

**MALAYSIA'S MID-TERM REVIEW  
ON THE IMPLEMENTATION OF RECOMMENDATIONS MADE  
DURING THE THIRD UNIVERSAL PERIODIC REVIEW (UPR), 8 NOVEMBER 2018**

---

**I. INTRODUCTION**

Malaysia underwent its third Universal Period Review (3<sup>rd</sup> UPR) at the 31<sup>st</sup> Session of the UPR Working Group on 8 November 2018. The Report was adopted at the 37<sup>th</sup> Meeting of the Human Rights Council (HRC) on 14 March 2019. Malaysia received a total of 268 recommendations, which was clustered into 3 categories: 148 as outright acceptance, 35 as partial acceptance, and 85 as take note. The full list of recommendations is as per **Annex**.

2. Since 2019, the Government of Malaysia has institutionalised bi-annual multi-stakeholder consultations involving the relevant Ministries and agencies, the National Human Rights Commission (SUHAKAM) and civil society organisations, as part of its commitment to follow-up/implement recommendations that it has accepted during its 3<sup>rd</sup> UPR.

**II. METHODOLOGY AND CONSULTATION PROCESS**

3. Pursuant to the Third UPR exercise in November 2018, the Ministry of Foreign Affairs, in its capacity as the National Mechanism for Reporting and Follow-Up (NMRF), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the UN in Malaysia (UNCT) have jointly committed to develop a UPR monitoring matrix that is line with the relevant human rights conventions, Sustainable Development Goals (SDGs) and Malaysia's National Human Rights Action Plan (NHRAP).

4. Malaysia took on board a call made during Malaysia's first UPR in 2009 by the Human Rights Commission of Malaysia (SUHAKAM), Malaysia's National Human Rights Institution, to develop a human rights action plan for the country. The comprehensive plan, which seeks to protect and promote human rights in the country, is a result of extensive collaboration between government agencies, civil society organisations and academicians, was subsequently launched in 2018.

5. NHRAP includes 294 action plans in 83 priority areas categorized under five pillars, namely civil and political rights; economic, social and cultural rights; rights of the vulnerable people; rights of the indigenous peoples and Malaysia's international human

rights responsibilities. The Federal Constitution of Malaysia, the Universal Declaration of Human Rights (UDHR), the Cairo Declaration on Human Rights in Islam (CDHRI) and other international instruments were instrumental in providing a framework of reference for NHRAP. NHRAP also takes into account Malaysia's socio-cultural aspects as to ensure that it is aligned with and sensitised towards local context and make-up of the country.

6. Malaysia also took a more effective whole-of-society approach in an effort to make progress on recommendations received from Member States during the third UPR Cycle in November 2018. Two consultations were held in 2019, on 15 January and 9 July. The first Consultations in 2019 provided a platform to assess the Government's preliminary position on the recommendations received. SUHAKAM and civil society organisations were invited to deliver intervention statements on the Government's preliminary positions. In an effort to increase awareness on the overview and progress of the UPR recommendations and the way forward for the implementation of accepted recommendations, the Ministry of Foreign Affairs also cooperated in consultations led by SUHAKAM with state agencies in Sabah and Sarawak in November 2019, ensuring an inclusive, participatory, and consultative participation at the state-level on the UPR process. These consultations are part of the Government's effort to bridge the gap between federal and state agencies, given the cross-cutting nature of many of the UPR recommendations on issues such as child marriage, indigenous people and corporal punishment. Several further consultations proposed for 2020 involving other states could not materialise due to the COVID-19 pandemic.

7. The Government continued with the momentum of engaging in consultations in 2020 by holding a meeting with the relevant line agencies on 13 February to discuss the first draft of the Monitoring Matrix. The first Consultations for 2020 was then held on 22 July. Due to the persistent COVID-19 pandemic which limited the opportunity to meet physically, the second consultations for 2020 was held on 24 March 2021.

8. During the March 2021 Consultations, discussions centred on, among others, re-visiting Malaysia's position on some of the recommendations in light of current developments in the country since the 3<sup>rd</sup> UPR; firming the lead agency ownership; and garnering the support of the relevant implementing agencies on recommendations received. Participants were also urged to work together on improving indicators under their respective purviews based on the *Specific, Measurable, Attainable, Relevant, and Time-based* (SMART) criteria. Malaysia was honoured to receive the participation of the UN Human Rights Adviser (HRA) during the consultation sessions. The UN HRA was constructive in his views on streamlining the UPR Matrix by further clustering similar UPR recommendations received.

### **III. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS**

#### **A. INTERNATIONAL OBLIGATIONS (Recommendations 01-46, 48-51, 58)**

##### **Ratification of International Human Rights Instruments**

9. Malaysia remains committed to work towards ratifying all remaining core international human rights instruments in close engagement with the relevant stakeholders, as well as, in alignment with, and within the context of the developments in the country. The Government is undertaking the translations of all nine (9) core human rights treaties, including the Rome Statute into Bahasa Malaysia – the national language – in partnership with OHCHR and in close consultations with the relevant stakeholders. The initiative is aimed at educating the public on the said instruments, increasing their awareness on international human rights standards and practices, and possibly reconciling the standards with domestic laws and policies in the country.

10. The Government also welcomes the recent appointment of a Human Rights Advisor for Malaysia and looks forward to work closely with him, with a view to increase awareness on human rights in the country through capacity-building and technical assistance efforts.

##### **Cooperation with International Mechanisms**

11. The Government continues to see value in engagement with the Special Procedures Mandate Holders (SPMH) of the HRC. Malaysia hosted the inaugural visit of the High Commissioner of Human Rights in October 2019 and had received 12 visits of SPMH of the HRC, including two visits after the third UPR Cycle namely, by the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation in November 2018 and the Special Rapporteur on Extreme Poverty and Human Rights in August 2019. In 2019, the Government of Malaysia issued a standing invitation to SPMH.

12. With regard to the three Conventions that Malaysia is a party to, Malaysia is committed to its obligations under the Convention on the Rights of the Child (CRC), Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of People with Disabilities (CRPD). Malaysia has submitted its third to fifth periodic report on the implementation of CEDAW in February 2018, as well as its second to the fifth periodic report on implementation of CRC in August 2021. The Government is working to improve its reporting record with the facilitation of capacity-building, adequate allocation of resources, measures to enhance awareness and in partnership with various UN agencies and civil society organisations.

**B. CIVIL AND POLITICAL RIGHTS**  
**(Recommendations 55-57, 69, 73, 76-85, 91-114, 126-148, 150-152, 160, 208, 254, 260, 262)**

**Nation-Building and National Unity**

13. To lead the nation's efforts towards having inclusive unity, common prosperity and integrated platforms for the goodwill of the nation, the Government established the Ministry of National Unity (KPN) in March 2020. KPN issued the National Unity Policy and National Unity Blueprint 2021-2023 in February 2021 which recognized the importance of shared history and placed emphasis on the supremacy of the Federal Constitution and Rukun Negara (*National Principles*). The blueprint themed *Unity in Diversity* was prepared in close consultations with the public, private sector, non-governmental organisations (NGO) and Government agencies.

14. Both documents further outline twelve strategies to build a patriotic and democratic society, develop a national identity and strengthen the unity ecosystem to nurture Malaysians who appreciate and practise unity, and sensitize citizens towards viewing unity as a norm. In addition, the Government is working towards issuing a National Unity Action Plan in 2021. The Plan will assist the Government in executing the strategies and aspirations of the blueprint.

**Death Penalty**

15. The Government of Malaysia has placed a moratorium on the death penalty since 10 October 2018 and commissioned a Special Select Committee of nine experts in July 2019 to review the mandatory death penalty involving eleven offences, as well as to give discretionary powers to the courts in commuting sentences for those offences. The Special Committee also examined the suitability of the Court's discretion in imposing sentences and the applicability of restorative justice and has prepared a Report for the consideration and approval of the Malaysian Cabinet. The review constitutes a policy shift that will have a significant impact on the Criminal Justice System in Malaysia.

## Initiatives to Prevent Torture

16. In December 2020, Malaysia's Senate issued a joint statement expressing support for prison reform to reduce overcrowding, which had led to the spread of COVID-19 among detainees, prison guards and family members. The motion sought for authorities to take immediate action to address the problem, including expanding a mechanism for release of prisoners through a permissive licenses amendment to the Prisons Act 1955 to release prisoners who committed crimes without violence and have served less than a year.

17. The establishment of the All-Party Parliamentary Group (APPGM) on Prisons and Detention Centre Reforms in January 2021, prompted by the COVID-19 pandemic is also a step forward towards putting an end to reported practices of torture, inhuman and degrading treatment or punishment in prisons and detention centres.

18. The Government has announced the establishment of Custodial Medicine Unit (CMU) Clinics in the five Royal Malaysia Police centralised lock-ups in Pahang, Pulau Pinang, Sabah, Selangor and Kuala Lumpur, as part of the efforts to ascertain the condition of detainees requiring further medical observation/treatments and provide treatment for detainees in detention. The CMU in Kuala Lumpur had been set up in collaboration with the Ministry of Health to ensure that detainees receive the appropriate healthcare, in line with provisions outlined in Lock-up Rules 1953. The CMUs are expected to reduce the number of deaths in police custody and ensure the rights to health of the detainees.

19. The Government also undertook a thorough review and reform of the prison management system, policies and practices, including compliance with minimum standards of detention in alignment with international standards such as the Mandela Rules. The review is expected to incorporate amendments to the Lock-up procedures in the country, as can be seen through the new requirement for floor plans of development of new police stations to be developed in line with the Mandela Rules. The Ministry of Home Affairs is also developing the Guidelines for Lock-up Management following the conduct of a Workshop on Guidelines for Lock-up Management held in July 2019 in an effort to review adapting existing Lock-Up Rules with the Mandela Rules.

## **Initiatives on Interreligious Harmony and Interfaith Unity**

20. The National Unity Advisory Council (MPPN) was formed in June 2020 to advise the Government on matters of unity and national reconciliation efforts, address issues and challenges related to unity and strengthen the national unity agenda. The Council is headed by a Senior Minister, and members of the Council are appointed by the Prime Minister. The Council is assisted by a newly formed National Unity Implementation Committee chaired by the Minister of National Unity and consisting of State Excos from the 14 states in the country.

21. In addition, the Government established the Inter-Religious Harmony Committee (HARMONI) under the purview of the Ministry of National Unity in August 2020. HARMONI comprises of religious leaders, scholars and academicians and in March 2021, 13 Committee members of HARMONI were appointed to further promote constructive and positive dialogues and interactions between leaders of different religions in the country.

## **Security Laws in Malaysia**

22. The Government is cognizant of the need to improve the Sedition Act 1948, Security Offences (Special Measures) Act 2012 (SOSMA), Prevention of Crime Act 1959, Prevention of Terrorism Act of 2015 and Peaceful Assembly Act of 2021, to take into consideration international standards and practices/norms, and in light of the necessity to combat and curb security threats.

23. The Government is also reviewing laws that stifle press freedoms such as the Officials Secrets Act 1972 (OSA), Printing Presses and Publications Act 1984, the Communications and Multimedia Act 1998 (CMA) and the Copyright Act 1987.

24. The review exercise on these existing security laws includes several consultations by the Government with SUHAKAM, the Bar Council, legal practitioners and academics.

## **C. ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND RIGHTS OF THE INDIGENOUS PEOPLES**

**(Recommendations 63, 65, 86, 88-89, 153, 155-159, 161-169, 171-181, 184-199, 227, 245, 248, 250-251, 255-258, 268)**

### **Promoting Social and Economic Rights**

25. Malaysia recognises the crucial linkage between the 2030 Agenda for Sustainable Development and human rights. Malaysia is among the fastest countries to achieve the first goal of the Millennium Development Goals (MDG) which was to halve poverty by 2010. As inclusivity and development remain at the core of the country's own transformation, Malaysia continues to undertake initiatives to localise SDGs at the district and local authority levels throughout the country with various stakeholders including civil society organisations and community leaders, based on the theme '*Leaving no one behind*'.

26. The Government is continuing to implement programmes in order to improve the socio-economic status of its people, especially the vulnerable, to ensure that they are not left behind. The Government launched the Shared Prosperity Vision 2030 (SPV 2030) on 5 October 2019, where nine target groups were identified and given priority to benefit from SPV 2030.

27. The nine target groups identified are the poor and economically vulnerable B40 group, community in economic transition, indigenous community, bumiputera in Sabah and Sarawak, people with disabilities, youth, women, children and senior citizens. The SPV 2030 is aimed at strengthening political stability and enhancing the nation's prosperity, as well as promote social cohesion.

28. In addition, an All-Party Parliamentary Group on Sustainable Development Goals (APPGM-SDG) was established in October 2019, as a collaborative bottom-up approach to facilitate localising of SDGs. The APPGM SDG undertook a pilot programme in ten parliamentary constituencies in 2020. The programme, funded by the Ministry of Finance and supported by the Economic Planning Unit of the Prime Minister's Department (EPU) would identify thirty-four solution projects to improve economic, social and environmental dimensions to be undertaken at the grassroots. The programme is funded by the Ministry of Finance and supported by the Economic Planning Unit of the Prime Minister's Department (EPU).

29. Malaysia presented its Second Voluntary National Review (VNR) report on the SDG Implementation Progress in July 2021, as part of the follow up and review of the 2030 Agenda for Sustainable Development, continuing its commitment towards strengthening economic and social rights through sustainable and inclusive development.

30. The Government is also in the final stage of formulating the Twelfth Malaysian Plan (12MP), outlining the country's development plan from 2021 to 2025. The formulation of 12MP is to ensure that citizens will continue to benefit from socioeconomic development, achieve inclusivity and social cohesion, and address current and future challenges including the impact of the COVID-19 pandemic.

### **Addressing Poverty Eradication, inclusive of the Indigenous Peoples**

31. The Government in its continuing commitment to address poverty, had revised the national poverty line income (PLI) to RM2,208 from RM980 in 2019. The newly revised rate is expected to lead to a three-fold increase in the number of recipients for the Department of Social Welfare (DSW) benefits. Based on the previous rate of RM980, the DSW has allocated RM1.53 billion a year to be channelled to more than 500,000 eligible recipients. The Ministry of Women, Family and Community Development (MWFCD) is reviewing existing policies and programmes in order to improvise and align them with the new income rate.

32. The Government also announced several economic stimulus and assistance packages to assist households, especially vulnerable groups that were exposed to further risks of poverty due to the COVID-19 pandemic. These measures that cover the businesses as well, include loan measures and moratoriums, amounted to RM340 billion, 24% of Malaysia's GDP.

33. The Government has implemented numerous initiatives to elevate the livelihood of the indigenous community including through infrastructure development, poverty eradication and income generating activities, as well as human capital development programmes. The Government is also preparing the National Development Plan of Orang Asli (PPNOA), a blueprint national development policy for the indigenous people, focusing on seven areas i.e. economy, education, health, infrastructure, land, leadership and culture. The PPNOA will be consistent with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007 and the 2030 Agenda for Sustainable Development.

34. Moreover, RM158 million has been allocated in the country's 2021 Budget for the well-being of the Orang Asli (indigenous people). The allocation includes implementation of social assistance programmes and Integrated Development Programme for Orang Asli



Villages, development of infrastructure such as rural roads and construction of 14 new kindergartens, RM5 million for land survey work for demarcation of borders in 21 villages and RM41 million for Native Customary Rights programme in Sabah and Sarawak. In 2019, an amendment to the Land Code (Amendment) Ordinance 2018 by the State Legislative Assembly came into effect rendering the Indigenous people of Sarawak with the right to proceed with more clarity and confidence in claiming their Native Customary Rights (NCR) related to NCR land.

35. The Government continues to seek a way forward through inter-agency initiatives to improve on matters related to indigenous people in the country. Specifically, three working-level meetings were held to follow-up on the implementation of six follow-up actions informed by the recommendations of SUHAKAM's National Inquiry into the Land Rights of Indigenous Peoples in Malaysia 2013 report.

### **Improving Access to Social Service, Health Care Services and Education**

36. On social services, the Government continues to provide financial and welfare assistance in the form of artificial or support equipment, annual grants for NGOs that provide services to the elderly, as well as social insurance. In January 2020, the Ministry of Human Resources gazetted the Minimum Wage Order, setting the minimum wage rate of RM1,200 per month in 16 city councils and 40 municipal councils, resulting in a 9% increase in minimum wage payable.

37. The Government had established a national health protection scheme, MySalam in 2019. MySalam provided insurance coverage for lower income households against certain critical illnesses, introduced a sugar sweetened beverages (SSB) tax, and initiated a health screening project (PEKAB40) to address healthcare needs for low-income groups.

38. Allocation to the Ministry of Health in the country's national budget was also increased to RM29 billion (2019) from RM27 billion (2018), recording a 7.8 percent increase. The budget allocation was increased further by 10.3 percent in the Budget 2020 to RM30.6 billion, the highest ever allocation to the health sector, as well as RM31.9 billion in the Budget 2021.

39. Malaysia also provides free COVID-19 vaccination to all citizens and non-citizens of Malaysia. In effort to achieve herd immunity status by October 2021, Malaysian authorities have also explored various avenues to ensure expanded access to COVID-19 vaccines, especially among the minorities. This includes the COVID-19 outreach vaccination programmes targets people living in remote areas, including the Orang Asli community. The vaccination programmes facilitate drive-through vaccination for persons

with disabilities and wheelchair guide for senior citizens. In addition, guides and visual schedules for people on the autism spectrum and individuals with learning disabilities are also provided. The Government collaborates with NGOs and UNCHR to provide free COVID-19 vaccinations for illegal immigrants and refugees.

40. In July 2021, bedridden individuals and their caregivers also received their COVID-19 vaccine under a door-to-door programme initiated to assess non-governmental organisations' (NGOs') capacity to reach and cover underserved communities. The assessment will inform a blueprint for providing vaccination to hard-to-reach communities in Malaysia, such as those in rural areas, the Orang Asli and refugees.

41. As of August 2021, 407,068 people from local communities nationwide have benefited from the Government's Community Vaccine Mobilisation Programme (MOVAK) initiated by the Ministry of National Unity and Ministry of Housing and Local Government. MOVAK provided access to urban, suburban, rural and estate communities to get vaccinated. These include access for Orang Asli and residents with difficulties accessing the public Vaccine Administration Centres. The mobilization of the programme entailed workforce support from among others, the Neighbourhood Watch Community Volunteers within the communities involved.

42. Access to quality education for all children is an ongoing commitment by the Government to ensure that children in Malaysia has the right to quality education in line with their physical and mental growth. Malaysia records a steady increase in enrolment rates at all levels of education from pre-school to secondary-level in line with aspirations espoused in the Education Development Blueprint 2013–2025. In 2019, enrolment at all levels of education was recorded at 85.7% to 98.1% at varying levels of education.

43. The Government has also further strengthened its priorities towards developing its human capital by promoting Technical and Vocational Education and Training (TVET) to prepare the workforce for Industry 4.0. In the country's 2021 Budget, RM6 billion has been allocated towards TVET as compared to RM4.9 billion in 2018. The rate of employability of vocational college graduates is on the rise at a high level from 98% in 2018 to 98.7% in 2019. The *Skim Latihan 1Malaysia (SL1M)* has also been set up to allow more graduates to receive industrial training and enhance their employability.

## **D. WOMEN, CHILDREN AND PERSONS WITH DISABILITIES**

**(Recommendations 59-60, 71, 154, 200-207, 209-226, 228-244, 246-247, 252-253)**

44. A 7-member, bipartisan Special Select Committee on Women and Children Affairs and Social Development was established by the Parliament on 11 November 2020 to review Bills, investigate and provide reports on proposals, motions, petitions, reports and documents on women, children, persons with disabilities, *Orang Asli* (indigenous people) and social development. The Children's Commissioner of SUHAKAM is also part of the Committee. Three Committee Meetings had been held to operationalize the Committee including, most recently on 26 July 2021.

### **Promotion and Empowerment of the Rights of Women, Gender Equality and Elimination of Violence against Women**

45. Malaysia continues to deliver on its commitment to prioritise women empowerment and gender equality, as well as to increase women's participation in decision-making. As part of its women empowerment agenda, the Government of Malaysia aims to achieve at least 30 percent participation of women at decision-making levels in the country. In 2019, 37.3% of top management positions in the public sector are filled by women compared to 36.1% in 2018. Furthermore, 26.5% of women were represented in boardrooms of top 100 public listed companies in 2019, as compared to 24.4% in 2018. The appointment of women as strategic leaders had also been made between 2019-2020 in the various areas of the executive, legislative and judiciary branches, as well as in the fields of academia and the media. In May 2020, a woman with disabilities was also appointed as Senator for the third time and will serve a three-year term.

46. The Ministry of Women, Family and Community Development (MWFCD) made significant milestones in the first phase of the gender mainstreaming project with the United Nations Development Programme (UNDP) to ensure substantive inclusion of elements on gender equality and women's empowerment in national policies in 2019.

47. The Government remains committed to achieving gender equality, especially through gender mainstreaming efforts in the civil service to ensure that the gender perspective is taken into account in the formulation of policies and programmes, as well as the planning of national budget; to ensure an equal, equitable and inclusive distribution of economy, in line with Article 8 of the Federal Constitution. The establishment of a Gender Focal Point (GFP) at Ministry / Agency level has been significant in reducing the gender gap in many aspects in Malaysia, such as economy, leadership and politics.

48. In addition, Malaysia is currently reviewing and improving its Plan of Action for the Advancement of Women through close collaboration with UNDP. Among others, the Plan seeks to develop a gender mainstreaming framework that includes capacity building programmes and the appointment of a gender focal team from every Ministry. As part of the effort to strengthen the legal framework to advance gender equality and women empowerment, the Government is developing the Sexual Harassment Bill and Gender Equality Bill.

49. The Government's 24-hour hotline (*Talian Kasih*) continues to operate to enable members of the public to report acts or suspicion of acts of domestic violence, as well as issues relating to welfare, family abuse cases, baby dumping and reproductive health. Malaysia has strengthened measures to address domestic violence, including the launch of one-stop crisis centres (OSCC) which provide medical, psychological, social, shelter and legal support to victims of violence. The Government has also dedicated mosques as transit centres and shelters, for victims of domestic violence, and established squad agents comprising women volunteers to provide psychosocial support to victims.

50. During the COVID-19 pandemic, the Government introduced the 'Tap and Swipe Module' to enhance women's digital literacy. This is in addition to various initiatives for childcare services to support women in the workforce during the pandemic including the provision of financial grants to set up childcare centres, tax incentives for child care operations and subsidies to parents.

51. The Service Circular No.5 Year 2018 titled Guidelines on Handling Sexual Harassment in the Workplace was amended and came into effect on 12 December 2018. The guideline highlights the role of Psychology Officers, Organisational Counsellors, Integrity or Human Resource Officers and Heads of Department, in managing sexual harassment complaints. Since February 2019, 68 awareness, prevention, intervention and rehabilitation programmes on handling sexual harassment cases at the workplace had been carried out in the public sector, in both Federal and State agencies by the Public Service Department.

52. A total of 32 childcare centres have been established following an allocation of RM30 million under the Eleventh Malaysia Plan (11MP) for the establishment of childcare centres in Government workplaces. In 2021, an additional RM791 million was allocated in the 2021 Budget to empower care industry operators. Beneficiaries were women who had lost their jobs and were unable to operate businesses during the COVID-19 pandemic.

53. The Government issued the PRIHATIN stimulus packages worth RM260 billion (USD 64.6 billion) in three stages beginning March 2020, to cushion the impact of COVID-19 on people and businesses. Subsequently, the Government announced on 5 June 2020, an additional RM35 billion (USD 8.2 billion) under the PENJANA National Economic Recovery Plan as part of the measures to support SMEs as well as Malaysians affected by COVID-19, especially women. The Economic Recovery Plan took into account gender-responsive components which includes childcare subsidies, flexible work arrangement incentives, and cash assistance for single mothers.

54. One of the challenges during the COVID-19 pandemic is assisting the Bottom 40% of Households (B40), i.e. those who earn below RM3,860, with a particular focus on women. For this, the Government channelled donations and food baskets covering more than 2.07 million households. In addition, the Government also distributed RM150 million to over 500,000 of the Department of Social Welfare (DSW) recipients. Under the Economic Recovery Plan, single mothers and disabled women registered under the DSW received additional one-off payment.

55. Despite facing challenges due to the COVID-19 pandemic, the Government continues to provide reproductive health services including through postage and telephone consultation by doctors. Cognisant of the challenges faced by young people, the Government established the *MyKafeTeen* mobile application which is an online platform for teenagers to seek advice and tips pertaining to reproductive health issues. Online interaction between adolescents and teen educators, as well as facilities that provides in-house counsellors and doctors have also been made available.

### **Promotion and Protection of the Rights of Children**

56. Malaysia remains committed to protecting and promoting the rights of children, in line with its obligations under the CRC. For the first time, in August 2019, the Government appointed a Children's Commissioner within SUHAKAM. The appointment is for the term 2019–2022, aimed at driving a new impetus to advance the promotion and protection of children's rights in the country. Malaysia is also collaborating with the United Nations Children Fund (UNICEF) to review the existing policies on children and develop a new consolidated National Policy and Plan of Action on Children.

57. Malaysia continues to improve the social service system for children through various initiatives such as the Diversion pilot project for children in conflict with the law, Alternative to Detention pilot project for unaccompanied and separated children at immigration centres, and Family Based Care pilot project for children in need of care and

protection. These pilot projects aim to ensure that children grow and achieve their full potential in a family environment, instead of being placed in institutions.

58. The Diversion pilot programme for children in conflict with the law, launched in September 2019, is piloted in 3 districts for 2 years and focused on counselling, rehabilitation and community service modules, in collaboration with the Department of Social Welfare. The programme is in line with Malaysia's commitments under Article 40 (3) (b) of the Convention of the Rights of the Child for measures to be put in place to deal with children in conflict with the law without resorting to judicial proceedings.

59. The Ministry of Women, Family and Community Development has also developed a National Strategic Plan to Address the Root Causes of Child Marriages in January 2020 and continues to implement and monitor the strategies outlined in the Plan through the development of the Steering Committee on the plan. Taking into account the multi-ethnic, multi-cultural and multi-religious make-up of Malaysia, the Government is committed to continuing its consultations and engagements with children experts, cultural experts and Syariah experts in stages to solicit views on setting the minimum age of marriage to 18 years old.

60. Malaysia continues the implementation of ongoing initiatives to enhance the child protection system in the country, namely, the Talian Kasih 15999, NUR Alert System, the Child Care Needs and Child Protection Unit (CCNPCU) programme, appointment of Assistant Protectors, and the Sexual Offenders against Children in the Child Registry Check (edKK).

61. The Talian Kasih 15999, a dedicated line established to report on acts or suspicions of domestic violence, human trafficking and child abuse, recorded a 70% increase in calls received in 2019, compared to 2018. This could be construed as an increasing awareness among the public of the services provided. As for the CCNPCU, a total of 244 Co-Trainers/Protectors had been trained on the professional practice approach to handling high risk cases of abuse and neglect nationwide.

62. The Government also introduced the Zero Reject Policy in special education to ensure special needs children are able to receive education which corresponds to their individual abilities. The Policy covers mainstream schools via the Inclusive Education Programme (IEP), Special Education Integrated Programmes (SEIP) and Special Education Schools (SES) that offer pre-school years up to secondary level. Strategies driving the policy include equipping schools with more accessible facilities, increasing the number of inclusive schools and placing more special education teachers in school.

## **Rights of Persons with Disabilities**

63. The Cabinet approved the Accessibility Action Plan on Built Environment for Local Authorities in July 2019. The Plan provides a standard guideline to local authorities in developing access to Persons with Disabilities (PWD)-friendly public spaces. The Plan focuses on three major areas including accessible-built environment, accessible transportation (road, rail, air and water), as well as governance and monitoring.

64. In light of COVID-19 pandemic, the PWDs in Malaysia were also provided with one-off financial assistance amounting to RM55.7 million benefiting 185,770 PWDs, RM300 to benefit 2,000 volunteers of Home Help services, financial incentives of RM1000 a month to encourage hiring of unemployed PWD workers and grant assistance of up to RM5 million for registered NGOs to conduct grass-root programmes related to PWDs. The Government also collaborated with the National Council of the Blind (NCBM) on a standard operating procedure to ensure visually-impaired PWDs can continue to operate businesses.

65. The Government's vaccination programmes facilitate drive-through vaccination for persons with disabilities and wheelchair guide for senior citizens. In addition, guides and visual schedules for people with autism spectrum and individuals with learning disabilities are also provided.

## **Rights of Vulnerable Groups including the Elderly**

66. The Government made headway when announcing incentives for employers to hire older workers in the introduction of Income Tax (Deduction for Employment of Older Persons, Ex-Convict, Parolee, Supervised Person and Ex-Drug Dependant) Rules in 2019. This allows employers to get further deductions on remunerations of RM4,000 and below to older Malaysian employees aged 60 years and above in 2019 and 2020.

67. The Government has decided to extend the tax deduction until 2025 with the introduction of additional tax deductions for employers who hire senior citizens in the 2021 budget. The 2021 Budget continued to provide benefits for the elderly and family caregivers, including an increase in the rate of tax exemption for medical treatment, special needs and care for parents; health tax exemption treatment for serious diseases and health screenings and health aid for carers of PWDs, senior citizens and individuals with chronic conditions.

**E. FOREIGN WORKERS, REFUGEES, ASYLUM SEEKERS AND TIP  
(Recommendations 115-125, 149, 170, 259, 261, 263-267)**

**Efforts, cooperation and sharing of experience in combating human trafficking**

68. Combating Trafficking in Persons (TiP) remains a national priority as the Government continues to focus on enforcement, prosecution, prevention and protection of trafficked victims. The Government continues to be guided by the National Action Plan on TiP (NAPTIP 2.0) for 2016–2020 and the NAPTIP 3.0, launched in March 2021 in this endeavour.

69. In February 2021, the National Guidelines on Human Trafficking Indicators (NGHTI) was launched to provide a standard guideline for victim identification, source of reference for investigations and rescue and initial screening for protection services, with the aim to guide enforcement agencies, protection officers, NGOs and the public. The NGHTI was developed in a whole-of-nation manner, together with the Council of Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO), government agencies, CSOs and international organisations.

70. In addition, two Victim Assistant Specialists (VAS) were appointed for a 12-month VAS pilot programme (1 March 2019–1 March 2020) to work with law enforcement officers, prosecutors and other personnel in the criminal justice system.

71. In effort to intensify efforts to combat human trafficking, a training manual for legal practitioners has been developed on forced labour for judges, prosecutors and legal aid practitioners by the Judicial and Legal Training Institute of Malaysia (ILKAP) under the Prime Minister's Department. Meanwhile, the National Secretariat Office to the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (NSO MAPO) and the Ministry of Human Resources (MOHR) also collaborated with the International Labour Organisation (ILO) on a training manual for law enforcers on forced labour and trafficking in persons.

72. Moreover, Malaysia is working towards finalising the Anti-Trafficking in Persons and Smuggling of Migrants Act 2007 (ATIPSOM) [Amendment 2020]. The amendments would include the expansion of MAPO, increase in penalty for TIP and smuggling of migrant offences and introduce new provisions on forced labour and TIP-related offences committed by civil servants.



## **Protection of the rights of migrant workers, management of refugees and asylum seekers**

73. As of January 2021, registered foreign workers in Malaysia totalled 1.4 million people, approximately 9.3% of the whole 15 million labour force. On 3 May 2021, the Ministry of Human Resources (MOHR) launched the Working for Workers (WFW) application to allow employees to file complaints on their employer's misconducts such as not allowing them to work from home, unpaid or late salaries and unlawful wage deductions. The application is accessible to all regardless of their nationalities.

74. MOHR is currently drafting the National Action Plan on Forced Labour (NAPFL) 2021-2025, in partnership with the International Labour Organisation (ILO). NAPFL aims to address the vulnerability of migrant workers and eliminate all forms of forced labour in Malaysia by 2030. Consultations were also held with SUHAKAM, civil society organisations, as well as workers' and employers' organisations on the NAPFL.

75. Although Malaysia is not a signatory to the 1951 Refugees Convention and its 1967 Protocol, Malaysia has been providing and continues to provide assistance to illegal migrants registered with UN High Commission for Refugees (UNHCR) and those who possess UNHCR cards namely i.e. refugees or asylum seekers identified by the UNHCR, on a case-by-case basis. As of July 2021, there were 179,455 Persons of Concern (POC), including asylum seekers and refugees recorded by UNHCR. Meanwhile, the International Organisation for Migration (IOM) had reported 1.5 million illegal immigrants in the country as of March 2021. In 2019, an All-Party Parliamentary Group was established to improve the management of refugees in the country.

76. UNHCR cardholders continue to enjoy medical treatment from any government-run healthcare institutions at 50% less than the rate stipulated for foreigners. They also have access to informal education within their own community schools and schools administered by NGOS via *Alternative Learning Centres* – ALC. The curriculum in ALCs is based on the country of origin or the third countries, to facilitate easier immersion following repatriation.

77. Malaysia has always and will continue to support a voluntary, safe and dignified repatriation process for refugees. Malaysia contributed USD100,000 through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) to assist Myanmar on the return of Rohingya refugees and operated the Malaysian Field Hospital in Cox's Bazar Bangladesh at an expenditure of USD7 million in its first two years of operations.

78. In efforts to ensure equal access to vaccines, the Government has decided to include all citizens and non-citizens of the country in the National COVID-19 Immunisation Programme launched in February 2021. This would include undocumented migrants, asylum seekers and UNHCR card holders.

79. The Malaysian Government, in coordination with IOM, UNHCR, resettlement country embassies and other key partners, continues to assist in the resettlement of refugees and asylum seekers to third countries. In 2021, 497 have been resettled to five countries, namely the United States, New Zealand, Canada, Australia and Sweden.

80. Malaysia welcomes the renewal of the commitment to advance promotion and protection of the rights of asylum-seekers, refugees and stateless persons in the country, between UNHCR and SUHAKAM in July 2021 through a second Memorandum of Understanding (MOU) for the period of 2021-2024. The complementary nature of the work of the two organisations in management of the welfare of refugees, asylum-seekers, stateless persons and people at risk, as well as advocacy and capacity-building efforts for the protection of their rights will be undertaken in collaboration with the Government and civil society. Such mutually reinforcing cooperation would further complement Malaysia's long-standing approach on humanitarian issues in this regard.

## **F. NATIONAL MECHANISMS ON HUMAN RIGHTS (Recommendation 47, 87)**

### **National Mechanism for Reporting and Follow-up (NMRF)**

81. The Government has institutionalized a bi-annual multi-stakeholder consultations approach to implement, report and follow-up on the recommendations from the UPR. Since Malaysia's review in 2018, several series of consultations were held with various stakeholders in January and July 2019, February and July 2020, as well as in March 2021 in an effort to monitor, improve and keep track of its implementation.

82. The Ministry of Foreign Affairs, in its capacity as the National Mechanism, is also working closely with OHCHR and UNCT to jointly develop a monitoring matrix that includes reference to relevant articles/protocols to the human rights conventions and the SDGs, as well as align the recommendations with NHRAP. UNCT had appointed a consultant to populate the matrix.

### **Business and Human Rights**

83. Malaysia is also in the midst of developing its National Action Plan on Business and Human Rights (NAPBHR). The Legal Affairs Division of the Prime Minister's Department, in close collaboration with UNDP, has conducted several engagement sessions with various stakeholders. Moving forward, the Government is planning to engage representatives from business entities to solicit their feedback. Such extensive and inclusive engagements are being held to ensure an inclusive approach in the development of the NAPBHR. Malaysia hopes that the NAPBHR will set forth a pragmatic and comprehensive mechanisms on business and human rights, as well as facilitate the Government in addressing human rights violations arising from business activities.

### **Efficiency and Accountability of the Public Service**

84. Malaysia has in place, several measures aimed at increasing efficiency and accountability of public services as part of several of its national development strategies. This is evident in the 11<sup>th</sup> Malaysia Plan (2016-2020) which outlined its first pillar of action as 'Reforming governance towards greater transparency and enhancing efficiency of the public service'.

85. The National Centre for Governance, Integrity and Anticorruption (GIACC) was established in 2019 under the Prime Minister's Department, to uphold the values of integrity, efficiency and public accountability. Subsequently, the National Anti-Corruption Plan (NACP) 2019-2023 was launched in January 2019 and the NACP outlined reform of the Public Sector Administration as one of six Priority Areas.

86. In efforts to strengthen the effectiveness of public service delivery, the NACP aims to redesign public services towards good governance, strengthen local authorities' accountability and enhance effectiveness of education and continuing professional development of public officers through human governance-based programmes. Various initiatives have been outlined to achieve these objectives and commitment has been made to achieve implementation by December 2023.

87. In addition, the SPV 2030 launched in October 2019 also sets the blueprint for the Government to restructure the country's development priorities. The framework of SPV 2030 identified Integrity and Good Governance as one of 15 guiding principles with the public sector administration listed as a key area of emphasis to instil integrity and good governance. The SPV also entailed Effective Institutional Delivery and Governance and Integrity as two of eight enablers to realise the vision.

## **G. GENERAL RECOMMENDATIONS**

**(Recommendations 52-54, 61-62, 64, 66-68, 70, 72, 74-75, 90, 182-183, 249)**

### **Promotion and Protection of Human Rights**

88. Malaysia's NACP is a five-year roadmap (2019-2023) for the Government, which outlines 115 specific reforms to be undertaken, in partnership with the private sector and NGOs, to address the issues of corruption, integrity and governance. In steering the effort, GIACC has issued a clear guide for all Ministries, government departments and agencies on developing their respective Organisational Anti-Corruption Plans (OACP) to facilitate the effectiveness of the NACP. The Special Cabinet Committee on Anti-Corruption (JKKMAR) had also agreed to the establishment of the Code of Duties and Functions of Political Secretaries as recommended by the GIACC in November 2019.

89. Malaysia commits to continue to support the strengthening of SUHAKAM as an 'A' status Paris Principle NHRI, among others, through improved funding support, ongoing law review towards strengthening its governing Act, and institutionalising more government agency engagement with the institution.

90. Signalling its commitment to the improvement of human rights in the country, the Government debated SUHAKAM's Annual Report of 2018 for the first time in Parliament on 5 December 2019. This also signified the growing awareness of human rights in the nation's consciousness and its place in Malaysian society as the SUHAKAM's report brings attention to challenges in the various areas of human rights in the country.

### **International Cooperation to Promote and Protect Human Rights**

91. The Government, together with UNDP, published the Malaysian Governance Indicators (MGI) in collaboration with key experts from the Government, corporations and the academia. The MGI aims at achieving reforms and are accompanied by measurable indicators focusing on the areas of political governance, public sector administration, legal and judicial proceedings, public procurement, law enforcement and corporate governance.

92. The Government's NACP is also an integrated anti-corruption plan, formulated in line with Article 5 of the UN Convention against Corruption (UNCAC), which Malaysia is a member party to. Its development was also guided by the United Nations Office on Drugs and Crime (UNODC) *National Anti-Corruption Strategies: A Practical Guide for Development and Implementation*.

93. The Government is also committed to working continuously at the regional level with its partners under the ASEAN framework, in particular, with the ASEAN Intergovernmental Commission on Human Rights (AICHR) in the promotion of human rights in the region.

### **Human Rights Education**

94. The Ministry of Education (MOE) and SUHAKAM have implemented the Human Rights Best Practices programme in 469 primary and secondary schools throughout Malaysia. SUHAKAM had also adopted its Strategic Plan for 2021–2025 in 2020, aimed at among others, eliminating racism through education. The Government of Malaysia and SUHAKAM are committed to expand and improve the implementation of human rights education in Malaysia, despite COVID-19 posing a challenge to its implementation.

95. In addition, MOE is cooperating with SUHAKAM in developing a Human Rights Module for Educators as part of a human rights training module for the Teachers Training Institute. The module is aimed at providing inputs regarding human rights education towards equipping the trainees with adequate human rights knowledge and later to apply the knowledge while carrying out their duties as teachers, once they have graduated from the training institute.

### **Protection of Cultural Diversity**

96. Malaysia firmly embraces the value of inclusivity, acceptance and understanding in ensuring harmony and peaceful coexistence in a manner that would further enrich the country. The Government's National Unity Policy and National Unity Blueprint 2021-2030 was launched in February 2021 to strengthen unity and national integration based on the Federal Constitution and *Rukun Negara*. The policy and blueprint were prepared in close consultations with the public, the private sector, and NGOs.

97. The Government is also finalising the National Culture Policy that supports the vision of common prosperity through the promotion and protection of cultural rights.

#### IV. CHALLENGES AND WAY FORWARD

98. Malaysia remains committed to making progress on the recommendations in the UPR process in effort to improve, promote and protect human rights practices in the country. The unprecedented challenges posed by the COVID-19 pandemic highlight the need for a human rights-based approach that is inclusive, equitable, non-discriminatory, and compassionate to protect the welfare, well-being, and livelihood of its people. In delivering on its commitment, the Government takes a whole-of-society approach in the promotion and protection of human rights in the country, primarily, in the assessment, monitoring and implementation of the UPR recommendations through the multi-stakeholder biannual consultation involving all line agencies, UN agencies, academia, business enterprises and civil society.

99. The Ministry of Foreign Affairs, in its capacity as the National Mechanism for Reporting and Follow-Up (NMRF) continues to collaborate closely with OHCHR and UNCT to develop a UPR monitoring matrix that is line with the relevant human rights conventions, Sustainable Development Goals (SDGs) and the National Human Rights Action Plan (NHRAP).

100. As a way forward, Malaysia will utilize the National Recommendations Tracking Database (NRTD) developed by OHCHR to facilitate the recording, tracking and reporting on the implementation of Human Rights recommendations in an effort to improve its monitoring mechanism on the UPR process. The system also allows agencies to update indicators on the development of a recommendation related to their respective agencies. This will further strengthen dialogue and the culture of human rights in the country, including with the academia, civil society and the media.

101. Malaysia has been selected as one of the six (6) model countries for its pilot study on '*Good Practices emerging from the UPR*' (follow-up mechanism/matrix) by OHCHR. The study was published by OHCHR in June 2021.

102. It must be noted that challenges in raising the awareness among the relevant line agencies on the importance of implementing the indicators continue to exist. There is still room to improve on developing indicators and Malaysia continues to work with OHCHR to progress in this department, vis-à-vis preparing to develop its capacity on the NRTD.

103. As a next step, Malaysia will work towards developing key capacities to strengthen the NMRF and the roll-out of the NRTD, together with officials from relevant line agencies involved in reporting to the human rights mechanism, as well as monitor, implement and follow-up on the implementation of recommendations from the human rights mechanisms.

***Ministry of Foreign Affairs  
Malaysia***