



MALAYSIA

UPDATED ASSESSMENT OF R2P
IMPLEMENTATION 2022



 r2pasiapacific.org

 r2pinfo@uq.edu.au

The following Updated Assessment Annex provides an overview of Malaysia's efforts in implementing R2P as of 2022. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#). For more information on R2P implementation in the Asia Pacific in 2022, see the updated assessment [here](#).

MALAYSIA

Malaysia's performance continues to be relatively robust regarding R2P implementation.

In terms of domestic implementation, the erosion of civic space and human rights protections bodes ill for the future, and Malaysia's weakest indicators still relate to its failure to sign, ratify and implement several relevant international treaties. As a result, protections remain arbitrary and subject to shifting political tides rather than enshrined into law.

Malaysia has been particularly active in bilateral and multilateral diplomacy to encourage States to fulfil their responsibility to protect, and it is likely to continue this trend during its third term on the UN Human Rights Council.

In terms of peacekeeping, Malaysia remains amongst the regions strongest contributors and is also one of the few regional states to formally undertake atrocity prevention and human rights courses through the Malaysian Peacekeeping Centre.

Regionally, Malaysia has been among the more proactive states in response to the violence in Myanmar, although their refugee policies remain lacklustre, and it remains a non-signatory to the 1951 Refugee Convention. It also maintains a strong record of counter terrorism and counter extremism, with a focus on deradicalization strategies.

Like many other states, Malaysia has not adopted specific policies in relation to R2P and atrocity prevention. It has still not appointed an R2P Focal Point, and remains a non-State party to the Rome Statute.

MALAYSIA

Assessment	Indicator
Very Strong	Protection of populations from atrocity crimes
	Reduction of atrocity crime risks
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Take measures to counter and prevent violent extremism
	Support UN Security Council veto restraint on issues relating to atrocity prevention
Strong	Dealing with past atrocities
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Ensure a legitimate, effective and civilian controlled security sector
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Participate in international, regional and national discussions on the further advancement of R2P
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
Fair	Appoint national R2P Focal Point
	Sign, ratify and implement relevant instruments of international law
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Ensure equal access to justice
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Prevent nationals committing atrocity crimes overseas
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy
	Strengthen regional and international networks for atrocity crime prevention
	Strengthen the role and capacity of regional organisations
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
	Support preventive actions on atrocity crimes
Weak	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law

	Cultivate and protect an active, diverse and robust civil society
	Support the development and work of regional human rights and other preventive capacities
	Support atrocity prevention through development and assistance partnerships
Very Weak	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Conduct a national assessment of risk and resilience
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Support the Kigali Principles

Malaysia 2022 Score: 51

Malaysia 2019 Score: 55

Difference: - 4 

Malaysia remains one of the more strident supporters of R2P in the region, and continues to speak out about atrocity prevention in regional and international contexts. Domestically, Malaysia still performs relatively well but there is room for improvement in some specific areas, notably the implementation of relevant international laws, the adoption of specific measures to support R2P, and addressing the erosion of human rights protections and civic space within the country.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Strong Unchanged	Despite political upheaval and the ongoing effects of the pandemic, Malaysia is adequately protected from the commission of atrocity crimes.
	Reduction of atrocity crime risks.	Very Strong Unchanged	There is consensus from human rights observers that the new government of Malaysia has eroded the civic space in the country and as such protection of human rights within Malaysia is less strong than it was in the past. Abuses by the security sector and widespread discrimination against ethnic minorities, refugees and LGBTIQ+ persons are serious concerns within the country. Yet, the chances of atrocity crimes remain low.
	Dealing with past atrocities.	Strong Unchanged	No new information could be found on Malaysia reconciling past atrocities within its borders.
Policy Mechanisms	Appoint national R2P Focal Point.	Fair Unchanged	Despite a willingness to appoint one in the past, Malaysia has not yet appointed a national R2P Focal Point. ¹
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak Unchanged	No evidence was found of Malaysia undertaking such action.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak Unchanged	There remain no mechanisms in place for Malaysia to hold its government accountable in upholding R2P.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Fair Unchanged	<p>Malaysia retains a lacklustre record of signing and ratifying international treaties related to R2P. They remain party to only four (<i>Convention on the Prevention and Punishment of the Crime of Genocide</i>, <i>Geneva Conventions</i>, <i>Convention on the Elimination of All Forms of Discrimination against Women</i> [CEDAW], and the <i>Convention on the Rights of the Child</i> [CRC]) of the twelve treaties most relevant to R2P. Malaysia has signed the <i>Arms Trade Treaty</i> [ATT] but has yet to ratify it.²</p> <p>The country has neither signed nor ratified the following seven treaties:</p> <ul style="list-style-type: none"> • <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i> [CAT]. • <i>Convention on the Elimination of All Forms of Racial Discrimination</i> [CERD].

¹ Global Centre for the Responsibility to Protect (GCR2P), 2020. *Members of the Global Network of R2P Focal Points*, <https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/>.

² United Nations Human Rights Treaty Bodies (UNOHCHR), n.d. *View the ratification status by country or by treaty*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=105&Lang=EN; The International Criminal Court (ICC), n.d. *The States Parties to the Rome Statute*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#M; United Nations Treaty Collection (UNTC), 2022. 9. *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&clang=en; UNTC, 2022, 2. *Convention relating to the Status of Refugees*, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=en; UNTC, 2022. 8. *Arms Trade Treaty*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26; International Committee of the Red Cross, n.d. *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties%20&xp_treatySelected=470.

		<ul style="list-style-type: none"> • <i>International Covenant on Civil and Political Rights</i> [ICCPR]. • <i>International Covenant on Economic, Social and Cultural Rights</i> [ICESCR]. • Geneva Protocol I. • <i>The 1951 Refugee Convention</i> and its <i>1967 Protocol.</i> • <i>The Rome Statute of the International Criminal Court.</i>
Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Weak Unchanged	As mentioned in the previous Indicator, Malaysia remains a non-State party to the <i>Rome Statute of the International Criminal Court.</i>
Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Strong Unchanged	Malaysia retains its ‘A’ rating for SUHAKAM, the country’s Human Rights Commission, identifying full compliance with the Paris Principles. ³
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Weak Decrease	<p>In the past few years since the 2018 election saw a change in power between ruling coalitions, Malaysia has seen political turmoil that has eroded many freedoms in the country, despite constitutional guarantees. The COVID-19 pandemic further exacerbated this decline.</p> <p>The ruling Perikatan-Nasional coalition has imposed harsh penalties curbing civic space in response to the pandemic, and human rights defenders and refugees, mostly from Myanmar, face harassment and discrimination by the judicial and security sectors. Those of the LGBTIQ+ community face ongoing discrimination due to aspects of Sharia law criminalising same-sex relationships. Censorship of the press and corruption and impunity within Malaysian governmental structures add to the environment of discrimination and erosion of human rights under the current government.⁴</p>
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Strong Unchanged	<p>Malaysia’s next UPR is scheduled for November 2023. The mid-term report by the Malaysian Alliance of Civil Society Organisations in the UPR Process (MACSA) identified several human rights issues within Malaysia to be the subject of the next review. These included the rights of refugees and stateless persons, women, LGBT persons, and the rise of religious discrimination including, ironically, Islamophobia.⁵</p> <p>Malaysia has three reports related to review processes that are overdue, two relating to the CRC and the other to the CRPD.⁶</p>
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Fair Unchanged	Malaysia extended a standing invitation to UN mandate holders on 26 February 2019. While an encouraging development, many of the requests for

³ Global Alliance of National Human Rights Institutions (GANHRI), 2021. *Members*, <https://ganhri.org/membership/>.

⁴ For more information, see: Human Rights Watch (HRW), 2022. *Malaysia: Events of 2021*, <https://www.hrw.org/world-report/2022/country-chapters/malaysia>; HRW, 2022. *Malaysia: Rights Sharply Decline Amid Political Instability*, <https://www.hrw.org/news/2022/01/13/malaysia-rights-sharply-decline-amid-political-instability>; U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Malaysia*, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/malaysia/>; Amnesty International, 2022. *Malaysia: 2020*, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/malaysia/report-malaysia/>; Freedom House, 2022. *Freedom in the World 2021: Malaysia*, <https://freedomhouse.org/country/malaysia/freedom-world/2021>.

⁵ MACSA, 2022. *MACSA Mid-Term Report on Malaysia 3rd Cycle in UPR Process*, https://www.upr-info.org/sites/default/files/document/malaysia/session_31_-_november_2018/mid_term_report_macsa_2022.pdf.

⁶ UNOHCHR, n.d. *Late and non-reporting States*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx.

		visits by various Special Procedures remain pending or unfulfilled, including one on torture which the State declined. ⁷
Ensure equal access to justice.	Fair Unchanged	Lack of judicial independence remains an issue in Malaysia, with extensive interference from the executive branch in the past. With the successful corruption trial of former prime minister Najib Razak in 2020, many observers considered judicial independence and anti-corruption measures were improving. Yet, many still consider the Malaysian high court to be extremely partisan, with SUHAKAM continuing to call for a royal commission into its conduct. ⁸
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Fair Unchanged	There has been no update on Malaysia's stance on the criminalisation of atrocities, other than war crimes.
Take measures to counter and prevent violent extremism.	Very Strong Increase	Malaysia remains a strong proponent of countering extremism and terrorism, cooperating with international and regional bodies particularly regarding terrorist movements in and around Sabah. Deradicalization remains key to Malaysia's counter extremism strategy, aiming to reintegrate extremists back into mainstream society and to stop terrorism propaganda spreading. ⁹ Malaysia has hosted webinars on counter terrorism and counter violent extremism training in collaboration with Singaporean and Australian universities, ¹⁰ and they regularly cooperate with Philippine and Indonesian authorities to counter the movements and activities of Abu Sayyaf in their regions, ¹¹ along with regional bodies such as ASEAN and APEC.
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Fair Unchanged	Despite constitutional provisions and legislation, discrimination against vulnerable groups is present within Malaysia and has worsened within the context of COVID-19. Domestic violence and rape are criminalised (marital rape is not), yet practices related to Sharia law reinforce aspects of gendered inequality and violence, including underage marriage ¹² and female genital mutilation. ¹³ Refugee populations and those within the LGBTIQ+ community are habitually discriminated against, and laws punish people for same-sex relationships by arresting and "rehabilitating" them. ¹⁴

⁷ UNOHCHR, n.d. *View Country visits by Special Procedures of the Human Rights Council since 1998*, <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=MYS&Lang=en>.

⁸ Freedom House, 2021. *Freedom in the World 2021: Malaysia*, 'F. Rule of Law'; U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Malaysia*, 'Section 1. Respect for the Integrity of the Person, Including Freedom from: e. Denial of Fair Public Trial'.

⁹ Malaysia Permanent Mission to the United Nations, New York, 2021. *Statement by H.E. Syed Mohamad Hasrin Aidid Permanent Representative of Malaysia to the United Nations on Agenda Item 111: Measures to Eliminate International Terrorism*, p. 3, https://www.un.org/en/ga/sixth/76/pdfs/statements/int_terrorism/03mtg_malaysia.pdf.

¹⁰ U.S Department of State, 2021. *Country Reports on Terrorism 2020: Malaysia*, <https://www.state.gov/reports/country-reports-on-terrorism-2020/malaysia/>.

¹¹ Counter Extremism Project, 2022. *Malaysia: Extremism and Terrorism*, <https://www.counterextremism.com/countries/malaysia>.

¹² Freedom House, 2021. *Freedom in the World 2021: Malaysia*, 'G. Personal Autonomy and Individual Rights'.

¹³ U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Malaysia*, 'Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Women'.

¹⁴ HRW, 2022. *Malaysia: Events of 2021, 'Sexual Orientation and Gender Identity'*; Amnesty International, 2021. *Malaysia 2020*, 'Lesbian, gay, bisexual, transgender and intersex (LGBTI) people'.

	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Weak Unchanged	Malaysia remains a non-signatory to the <i>1951 Refugee Convention</i> and its <i>1967 Protocol</i> . In the wake of the COVID-19 pandemic, there was widespread xenophobia towards migrant communities, particularly those from Myanmar, and some who arrived in Malaysia by boat were turned away. Refugee communities were subjected to increased raids by security forces, and those living in detention centres had restricted access to local NGOs and the UNHCR. There are widespread allegations of poor living conditions in such centres. ¹⁵
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak Unchanged	No national assessment has been conducted.
	Cultivate and protect an active, diverse and robust civil society.	Weak Decrease	Under the current government, civic space within Malaysia has shrunk. Various monitoring groups report of discrimination against human rights defenders, peaceful protestors and journalists reporting on the government. The <i>Communication and Multimedia Act</i> and the <i>Sedition Act</i> are both used by the government to repress freedoms of expression, assembly, and association. ¹⁶ Restrictions of these kinds are enacted to protect and maintain public order and national security and uphold the status of Islam and ethnic Malays. ¹⁷ In turn, public debate is stifled, as dissenting views on sensitive political and religious topics are open to criminal charges and jail time.
	Ensure a legitimate, effective and civilian controlled security sector.	Strong Unchanged	Malaysia's press freedom score has fallen sharply, despite rising under the previous ruling coalition. It now stands at 119 out of 180 countries due to the laws that stifle individual expression and widespread self-censorship. ¹⁸ The government maintains effective control of its security services. Yet, impunity and corruption remain problems. Arbitrary arrests and killings by the police of suspects in custody have been recordings, and there is little chance of a conviction of those responsible. Malaysian prisons, including immigration detention facilities, remain dangerous to inmates, and there are allegations of torture at the hands of prison authorities. ¹⁹
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Strong Unchanged	The government maintains effective control of its security services. Yet, impunity and corruption remain problems. Arbitrary arrests and killings by the police of suspects in custody have been recordings, and there is little chance of a conviction of those responsible. Malaysian prisons, including immigration detention facilities, remain dangerous to inmates, and there are allegations of torture at the hands of prison authorities. ¹⁹ Malaysia's education system remains strong, with compulsory and free education required for children for a minimum of six years. While primary education remains high, student levels drop off in secondary and post-secondary education, and the

¹⁵ HRW, 2022. Malaysia: Events of 2021, 'Refugees, Asylum Seekers, and Trafficking Victims'; Amnesty International, 2021. *Malaysia 2020*, 'Refugees, asylum-seekers and migrants'; U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Malaysia*, 'Section 2. Respect for Civil Liberties, Including: f. Protection of Refugees'.

¹⁶ HRW, 2022. Malaysia: Events of 2021, 'Attacks on Human Rights Defenders'; Amnesty International, 2021. *Malaysia 2020*, 'Freedoms of assembly, association and expression'. Article 19, 2021. *Malaysia: Government must respect human rights as it seeks UN Human Rights Council membership*, <https://www.article19.org/resources/malaysia-government-should-respect-human-rights-as-it-seeks-un-human-rights-council-membership/#:~:text=Malaysia%20must%20also%20sign%20and,Service%20for%20Human%20Rights%2C%20H.E..>

¹⁷ U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Malaysia*, 'Section 2. Respect for Civil Liberties, Including: A. Freedom of Expression, Including for the Press'.

¹⁸ Reporters Without Borders, 2021. *Malaysia*, <https://rsf.org/en/malaysia>. See also: Freedom House, 2021. *Freedom in the World 2021: Malaysia*, 'Civil Liberties: D. Freedom of Expression and Belief'.

¹⁹ U.S Department of State, 2021. *2020 Country Reports on Human Rights Practices: Malaysia*, 'Section 1. Respect for the Integrity of the Person, Including Freedom from: A. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings'; Freedom House, 2021. *Freedom in the World 2021: Malaysia*, 'F. Rule of Law'; Amnesty International, 2021. *Malaysia 2020*, 'Impunity'.

			<p>literacy rate 93.7%.²⁰ All state schools use Bahasa Malaysia as the primary teaching language, although there are a number of Chinese and Tamil schools that cater for children by education in their mother tongue, with Bahasa Malaysia as a compulsory subject.²¹</p> <p>Tertiary education retains some controversy over ethnic quotas that favour the dominant Malay ethnicity and indigenous groups, collectively called <i>bumiputra</i>, which sidelines ethnic Chinese and Indian students from entry into tertiary institutions. While state-sanctioned quotas are no longer enforced, the practice remains, restricting other ethnicities from studying.²²</p>
	Prevent nationals committing atrocity crimes overseas.	Fair Decrease	Malaysia maintains legislation to punish foreigners committing war crimes overseas, but no other atrocity crimes.
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Strong Unchanged	<p>During the UN General Assembly's debate in 2021 on the draft resolution on R2P (which has subsequently been adopted), Malaysia's representative lamented global violence during the COVID-19 pandemic, despite calls for a ceasefire by the Secretary-General. He remarked that R2P begins with the State, and the international community needs to help develop the prevention capacities of individual States. Yet, he went on to say consent and State sovereignty remain paramount in any intervention, and R2P "...still requires in depth discussions to elaborate clear definitions before being accepted as an international norm".²³</p> <p>Given these remarks, Malaysia seems to be supportive of parts of the R2P principle, namely Pillars I and II. Intervention through Pillar III remains a sticking point, as it does with several other countries.</p> <p>In the past three years representatives of Malaysian civil society have continued to engage with regional partners in atrocity prevention dialogues and seminars.²⁴</p>
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Strong Unchanged	<p>Malaysia has not been outwardly antagonistic towards furthering R2P in the General Assembly, seeking to abstain rather than vote no. Despite their remarks on the draft resolution (see Indicator above), they voted yes for A/RES/75/277.</p> <p>UN General Assembly Resolutions:²⁵</p>

²⁰ Australian Government Department of Foreign Affairs and Trade, 2021. *DFAT Country Information Report: Malaysia*, p. 14. Available at: <https://www.dfat.gov.au/sites/default/files/malaysia-dfat-country-information-report-29-june-2021.docx>.

²¹ Ibid.

²² scolaro pro, 2022. *Education System in Malaysia*, <https://www.scholaro.com/pro/Countries/Malaysia/Education-System>;

Australian Government Department of Foreign Affairs and Trade, 2021. *DFAT Country Information Report: Malaysia*, p. 15.

²³ United Nations, 2021. *Speakers Differ over Implementation of 'Responsibility to Protect' Principle, as General Assembly Considers Draft Resolution on Atrocity Crime Prevention*, <https://www.un.org/press/en/2021/ga12323.doc.htm>.

²⁴ Malaysian civil society organisations have joined the Asia Pacific Partnership for Atrocity Prevention (APPAP), of which APR2P is the secretariat, and participated in discussions of R2P. See: APR2P, 2021. *The Responsibility to Protect at 15: Challenges and Future Prospects*, https://r2pasiapacific.org/files/6470/spotlight_apr2021_R2P_at_15.pdf.

²⁵ GCR2P, 2021. *UN General Assembly Resolutions Referencing R2P*, <https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/>. (Voting records for each resolution were accessed using the UN's Digital Library: General Assembly of the United Nations, n.d. *Voting Records*, <https://www.un.org/en/ga/documents/voting.asp>.)

- 2018: Extrajudicial, summary or arbitrary executions A/RES/73/172: **abstained**.
- 2018: Situation of human rights in the Democratic People’s Republic of Korea A/RES/73/180: **adopted without vote**.
- 2018: Situation of human rights in the Syrian Arab Republic A/RES/73/182: **yes**.
- 2019: Situation of human rights in the Democratic People’s Republic of Korea A/RES/74/166: **adopted without vote**.
- 2019: Situation of human rights in the Syrian Arab Republic A/RES/74/169: **yes**.
- 2020: Situation of human rights in the Democratic People’s Republic of Korea A/RES/75/190: **adopted without vote**.
- 2020: Extrajudicial, summary or arbitrary executions A/RES/75/189: **abstained**.
- 2020: Situation of human rights in the Syrian Arab Republic A/RES/75/193: **abstained**.
- 2021: Promoting a culture of peace and tolerance to safeguard religious sites A/RES/75/258: **adopted without vote**.
- 2021: The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity A/RES/75/277: **yes**.

Malaysia will begin its third term (from 2022 – 2024) on the UN Human Rights Council. The country has pledged to “...advocate strongly against human rights violations, such as the systemic oppression of the Palestinian people and the Rohingya in Myanmar, and work together with the international community to rebuild Afghanistan”.²⁶

Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.

Fair
Unchanged

Malaysia remains one of the few countries in the region that condemns the violence in Myanmar (both against the Rohingyas and the ongoing violence against civilians protesting the recent coup). They have been a leading proponent of the military regime in Myanmar accepting and adhering to the five-point consensus agreed to by ASEAN members to halt the violence.²⁷ The intolerance of Myanmar’s junta by Malaysia has led to comments in the past of potentially opening relations with the National Unity Government, Myanmar’s government-in-exile.²⁸

These sentiments are at odds with Malaysia’s domestic treatment of Rohingya refugees, which has soured in recent times. Following political upheaval and the COVID-19 pandemic, many within Malaysia are against more Rohingya refugees, seeing them as taking more of the country’s limited resources and being vectors for

²⁶ Ministry of Foreign Affairs Malaysia, 2021. *Malaysia Elected to the United Nations Human Rights Council for the term 2022 – 2024*, <https://www.kln.gov.my/web/guest/-/malaysia-elected-to-the-united-nations-human-rights-council-for-the-term-2022-2024>.

²⁷ This view has led to disagreements with Cambodia, the current chair of ASEAN, following a visit by Hun Sen to Myanmar. See: Kumar, P Prem, 2022. ‘Malaysia to Hun Sen: Myanmar regime still not welcome at ASEAN’. *Nikkei Asia*, 25 January. Available at: <https://asia.nikkei.com/Politics/International-relations/Malaysia-to-Hun-Sen-Myanmar-regime-still-not-welcome-at-ASEAN>.

²⁸ Strangio, Sebastian, 2021. ‘Malaysia Threatens to Open Talks With Myanmar Opposition Forces’. *The Diplomat*, 7 October. Available at: <https://thediplomat.com/2021/10/malaysia-threatens-to-open-talks-with-myanmar-opposition-forces/>.

			the coronavirus. ²⁹ This intolerance led to the deportation of over 1,000 Myanmar refugees from Malaysia back into the country in defiance of a court order, after the junta sent ships to take them back to Myanmar. Observers and human rights bodies lamented the decision as it breached the principle of non-refoulement. ³⁰
	Strengthen regional and international networks for atrocity crime prevention.	Fair Unchanged	Malaysian civil society groups Beyond Borders Malaysia and Malaysian Centre for Constitutionalism and Human Rights have joined the Asia Pacific Partnership for Atrocity Prevention. ³¹ No new information could be found of the Malaysian government using networks to prevent the commission of atrocity crimes.
	Strengthen the role and capacity of regional organisations.	Fair Unchanged	Malaysia has called upon ASEAN to better assist in resolving the violence in Myanmar in the past. ³² Other than rhetoric however, there is little evidence under the current government that Malaysia is actively seeking to strengthen regional organisations.
	Support the development and work of regional human rights and other preventive capacities.	Weak Decrease	In its voluntary pledges (dependent on election to the Human Rights Council), Malaysia intended to "...pursue a balanced and non-politicised approach to human rights issues through constructive and inclusive dialogue, as well as capacity building and technical cooperation". ³³ At the time of writing, no evidence could be found of Malaysia supporting regional human rights beyond rhetoric.
	Support atrocity prevention through development and assistance partnerships.	Weak Unchanged	Malaysia maintains the Malaysian Technical Cooperation Programme in areas such as agriculture, finance and trade, education, and diplomacy to share the lessons learned through its own development with other countries in the global South. ³⁴ There remains no evidence in this Programme or in other development partnerships ³⁵ of supporting atrocity prevention.
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Very Weak Decrease	No new evidence could be found of Malaysia supporting early warning efforts of atrocities through the UN.
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Fair Unchanged	Malaysia's statements generally support R2P, and its impending tenure on the Human Rights Council will determine if its actions imitate its words regarding atrocity prevention and the furthering of human rights.

²⁹ Sukhani, Piya, 2020. 'The Shifting Politics of Rohingya Refugees in Malaysia'. *The Diplomat*, 10 July. Available at: <https://thediplomat.com/2020/07/the-shifting-politics-of-rohingya-refugees-in-malaysia/>; Kim, Christine H., 2020. *Challenges to the Rohingya Population in Malaysia*, <https://www.csis.org/blogs/new-perspectives-asia/challenges-rohingya-population-malaysia>.

³⁰ Strangio, Sebastian, 2021. 'Defying Court Order, Malaysia Deports Asylum Seekers to Myanmar'. *The Diplomat*, 24 February. Available at: <https://thediplomat.com/2021/02/defying-court-order-malaysia-deports-asylum-seekers-to-myanmar/>.

³¹ See: <https://appap.group.uq.edu.au/>.

³² Idrus, Pizaro Gozali, 2020. 'Malaysia urges ASEAN to resolve Rohingya crisis'. *Anadolu Agency*, 26 June. Available at: <https://www.aa.com.tr/en/asia-pacific/malaysia-urges-asean-to-resolve-rohingya-crisis/1891174>.

³³ Permanent Mission of Malaysia to the United Nations (UN), New York, 2021. *Malaysia's Candidature to the United Nations Human Rights Council for the Term 2022-2024: Voluntary Pledges and Commitments*, https://www.kln.gov.my/web/usa_un-new-york/news-from-mission/-/blogs/malaysia-s-candidature-to-the-human-rights-council-term-2022-2024-voluntary-commitments-and-pledges.

³⁴ Malaysia External Trade Development Corporation, 2021. *Malaysian Technical Cooperation Programme (MTCP)*, <https://www.matrade.gov.my/en/about-matrade/achievements/matrade-success-stories/malaysian-technical-cooperation-programme-mtcp>.

³⁵ Australian Government Department of Foreign Affairs, 2021. *Joint Statement on a Comprehensive Strategic Partnership between Australia and Malaysia*, <https://www.dfat.gov.au/geo/malaysia/joint-statement-comprehensive-strategic-partnership-between-australia-and-malaysia>.

Support preventive actions on atrocity crimes.	Fair Unchanged	Malaysia retains support for atrocity prevention, being in favour specifically of Pillars I and II of R2P while showing some hesitancy in its public statements over intervention and stressing respect for State sovereignty.
Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Strong Unchanged	Malaysia maintains a substantial deployment of peacekeepers, and it is considered a strident supporter of peace and security through its multiple deployments. It has 846 personnel deployed (December 2021) ³⁶ in four missions (UNIFIL, MONUSCO, MINURSO and UNISFA). ³⁷
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Strong Unchanged	The Malaysian Peacekeeping Centre (MPC) offers training courses covering officer responsibilities at different ranks and the specific protection of civilians. It also partners with UN Women, the United States' Global Peace Operations Initiative, and Canada's Directorate of Military Training and Cooperation to deliver courses covering civil-military cooperation and gender awareness in peacekeeping. ³⁸
Support the Kigali Principles.	Very Weak Decrease	At the Seoul UN Peacekeeping Ministerial in 2021, the Malaysian delegation reiterated its commitment to peacekeeping operations, and its adherence to the Women, Peace, and Security agenda for its armed forces. ³⁹ It also backed South Korea's proposal for further integration of new technology into peacekeeping deployments. Despite its support for stronger peacekeeping capacities during operations, Malaysia is still to sign the Kigali Principles.
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong Unchanged	Malaysia is both a supporter of the French/Mexican initiative on veto restraint, ⁴⁰ and the Code of Conduct for the UN Security Council in the event of mass atrocities. ⁴¹

³⁶ UN Peacekeeping 2021. *Contribution of Uniformed Personnel to UN by Country and Personnel Type*, p. 1, https://peacekeeping.un.org/sites/default/files/01-contributions_to_un_peacekeeping_operations_by_country_and_post_45_december_21.pdf.

³⁷ UN Peacekeeping, 2021. *Troop and Police Contributors*, <https://peacekeeping.un.org/en/troop-and-police-contributors>. (Malaysia can be selected from the dropdown box).

³⁸ MPC, 2022. *Other Courses*, <https://www.malaysianpeacekeepingcentre.com/course/other-courses>.

³⁹ Ministry of Defence, Malaysia, 2021. *SESSION 1: SUSTAINING PEACE*, p. 3, <https://peacekeeping.un.org/sites/default/files/malaysia.pdf>.

⁴⁰ GCR2P, 2020. *List of Supporters of the Political Declaration on Suspension of Veto*, <https://www.globalr2p.org/resources/list-of-supporters-of-the-political-declaration-on-suspension-of-veto/>.

⁴¹ GCR2P, 2019. *List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by ACT*, <https://www.globalr2p.org/resources/list-of-signatories-to-the-act-code-of-conduct/>.