

**AMNESTY
INTERNATIONAL**



DEFENDING HUMAN RIGHTS

29 January 2020

Senator the Hon. Marise Payne
Minister for Foreign Affairs
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Senate
Parliament House
Canberra ACT 2600

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Dear Minister Payne

RE: COMPREHENSIVE STRATEGIC PARTNERSHIP WITH MALAYSIA

I am writing in regards to the Comprehensive Strategic Partnership with Malaysia that the Australian government entered into on the 27th of January 2020. I commend the government on working to strengthen bilateral relationships with our Indo-Pacific neighbours. I am concerned however about the lack of any reference to human rights in the *Joint Statement on a Comprehensive Strategic Partnership between Australia and Malaysia*.

Human rights should be at the centre of Australia's Comprehensive Strategic Partnership with Malaysia.

Amnesty International Australia has serious concerns about the human rights situation in Malaysia. In many areas, the Malaysian government's approach to human rights is not compatible with that of Australia's values and commitment to human rights. For example, Malaysia retains the death penalty, including it being a mandatory sentence for some crimes.

The former Pakatan Harapan coalition government accepted more recommendations from other countries during the 2019 review of its human rights record at the UN Human Rights Council than ever before. However, it rejected recommendations to protect the rights of LGBTI and Indigenous peoples.

Amnesty International also has concerns about attacks on the right to freedom of expression in Malaysia - including through restricting laws such as the *Sedition Act* and the *Communications and Multimedia Act*. The right to the freedom of religion is also under pressure in Malaysia, including, for example, the Kelantan state government announcing plans to convert all Indigenous peoples in the state, who customarily practice animism, to Islam by 2049.

It is encouraging that the Statement reaffirms the commitment of the Australian and Malaysian governments to counter people smuggling and human trafficking, including participation in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. However, Malaysia is not a party to the *Refugee Convention* and because of which refugees are treated

as undocumented migrants. It must also be noted that Malaysia regularly disregards the international legal rule of non-refoulement by 'pushing back' or deporting refugees and asylum seekers.

During the October 2020 session of 2020-21 Budget estimates, I was disappointed to hear Mr James Wiblin give evidence that human rights was not discussed as part of Australia's Comprehensive Strategic Partnership with India. **This mustn't happen with the new agreement with Malaysia.**

A strong and healthy relationship with Malaysia must have human rights at its heart. I urge that you take the above human rights concerns into consideration when engaging with Malaysia as a 'Strategic Partner'. Please use this new platform to raise such concerns and encourage Malaysia to address them as soon as possible.

For further information, or to discuss and organise a meeting, please contact Joel MacKay at joel.mackay@amnesty.org.au or 0424 242 112.

Yours sincerely,



Sam Klintworth
National Director
Amnesty International Australia