inequality, and marginalization.
- 1.5.** As the premier elected-youth platform, MYP is obliged to submit this report on the state of human rights, especially in relation to the youth in Malaysia with

¹ Official website of youth parliament, Retrieved from <http://www.parlimenbelia.gov.my/>

²Section 2 of the Youth Societies and Youth Development Act 2007

³Inception of National Youth Consultative Council, Retrieved from <http://hids.arkib.gov.my/-/penubuhan-majlis-perundangan-belia-negara>

recommendations to the Office of the High Commissioner on Human Right (OHCHR) for the 31st session of the UPR Working Group in the UN Human Rights Council scheduled on November 2018.

2. RIGHT OF REPRESENTATION OF THE YOUTH IN POLITICS

- 2.1.** Article 21 Universal Declaration of Human Rights (UDHR) provides that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. In Malaysia, there are no direct barriers for the youth to take part in the government. Effectively however, political parties' nomination processes have not favoured the youth as candidates to contest in general elections. This is despite in almost every general election the youth factions appeal for a greater number of candidacies to the political parties⁴.
- 2.2.** This is reflected in Malaysia's shared bottom position of 88 in the Global Ranking on Parliamentarians Aged Under 30 with 0.0% whilst for Parliamentarians Aged Under 40, Malaysia ranked 91 with 10.8%⁵. This is unrepresentative of the 8.1 million youth (aged 15-30) or 26.1% of the total 31 million Malaysian population⁶.
- 2.3.** Inclusive political participation is not only a fundamental political and democratic right but also is crucial to building stable and peaceful societies and developing policies that respond to the specific needs of younger generations⁷.

Recommendations

- a.** To create strategies for the inclusion of the youth as Members of Parliament.
- b.** To promote quotas for the youth in political parties to increase the number of young members of Parliament and State Legislative Assemblies.
- c.** To lower the voting age from 21 to 18 years old as this would reflect the growing political maturity of Malaysian youth.

⁴Field young candidates for GE14, Umno Youth urges BN, Retrieved from <https://www.nst.com.my/news/politics/2017/05/237019/field-young-candidates-ge14-umno-youth-urges-bn>

⁵Research entitled, *Youth Participation in National Parliaments 2016* by Inter-Parliamentary Union

⁶Department of Statistics Malaysia, Population Statistics 2015.

⁷Beckmans & Matzinger, (2017) Youth Participation in Electoral Processes, UNDP Nepal Electoral Support Project (ESP).

- d. To consider implementing automatic voter registration as a Malaysian turns 18 years old.

3. RIGHT TO OWN PROPERTY

- 3.1.** Article 17 UDHR states that everyone has the right to own property alone as well as in association with others. In Malaysia, the rapid increase of house prices has made home ownership unaffordable to the low and middle class - including the youth⁸. Exacerbating the problem is the undersupply of affordable homes considering current trends of stagnant income growth and demographic factors.
- 3.2.** The price-to-income or median-multiple ratio was developed in 1998 by the UN Centre for Human Settlement (UNCHS) to indicate the affordability of housing in any given community. An affordable housing market should have a median multiple (median house prices as a multiple of median annual household income) of 3.0 times. In 2014, average house prices in Malaysia stood at a 'seriously unaffordable' 4.4 times.⁹ Reflecting the unaffordability of houses in Malaysia is 108,472 units priced above RM250,000 remain unsold in the first half of 2017.
- 3.3.** While there are no official statistics on home ownership among the youth in Malaysia, HSBC's *Beyond The Bricks* 2017 research paper suggests that millennial¹⁰ home ownership in Malaysia stands at a mere 35%.
- 3.4.** In the 2nd cycle of UPR (2013), the National Report stated that the GoM had established PR1MA (1Malaysia People's Housing Company)¹¹ to plan, develop, construct and maintain affordable housing for middle-income households in key urban centres.
- 3.5.** However as it stood in 2017, PR1MA had only managed to construct 8,500 units or two percent of the 500,000 affordable homes promised in 2013¹². Further, the

⁸Hefty prices reason Malay youth delay buying homes, Retrieved from <https://www.themalaysianinsight.com/s/40780/> (Accessed on 9 March 2018).

⁹[http://www.krinstitute.org/assets/contentMS/img/template/editor/_FINAL_Full_Draft__KRI_-_Making_Housing_Affordable__with_hyperlink__220815%20\(1\).pdf](http://www.krinstitute.org/assets/contentMS/img/template/editor/_FINAL_Full_Draft__KRI_-_Making_Housing_Affordable__with_hyperlink__220815%20(1).pdf)

¹⁰Definition of millennial by majority of demographers start the generation in the early 1980s, with many ending the generation in the mid-1990s. Comparable to the age of youth in Malaysia. See :PwC; University of Southern California and the London Business School (2013). "PwC's NextGen: A global generational study"

¹¹PR1MA was established under the PR1MA Act 2012 [Act 739]

¹²Only 8500 PR1MA homes built so far, says minister, Retrieved from <http://www.themalaymailonline.com/malaysia/article/only-8500-pr1ma-homes-built-despite-bns-500000-unit-pledge>

price of PR1MA-built homes are still beyond the average salary of the youth and the bottom 40% of income earners bracket group¹³¹⁴.

Recommendations

- a. To ensure access to adequate affordable housing.
- b. To reduce development charges associated with building affordable homes.
- c. To establish a national-level central authority to lead the planning and delivery of affordable housing and to manage the demand and supply of affordable housing.
- d. To encourage the government to adopt policies to further promote industrial building systems (IBS) technology to reduce house-building costs.

4. RIGHT FOR FREE EDUCATION

- 4.1. Primary and secondary level education is free and compulsory in Malaysia. Article 29A(2) Education Act 1996 provides that parents have to enrol their children aged between 7 and 12 in primary school. Failing which, Section 29A(4) of the same Act makes it an offence liable for a fine not exceeding RM 5,000 or to imprisonment for a term not exceeding six months, or both¹⁵. The latter, meant to ensure parents enrol their children in primary school has disproportionately affected households of lower income.
- 4.2. It remains that the take-up rate of technical and vocational education and training (TVET) after Form 3 (age 15) is lacking. This has indirectly affected the youth to opt for TVET over traditional curriculums¹⁶.
- 4.3. Currently undocumented children, including stateless children, children of lawful migrant workers, children of refugees and asylum seekers do not have the right to education in public schools in Malaysia.

¹³B40 refers to the bottom 40% of households with monthly income of RM3,900 and below.

¹⁴PR1MA houses at KL expo still beyond average salary, Retrieved from <https://www.themalaysianinsight.com/s/45067/>

¹⁵Under Section 29(4) Education Act 1996, parents who fail to send their children to schools will be fined RM5000 or imprisoned or both.

¹⁶Lack of information hampers vocational training push, Retrieved from <http://www.themalaymailonline.com/malaysia/article/lack-of-information-hampers-vocational-training-push> (Accessed on 9 March 2018).

Recommendations

- a. To ensure compulsory enrolment at secondary level of education for Malaysians aged 13 to 17 including public schools and TVET.
- b. To further promote TVET as an alternative option for Malaysians at secondary and tertiary level of education.
- c. To consider progressively reducing the cost to access higher education for Malaysians with ultimate goal of making it free.
- d. To allocate reasonable funding to non-governmental organisations (NGOs) operating education programmes for child refugee and asylum seekers.

5. DISCRIMINATION OF RACIAL PREFERENCES IN HIRING GRADUATES

- 5.1. Article 8(2) of the Federal Constitution of Malaysia prohibits discrimination in the process of appointment and employment¹⁷. However, Lee and Muhammad found substantial evidence of racial discrimination in Malaysia's private sector. The study elaborates that Malay applicants face differential treatment when applying for jobs compared to Chinese applicants. For every Malay applicant that gets called back, on average, 5.3 comparably qualified Chinese get called¹⁸.
- 5.2. Other employment discriminatory practices include advertisements highlighting Mandarin proficiency as a requirement, placing applicants of other races at a disadvantage when applying for the same position¹⁹. However Lee proposed that plausible reasons for discrimination in favour of Chinese applicants over Malays include linguistic and cultural compatibility between the job applicant, company and prospective colleagues²⁰.

Recommendations

¹⁷Discrimination when hiring is rife, say job seekers, Retrieved from <https://www.thestar.com.my/news/nation/2013/09/18/discrimination-when-hiring-is-rife-say-job-seekers/#UHqIqtHD10eb5QX7.99>

¹⁸Lee and Muhammad (2016), Discrimination of high degrees: Race and graduate hiring in Malaysia, Journal of the Asia Pacific Economy

¹⁹See, for example, a popular blog: <http://www.rockybru.com.my/2013/10/proof-of-private-sector-discrimination.html>.

²⁰Lee (2017) *Labour Discrimination in Malaysia: Passage Out of the Gridlock?* Yusof Ishak Institute

- a. To enact legislation prohibiting discrimination in the workplace by promoting employment equality, including at recruitment stage. This should include provisions to outlaw discriminatory practices at the workplace.
- b. To promote awareness, appreciation and best practice of workplace diversity.
- c. To offer tax incentives to companies that promote equal opportunities in its employment.

6. RIGHTS OF YOUNG WOMEN

- 6.1. The general age permissible for marriage in Malaysia is 18 for males and 16 for females²¹. However, exceptions are provided depending on the applicant's religion. Non-Muslims who are under-aged are permissible to marry provided that they obtain the approval of their respective Chief Minister.²² Muslims who are under-aged are able to marry if they obtain approval from a Sharia Court judge²³. In terms of policy, the Ministry of Women, Family and Community Development Malaysia supports awareness campaigns²⁴ to highlight the harmful practice of child marriages, but merely discourages underage marriage.²⁵
- 6.2. As it stands, there are reported cases of underaged rape victims being coerced to enter into marriage with the alleged rapist. Despite obtaining the Chief Minister or Sharia Court's approval, this should not be an excuse to make underaged marriages permissible²⁶. By entering into marriage at a young age, it hinders the development of the child's wellbeing. This necessitates the addressing of permissible child marriages in Malaysia as it adversely affects the development of young women.

Recommendations

- a. To consider the abolishment of child marriages²⁷.

²¹Section 10 of Law Reform (Marriage and Divorce) Act 1976

²²Section 21(2) of Law Reform (Marriage and Divorce) Act 1976

²³<http://www.themalaymailonline.com/malaysia/article/three-things-about-child-marriages-in-malaysia>

²⁴[https://www.kpwkm.gov.my/kpwkm/uploads/files/TextUcapan/YBM%20Child%20Marriagev4%201%20\(media\).pdf](https://www.kpwkm.gov.my/kpwkm/uploads/files/TextUcapan/YBM%20Child%20Marriagev4%201%20(media).pdf)

²⁵<http://www.thesundaily.my/news/2017/08/09/rape-victims-families-decide-underage-marriages-rohani>

²⁶http://factsanddetails.com/southeast-asia/Malaysia/sub5_4b/entry-3640.html

²⁷<https://www.reuters.com/article/us-malaysia-sexcrimes-law/malaysia-passes-child-sex-crimes-law-does-not-ban-child-marriage-idUSKBN1770ZH>

- b. To introduce educational policies to ensure young women understand their free will and consent over marriage.

7. OUT OF WEDLOCK CHILDREN AND ORPHANS

7.1. Between 2005 and 2015, approximately 532,158 children were born out of wedlock according to the National Registration Department (JPN)²⁸. Out of this figure, 16,270 were cases of teenage pregnancy. The Royal Malaysian Police also revealed that there were 526 cases of abandoned babies and more than 50% of the dumped babies do not survive²⁹.

7.2. In Malaysia, there is an increase in the operations of illegal orphanages that act as a facade for begging syndicates, sometimes with links to human trafficking. By exploiting the vulnerable orphan, these illegal orphanages stand to profit from the goodwill of the people. As they are illegal and consequently unregulated, there are no provisions to ensure that the collections from begging is properly channelled toward the wellbeing of the orphans.³⁰

Recommendations

- a. To increase the number of safe “baby-drop” facilities to reduce the death ratio of abandoned babies.
- b. To ensure all orphanages operating in the country are registered with the Department of Social Welfare to ensure proper oversight of these facilities.
- c. To provide reasonable budget allocation for registered orphanages to ensure that they are able to operate optimally.

²⁸<http://says.com/my/news/more-than-530-000-illegitimate-children-registered-with-jpn>

²⁹http://studentsrepo.um.edu.my/6911/1/OUTCOMES_OF_PREGNANCY_AMONG_UNMARRIED_MOTHERS.pdf

³⁰<https://www.nst.com.my/news/nation/2017/08/272960/call-setting-body-control-illegal-orphanages>