

ADVOCACY FACTSHEET (4th UPR Cycle)

FREEDOM OF PEACEFUL ASSEMBLY

RECOMMENDATIONS TO MALAYSIA

- *Revise law enforcement's internal standard operating procedures on policing public assemblies in line with international standards*
- *Improve existing human rights training module among law enforcement to include guidelines on policing public assemblies that are in line with international standards*
- *Amend the Peaceful Assembly Act (PAA) 2012 to guarantee without hindrance all individuals, including children and non-citizens, the fundamental right to peacefully assemble in all public spaces*

3RD UPR CYCLE RECOMMENDATIONS

- Fully accepted three recommendations related to *amending the Peaceful Assembly Act (PAA)*, encouraging freedom of peaceful assembly in line with national legislation, and accelerating consultations to review PAA

NATIONAL EFFORTS TAKEN

- 2019: amendments to the Peaceful Assembly Act (PAA) 2012 to decriminalize street protests and reduce notification period of assembly from 10 to 5 days. The police also can compound offences of failure to comply with said notification period, and also failure to comply with restrictions and conditions imposed by the police for public assembly

KEY ISSUES

- Organisers are discouraged by police officers from organizing during pre-assembly facilitation meetings
- Longstanding practice of investigating organisers of public assemblies, even if they comply with the notification period of assembly. Probes against Commissioners from the National Human Rights Commission, who were monitoring the rally, was also done in 2021
- Spontaneous assemblies are generally not allowed
- Acts of obstruction and intimidation by authorities towards public assembly organisers and participants – e.g., police barricades, roadblocks, pre-assembly warnings, arrests of organisers and participants
- Longstanding gaps in PAA 2012:
 - Children and non-citizens are not granted the right to peacefully assemble
 - Media is not granted full access to public assemblies
 - Hindered use of public spaces for assemblies – significant public spaces are not gazetted as designated places of assembly, need to get consent from occupier of place of assembly

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Link to our UPR Report: <https://shorturl.at/dyQZ4>

