



PALAIS DES NATIONS – 1211, GENEVA 10, SWITZERLAND

9 October 2024

Sir,

I have the honour to refer to the fourth cycle review of Malaysia by the Universal Periodic Review (UPR) Working Group at its 45th session in January-February 2024. As the final outcome report on the review of Malaysia was recently adopted by the Human Rights Council at its 56th session, I have taken note of the efforts of your Government to implement specific recommendations since the previous review.

A matrix of thematically clustered recommendations, starting with those supported by your Government, is available at OHCHR's website (<https://www.ohchr.org/en/hr-bodies/upr/my-index>) and should be considered as part of this letter. The matrix indicates the recommending State and links each recommendation to relevant Sustainable Development Goals (SDGs).

In annex, I have also attached my Office's observations in light of the outcome of the fourth cycle of the UPR. In line with previous practice, I will be sending similar observations to all Member States once their fourth cycle UPR outcome is adopted by the Human Rights Council, with a view to follow-up action in close cooperation with national entities and other stakeholders.

I take this opportunity to draw your attention to the support available through the Voluntary Fund for UPR Implementation, which may be activated at the request and with the consent of a concerned State, along with tools such as the "UPR practical guidance" and the "UN good practices" repository on how the UPR process supports sustainable development, available at <https://www.ohchr.org/en/hr-bodies/upr/upr-main>, with a view to facilitating efforts to implement UPR recommendations in line with the SDGs.

Please accept, Sir, the assurances of my highest consideration.

Volker Türk

His Excellency
Mr. Mohamad Hasan
Minister for Foreign Affairs of Malaysia



Observations in light of the outcome of the fourth cycle of the Universal Periodic Review

The adoption of the Abolition of Mandatory Death Penalty Act 2023 (Act 846) is a positive development, as is the adoption of the Anti-Sexual Harassment Act 2022 and the establishment of the Tribunal for Anti-Sexual Harassment. The National Strategic Plan for Mental Health is also welcomed. The announcement during the UPR by the delegation of Malaysia that the Government aims to enact the Freedom of Information Act is noted with appreciation.

The efforts of Malaysia to combat trafficking in persons, including the National Action Plan on Anti-Trafficking in Persons 2021-2025 and the establishment of the Victim Assistance Specialist Programme, are other important developments. The revision of the guidelines on handling domestic violence cases has been positively noted, as well as the implementation of a national registry system to gather data on older persons.

Further progress would be still welcome, in particular towards the full abolition of the death penalty for all crimes and the prohibition of all forms of corporal punishment in all settings. Also, Malaysia could consider reviewing, repealing or amending, within a clear time frame, laws that arbitrarily restrict the rights to freedom of opinion and expression, association and peaceful assembly, in particular the Sedition Act 1948, Communications and Multimedia Act 1998, the Printing Presses and Publications Act 1984, and the Peaceful Assembly Act.

Malaysia is also urged to repeal or amend laws and policies that criminalize or discriminate against persons based on their sexual orientation or gender identities and expressions or sexual characteristics. Efforts are encouraged to develop legal and policy frameworks for the recognition and protection of all refugees, asylum-seekers, and undocumented persons in compliance with the international principle of non-refoulement. Significant efforts are also needed to prevent and end statelessness, and to guarantee the access to education and health care, regardless of citizenship or migratory status.

Malaysia is also encouraged to continue the practice of developing an implementation plan in follow up to the UPR outcome, within the context of the National Recommendations Tracking Database, in close consultation and cooperation with all stakeholders, in particular the parliament, the judiciary, the Human Rights Commission of Malaysia (SUHAKAM), local and regional governments, and civil society organizations. The matrix may be of use in the development of such an implementation plan. The Government is encouraged to explicitly link each UPR recommendation to corresponding recommendations from other international and regional human rights mechanisms and to the relevant SDG and its targets. This will, in turn, facilitate the creation of synergies between UPR implementation and SDG-related actions and reporting within the context of the Voluntary National Review (VNR).



The Government is encouraged to further strengthen the national mechanism for implementation, reporting and follow-up, with the aim of ensuring a coordinated and effective approach to reporting to international human rights mechanisms, and to implementing the recommendations, in line with the guidance provided by OHCHR following regional consultations and the High Commissioner's report to the Human Rights Council ([A/HRC/50/64](#)).

Further, an important measure that could positively contribute to follow-up action is voluntary mid-term UPR reporting. All Member States are encouraged to submit a voluntary mid-term UPR report in about two years after the adoption of the UPR outcome. In this regard, the Government of Malaysia may wish to continue with the practice of submitting a mid-term report on follow-up to the fourth cycle UPR recommendations by 2026, detailing both implementation efforts as well as challenges to implementation, including the possible need for technical or capacity-building assistance.

OHCHR
9 October 2024