

AMNESTY INTERNATIONAL PUBLIC STATEMENT

18 February 2019

ASA 28/0067/2019

MALAYSIA: ATTACKS ON WOMEN'S DAY MARCH INCONSISTENT WITH THE GOVERNMENT'S STATED COMMITMENT TO FUNDAMENTAL FREEDOMS

Amnesty International, Article 19 and CIVICUS strongly condemn the government backlash against the International Women's Day march held in Malaysia on 9 March 2019. A few days after the event, the country's Home Minister announced that police were investigating the organisers of the march for allegedly conducting an illegal assembly, while the Minister in charge of Religious Affairs criticized the march as "a misuse of democratic space." On 14 March 2019, the organisers were also informed that they were being investigated under the Sedition Act. These actions undermine the rights to freedom of expression and assembly and are inconsistent with human rights commitments made by the Pakatan Harapan government in its election manifesto and at the UN Human Rights Council.

On 9 March 2019, many hundreds of people, including human rights defenders and civil society groups, took to the streets of Kuala Lumpur to commemorate International Women's Day. The marchers called for a range of reforms, including an end to violence based on gender and sexual orientation, the banning of child marriages, ensuring women's rights to make choices over their own bodies and lives, the establishment of a dignified minimum wage of RM1,800 (USD 440), the destruction of patriarchy, and the introduction of genuine democracy at all levels of society.

After the rally, many newspapers criticized the march, disproportionately focusing their reporting on the lesbian, gay, bisexual, transgender and intersex (LGBTI) groups who participated in it, and using disparaging language in their headlines. Subsequently, government officials accused the organisers of participating in an illegal assembly. Mujahid Yusof Rawa, the Minister in the Prime Minister's Department for Religious Affairs, stated that the march was 'a misuse of democratic space' because of the participation of LGBTI groups, while the Ministry of Home Affairs reported that the police were investigating the organisers for conducting a rally without a permit. The police claimed that the organisers had failed to inform them of the event with sufficient notice.

Both the Malaysian Constitution and the Peaceful Assembly Act 2012 (PAA) guarantee the rights to freedom of assembly and peaceful protest. While some provisions of the PAA still fall short of international legal standards, a police permit is not required to hold an assembly.

Organisers only need to provide the police with 10 days' notice before any assembly and according to the organisers of the march they had complied with the law. The organisers said they met with the police on 25 February 2019 to provide them with their names, and to inform them of the march's proposed route. They have also said that both during and after that meeting, the police never suggested to them that the rally would not be allowed to proceed. During the two-and-a-half-hour march, at least one police car, and several police outriders, were observed monitoring the event. The subsequent investigation of the organisers under the Sedition Act on 14 March 2019 is additionally alarming given that the government has pledged to put a moratorium on the use of the Act and promised to abolish this Act previously.

It is deeply disappointing that the new government seems to be resorting to tactics used by its predecessor to restrict peaceful demonstrations. In particular, we are concerned about the selective targeting of LGBTI activists who participated in the march, including by the public statements made by the Minister of Religious Affairs. The Malaysian authorities have an international obligation to uphold the principle of non-discrimination and ensure that all individuals, including LGBTI people, are treated equally irrespective of their sexual orientation and gender identity in both law and practice. Further, there should be no discrimination in the exercise of fundamental freedoms such as the rights to freedom of expression and peaceful assembly because of an individual's sexual orientation or gender identity.

LGBTI people in Malaysia have continued to face discrimination, and many are targeted for violence and abuse by public officials and members of the public. When government officials publicly denigrate them, it puts such people at further risk.

In order to better protect fundamental freedoms, we call on the Malaysian authorities to:

- Immediately and unconditionally drop all investigations against the organisers of the march for peacefully exercising their rights to freedom of expression and peaceful assembly;
- Stop demonising the LGBTI community in Malaysia and end all forms of discrimination against them;
- End the intimidation and harassment of human rights defenders, including through the misuse of the criminal justice system, and create an enabling environment so they can exercise their rights without fear of reprisals;
- Amend the Peaceful Assembly Act 2012 to guarantee fully the right to the freedom of peaceful assembly, as provided in international law and standards. In particular, amend section 9 to shorten the time period for advance notice, repeal criminal penalties for not providing notice, and provide an exception to the notice requirement for spontaneous assemblies for which it is not practicable to give advance notice. Further, repeal the limitation on street protests set out in sections 4(1)(c) and 4(2)(c) of the Act; and
- Abolish the Sedition Act 1948 and until then, reimpose a moratorium on investigations under the Act.