



26 May 2020

Mr. Felipe González Morales

Special Rapporteur on the Human Rights of Migrants

Ms. Leigh Toomey

Vice-Chair of the Working Group on Arbitrary Detention

Mr. Dainius Pūras

Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health

Ms. Mary Lawlor

Special Rapporteur on the Situation of Human Rights Defenders

Ms. E. Tendayi Achiume

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Mr. Nils Melzer

Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Dear Sir/Madam,

I refer to the Joint Urgent Appeal dated 14 May 2020, bearing reference No. UA MYS2/2020.

2. I wish to hereby transmit in the **ANNEX** the interim response of the Government of Malaysia to the afore-mentioned Joint Urgent Appeal.

3. In thanking the Human Rights Council's Special Procedures Mandate Holders for the understanding and cooperation, I express my sincere hope that the attached interim response from the Government of Malaysia will be fully taken into consideration.

Please accept, Sir/Madam, the assurances of my highest consideration.

Yours Sincerely,
Ahmad Faisal
DATO' DR. AHMAD FAISAL MUHAMAD

**THE GOVERNMENT OF MALAYSIA'S INTERIM RESPONSE TO THE JOINT
URGENT APPEAL FROM SPECIAL PROCEDURES MANDATE HOLDERS**

The Government of Malaysia wishes to provide an interim reply to the communication reference UA MYS 2/2020 on 14 May 2020, submitted by the Special Rapporteur on the Human Rights of Migrants, the Working Group on Arbitrary Detention, the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Government takes note that the communication was mainly premised on allegations in relation to certain actions taken by the Malaysian authorities, as part of the Government's efforts to tackle and combat the COVID-19 pandemic in the country.

The COVID-19 pandemic is a global unprecedented crisis. Like most other countries, Malaysia implemented the Movement Control Order (MCO) to contain the outbreak and ensure the safety of its citizens. The MCO, which began on 18 March 2020 in Malaysia, is in accordance with the Prevention and Control of Infectious Diseases Act 1988 of the country. The Order stipulates the restriction of movement and activities to contain the spread of the virus by primarily, preventing the possible creation of new clusters. The Government has also taken a targeted approach and where necessary, implemented the Enhanced Movement Control Order (EMCO) with tighter restrictions in certain areas where there have been outbreaks of significantly high number of the COVID-19 cases.

The Government of Malaysia wishes to underscore that the MCO and EMCO are necessary, temporary and proportionate measures taken in the best interest of the public health of the country. The Government is working tirelessly to ensure that every effort is taken to defeat this virus. In this regard, the Government works very

closely with relevant stakeholders, including civil society. It also has been collaborating closely with and extending full cooperation to UN agencies, including the World Health Organisation. The measures undertaken by the Malaysian Government have successfully halted rate of new infections and saved lives. Malaysia is one of the countries in the region with the highest screening rate and our success in tackling the pandemic has been widely acknowledged and duly appreciated.

Acknowledging that predicaments related to COVID-19 pandemic most acutely affect vulnerable communities, and heeding the call by the Secretary General of United Nations and High Commissioner for Human Rights to “leave no one behind” during this global crisis, the Government of Malaysia has taken measures to ensure that the welfare and rights of the most vulnerable, including migrants, refugees, asylum seekers and stateless people have not been neglected during the implementation of the MCO and the EMCO. In fact, much attention and consideration have been given to the condition and welfare of these communities. To illustrate, all foreign nationals regardless of their immigration status have been provided with food, health screening and medical treatment related to COVID-19, of which all costs have been borne by the Government of Malaysia.

As Malaysia progressively tackles the pandemic, mass screening and testing in communities of foreign nationals have become necessary after resurgence of outbreaks in these communities and the challenges in contact tracing. Foreign nationals with proper documentation and verified by health officials to be negative COVID-19 are free to return to their communities and work place. However, some of those who have failed to produce proper identification and travel documents or been found to possess forged documentation, have been detained for further investigations. Such measures are taken by the authorities in keeping with relevant Malaysian laws. The Government of Malaysia refutes any claim of foreign nationals being forcibly returned solely due to their health status.

Malaysia has taken additional prevention and management activities in relation to COVID-19 that involve refugees and asylum seekers. These have been undertaken through coordination between the National Security Council, the Ministry of Health

and the Crisis Preparedness and Response Centre with the United Nations High Commissioner for Refugees (UNHCR). A dedicated clinic that provides free screening for refugees has also been set up.

The Government of Malaysia has also taken steps to avoid overcrowding at the immigration depot centres. All facilities adhere to the Standard Operating Procedures prepared by the Ministry of Health, including the placement of medical officers at the facilities to ensure extra precautions are taken to minimise exposure among detainees.

The Government of Malaysia also takes very seriously the general observation of rising hate speech since the spread of the COVID-19 pandemic. Relevant Malaysian authorities have increased their vigilance in monitoring hate speech comments, particularly in the social media. Appropriate investigations are being undertaken in accordance with Malaysian laws. The Government of Malaysia will continue to keep a close watch on this matter and ensure that it is being addressed.

The Government of Malaysia will provide a more detailed response to the Communication from the Special Procedures in due course, upon consultations with all relevant line agencies. At this opportunity, the Government of Malaysia wishes to reiterate its strong commitment towards the global advancement of human rights. Malaysia takes the fulfilment of its international human rights obligations very seriously and is committed to maintaining a constructive engagement with the United Nations Human Rights mechanisms including the Special Procedures.

In this regard, the Government of Malaysia is convinced that engagements that are based on fair assessments, understanding and mutual respect, and in good faith would ensure unhindered positive collaborations among all parties, for the sake of the advancement of human rights in Malaysia and all over the world. The Government will also make all efforts to ensure responses to the COVID-19 pandemic are in full compliance with Malaysia's human rights obligations, as well as applicable international standards and laws.
