

We, the undersigned civil society organisations and members of the Seksualiti Merdeka (Sexuality Independence) coalition stronglycondemn the attacks on the annual festival by PERKASA, Hindu Sangam and PAS Youth. We call upon the state authorities to ensure the security and rights of all human rights defenders in the country, including those from the LGBTIQ (lesbian, gay, bisexual, transgender, intersex and queer) community.

We are deeply concerned about the security of LGBTIQ communities and the activists who have been advocating for intimidation and harassments against them to cease. The LGBTIQ community continues to be subjected to harassment, threats and violent attacks largely due to the lack of recognition of their rights.

In Malaysia, as across the region, homosexuality remains criminalised and punishable by severe prison sentences. ***Seksualiti Merdeka***is an annual sexuality rights festival held in Kuala Lumpur. Apart from the annual festival, Seksualiti Merdeka also organises workshops, talks and film screenings to create awareness among Malaysians to understand the community better and to respect their freedom to freely express their sexual orientation and gender identity without conformity to any prescribed set of norms.

The UN Human Rights Council has on numerous occasions expressly stated that homosexuality is protected by Article 2 of the International Covenant on Civil and Political Rights (ICCPR) as a special status of non-discrimination and urged states to pass anti-discrimination legislation that expressly includes sexual orientation as a protected ground.

According to Article 7 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (also known as the Human Rights Defenders Declaration), *“Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance”*
and according to Article 12.2
“The state shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of their rights referred to in the present Declaration”.

We are deeply concerned with the situation where religious and political leaders, as well as the media continue to demonise LGBTIQ activists and communities in Malaysia. In addition, LGBTIQ persons are frequently exposed to hate speech, attacks and harassment. We believe that everyone in Malaysia deserves to be free from discrimination, harassment and violence regardless of their sexual orientations and their gender identities. We believe it is our right to be responsible for our own body. We, the undersigned organisations, whole –heartedly will continue to support the much needed efforts taken by the Seksualiti Merdeka.

We also seek to remind all Malaysians of the call made to all States by the UN Human Rights Council to take timely and effective action to prevent and protect against attacks on and threats to persons engaged in promoting and defending human rights and fundamental freedoms and their relatives *(§ 6, resolution 13/13, 25 March 2010, -UN Doc.: A/HRC/RES/13/13*).

Therefore, we call upon the Malaysian authorities to:

- Fully decriminalise homosexuality and prevent impunity for all kinds of incitement to or direct harassment, threats and other violations against lesbians, gays, bisexuals, transgender,

intersex and queer persons, as well as ensure that they are treated equally.

- Refrain from hate speech and ensure the right to freedom of expression to all human rights defenders, including those defending the rights of sexual minorities, as provided in Article 19 of the ICCPR.

- Ensure in law and in practice the right to freedom of association for lesbians, gays, bisexuals, transgender, intersex and queer persons, and their right to organise themselves to protect and promote their rights, as provided in Article 22 of ICCPR and called for by the UN Human Rights Council (*§ 1, resolution 15/21, 30 September 2010, UN Doc.: A/HRC/RES/15/21*).

Endorsed By,

1. Suara Rakyat Malaysia (SUARAM)

2. Pusat Kesedaran Komuniti Selangor (EMPOWER)

3. Amnesty International Malaysia (AIM)

4. Community Action Network (CAN)

5. Tenaganita

6. Centre for Independent Journalism (CIJ)

7. Women's Aid Organisation (WAO)

8. Center for Orang Asli Concerns (COAC)

9. WAMI (Writers Alliance for Media Independence)

10. Persatuan Masyarakat Selangor & Wilayah Persekutuan (PERMAS)

11. Pusat KOMAS (KOMAS)

12. The National Human Rights Society (HAKAM)

13. Saya Anak Bangsa Malaysia (SABM)

14. AWAM (All Women's Action Society)

15. Islamic Renaissance Front (IRF)