



# Malaysia

Permanent Mission to the United Nations

23

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**STATEMENT BY  
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PERMANENT MISSION OF MALAYSIA TO THE UNITED NATIONS  
ON  
AGENDA ITEM 68 (b): PROMOTION AND PROTECTION OF HUMAN RIGHTS:  
HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR  
IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS  
AND  
AGENDA ITEM 68 (c): HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL  
RAPORTEURS AND REPRESENTATIVES  
OF THE THIRD COMMITTEE  
OF THE 65TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY  
NEW YORK, 27 OCTOBER 2010**

Mr. Chairman,

Malaysia reaffirms that Human rights are universal, indivisible, interdependent and interrelated, comprising the full spectrum of civil, political, economic, social and cultural rights. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. The promotion and protection of human rights needs to be undertaken by all countries with full respect to the significance of national and regional particularities and various cultural, social, economic and political circumstances. Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State or from external influences. These are basic principles underpinning international human rights and should not be taken lightly.

2. Since the formation of the United Nations and its expansion into a more credible representative world body, debates at the macro level on human rights, such as the dichotomy between individual and group rights, or the universality of such rights, have been ongoing. This in our view is a healthy process towards realizing the highest standards of human rights as enshrined in the Universal Declaration of Human Rights (UDHR). As we increasingly move towards a globalised world of shared ideas and the ideal of common values, our work is to create the conditions where not only civil and political rights are enjoyed, but just as crucially, in ensuring the promotion and protection of economic, social and cultural rights, particularly for the developing countries which are among the most disadvantaged in the global community. In this endeavour, so to speak, the jury is still out. In too many cases, political considerations have come into play and instead, made the work on human rights as being, more often than not, attempts to assert the superiority of the strong onto the weak. In practical terms, this has meant attempts to legitimise interpretations of human rights which have not been internationally agreed upon or recognised. At the same time, we are dismayed that some countries continue to pick and choose which rights they wish to highlight or how those rights may

be enjoyed. Surely this is not the right approach if we aspire to the highest standards of human rights.

Mr. Chairman,

3. The promotion and protection of all human rights is a fundamental principle followed since the inception of Malaysia as a sovereign entity. We continue to strive to create an environment where all citizens can exercise their human rights and fundamental freedoms. The Federal Constitution of Malaysia guarantees the basic and fundamental human rights as enshrined in the Universal Declaration of Human Rights. As a multi-racial, multi-religious and multi-ethnic society, Malaysia has the responsibility to ensure that the rights of the individual do not impinge upon the rights of the community. The principle of tolerance in Malaysia plays a crucial role in creating a peaceful environment, maintaining social unity and relationships between different faiths. In order to foster unity among Malaysians, the Prime Minister of Malaysia has introduced the concept of '1Malaysia' in June 2009 - a concept to preserve and enhance this unity in diversity which is always been our strength and remains our best hope for the future.

5. Malaysia upholds the view that the implementation of civil and political rights can only be fully exercised in a democratic environment. Malaysia guarantees these rights and the safeguards to embrace and preserve our multi-racial, multi-religious, and multi-ethnic society. Our Federal Constitution guarantees such fundamental liberties such as the right to freedom of peaceful assembly and without arms, the right to freedom of speech and expression, the right to freedom of association, and freedom of religion or belief. The expression of these rights by our society can be seen in the vibrant political discourse in our country and the development and awareness of these rights which continues through a pace and through steps which our society is comfortable with, and not through outside interference or pressure.

6. For any country, the understanding and respect for human rights cannot be imposed from the outside, nor can instant results be expected. It is up to that society to decide its own development and evolution.

Mr. Chairman,

7. The UN Charter had placed the question of universal observance and the promotion and protection of human rights within the context of international cooperation. Violations of basic human rights must be redressed and should not be tolerated under any pretext. We stress the importance of strengthening international cooperation on all aspects of human rights and that all governments should uphold humane standards and respect human dignity. We should be consistent and constructive in our treatment of human rights situations, and not selectively target specific countries or accord different emphasis and urgency to certain issues due to domestic political expediency or external pressure.

8. The important work undertaken by this Committee on a range of different human rights questions again risks being detracted during this Session by the of issue of the death penalty. The long debates which were held in the past are clear indication that there is no international consensus on the issue and we should not seek to reintroduce such divisions in the work of this Committee. This is a criminal justice matter and

something which the people of a country need to decide for themselves and within their own time on which direction and how they want to take it.

9. In Malaysia, the death penalty is only imposed for the most serious crimes, and is only imposed where there is clear and convincing evidence. Nevertheless, the Government is considering to further reduce the number offences which carry the death penalty by among others, proposed amendments to existing anti-drug trafficking legislation to reduce the maximum sentence to life imprisonment. Malaysia is also reviewing all offences that carry the death penalty by reconsidering the appropriate charges to be preferred against the offences. From the beginning of 2009 and up until April 2010, no death sentences have been carried out.

10. Malaysia's stand on the issue of capital punishment has always been consistent. The resolution entitled "Moratorium on the use of the death penalty" is unbalanced and does not take into account the views of countries that have chosen to maintain capital punishment in their legal systems. The resolution attempts to impose the values of some countries on others and allows some countries to dictate a singular view for the development of customary international law and the evolution of the international legal framework. It was for these reasons that Malaysia has voted against the resolution thus far.

11. From the discussions and results on country-specific resolutions in the past sessions of the UNGA, it is clear that the wider membership is increasingly opposed and uncomfortable with such resolutions. Malaysia is pleased to note that the Universal Periodic Review (UPR) mechanism of the Human Rights Council has been proceeding well. By the end of the 9<sup>th</sup> Session of the UPR Working Group by mid-November this year, a total of 143 countries would have been reviewed. While there remain areas which can be further developed and strengthened, the crux remains that this innovation represents a good alternative to country-specific reports. It serves a constructive approach through genuine dialogue and cooperation between countries which may have differing views and systems, and it is our hope that through the UPR process, all countries will seize this opportunity to improve the promotion and protection of human rights in a cooperative and constructive manner. The time for country-specific reports continues, in our view, to tick away.

12. While harnessing our efforts to promote international peace and harmony, we are concerned with the increasing trend in some parts of the world to perpetuate or even fuel Islamophobia. Defamation of religion is an increasing trend in many parts of the world, including in intellectual and political circles which legitimises it in the eyes of and radicalises the general society. Attempts to demonise Islam intensify the divide between the broad Muslim world and the West. The real issue is not between Muslims and non-Muslims, but between moderates and extremists of all religions. In this regard, at the recent High-Level general debate of the 65<sup>th</sup> General Assembly, the Prime Minister of Malaysia had called for the building of a "Global Movement of Moderates" of all faiths who are committed to work together to combat and marginalise extremists who have held the world hostage with their bigotry and bias. We must all urgently reclaim the centre and moral high ground that has been usurped from us. What is also needed is a balance, in conceptual, as well as legal and practical terms, of the notions of defamation of religion and of the freedom of religion, opinion and expression.

Mr. Chairman,

13. Malaysia will continue to respect and uphold the inalienable and indivisible nature of all human rights both at the international and domestic levels. As part of continuing efforts to adhere with the international human rights instruments, Malaysia is undertaking a comprehensive review of our national legal framework to ensure compatibility with such instruments. In July this year, Malaysia ratified, and subsequently became a State Party to the Convention on the Rights of Persons with Disabilities; we withdrew our reservations to Articles 5(a), 7(b) and 16(2) of CEDAW, and the Government will continue to study the possibility to withdraw our remaining reservations; and we also withdrew the reservations made to Articles 1 and 13 of the CRC, with a view to the possibility of withdrawing the remaining reservations made to certain articles under the Convention

14. A Governmental Committee has been established to study the issues relating to dissolution of marriage, maintenance, custody, inheritance and determination of the religion of the child of a civil marriage during situations resulting from one of the spouses converting to Islam. Parallel to this, a Committee has also been established to review laws relating to women's rights under the Islamic family law. Moreover, steps are ongoing by the Government to amend the Child Act 2001, which include, amongst others, to repeal the corporal punishment sentence by replacing it with community service for certain offences.

15. The Government is also studying the possibility of Malaysia's accession to various international human rights instruments namely, the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and Convention on the Elimination of All Forms of Racial Discrimination (CERD).

16. Domestically, we will continue as a matter of priority to:

- 16.1 Increase support for the roles and functioning of the National Human Rights Commission (SUHAKAM);
- 16.2 Continuing efforts to raise human rights awareness among all segments of the population including law-enforcement officials, members of the judiciary, government officials and other stakeholders;
- 16.3 Continuing fostering meaningful and productive engagement between the government machinery and civil society; and
- 16.4 Strengthening capacities for implementation and enforcement measures for human rights conventions which Malaysia is party to, alongside reconsidering of instruments which it has yet to accede to.

17. Realizing the highest standards of human rights for all still remains a lofty goal. Malaysia is committed to attaining this goal and is ready to work constructively with other Member States towards this end.

Thank you.