



Malaysia: Emergency restrictions should not be used to further reinforce political power

(Bangkok, 14 January 2021) – Malaysia’s recent declaration of a state of emergency risks compromising the rights of its people and its systems for accountability, said the Asian Forum for Human Rights and Development (FORUM-ASIA) and its Malaysia member organisations Suara Rakyat Malaysia (SUARAM) and Pusat Komnas (KOMAS), in a statement.

A nation-wide emergency was announced on 12 January in Malaysia.¹ The state of emergency will remain in place until 1 August, unless COVID-19 cases are brought under control.

The state of emergency follows the declaration of a Movement Control Order (MCO) just a day prior. The MCO would cover the states of Penang, Selangor, Melaka, Johor and Sabah, and the federal territories of Kuala Lumpur, Putrajaya and Labuan, with other states under conditional MCO. The MCO, which lasts two weeks, imposes a travel ban and prohibits mass gatherings.²

‘We support the implementation of effective and humane measures to protect public health at a time of crisis. However, any emergency decree or policy should abide by international standards of legality, proportionality and necessity. In this case, the state of emergency, on top of an existing MCO raises questions on what it really aims to achieve,’ said Shamini Darshni Kaliemuthu, Executive Director of FORUM-ASIA.

Amidst escalating frictions between the Prime Minister Muhyiddin Yassin’s government and political parties, the organisations argue that these would only reinforce Muhyiddin’s hold on power. A state of emergency would bar elections. It also deters Parliament from convening and allows the government to introduce new laws without scrutiny, thus preventing any form of checks and balances, which are particularly important as the nation faces a pandemic.

‘A state of emergency has the foremost consequence of compromising Parliamentary scrutiny and elections - otherwise crucial aspects undergirding a functioning democracy. While an election exacerbates public health risks in this pandemic, the right to elections remains sacrosanct to democracy. It is the incontrovertible truth that the right to vote must prevail above all crises. To that end, this government should turn to modern and health compliant methods to guarantee the realisation of the right to vote,’ said Ryan Chua, Programme Director of KOMAS.

‘Undue influence derived from emergency powers would inadvertently grant this government the ability to exert a surplus of powers. Such exercise of powers would cause entrenched effects detrimental to the realisation of human rights,’ he added.

¹ <https://www.bbc.com/news/55625448>

² <https://www.channelnewsasia.com/news/asia/malaysia-muhyiddin-mco-covid-19-curbs-5-states-kl-putrajaya-13936734>

The groups also raised the lack of transparency on the decision to impose a state of emergency.

'The government has the responsibility to be accountable for its decisions. There were no public discussions on how the government came to this. It raises concerns that they can continue to make decisions without any transparency or public scrutiny in the next months. It is a precursor of what's to come,' said Sevan Doraisamy, Executive Director of SUARAM.

FORUM-ASIA's research has shown a trend in which governments in Asia have used emergency powers to violate human rights and to consolidate power, through increased militarisation and disproportionate restrictions.³

'Civil society and the public should continue to monitor this government and hold them accountable for any decisions they make. We should all remain vigilant and ensure that we do not lose our hard fought freedoms because of this. The government should get the message that we are all watching,' said the groups.

***The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a Bangkok-based regional network of 82 member organisations across 23 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org*

***Suara Rakyat Malaysia (SUARAM)** is an independent human rights organisation which is not linked to any other agencies. SUARAM's main objective is the protection and realisation of human rights in Malaysia regardless of the government-of-the-day. www.suaram.net*

***Pusat KOMAS** is a human rights popular communications centre set up in August 1993 to empower especially the indigenous peoples, urban poor, workers and civil society organisations to advocate for human rights in Malaysia. www.komas.org*

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³ http://l.forum-asia.org/ASEANcovid_briefing