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May 21, 2018

Honorable Mahathir Mohamad
Office of the Prime Minister of Malaysia
Main Block, Perdana Putra Building, Federal Government
Administrative Centre, 62502 Putrajaya, MALAYSIA

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Re: Implementing the New Malaysian Government's Human Rights Commitments

Dear Prime Minister Mahathir Mohamad,

We congratulate you on your appointment as Malaysia's prime minister and the Pakatan Harapan coalition on its electoral victory. We hope this marks the start of a new era in which Malaysia serves to be an example for the region as a protector and proponent of human rights and the rule of law.

Human Rights Watch is a nongovernmental organization that monitors and reports on human rights in over 90 countries around the world. We have documented the human rights situation and advocated for human rights in Malaysia for more than 30 years.

We welcome the many strong and wide-ranging human rights pledges in the Pakatan Harapan manifesto "Rebuilding Our Nation, Fulfilling Our Hopes." In reviewing existing laws and drafting new laws and provisions, we encourage you to consult closely with SUHAKAM, civil society organizations, and the Malaysian Bar Council. Malaysia has a wealth of expertise and experience that your government can rely on to implement key reforms.

We encourage the new government to tackle the following human rights commitments as soon as possible:

Abolish Oppressive Laws (Manifesto Promise 27)

To ensure everyone in Malaysia is protected from oppressive and unjust laws, we encourage you to promptly abolish the following abusive laws: (1) Sedition Act 1948; (2) Prevention of Crime Act 1959; (3) National Security Council Act 2016; (4) Anti-Fake News Act 2018; (5) Printing Presses and Publications Act 1984; and (6) University and University Colleges Act 1971.



HRW.org

We also urge you to swiftly carry out your commitment to “abolish draconian provisions” in the following laws: (1) Penal Code, notably provisions on assembly and activity detrimental to democracy; (2) Communications and Multimedia Act 1998; (3) Security Offences (Special Measures) Act; (4) Peaceful Assembly Act 2012; and (5) Prevention of Terrorism Act 2015.

To promote a free and independent media, we encourage you to act swiftly on your commitment to review all press-related laws "so that media freedom is ensured."

By fulfilling your commitment to review the Official Secrets Act, the Whistleblower Protection Act, and the Witness Protection Acts, as well as to draft a Freedom of Information Act, you would help ensure transparency in government, access to information, and protection for those who seek to expose corruption.

For specific recommendations on reforming many of these laws, and analysis of additional laws that restrict freedom of expression, please see our 2015 report [Creating a Culture of Fear: The Criminalization of Peaceful Expression in Malaysia](#) and our follow-up 2016 report [Deepening the Culture of Fear: The Criminalization of Peaceful Expression in Malaysia](#).

While we note that you have committed to abolishing the mandatory death penalty, we would urge you to join the global movement of states and abolish the death penalty in its entirety.

Ensure Accountability for Police Abuses (Promise 20)

The government's pledge to establish an Independent Police Complaints and Misconduct Commission (IPCMC) during your first term in office and to ensure that all allegations of misconduct are investigated in a fair and comprehensive way, including allegations of deaths in custody, is critical for reforming Malaysia's police. For additional recommendations relating to accountability for police abuse and steps that can be taken to help prevent such abuse, please see our 2014 report [No Answer, No Apology: Police Abuses and Accountability in Malaysia](#).

Ratify International Treaties (Promises 26 and 59)

In light of the government's stated aim to make Malaysia's human rights record "respected by the world," we encourage you to promptly fulfill your commitments to ratify the International Covenant on Civil and Political Rights, the Refugee Convention, and other core international human rights conventions. Among those we would urge you to prioritize: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Racial Discrimination; and the International Convention on the Protection and Promotion of the Rights of All Migrant Workers and their Families.

Improve the Situation of Refugees (Promise 35)

Your commitment to legitimize the status of the more than 150,000 refugees currently hosted by Malaysia, by providing them with UN High Commissioner for Refugees (UNHCR) cards and ensuring their legal right to work will, as stated in your manifesto, enable them "to build new lives without subjecting them to oppression." We encourage your government to take a further step and ensure that refugees and asylum seekers have access to health care on a par with nationals, and that they have access to free primary and secondary education. We would also encourage you to formalize the government's commitment to and recognition of UNHCR's legal status and longtime invaluable role in the country by entering into a formal agreement with the agency.

Support and Promote Civil Society (Promise 54)

As is recognized in the manifesto, civil society and nongovernmental organizations play an important role in a modern democracy. We therefore encourage you to prioritize the commitment to simplify the process of establishing such groups and to establish a Commission on Charities and Non-Profit Organisations to take over the responsibilities of the Registrar of Societies and the Companies Commission of Malaysia.

Special Commitments for Women

Your commitment to ensure that the legal system "protects women's rights and dignity" is crucial for ensuring equality for all in Malaysia. We encourage you to swiftly implement your promise to raise the minimum age of marriage to 18 for everyone to ensure that Malaysian girls escape the [devastating consequences of child marriage](#).

Strengthen the Human Rights Commission of Malaysia (Promise 26)

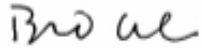
The Human Rights Commission of Malaysia (SUHAKAM) has undertaken impressive work under difficult circumstances during the previous administration. Your commitment to further strengthen and support that body, including by ensuring it has adequate resources and that its reports are debated in Parliament, will prove very beneficial to Malaysia in the long term. We also support your commitments to improve the capacity of the Office of the Malaysian Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR) and to improve the flawed National Human Rights Action Plan before implementation. We encourage you to consult with SUHAKAM, civil society groups and the Malaysian Bar Council during the review process.

Finally, we note with concern comments you have made since the election about merely amending the "Anti-Fake News" law passed by the previous government. Your commitment during the campaign to repeal the law was unequivocal. Keeping a draconian and repressive Anti-Fake News law on the books, even in an amended

version, would be a worrying sign about the direction of the new government and the reform process.

We will follow with interest the steps taken to fulfill these commitments, and look forward to working with your government in a constructive manner in the months and years ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Adams".

Brad Adams
Executive Director
Asia Division

Cc:
Wan Azizah Wan Ismail, Deputy Prime Minister