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Speaker: Ms. Vani Selvarajah

Oral Statement to the 25th Session of the UN Human Rights Council Regular Session - Oral Statement Item 6: UPR Outcomes: Malaysia

Lawyers for Lawyers (L4L) & Lawyers' Rights Watch Canada (LRWC), non-governmental organizations in special consultative status

Thank you Mr President.

Lawyers for Lawyers and Lawyers Rights Watch Canada request the Council to consider their remarks on Malaysia's UPR.

Malaysia continues to use the Sedition Act to stifle dissent and criminalize expression. In spite of repeated calls for reform, members of civil society risk fines and imprisonment for peacefully expressing opinions critical of government. During the 1st UPR, Canada recommended that Malaysia repeal the Sedition Act to “enable its citizens to exercise fully the right to freedom of opinion and expression,”¹ a recommendation echoed by UNESCO.² In July 2012 the Prime Minister promised to repeal and replace the Sedition Act with the National Harmony Act. During this UPR, Malaysia was again asked to repeal or amend the Sedition Act to comply with international law obligations. Malaysia replied that the Harmony Act was being “deliberated in consultation with civil society.”³ Malaysia now asserts that Sedition Act criminalization of expression is within restrictions allowed by “relevant international law instruments.”⁴

In February, lawyer and parliamentarian Karpal Singh was convicted of sedition for stating his legal opinion that an act of the Sultan could be reviewed by a court. His sentence—a fine of RM4,000—disqualifies him from continuing to be a Member of Parliament.

This conviction violates personal and advocacy rights⁵ and threatens the right of all people in Malaysia to be represented by a lawyer and in Parliament.

The Outcome Report inadequately addresses the urgent need to repeal the Sedition Act.

We call on the Council to address this critical omission. Thank you.

¹ Report of the Working Group on Universal Periodic Review, A/HRC/11/30/Add.1, 5 October 2009, para. 15. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/163/60/PDF/G0916360.pdf?OpenElement>

² Compilation prepared by the Office of the High Commissioner of Human Rights, A/HRC/WG.6/17/MYS/2, 9 August 2013, paras. 27, 28, 30.

³ Report of the Working Group on Universal Periodic Review, Malaysia, 4 December 2013, A/HRC/25/10, recommendations for repeal or amendment were made by the U.S., U.K., Australia, Czech Republic, Poland.

⁴ Report of the Working Group on Universal Periodic Review, Malaysia, Addendum, 4 March 2014. A/HRC/25/10/Add.1.

⁵ UN Basic Principles on the Role of Lawyers, Article 23.