

**The Other Story Of The Malaysian Human Rights**  
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**Mariam Mokhtar**

Malaysia is a member of the Human Rights Council (HRC), which is a collection of countries with a mandate to uphold human rights standards. When Ahmad Rozian Abd Ghani, the Undersecretary of Information and Public Diplomacy, Ministry of Foreign Affairs opined that Malaysia "...continues to enjoy respect and is seen as a credible partner by many interlocutors at the international level because it is sincere in implementing policies and programmes aimed at improving the human rights situation in the country", he is stretching the truth a little.

There is an allegation that Malaysia was chosen along "geographical lines" and her place in the HRC has little to do with credibility and integrity. Perhaps, of all the countries in our corner of the world, for example Burma or Cambodia, we are the least controversial.

According to Ahmad Rozian the dialogue on human rights is never straight forward because of "diverse political and legal systems as well as cultural and religious values".

He also claims that Malaysia has done much to promote and protect human rights at the international level, and helped shape international norms, standards and practices in the field of human rights.

He lists a variety of contributions, such as convening numerous Special Sessions of the Human Rights Council, on a wide range of human rights issues both thematic and country-specific, the negotiation on and eventual adoption of the Optional Protocol on a complaints procedure for the Convention on the Rights of the Child (CRC), creation of new Special Procedure mandates, the Universal Periodic Review (UPR) mechanism, draft declarations such as the United Nations Declaration on Human Rights Education and Training.

He claimed that Malaysia's engagement has yielded considerable and positive results, not only at the international level but more importantly on the ground in Malaysia.

Malaysia may be a multi-cultural, multi-ethnic and multi-religious country but its government has failed to match its grand rhetoric with actions.

When our Foreign Minister, Anifah Aman addressed the United Nations Human Rights Council at the Palais des Nations, in Geneva, Switzerland, he rightly stated that sweeping political changes worldwide meant that people all over the globe were "...demanding and standing up for a common human aspiration - to be able to shape and take control of their own lives, politically, socially and economically".

Back in Malaysia, the rights of its people, marginalised communities and the environment are seldom recognized. Activists who promote these rights or who report incidents of aggression and various violations, face serious risks to their safety and freedom.

The government has failed to provide the mechanisms for protection and redress for these Human Rights Defenders (HRDs), so they may face acts of violence against them for highlighting the many and various human rights abuses.

Recently, thuggish behaviour from people with alleged links to the government, such as the police, members of the ruling party, and fundamentalist groups have disrupted peaceful rallies or legitimate gatherings to discredit or intimidate the participants.

It is difficult to reconcile what is happening on the ground with the words of the Foreign Minister and the Undersecretary of Information and Public Diplomacy that Malaysia is sincere in its human rights policies and its citizens are able to shape their own destinies.

There has been little assessment of the impact of violence against the HRDs and little engagement between the authorities concerning this.

Increasing threats against HRDs may make it imperative for these groups to form a stronger community of organizations so that apart from having safety in numbers, the increased coordination may lead to an improved and more effective response from governments.

Intimidation is not limited to groups or individuals. Reporters, journalists and bloggers also face severe restrictions on their freedoms.

It is well known, in Malaysian circles, that our human rights record for recent years is questionable. When the Prime minister Najib Abdul Razak promised reforms, many Malaysians believe that he was merely reacting to the people's calls for change and because GE-13 will be called, soon.

Despite the repeal of the Internal Security Act, the two new laws which replace the ISA are just as repressive.

Article 10(1)(b) of the Federal Constitution of Malaysia guarantees the freedom of peaceful assembly, which is also enshrined in Article 20 of the Universal Declaration on Human Rights and Articles 5 and 12 of the UN Declaration on HRDs.

Malaysians are also aware that when it wants to, the government can act speedily when it is to its advantage. Look at the farcical way the Peaceful Assembly Bill was rushed through parliament and only two Opposition MPs were allowed to debate the bill.

Despite the obligation on governments to protect and promote the constitutional right to freedom of peaceful assembly, Malaysia has continued to brush these concerns aside.

Najib preaches moderation, but he fails to censure the fundamentalists in the country and fails to punish the government controlled media which incites racism and violence. There are concerns to do with freedom of religion, freedom of movement and freedom of expression. There are issues with the Lesbians, Gay, Bi-Sexual and Transgender (LGBT) community. All of these are conveniently ignored.

It is obvious that at the UN, in Geneva, the Malaysian government is telling other nations what they want to hear.

MARIAM MOKHTAR

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