

ADVANCE QUESTIONS TO MALAYSIA

CZECH REPUBLIC

- So far Malaysia is a State Party only to the CRC and CEDAW. Does the government of Malaysia intend to accede to other core international human rights treaties, i.a. CAT, ICCPR, ICESCR, OP-CAT ?
- Has the government of Malaysia considered issuing a standing invitation to the Special Procedures of the Human Rights Council?
- There are some Special Procedures' requests for a visit that have not yet been agreed on. Could you elaborate on whether and in what time frame will these special procedures be allowed to visit the country?
- What specific measures are available to protect the rights of children of detainees/prisoners? Is there any registration procedure, to find out whether person arrested or detained has caring responsibilities?

LATVIA

- According to the information by the Office of the UN High Commissioner for Human Rights, 63 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Considering previous cooperation of Malaysia with special procedures mandate holders (Special Rapporteur on the promotion and the protection of the right to freedom of opinion and expression (1998), Independent Expert on the right to development (2001), Special Rapporteur on Myanmar (11-26 February 2006), Special Rapporteur on the right to education (5-14 February 2007)) and despite the pending requests by several Special Rapporteurs to visit Malaysia - would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

LIECHTENSTEIN

- In 2007 the United Nations Committee on the Rights of the Child (CRC) expressed concern at "cleaning operations" which have resulted in detaining children who are living/working in the street and that negative public attitudes and prejudices against street children exacerbate their difficult situation. CRC recommended, *inter alia*, that Malaysia (a) undertake a study on children living/working in the streets to identify the magnitude of this problem and based on the results of this study develop a comprehensive national strategy with the active participation of street children, NGOs and relevant professionals to address the situation of street children; (b) ensure that children living in the streets are not unlawfully arrested and detained, protect them from police brutality and, where needed, secure their access to adequate legal services; (c) ensure that street children are reached through trained street educators and counsellors and provided

with adequate identity documents, nutrition, clothing and shelter as well as with social and health services and educational opportunities, including vocational and life skills training, in order to support their full development; (d) provide street children with adequate recovery and social reintegration services for physical, sexual and substance abuse and promote reunification with their families, when it is in the best interests of the child; (e) raise awareness about children living in the streets in order to change negative public attitudes about them. How does Malaysia intend to follow up on these recommendations?

- In 2006 the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. CEDAW considers that these stereotypes are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life. What measures have been taken to address these concerns?

NETHERLANDS

- The last few years Malaysia has made great strides towards freedom of the press and expression. However, last year some critics were arrested and detained under the Internal Security Act (ISA).

Could Malaysia elaborate on these cases and also give an explanation of the use of the ISA, which was, as it is understood, originally meant for use against terrorism?

- Malaysia is not party to the Geneva Convention but gives much appreciated support to UNHCR regarding refugees, migrants and asylum seekers. Still there have been reported cases of mass arrests, deportations and inhuman conditions of detention.

Could the government elaborate on these reports and indicate if measures are being taken to ensure that foreign nationals are being treated according to international laws in this area?

- The existing right to freedom of assembly in Malaysia seems to be mostly applicable to groups supporting government policies, while groups opposing government policies are often denied permission or targeted for arrests and/or harsh crackdowns.

Could Malaysia elaborate on this subject?

SWEDEN

- Malaysia has still to ratify several of the main conventions in the Human Rights field such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention against Torture (CAT). Malaysia has also yet to ratify the Rome Statute

of the International Criminal Court. What is the Government's timetable for ratifying these conventions?

- The Internal Security Act (ISA) which allows the police to detain any person considered a threat to national security or public order for 60 days without commencing a just legal process gives cause for concern, especially given that the Government may extend the detention an indefinite number of times, without reference to the courts. The Act has allegedly been invoked to limit the freedom of press and to restrain political opposition. Moreover, there have been reports of degrading treatment during detention under the Act. How does the Government intend to ensure that its efforts to combat crime and secure public order do not infringe upon the freedom from arbitrary detention, the right to a fair trial and the freedoms of press and expression?
- The Penal Code of Malaysia criminalises consensual sexual activity among persons of the same sex. These acts are punishable with imprisonment and whipping. Indecent behaviour which includes cross-dressing is also regarded as an offence under the Minor Offences Act. Lesbian, gay, bisexual, transsexual and transgender (LGBT) persons are routinely harassed and persecuted according to a study. What policy measures are the Government of Malaysia considering in order to promote tolerance and non-discrimination, including on grounds of sexual orientation or identity, in line with the Yogyakarta principles?
- Malaysia has not ratified the 1951 Convention relating to the Status of Refugees and its 1967 protocol. There is a severe lack of domestic legal protection for asylum-seekers, refugees and stateless persons, including for minors, which face the risk of being indefinitely detained or deported. Moreover, there have been reports of unwarranted violence by immigration officers and the Malaysian Volunteer Corps (RELA). Can the Government please elaborate on how it intends to pursue the rights of asylum-seekers and refugees in line with international standards? Does the Government intend to ratify the Convention relating to the Status of Refugees?
