

COALITION OF MALAYSIAN NGOS IN THE UPR PROCESS (COMANGO)

Media Statement, 13 January 2014

Reprisals against COMANGO is contrary to the United Nations Universal Periodic Review process

The Coalition of Malaysian NGOs in the UPR Process (COMANGO) strongly denounces the continuing harassment and reprisals against it.

COMANGO notes a pattern of intensifying attacks by both government and private actors both prior to and since Malaysia's second review under the Universal Periodic Review (UPR) process on 24 October 2013.

The most recent reprisal by the Malaysian Government is the declaration in a press statement dated 8 January 2014 by the Secretary General of the Home Ministry that COMANGO is purportedly an unlawful organisation. We refute this declaration, as only the Home Minister may by order gazette an association as unlawful under Section 5 of the Society's Act 1966. As at 8 January 2013, it is not apparent that the Minister has done so. COMANGO and our endorsing organisations have and will continue to carry out our activities in accordance with internationally agreed principles underpinning the freedoms of association and expression.

COMANGO is disappointed that instead of addressing the human rights abuses we highlighted in our report to the United Nations Office of the High Commissioner for Human Rights (OHCHR) as part of the UPR process, the Government is giving in to supremacist pressure groups such as Ikatan Muslimin Malaysia (ISMA), Muslim NGOs in the UPR Process (MUPRO) and Yayasan Dakwah Islamiah Malaysia (YADIM). We have also come directly under attack by another part of the Government i.e., the Department of Islamic Development Malaysia (JAKIM). Just to name one example, in the Friday sermon issued on 18 October 2013, JAKIM called for the authorities to effectively deal with us by taking action against us.

These self-interest groups have accused us of threatening Islam as the religion of Malaysia, undermining Malay special privileges, and threatening the sovereignty of Malaysia. These accusations are untrue and mischievous.

A persistent claim made by extremist groups accusing COMANGO of threatening the position of Islam in Malaysia is that our report promoted apostasy and same-sex marriage. The COMANGO report does not do so.

We support the rights of everyone to be free from violence and to be treated with dignity whether you are a woman, child, an older person, a person with disability, and regardless of your sexual orientation and gender identity. We believe in the right to work, the right to life, and the right to privacy. We also champion the freedoms of expression and association. All these rights and freedoms are in our Federal Constitution, the supreme law of Malaysia.

It is interesting to note that during the UPR of Sweden in 2010, Malaysia made a recommendation to the Swedish Government (which was accepted) that in ensuring the Swedish Government's efforts to promote and protect the right to freedom of opinion and expression, any steps taken should not impact negatively on other fundamental rights, including the right to privacy and freedom of religion or belief. Our Government obviously does not practice what it preaches.

We support freedom of religion, which has been used by extremist groups as "proof" of COMANGO's "threat" to Islam. We note that Malaysia had made recommendations promoting greater tolerance and freedom of religion to other countries during the UPR process, such as to France in 2013 and Jordan in 2009.

The recommendation by COMANGO that Malaysia should ratify the International Covenant on Civil

and Political Rights (ICCPR) was also said to encourage apostasy. Again, this is untrue. Muslim-majority countries such as Egypt, Jordan, Bahrain, Iraq, Pakistan, Indonesia, Yemen and Afghanistan have all ratified the ICCPR.

ISMA claimed that the “dalang” or masterminds behind COMANGO are, namely, Dato’ Ambiga Sreenevasan, Irene Fernandez, Marina Mahathir, Premesh Chandran, Cynthia Gabriel, Sonia Randhawa, Yong Kin Yin, S. Arutchelvan, and Kua Kia Soong. This is yet another blatantly untrue statement. We deplore ISMA’s unethical actions in disseminating these untrue claims without seeking clarification.

The Government’s continued harassment and reprisals of COMANGO raises serious doubts over the Government’s commitment to its human rights obligations and undermines the established UPR guidelines on civil society participation, compromising a key Human Rights Council process. The Government’s reprisals against COMANGO is also inconsistent with the UPR recommendations it made to China and Nigeria in 2009, Belarus and Qatar in 2010, and Indonesia in 2012 to promote and engage proactively with civil society.

The OHCHR has expressed concern over “what appears to be an act of reprisal against COMANGO for its engagement with international human rights mechanism, notably the UPR”, in a statement released on 10 January 2014. The statement further highlighted that the Secretary-General of the United Nations, the Human Rights Council and the UN High Commissioner for Human Rights “have persistently called for the protection of individuals and members of groups that cooperate with the United Nations, its representatives and mechanisms in the field of human rights from acts of intimidation or reprisal.”

COMANGO’s work has been recognised as part of the UPR process and is in compliance with mandated processes in resolutions passed by the General Assembly and the Human Rights Council of the United Nations. Aside from the statement by the OHCHR, statements in support of COMANGO by the Malaysian Bar, Amnesty International, and the Human Rights Commission of Malaysia (SUHAKAM) further confirm our legitimacy.

Under the UPR process, governments are required to work in consultation with all stakeholders to improve the human rights situation in their respective countries. Our Government and the representative to the ASEAN Inter-Governmental Commission on Human Right (AICHR) have engaged with COMANGO many times in this capacity. Why is it that the Secretary General of the Home Ministry chose now to release a statement declaring the coalition unlawful, even though the Government has been engaging with us since 2008?

The Secretary General of the Home Ministry also states that many of the endorsees of the UPR report prepared by COMANGO are not Islam-based organisations, that some of the endorsees of the COMANGO report are not registered and that COMANGO itself is not registered with the Registrar of Societies as reasons for his declaration that COMANGO is “unlawful”. These reasons are not in accordance with the Societies Act 1966.

We further reiterate that members of COMANGO include organisations registered under the Societies Act 1966, the Companies Act 1965, unincorporated associations, and civil society coalitions. The COMANGO report was sent out to a large network of NGOs and we took endorsements by these organisations in good faith. We attach an updated list of COMANGO members.

COMANGO has consulted with lawyers and will await further developments in considering legal action. We reiterate that we are not being used for purposes prejudicial to or incompatible with the interest of the security of Malaysia, public order or morality. Instead, we are merely promoting international human rights standards as enshrined in the Universal Declaration of Human Rights, which was affirmed by Malaysia as well in the United Nations’ World Conference on Human Rights in 1993.

As part of our next steps, COMANGO will be holding a national consultation to discuss the progress of Malaysia’s UPR. We will also be in discussions with foreign missions in Malaysia. SUHAKAM has invited

us for a Round Table Discussion on 20 January 2013 regarding the UPR process, and we will be attending.

We will not let these attacks and reprisals distract us from urgent human rights issues highlighted in the COMANGO report, or to derail progress made in some human rights areas as a result of the UPR process. The rakyat is also not distracted from the key issues facing them now: widespread corruption; the huge illicit outflow of money from the country; the rise in the prices of sugar, electricity and petrol which have resulted in the increase in prices of goods; the impending rise in toll charges; the proposed rises in assessment rates of properties in Kuala Lumpur; and the implementation of the Goods and Services Tax (GST) in 2015.

The formal adoption of Malaysia's UPR report by the UN Human Rights Council will take place on 20 March 2014. COMANGO plans to make an oral intervention at the UN Human Rights Council then.

We strongly urge the Government to rescind the statement by the Secretary General of the Home Ministry, to approach engagement with all civil society in a meaningful and constructive manner, and to accept and implement recommendations made by member states of the UN Human Rights Council that will fulfill and equally enhance human rights for all peoples in Malaysia.

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