



*Permanent Representative of Malaysia  
Geneva*

1 July 2020

Mr. Cali Tzay  
Special Rapporteur on the Rights of Indigenous Peoples  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais des Nations  
1211 Geneva 10


Mr. Dainius Puras  
Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable  
Standard of Physical and Mental Health  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais des Nations  
1211 Geneva 10

Dear Sir,

I refer to the Joint Communication dated 28 April 2020 bearing reference no. AL MYS  
1/2020.

2. I wish to hereby transmit in the **ANNEX** the response of the Government of Malaysia to the afore-mentioned case.
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 response from the Government of Malaysia will be fully taken into consideration.

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

Best regards,  
  
DATO' DR. AHMAD FAISAL MUHAMAD

## **THE GOVERNMENT OF MALAYSIA'S RESPONSE TO THE JOINT COMMUNICATION BY THE SPECIAL PROCEDURES**

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### **Background**

1. The Government of Malaysia submits this response in pursuance to the joint communication prepared by Ms. Victoria Corpuz, the Special Rapporteur on the Rights of Indigenous Peoples; and Mr. Dainius Puras, the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, dated 28 April 2020 bearing reference no. AL MYS 1/2020, related to the alleged health epidemic which had affected the Batek indigenous peoples of Kuala Koh, Gua Musang (Batek Community) in May and June 2019. The Government of Malaysia had identified the epidemic as measles.

### **Malaysia's Response to the Joint Communication**

2. The Batek community in Kuala Koh village (Kg. Kuala Koh) is known as a semi-nomadic tribe and had been occupying the Kelantan State Government's land. *Jabatan Kemajuan Orang Asli (JAKOA)* or the Department of Orang Asli Development made an application to the Kelantan State Government in 2013, to gazette the land of the Batek Community, Kg. Kuala Koh. In 2019, the Kelantan Government instructed JAKOA to amend their application due to the overlapping of land titles with the Forest Reserve, National Park Reserves and some private companies.

3. With regard to the alleged epidemic, the Government of Malaysia had confirmed on 17 June 2020 that the disease which had affected the Batek Community was identified as measles. The spread of measles among the Batek Community was due to low coverage of MMR (measles, mumps and rubella) immunisation. The Government of Malaysia had taken necessary measures to prevent and control the outbreak of measles amongst the Batek Community. Immunisation programs, health awareness programs, promoting clean water for daily usage and consumption were carried out by the Government to create health awareness amongst the Batek Community.

4. The Government, through its various Ministries and Agencies had implemented short and long term plans for the Batek community. The main focus is about the health of the Batek community, clean water supply, electricity, housing and providing continuous education for the Batek students. The long term plans which are expected to reach Kg. Kuala Koh will include 24-hour electricity supply, treated water supply and a community school.

5. Meanwhile, the short-term initiatives focuses on clean water supply, health immunisation and economic assistance through cash crops. The Government of Malaysia also encouraged the Batek Community to participate in the government-

endorsed agriculture projects such as the Aboriginal Community Farm Project, to further boost their economic activity, increase their income and standard of living.

6. The Government of Malaysia had also established a General Health Assistant Volunteers Programme under JAKOA. Volunteers within the Batek Community will be working closely with the Ministry of Health in health data collection of the local community, spread information about health awareness and provide assistance on any welfare issues. Further, the establishment of the Orang Asli Village Community Management Council will serve as an intermediary between the Batek community and the authority where any complaints and suggestions can be effectively communicated.

7. The Department of Environment had collected water samples from the manganese mine and water catchment areas close to the Batek settlement for relevant analysis. The lab analysis reported that the water was free from hazardous contaminants and complied with the national drinking water standards for raw water.

8. In conclusion, the Government of Malaysia being a signatory to the United Nations Declaration on the Rights of Indigenous Peoples is dedicated in upholding and protecting various rights of the Indigenous Peoples including political, economic and social interests. The Government's commitment on the indigenous community is translated into numerous initiatives such as infrastructure development, poverty eradication, income generating activities and human capital development programmes.

9. Being a responsible state actor in the field of human rights, the Government of Malaysia maintains a good working relationship with the United Nations Working Groups. Malaysia pledges its commitment to ensure, promote and protect human rights in the country. Malaysia will continuously engage with the Special Procedures, Office of the High Commissioner for Human Rights in the exercise of their functions mandated by the United Nations.

**Government of Malaysia**  
**29 June 2020**