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HRW – Human Rights Watch

Malaysia: Little Progress on Rights Reforms

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One Year After Election, Promises Unfulfilled

(Kuala Lumpur) – Malaysia (<https://www.hrw.org/asia/malaysia>)’s government should speed up the pace of human rights reforms that the ruling coalition pledged in its election manifesto, Human Rights Watch said today. On May 9, 2018, Malaysians voted into office the opposition Pakatan Harapan alliance, handing the alliance led by the United Malays National Organization (UMNO) its first electoral defeat since independence in 1957.

“A year ago, the Pakatan Harapan government took power, pledging to make Malaysia’s human rights record respected globally,” said Phil Robertson (<https://www.hrw.org/about/people/phil-robertson>), deputy Asia director at Human Rights Watch. “But the government has done little to fulfill its promises, and has even backpedalled on announced rights reforms.”

Pakatan Harapan’s manifesto promised sweeping changes, including reforming key government institutions and revoking repressive laws. Among the laws to be repealed were the draconian colonial-era Sedition Act; the Prevention of Crime Act, which allows for indefinite detention without trial; and the National Security Council Act, which grants wide emergency-like powers to the National Security Council.

The Pakatan Harapan government initially took action on its reform agenda. It established an Institutional Reforms Committee (<https://www.thestar.com.my/news/nation/2018/05/17/reform-committee-identifies-key-institutions-on-its-list/>) that gathered information from the public and produced a comprehensive roadmap for legal and administrative reform. The government declared a moratorium on the use of the Sedition Act (<https://www.thestar.com.my/news/nation/2018/10/11/cabinet-agrees-to-impose-moratorium-on-sedition-act/>) and publicly announced that it would abolish the death penalty (<https://www.malaymail.com/news/malaysia/2018/10/10/minister-putrajaya-to-abolish-death-penalty/1681448>) in all its forms.

On September 28, Prime Minister Mahathir Mohamad (<https://www.thestar.com.my/news/nation/2018/09/29/dr-m-addresses-un-general-assembly/>) addressed the United Nations (<https://www.hrw.org/topic/united-nations>) General Assembly in New York and pledged that Malaysia would ratify the core international human rights treaties. He stated: “The new Malaysia will firmly espouse

the principles promoted by the UN in our international engagements. These include the principles of truth, human rights, the rule of law, justice, fairness, responsibility, and accountability, as well as sustainability.”

However, after six months, the government’s reform agenda faltered, Human Rights Watch said. Facing objections from a vociferous political opposition composed of the UMNO and the Parti Islam se Malaysia (PAS), the government reversed rights commitments and delayed promised actions to enact the human rights sections of its election manifesto.

In November, facing an UMNO/PAS-organized rally protesting the planned ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the government announced it would not ratify the treaty. A few days later, the government lifted the moratorium on the use of the Sedition Act (<https://www.nst.com.my/news/nation/2018/12/436806/moratorium-draconian-laws-suspended-issues-threatening-national-security>) , a notorious law repeatedly abused by previous governments to arrest and imprison political opponents.

Another major reversal involved the Rome Statute (<https://www.theedgemarkets.com/article/malaysia-accedes-rome-statute-international-criminal-court>) of the International Criminal Court (ICC). On March 4, 2019, the government announced with much fanfare its decision to join the court, and the decision received strong support from the ICC and member states around the world. Yet barely a month later, the government suddenly decided to withdraw (<https://www.thestar.com.my/news/nation/2019/04/05/malaysia-withdraws-from-the-rome-statute/>) from its accession, after unsubstantiated concerns were expressed about the ICC’s powers over the Malay hereditary rulers.

On April 9, the government put forward a bill to amend the National Security Council Act (<https://www.thestar.com.my/news/nation/2019/04/09/pms-powers-to-declare-security-area-to-be-removed-under-proposed-amendments-of-nsc-act/>) , instead of to repeal it as promised. The amendments give the council even more powers and would allow the government to presume company directors guilty of offenses by their companies unless they prove otherwise.

In October, the government promised to abolish Malaysia’s death penalty. A minister in the Prime Minister’s Office, Liew Vui Kong (<https://www.malaysiakini.com/news/446801>) , publicly stated: “Death penalty will be abolished. Full stop.” Attorney General Tommy Thomas communicated the same message to a visiting Human Rights Watch delegation in Putrajaya in the same month.

Yet in March, the government retreated from its promise, agreeing only to eliminate mandatory sentencing provisions for the death penalty. The government indicated it would pass this narrower reform during the March/April session of Parliament, but then failed to do so.

The government has also failed to make any progress on another key reform, the establishment of the Independent Police Complaints and Misconduct Commission (IPCMC). Human Rights Watch research in 2014 found that Malaysia’s police have frequently engaged in grave misconduct, such as using unlawful force (<https://www.hrw.org/report/2014/04/01/no-answers-no-apology/police-abuses-and-accountability-malaysia>) and causing deaths in custody.

The National Human Rights Commission of Malaysia concluded in April that Special Branch Police were responsible for the enforced disappearances of Amri Che Mat (<https://www.thestar.com.my/news/nation/2019/04/03/suhakam-says-amri-abducted-by-bukit-aman/>) and Raymond Koh (<https://www.thestar.com.my/news/nation/2019/04/03/suhakam-says-amri-abducted-by-bukit-aman/>) in 2016 and 2017. The police have also been accused of covering up the discovery of human trafficking camps (<https://www.malaysiakini.com/news/406131>) in Wang Kelian at the Thai-Malaysia border, where Rohingya migrants were victimized and where mass graves were found.

Nine months after the Institutional Reform Committee’s report was submitted to the prime minister in July 2018, it has still not been made public, demonstrating a lack of transparency and accountability.

“After a year in power, the Malaysian government has nowhere to go but up in attaining its human rights pledges,” Robertson said. “The government should recognize that further delays in ending abusive systems and laws will only mean further harm for the Malaysian people.”

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Article on human rights reforms one year after the election of the opposition Pakatan Harapan alliance



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