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Working group on the universal periodic review

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### Draft report of the Working Group on the Universal Periodic Review<sup>1</sup>

Malaysia

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<sup>1</sup> The final document will be issued under the symbol A/HRC/25/10. The annex to the present report is circulated as received.

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session from 21 October to 1 November 2013. The review of Malaysia was held at the 8th meeting on 24 October 2013. The delegation of Malaysia was headed by H. E. Ms. Dato' Ho May Yong, Deputy Secretary-General, Multilateral Affairs in the Ministry of Foreign Affairs. At its 17th meeting held on 31 October 2013, the Working Group adopted the report on Malaysia.
2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Malaysia: Japan, Kenya and Switzerland.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Malaysia:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/17/MYS/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/17/MYS/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/17/MYS/3) and its corrigendum (A/HRC/WG.6/17/MYS/3/Corr.1).
4. A list of questions prepared in advance by Belgium, Czech Republic, Germany, Netherlands, Norway, Slovenia, Sweden, United Kingdom, and United States of America was transmitted to Malaysia through the troika. These questions are available on the extranet of the UPR.

## **I. Summary of the proceedings of the review process**

### **A. Presentation by the State under review**

5. The delegation commenced the review by reaffirming the value of the UPR process to Malaysia and it appreciated the opportunity to engage in discussion and dialogue on developments in the human rights situation of the country and on its achievements, challenges and best practices in promoting and protecting human rights. In approaching the review, the Government had engaged and would continue inclusive and transparent consultations including with civil society.
6. As a developing country, Malaysia was committed to pursuing a national development agenda. In this regard, one key policy initiative aimed at achieving developed high-income status was the Government Transformation Programme (GTP). The GTP and related initiatives contain measures that support the Government's on-going efforts to promote and protect human rights in areas, including: the right to security and safety; the right to adequate housing; the right to education; and the right to health. The delegation elaborated on new steps taken to weed out corruption and corrupt practices at all levels and with all partners, particularly within the Government.
7. The Government noted increased public participation and vibrant discourse with respect to the political situation in Malaysia. In this context, the delegation discussed Malaysia's 13th General Elections (GE-13), including on measures taken to improve the conduct, transparency and inclusiveness of the electoral process and that certain issues and

concerns related to the conduct and outcome of GE-13 were being addressed. The Government also emphasised the need to work towards rebuilding national unity and achieving national reconciliation post GE-13.

8. On cooperation with UN human rights mechanisms, the Government stated that it was preparing to receive the Special Rapporteur on the right to food in December 2013 and that it would extend an invitation to the Special Rapporteur on the right to health. The delegation clarified developments related to Malaysia's ratification of additional international human rights instruments.

9. The Government stated that matters involving LBGT and adherents of other schools of Islamic thought will be handled carefully and consistent with cultural traditions, religious doctrine, societal norms, and in accordance with national laws and regulations.

## **B. Interactive dialogue and responses by the State under review**

10. During the interactive dialogue, 104 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

11. Saudi Arabia noted progress in human rights through the provision of education, health care and housing, poverty reduction and legislative reform, including repeal of the Internal Security Act.

12. Senegal commended amendments to legislation on trafficking, domestic violence, and progress on women's access to positions of responsibility in the public sector, health, and education.

13. Sierra Leone highlighted efforts to bring national legislation into line with core international human rights standards, its free education, socio-economic transformation initiatives and ratification of the Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD) and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

14. Singapore commended progress in health care, housing, food and employment and in gender equality and women's status, including hosting the Woman Deliver conference 2013.

15. Slovakia was concerned about excessive interference by the police and Armed Forces in freedom of expression. It invited Malaysia to take steps to guarantee the right to a fair trial.

16. Slovenia commended Malaysia for ratifying the CRPD, Optional Protocol to CRC on the involvement of children in armed conflict (OP-CRC-AC) and Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC) and for removing reservations to CEDAW. It welcomed new legislation on children's rights.

17. South Africa noted the "1Malaysia" concept and encouraged Malaysia to continue efforts to overcome the challenges hindering the promotion and protection of human rights.

18. Spain was concerned by Malaysia's stance on the death penalty, given that executions continued despite acceptance to reduce the number of offences incurring capital punishment.

19. The State of Palestine commended Malaysia on its repeals of outdated civil rights legislation, ratification of international instruments and increased education budget. It requested statistics on children not enrolled in school.

20. Sudan welcomed Malaysia's cooperation with the OHCHR on solving the problems experienced by non-nationals in Malaysia.
21. Sweden noted the declining rate of executions, but noted that they continued despite the announcement of a review of the mandatory death penalty and a temporary moratorium.
22. Switzerland called for a moratorium on the death penalty. It was concerned about restrictions on assembly, and shortcomings in ensuring the land rights of indigenous peoples.
23. Thailand welcomed initiatives on compulsory health insurance for foreign workers, universal access to health care and on protecting children's rights.
24. Timor-Leste commended efforts to combat corruption and the commitment to guarantee the right to education, including providing free primary and secondary education.
25. Tunisia welcomed Malaysia's withdrawal of its reservations to CEDAW and CRC and the adoption of an action plan to promote women's rights.
26. Turkey welcomed the strengthening of economic, social and cultural rights and its achievements in increasing women's participation in all facets of life.
27. Turkmenistan commended Malaysia on strengthening its legislative, institutional and policy mechanisms on human rights and bringing its national legislation into line with international treaties.
28. Ukraine asked what specific preventive measures were included in national policies on the promotion of women's rights and when Malaysia would accede to core human rights instruments.
29. The United Arab Emirates commended Malaysia's progress in combating and legislating against trafficking in persons and trans-border crime.
30. The United Kingdom of Great Britain and Northern Ireland requested information on implementation of the new provisions on preventive detention. It urged further reform to ensure freedom of expression.
31. The United Republic of Tanzania noted that Malaysia still faced human rights challenges. It appreciated the commitment to raising living standards and its achievement of the Millennium Development Goals (MDGs).
32. The United States of America encouraged the revision or repealing of two laws to enhance the freedoms of expression and assembly. It remained concerned that trafficking victims continued to be detained in government facilities.
33. Uruguay noted the recent ratification of international human rights instruments and the withdrawal of reservations to CEDAW.
34. Uzbekistan welcomed Malaysia's ratification of the two Optional Protocols to CRC and planned accession to ICESCR.
35. Venezuela (Bolivarian Republic of) commended Malaysia's Government Transformation Programme, the provision of housing to the poor and poverty reduction.
36. Thailand welcomed Malaysia's engagement with ASEAN human rights mechanisms and its accession to the Optional Protocols to CRC.
37. Yemen commended Malaysia's adoption of the National Family Plan of Action and noted that Malaysia was setting up a National Human Rights Action Plan and a human rights framework.

38. Zimbabwe praised the abolition of fees for primary and secondary education, improvements to health care and civil and political rights legislation.
39. Afghanistan commended Malaysia's implementation of previous recommendations and its ongoing cooperation with international organizations regarding refugees.
40. Albania welcomed the withdrawal of reservations to CEDAW and CRC. It urged Malaysia to continue to establish free and compulsory education.
41. Algeria praised Malaysia's ratification of the CRPD and the two Optional Protocols to CRC.
42. Argentina encouraged Malaysia to continue collaboration with organizations addressing refugees and asylum seekers and work towards abolition of the death penalty.
43. Australia was concerned by the proposed re-introduction of long-term detention without judicial review and encouraged Malaysia to complete ratification of the Rome Statute.
44. Austria was concerned at restrictions relating to religion in Malaysia. It noted that additional measures were necessary to improve press freedom.
45. Azerbaijan welcomed the strengthening of Malaysia's National Human Rights Commission, the abolition of fees for education and the reduction in poverty.
46. Bahrain commended the establishment of a national health system and efforts to protect women and guarantee their rights.
47. Bangladesh commended policies regarding women's advancement and Malaysia's arrangement with Bangladesh promoting the rights of Bangladeshi workers.
48. Belarus noted progress made in combating corruption, particularly through the implementation of relevant conventions. It commended efforts for combating human trafficking.
49. Belgium was concerned by the ill-treatment of human rights defenders, including those defending LGBT rights, and by the death penalty.
50. Benin commended the National Human Rights Commission and National Plan of Action for the Advancement of Women.
51. Bhutan noted measures protecting the rights of the most vulnerable groups and commended the accession to the two Optional Protocols to CRC.
52. Bolivia (Plurinational State of) commended compliance with previous recommendations, demonstrating commitment to human rights. It applauded eradication of extreme poverty.
53. Botswana noted efforts towards accession to international treaties and fight against corruption and welcomed improved access to education. It expressed concerns by reports of ill-treatment.
54. Brazil commended accession to OP-CRC-AC and OP-CRC-SC, and poverty reduction. Noting development of the National Human Rights Action Plan, concerns remained regarding freedom of expression.
55. Viet Nam noted the good example of tolerance set, and welcomed improved rights of vulnerable groups. It commended progress towards increased access to education.
56. Bulgaria noted progress in good governance, institutional strengthening and general elections, as well as development of all categories of human rights. It encouraged Malaysia to introduce a moratorium on the implementation of death sentences.

57. Burundi commended efforts to provide universal access to housing; and fight corruption to build sustainable economic development. It welcomed the withdrawal of some reservations to CEDAW.
58. Cambodia welcomed steps to implement National Plans, strengthen judicial integrity, and combat human trafficking; and commended eradication of extreme poverty.
59. Canada asked how legal and human rights of detainees would be ensured. It encouraged freedom of expression, assembly and religion; and an end to faith-based governmental discrimination.
60. Chad acknowledged prioritization of housing, education, poverty eradication and improvement of living conditions, and implementation of previous recommendations, even those not accepted.
61. Chile commended the development of Action Plans, institutional strengthening and legislative reforms, which demonstrated commitment to civil and political rights.
62. China noted reduction of poverty, legislation and national plans for rights of women and people with disabilities, and judicial reform.
63. Colombia applauded transparency and collaboration with human rights mechanisms, particularly the development of a national human rights action plan. Colombia would share its experience.
64. In responding to the preceding comments and questions, the Government reaffirmed its commitment to pursuing a legal transformation agenda, including through removal of legislative and other possible impediments to the enjoyment of the full range of human rights. The Government had initiated an extensive review of existing laws and regulations, particularly on civil and political rights, beginning in 2009, which saw, among others, the repealing of the Internal Security Act 1960 and the promulgation of the Peaceful Assembly Act 2012 (PAA), which enhances the implementation of the constitutional right to assemble peaceably and without arms.
65. Malaysia illustrated the implementation of the PAA with reference to two major rallies where the police had adhered fully to the spirit of the PAA by facilitating the rallies with effective crowd control to prevent untoward incidents.
66. The delegation further discussed the constitutionally guaranteed freedom of religion in Malaysia which is subjected to the constitutional restrictions pertaining to the propagation of other religion or belief on Muslims and the preservation of public order and national security. Malaysia explained on the recent Court of Appeal decision dated 14 October 2013 on the case concerning the Herald – the Catholic Weekly. In gist, the Court decided clearly that the Minister’s decision to ban the use of the word “ALLAH” in the Malay version of Herald is constitutional and legal. The Court ruled that the Minister’s decision was based on legitimate grounds of public safety and public order as such action raised religious sensitivities in Malaysia. The Minister’s decision as a preventive measure to ensure public safety and public order in Malaysia is legal and also in compliance with the laws to control and restrict the propagation of religious doctrine or belief among Muslims.
67. Malaysia also explained its initiatives concerning an in-depth research on the death penalty. It further elucidated that the proposed National Harmony Bill is being deliberated in consultation with civil society organizations and international experts. In this regard, the Sedition Act, laws of various jurisdictions and the complex and unique position of Malaysia, including on the position of the King and Malay Rulers, and threats to national security and public order are also taken into consideration.
68. Malaysia emphasised that the revitalised Prevention of Crime Act 1959 (POCA) sought to deal with organised crime and serious crimes. Malaysia’s commitment to uphold

human rights norms and standards is reflected by the inclusion of safeguards into POCA including: (i) the requirement for the Minister to submit an Annual Report to Parliament on all activities related to detention orders; (ii) requirement for Parliament to revisit the provision on detention orders every five years; (iii) decisions by the Crime Prevention Board may be challenged in the High Court; and (iv) judicial review on the detention concerning any question on non-compliance with any procedural requirement by the Crime Prevention Board.

69. Malaysia reiterated its commitment not to reintroduce broad powers of preventive detention and refuted the allegation that the POCA amendments marked the return of the repealed Internal Security Act 1960 (ISA).

70. The delegation elaborated on measures taken to better protect migrant workers, including through a special registration exercise that will run for three months commencing 21 October 2013 with a view to addressing grievances by migrant workers or employers cheated by irresponsible recruitment agencies.

71. Malaysia continues to view trafficking in persons seriously and has sought to improve the protection element for victims, including through closer collaboration with NGOs. The Government had announced the launching of the first NGO-led Shelter Home to be operational in mid-November 2013, funded by the Government.

72. Malaysia remains committed to address the issue of custodial deaths, including through awareness raising programmes on human rights for police personnel. The establishment of the Enforcement Agency Integrity Commission (EAIC) reflects the readiness of the Government to address violations of work ethics and misconduct by law enforcement agencies, including the police.

73. Malaysia emphasised that Islam and Islamic administration of justice under the Syariah has a long history in Malaysia. The status of Islam as the religion of the Federation and the freedom to practice religions other than Islam is also enshrined in the Constitution.

74. In Malaysia, matters pertaining to Islam, including codification of Syariah laws and procedures and its administration fall under the jurisdiction of the respective States.

75. The National Fatwa Consultative Council had issued a decision in 1984 updated in 1996, determining the Sunni school of thought to be adhered to by Malaysian Muslims. This decision was endorsed by State Fatwa Councils and later gazetted.

76. The allegation that Islamic Family Law in Malaysia discriminates Muslim women on marriage issues is unfounded. However, the Government acknowledged that there was room for improvement in the implementation of the law by the Syariah courts.

77. The delegation explained that Malaysia has recently implemented a national minimum wage policy which will benefit all workers in all sectors and regions. Additionally, Malaysia continues to guarantee equal access to social justice for foreign workers.

78. Malaysia remains committed to enhance worker protection including through: (i) enhancing maternity protection; (ii) mandatory requirement for payment of wages into bank accounts; (iii) increasing minimum retirement age to 60 years; and (iv) implementation of bilateral arrangements with labour source countries.

79. Costa Rica encouraged consideration of a death penalty moratorium with a view to abolition.

80. Croatia welcomed improved protection from domestic violence, ratification of CRPD and withdrawal of some reservations to CEDAW. The non-discrimination principle should be universally applied.

81. Cuba, noting the commitment to human rights, commended progress in education, health, combating poverty, and improving quality of life.
82. Cyprus commended adoption of human rights laws, and encouraged Malaysia to pursue national policies to consolidate the human rights infrastructure.
83. Czech Republic noted the continued use of the Printing Presses and Publication Act, Official Secrets Act, and Sedition Act to restrict freedom of expression and the media.
84. The Democratic People's Republic of Korea recognized universal enjoyment of rights, equality and harmony, economic growth, social development and increased health and education investment.
85. Denmark expressed concern about the lack of free, prior and informed consent to appropriation of indigenous land; and limits to freedom of expression and opinion.
86. Djibouti appreciated the NHRI's attainment of "A" status. Djibouti noted ratification of CRPD and efforts to implement CEDAW principles.
87. Ecuador applauded Malaysia's contributions to the rights of women, children and migrant workers; and to combating human trafficking and transnational organized crime.
88. Egypt, noting obstacles to the protection of persons with disabilities and combating human trafficking, asked how Malaysia intended to address those two issues.
89. Finland welcomed ratification of the CRPD and the withdrawal of some of its reservations to the human rights treaties to which it was a party. It requested information on steps taken to ratify the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and Convention on the Elimination of All Forms of Racial Discrimination (CERD).
90. Ethiopia acknowledged advances in several human rights areas and progress in increasing women's empowerment and participation in the labour force and in key decision-making positions.
91. France welcomed ratification of the CRPD and the withdrawal of reservations to CEDAW. It enquired about the timetable for repealing the Sedition Act.
92. Germany appreciated the action on recommendations addressed to Malaysia during the first round of the UPR, including legislative changes in the field of domestic violence.
93. Guatemala welcomed the "1Malaysia" programme, the eradication of extreme poverty and the provisions in place to grant citizenship to children born abroad to Malaysian women married to foreigners.
94. Hungary expressed concern about the restrictive nature of the Printing Presses and Publications Act. It requested a preliminary assessment of the impact of the Whistleblower Protection Act.
95. India welcomed the National Education Blueprint and steps taken to protect the human rights of migrant workers. It commended the foreign workers registration programme.
96. Indonesia commended the repeal of much criticized Internal Security Act and took note of various positive measures on efforts to protect the rights and to enhance the safety and welfare of foreign workers in Malaysia.
97. The Islamic Republic of Iran recognized Malaysia's initiatives in poverty eradication and efforts to strengthen living standards and combat child trafficking.

98. Ireland expressed concern that the Government had used the Printing Presses and Publication Act to block publications considered hostile, continued to impose three years' imprisonment for "maliciously-published false news" and obliged accused individuals to disprove guilt.
99. Italy encouraged increased efforts to address discrimination and violence against women and expressed concern about restrictions on freedom of religion or belief.
100. Jamaica noted achievements such as the abolition of school fees and attaining the MDG target on poverty reduction. It encouraged ratification of remaining core international human rights instruments.
101. Japan expressed concern over restrictions on freedom of opinion and expression and freedom of association and peaceful assembly and encouraged Malaysia to ensure those rights.
102. Kazakhstan welcomed the trend toward a moratorium on the death penalty. It called on Malaysia to consider a comprehensive reform of administration of criminal justice, including the death penalty.
103. Kuwait thanked Malaysia for legislation and setting up of five independent committees to fight corruption.
104. Kyrgyzstan noted efforts to ensure quality, accessible education and welcomed the abolition of school fees to increase access to education.
105. Lao People's Democratic Republic welcomed the achievement of the MDGs target on poverty reduction ahead of schedule. It encouraged Malaysia to strengthen its cooperation with the United Nations.
106. Latvia appreciated the withdrawal of reservations to CEDAW and CRC. It acknowledged the role of special procedures in promoting and protecting human rights.
107. Lebanon welcomed Malaysia's commitment to the UPR mechanism and noted measures to implement the recommendations which the Government had accepted from the first cycle.
108. Libya welcomed the importance attached to ensuring access to education for all and noted the achievement of the MDGs and ratification of international human rights instruments.
109. Lichtenstein expressed concern about the lack of progress in prohibiting the corporal punishment of children, despite the government's stated intention to amend legislation in that area.
110. The Maldives strongly encouraged Malaysia to investigate claims of efforts to reclassify Female Genital Mutilation (FGM) as a medical procedure and draft legislation forbidding the practice.
111. Mauritania highlighted Malaysia's on-going cooperation with human rights mechanisms and welcomed the establishment of the universal health care system.
112. Mauritius noted the repeal of the Internal Security Act, new laws to protect the right to peaceful assembly and combat corruption and measures to eradicate poverty.
113. Mexico welcomed progress in children's rights, including accession to the OP-CRC-SC and OP-CRC-AC.
114. Montenegro asked what plans were in place for Malaysia to become a party to core international human rights instruments and what measures had been adopted to prevent child, and early and forced marriages.

115. Morocco welcomed efforts to ensure universal education and promote South-South cooperation in this domain. It also praised the programme of modernization of the Government and the economy.
116. Mozambique noted achievements in many human rights fields, early attainment of the MDG on reducing poverty and the adoption of legislation on human trafficking.
117. Myanmar commended efforts in poverty eradication, promoting women's role decision-making and legislative measures to enjoyment of civil and political rights further.
118. Nepal noted the remarkable progress in achieving the MDGs and commended the National Plan of Action for the Advancement of Women.
119. Netherlands noted that Malaysia was not a party to some key human rights treaties. It expressed concern about the practice of caning and the situation of LGBT persons.
120. New Zealand welcomed the commitment to ensuring the rights of indigenous peoples. It noted gaps in the institutional framework, particularly with regard to the police, and challenges faced regarding irregular migration.
121. Nigeria noted that Malaysia was on track to establishing a structured responsive and inclusive national health system, with new programmes and improved health indicators.
122. Norway encouraged Malaysia to ensure the educational rights of children from marginalized and disadvantaged communities and set a specific timetable for ratification of more core human rights conventions.
123. Oman highlighted the attention accorded to eradicating poverty, providing adequate housing and ensuring access to education, especially for disadvantaged groups.
124. Pakistan commended strides made in domestic legislative reforms, health care, poverty reduction, housing, gender equality, women's empowerment and provision of free primary and secondary education.
125. The Philippines welcomed the Government's constructive engagement with the Human Rights Council. It acknowledged progress in achieving the MDGs.
126. Poland expressed concern about attempts to tighten control over Internet, and to restrict bloggers and limit the number of publications of different religions.
127. Qatar valued efforts made by Malaysia to protect human rights. It commended the National Action Plan for the Advancement of Women.
128. The Russian Federation valued the Government's efforts to ensure basic human rights and freedoms. It recognized the encouragement to inter-confessional tolerance and inter-ethnic dialogue.
129. Sri Lanka welcomed the achievement of the MDG target on poverty reduction, accession to the OP-CRC-SC and OP-CRC-AC, the priority given to women's empowerment and commitment to quality and affordable education.
130. The delegation responded to questions and comments raised in the preceding interactive dialogue by reiterating that *Orang Asli* rights to land, beliefs, culture and non-discrimination are clearly provided for by the Federal Constitution and the Aboriginal People's Act 1954.
131. The Government clarified that a task force comprising senior officials has been established to review and formulate the necessary strategy regarding the issue of indigenous peoples' land rights, pursuant to the National Inquiry into the land rights of indigenous peoples in Malaysia undertaken by SUHAKAM.

132. The Government continues to hold consultations with state authorities, other relevant agencies and indigenous groups on land issues. Progress has also been made in the survey and gazetting exercise for *Orang Asli* land.

133. Currently, the Government along with UNDP and UNICEF are collaborating on a study and review of the Socioeconomic Status of *Orang Asli* in Peninsular Malaysia for the Formulation of an *Orang Asli* National Development Plan.

134. Sarawak State, with a large indigenous population comprising 27 ethnic groups, has, for over nearly 2 centuries, laws which recognise and protect indigenous rights to land. Official records confirm Sarawak has about 1.5 million hectares of Native customary rights (NCR) land. Survey to demarcate boundaries and guarantee security of tenure of NCR land, is on-going under the GTP.

135. Current development agenda, involving the building of hydro-electricity facilities, necessitates the use of NCR land. Where rights to NCR land are affected, State Government and its utility company, Sarawak Energy Berhad (SEB): (i) adopt best international practices in engagement and consultation with indigenous peoples, which conform with acceptable norms and standards, including principles embodied in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP); and (ii) provide affected indigenous communities, a comprehensive compensation package, which assures them an immediate and substantial improvement in living standards, better access to basic human rights to education, health care, and better economic opportunities whilst preserving their cultural identities and traditions.

136. Implementation of the re-settlement action plan and compensation package for those affected by the Murum Hydro-electric project exemplifies a process that recognizes the rights and well-being of the indigenous people.

137. In recognising the challenges facing Malaysia's indigenous communities, the Government maintains that they must be afforded the choice and be free to decide whether they wish to join mainstream society or not.

138. Malaysia continues to recognize women as an important human capital. As an affirmative action, the 10th Malaysia Plan (2011-2015) gave prominence to increasing women's participation in the labour force and decision making positions, provision of support in challenging circumstances and eliminating all forms of discrimination.

139. Steps taken to increase women participation in the labour force include incentives for the establishment of child care centres, extension of fully paid maternity leave, employers' double tax deduction to retrain and employ women after a career break and enactment of (Part-Time Employees) Regulation 2010.

140. Due to the success of the "Policy of At Least 30% Women in Decision Making Positions in the Public Sector" a similar policy for the corporate sector was introduced in 2011. In addition, the Women Directors Programme was implemented and a Women Directors Registry was established.

141. In empowering women economically, Malaysia has implemented micro credit schemes to encourage uptake of micro enterprise opportunities to low income individuals in rural and urban areas.

142. The Child Act is currently being reviewed to enhance the well-being of children. In addition, juvenile restorative justice models are studied while initiatives taken to protect children from cyber threats.

143. Malaysia highlighted that the Persons with Disabilities (PWDs) Act is a non-punitive law. However, non-compliance with the Act may be addressed through relevant legislation namely the Penal Code, Criminal Procedure Code and Uniform Building

Bylaws. Additionally, the existing Policy and Plans of Action for PWDs is currently being reviewed in line with the regional aspiration towards “Asia and Pacific Decade for PWDs 2013-2022” and the “Incheon Strategy to Make the Right Real”.

144. A technical committee chaired by the Ministry of Women, Family and Community Development will be activated to review all the existing reservations under and optional protocols under CEDAW, CRC and CRPD that have not been ratified by Malaysia.

145. The review concluded with Malaysia reiterating its commitment to and belief in the UPR and on its follow-up. The delegation stressed that Malaysia had approached the exercise seriously and would give full consideration to all comments and recommendations made during the review.

## **II. Conclusions and/or recommendations**

**146. The following recommendations will be examined by Malaysia which will provide responses in due time, but no later than the 25<sup>th</sup> session of the Human Rights Council in March 2014.**

**146.1. Move forward in the signing of the 6 core international conventions on human rights that the country is not yet a Party (Spain);**

**146.2. Sign and ratify the 1951 Convention relating to the Status of Refugees, and enact domestic refugee law in line with international standards (New Zealand);**

**146.3. Become soon a Party to the core international Conventions on human rights that Malaysia has not ratified yet (Italy)/Become a party to the international human rights legal instruments, to which Malaysia has not yet acceded (Chad)/Further fulfil the internationally taken obligations as well as join new human rights international instruments (Kazakhstan);**

**146.4. Broaden the scope of its international human rights obligations by acceding to the ICCPR, ICESCR, ICERD and CAT (Poland);**

**146.5. Continue exploring possibilities to extend its international commitments, in particular consider ratification of the ICCPR and the Rome Statute of the International Criminal Court (Latvia);**

**146.6. Ratify the ICCPR (Sierra Leone)/Ratify the ICCPR, the ICESCR, as well as their protocols (Benin);/Ratify the ICCPR and the CAT (Australia, Brazil)/Ratify ICCPR, ICESCR as well as CAT (Maldives, Switzerland)/Ratify the CCPR, CESC, Third Optional Protocol of CRC and CAT (Albania)/Ratify the ICCPR, the ICESCR, the CAT and the CERD (Finland)/Ratify the CAT and ICERD (Guatemala);/Ratify the ICERD, ICCPR, ICESCR and CAT (Hungary)/Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the ICCPR and ICESCR, as well as their Optional Protocols (Ecuador);**

**146.7. Accede to the two optional protocols to the CRC as well as sign and ratify the third optional protocol to the CRC on a communication procedures (Maldives);**

**146.8. Become a party to the ICCPR, the ICESCR, the CAT and its Optional Protocol, the ICERD and the Convention relating to the Status of Refugees and the Protocol thereto (Czech Republic)/Ratify the ICCPR, ICESCR, CAT, Convention for the Protection of All Persons from Enforced**

Disappearance (CPED), CERD, the Rome Statute and the 1951 Convention relating to the Status of Refugees (France)/Accede to the main international human rights instruments, in particular the ICCPR, the ICESCR, the CAT, the Optional Protocol to CAT (OP-CAT), the CERD, and the Rome Statute of the Court International Criminal (Costa Rica);

146.9. Speed up the process of accession to the ICESCR and ICCPR (Uruguay);

146.10. Promptly complete the process of ratification of other fundamental instruments, in particular the ICCPR and ICESCR, and consider ratifying the CAT, the CERD and the Rome Statute (Tunisia);

146.11. Carry on with the consultations to ratify the major international human rights instruments (Algeria);

146.12. Set a timeframe for the ratification of the ICCPR and the CAT (Ireland);

146.13. Ratify the ICCPR without further delays and integrate all provisions into domestic legislation (Slovenia);

146.14. Continue to speed up Malaysia's efforts towards accession to the Rome Statute (Afghanistan);

146.15. Ratify the Rome Statute (Switzerland);

146.16. Ratify the Rome Statute of the International Criminal Court in its 2010 version, including the Kampala amendments on the crime of aggression, and review Malaysia's national legislation in order to ensure full alignment with the Statute (Liechtenstein);

146.17. Accede to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court (Uruguay);

146.18. Accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol (Djibouti);

146.19. Ratify ILO Convention No. 169 (Norway);

146.20. Consider favourably acceding to the international treaties, to which it is not yet party (Tanzania);

146.21. Consider ratification of or accession to core international human rights conventions, to which Malaysia is not yet a party, including the ICRMW (Philippines);

146.22. Consider reviewing its position via-à-vis acceding to the ICCPR, ICESCR, ICERD, CAT and ICRMW (Egypt);

146.23. Consider ratifying the ICERD (Bolivia);

146.24. Consider ratification of core human rights treaties, including ICCPR, ICESCR and ICERD to be followed by their effective implementation (Slovakia);

146.25. Consider becoming party to the 3<sup>rd</sup> CRC Optional Protocol on a communications procedure (Thailand);

146.26. Consider ratification/accession to the Rome Statute of the ICC, to implement it fully at the national level and consider accession to the Agreement on Privileges and Immunities of the ICC (Slovakia);

- 146.27. Speed up consideration of the ratification of the Rome Statute of the ICC (Botswana);
- 146.28. Consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and allowing refugees and other migrants to seek employment while they await resettlement or other durable solutions (United States of America);
- 146.29. Withdraw the reservations to the three only core conventions on human rights ratified by Malaysia (Spain);
- 146.30. Ensure the absence of discrimination between women and men in law and in practice and withdraw all reservations to CEDAW (France);
- 146.31. Withdraw all reservations to CEDAW and abandon discriminatory laws against all women regardless of their ethnic or religious background (Norway);
- 146.32. Withdraw all reservations with regard to CEDAW and CRC (Albania);
- 146.33. Withdraw reservations to articles 2 and 7 of the CRC to ensure to everyone the right to a name and nationality through universal birth registration (Belgium);
- 146.34. Withdraw reservation to article 37 of the CRC and strengthen procedures and child protection services in cases of ill-treatment (Belgium);
- 146.35. Withdraw the rest of its reservations to the CRC, adapt the national legislation accordingly, and review those national laws where the definition of the child is not consistent with the definition of the child under article 1 of the Convention (Slovenia);
- 146.36. Take appropriate measures to bring domestic legislation in line with international human rights standards (Slovakia);
- 146.37. Fully cooperate with international bodies by submitting overdue reports on CEDAW and CRPD (Sierra Leone);
- 146.38. Consider further cooperation with the international human rights monitoring mechanisms, including treaty bodies and Special procedures of the Human Rights Council (Turkmenistan);
- 146.39. Continue to strengthen its cooperation with the special procedures of the Human Rights Council by responding positively to the pending visit requests and eventually consider extending a standing invitation to all the special procedures mandate holders (Latvia);
- 146.40. Issue a standing invitation to Special Procedures and consider early accession to major international human rights instruments such as the ICCPR, ICESCR, ICERD, CAT, and ICPED (Japan);
- 146.41. Consider the possibility to extend a standing invitation to all special procedures of the Human Rights Council, in order to strengthen cooperation with the universal human rights system (Uruguay);
- 146.42. Extend a standing invitation to the human rights mechanisms of the United Nations (Costa Rica)/Extend an open invitation to the special procedures (Guatemala)/Extend a standing invitation to all thematic special procedures (Montenegro)/Issue a standing invitation for United Nations human

rights special procedures and accept all request visits by mandate holders (Hungary);

146.43. Issue a standing invitation to all the Special Procedures and accept their requests when they seek to visit Malaysia (Poland);

146.44. Accept as many requests as possible, of special procedures of the Human Rights Council to visit Malaysia (Brazil);

146.45. Continue to follow up on the requests by a number of Special Procedures Mandate Holders to visit the country (Bulgaria);

146.46. Allow for the visit of the UN Special Rapporteur on the rights of indigenous peoples (Denmark);

146.47. Review recent amendments to the Prevention of Crime Act, as well as implementation of the Security Offences Act, for consistency with international human rights (New Zealand);

146.48. Repeal the Sedition Act (United Kingdom);

146.49. Repeal the Sedition Act and sustain previous reforms in the human rights field (Australia);

146.50. Take steps to resolve the conflicts of competence between civil and Sharia courts, with a view to fully protect human rights (Austria);

146.51. Give continuity to strengthening of national human rights mechanisms (Nepal);

146.52. Continue measures to strengthen the capacity of national human rights protection mechanisms (Uzbekistan);

146.53. Continue the increased cooperation with the National Human Rights Commission and study ways to strengthen this institution, its status and functions (Russian Federation);

146.54. Continue efforts for strengthening Malaysia's National Human Rights Commission (Turkey);

146.55. Continue the exemplary cooperation and interaction that exist between the Government and the National Human Rights Commission (Azerbaijan);

146.56. Establish an Independent Police Complaints and Misconduct Commission in accordance with the recommendations of the 2005 Royal Commission (New Zealand);

146.57. Continue efforts on adopting the National Human Rights Action Plan (Kazakhstan);

146.58. Continue efforts in the realm of promotion of human rights (Saudi Arabia);

146.59. Continue its efforts in the promotion and protection of human rights (Yemen);

146.60. Implement a comprehensive policy for the development of human rights that includes a national institution that allows the coordination and implementation of the said policy (Colombia);

- 146.61. Strengthen its efforts to achieve a balance in terms of securing economic, social and cultural rights and civil and political rights on the other hand (Zimbabwe);
- 146.62. Continue taking measures to promote social and economic rights (Uzbekistan);
- 146.63. Continue to prioritise Malaysia's policies aimed at further improving the socio-economic condition of its citizens (Mauritius);
- 146.64. Make more efforts to safeguard the benefits that would go to those who live in rural areas to ensure their economic and social rights (Oman);
- 146.65. Continue all efforts to promote the rights of women at all levels (Lebanon);
- 146.66. Continue efforts in enhancing the autonomy of women (Senegal);
- 146.67. Continue efforts to empower women and underprivileged segments of the society (Ethiopia);
- 146.68. Launch awareness raising programmes on a national level regarding women (Kuwait);
- 146.69. Take necessary measures to increase the percentage of women in decision making positions in private and corporate sectors (Ethiopia);
- 146.70. Strengthen and intensify efforts to promote the role of women in society and provide them with equal opportunities in contributing and cooperating in all aspects of life, including policies and national development programmes (Bahrain);
- 146.71. Continue strengthening its efforts in safeguarding the rights of women and children (Brunei Darussalam);
- 146.72. Continue strengthening its efforts to promote and protect the rights of children in Malaysia (Qatar);
- 146.73. Ensure prompt registration of all new-born children (Australia);
- 146.74. Promote human rights education and training (Lebanon);
- 146.75. Build on progress made as regards training programmes on human rights and further improve such schemes (Cyprus);
- 146.76. Ensure that police conduct is in accordance with international human rights standards through human rights training for all police and security officers, and the signing and ratifying of the CAT (Netherlands);
- 146.77. Develop disciplinary protocols and manuals for the use of force with strict adherence to human rights (Mexico);
- 146.78. Step up efforts to further develop the human rights education system and strengthen the culture of human rights (Uzbekistan);
- 146.79. Continue to address income inequality and share its experiences with other developing countries in the area of poverty eradication, in particular its eKasih programme (Myanmar);
- 146.80. Continue its efforts to eradicate poverty and uplift the standards of living for all Malaysians, including through ensuring effective implementation of the Government Transformation Programme strategies (Mozambique);

- 146.81. Continue its efforts to eradicate poverty and uplift the standards of living for all Malaysian people with more focus on the vulnerable and disadvantaged groups of people (Cambodia);
- 146.82. Reinforce measures to eradicate poverty across all segments of society, including among the indigenous community (Sri Lanka);
- 146.83. Continue its endeavours in poverty eradication, and strengthen the living standards and share experiences and best practices in that regard (Islamic Republic of Iran);
- 146.84. Continue to take effective measures to overcome and solve the problem of income inequality in the country (Bolivia);
- 146.85. Increase efforts for a more fair distribution of wealth in line with the remarkable success in poverty reduction (Turkey);
- 146.86. Continue addressing income inequality in the development policy of the country (Azerbaijan);
- 146.87. In accordance with national circumstances, continue to strengthen mutual respect and tolerance and different cultures among religions and maintain social plurality while maintaining improved family harmony and respect for women (China);
- 146.88. Continue the implementation of initiatives to strengthen national unity and promote inter-ethnic tolerance and respect (Russian Federation);
- 146.89. Streamline current measures to address the unique needs of its diverse society (Zimbabwe);
- 146.90. Enhance its initiatives and programmes to further promote a sense of national unity and pride among all its citizens (South Africa);
- 146.91. Enhance initiatives on the programme to bolster a sense of national unity (Islamic Republic of Iran);
- 146.92. Enhance its initiatives and programmes to further instil a sense of national unity and pride among its people (DPRK);
- 146.93. Continue implementing the positive initiatives introduced under the 1Malaysia concept with a view to strengthen national unity (DPRK);
- 146.94. Launch a comprehensive national policy on gender equality and non-discrimination (Colombia);
- 146.95. Continue to promote gender equality and the empowerment of women (Singapore);
- 146.96. Continue with the measures aimed at eradicating gender discrimination, particularly in relation to migrant women (Argentina);
- 146.97. Continue its efforts to combat all forms of discrimination particularly religious discrimination and protecting of religious minority groups (Islamic Republic of Iran);
- 146.98. Take legislative and practical steps to guarantee that LGBTI persons can enjoy all human rights without discrimination (Germany);
- 146.99. Introduce legislation that will decriminalize sexual relations between consenting adults of the same sex (Croatia);

- 146.100. Decriminalize homosexuality and respect the fundamental rights of LGBT persons (France);
- 146.101. Take the necessary measures to eradicate the discrimination based on sexual orientation (Argentina);
- 146.102. Delete those provisions that could favour discriminatory practices against persons based on their sexual orientation and gender identity (Chile);
- 146.103. Repeal sections of the Malaysian Penal Code that criminalize consensual same-sex conduct between adults (Netherlands);
- 146.104. Enact legislation prohibiting violence based on sexual orientation, and repeal laws that directly or indirectly criminalize consensual same-sex sexual activities (Canada);
- 146.105. Remain open and continue the engagement with the public on the death penalty matter, including on possible alternatives to the death penalty and its abolishing (Ukraine);
- 146.106. Maintain its good example in observing the legal safeguards surrounding the application of death penalty (Egypt);
- 146.107. Carry out the necessary nation-wide consultations to find an alternative to the death penalty, and, as far as possible, explore the possibility of establishing a moratorium on the capital punishment (Ecuador);
- 146.108. Finalize the review of the mandatory nature of the death penalty, maintain a moratorium and ultimately move to abolish the death penalty (Australia);
- 146.109. Take practical steps towards the abolishment of the death penalty, and as a first step officially introduce a moratorium on the implementation of death sentences (Bulgaria);
- 146.110. Broaden the review of the death penalty with a view of eliminating mandatory death sentencing for capital offences and commute all death sentences to terms of imprisonment (Sweden);
- 146.111. Consider reducing the number of crimes for which the capital punishment may be handed, including non-violent crimes, as well as establishing a moratorium on the use of the death penalty (Cyprus);
- 146.112. Reduce the number of crimes subject to death penalty and eliminate the compulsory application of the death penalty (Belgium);
- 146.113. Limit, as long as the death penalty persists in the country, its application to the most serious crimes, leaving drug trade while recognizing its seriousness, outside this category (Spain);
- 146.114. Bring legislation on the death penalty in line with international minimum standards, in particular by abolishing mandatory death penalty and the death penalty for drug-related offences, and take steps to approving a moratorium with a view to eventual abolition (Germany);
- 146.115. Move to discretionary sentencing for drug trafficking charges (United Kingdom);
- 146.116. Abolish death penalty for minors and drug dealers (Albania);
- 146.117. Repeal compulsory death penalty and eliminate its application for drug related offences (Switzerland);

- 146.118. Reinstatement a moratorium on executions (Belgium);
- 146.119. Establish a moratorium on the death penalty (Mexico);
- 146.120. Adopt a moratorium on the execution of the death penalty, with a view to a final abolition of the death penalty (Spain);
- 146.121. Immediately establish an official moratorium on executions with a view to abolishing the death penalty (Norway);
- 146.122. Establish a moratorium on the use of the death penalty with a view to abolishing capital punishment for all crimes (Montenegro);
- 146.123. Establish a moratorium on executions of those sentenced to the death penalty and move forward in the legal review to reach its abolition (Chile);
- 146.124. Instate an official moratorium on executions with a view to abolishing capital punishment, abolish the automatic sentencing to capital punishment for drug traffickers and commute all capital punishments to life prison sentences (France);
- 146.125. Strengthen measures to prevent and eliminate all forms of ill-treatment, including torture (Botswana);
- 146.126. Eliminate all forms of cruel, inhuman or degrading treatments, particularly judicial beatings that should immediately be subjected to a moratorium (Belgium);
- 146.127. Continue in its judicial reforms, including strengthening the independence of the judiciary, enact a robust legislation outlawing torture and tackling impunity for acts of torture and ill-treatment, and ensure that provisions for arrests and detention are in accordance with international human rights standards (Czech Republic);
- 146.128. Continue with its efforts to strengthen the enforcement of law on violence against women and protect the rights of women (Maldives);
- 146.129. Ensure the right to equal protection under the law by criminalizing marital rape through the removal of the exception in Section 375 of the Penal Code (Canada);
- 146.130. Further strengthen the legal provisions to effectively protect women who are victims of domestic violence, including marital rape (Chile);
- 146.131. Continue the significant progress made in fighting trafficking (Djibouti);
- 146.132. Enhance its efforts on Anti-trafficking in persons measures (Islamic Republic of Iran);
- 146.133. Continue taking measures on combating trafficking in persons (Kazakhstan);
- 146.134. Further its national efforts to eradicate trafficking in persons, especially women and children (Egypt);
- 146.135. Continue with efforts to combat human trafficking, inter alia, consider inviting the Special Rapporteur on trafficking in persons, especially women and children, to the country (Belarus);

- 146.136. Continue the efforts and cooperation in combatting trafficking in persons in regional frameworks along with the share of the country's positive experience in this field (Cambodia);
- 146.137. Strengthen methods for combatting trafficking (Senegal);
- 146.138. Enhance measures to implement the CRC and CEDAW, and to combat trafficking in persons, especially women and children, including strengthening cooperation with NGOs in the area of protection of victims of trafficking in persons (Philippines);
- 146.139. Continue its efforts to combat trafficking in persons, especially women and children (United Arab Emirates);
- 146.140. Continue its efforts in fostering cooperation with its neighbours to address the problem of trafficking in women and children (Bhutan);
- 146.141. Continue its efforts to fight against trafficking in persons and protect the rights of migrants (Algeria);
- 146.142. Allocate more resources to ensure the effective implementation of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (Mozambique);
- 146.143. Provide support and assistance to victims of trafficking in persons, especially women and children, and fully implement the Anti-Trafficking in Persons Act amended in 2010 (United Arab Emirates);
- 146.144. Cease the practice of detaining trafficking victims, and allow them to travel, work and reside outside government facilities (United States of America);
- 146.145. Prohibit explicitly corporal punishment in all settings, including in the home and as a sentence of the courts (Liechtenstein);
- 146.146. Ensure the implementation of laws against corporal punishment by undertaking awareness raising campaigns, encouraging the report of cases and ensuring effective investigation and prosecution of perpetrators (Liechtenstein);
- 146.147. Continue to improve domestic legislation in order to guarantee the right of detainees to a fair trial (Japan);
- 146.148. Ensure that detention conditions and provisions for access to legal and in particular judicial remedies comply with international standards and strengthen the training of police and other law enforcement officials and set up effective mechanisms to ensure an independent investigation of alleged misconduct (Germany);
- 146.149. Continue to improve the criminal justice system for children, including by making the court more child-friendly, and to come up with specialized response to children in conflict with the law (Ethiopia);
- 146.150. Take steps to address increasing trends in early, forced and child marriage (Sierra Leone);
- 146.151. Adopt proper measures in order to discourage the practice of early and forced marriages (Italy);
- 146.152. Revise Malaysia's legislative framework in order to ensure freedom of religion or belief for all (Italy);

- 146.153. Take concrete steps to implement its commitment to promote and protect the rights of all people to worship in peace and security without discrimination or restriction (Canada);
- 146.154. Continue its efforts to promote inter-religious dialogues and reconcile different schools of Islamic thoughts and other religions (Sudan);
- 146.155. Continue efforts and engage in a structured interfaith dialogue, including religious minorities (Austria);
- 146.156. Take measures to ensure that all persons, including Muslims, can freely exercise their right to freedom of religion and belief, without interference by the state and including the right to change their religion (Austria);
- 146.157. Bring the respective laws in line with international human rights standards and enable all citizens to exercise fully the rights of opinion and expression (Czech Republic);
- 146.158. Take effective measures to ensure the full realization of the right to freedom of expression, by inter alia reviewing the Printing Presses and Publications Act, the Sedition Act and the Evidence Act (Poland);
- 146.159. Amend section 114A of the Evidence Act with the objective of increasing freedom of expression (Denmark);
- 146.160. Take steps to strengthen and promote the rights of journalists and bloggers to freely exercise their right to freedom of expression (Austria);
- 146.161. Takes steps to ensure proper judicial oversight regarding the granting and revoking of media licenses (Austria);
- 146.162. Amend or repeal both the Sedition Act and the Printing Presses and Publication Act, to bring Malaysia's domestic security legislation in line with its international human rights commitments on the freedoms of expression, peaceful assembly, and association (United States of America);
- 146.163. Continue its efforts to further enhance the exercise and enjoyment of civil and political rights, including the rights to freedom of peaceful assembly in the country (Indonesia);
- 146.164. Continue encouraging the right to peaceful assembly in accordance with national legislation (Russian Federation);
- 146.165. Revise the Peaceful Assembly Act so that there is no discrimination and hindrance in the organization of peaceful public gatherings and protests (Czech Republic);
- 146.166. Amend the Peaceful Assembly Act to guarantee the right to peaceful assembly and facilitate the visit by the Special Rapporteur on the rights to freedom of peaceful assembly and of association (Switzerland);
- 146.167. Amend the Peaceful Assembly Act to allow the full enjoyment of the freedom of association, expression and peaceful assembly, by removing limitations or restrictions on movement, location or participation (Canada);
- 146.168. Repeal the Printing Presses and Publication Act and take steps to ensure full respect and protection for freedom of opinion and expression (Ireland);

- 146.169. Take steps to raise the standards of press freedom and to adapt the Printing Presses and Publication Act to facilitate independent news media coverage (Austria);
- 146.170. Accelerate the conclusion of investigations regarding applications on the conduct of elections by the Election Commission and other relevant authorities (Turkey);
- 146.171. Take the necessary measures to ensure equal access for all to basic social services (Benin);
- 146.172. Ensure birth registration of all children to facilitate the access to social services (Sierra Leone);
- 146.173. Continue its efforts to improve the enjoyment of human rights and to raise the living standards of its people (Singapore);
- 146.174. Consider comments of the Special Rapporteur on health regarding the negative impacts that the Trans Pacific Partnership agreements would have on access to medicines (Sierra Leone);
- 146.175. Continue its efforts to implement programmes for the integration of women in development, and the provision of maternal and child health care (Qatar);
- 146.176. Continue the efforts aiming at providing educational and health services (Saudi Arabia);
- 146.177. Continue all efforts to provide accessible health care and medications to all citizens (Mauritania);
- 146.178. Take further measures to develop a comprehensive national health system, improving the quality and ensuring universal access to medical care (Belarus);
- 146.179. Step up its efforts in ensuring universal access to affordable health services particularly for the poor, vulnerable and marginalized groups (Thailand);
- 146.180. Ensure that affordable healthcare and medicines remain available to all Malaysians, especially for those residing in the interior and remote areas of the country (Pakistan);
- 146.181. Step up its efforts to reduce maternal mortality, including through an increased access to quality family planning (Cuba);
- 146.182. Take necessary steps to ensure the accessibility of the sexual and reproductive health services in Government facilities (Nigeria);
- 146.183. Continue the measures to combat HIV incidence through the implementation of the National Strategic Plan for HIV Prevention (Cuba);
- 146.184. Take effective measures to reverse the increasing trend of HIV/AIDS incidence by strengthening the National Strategic Plan (NSP) on HIV/AIDS Prevention (Nigeria);
- 146.185. Ensure that children without parental care due to parental incarceration or execution are provided for, including with support for physical and mental health (Croatia);
- 146.186. Continue efforts aimed at implementing existing national policies and plans to further strengthen health and education systems (Ukraine);

- 146.187. Continue Malaysia's commitment to provide equal access to health services and education (Turkey);
- 146.188. Allocate more funds for training of health care staff, including doctors, midwives, nurses, and social workers (Mauritania);
- 146.189. Allocate more resources to training of specialists in the medical field, alongside doctors, nurses, midwives and social workers (Bahrain);
- 146.190. Exchange expertise on the best practices on providing health care for all (Bahrain);
- 146.191. Continue its successful measures in the field of education (Azerbaijan);
- 146.192. Implement a gender perspective in education at all levels, especially by providing gender-trainings for teachers (Timor-Leste);
- 146.193. Implement a gender perspective in education at all levels, including teacher training, as well as establish a policy and appropriate measures for including children of all backgrounds in the national education system (Bulgaria);
- 146.194. Take necessary measures to implement a gender prospective in education at all levels, including by training teachers (State of Palestine);
- 146.195. Take the necessary measures to take into account gender aspects at all levels of the educational system, including teachers' training (Kyrgyzstan);
- 146.196. Share its best practices in education and promote the gender perspective at all levels in education and teacher trainings with appropriate measures (Viet Nam);
- 146.197. Continue its efforts in promoting the right to education so as to ensure access to education for all its young citizens (Brunei Darussalam);
- 146.198. Undertake further measures in order to address the problem of shortage of teachers, especially in rural and remote areas (Timor-Leste);
- 146.199. Step up measures to address the shortage of teachers especially in rural and remote areas (Sri Lanka);
- 146.200. Continue to prioritize and facilitate the enrolment of qualified students to continue their higher education particularly the poor families and those with low income families through different funding mechanisms (State of Palestine);
- 146.201. Continue to prioritize and facilitate funding access for prospective and eligible students from poor and low-income families to pursue higher education (Pakistan);
- 146.202. Continue to facilitate access to financing for higher education (university level) to the needy categories (Morocco);
- 146.203. Take concrete measures to prevent children from becoming stateless and guarantee universal access to free primary education, irrespective of citizenship and immigration status (Norway);
- 146.204. Allocate more funds for the promotion and protection of the rights of persons with disabilities, particularly in the areas of employment,

education and housing, and provide these persons with the necessary training to improve their employability and independence (Tunisia);

146.205. Through stronger cross-institutional cooperation, provide more special services for children with disabilities, including taking necessary measures to improve the educational conditions (China);

146.206. Continue in its efforts to ensure an inclusive education system, particularly with respect to students with special educational needs and for those students most in need of financial assistance (Jamaica);

146.207. Take necessary steps to provide adequate facilities to improve access to education for persons with disabilities, especially children (DPRK);

146.208. Intensify efforts so that children with disabilities have sufficient access to education and health facilities (Cyprus);

146.209. Ensure that laws on indigenous peoples as well as their implementation comply with the Declaration on the Rights of Indigenous Peoples (Switzerland);

146.210. Ensure the rights of indigenous peoples and local forest dependent peoples in law and practice, in particular regarding their right to traditional lands, territories and resources (Norway);

146.211. Establish an independent National Commission on Indigenous Peoples and ensure that laws, policies and their implementations are in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (Sweden);

146.212. Establish an independent body to investigate disputes over land, territories and resources (New Zealand);

146.213. Take measures, with full and effective participation of indigenous peoples, to address the issues highlighted in the National Enquiry into the Land Rights of Indigenous Peoples (Finland);

146.214. Continue to implement its plans and strategies that enhance the economic and social welfare of indigenous peoples (Bolivia);

146.215. Intensify efforts to eradicate poverty, particularly among the Orang Asli in Peninsular Malaysia and the natives of Sabah and Sarawak (Bolivia);

146.216. Further progress in the eradication of poverty through the successful implementation of the Government Transformation Programme, particularly in the poverty zones of Orang Asli in Peninsular Malaysia, and the indigenous peoples of Sabah and Sarawak (Venezuela);

146.217. Continue efforts to safeguard the dignity and protect the rights of foreign workers, including through requisite institutional and legislative measures (Nepal);

146.218. Adopt more robust measures to protect the rights of migrant workers and temporary workers (Colombia);

146.219. Expand the protection scope for migrants and their families and continue efforts to enhance the safety and welfare of foreign workers (Philippines);

146.220. Step up its efforts to protect the rights and to enhance the safety and welfare of foreign workers in Malaysia, particularly to secure better working conditions for domestic workers and better protection for those undocumented migrants (Indonesia);

146.221. Facilitate the process of immigration's regularization for those persons who have resided in the country for an extended period and allow the registration of their children born in Malaysia (Mexico);

146.222. Ensure that the recruitment agencies for foreign workers fully comply with the applicable laws and regulation (Bangladesh);

146.223. Enhance access to justice for foreign workers (Bangladesh);

146.224. Duly investigate all cases of abuse of migrant domestic workers, bring perpetrators to justice and allow migrant workers full access to legal remedies (Germany);

146.225. Ensure that all migrant workers, refugees and asylum seekers are treated in accordance with international standards, including respecting the principle of non-refoulement (Canada);

146.226. Consider improving existing administrative frameworks to better manage and process refugees and asylum seekers in the country (Afghanistan);

146.227. Cooperate with international and regional organizations and diplomatic missions to tackle problems experienced by asylum seekers, refugees and foreigners who lose their documents in the country (Sudan);

146.228. Share its experience and lessons learnt in South-South Cooperation in the field of the promotion of the right to education (Morocco);

146.229. Share with others its good practices in easing childcare burden which disproportionately affects women (Myanmar);

146.230. Benefit from the experiences of other countries regarding child protection (Kuwait);

146.231. Work on strengthening international cooperation in the field of human rights (Turkmenistan);

146.232. Participate more actively in the international programmes of technical assistance and capacity-building in the field of human rights (Turkmenistan);

147. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Malaysia was headed by H.E. Mme. Dato' Ho MAY YONG, Deputy Secretary-General, Multilateral Affairs, Ministry of Foreign Affairs and composed of the following members:

H.E. Mr. Dato' Mazlan Muhammad, Permanent Representative, Permanent Mission of Malaysia to the United Nations (Alternate Head of Delegation);

Mr. Dato' Alwi Hj. Ibrahim, Senior Deputy Secretary-General (Security), Ministry of Home Affairs;

Mr. Datuk Harjeet Singh, Deputy Secretary-General (Strategic) Ministry of Women, Family and Community Development;

Mr. Mohd Sahar Darusman, Deputy Secretary-General (Policy), Ministry of Human Resources;

Mr. Datu Ose Murang, Deputy State Secretary, Sarawak State Government;

Mr. Dato' Mohd Sani Mistam, Director-General, Department of *Orang Asli* Development;

Mr. Muhamad Nordin Ibrahim, Deputy Director-General (Policy), Department of Islamic Development;

Mr. Datuk Fong Joo Chong, Sarawak State Legal Counsel, Sarawak State Government;

Mr. Mohd Radzi Harun, Head of International Affairs Division, Attorney-General's Chambers;

Mme. Siti Hajjar Adnin, Undersecretary, Human Rights and Social Affairs Division Ministry of Foreign Affairs;

Mr. Muhd Khair Razman Mohamed Annuar, Undersecretary, International Division, Ministry of Home Affairs;

Mr. Muhammad Rushdan Mohamed, Head of Human Rights and International Organizations Unit, Attorney-General's Chambers;

Mme. Khalijah Mohammad, Head of Policy Section, Ministry of Education;

Mr. Wan Zulkfli Wan Setapa, Deputy Undersecretary, Labour Policy Division, Ministry of Human Resources;

Dr. Nor Mazny Abdul Majid, Director, Policy Section, Legal Affairs Division, Prime Minister's Department;

Mr. Zulkifli Hashim, Director, Unity Management Department of National Unity and Integration, Prime Minister's Department;

Mr. Abdul Halim Abdullah, Belaga District Officer, Sarawak State Government;

Mr. Shaharuddin Onn, Deputy Permanent Representative, Permanent Mission of Malaysia to the United Nations;

Mr. Johan Ariff Abdul Razak, Principal Assistant Secretary, Human Rights and Social Affairs Division, Ministry of Foreign Affairs;

Mr. Roslan Bahari, Labour Attaché, Permanent Mission of Malaysia to the United Nations;

Mr. Khairi Azali Ibrahim, Principal Assistant Secretary, International Division, Ministry of Home Affairs;

Mme. Farah Kareena Hadenan, Principal Assistant Secretary, Women, Family and Community Policy, Ministry of Women, Family and Community Development;

Mme. Syuhana Khalidi, Director, Research and Planning Division, Department of Orang Asli Development;

Mr. Mohd Hasril Abdul Hamid, Counsellor, Permanent Mission of Malaysia to the United Nations;

Mr. Amri Bukhairi Bakhtiar, Counsellor, Permanent Mission of Malaysia to the United Nations;

Mme. Raja Intan Nor Zareen, First Secretary, Permanent Mission of Malaysia to the United Nations;

Mme. Syuhada Adnan, Assistant Secretary, Human Rights and Social Affairs Division Ministry of Foreign Affairs;

Mme. Nur Azura Karim, Assistant Secretary, Human Rights and Social Affairs Division Ministry of Foreign Affairs;

Mr. Syahizwan Datuk Osman, Assistant Director, Socioeconomic Division, Department of Orang Asli Development;

Mme. Noor Salwana Khairullah, Assistant Director, Education Policy Planning and Research, Ministry of Education;

Mr. Nik Muhd Marzuki Muhd Nor, Assistant Director, Federal Territories Islamic Affairs Department, Prime Minister's Department;

Mme. Dayang Jamillah Tun Salahuddin, Legal Officer, Sarawak State Government;

Mr. Wright Nick James Arnett, Vice President (Business Development), Sarawak Energy Berhad;

Mr. Jiwari Abdullah, Sarawak Energy Berhad;

Mr. Sharani Mohd Dali, Second Secretary, Permanent Mission of Malaysia to the United Nations.

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