



**MUSLIMS FOR
PROGRESSIVE VALUES**

Submission to the Office of the High Commissioner for Human Rights "Civil society space in multilateral institutions" Report

30 October 2017

Introduction:

Founded in 2007 and headquartered in Los Angeles, California, MPV is a grassroots faith-based, human rights organization that advocates for inclusive and egalitarian narratives of Islam, gender equality and women's empowerment, the human rights of LGBTI people, freedom of expression, and freedom of and from religion or belief. Since it was conceived, MPV has expanded internationally by supporting the creation of sister offices in Malaysia, the Netherlands, and Tunisia.

This submission will focus on the threats and obstacles to operations faced by our sister office in Kuala Lumpur, Malaysia, due to the nature and thematic scope of their advocacy. It will provide recommendations in line with the High Commissioner's 2016 report on "Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned" (A/HRC/32/20), and will focus on three of the five key elements identified therein, namely: robust legal frameworks, conducive political and social environments, and avenues for participation.

Case Study: Komuniti Muslim Universal (KMU)

KMU is a youth led faith-based human rights organization that advocates for and affirms the Qur'anic values of social justice, dignity, and equality for all in the 21st century. Human rights norms, sustainable development, and progressive and inclusive Islamic narratives underpin the organization's activities and programs, which pertain to interfaith dialogue, sustainable peace and the prevention of violent extremism, freedom of religion or belief, gender equality and women's empowerment, and combating discrimination.

Legal frameworks in Malaysia:

Due to the very nature of KMU's advocacy, the organization was unable to register with Registrar of Societies, the subsidiary body of the Ministry of Interior responsible for legally incorporating civil society organizations (CSOs). This is exemplary of the fact that in certain contexts, the mere existence of legal frameworks to incorporate human rights CSOs is inadequate and does not guarantee that legitimate, transparent, and protocol-abiding CSOs will be able to register with government. This is exemplary of a trend affecting numerous human rights CSOs, especially those operating in religiously and socially conservative societies.

Furthermore, according to Human Rights Watch's 2017 World Report, the Societies Act of 1966 bestowed upon the Minister of Home Affairs "absolute discretion" regarding the legal status of CSOs, and in 2016 alone, "the Registrar [of Societies] had rejected more than 36 percent of applications to form organizations."¹

Proposed good practice:

The structures and functions of the Registrar of Societies, indeed all State entities responsible for the legal incorporation of all CSOs, should necessarily be monitored, evaluated, and assessed by a mandated and convened independent consortium of human rights experts, including civil society actors, so as to analyze actual or perpetuated bureaucratic obstacles preventing human rights CSOs from incorporating, and to ensure that religious or cultural fundamentalisms do not inform decisions to reject the applications of law-abiding CSOs.

Hostile political and social environments:

KMU staff have faced serious threats to their safety and wellbeing by non-state actors due to the thematic human rights issues they address. KMU staff have, as a result of the organization's public human rights advocacy, experienced:

- public shaming;
- character assassination;
- spontaneous and forced cancellation of events and services;
- conflicts with family and neighbors;
- depression, paranoia, and anxiety pertaining to continuing advocacy, and
- arbitrary termination of employment.

¹ <https://www.hrw.org/world-report/2017/country-chapters/malaysia>

In fact, one KJU staff had to flee Malaysia because of the severity of threats he faced, and family members of KJU staff have also been implicated and threatened. Such threats, intimidation tactics, and other abuses by religious fundamentalist non-state actors are carried out with impunity, if not implicitly supported by the Malaysian government and directly impede KJU's operations.

Preliminary observations by the United Nations Special Rapporteur in the field of cultural rights Karima Bennouna at the end of her visit to Malaysia depict a grim situation for human advocates who "try to challenge fundamentalism, defend the diversities of Muslim culture and promote cultural rights":

"Whereas she has experienced Malaysian civil society as outspoken, several individuals declined to meet with the Special Rapporteur to discuss these particular issues reportedly due to fear of reprisals..."²

Anonymous blogs published on numerous digital platforms and even news media websites feature reporting on the activities of KJU in a seemingly innocuous and neutral manner. However, these blogs, reports, and other such mediums of propaganda³ bear a more insidious utility in that they provide fodder and an evidence-base for fundamentalist state and non-state entities to persecute KJU and other human rights CSOs in Malaysia under the auspice of public morality and the preservation of conventionally-held and in some cases legally codified Malaysian-Islamic mores.

Propagandizing and weaponizing digital mediums is but one method employed by certain non-state entities to leverage human rights advocacy against human rights CSOs. Such assaults on freedom of thought, conscience and belief and freedom of expression limit the diversity of experience and expertise that foster inclusive and affirming societies, and is intrinsically linked to the ability of KJU and other human rights CSOs to effectively and meaningfully participate in national dialogues regarding policy development, planning, and decision making.

Proposed good practice:

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22121&LangID=E>

³ See: <https://www.menara.my/humanisme-anutan-kami-kmu/> , <https://www.menara.my/semoga-tuhan-yesus-memberkati-seluruh-umat-kristian-abdul-adieka-amirul/> , and <https://www.ismaweb.net/2017/05/apakah-dap-restui-lgbt-bagaimana-pakatan-soal-pemuda-pas/> for examples.

It is the State's obligation to respect, protect, and fulfill all citizen's rights to freedom of thought, conscience and belief, freedom of expression and peaceful assembly, and to exert due diligence in trying non-state rights violators to, inter alia, ensure conducive political and social environments in which CSOs can meaningfully contribute to national dialogues regarding policy development, planning, and decision making.

These obligations are now also enshrined in the unanimously adopted Sustainable Development Goals (SDGs), particularly Goal 16 on "promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels" and its targets.

A consortium of independent human rights experts, including civil society actors, should be mandated and convened to monitor, evaluate, and work with States to identify and address the drivers and stressors—which have been shown to include religious and cultural fundamentalisms—of hostile political and social environments that inhibit the meaningful engagement of CSOs in national dialogues regarding policy development, planning, and decision making.

Avenues for participation:

As with the existence of legal frameworks meant to facilitate the incorporation of CSOs with relevant State entities, the mere existence of mandated avenues of participation for CSOs to engage policy development, planning, and decision making does not suffice in terms of allowing certain CSOs to engage these dialogues at the national level. The inability of KMU to engage many of these dialogues stems from the social and civic marginalization the organization experiences due to the scope and thematic nature of its advocacy, which, as aforementioned, has prevented it from legally incorporating with the Registrar of Societies.

One process that is exemplary of the civic exclusion that KMU faces is the Voluntary National Review (VNR) process proposed by the UN resolution⁴ that mandated national, regional, and international follow up and review mechanisms to monitor and evaluate the State's progress on implementation of the SDGs.

Regardless of KMU's collaboration and engagement with nationally based networks of CSOs that have been identified and vetted by the Malaysian government to contribute

⁴ See: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/290&Lang=E for General Assembly Resolution 67/290: "Format and organizational aspects of the high-level political forum on sustainable development"

to the State's VNR process and the report that is the culmination of this process, KMU's inputs were not considered for consolidation in the report due once again to the scope and thematic nature of the organization's advocacy. Such exclusion contributes to significant gaps in the State's reporting on the implementation of the SDGs, and is affront to the intended purpose of the VNR process.

Proposed good practice:

In the effort to ensure a diversity expertise and experiences are considered and integrated into national dialogues regarding policy development, planning, and decision making, as well as State follow up and review mechanisms for the SDGs, an independent consortium of human rights experts, including civil society actors, should be mandated and convened—perhaps by UN regional economic and social commissions as this pertains to avenues of participation—to monitor and evaluate the efficacy of established avenues of participation for CSOs.

The responsibilities of such a consortium should also include increasing transparency of avenues of participation, such as the VNR process, and to facilitate alternative means of engagement for those CSOs that would otherwise be excluded—perhaps due to religious or cultural fundamentalisms—from engaging such processes.