



Permanent Mission of
Malaysia
to the United Nations

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STATEMENT BY

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ON

AGENDA ITEM 64 (B): HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

AGENDA ITEM 64 (C): HUMAN RIGHTS SITUATIONS AND REPORTS OF
SPECIAL RAPPORTEURS AND REPRESENTATIVES, AND

AGENDA ITEM 64 (E): CONVENTION ON THE RIGHTS OF PERSONS WITH
DISABILITIES

OF THE THIRD COMMITTEE

OF THE 63RD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
NEW YORK, 28 OCTOBER 2008

Mr. Chairman,

I wish to thank the Secretary-General and the various special procedures for their reports prepared on the agenda item before us. My delegation also thanks the special procedures for presenting their reports. The continued opportunity for Member States to engage with the special procedures is a useful practice which allows better understanding and awareness of the issues at hand.

Mr. Chairman,

2. As this year marks the 60th Anniversary of the Universal Declaration on Human Rights, we reaffirm that Human rights are universal, indivisible, interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. The promotion and protection of human rights needs to be undertaken by all countries with full respect to the significance of national and regional particularities and various historical, cultural and religious backgrounds. Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State. These are basic principles underpinning international human rights and should not be taken lightly.

3. Since the formation of the United Nations and its expansion into a more credible representative world body, debates at the macro level on human rights, such as the dichotomy between individual and group rights, or the universality of such rights, have been ongoing. This in our view is a healthy process towards realizing the highest standards of human rights as enshrined in the Universal Declaration of Human Rights (UDHR). As we all have moved in the past decade-and-a-half away from a Cold War tainted mindset, our work was to create the conditions where not only civil and political rights were enjoyed, but just as crucially, in ensuring the promotion and protection of economic, social and cultural rights, particularly for the developing countries which are among the most disadvantaged in the global community. In this endeavor, so to speak, the jury is still out. In too many cases, political considerations have come into play and instead, made our work on human rights as being, more often than not, attempts to place on a document interpretations of a right on a particular issue, in the eventuality that its presence in a UN document will solidify the credibility of that right. At the same time, we are dismayed that some countries continue to pick and choose which rights they wish to highlight or how those rights may be enjoyed. Surely this is not the right approach if we aspire to the UDHR.

Mr. Chairman,

4. On our part, Malaysia is a firm believer of the promotion and protection of all human rights. This is a fundamental principle followed since the inception of Malaysia as a sovereign entity. We continue to strive to create an environment where all citizens can exercise their human rights and fundamental freedoms. The guarantee of the fundamental rights and liberties of the individual is a cornerstone of our governance, while maintaining the central importance of society. In this regard, mutual respect and tolerance is balanced between individual rights and the interests of the larger community and the well-being of the nation. The rights of every citizen in Malaysia are enshrined in the Federal Constitution and protected by legal provisions.

5. Malaysia upholds the view that the implementation of civil and political rights can only be fully exercised in a democratic environment. Malaysia guarantees these rights and the safeguards to embrace and preserve our multi-racial, multi-religious, and multi-ethnic society. The legal framework in respect of civil and political rights in Malaysia is compatible with international human rights norms and standards. Our Federal Constitution guarantees such fundamental liberties such as the right to freedom of peaceful assembly and without arms, the right to freedom of speech and expression, the right to freedom of association, and freedom of religion or belief. The expression of these rights by our society can be seen in the vibrant political discourse in our country and the development and awareness of these rights which continues through a pace and through steps which our society is comfortable with, and not through outside interference or pressure.

6. As a multiracial country, Malaysia recognizes the importance of economic, social and cultural rights as equal in importance to civil and political rights. Malaysia is firmly committed to a vigorous development of policies related to the promotion of these rights within the country and various socio-economic programmes have been implemented for the benefit of our citizens.

Mr. Chairman,

7. Malaysia is acutely concerned with the increase in incidences which point towards Islamophobia, and incitement to racial and religious hatred. This issue was pointed out in the Report of the Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related forms of Intolerance to the Human Rights Council at its ongoing Ninth Session, and by the Secretary-General in his report on combating defamation of religions submitted for the current session of the General Assembly. We disagree with the notion that defamation of religions is not an infringement of the human right of the individual. Defamation of religion is an increasing trend in many parts of the world, including in intellectual and political circles which legitimises it in the eyes of the general society. This for us constitutes a derogation of the right of belief as it is inextricably linked to incitement to racial and religious hatred. The notion of defamation of religions and freedom of opinion and expression are not mutually exclusive or incompatible. It is our view that the issue is not one or the other, but ensuring that respect for both can be balanced in conceptual, as well as legal and practical terms. This is what the international community should focus on instead of debates on the righteousness of one over the other.

8. The important work undertaken by this Committee on a range of different human rights questions again risks being detracted during this Session by the issue of the death penalty. The long debates which we held last year are clear indication that there is no international consensus on the issue and we should not seek to reintroduce such divisions in the work of this Committee. Countries cannot claim a moral superiority over any others on this issue. This is a criminal justice matter and something which the people of a country need to decide for themselves and within their own time on which direction and how they want to take it.

9. In relation to this issue, we regret that the report of the Secretary-General on "Moratoriums on the use of the death penalty" makes recommendations citing towards one side of the debate through value judgment connotations in the language. Cognizant of the different views of member states, such reports from the Secretariat need to be apolitical and objective.

Mr. Chairman,

10. There must be a more constructive approach in our dealings on human rights issues. We should be consistent in our treatment of human rights situations, and not selectively target specific countries or accord different emphasis and urgency to certain issues due to domestic political expediency or external pressure.

11. From the discussions and results on country-specific resolutions in the past sessions of the UNGA, it is clear that the wider membership is increasingly opposed and uncomfortable with such resolutions. Malaysia is pleased to note that the operationalisation of Universal Periodic Review (UPR) mechanism of the Human Rights Council, since April of this year, has proceeded well. From the reports which we have received, member states have been active in this process, both in terms of those states being reviewed, as well as the states that are doing the reviewing. While there remain areas which can be further developed and strengthened, the crux remains that this innovation represents a good alternative to country-specific reports. It serves a constructive approach through genuine dialogue and cooperation between countries which may have differing views and systems, and it is our hope that through the UPR process, all countries will seize this opportunity to improve the promotion and protection of human rights in a cooperative and constructive manner. The time for country-specific reports is, in our view, closely ticking away.

Mr. Chairman,

12. The right to development remains an important cornerstone of human rights. All efforts need to be exerted into ensuring the sanctity of this right including through the continued support of the work of the Working Group on the Right to Development of the Human Rights Council. Additionally, the ongoing instability in global and national financial markets, as well as volatility in the food and energy sectors could potentially have an adverse impact on the enjoyment of human rights, either in terms of reducing the amount of international funds available for capacity-building or technical programmes, to even fundamental survival issues of the right to food, education, and housing or other forms of infrastructure. We call for further assessment on this matter.

13. Malaysia has a firm conviction on the rights of persons with disabilities. In this regard, on 8 April 2008, Malaysia became a signatory to the Convention on the Rights of Persons with Disabilities. The principles of the Convention on the Rights of Persons with Disabilities were integrated into our National Act, and it is the intention of the Malaysian Government to ratify and become a full state party to this Convention as soon as the necessary administrative and follow-on legislative procedures to allow for implementation are completed.

Mr. Chairman,

14. Realizing the highest standards of human rights for all still remains a lofty goal. Malaysia is committed to attaining this goal and is ready to work constructively with other Member States towards this end.

Thank you, Mr. Chairman.