



# General Assembly

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Item 118 (d) of the preliminary list\*

**Elections to fill vacancies in subsidiary organs and other elections: election of members of the Human Rights Council**

### **Note verbale dated 4 June 2021 from the Permanent Mission of Malaysia to the United Nations addressed to the President of the General Assembly**

The Permanent Mission of Malaysia to the United Nations has the honour to refer to the candidature of Malaysia to the Human Rights Council for the period 2022–2024 at the elections to be held in New York in October 2021.

In accordance with General Assembly resolution [60/251](#), the Permanent Mission of Malaysia to the United Nations has the further honour to transmit herewith the voluntary pledges and commitments reaffirming that the promotion and protection of human rights are a priority of the foreign policy of Malaysia (see annex).

The Permanent Mission of Malaysia to the United Nations would be grateful to the President of the General Assembly if the present note and its annex could be circulated as a document of the General Assembly, under agenda item 118 (d).

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\* [A/76/50](#).



**Annex to the note verbale dated 4 June 2021 from the Permanent Mission of Malaysia to the United Nations addressed to the President of the General Assembly**

[Original: English]

**Candidature of Malaysia to the Human Rights Council, 2022–2024**

**Voluntary pledges and commitments pursuant to General Assembly resolution 60/251**

1. Malaysia presents its candidacy for membership of the Human Rights Council for the term 2022–2024, as it is confident that it would be able to serve as a constructive member of the Council. Malaysia is honoured to have been unanimously endorsed by the Association of Southeast Asian Nations (ASEAN) as the ASEAN candidate to the Council.

2. If elected to the Human Rights Council, Malaysia pledges to:

(a) Take a whole-of-society approach in the promotion and protection of human rights in the country, primarily in the assessment, monitoring and implementation of the universal periodic review recommendations:

(i) Malaysia has institutionalized a multi-stakeholder biannual consultation involving all line agencies, and United Nations agencies, academia, business enterprises and civil society, dedicated to following up on the recommendations laid down in its universal periodic review. For the first time, and as a reflection of its determination in promoting and protecting human rights in the country, Malaysia is also undertaking the voluntary universal periodic review midterm report.

(ii) Malaysia is collaborating closely with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations in Malaysia to jointly develop a universal periodic review monitoring matrix that is in line with the relevant human rights conventions and Sustainable Development Goals and the National Human Rights Action Plan. As a next step, Malaysia will utilize the national recommendations tracking database developed by OHCHR to monitor the implementation of the universal periodic review recommendations and promote an inclusive dialogue with academia, civil society and the media to further strengthen the culture of human rights in the country. Malaysia is proud to have been selected as one of the seven model countries included in the “Study on good practices emerging from the universal periodic review” by OHCHR.

(iii) Following the recommendations during the first universal periodic review of Malaysia, the Government of Malaysia launched the National Human Rights Action Plan in 2018, a comprehensive plan to protect and promote human rights in the country through extensive collaboration between government agencies, civil society organizations and academia.

(iv) Malaysia is committed to implementing its obligations under human rights conventions to which it is party, namely, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities. The reporting record of Malaysia has improved tremendously in recent years, largely owing to capacity-building, adequate allocation of resources and measures to enhance awareness, as well as close partnership with various United Nations agencies and civil society organizations.

(v) Currently, the Government of Malaysia is conducting an in-depth study and review of its security laws, consisting of the Security Offences (Special Measures) Act of 2012, the Prevention of Crime Act of 1959, the Prevention of Terrorism Act of 2015, the Sedition Act of 1948, the Peaceful Assembly Act of 2012 and the Printing Press and Publications Act of 1984. The review exercise includes consultations with the national human rights institution of Malaysia, known as the Human Rights Commission of Malaysia (SUHAKAM), the Bar Council, legal practitioners and academia.

(vi) On the issue of the death penalty, a moratorium has been imposed on all executions of death row inmates since 2018. In 2019, the Government of Malaysia commissioned a study to review the mandatory death penalty for 11 offences, with a view to giving discretionary powers to the courts in commuting sentences for those offences, constituting a policy shift that will have a major impact on the justice system of Malaysia.

(b) Cooperate with OHCHR and other relevant United Nations entities towards the promotion of human rights in the country and globally:

(i) Malaysia welcomes the recent appointment of a Human Rights Adviser for the country and pledges to work closely with him to increase awareness of human rights issues and strengthen the country's efforts in advancing human rights, particularly through capacity-building and technical assistance.

(ii) Malaysia hosted the inaugural visit of the United Nations High Commissioner for Human Rights in October 2019 and has received 12 visits from the special procedures mandate holders of the Human Rights Council. In 2019, the Government of Malaysia issued a standing invitation to all special procedures mandate holders to visit the country.

(iii) Malaysia is engaging closely with the relevant stakeholders on the possibility of signing and ratifying the outstanding international conventions related to human rights. Malaysia is partnering with OHCHR in translating the nine core human rights treaties into the national language, Bahasa Malaysia. The initiative is aimed at educating the public on the core human rights instruments, increasing their awareness of international human rights standards and practices, and possibly reconciling the standards with the laws and practice in Malaysia.

(c) Continue to engage constructively with the Human Rights Council and its mechanisms while espousing a moderate and balanced perspective to nurture a spirit of cooperation:

(i) Malaysia firmly believes in the long-term value of engaging on human rights issues on the basis of a constructive rather than a confrontational approach. Malaysia intends to bring to the table at the Human Rights Council the spirit of constructive and practical engagement, cooperation, inclusivity, transparency and mutual respect, with the conviction that, despite differences in views and positions, there is more that unites than divides the international community when it comes to human rights advancement.

(ii) If elected, Malaysia will pursue a balanced and non-politicized approach to human rights issues through constructive and inclusive dialogue, as well as capacity-building and technical cooperation. We aim to enrich the quality of dialogue, cooperation and action in protecting and promoting human rights globally.

(d) Implement policies and legislation that promote and protect the rights of the most vulnerable groups:

(i) Malaysia remains committed to protecting and promoting the rights of all children, in line with its obligations under the Convention on the Rights of the Child. Malaysia is collaborating with the United Nations Children's Fund to review the existing policies on children and develop a new consolidated national policy and plan of action on children.

(ii) The Government of Malaysia appointed a Children's Commissioner in its national human rights institution, SUHAKAM, in 2019 to further strengthen the advisory role of SUHAKAM to the Government, focusing on the rights of the child.

(iii) In 2017, Malaysia established the Special Court for Sexual Crimes against Children, the first of its kind in South-East Asia, aimed at accelerating the hearings of cases of sexual crime perpetrated against children while protecting the safety, interests and well-being of child victims and child witnesses.

(iv) Malaysia strives to improve the social service system for children through various initiatives such as the "Diversion" pilot project for children in conflict with the law, the "Alternative to Detention" pilot project for unaccompanied and separated children at immigration centres, and the "Family-based Care" pilot project for children in need of care and protection. These pilot projects aim to ensure that children grow and achieve their full potential in a family environment, instead of being placed in institutions.

(v) Malaysia has implemented numerous initiatives to elevate the livelihood of the indigenous community, including through infrastructure development, poverty eradication and income-generating activities, as well as human capital development programmes. Currently, the Government is preparing a blueprint national development policy for indigenous people, focusing on the seven areas of economy, education, health, infrastructure, land, leadership and culture, consistent with the United Nations Declaration on the Rights of Indigenous Peoples of 2007 and the 2030 Agenda for Sustainable Development.

(vi) Malaysia strongly believes in the right of every human being to the enjoyment of the highest attainable standard of physical and mental health, in line with the Sustainable Development Goals and the theme of universal health coverage, "leaving no one behind". The right to health and health care is particularly crucial in the light of the coronavirus disease (COVID-19) pandemic, particularly for marginalized and vulnerable groups. It is thus vital to ensure universal access to COVID-19 vaccines that are affordable, accessible and equitable. In this regard, the Government of Malaysia is providing free health screenings and free vaccinations to all adults in the country, irrespective of their citizenship and immigration status. As part of efforts to promote vaccine diplomacy, Malaysia will actively work with the World Health Organization (WHO) and like-minded countries to promote equitable access to vaccines. Malaysia welcomes expert advisory, capacity-building and technical exchanges on health-related issues, as well as to explore new collaborations with Member States.

(vii) Furthermore, Malaysia is confident that being selected to the Executive Board of WHO will enable Malaysia to play an active role in health diplomacy and ensure that efficient health policies are implemented widely.

(viii) Malaysia is participating in the COVID-19 Vaccine Global Access (COVAX) Facility and is collaborating with countries around the world to ensure that vaccines are made a global public good.

(ix) As host to the Asia-Pacific hub for the United Nations Humanitarian Response Depot of the World Food Programme, Malaysia has also stepped up

its efforts to provide humanitarian relief assistance to support COVID-19 operations and humanitarian relief in other countries.

(e) Strengthen efforts to achieve gender equality and women's empowerment and eliminate violence against women:

(i) Malaysia has always given utmost priority to women's empowerment and gender equality. As a member of the Human Rights Council, Malaysia would remain fully committed to upholding its treaty obligations to the Convention on the Elimination of All Forms of Discrimination against Women. Domestically, as part of its women's empowerment agenda, the Government of Malaysia aims to achieve at least 30 per cent participation of women at decision-making levels in the country. So far, the public sector has surpassed the target, with women representing 37.3 per cent of people in decision-making positions in 2019. Meanwhile, in the private sector, the percentage of women in the boardrooms of the top 100 publicly listed companies stood at 26.4 per cent in 2019, a significant increase from 19.2 per cent in 2017.

(ii) In addressing domestic violence, the Government has created a 24-hour hotline ("*Talian Kasih*") to enable members of the public to report acts or suspicion of acts of domestic violence; launched one-stop crisis centres to provide medical, psychological, social, shelter and legal support to victims of violence; dedicated mosques as transit centres and shelters for victims of domestic violence of all races and religions; and established squads of agents who are women volunteers aged 18 and above and are fully trained in providing psychosocial support aimed at eliminating violence against women.

(iii) During the COVID-19 pandemic, the Government is seeking to enhance women's digital literacy through the "Tap and swipe module", expected to benefit 40,000 women in the country. The Government is also providing various initiatives for childcare services to support women in the workforce during the pandemic, including by providing financial grants to set up childcare centres, tax incentives for childcare centre operators and subsidies to parents.

(iv) The Government of Malaysia is currently reviewing and improving its Plan of Action for the Advancement of Women through close collaboration with the United Nations Development Programme. The Plan seeks to, inter alia, develop a gender mainstreaming framework that includes capacity-building programmes and the appointment of a gender focal team from every ministry. As part of the effort to strengthen the legal framework to advance gender equality and women's empowerment, the Government is developing the Sexual Harassment Bill and the Gender Equality Bill.

(f) Take greater steps towards engaging and empowering youth:

(i) Malaysia has taken important steps towards empowering its youth. A milestone was achieved in 2019 when the Federal Constitution of Malaysia was amended in a bipartisan effort to lower the voting age for Malaysian citizens from 21 to 18 years of age. The amendment also includes provisions for voters to be automatically registered on electoral rolls and for candidates to be eligible to stand for election as of 18 years of age, thus further expanding universal suffrage and civic participation for youth in Malaysia.

(ii) In 2016, the Government amended the Child Act of 2001 to enable children to be a part of the National Council for Children and actively participate in the Government's decision-making processes.

(g) Develop a national action plan on business and human rights:

(i) Recognizing the importance of sensitizing business enterprise on business and human rights, and advocating that they prevent and address adverse impacts of business activities on human rights, the Government of Malaysia has established several mechanisms in line with the United Nations Guiding Principles on Business and Human Rights, such as the “FTSE4Good” environmental, social and governance rating, which includes human rights criteria for companies listed on the Malaysian Stock Exchange. The Companies Commission of Malaysia has also issued a circular on corporate responsibility disclosure and reporting that highlights international corporate governance standards and tools that contain human rights principles and performance indicators.

(ii) The Government is preparing the national action plan on business and human Rights of Malaysia, in close consultation with various stakeholders, including government agencies, SUHAKAM, business leaders, investor organizations, regulators, foreign missions, academia and civil society.

(h) Intensify efforts to promote a safe, clean, healthy and sustainable environment and improve understanding of the effects of climate change on the enjoyment of human rights:

(i) In recognizing the adverse impacts of climate change on the rights to health, development, housing, water and food, as well as its disproportionate effects on vulnerable groups, Malaysia seeks to intensify cooperation at the bilateral and multilateral levels on climate change. The country’s commitment in tackling climate change is reflected in the creation of the Malaysia Climate Change Action Council in 2021, chaired by the Prime Minister, as the apex platform to set the direction, discuss climate change policies and actions, and drive green economic growth, as well as catalyse green technology and low-carbon growth at all levels.

(ii) Malaysia is on track to meet its nationally determined contribution pledge to the United Nations Framework Convention on Climate Change to reduce the greenhouse gas emissions intensity of gross domestic product (GDP) by 45 per cent by 2030 relative to the emissions intensity of GDP in 2005. The Government is pursuing a model of green growth in transitioning towards environmental sustainability, as enshrined in its development plans, focusing on policy and regulatory frameworks, human capital, green technology investment and financial instruments. Malaysia is committed to working with countries that are vulnerable to climate change, such as small island developing States and other developing countries.

(i) Continue to promote diversity through respect for cultural rights:

(i) As a multi-ethnic, multicultural and multi-religious society, Malaysia firmly embraces the values of inclusivity, acceptance and understanding in ensuring harmony and peaceful coexistence in a manner that would further enrich the country. The Government recently launched the National Unity Policy and National Unity Blueprint for the period 2021–2030. The Policy, based on the theme “Unity in diversity”, is aimed at strengthening unity and national integration on the basis of the Federal Constitution and the National Principles (*Rukun Negara*); forming a national identity with a sense of self, patriotism, compassion, tolerance and being responsible towards and respectful of each other; and producing Malaysians who appreciate and practise unity. In coming up with the Policy and Blueprint, the Government engaged extensively with the public, the private sector and non-governmental organizations.

(ii) The Government is also finalizing the National Culture Policy, which supports the vision of common prosperity through the promotion and protection of cultural rights.

(j) Continue to strengthen human rights institutions and mechanisms in Malaysia:

- Malaysia is committed to continuing to support the strengthening of SUHAKAM, as a national human rights institution with A status under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), inter alia, through improved funding support, ongoing law review towards strengthening its governing Act, and institutionalizing more government agency engagement with SUHAKAM.

(k) Continue to engage constructively with all Member States and stakeholders towards the full realization of the 2030 Agenda for Sustainable Development:

(i) Malaysia acknowledges the crucial linkage between the 2030 Agenda for Sustainable Development and human rights. Malaysia is considered among the first countries to have achieved the first goal of the Millennium Development Goals, which was to halve poverty by 2010.

(ii) Inclusivity and development remain at the core of the country's own transformation. Malaysia is undertaking initiatives to localize the Sustainable Development Goals at the district and local authority levels throughout the country with various stakeholders, including civil society organizations and community leaders, based on the theme "leaving no one behind".

3. Towards fulfilling these pledges, Malaysia is committed to:

(a) Undertaking and promoting a balanced, impartial, universal, non-politicized and constructive approach to human rights issues at the Human Rights Council;

(b) Deepening cooperation at the international level in supporting the work of various United Nations actors and mechanisms involved in the promotion and protection of human rights, including the rights of vulnerable, marginalized and minority communities in the country;

(c) Upholding the principles of a whole-of-society approach by continuing to engage in inter-agency consultations with relevant stakeholders such as the national human rights institution SUHAKAM and civil society organizations in furthering the promotion and protection of human rights for its people;

(d) Continuing to review the implementation of international human rights instruments that Malaysia is party to. The reviews had led to the withdrawal of several reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in 2010;

(e) Engaging closely with the relevant stakeholders on the possibility of signing and ratifying the outstanding international conventions related to human rights, with the aim of achieving a precise and full understanding of the relevant rights and obligations, as well as to consider the possibility of reconciling the standards established by the said instruments with the Federal Constitution and domestic laws;

(f) Intensifying efforts to raise awareness of human rights among all segments of the population, including the public service, such as law enforcement officials, members of the judiciary, government officials and other stakeholders;

(g) Improving its monitoring mechanism under the universal periodic review process, by using the national recommendations tracking database developed by OHCHR;

(h) Supporting and implementing the 2030 Agenda for Sustainable Development, particularly in realizing the right to development, including support for ongoing efforts aimed at its operationalization and implementation;

(i) Sharing best practices with other Member States and interested partners, including on advancing the rights of women, children and persons with disabilities, as well as poverty eradication, health and education;

(j) Working continuously at the regional level with its partners under the ASEAN framework, in particular with the ASEAN Intergovernmental Commission on Human Rights, in the promotion of human rights in the region;

(k) Increasing its bilateral collaboration in terms of technology transfer and the exchange of scientists in vaccine development, as Malaysia calls for an affordable, accessible and equitable vaccine and embarks on the path towards vaccine development and production;

(l) Continuing to work hand in hand with the United Nations and WHO in improving the lives of our people. The challenges brought about by COVID-19 compel every country, including Malaysia, to focus on the rights to physical and mental health, the right to social security, the right to education and the right to an adequate standard of living, including food, clothing and housing.

4. Malaysia's bid to be elected as a member of the Human Rights Council for the period 2022–2024 reflects the country's determination to continue to make progress in its efforts to protect and promote human rights, both domestically and internationally. Malaysia looks forward to engaging constructively as a Council member and to actively contributing towards human rights advancement for all.

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