Goal 16 Target 16.9
- Statelessness has become one of the main issues in need of urgent actions in recent years. According to an in-depth coverage by Al Jazeera, at least 50,000 stateless children in Sabah are always on-the-run, fearing the prospect of being deported. These children are mainly offspring of migrants who form the backbone of Sabah’s economy, working mainly in palm oil plantations, or the construction and fishing industries.  
- A local NGO, Development of Human Resources in Rural Areas (DHRAA) was established in late 2014 to understand the extent and underlying causes of statelessness among Indian Tamil communities in West Malaysia. 11,645 stateless persons were registered by the NGO in West Malaysia as of 31 March 2016. Among them, over 4,000 are children.  

Goal 16 Target 16.10
- Human rights defenders faced intense persecution in the previous 12 months in Malaysia. 11 out of 13 arrested on the eve of the Bersih 5 rally were supporters and organizers of the rally. The chairperson of Bersih 2.0 was detained under the draconian Security Offences (Special Measures) Act 2012 (SOSMA), a procedural law that does not require judicial oversight and which denies access to legal representation. She was kept in solitary confinement in a windowless cell with two perpetually lit light bulbs throughout the 10 days detention.  
- Another woman human rights defender faced intense persecution by the state. She screened the documentary “No Fire Zone: The Killing Fields of Sri Lanka” during a private event in 2013. On the 21st February 2017, the magistrate’s court convicted her for allegedly screening the Sri Lankan civil war documentary that had not been approved by the Censorship Board, despite being acquitted of the same charges on 10th March 2016.  

Monitoring and Review of the Sustainable Development Goals & Development Justice
Reviewed by EMPOWER

COUNTRY CONTEXT

Malaysia utilizes an internationally accepted discourse at the United Nations, but state reports, such as Malaysia’s combined third to fifth periodic reports of States parties to CEDAW, indicate that Malaysia’s agenda is one of gender equality rather than gender equality. This is also evident by the government’s reservations to CEDAW Articles 5(a), 7(b), 9(2), 16(a), (c), (f), (g).1

Since the mid-80s, Malaysia’s development agenda has been focused primarily on attracting Foreign Direct Investment (FDI) and embracing market liberalization. Government attention has been focused on providing an environment conducive for multinational corporations to set up businesses at the expense of workers’ protection and rights.

The median monthly salaries and wages for individuals is RM1,700 (USD 378). This is reflected in Malaysia’s GDP where salaries and wages make up 37.7% of the GDP in 2011. Malaysia had a workforce of 12.3 million employed persons in 2011, of which 1.7 million (13.8%) were migrant workers. By 2013, this had grown to 13.2 million, with 1.76 million (13.4%) documented migrant workers. Even when Malaysian labour productivity increases, wages do not increase in tandem. It is symptomatic of the lack of bargaining power of low-skilled labour, Malaysia’s laws against unionisation, Malaysia’s over-reliance on low cost as a competitive advantage, and the inclination for policy-making and tax incentives to favour those who own capital.

Malaysia’s context is increasingly one of authoritarian control over its citizens. This is reflected in the many laws that have been passed in Parliament that increasingly limit the freedoms guaranteed under the Federal Constitution. There is greater inclination towards by-pass judicial overview in the enforcement of these laws, including laws enforced by Ministries and line agencies. Laws under the powers of Ministries are given wider scope of power such as the Communications and Multimedia Act, which gives very little room for Malaysians to resort to judicial redress.

The Prime Minister of Malaysia in his speech during the UN Sustainable Development Summit in New York in 2015 affirmed that the nation is fully committed to the 2030 Agenda. Realizing the aspirations of “no-one left behind” would however require an overhaul of the current political and socio-economic realities in Malaysia. ASEAN’s non-interference policy is a major hindrance in the region from setting and enforcing international standards of human rights that will serve the achievement of the SDGs.

OVERVIEW OF SYSTEMIC & STRUCTURAL BARRIERS TOWARDS ACHIEVING DEVELOPMENT JUSTICE

Internationally, Malaysia is successfully portrayed as a model Islamic country with people of many ethnicities and religions living in peace. At the national level, the State-sponsored version of Malaysia’s Islam is increasingly self-righteous, purist, misogynist and supremacist. 2 This has created a dichotomy within the society between Muslims and non-Muslims in Malaysia, but a gender divide as well as Muslims are subjected to two legal systems in which the perception of women as secondary to men is maintained through Islamic religious institutions, the educational system, government-owned mass media, and the bureaucracy in general. The brunt of moral policing in the name of Islam is experienced by women and women’s bodies.

2 Including salaries of CEOs

CONCLUSION & RECOMMENDATIONS

Respect for Human Rights
- ASEAN Human Rights Declaration has been in place since 2012. Yet human rights violations (human trafficking, ethnic cleansing and arbitrary killings) persist in the region. Governments in the region should remove the legal barrier to non-interference to strengthen the Declaration.
- Malaysia should speed-up access to 6 core international human rights treaties, as recommended by numerous human rights groups.
- Remove reservations to ratified Conventions

Include CSOs/NGOs in National Plans
- Although CSOs/NGOs have a relatively higher participation rate in the national planning of rights-related SDGs pertaining to gender equality and environment, involvement of CSOs/NGOs in other sectors and clusters are scarce.
- A wide range of CSOs/NGOs (grassroots and those working with marginalized communities) need to be included.

Development focusing on the people, environment and strengthened institutions
- In addition to addressing the ‘middle-income trap’, a just development should focus on reducing relative poverty narrowing the income gap between the rich and the poor through equitable taxations and access equal to development opportunities for all groups of people.
- ‘omic’ science and environmental justice framework for development, and include the indigenous peoples in managing the protection of the environment.
- The executive, legislative and judicial institutions should be effective by playing its role to the fullest to ensure that the government remains transparent and accountable to the people of the nation in order to attain social justice in development.

Flexibility in accepting policy recommendations
- National short and long-term plans should be flexible to adapt to internal and external factors affecting national development. Implementing Agenda 2030 requires a bottom-up approach to develop policies, which are inclusive and representative.

Freedom of information
- Important public data such as violence rates and government’s expenditures should be made readily available rather than arbitrarily guarded from the public under the Official Secrets Act.

Palma Ratio (Income Inequality)

UNDP Gender Inequality Rank

Health Budget USD 46.7 million vs Military Budget USD 3.6 billion

Malaysia’s Minimum Wage is USD 2,496 (per annum) vs Richest Individual Net Worth USD 11.6 billion

Goal 16 Target 16.9
- The executive, legislative and judicial institutions should be able to effectively play its role to the fullest and embrace market liberalization. Government attention has been focused mainly on attracting Foreign Direct Investment (FDI) and embracing market liberalization. Government attention has been focused on providing an environment conducive for multinational corporations to set up businesses at the expense of workers’ protection and rights.

The median monthly salaries and wages for individuals is RM1,700 (USD 378). This is reflected in Malaysia’s GDP where salaries and wages make up 37.7% of the GDP in 2011. Malaysia had a workforce of 12.3 million employed persons in 2011, of which 1.7 million (13.8%) were migrant workers. By 2013, this had grown to 13.2 million, with 1.76 million (13.4%) documented migrant workers. Even when Malaysian labour productivity increases, wages do not increase in tandem. It is symptomatic of the lack of bargaining power of low-skilled labour, Malaysia’s laws against unionisation, Malaysia’s over-reliance on low cost as a competitive advantage, and the inclination for policy-making and tax incentives to favour those who own capital.

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2 Including salaries of CEOs
The Federal Constitution (FC) protects women and girls in Malaysia from any form of discrimination. Clause 2 of Article 8 explicitly gives women and girls the right to equality of status and opportunity. It states that no person shall be discriminated against on the ground of sex, race, descent, place of birth or gender.

Public institutions are not seen to be independent. In 2016, the country was shocked by the abrupt replacement of the previous Attorney-General and key personnel of the Malaysia Anti-Corruption Commission (MACC). Annual reports of the Human Rights Commission of Malaysia (SUHAKAM) should be reviewed and debated in parliament, as decreed in an act issued by Parliament, however this is never carried out. It is also unclear how the selection and final appointment of commission is determined. The Election Commission's recent exercises to redraw electoral boundaries resulted in court challenges against the legality of the exercises.

The electoral system in Malaysia is first-past-the-post, with elections for parliamentarians and state assembly representatives. Members of local government are appointed based on political affiliation. In the 2013 general election, the incumbent ruling party won more parliamentary seats despite losing the popular vote. This led to court challenges and protests of gerrymandering.

Development policies have contributed to environmental degradation and the denial of basic rights to the indigenous people, one of the most marginalised communities in Malaysia. A study conducted by the University of Maryland estimated the state of Kelantan lost around 15 percent of its natural forest between 2001 and 2012 due to excessive concession licenses for logging, commercial farming, mining and property development on forest reserves and native customary lands.

ARCHITECTURE FOR SDGs IMPLEMENTATION

Government ministries, departments, agencies, civil society coalitions, UN bodies and professional unions form Malaysia's SDG Steering Committee, spearheaded by the Economic Planning Unit (EPU), one of 61 department/agencies in the Prime Minister's Department, a federal government ministry. In the committee's inaugural meeting, EPU conceded that there are limited resources especially in funding to implement the SDGs, without disclosing the amount of funding.

The SDG Steering Committee monitors, evaluates and reports the implementation of the 2030 Agenda. For detailed planning and implementation, the SDGs were grouped based on the following clusters:

1. Inclusivity - Goals 1, 2, 5 and 10
2. Well-Being - Goals 3 and 16
3. Human Capital - Goal 4
4. Environment & Natural Resources - Goals 6, 7, 12, 13, 14 and 15
5. Economic Growth - Goals 8, 9, 11 and 17

Each cluster comprise of either one or several taskforces (i.e. Taskforce Goal 5 – Gender Equality in Cluster 1 – Inclusivity), consisting of the private sector, NGOs, CSOs and academia. One of the core tasks of the taskforce is to draft Malaysia's Roadmap to implement the 2030 Agenda. However, segregating these goals by clusters has resulted in a silo approach of implementation. There is also resistance by government representatives to apply gender-sensitive analysis to other taskforces, apart from Taskforce Goal 5 – Gender Equality. The Steering Committee, which sits above the clusters and taskforces, has initiated discussions on interlinking these Goals especially on environmental sustainability and economic development. However, it has not reached any viable solution.

While NGOs and CSOs are well represented in the ‘inclusivity’(especially women rights organizations) and ‘environmental & natural resources’ (especially environmental organizations) clusters, the involvement of civil societies is scarce in the remaining clusters. Effective CSOs participation is unlikely when memberships of taskforces are dependent upon the leader of each cluster, who are appointed by the EPU.

The EPU opines that the SDGs mirror the Eleventh Malaysia Plan (11MP). This raises the issue of the government’s inflexibility in addressing some SDG targets, which are slightly contentious in the national context. For example, the 11MP does not have any concrete plans to address Task 5.3 of the SDGs, to eliminate harmful practices to women such as female genital mutilation (FGM).

Goal 5 Target 5.1
- The Federal Constitution (FC) protects women and girls in Malaysia from any form of discrimination. Clause 2 of Article 8 explicitly gives women and girls the right to equality of status and opportunity. It states that no person shall be discriminated against on the ground of sex, race, descent, place of birth or gender.

Goal 5 Target 5.2
- According to classified data which the Malaysian police compiled and shared, 12,987 cases of child sexual abuse were reported to police between January 2012 and July 2016. Charges were filed in 2,189 cases, resulting in just 140 convictions.

Goal 5 Target 5.3
- A 2012 study of 1,196 respondents, or 16.16% of respondents, or 100 respondents, or 25 out of 222 members of Parliament, or 11.26%. In State assemblies, across 13 states in Malaysia, women make up 66 out of 587 State Assembly Representatives, or 11.24%. A little more encouraging is the figures of women’s representation across city councils in Malaysia of 54 out of 294 City Councillors, or 18.37%. In municipal councils, women’s representation is recorded at 143 out of 885 Municipal Councillors or 16.16% of the total.

Goal 16 Target 16.1 - Malaysia's military budget in 2017 underwent significant cuts. The amount allocated to the Ministry of Defence for 2017 is MYR15.06 billion, equating to a 13% drop from a similar allocation in 2016. Out of a total budget of MYR 260.8 billion for 2017, the percentage of military budget to total government budget is 5.77%.

Goal 16 Target 16.3
- Confidence in Malaysia’s system is largely negative. A 2014 survey conducted by the Medska Center For Opinion Research found that only 38 percent of Malaysians felt confident in the country’s judicial system, with 48 percent responding negatively.

- There is little to suggest that the confidence has since improved from its records in 2014. Since then allegations of corruption, such as the alleged MYR 2.6 billion found deposited into Prime Minister Najib’s personal bank account, and the United States’ Department of Justice revelation of a MYR 4.1 billion graft involving him, have yet found any concrete legal conclusions in the country.

- Instead, in March 2016, more doubts arose when the newly-appointed Attorney General (A-G), who was appointed on the advice of the Prime Minister, cleared the Prime Minister of any wrongdoings in the MYR 2.6 billion found in his personal bank account. Specifically, the A-G decided not to proceed with the three investigation papers submitted by the Malaysian Anti-Corruption Commission (MACC) on the MYR2.6 billion donation:11

2. For more information on this operation refer here: http://www.pressrelease.org/my/10
5. Data based on research by EMPOWER on women representation across municipal councils, city councils together with updates of state assembly representatives and members of parliament. All data based on time of research, February 2017.