

Malaysia Human Right Report 2020 Overview Report

Suara Rakyat Malaysia (SUARAM) launched the Human Rights Report 2020 Overview on 9 December 2020, on the eve of Human Rights Day for the year.

2020 was a challenging year for Malaysia as the nation grappled with not just the pandemic crisis, but the political crisis that has engulfed the whole year. The collapse of the Pakatan Harapan government in February 2020 through non-electoral means has indeed put a major dent on Malaysia's democracy and has betrayed the mandate of the people. Nevertheless, throughout the reign of the Pakatan Harapan government, the human rights commitments that was made under its manifestos were either unfulfilled or completely ignored. Moreover, the greater freedom under the Pakatan Harapan government slowly evaporated when the administration turns back to detention with trial laws and U-turn on its human rights promises.

Its successor, the Perikatan Nasional government does not inspire confidence either when the Home Minister has repeatedly defended the use of the Sedition Act 1948 and Communications and Multimedia Act 1998 to control expression on the internet. He even reiterated the view that

Sedition Act 1948 is still largely relevant and make no commitments to abolish it. The current government also chose to reverse the trend set by the previous government of deciding not to table the SUHAKAM Annual Report to the parliament for debate. The government lackadaisical attitude towards human rights issue have us believed that they hold human rights issues with scant regard.

Security laws that permit detention without trial continued to be abused throughout 2020. The pandemic and the restriction of movement did not slowdown the use of such laws. These laws were often justified on the grounds of 'crime-prevention'. SUARAM has noted that the Security Offences (Special Measures) Act 2012 is being used more often than previous years in 2020 for cases mostly related to human trafficking.

Access to justice has seen no improvement in 2020 with cases related to police abuse of power shows no sign of decreasing while police power are still deemed too excessive. Issues such as deaths in custody, chain remand and police shooting continue to happen with no accountability and oversight. Most notably, the Independent Police Conduct Commission bill which was a replacement to the Independent Police Complaints and Misconduct Commission bill proves to be an inferior version of its predecessor and was roundly criticized by the civil society as being inadequate to address police complaints and misconducts.

Freedom of expression continued to be curtailed in Malaysia through the use of Sedition Act 1948 and the Communications and Multimedia Act 1998 and there is a drastic increase in the application of the latter. There is a high number of investigation and charges this year laid against those who were believed to be seditious against the issue of race, religion and royalty and spreading Covid-19 fake news in social media. Moreover, the abuse of sedition act for political purposes makes a return as compared to the previous 3 years.

The freedom to assemble is heavily curtailed in 2020 due to the movement control order implemented by the government. Furthermore, there is a tendency from the government to suppress the freedom of assembly under the pretext of preventing the spread of Covid-19 pandemic. Aside from the restrictive nature of Peaceful Assembly Act 2012, the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) Regulations 2020 were used during assembly of any kind.

There are also various of human rights abuses and extreme arrest in the name of preventing the pandemic. Some of the notable abuses during the first phase of the Movement Control Order (March 2020 – June 2020) includes double standard arrests, children and mass migrants arrest, unfair sentencing, extrajudicial punishment, and restriction of press freedom.

As opposed to the view of this current government, human rights espoused by many civil societies are not a western construct nor a political tool to destabilize the government. Rather, they are a set of principles that reflect the fundamental rights of a human being and it has been embedded and guaranteed under the Federal Constitution when it was first came into force in 1957. Therefore, there is nothing alien nor foreign to advocate for better human rights in Malaysia and we urge the government to immediately review all the repressive laws that undermined fundamental freedom and prioritize the issue of human rights in Malaysia

In solidarity,

Sevan Doraisamy

Executive Director,

SUARAM