

Human Rights Council – 25th session – March 2014

Consideration of Malaysia's UPR Outcome – Statement by Action Canada and Development



Thank you Mr. President

I make this statement on behalf of the Sexual Rights Initiative.

We welcome the Malaysian government's willingness to engage in the UPR process. We commend the government's acceptance of recommendations to:

- Step up its efforts to reduce maternal mortality, including through an increased access to quality family planning (#146.181);
- Take necessary steps to ensure the accessibility of the sexual and reproductive health services in Government facilities (#146.182);
- Take effective measures to reverse the increasing trend of HIV/AIDS incidence by strengthening the National Strategic Plan (NSP) on HIV/AIDS Prevention (#146.184); and, to
- Allocate more funds for training of health care staff, including doctors, midwives, nurses, and social workers (#146.188)

In taking action in implementing these accepted recommendations, we strongly encourage the government to

- Remove any legal restriction and barriers on abortion services for all women and adolescent girls including punitive measures, spousal consent requirements and parental consent requirements.
- Integrate comprehensive sexuality education as part of the formal school curriculum, delivered by well-trained and supported teachers.
- Develop effective strategies to ensure all individuals have access to a range of modern methods of contraception without discrimination.

These actions are required in order to reduce the high prevalence of unintended pregnancies, forced child-bearing among young women and unsafe abortions. Women also have trouble getting accurate information on safe abortion services at affordable fees. The lack of such services in public hospitals, along with the general perception that abortions are illegal, allows many private providers, both safe and unsafe, to charge exorbitant fees, making access to these services almost impossible for adolescent girls and poor women. Due to this inaccessibility of services, many women resort to unsafe abortion even in cases where the law specifically recognizes their right to a safe abortion.

We are concerned, however, with Malaysia's complete refusal to respect, protect and fulfil the rights of individuals with diverse sexual orientations, gender identities and expressions through the rejection of recommendations to decriminalize same-sex sexual relations. Rejecting recommendations #146.98 – 146.104 prevents the government from taking steps to guarantee the rights of individuals with diverse sexual orientations, gender identities and expressions to live free from all forms of stigma, discrimination and violence.

Our organizations remain equally concerned regarding the governments' rejection of recommendation #146.129, which recommends the criminalization of marital rape through the removal of the exception in Section 375 of the Penal Code. This represents a gross violation of women's right to live free from all forms of violence and we urge the government to reconsider its position on this issue.

Thank you.