

**Oral statement delivered by Mr. John Liu on behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA)**

**11th Session of the UN Human Rights Council
Item 6: UPR Plenary on Malaysia**

Friday, 12 June 2009

Thank you, Mr. President. FORUM-ASIA and its member organization, SUARAM, along with Coalition of Malaysian NGOs in the UPR Process (COMANGO) - a coalition of 56 human rights organizations, seek to highlight some of the key human rights concerns yet to be effectively addressed by the Government of Malaysia.

Mr. President, Malaysia's general lack of recognition of international norms and standards in relation to policing has resulted in gross abuses of power by the police and other law enforcement agencies with impunity. Official government statistics disclose 1,535 deaths in prisons, rehabilitation and immigration detention centres between 2003 and 2007. 85 cases of deaths in police custody were recorded in the same period. Substantial recommendations, including those by the Royal Police Commission and the Human Rights Commission of Malaysia (SUHAKAM) have not been implemented by the Government. The proposed Enforcement Agencies Integrity Commission (EAIC) will only be a referral body with no enforcement powers and will cover 21 law enforcement agencies, instead of concentrating on the police force, in which human rights violations are most rampant. We urge the Government to immediately establish the Independent Police Complaints and Misconduct Commission (IPCMC) to conduct inquests within one month of each death in custody.

We note with utmost concern over the lack of compliance of SUHAKAM with the Paris Principles. In response to the one-year notice given by the International Coordinating Committee of NHRIs (ICC), the Malaysian Parliament passed amendments to the enabling law of SUHAKAM without any consultation with stakeholders, including civil society, just a day before the one-year notice expired. The amendments do not fully address the issues raised by the ICC. The ICC has given SUHAKAM another six months to make further improvements. We urge the Government to involve civil society in the process.

Furthermore, despite voting to adopt the UN Declaration on the Rights of Indigenous Peoples, indigenous peoples in Malaysia continue to suffer a lack of recognition of their land rights. They are continuously subjected to forced relocation, and forced assimilation policies affecting their cultures and religions. The Declaration's core principle of 'prior, free and informed consent' is not adhered to in development policies affecting them. The Government of Malaysia should also immediately implement all recommendations made by the Special Rapporteur on the Right to Education in relation to indigenous communities in the country.

Lastly, Mr. President, since 2002, nine requests for country visits to Malaysia by Special Procedures mandated holders have to date been ignored by the Government. We urge the Government of Malaysia to accept those nine pending requests for visits and make standing invitations to all Special Procedures mandate holders. We also deplore that Malaysia failed to ratify core international human rights instruments including the ICCPR and the ICESCR, thus we urge the Government to make genuine efforts to ratify them with a concrete time frame. Thank you, Mr. President.