

NGO Coalition for an Effective Human Rights Council

May 5, 2010

To: Member states of the UN General Assembly

Re: Malaysia's candidacy to the UN Human Rights Council

Dear Foreign Minister,

We represent a coalition of human rights nongovernmental organizations from all regions of the world. We write to you concerning the candidacy of Malaysia for election to the United Nations Human Rights Council.

UN General Assembly resolution 60/251 establishing the Human Rights Council states that "member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto" when electing members of the council. Council members are to "uphold the highest standards in the promotion and protection of human rights," and "fully cooperate with the Council."

We have serious concerns about Malaysia's human rights record, and its failure to fully cooperate with the human rights mechanisms of the Human Rights Council. We would like your government to consider these concerns before it decides how to cast its vote.

We hope you will seek specific commitments regarding Malaysia's record and inadequate response to human rights mechanisms before granting your vote to Malaysia for election to the council. There are a number of concrete steps that Malaysia can take that would help bring it into conformity with the council's membership provisions. We hope that you will encourage Malaysia to adopt these measures when you meet with its diplomats and representatives.

Greater Protection of Human Rights at the National Level

1. Malaysia should ratify the ICCPR, ICESCR, CAT, ICERD, and the two optional protocols to the CRC, and withdraw its reservations to CEDAW and the CRC. Malaysia should bring domestic law into conformity with these conventions.
2. Malaysia should immediately cease use of all preventive detention, and commit to the prompt repeal of the Internal Security Act of 1960 and provisions allowing for preventive detention in the Emergency (Public Order and Prevention of Crime) Ordinance of 1969, the Dangerous Drugs (Special Preventive Measures) Act 1985, and the Restricted Residency Act of 1933. Detainees being held under these laws should immediately be charged with a cognizable offense in a court of law or released.
3. Malaysia should immediately repeal the Printing Presses and Publications Act 1984, which requires annual licensing of publications and which has been used to effectively penalize responsible media outlets covering controversial stories. Malaysia should also

amend the Communication and Multimedia Act 1998. The law's vague and overbroad language allows government officials wide-ranging authority amounting to effective censorship of material running counter to government political views and objectives.

4. Malaysia should protect academic freedom of expression by amending the Universities and University Colleges Act 1971 to provide for freedom of expression for academics and students on campus, in line with recommendations of the special rapporteur on the right to education.

Malaysia should more fully cooperate with the council

We are deeply concerned with Malaysia's failure to fully cooperate with the Human Rights Council in a timely manner, an important aspect of council membership. Malaysia's voluntary pledges include a commitment to "deepening and widening our cooperation with and support for the work of various UN actors and mechanisms involved in the promotion and protection of human rights such as the ... Special Procedures of the Human Rights Council." We ask that you urge Malaysia to more fully cooperate with the council in the following respects:

1. Malaysia should issue a standing invitation to visit to all UN special procedures mandate holders.
2. Malaysia should promptly facilitate and schedule visits by special procedures in response to the eight outstanding requests from the special rapporteurs on human rights defenders (requested in 2002); indigenous people (2005); freedom of religion (2006); migrants (2006); human rights and counterterrorism (2005); racism (2008); independence of judges and lawyers (2009); and the independent expert on minority issues (2007, 2009).

We appreciate your consideration of our concerns regarding Malaysia's candidacy. Despite the unfortunate presence of a clean slate, denying UN members a choice between competing candidates, we are working to help make the election process meaningful and effective in placing the best possible candidates on the council. We hope you will raise our concerns with the government of Malaysia, and carefully weigh its response before committing your government's vote.

Representatives of the coalition are available to meet with you or your staff should you have any questions regarding the concerns we have expressed regarding Malaysia's candidacy.

With assurances of our highest respect,

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