**Request for inputs by OHCHR for the study by the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) entitled**

**“Laws, legislation, policies, constitutions, judicial decisions and other mechanisms in which States had taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),**

**in accordance with Article 38 of the Declaration”**

Member States have been invited to submit inputs on the following aspects:

| **NO.** | **KEY QUESTIONS AND INPUTS SOUGHT** | **INPUTS BY MALAYSIA** |
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| 1. | Analysis of international human rights law and jurisprudence within both regional and international bodies that will serve to gain greater awareness and understanding of compliance as well as the potential for offering solutions to either individual, discrete matters or interrelated conditions that have stifled effective implementation. | Malaysia’s Federal Constitution and the Aboriginal People Act 1954 [Act 134] are two of the primary written laws pertaining to the *Orang Asli* community in Peninsular Malaysia.  In addition, specifically other written legislation that addresses the rights of the *Orang Asli* community of Peninsular Malaysia are the National Forestry Act 1984 [Act 313], Wildlife Conservation Act 2020 [Act 716] and Access to Biological Resource and Benefit Sharing Act 2017 [Act 795]. |
| 2. | Measures taken by States to implement the Declaration within the context of constitutional reforms, laws, legislation, policies, as well as judicial decisions. | The Aboriginal Peoples Act 1954 [Act 134] review study is being carried out by the government for a necessary amendment to its provisions.  Additionally, the new development policy for *Orang Asli* in Peninsular Malaysia is being prepared with changes to adopt with current developments. |
| 3. | Concrete actions taken by States, consistent with Article 38, to achieve the realization of the exercise and enjoyment of the collective and individual norms affirmed in the Declaration. | The Free, Prior, and Informed Consent (FPIC) or consultation and consensus has been adapted by the government in any development programme involved *Orang Asli*.  Laws such as Access to Biological Resources and Benefit Sharing 2017 (Act 795) already implemented the requirement to obtain the FPIC before starting any development project on or near indigenous people’s territories. |
| 4. | Judicial decisions in relation to contentious issues of concern to Indigenous People will serve to illuminate legally directed outcomes and responses by government and its various departments and agencies to concretely achieve the objectives of the Declaration. | The courts in Malaysia have upheld a number of judgements that effectively grant *Orang Asli* their rights to land. Among the court cases are *Sagong Tasi* and *Adong Kuwau,* which grant *Orang Asli* communities in Peninsular Malaysia the right to land as stipulated by written and common law. |
| 5. | In cases where States have initiated or concluded national inquiries, analysis of actions to respond to the final reports, conclusions, and recommendations that may yield constructive examples of implementation. | The government adopted the suggestions made by the SUHAKAM (NHRI) National Inquiry to improve governance and improve the rights of *Orang Asli*, which were carried out by various federal and state government entities. |
| 6. | Analyse measures taken by States, including legislative measures, in relation to health of Indigenous Peoples, education in their own language, protection from economic exploitation, improvement of their economic and social conditions, protection against all form of violence against women, as well as just and fair redress to mitigate adverse environmental, economic, social and cultural impact among others, as set out in 4 paragraphs (2) in Articles 8, 11, 12, 13, 15, 16, 17, 21, 22, 30, 31, and 36, and paragraph (3) in articles 14 and 26, as well as paragraphs (2) and (3) in articles 29 and 32.  . | As a signatory to a treaty, the government has created a number of general and targeted policies pertaining to *Orang Asli* in health, education in their own language, protection from economic exploitation, improvement of their economic and social conditions, protection against all forms of violence against women, as well as just and fair redress to mitigate adverse environmental, economic, social, and cultural impacts. Among the treaties are the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on Climate Change (UNFCCC). |

**Prepared by:**

**The Government of Malaysia**