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**Promotion and protection of all human rights, civil,
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including the right to development**

Report of the Special Rapporteur in the field of cultural rights on her visit to Malaysia

Comments by the State*

* The present document is being issued without formal editing.



I. Background

1. At the request of the Special Rapporteur in the field of cultural rights, Ms. Karima Benounne, the Government of Malaysia invited the Special Rapporteur to conduct a country visit to Malaysia from the 11th to 22nd September 2017. In accordance with the mandate of the Special Rapporteur, the purpose of her visit was to examine how cultural rights and diversity are preserved, promoted and protected in Malaysia's multi-cultural society. During her mission, the Special Rapporteur had the opportunity to meet with as many as 62 government agencies both at the federal and state levels, as well as a wide array of civil societies, activists and independent experts. The Government of Malaysia takes note of her insights and subsequent recommendations.
2. As acknowledged by the Special Rapporteur, Malaysia underwent the 14th General Elections on 9 May 2018, which brought into power a new Government. The peaceful transition of power proves that the adequate systems are in place to protect and promote democracy and the rights of all Malaysian citizens, regardless of their racial, cultural and religious backgrounds.
3. The new Government of Malaysia is in the process of reviewing its policies and laws for the betterment of all Malaysians. The observations and recommendations of the Special Rapporteur will be duly considered by the Government to better protect and promote cultural rights in Malaysia

II. Malaysia's comments on the Report by the Special Rapporteur

A. National Human Rights Framework

PARA 11

International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR)

4. Regarding the ratification of the two international human rights treaties as referred to in paragraph 10 of the report, namely the International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), the Government of Malaysia already adheres to the fundamental principles expounded in the two Covenants. Malaysia's accession to the ICESCR and ICCPR can only be undertaken once relevant amendments are made to the Federal Constitution and relevant laws.
5. To that end, an Inter-Agency Standing Committee on Human Rights Issues chaired by the Ministry of Foreign Affairs (MOFA) is currently studying the feasibility for Malaysia to accede to the relevant and suitable human rights instruments and will subsequently make the appropriate recommendations to the Government.
6. The Government of Malaysia undertakes a deliberate, step-by-step approach in determining the possibility of becoming a State Party to the suitable core international human rights instruments. Such an approach is necessary as there is a need to achieve a precise and full understanding of the relevant rights and obligations as well as to consider the possibility of reconciling any of the standards established by the said instruments with those embodied in long-standing domestic laws, traditions and circumstances as well as philosophy, consistent with the Federal Constitution of Malaysia. As a responsible member of the international community, Malaysia has always taken into consideration its commitment and ability to fulfil the entailing obligations before becoming a signatory to any international instruments.
7. As any accession to a treaty is the sovereign right of the State, Malaysia will only decide on the possible accession when our domestic legal framework is in place to ensure full compliance with international obligations.

PARA 12

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

8. Malaysia has taken the necessary progressive action towards the full realization of women's rights and elimination of discrimination in the country. Among the actions taken are the withdrawal of certain reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and amendments of the legislation.

9. Upon accession to the Convention on 5 July 1995, Malaysia made reservations through the following declaration: The Government of Malaysia declares that Malaysia's accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic Syariah Law and the Federal Constitution of Malaysia. With regard thereto, further, the Government of Malaysia does not consider itself bound by the provisions of articles 2(f), 5(a), 7(b), 9 and 16 of the aforesaid Convention.

10. Following its commitment to implement the strategies and programmes under the Beijing Platform for Action in 1995, the Government subsequently withdrew its reservations to the articles 2(f), 9(1), 16(1)(b), 16(1)(d), 16(1)(e) and 16(1)(h) on 6 February 1998.

11. As a follow-through to the constructive dialogue with the CEDAW Committee in May 2006, efforts were intensified towards the possible withdrawal of the remaining reservations through consultations with the relevant government agencies, state governments, non-governmental organizations (NGOs) and other stakeholders.

12. As a result of this, on 19 July 2010, the Government of Malaysia notified the Secretary-General of its withdrawal to reservation of articles 5(a), 7(b) and 16(2) of the Convention. With that, Malaysia now only reserves on articles 9(2), 16(1)(a), 16(1)(c), 16(1)(f), and 16(1)(g).

13. Malaysia reiterates its commitment in upholding and implementing its current legal framework and policies pertaining to matrimony and family on the basis of equality and without distinction or discrimination between men and women in both its civil and Syariah legal systems. Notably, Malaysia maintains two (2) parallel family legal systems, based on English common law and Syariah law (the divine law of Islam) respectively. Malaysia reiterates that its reservations on articles 16(1) (a), (c), (f) and (g) of CEDAW fall within the ambit of Islamic Law or Syariah, which includes *siasah shar'iyah* (public policy).

Convention on the Rights of the Child (CRC)

14. A Technical Committee chaired by the Ministry of Women, Family and Community Development (MWFCD) was established in 1998 to examine and review Malaysia's reservations to the Convention on the Rights of the Child (CRC). The Technical Committee consults with and obtains feedback from relevant government agencies and other stakeholders including civil society organisations, academics, UNICEF and SUHAKAM on the removal of the reservations.

15. On 9 December 1998, Malaysia withdrew its reservations to five Articles, namely Articles 22, 28(1) (b), 28(1) (c), 28(1) (d), 28(1) (e), 28(2), 28(3), 40(3), 40(4), 44 and 45. On 19 July 2010, Malaysia further withdrew reservations to Articles 1, 13 and 15 of the Convention.

16. In response to the Committee's recommendation in paragraph 12 of the Concluding Observations, Malaysia still considers it necessary to maintain reservations to articles 2, 7, 14, 28(1)(a) and 37 of the Convention at the time of reporting given that the articles are incompatible with the provisions of the Federal Constitution as well as various laws and national policies. In the interim, Malaysia nevertheless ensures that all necessary steps will be undertaken to uphold the rights of the child under these articles in any aspect that does not contradict or conflict with the Federal Constitution and the various laws and national policies.

17. Malaysia views the Committee's recommendations seriously and assures the Committee of its ongoing efforts to reflect further on its position on the remaining reservations to the Convention. The process, which involves reviewing Malaysia's laws and national policies in its endeavour to bring its legislation in line with the provisions of the Convention, will undoubtedly require time.

18. A study on lifting Malaysia's remaining reservations to the **Convention on the Rights of the Child (CRC)**, **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** and the **Convention on the Rights of Persons with Disabilities (CRPD)** has been completed by UNICEF in April 2017. As a way forward, a workshop will be held to look into the findings and recommendations of the study.

19. With regards to the ratification of International Labour Organisation Indigenous Peoples Convention, the Ministry of Human Resources will conduct preliminary discussions with relevant stakeholders in 2019.

PARA 14

National Human Rights Action Plan

20. The Government of Malaysia has conducted an extensive study in order to formulate, design and develop the National Human Rights Action Plan (NHRAP), which is deemed to be suitable and in line with the unique features of this country. Some of the main considerations taken into account include Parliamentary Democracy and Constitutional Monarchy, duality of justice systems under the constitution of Malaysia namely the Common law and Syariah law and the diversity of races, ethnics and cultures. A three-year study gave rise to the launching of the plan in March 2018, which itself is a challenge to Malaysia as the Plan not only addresses gaps in human rights in Malaysia but also set out the priorities and solutions in addressing these gaps.

21. The National Integrity and Good Governance Department (JITN) is one of the key players among other agencies that play an important role in inculcating an "integrity and good governance culture" in Malaysia. Throughout its establishment, JITN has undertaken various efforts to ensure issues relating to good governance, integrity and human rights are implemented in both public and private sector. Currently, its functions with regards to human rights have been taken over by the Legal Affairs Division. Among its efforts to further strengthen and enhance human rights in Malaysia is through:

- (a) Working together with relevant agencies to implement 17 recommendations proposed in National Inquiry into the Land Rights of Indigenous Peoples by National Human Rights Commission of Malaysia (SUHAKAM);
- (b) Developing a National Human Rights Action Plan (NHRAP) monitoring mechanisms to promote and protect human rights in Malaysia;
- (c) Developing a National Action Plan on Business and Human Rights (NAPBHR). The plan is expected to complete in December 2019; and
- (d) Conducting a social study and definition of customary land before a specific law is enacted. The scope of this study is to:
 - (i) determine the definition of customary land that is agreed to be adopted and implemented by the parties;
 - (ii) establish an appropriate method of determining the rights of the Orang Asli to the claimed or alienated lands; and
 - (iii) identify the specific legal reform requirements pertaining to the administration of Orang Asli customary land.

B. Constitutional and Legislative Framework

PARA 17 AND 62

Freedom of speech and expression

22. Journalists and bloggers in Malaysia are free to exercise their right to freedom of speech and expression. Public spaces for Malaysians have increased quite significantly with the advent of the age of Internet and social media.

23. Freedom of opinion and expression is enshrined in Article 10 of the Federal Constitution of Malaysia. The Government is also committed to ensuring that all citizens can enjoy their fundamental liberties in a manner which does not impinge on the exercise of the rights of others. Additionally, there are no restrictions on alternative media. A simple check with the relevant bodies as well as online would show the large number of blogs, alternative news and media outlets that have sprouted up in the recent years.

24. As practiced in all jurisdictions worldwide, the right to freedom of speech and expression is not absolute and is restricted only insofar as it infringes upon the rights of others or threatens the peace, stability and harmony of the country. It is noted that Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 29 of the Universal Declaration of Human Rights (UDHR) provide that the **enjoyment of all rights and freedoms is subject to restrictions and limitations as may be determined by law to meet the just requirements of national security and public order.**

25. While Malaysia upholds freedom of speech and right to information, such freedom and right must be exercised responsibly and with accountability. There are no restrictions on any individual to express themselves within the ambit and limitations of the law to ensure that public speeches and expressions of opinions do not transgress societal norms, incite hate or threaten peace and stability. In reporting news or publishing articles, online news portals or blogs would also have to ensure that the information they made available online is accurate, not designed to mislead, and does not breach the laws of the country.

26. Currently, the Government is reviewing the Sedition Act 1948 and the Communication and Multimedia Act 1998 for amendments.

PARA 18

The Role of JAKIM and the Highest Committee for Islamic Affairs Institutes

27. The new government is in the process of reviewing the role and functions of JAKIM. Also, a new committee called the High Level Committee on Federal Institutions of Islamic Affairs was set up in 10 July 2018. The members were appointed by His Majesty the Yang di-Pertuan Agong, Malaysia's Head of State, with the consent of the Malay Rulers. The purpose of this committee is to relook the functions of religious institutions in the country at the federal level. Input and feedback from civil societies and the public, Muslim and non-Muslim, will be accepted before it submits its recommendations.

PARA 19

Plural Legal System

28. Islamic development has been clearly laid out by the Federal Constitution. Islam holds a special position under Article 3(1) of the Federal Constitution. Islamic law is not fully implemented in Malaysia. The jurisdiction awarded by the Ninth Schedule, List II State List is narrow in its scope, as it is **only confined to Muslims and is mostly related to personal laws, including amongst others marriage, divorce, inheritance and other offences that are against the precepts of the religion of Islam.**

29. The Constitution has awarded special rights for Islamic law to be implemented at the State Level and it falls under State matters. The Federal government cannot decide on State matters and any development to be done must be with the approval from the states. These special rights need to be preserved.

30. However, to ensure the smooth running of the implementation of Islamic law in this country, the Attorney General's Chambers set up the **Syariah and Harmonisation of Law Division** in early February 2018 to look into issues related to Islam and Syariah laws arising at the Federal and international levels. The functions of this Division are:

- (a) preparing legal opinions, second legal opinions, feedback, comments and inputs related to Syariah law;
- (b) vetting legal documents such as agreements and memorandum of understanding involving Syariah issues;
- (c) providing comments on policy papers, including Cabinet Papers, related to Syariah matters;
- (d) vetting and studying issues related to hukum Syarak (Islamic laws); and
- (e) conducting research and making proposals for standardisation of Syariah laws between the states.

PARA 21

1951 Refugee Convention

31. While Malaysia has not acceded to the 1951 Refugee Convention, Malaysia remains committed to adhere to the norms and principles embedded in the acceptable international human rights standard relating to refugees, asylum seekers and persons of concern to the UNCHR to the extent that such norms and principles are consistent with the Federal Constitution and national legislation including the Immigration Act 1959/63 (Act 155).

32. Nonetheless, Malaysia has been providing protection and aid to refugees and asylum seekers on humanitarian grounds and on a case to case basis. Historically, Malaysia has been doing so since the Vietnam War, when thousands of Vietnamese refugees arrived at its shores, seeking for shelter. Malaysia has also been receiving refugees from other areas of conflict such as the Middle East, Africa and the latest, Rohingyas from Myanmar.

33. The management of refugees and asylum seekers are under the National Security Council's purview. A specific directive named NSC Directive No. 23 was set up as a guideline among all agencies on how to handle this issue.

34. While Malaysia has not acceded to the 1951 Refugee Convention, Malaysia's actions in relation to refugees have been consistent with the principles of the Convention. Medical aid is made available at a discounted price, children are given free vaccination, they are allowed to move within the country freely and not be detained by the authorities as well as access to private education system funded by NGOs, UNHCR or the refugee community. Most importantly, Malaysia respects the principle of *non-refoulement*. Refugees and asylum seekers who have been verified by UNHCR and given the UNHCR identity card are not forced to return to their country of origin unless it is on a voluntary decision.

35. Malaysia has been in close cooperation with the UNHCR as well as IOM. Several joint initiatives has been carried out to streamline the management of refugees within Malaysia. These include the implementation of Tracking Refugees Information System (TRIS) that enhanced the security system of the UNHCR Refugee Card – making it harder to be tampered with and allowance for Rohingya refugees to work in the plantation and production sectors. This initiative was carried out to ensure that the refugees are able to sustain themselves while waiting for resettlement to a third country.

C. System of cultural governance

PARA 26

National Culture Policy

36. The National Culture Policy was prepared with inputs from practitioners and industry players in the areas of arts, culture and heritage. Engagement sessions throughout the country were held from September to December 2018. Inputs and feedback from these stakeholders are important to ensure that the new National Culture Policy is comprehensive and holistic. Among the strategies are action plans to monitor the stated commitments and practices in improving cultural rights of Malaysians.

PARA 29

Monetizing Culture

37. The concept of monetizing or commercialization of culture is one of the thrusts proposed in the new National Culture Policy. Monetizing Culture in the view of Malaysia is to commercialize cultural products without jeopardizing the authenticity of the cultural value itself. The goal is to make culture sustainable and benefit the people. We agree that there needs to be a balance, so that the main actors are the main beneficiaries of this commercialization.

PARA 33

Unity in Diversity

38. Malaysia concurs with the view on “super diversity” as expressed by the Special Rapporteur. The Department of National Unity and Integration (JPNIN) with the collaboration of Universiti Putra Malaysia (a local public university) have created a cross-cultural module to enhance unity, national integration and patriotism among the people of various races. This module focuses on understanding the cultures and customs of other races and nation-building aspects such as nationhood, identity and moral community in order to create an ethical and tolerant generation with good moral values.

39. The government plans to launch a National Unity Action Plan which will be an important mechanism in achieving national unity and integration among Malaysians of various races. The plan’s objectives are towards increasing awareness on the understanding and conceptualisation of accountable democracy in protecting civic life, rights, discriminatory practices, individual and collective responsibilities, conflict solution and inclusive development among Malaysians.

40. Ever since its independence, Malaysia always appreciates and values diversity in its society. The government had established the Committee for Promoting Understanding and Harmony among Religious Adherents (JKMPKA) under the joint-collaboration of the Department of National Unity and Integration (PERPADUAN), Department of Islamic Development (JAKIM), and the Institute of Islamic Understanding (IKIM). This Committee provides an avenue to iron out religious issues that have side-tracked our nation-building.

41. Malaysia has also partnered with religious organizations, ministries, agencies and local universities in conducting interfaith dialogues at local, regional and international levels. Malaysia also actively participates in UN-sponsored dialogues between faiths and cultures.

42. Malaysia disagrees with statement that minority religious groups have to struggle to practice their faith. Their rights are protected by Article 11 of the Federal Constitution which states, among others, each religion has a right to:

- (a) manage its own religious affairs;
- (b) establish and maintain institutions for religious or charitable purposes; and

- (c) acquire and own property and hold and administer it in accordance with law.

43. As the SR would have witnessed herself the multitude of places of worship of all faiths during the visit.

PARA 35

Issues deemed “sensitive”

44. With regards to issues deemed sensitive, we must understand the history of this country and how it was founded then through the process of bargaining and negotiation between the major ethnic groups. The Federal Constitution of Malaysia protects the rights of all the ethnic groups in Malaysia in order for Malaysians to lead peaceful and harmonious lives. In line with this, the Government of Malaysia continuously has undertaken some initiatives to promote unity and harmony among the Malaysian society such as below:

- (a) The establishment of The Committee for the Promotion of Inter-Religious Understanding and Harmony among Adherents (JKMPKA) as a platform to discuss issues which are deemed sensitive among the religious groups in order to achieve consensus among the conflicting parties;

- (b) The Observation and Celebration of The International Day of Tolerance by Malaysia on the 16th November every year. This day was celebrated consecutively since 2014 to respect and celebrate the diversity of this country as well as to promote understanding about tolerance and acceptance among Malaysians;

- (c) The Observation and Celebration of the World Interfaith Harmony Week (WIHW) by Malaysia on the first week of February every year. This day was celebrated consecutively since 2011 to educate the people of Malaysia to always value peace and reject any element that can harm the harmony of this country;

- (d) The celebration of major ethnics’ festivals such as the Hari Raya, Chinese New Year, Deepavali, Pesta Kaamatan and Hari Gawai and by declaring these days as public holidays signifies Malaysia’s efforts to put all cultures, religions and traditions of Malaysians on equal footing; and

- (e) The establishment of various places of worships throughout Malaysia to cater to the needs of the various religious adherents is another good example of Malaysia’s effort to provide equality to all ethnic groups and their religious practices.

45. Malaysia will continuously undertake and implement new initiatives to promote unity and harmony as well as to foster goodwill, understanding, acceptance and inclusiveness among the people through national integration programs and activities.

46. JPNIN is taking proactive steps to ensure racial and religious harmony in multicultural, multi-religious and multiracial Malaysia. JPNIN is currently seeking views and feedback to formulate a **National Harmony Bill** and the bill will be the thrust in the Government's efforts to enhance and strengthen race relations among Malaysians and to ensure fairness, equality, respect and harmony.

PARA 36

Encouraging Intercultural Dialogue

47. Malaysia fosters intercultural dialogue, encouraging tolerance and respect for diversity, are the fundamental steps towards promoting interaction among peoples of various races specifically those of young age through:

- (a) **Tabika Perpaduan (Unity Kindergarten):** Unity Kindergarten established to provide pre-school education facilities to young generation at the age of 4 – 6 years old. It follows the National Pre-school Curriculum Standard (NPCS) supervised by Ministry of Education. Programs and activities designed to cultivate the spirit of unity among multiracial children;

(b) **Rukun Negara Club (Pledge of Allegiance Club):** Establishment of Rukun Negara Club in Primary and Secondary School. The objective is to provide students with the Rukun Negara Principles and enable them to understand and appreciate the value of multicultural in their daily life;

(c) **Rukun Negara Secretariat:** Establishment of Rukun Negara Secretariat at both public and private Higher Education Institution. The objective is to instil positive values such as patriotism, leadership, self-identity and racial tolerance;

(d) **Cross Culture Module:** The unit under the Prime Minister's Department responsible for promoting unity—has created a cross-cultural module to enhance unity, national integration and patriotism among the people of various races, particularly younger people. The module will teach students to recognize their own identity as well as other ethnicities. The module also encompasses nation-building aspects such as nationhood, identity and moral community in order to create an ethical and tolerant generation of good moral values;

(e) **National Integration Programs:** Programs are meant and intended to bring closer the multi-racial/ethnic community. It will also help the participants become respectful of the multitudes of cultures and people that they'll interact with. It is used as a platform to create more interaction and engagement with one and another for greater inclusion.

PARA 24 and 38

Bumiputera and the New Economic Policy

48. Since the introduction of the New Economic Policy (NEP), Malaysia's first long-term development plan on 1971-1990, Malaysia has subscribed strongly to the belief that economic development must benefit all citizens. Therefore, the development thrust of Malaysia's socio-economic development has been centred on the "growth with equity" and inclusivity principle. The NEP was implemented through two-pronged strategies namely to eradicate poverty and restructure imbalance in the society.

49. The spirit of NEP continued under the subsequent policies namely the National Development Policy (NDP) 1991-2000, National Vision Policy (NVP) 2001-2010, Tenth Malaysia Plan 2011-2015 (10MP) and Eleventh Malaysia Plan 2016-2020 (11MP). Under these plans, Malaysia had succeeded in eradicating absolute poverty as evidenced in the reduction of poverty incidence from 49.3% in the 1970s to 0.4% in 2016. At the same time, the income inequality reduced as shown in the lower Gini coefficient from 0.51 in 1970 to 0.399 in 2016.

50. Under the recently-launched Mid Term Review of the Eleventh Malaysia Plan (2018-2020), the inclusive development approach will continue to be implemented with emphasis on growth with equity. This approach will be intensified to improve the wellbeing of all Malaysians irrespective of gender, ethnicity, socioeconomic status and geographical location.

51. In 2016, Bumiputera constitutes 64.5% which forms the majority of total households in Malaysia. At the same time, Bumiputera comprises 71.3% of B40 households. This is consistent with the policies to continue empowering the Bumiputera households based on their needs.

52. Since the Tenth Malaysia Plan, special focus has been given to the groups that are economically left behind, particularly among the B40 households. Efforts to provide better opportunities to enhance their capacity and capability would enable them to play an effective role and share the fruits of development. Education and training as well as entrepreneurship programmes will also be offered in order to provide social mobility and elevate this group's socioeconomic status. In the spirit of inclusivity, Malaysians will have equitable opportunities to participate and benefit from economic growth and development of the country irrespective of background.

53. The Government will continue to review its policy in the subsequent development plans. This exercise is to ensure that the plan takes into account the current national and

international socioeconomic landscape and uphold the objective of inclusive development. Furthermore, this will continue addressing the socioeconomic inequalities, irrespective of gender, ethnicity, socioeconomic status and geographical location, in order to improve social integration and foster greater unity. This inclusive development approach is also in tandem with the spirit of leaving no one behind under the 2030 Agenda for Sustainable Development of the United Nations.

PARA 42

Access to government schools

54. Currently, the Ministry of Education is working hard to help children without proper documentation whose one of the parents is the citizen of Malaysia, but due to improper marriages, could not obtain any birth certificate or stated as non-citizen in their birth certificate.

PARA 45

The cultural rights of women

55. Malaysia practices the dual legal system which is embedded in the Federal Constitution. There were a lot of progressive efforts made by the state to improve the legislation, and to ensure that the implementation of law did not cause injustice to women. Such measures such as the setting up of special working committees to study and review laws pertaining to Islamic family legislation, and the sharia court, civil and criminal jurisprudence.

Sexual and Reproductive Health

56. Under the National Policy on Reproductive Health and Social Education, the National Population and Family Development Board (NPFDB) collaborates with other government and non-government agencies to implement comprehensive evidence-based education on human sexuality.

57. To complement the effort of the Ministry of Education in implementing sexual education in schools, the NPFDB provides the SRH programme (PEKERTI) to adolescents via its youth-friendly KafeTEEN adolescent centres. The PEKERTI programmes are also widely implemented in selected public schools, national service training, higher learning institutions, and targeted parents and the public as well.

58. The objectives of PEKERTI Programme are to raise awareness, develop expertise in SRH, enhance research and development, and improve the effectiveness of implementing SRH education. The implementing strategies are based on 4 main aspects; advocacy, human capital development, research and development, and monitoring and evaluation.

Violence against Women

59. The Government is cognisant of the fact that violence against women (VAW) is a global issue affecting women from all walks of life, the following measures have been taken:

(a) the accession to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 5 July 1995;

(b) the formulation of the National Policy of Women and the Plan of Action on the Advancement of Women in 1989 and 1997 respectively. In 2009, the policy and the plan of action were reviewed and approved by the Government;

(c) the amendment of the Employment Act 1955 with key improvements by introducing sexual harassment-specific criminal offences in the workplace, aiming for the protection of women. The amendments have been enforced with effect beginning 1 April 2012;

(d) the issuance of Guidelines in Handling Sexual Harassment in the Workplace in the Public Service in 2005;

(e) the enactment of the Anti-Trafficking in Persons Act 2007 (ATIP 2007) which came into force on 28 February 2008. In 2010, the Act was amended and it is now cited as Anti-Trafficking in Persons and Smuggling of Migrants Act (ATIPSOM) 2007 [Act 670]. A new component of smuggling of migrant offences has been added and the definition for trafficking in persons has been broadened to include labour exploitation; and

(f) the accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children on 28 March 2009.

Domestic Violence Act 1994 (Act 521)

60. The Domestic Violence Act 1994 (DVA) was amended in 2017 and gazetted on 1st January 2018. As an addition to the existing Interim Protection Order and Protection Order provided under the Act, the amendment enhanced protection for a victim of domestic violence by making provision for an Emergency Protection Order.

61. The 2017 amendment is to expand the circumstances in which an act could fall under the definition of “domestic violence” and to strengthen the order that can be made under an interim protection order, and to clarify the circumstances in which an interim protection order ceases to have effect.

62. The Ministry of Women, Family and Community Development also provides protection and assistance such as *Talian Kasih* 15999. This is a dedicated line established in 2007 to enable public to report acts or suspicion of acts of domestic violence, human trafficking and child abuse to ensure immediate action can be taken.

Flexible Working Arrangements

63. In March 2015, the Ministry of Women, Family and Community Development implemented the flexible working arrangement (FWA) i.e. modified-compressed work week for its employees.

64. During the 2015 National Women's Day celebration, the then Prime Minister of Malaysia in his speech had urged all ministries which has yet to implement flexible working arrangement to do so in an effort to encourage more women's participation in the work market.

65. Flexworklife.my is a portal created by the government agency i.e. Talent Corporation Malaysia (TalentCorp), the go-to agency for leading employers to solve their critical talent needs. This portal was launched on 8 July 2013, aims to build a network of employers and talents to optimise work-life integration while maximising work efficiency and enhancing employee engagement. It also serves as repository of the best ideas and practices in flexible working arrangements as well as family-friendly facilities.

66. Among the features in the portal are the networks available between the employers and employees, the successful case studies of those who have implemented the flexible working arrangements, the job opportunities as well as the incentives provided by the government for companies who managed to bring back women to the work force.

67. Among the tax incentives are:

(a) Double tax deduction for training costs incurred to train women who return to work;

(b) Double tax deduction for consultancy and training costs incurred by the employer to implement and improve their flexible working arrangement practices in their organizations; and

(c) Support and assistance as incentives to employers who want to provide a program to appoint women to return to work after a career break.

68. Life@Work Awards by TalentCorp recognises corporate Malaysia's progress in championing flexible work arrangements in the workforce.

69. In conjunction with this year's International Women's Day (IWD) theme #PressforProgress and in support of the Government's announcement that 2018 is the Year of Women Empowerment, TalentCorp in collaboration with the Ministry of Women, Family and Community Development had introduced the inaugural Career Comeback ReIGNITE Award to recognise Malaysian employers raising the bar in supporting women returning to the workforce after a career break.

Collaboration with women's human rights defenders in civil society

70. The Ministry of Women, Family and Community Development (MWFCDD) works closely with National Council of Women's Organisation (NCWO), Women's Aid Organisation (WAO), Women Centre for Change (WCC), and Joint Action Group of Gender Equality (JAG) on gender equality and sexual harassment issues.

71. Apart from them, MWFCDD has also been working closely with NGOs that deal with human trafficking issues in Malaysia such as Good Shepherd, Tenaganita, and Suka Society. These NGOs assist the Ministry in terms of implementing programme and handling victims of trafficking in their shelters.

PARA 46

Patriarchal attitudes and deep-rooted stereotypes

72. In Malaysia, both men and women are involved in educating and raising their children. Traditionally, this responsibility falls under the women in the upbringing of children but men are encouraged as well. In line with the government's focus on family first, public servants (both male and female) are accorded with a wide range of benefits in relation to paternity leave and childcare. All female officers are granted with the perquisite Childcare Leave up to 1,825 days (5 years) in addition to paid maternity leave up to 360 days throughout the duration of service. While male officers are given 7 days of paternity leave for each child born.

PARA 47

Female circumcision

73. Malaysia objects to any practices that are harmful to young female babies and children. However, the practice of female circumcision is allowed as it is part of a cultural obligation. The type of circumcision practised is very mild and the Ministry of Health provides a guideline which specifies only accredited medical professionals are allowed to perform the procedure.

PARA 48

Unilateral conversion

74. Malaysia is a multi-ethnic and multi religious country. The Federal Constitution of Malaysia guarantees freedom of religion where every person is granted the right to profess and practice, and subject to certain restrictions, to propagate his or her religion. The freedom of religion is enshrined in Article 11 of the Federal Constitution. Under Article 12(4) of the Constitution states that the religion of a child under the age of 18 years shall be decided by his parent or guardian. Federal courts shall have no jurisdiction in respect of any matters that are within the jurisdiction of the Syariah courts by virtue of Article 121 (1A) of the Federal Constitution.

75. In the event when one parent converts to Islam, the non-Muslim parent is not subjected to Syariah court as well as the Muslim convert is not subjected to the civil court. In addressing the guardianship claim by the disputing parties, the Syariah court is guided by sections 81 until 87 of the Islamic Family Law (Federal Territory) Act 1984. Section 81 (1) outlines that "Subject to section 82, the mother shall be of all persons the best entitled to the custody of her infant children during the connubial relationship as well as after its dissolution".

76. Even though the necessary qualifications for such custody are provided under section 81(a)–(e), the paramount consideration to be given by the court shall be the welfare of the child as provided for under section 86(1) and (2) of the Act. However, in recent Federal Court ruling in the case of M. Indira Ghandi's, the consent of both party's, mother and father, are required before a Certificate of Conversion to Islam can be issued on their children. **Based on the Federal Court decision in the Indira Ghandi case, the issue of unilateral conversions has been settled and should no longer arise.**

Minimum age of marriage

77. The age limit for marriage registration among non-Muslim individuals as per stated under the Law Reform (Marriage and Divorce) Act 1976 [Act 164] are 18 years and above. However, women aged 16 and 17 years may register their marriage with the National Registration Department (NRD) if they obtain a license from the Chief Minister. Currently, Ministry of Home Affairs is working on strengthening the standard operating procedure (SOP) on the issuance of the said license. The initiative will include engagement with state governments as the issuance of licenses is beyond the jurisdiction of the ministry. Furthermore, **the government is still looking at increasing the minimum marriageable age to 18.**

PARA 49

Gender Equality Act

78. Malaysia is committed to take all appropriate measures in ensuring women's equal access and equal opportunities so that women can enjoy all their human rights and fundamental freedoms. The draft proposal on gender equality is currently being prepared and is a priority as the Government looks on the issue of gender equality as an investment for the country on many levels. It is an investment in gender equality; it is an investment in the wellbeing of the working generation that is caring for their children; thus, Malaysia's move to create a legislation is timely and necessary. This is also aligned with the Sustainable Development Goal Number 5 on Gender Equality

PARA 50

Education and Women

79. Malaysia is committed to provide quality education to all in a holistic manner. The Government has aligned all initiatives in the Malaysia Education Blueprint 2013-2025 to the Sustainable Development Goal 4 strategies and the 11th Malaysia Plan. Malaysia strives to ensure universal access and full enrolment from pre-school to upper secondary school level by 2020 by developing attractive and viable education pathways for all children.

80. The Education (National Curriculum) Regulations 1997, under Education Act 1996 [Act 550] states that the National Curriculum is an educational programme that includes curriculum and co-curricular activities which encompasses all the knowledge, skills, norms, values, cultural elements and beliefs to help develop a pupil fully with respect to the physical, spiritual, mental and emotional aspects as well as to inculcate and develop desirable moral values and to transmit knowledge.

81. In Malaysia, male and female children have equal access to education. There is no gender discrimination in terms of legislation, policy, mechanisms, structures or allocation of resources. Curriculum, textbooks and teaching materials for religion, moral education, living skills, and all other subjects reflect the principle of gender equality in education.

Women and Politics

82. Malaysia practices Parliamentary democracy where election or appointment of representatives, including women from marginalised groups, such as ethnic minority women, indigenous women and women with disabilities to Parliament. This is decided by the respective parties they represent for in House of Representatives and elected by their

respective State Legislative Assemblies or appointed by Yang di-Pertuan Agong for Senate as provided for in Article 45(1) and (2) of the Federal Constitution.

83. The first woman Deputy Prime Minister was appointed in May 2018. The appointment of YAB Dato' Seri Dr. Wan Azizah Dr. Wan Ismail has proven that Malaysia has upheld the status of women in the country to hold top positions in the government.

84. Apart from that, based on the current cabinet formation, 19.23% women or 5 out of 26 ministers appointed are women. Meanwhile, 15.38% or 4 out of 26 deputy ministers appointed are women.

85. The latest data based on the 14th general election shows that the number of women selected as Members of Parliament (MP) has increased from 10.8% to 14.41%. This brings up the total number of women MPs in Malaysia to 32 out of 222 MPs.

PARA 51

The cultural rights of indigenous peoples in Sarawak

86. Cultural Associations have been actively preserving and protecting cultural rights in Sarawak with encouragement and involvement from the State Government.

87. Many initiatives have been undertaken to preserve diverse mother tongues in Sarawak, such as:

- (a) Establishment of ethnic based cultural institutions:
 - Native Courts
 - Council for Customs and Traditions
- (b) Cultural symposium is held every 5 years;
- (c) Codified Adats (Adat written in both English and ethnic language);
- (d) Diverse mother tongue languages have been used in media (local radio, television, newspaper), book publication, religious book (bible), higher learning institutions (Universiti Perguruan Sultan Idris, Universiti Malaysia Sarawak), schools;
- (e) Bidayuh word list for 4 dialects of Bidayuh language. Bidayuh language has also been taught in 5 *sekolah perintis* (primary school).

The cultural rights of indigenous peoples in Sabah

88. The preservation of mother tongues is an on-going exercise in Sabah. The State Government through the Sabah Cultural Board is working closely with respective cultural association and NGOs such as PACOS Trust (a community-based organization dedicated towards supporting indigenous communities in Sabah) KLF (Kadazan Language Foundation) and SIL (Summer Institute of Linguistics. Teaching of indigenous language has been introduced in several preschool, primary and secondary schools in Sabah

89. At the Federal level in government schools, students are encouraged to learn an additional language as a third language in schools. Ethnic language subjects such as Iban, Kadazandusun and Semai are not only offered to students from the Iban, Kadazan, Dusun and Semai communities, but are also offered to students from other races who are interested to learn the languages. The implementation of the Iban Language in Sarawak began in 1989 while Kadazandusun Language was first offered in Sabah in 1998. The Semai Language was first taught in schools in Peninsular Malaysia in 1999.

90. To preserve mother tongues and increase the representation of indigenous peoples on their issues and rights, the curriculum content also covers aspects such as arts, culture and the way of life of the indigenous communities in Malaysia. The Ethnic Language Curriculum includes language education, cultural heritage knowledge and indigenous peoples' ingenuity. The development of the Ethnic Language Curriculum involved the participation of indigenous peoples from Sabah, Sarawak and Peninsular Malaysia.

91. Elements of indigenous people's cultures are also inserted across curriculum in subjects like Bahasa Melayu, English Language, Mathematics, Visual Arts, Physical Education and Music. The environment of the indigenous people is utilized and included as part of the teaching and learning processes. In Visual Arts, the indigenous students are taught to do weaving using leaves around them and in Music lessons, indigenous students are taught their traditional dance.

PARA 52

Tattoos and pressure to conform culturally

92. Currently there are no restrictions or rule that prohibits citizens with cultural tattoos in Sabah and Sarawak to join the police or army.

93. There has been no policy by MOE to pressure students to conform or become Malays or Muslims in schools as Malaysia is a multi-ethnic and multi-religion country. All students including indigenous students are encouraged to be involved in activities related to local cultures such as traditional dances and music.

94. Based on Circular No 3/1992 dated 14 Mac 1992, any individual or groups are prohibited to force or pressure any school girl in wearing headscarves. Non-Muslim students in schools are not forced to join in Muslim prayers. However, during official functions, Islamic prayers are recited to bless the events and non-Muslims are encouraged to say their blessings in their own way or religion.

PARA 54

Customary Land Disputes

95. The State Attorney-General's Chambers is the department acting for and on behalf of the State Government and/or its agencies in cases of customary land disputes involving the natives and the State Government and/or its agencies. According to records, from 2012 to May, 2018 the Chambers have received **333 cases of customary land disputes** from the various client departments. Out of these 333 cases, **265 cases have settled and closed (Sessions Court, High Court, Court of Appeal and Federal Court)**. As to date, **68 active cases of customary land disputes are still awaiting judgment** (at Sessions Court, High Court, Court of Appeal and Federal Court).

96. The State Government of Sarawak, through its Land and Survey Department, does not only recognize Native Customary Rights (NCR) land but also has in place a systematic and coordinated program to survey and issue land titles to NCR land of the various native ethnic groups in the state. The Department is now actively carrying out survey program to identify and demarcate genuine NCR land throughout the State.

97. The process of identifying and surveying the vast tracts of NCR land in Sarawak begins with the in-group application submitted by the landowners or land claimants themselves, addressed to the Land and Survey Department. In their application the owners would identify and mark out their so-called NCR land on a plan attached to their application letter. This is the first step, taken in the whole process to identify and verify NCR land before the actual survey on ground is carried out, a job undertaken by the landowners themselves.

98. Once an application to survey the NCR land is received by the Land and Survey Department, a thorough checking and verification of records available is to be done in the Department. The area marked on the plan submitted together with the application letter would be checked and verified with records (such as aerial photographs and land use maps) kept by the Department. Once verified and confirmed by the Department, landowners would be consulted and engaged.

99. The consultation and engagement with the landowners (being among the stakeholders) would be carried out in two stages, that is, firstly Round Table Dialogue and secondly Field Dialogue. The Round Table Dialogue is carried among smaller groups comprising the relevant community heads who have jurisdictions over the area in question

and/or community representatives who have direct interests in the NCR land to be surveyed. Field Dialogues, however, are carried out with the larger number of the communities affected within the area.

100. For the last three years (year 2015 – 2017) out of 1,123 dialogue sessions (engagement and consultation) with the public, 408 (36%) sessions were held specifically for perimeter survey of NCR land. The dialogue sessions were held in different localities (government offices, villages and /or longhouses) with different groups of stakeholders (those who have direct interests over land to be surveyed).

101. It is further reiterated that the **846,431 hectares** (as at 31.4.2018) of genuine NCR land covering **512** different localities throughout Sarawak was successfully surveyed only after successful dialogue sessions (engagement and consultation) with the landowners concerned. The same scenario happened during the survey of individual lots.

PARA 55

Safeguarding Minority Languages of Indigenous Peoples in Peninsular Malaysia

102. The Government does not have evidence that the Orang Asli are being forced to become Malays. Cross-cultural and interracial connections between races have intertwined since before Malaysia achieved its independence. An example would be the Baba and Nyonya community in the state of Malacca which are ethnically Chinese but practice the culture of the Malays.

103. On safeguarding languages, the Government continuously undertakes initiatives to preserve minority languages. In 2018, the Department for Orang Asli Development (JAKOA) together with Dewan Bahasa dan Pustaka (DBP), a government body responsible for coordinating the use of language and literature in Malaysia, conducted research on the Jadek language, a long-lost language spoken by Orang Asli Jahai in Sungai Rual, Jeli Kelantan. DBP has completed the research and is in the progress of publishing its findings. Even though the Orang Asli attend the same school as the Malays, they still practiced their own beliefs and way of life.

104. As stated in Federal Constitution under article 11 Freedom of Religion, every person has the right to profess and practice his own religion. Consent and willingness of one person is all that matters rather than forcing others to convert to other religion. Islam is not a religion of coercion. There has been no policy by MOE to pressure students to conform or become Malays or Muslims in schools as Malaysia is a multi-ethnic and multi-religion country. All students including Orang Asli are encouraged to be involved in activities related to local cultures such as traditional dances and music.

PARA 56

Pressure to conform culturally

105. Based on Circular No 3/1992 dated 14 Mac 1992, ~~any~~ individual or groups are prohibited to force or pressure any school girl in wearing headscarves. Non-Muslim students in schools are not forced to join in Muslim prayers. However, during official functions, Islamic prayers are recited to bless the events and non-Muslims are encouraged to say their blessings in their own way or religion.

106. MOE has a systematic approach to fight against bullying. MOE in collaboration with relevant agencies has taken a strong approach in anti-bullying efforts and campaigns nationwide to curb bullying amongst school children.

107. The Department for Orang Asli Development (JAKOA) has not received any complaints regarding bullying from the Orang Asli themselves or any Non-Government Organisation (NGO). Following the SR's visit, JAKOA sent letters to states and districts to investigate. Thus far, no bullying cases were reported and known by the Batin (community leaders) and Orang Asli Village Council.

PARA 57**Resettlement of Orang Asli**

108. Before any resettlement takes place, the government needs to explain and get the consent from the villagers especially the Batin (community leaders). Considering the right granted to any aborigine or aboriginal community is revoked wholly or in part for the alienated land, the state authority may grant fair compensation to them following the Land Acquisition Act 1960. This also complies with the Aboriginal Peoples Act 1954. Destruction to their ways of life is avoided by relocating them to areas that are suitable to transmit the ritual, belief, knowledge and practices related to them. JAKOA is committed to empowering the Orang Asli rights.

PARA 58**Commercialisation of Indigenous Knowledge**

109. JAKOA, in collaboration with the Forest Research Institute Malaysia (FRIM), is currently undertaking a project to identify traditional knowledge of the Orang Asli focused on herbs for medication. This has been undertaken with the prior and informed consent of the Orang Asli under the supervision of FRIM from the beginning and worked out together with the Orang Asli themselves. This project has identified five herbs, copyrighted the findings and is about to take on a pilot project to make those herbs commercial, benefiting the Orang Asli in terms of acknowledgement and monetary.

PARA 61

110. RTM currently has three channels which consist of two national channels which are multi lingual and has several programmes in different languages at different time slots. Among these, the news is presented in the National language, English, Mandarin and Tamil. Apart from that, on 21 March 2018, TV Okey was launched which is dedicated to TV audiences in Sabah and Sarawak, where some of the programmes are done in local dialects and contents that are catered for the local population in Sabah and Sarawak.

PARA 63**Freedom of artistic expression**

111. In reference to the Printing, Presses and Publications Act (PPPA) 1984 (Amended 2012), Section 13B has been substituted to "Right to be heard". A person who has been granted a licence or permit under this Act shall be given an opportunity to be heard before a decision to revoke or suspend such licence or permit..." MOHA is also reviewing the said Act to remove section 13A(1)(2) in the Act which gave absolute power to the Minister.

112. Referring to banned books, over the short-term period between 2017 and 2018, the number of books banned showed a drastic decline of 90.5%. In 2018, the Home Ministry also has lifted the ban on five (5) books by cartoonist Zulkiflee bin SM Anwarul Haque @ Zunar and also four (4) books by novelist Mohd Faizal bin Musa @ Faisal Tehrani.

113. The process for reviewing books is based on the Ministry's current policy which is all publications must comply with the (PPPA) 1984 (Amended 2012). The review process also will include opinions from various experts including Royal Malaysian Police (RMP), Malaysian Communications and Multimedia Commission (MCMC), Department of Islamic Development of Malaysia (JAKIM) and academicians from local universities.

114. The Board does not simply impose any ban on a particular film maker. The decision to ban a film is only made as a last resort if the editing/alteration of the content of the film cannot be done and in the case of which the theme, story line, scenes and dialogue of the film is found to be contradicting with the 4 main aspects stated in the film censorship guidelines.

115. The Board's decision is not final. Should the owner of any film who is aggrieved by any decision of the Board may, within thirty days from the date on which he is notified of

the decision, appeal to the Appeal Committee. The Appeal Committee, consisting of the members appointed by the Minister of Home Affairs will then reevaluate the content of the film and decide whether to confirm, vary or reverse the decision of the Board. This ensures the ‘check-and-balance’ in the film censorship process.

116. As far as the Board is concerned, the film industry is aware of the censorship process. In performing its responsibility, the Board has adopted an inclusive approach whereby engagement activities with the stakeholders, including the various sections of the film industry in Malaysia, are undertaken. The Board is also willing to engage with filmmakers to explore possible solutions to any issues arising from the films so as to avoid any potential protests from the public. In addition, dialogue and briefing sessions are also held to disseminate information as well as to enhance closer working relationship between the Board and the industry.

PARA 67

Censorship of books and films

117. The terms “controversial” and “sensitive” were referred to certain issues that may likely alarm public opinion, thus create disharmony among the multi-racial communities in Malaysia. The norms and culture of Malaysians are different from other countries where certain values practiced by certain communities in other countries may not be suitable to be adopted. Hence, it is crucial and of major importance to control any book contents that may be prejudicial to morality, public order and public interest.

118. However, the Home Ministry is reviewing several laws including the Printing Presses and Publications Act 1984.

119. With regard to film censorship, the Home Ministry is presently undertaking efforts to review the censorship guidelines, including gathering feedback from the relevant stakeholders.

120. Although the Government of Malaysia respects the freedom of speech and expression, they should be practiced in accordance to the prevailing law and order in the country. In this respect, the nation’s overall well-being and public interest are given priority over the freedom of individual.

PARA 68

On Zunar

121. On 30 July 2018, the 9 charges under the Sedition Act against cartoonist Zunar were withdrawn. He was acquitted by Judge Zamri Bakar at the Kuala Lumpur Sessions Court. The banning order for Zunar’s books has been revoked and gazetted on 29 November 2018.

PARA 69

Concrete plans to guarantee freedom of artistic expression

122. As per stated earlier, Freedom of opinion and expression is enshrined in Article 10 of the Federal Constitution of Malaysia. The Government is also committed to ensuring that all citizens can enjoy their fundamental liberties in a manner which does not impinge on the exercise of the rights of others. Malaysia is currently reviewing several legislations, including the Communications and Multimedia Act, in ensuring that all legislations does not unduly restrict freedom of speech and expression, which includes artistic expressions, so long as it does not offend or impinge on the right of others.

Para 72**Islamisation and Arabization of society**

123. Allegations of Wahhabism infusing the educational system and affecting the corps of teachers have not been substantiated by any empirical data or formal reports to the Ministry of Education.

PARA 79**On leaving Islam**

124. Islam is a religion of peace, where people are given the choice of professing the religion. Islam also prescribes that Muslims must respect and not to trespass the practices of other religions. However, those who profess the religion have the responsibility to observe and preserve the faith of Islam. This is again in line with the preservation of religion in *Maqasid Shariah*. The requirement of obtaining a certificate of renunciation of Islam from Syariah court is part of preserving the sanctity of Islam. Besides, the Constitution allocates the jurisdiction to the states to enact laws relating to Islam and Muslims. In practice, Syariah court has always applied the policy of good treatment on all parties who attend the court, including lawyers. This conforms to the current Government's direction towards *rahmatan lil alamin* (for the good of all).

PARA 80**History of Malaysia**

125. The Ministry of Education (MOE) has never omitted any pre-Islamic history of Malaysia, as well as non-Muslim cultural heritage. For example, in the Form 2 History textbook (Chapter 1, 2 and 3) focuses on Early Malay Government and followed by Chapter 4 on the history of Hindus and Buddhists in the Malay continent. MOE has taken necessary steps in helping to promote and protect the history of the country and to ensure every content of textbooks particularly History textbook include diversity of culture and beliefs of Malaysians.

On Pastor Raymond Koh

126. This case is still under investigation by The Royal Malaysia Police. SUHAKAM's public inquiry started on 19th October 2017 and still on going.

PARA 85**On Faisal Tehrani**

127. The banning order for four of Faisal Tehrani's book is in the process of being revoked with the Attorney General. The Ministry of Home Affairs has removed these titles from the system of banned books.

- Sebondok Batu di Kuala Berang;
- Karbala;
- Tiga Kali Seminggu; and
- Ingin Jadi Nasrallah.

III. Conclusion

128. Malaysia takes note all the recommendations as put forth by the Special Rapporteur and will study them for implementation where suitable. Taking into account that her short visit provided insufficient time to fully assess accurately and comprehensively the reality of the ground, the above-mentioned information is provided for further clarity. Also taking note that the new Government is undertaking a process of review of various domestic laws,

it could be expected that policy ~~more~~ changes may be forthcoming. With the new Government in power for less than a year, more time will be required to implement these changes. The Government of Malaysia intends to report on the latest developments related to the issues raised by the Special Rapporteur during the 40th Session of the Human Rights Council.
