

MALAYSIA'S CANDIDATURE TO THE HUMAN RIGHTS COUNCIL
FOR THE TERM 2018-2020

1. Malaysia attaches utmost importance to the work of the Human Rights Council (HRC) as the principal United Nations body mandated to, among others, promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.
2. Given its strong commitment and active involvement in the promotion and protection of human rights, Malaysia is confident that it would be able to serve meaningfully and constructively in the HRC. Malaysia is thus seeking to be elected as a member of the HRC for the term 2018 to 2020.

Malaysia and the HRC

3. Malaysia was an active member of the Commission on Human Rights (CHR) during the periods of 1993 to 1995, 1996 to 1998, 2001 to 2003, and 2005 to 2006 before the Commission was dissolved. Thereafter, Malaysia was elected to the newly established HRC for the term 2006 to 2009, and subsequently for the term 2010 to 2013.
4. During its membership of the HRC, Malaysia was involved in the convening of numerous Special Sessions of the Human Rights Council on a wide range of human rights issues, both thematic and country-specific, the negotiation on and the eventual adoption of the Optional Protocol on a complaints procedure for the Convention on the Rights of the Child (CRC), the creation of new Special Procedure mandates, the Universal Periodic Review (UPR) mechanism, and draft declarations such as the United Nations Declaration on Human Rights Education and Training.
5. Throughout Malaysia's tenure, it had sought to promote a constructive rather than a confrontational and ideological approach to human rights issues. Malaysia continues to firmly believe that such an approach, based on the basic principles of human rights that are universal and inalienable; indivisible; interdependent and interrelated, is central to the work of the HRC. Malaysia also believes that a people-centered and non-politicisation approach to human rights issues, pursued through dialogue and mutually agreeable technical cooperation, provides the best way of realising the full spectrum of human rights for all.
6. Malaysia is confident that our membership of the HRC would contribute towards enriching the quality of dialogue, cooperation and action aimed at advancing the promotion and protection of human rights for all peoples in all parts of the world.
7. On the whole, Malaysia believes that since its establishment, the HRC has contributed positively towards institutionalizing norms of cooperation and

collaboration in global efforts aimed at tackling human rights issues. If elected to the Council, Malaysia will remain committed to further enhancing and strengthening these norms and values.

8. Malaysia reaffirms its belief in the UPR mechanism as one of the most important innovations adopted in recent times by the UN human rights system. Malaysia successfully undertook its first UPR in February 2009 and its second UPR in October 2013. The Government remains committed to participating in this mechanism, in efforts to promote and protect human rights in the country, and globally. In the national context, Malaysia acknowledges the need to continuously monitor and where necessary, to improve the implementation of those recommendations with a view to ensuring the continued enjoyment and exercise of all human rights by all persons in Malaysia.

9. As a developing country on a trajectory towards achieving a developed nation status, Malaysia is keenly aware of the need for capacity-building and technical assistance in the promotion and protection of human rights. In this regard, Malaysia believes that a stronger global partnership between the developed and developing countries could positively contribute to such progression through, among others, information sharing and technical exchanges.

10. Inclusivity and development have long been at the heart of Malaysia's own transformation. In this regard, Malaysia recognises the linkages between the recently adopted landmark 2030 Agenda for Sustainable Development and the wider human rights context, with the 17 Sustainable Development Goals (SDGs) encompassing virtually all internationally recognized human rights principles and standards. Therefore, Malaysia hopes to work together with other HRC members towards the development of human rights norms, based on a common goal of implementing the 2030 Agenda for Sustainable Development.

11. Like many delegations, Malaysia acknowledges that there is room for improvement in the HRC. During both of its terms as a HRC member, Malaysia believes that it had played a constructive role in the first years of the Council's establishment, as well as in the 2011 review of the work and functioning of the HRC.

Malaysia's efforts at promoting and protecting human rights at the national level

12. Since independence in 1957, Malaysia's efforts to promote and protect human rights at the national level are reflected in its various laws and regulations, underpinned by the Federal Constitution of Malaysia, which provide the basis for these efforts.

13. The Federal Constitution contains provisions on equality and equal protection before the law. Further, the Federal Constitution also provides for certain measures to ensure the adequate advancement of the *Bumiputra* (native sons of the soil), aboriginal people and natives of the States of Sabah and Sarawak. These measures are to ensure that these groups have equal enjoyment of human rights and fundamental freedoms. At the same time, the Federal Constitution emphasises the State's responsibility to safeguard the legitimate interests of other communities.

14. Additionally, while the Federal Constitution recognises Islam as the religion of the Federation, it further states that other religions may be practiced in peace and harmony in any part of the Federation. As such, it is clear that key values which include moderation, tolerance, and understanding, inherent in the Federal Constitution, provide the nation's moral compass.

15. The Government had recently taken further measures with the intention to realise a mature, modern and functioning democracy and further enhance civil liberty in the country. The right to assemble peaceably and without arms is a right under Article 10(2)(b) of the Federal Constitution, and the Peaceful Assembly Act enacted in 2012 introduced precision for its citizens who seek to exercise this right.

16. The Security Offences (Special Measures) Act, also enacted in 2012, abolished the practice of preventive detention without the authority of the Courts. Under the Act, no person shall be arrested and detained solely for his political belief or political activity. Concomitantly, various outdated legislations had been repealed, such as the Internal Security Act 1960, the Banishment Act 1959, and the Restricted Residence Act 1933.

17. Malaysia has continued to achieve significant progress in realizing economic, social and cultural rights of its people. The Government had increased allocation for the construction of new schools and related infrastructure as well as refurbishment of existing schools in the rural interior throughout the country. Vigorous efforts have been undertaken to ensure that students with special education needs enjoy wider access to education.

18. At present, Malaysia is on track towards further ensuring a structured, responsive and inclusive national health system. Significant measures have also been taken towards ensuring equitable access to needed care especially by those with no or low-income and/or in economic hardship, the chronically ill, the mentally handicapped and persons in rural or remote areas, including the indigenous population.

19. Hardcore poverty in Malaysia was successfully eradicated in 2010, while the general poverty rate has declined from almost half of the population to a mere 1.7 percent of the population in 2012. Malaysia has achieved the

Millennium Development Goals (MDGs) target on poverty reduction well ahead of schedule, with poverty eradication initiatives such as the *eKasih* programme winning international recognition from the UN Public Service Award committee.

20. Malaysia's rapid industrialisation has led to increased urbanisation which has given rise to greater financial pressures that constrains the ability of urban, middle-income households to secure quality and affordable housing. Malaysia has therefore prioritised the housing needs of those in the low and middle income categories, with specific targets including construction and delivery of affordable housing units for the urban/semi urban poor and those in the lower income bracket. Additionally, Malaysia provides house rental assistance for poor families in urban areas.

Malaysia's efforts at promoting and protecting human rights at the regional and international level

21. Malaysia has also been at the forefront of efforts to promote and protect human rights at the regional level, particularly within the context of the Association of South East Asian Nations (ASEAN). Malaysia played an instrumental role in the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR), demonstrating its steadfastness in pursuing forward-looking strategies to strengthen regional cooperation on human rights. In 2012, Malaysia and fellow ASEAN members adopted the ASEAN Declaration on Human Rights (AHRD), which reaffirmed the region's commitment to the Universal Declaration of Human Rights, the United Nations Charter, the Vienna Declaration and Programme of Action and other international human rights instruments.

22. Malaysia continues to support the work of ASEAN sectoral bodies such as the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). Malaysia is also a strong proponent for anti-trafficking in persons through its involvement in the ASEAN Ministerial Meeting on Transnational Crime (AMMTC).

23. Malaysia has also contributed actively to the realization of human rights in all its manifestations worldwide. As a member of the United Nations, Malaysia subscribes to the philosophy, concepts and norms enshrined in the Universal Declaration of Human Rights (UDHR) which sets out the minimum and common standard of human rights for all peoples and all nations. It has also ratified the Convention on the Rights of the Child (CRC), the Convention on the Elimination of Discrimination Against Women (CEDAW), and the Convention on the Rights of People with Disabilities (CRPD).

24. In line with its commitment to implement the principles and provisions enshrined in these international instruments, the Government has been progressively reviewing its position in accordance with its legislative framework including the Federal Constitution, leading to the withdrawal of several reservations to both CEDAW and CRC in 2010. The Government had further reaffirmed its commitment to promoting and protecting the rights of children by acceding to two Optional Protocols to the CRC in 2012, namely on the Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflict.

25. Malaysia continues to play a constructive role in promoting and protecting human rights at various United Nations fora such as the Third Committee of the General Assembly, the Human Rights Council, the Economic and Social Council and its subsidiary bodies, and the Security Council. Malaysia had also received visits from Special Procedure Mandate holders, with recent visits from the Special Rapporteur on trafficking in persons, especially women and children (2015), the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2014), and the Special Rapporteur on the right to food (2013).

26. In addition, Malaysia engages with the international community through its participation in numerous human rights related instruments which it is party to such as the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; the Convention on the Nationality of Married Women; and the Convention on the Prevention and Punishment of the Crime of Genocide.

27. Within the context of the Organisation of Islamic Cooperation (OIC), Malaysia had strongly advocated for the establishment of the OIC Independent Permanent Commission on Human Rights (IPHRC), which promotes civil, political, social and economic rights enshrined in the OIC's covenants and declarations and in universally agreed human rights instruments, in conformity with Islamic values.

28. Malaysia also participates actively in meetings of other intergovernmental organisations, such as the Non-Aligned Movement (NAM), the Commonwealth, Asia-Europe Meeting (ASEM), and the Asian-African Legal Consultative Organization (AALCO), where various human rights issues are discussed.

Pledges and voluntary commitments

29. If elected to the Human Rights Council, Malaysia pledges to:-
- Engage constructively in the evolving modalities of work of the HRC to further enhance its role as a strong, fair, effective, efficient and credible institution entrusted with the promotion and protection of human rights worldwide and fundamental freedoms for all;
 - Continue to support the work of the Office of the High Commissioner for Human Rights;
 - Continue its active participation in the norm-setting work of the HRC;
 - Nurture a spirit of cooperation within the HRC, based on the principles of mutual respect and dialogue, free from acrimony and politicization;
 - Promote greater coherence between the work of the HRC with other United Nations agencies and mechanisms in achieving internationally agreed targets and goals; and,
 - Actively support international action to advance the rights of vulnerable groups such as women, children and persons with disabilities.
30. Towards fulfilling these pledges, Malaysia is committed to:-
- Deepening cooperation at the international level in supporting the work of various UN actors and mechanisms involved in the promotion and protection of human rights such as the OHCHR, Special Procedures of the Human Rights Council, UNDP, UNFPA, UN WOMEN, UNICEF, UNHCR, INSTRAW, and UNEP;
 - Upholding the principles of dialogue and cooperation among all stakeholders in furthering the promotion and protection of human rights for all peoples;
 - Supporting and implementing the 2030 Agenda for Sustainable Development, particularly in realizing the right to development, including support for ongoing efforts aimed at its operationalization and implementation;
 - Sharing best practices, experiences and achievements on the realization of human rights, including advancing the rights of women, children and persons with disabilities, poverty eradication, health and education with interested partners;

- Engaging constructively with all stakeholders to ensure that the international community continues to create a supportive external environment towards the creation of economic stability, shared prosperity and equitable gains from globalization;
- Engaging continuously with all stakeholders to assess and monitor the implementation of recommendations from the UPR process;
- Working continuously at the regional level with its partners under the ASEAN framework, in particular, with the ASEAN Intergovernmental Commission on Human Rights (AICHR) in the promotion of human rights in the region;
- Continuing to support the role and function of the National Human Rights Commission of Malaysia (SUHAKAM) including activities being implemented such as educating the public on human rights; and
- Intensifying efforts to raise human rights awareness among all segments of the population including law-enforcement officials, members of the judiciary, government officials and other stakeholders.