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**STATEMENT BY THE
HONOURABLE ANIFAH AMAN
MINISTER OF FOREIGN AFFAIRS OF MALAYSIA
AT THE HIGH-LEVEL SEGMENT
25TH REGULAR SESSION OF THE HUMAN RIGHTS COUNCIL**

4 MARCH 2014

Mr. President,
Madame High Commissioner,
Excellencies,
Ladies and Gentlemen,

On behalf of the Malaysian delegation, I wish to firstly congratulate Ambassador Baudelaire Ndong Ella of Gabon on his appointment as the President of the Human Rights Council.

2. Mr. President, my delegation is fully confident that with your able stewardship, you will be able to guide the Council and its work to a successful conclusion.

3. I wish to also pay tribute to the Office of the High Commissioner for Human Rights which recently celebrated the 20th anniversary of its establishment. Malaysia fully acknowledges the unwavering commitment and dedication of Ms. Pillay, the UN High Commissioner for Human Rights and her Office in furthering the cause of human rights around the world.

4. On the same note, Madame High Commissioner, I wish to reiterate the importance that my Government attaches to continue building upon the positive and constructive engagements between Malaysia and OHCHR thus far.

5. I am honoured to have this opportunity to address this august body once again after having last done so in 2012. Much has happened around the world since then in the field of human rights. This Forum is indeed unique. Apart from providing a platform for exchanging views between governments, this Council also provides an avenue for a diversity of stakeholders to contribute towards the promotion and protection of human rights at the global level.

Excellencies,
Ladies and Gentlemen,

6. On 31 December 2013, Malaysia successfully completed its second full-term as a member of this Council. Having had the privilege of serving two full terms as a Council member, I wish to state without equivocation that the experience has significantly benefitted Malaysia and Malaysians.

7. The people of Malaysia as a whole now have a wider appreciation and clearer understanding of human rights concerns and issues pertaining to human rights. All over the country, there are ongoing conversations and exchanges on a wide variety of human rights issues ranging from the rights of indigenous peoples to the continued application of corporal punishment and the death penalty.

8. Taking into account the diverse nature of the Malaysian society, the Malaysian Government has always been conscious of the need for maintaining an appropriate balance in guaranteeing the people's rights and freedoms and the country's interest in ensuring national security and public order at all times. Malaysia maintains that rights-holders must pay equal attention to their role as duty bearers and ensure that the enjoyment of rights and freedoms are not at the expense of the rights and freedoms of other rights-holders.

9. Nonetheless, my Government takes a positive view of the increasing interest about human rights in our country. We remain committed to ensuring that discussions on the issue of human rights, particularly those that touch upon contentious and controversial matters in a multi-racial and a multi-religious society such as ours, can take place in a peaceful manner.

10. That notwithstanding, I wish to highlight a few examples to illustrate how Malaysia's Council membership has contributed to the encouraging discourse on human rights in the country over the past few years. Among the valuable experience, let me mention briefly about the Universal Periodic Review or UPR Process.

11. Having undergone the first UPR cycle in 2009, Malaysia underwent its Second (2nd) Universal Periodic Review (UPR) in October 2013. The preparatory process for the exercise saw unprecedented levels of engagement between the Government and civil society leading up to the review.

12. As the Council moves to adopt the outcome of Malaysia's 2nd UPR at the present session, my Government looks forward to engaging constructively with all partners and stakeholders in the implementation and follow-up of the accepted UPR recommendations.

13. Notable developments have also been taking place on other fronts like civil and political rights. In March 2012, I briefed the Council that my Government had taken steps to repeal the Internal Security Act (ISA) - an anti-subversive or anti-terrorism law that had been erroneously labelled as a means of stifling political dissent. These accusations arose mainly out of the provisions for preventive detention in that Act. In addition to the repeal of the ISA, three other ordinances which provided the Government with certain emergency powers had also been annulled.

14. In order to continue discharging its duty of ensuring that Malaysians could continue to live in peace and security, the Government has since introduced the Security Offences (Special Measures) Act or SOSMA. The sole purpose of this new Act is to combat the threats or acts of terrorism against the country or its people.

15. SOSMA represents a fundamental departure from the ISA. SOSMA incorporates clear safeguards which effectively emplaces security measures while allowing for the enjoyment of human rights and fundamental freedoms.

16. The need for SOSMA was brought into sharp focus when the state of Sabah – that part of the Malaysian Federation that I hail from – was invaded in March 2013 by a large group of over 100 heavily-armed intruders who pretend to claim the state of Sabah to be part of the now defunct Sultanate of Sulu in the Philippines. Members of the group who were detained following security operations are currently on trial and are being accorded legal defence rights under due process.

17. Malaysia has also demonstrated its readiness to cooperate with the Council and its mechanisms including receiving visits by Special Rapporteurs. Most recently, in December 2013, Malaysia received the Official Visit by the Special Rapporteur on the Right to Food, the outcome of which shall also be a subject for consideration at this session. We look forward to welcoming more Special Rapporteurs to the country in the days ahead.

18. Malaysia is cognisant that more could be done in the field of human rights. In this regard, my Government reaffirms its commitment to continue pursuing the legal, policy and institutional transformations initiated by Prime Minister Najib in 2009.

Excellencies,
Ladies and Gentlemen,

19. When Malaysia sought for a seat in this Council in 2006 and 2010, we had hoped to share our experiences as a developing multi-racial, multi-religious and multi-ethnic country with the Council. Among others, we had sought to emphasise values such as tolerance, understanding, mutual respect and moderation.

20. This Council has indeed made progress on a number of significant and complex issues and concerns. I would like to cite in particular HRC resolution 16/18 (*Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief*) and its follow-up.

21. Having said that, I must also say that there remains serious human rights concerns that merit the Council's continued and focused attention. Topping the list should be the longstanding suffering of the Palestinian people and the increasingly desperate situation in Syria.

22. Malaysia reaffirms its solidarity with the people of Palestine who survive without basic rights and human dignity which continue to be systematically denied by the Occupying Power.

23. Alongside other members of the international community, Malaysia was initially optimistic in noting that tentative negotiations between the Palestinians and the Occupying Power had resumed in July 2013. However, recent developments, in particular the announcement by the Occupying Power of its intention to continue the expansion of illegal settlements on Palestinian lands, raise serious doubts on its

pledge to achieve a meaningful and lasting peace with Palestine.

24. Mindful that the latest turn of events does not bode well for any early resolution to the Palestinian question, Malaysia calls upon all concerned parties to persevere and explore all possibilities with a view to achieving mutually agreed outcomes. We stand ready to contribute towards that end.

Excellencies,
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25. The world remains bewildered by the situation in Syria which teeters on the brink of catastrophe. That the conflict there has spiralled out of control so quickly and so viciously is unacceptable. There is a massive influx of weapons and armaments into the country. This has protracted the conflict, causing more losses in lives and property. The conflict in Syria must simply be brought to an end.

26. Malaysia joins others in urgently calling upon all parties to the conflict in Syria to respect international humanitarian law and abide by their commitments under international human rights law with a view to ensuring that non-combatants, particularly women, children, the elderly and the infirm are spared the brutalities of war and violence. Perpetrators of human rights violations must be held accountable and brought to justice.

27. As a matter of utmost priority, parties to the conflict must take steps towards ceasing all hostilities and facilitate access to humanitarian aid personnel and supplies in all conflict areas. Malaysia reaffirms the understanding that the situation in Syria requires a peacefully negotiated Syrian-led political solution as opposed to a military solution.

28. Despite the seeming lack of significant progress in the recently concluded Geneva II process on Syria, Malaysia is encouraged that both sides have expressed commitment to continue pursuing peace negotiations.

29. In this connection, Malaysia calls on the UN Special Envoy to Syria as well as other key players to persevere in their efforts in negotiating a peaceful resolution to the conflict and bring back peace to the country. At the same time, Malaysia acknowledges and commends the contributions of the neighbouring countries in providing refuge to those fleeing the conflict zones.

30. The situation in Palestine and Syria stand out as stark reminders of our collective responsibility in realising the purposes of the United Nations in general and in living up to the rights and freedoms enshrined in the Universal Declaration on Human Rights in particular.

Excellencies,
Ladies and Gentlemen,

31. It is also worth recalling that the widening socioeconomic inequalities arising from the global economic and financial crises continue to negatively impact on the enjoyment of human rights and fundamental freedoms across the globe, and even

more so in the developing countries.

32. It is the marginalized and most vulnerable sections of society that bear the brunt of increasing prices of basic goods and services including food, fuel and healthcare among others. They are also the first to be exposed to such economic shocks including the rise in unemployment.

33. As a developing trading nation, Malaysia is not immune to such developments. We have taken steps to ameliorate the negative impacts on the poorest and most vulnerable in the country.

34. Malaysia is pleased to note that since the onset of the economic crisis, and in recognition of the importance of the right to development, the UN human rights system has responded in various ways and through various initiatives to explore ways and means by which human rights, especially economic, social and cultural rights could continue to be promoted and protected in the face of such challenging circumstances.

Excellencies,
Ladies and Gentlemen,

35. In concluding, allow me to reiterate several key messages, as follows:

35.1. Enjoyment of human rights should not be absolute without any limitation. Rights-holders must pay equal attention to their role as duty bearers and ensure that enjoyment of rights and freedoms are not at the expense of the rights and freedoms of other rights-holders;

35.2. Although we all share the common goal of furthering the promotion and protection of human rights, we sometimes tend to focus more on the differences that divide us. Instead, we should be focusing more on the inherent similarities among us and build on that; and

35.3. The promotion and protection of human rights is a continuous process. We have to continue engaging in dialogue and cooperation in discharging our collective responsibility of promoting and protecting human rights. In doing so, moderation should be practised to avoid drifting towards extremism, which should be condemned.

Thank you for your kind attention.

**Palais des Nations
GENEVA**

4 March 2014

