Universal Periodic Review: The Role of Civil Society Organisations in Malaysia

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Abstract

In Malaysia, the participation of citizens in public-policy process is still deemed limited under the semi-authoritarian state. The Universal Periodic Review (UPR) provides a great avenue to illustrate the role of Civil Society Organisations (CSOs) in public policy-making as it brings into focus highly debatable human rights issues in the international arena. This paper examines the influence of CSOs in the state's decision making in the UPR process, and identifies the role of CSOs in the Malaysian UPR by investigating the interaction between the state and CSOs from the perspectives of political culture, organisational imperatives and functional coincidence, and behavioural and attitudinal approaches. A qualitative approach was applied through the use of in-depth interviews and an analysis of secondary data. Our findings show that CSOs' participated actively in the UPR process but this participation remained limited in a procedural democratic setting although the state has become more open to CSOs. This has resulted in CSO influence being more targeted towards conservative rather than controversial issues in the UPR. This paper aspires to contribute to the existing body of knowledge on democracy, focusing on its substantive practices in public decision-making processes within government institutions with regards to human rights policies.

Keywords: Universal Periodic Review (UPR), Civil Society Organisations (CSOs), Public policy making, human rights, Malaysia

INTRODUCTION

In Malaysia, democracy exists in a largely procedural rather than substantive form, as citizen participation in the public-policy process is still limited under the semi-authoritarian state (Przeworski & Limongi, 1997; Slater, 2012; Croissant & Giersdorf, 2011). Public participation in the making of policy, as well as law and legislation, is one of the defining steps towards democratisation, wherein stakeholders and bodies of interest are provided ways to deliver their comments and expectations.

Civil Society Organisations (CSOs) in Malaysia have been playing a role in the public-policy process for decades, by responding to current issues and providing comments on the policy formulation process (Hassan, 2003; Tan & Bishan, 1994; Weiss, 2003). Recently, the state seems to be opening the door more widely for participation in policy making, encouraging the involvement of CSOs in the public-policy process through engagement sessions and appointing representatives from CSOs as policy-making committee members. However, the dissatisfaction of CSOs on certain public policies, especially on human rights issues, has brought discredit upon the public administration. This raised questions regarding the role and influence of CSOs in the state's decision-making processes relating to human rights issues.

The Universal Periodic Review (UPR) provides a great avenue for CSOs to involve themselves in the public policy-making process, as it brings into focus highly debatable human rights issues in the international arena. These issues include civil and political rights, economic rights, and the rights of vulnerable groups such as women, children, persons with disabilities (PWDs), elderly individuals, and people who are lesbian, gay, bisexual, and transgender (LGBT). The UPR process involves representatives from the international community, namely the representative of the United Nations (UN), other Member States of the UN, and international CSOs. The structure of the players in the UPR process has created a different public decision-making environment in the local process. However, has this situation provided CSOs with a better opportunity to extend their influence in public decision making? Have the state and CSOs acted differently in the UPR process compared with other policy-making processes that only involve local players? By creating a wider space and atmosphere in the policy-making process, has the state prompted the evolution of democratisation in Malaysia during the UPR process? Does democratisation in Malaysia impose any impacts on CSOs' influence in the state decision making in the UPR? This article analyses the Malaysian experience in the process of the UPR by illustrating the conceptualisation and depiction of the interaction of the CSOs and the state throughout the three cycles of the UPR (2009-2018). It investigates the interaction between the state and CSOs from the perspectives of political culture, organisational imperatives and functional coincidence, and behavioural and attitudinal approaches.

Studies have been conducted on the role and behaviour of CSOs in public policy making in Malaysia, particularly in economics and development (Ho, 1992), tourism planning (Marzuki, Hay & James, 2011), and health (Rasiah, Tumin, Hameed & Ndoma, 2017). Moreover, the role of CSOs in social movements in Malaysia and the interaction between the state and CSOs have also been studied under the concept of civil society and democracy (Croissant & Giersdorf, 2011; Freedman, 2009; Khoo, 2014; Kua, 2005;

Ramasamy, 2004; Rodan, 2014; Verma, 2002; Weiss, 2014; Welsh, 2011; Weiss & Hassan, 2002). However, there is at present a lack of studies on the role of CSOs in policy making, specifically on human rights issues that are heavily discussed within the international community.

Human rights cover all the matters related to human beings, from the rights of individuals to the rights of certain groups. Conflict arises when different parties possess different views on a matter, especially when an issue is related to the interest of the people involved. This situation is common in the policy-making process. Generally, the Malaysian society has a unanimous view on certain issues related to the basic rights of vulnerable groups, including women, children, PWD, and elderly individuals. However, certain issues prompt disagreement by groups of people in society, since such controversial issues challenge societal norms particularly from the perspectives of religion and general public perception. These controversial issues complicate the policy-making process, especially with existing gaps between the state and CSO as well as among the CSOs themselves. Moreover, the presence of the international community has also changed the context of the policy process, as both the state and CSOs may have different considerations and behaviour.

The UPR is a unique and dynamic mechanism used to review regularly the human rights condition of all UN member states. Each cycle of UPR runs for four years and is based on four basic pillars: (1) the Charter of the UN; (2) the Universal Declaration of Human Rights (UDHR); (3) the international human rights instruments to which a member state is party; and (4) voluntary pledges and commitments made by a member state, namely those undertaken when presenting their candidatures for election to the United Nations Human Rights Council (UNHRC, 2007).

In 2009, Malaysia accepted 62 of 103 recommendations at its first review cycle. The accepted recommendations were in respect of various human rights issues including accession to international human rights treaties, review of existing laws and judicial systems, rights of vulnerable groups (e.g., indigenous peoples, women and children, and foreign workers), trafficking in persons, and education, economic and healthcare rights. Four years later, the percentage of accepted recommendations in the second cycle of review of UPR was at 64.66%, where 150 recommendations were accepted, while the remaining 82 recommendations were yet to be accepted by the government of Malaysia. In 2018, the country received 268 recommendations, 147 of which are yet to be accepted. The implementation of these accepted recommendations in the public policy of Malaysia will be reviewed in the next cycle, which will take place in November 2023. The accepted recommendations of acceptance in the third

cycle show the lowest percentage among the three cycles of UPR. Therefore, it is crucial to understand the basic considerations of the state in decision making in the UPR process, as well as to comprehend how CSOs influence the state in the process. Table 1 shows the number of recommendations and the acceptance of the Malaysian government during the first, second, and third cycles of the UPR. This table shows that the state's acceptance of the UPR recommendations is not increasing in parallel with the total number of recommendations in the three cycles of the UPR. The state upholds its principle and sticks to the references while making decisions during the UPR process, yet there is still a lack of proof regarding the significance of the percentage of acceptance of human rights development in Malaysia.

Table 1. The First, Second, and Third UPR Recommendations for Malaysia

Cycle of UPR	Recommendation	Accepted	Noted
1st Cycle (11 February 2009)	103	62 (60.20%)	41 (39.80%)
2nd Cycle (24 October 2013)	232	150 (64.66%)	82 (35.34%)
3rd Cycle (8 November 2018)	268	147 (54.85%)	121 (45.15%)

Source: https://www.upr-info.org/en/review/Malaysia (2019)

CSOs in the UPR

The UPR is a mechanism to review the human rights records of UN member states through the UNHCR. Its aim is to improve the human rights condition in each member state by addressing human rights violations and making recommendations for improvement (UNHRC, 2019). The mechanism was established during the creation of the UNHRC on 15 March 2006 by the UN General Assembly in Resolution 60/251. The mandate for the UNHRC to commence the UPR was outlined in Article 5(e), which states that the UN should:

> *"Undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States".*

CSOs practise different approaches and methods when dealing with the state, which include delivering opinions and acting in a certain manner throughout the public-policy process. These factors shape their relationship with the state. Lewis (2013) identified two types of state-CSO relationship: a cooperated relationship and a highly

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contested relationship. The three broad approaches in the cooperated relationship are (1) political culture, (2) organisational imperative and functional coincidence, and (3) behavioural and attitudinal aspects of civil society. Further, he proposed two approaches introduced by Young (2000) as the key factors in affecting a highly contested state-CSOs relationship: self-organisation and the public sphere.

Malaysian CSOs uphold their struggle under the authoritarian state by counter-hegemony (Freedman, 2009; Kua, 2005; Lai, 2004; Miles & Croucher, 2013; Ramasamy, 2004; Shannassy, 2009; Welsh, 2011) and social capital approaches (Farduk, 2006). However, the interaction between the state and CSOs has happened in a cooperative way, where CSOs tend to communicate with the state, and the state has engaged with CSOs in the three cycles of the UPR. Therefore, this study analyses the relationship between the state and CSOs by using the three approaches for the cooperated relationship identified by Lewis.

The UNHRC encourages CSOs to participate in the UPR process by submitting stakeholder reports, memorandums, and mid-term reports (a monitoring report of the implementation of accepted UPR recommendations). CSOs are also welcome to attend UPR review sessions in Geneva. However, questions arise as to whether or not these opinions will be heard and considered by their state's policy-maker. Other than that, the considerations of the state in the policy-making process are also questioned. These inquiries are important to investigate when producing more transparent and effective decision making in the UPR process, as they impact the development of democracy in the country.

This article seeks to describe the role of CSOs in the state's decision making in the Malaysian UPR process. The remainder of the paper is organised as follows. Firstly, in the section entitled "Civil society and policy making", we offer a review of studies on the role of CSOs in policy-making, the meaning of CSOs participation in the policy process as a democratisation process, and the state-CSO relationship, as well as the Malaysian UPR process. The section entitled "Subject and Method" describes the key subject and methodology used. Next, the "Findings and Discussion" section presents the involvement of CSOs in the UPR process and the interaction between the state and CSOs from political culture, functional, and behavioural/attitudinal perspectives. The last section concludes the article.

LITERATURE REVIEW

Civil Society and Policy Making

Studies on participation of CSOs or stakeholders as key players in the policy-making process have been conducted for decades. Such work has explored policy making from many perspectives, focusing on demographic characteristics, constituency preferences, decision-makers' attitudes, the influence of career bureaucrats, and the input of interested and affected citizens (Mazmanian & Sabatier, 1980). In order to widen the involvement of stakeholders in the policy-making process, studies have also been conducted to understand the participation of the public in the policy-making process. Maloney, Jordan and McLaughlin (1994) examine the role of interest groups in the policy-making process in the United Kingdom, placing emphasis on the importance of consultation, and distinguishing it from bargaining and negotiation.

Scholars have determined the factors of public participation in the policy process in order to make participation a success and significant. These include the purpose of public involvement, the nature of the issue (Walters, Aydelotte, & Miller, 2000), the discourse community and interest network (Hai, 2013), and the structure and political factors (Khalid, Mushtaq, & Naveed, 2016)). Moreover, agencies play a role in the policy-making process by explaining the key concepts of public agencies, policy autonomy, and related research literature (Bach, Niklasson, & Painter, 2012) . Bach (2012) has also studied the role of state agencies in the policy formulation by explaining policy autonomy in Germany. Subsequently, Marzuki (2015) has analysed the approaches to public participation in Denmark, the Philippines, Canada, and the United Kingdom. However, the context of developing countries such as Malaysia and other Southeast Asian countries might be different from developed countries. Hai (2013), in his study of the context of developing countries, identified that the involvement of civil society in policy making is crucial if the state tends to improve the transparency, quality, and effectiveness of policies. Nonetheless, these studies could be references in studying CSOs' participation in policy making in Malaysia. However, they do not suit the Malaysian context perfectly due to the difference between the nation's social structure and the complexity of its society in comparison with others.

CSOs in Malaysia have contributed to the transformation of democracy through social movements, community activities, and participation in public administration. The involvement of CSOs in public policy making serves as one of the platforms and contributes to the democratic transition of Malaysia. The involvement of CSOs in public policy making has been active since its independence in 1957, in several types of

policy as well as public decision making. Tan and Bishan (1994) explain that the development of CSOs is a response to the increasing authoritarianism of the Malaysian state, where public decision making has been drastically restricted and created imbalances and inequality in the country. Historically, Malaysian CSOs originated from Chinese associations, reformist Indian associations, Malay nationalists, and Islamic organisations (Hassan, 2003). Malaysia is a semi-authoritarian and highly-centralised state, and thus its system is semi-democratic (Case, 1993; Neher, 1994; Verma, 2002). Under this context, CSOs participate in policy making through a counter-hegemonic approach where these groups from civil society voice their expectations through social movements (Miles & Croucher, 2013; Welsh, 2011; Khoo, 2014). Meanwhile, the social capital approach has been employed by CSOs in taking part in the policy-making process. Farduk (2006) outlines the selection of prominent CSOs in Malaysia, including *Suara Rakyat Malaysia* (SUARAM) and Education and Research Association for Consumers, Malaysia, explaining the way these CSOs interact with the state through a social capital approach. Malaysian CSOs have made an important contribution to the democratisation of the nation, and have increased citizen awareness by bringing key issues to public prominence and nurturing a significant core group within civil society, one that is able to rally mass opinion at crucial junctures in support of political, social, and economic reforms (Weiss, 2003).

CSOs in Policy Making As a Process of Democratisation

Public opinion is significant in public decision making because every single decision affects the life of members in the society (Jacobs & Shapiro, 1994). CSOs play an active role in public policy making and are agents of democratic change, ones whose activities under the authoritarian rule contribute to the existing political order (Croissant & Giersdorf, 2011). CSOs are deemed crucial in contributing to the advocacy and transformation of democracy (Lee, 2004). Therefore, the participation of CSOs in public policy making is one of the ways to support democracy in a country.

Contemporary studies have split democracy into two different categories: procedural and substantive democracy. The former refers to democracy as a form and method in protecting political freedom through institutionalism arrangement (Kelsen, 2013; Schumpeter, 2003). Saffon and Urbinati (2013) point out that procedural democracy is the most applicable form of democracy in contemporary political theory based on five normative criteria: uncertainty, openness and contestation, participation and emendation, responsiveness, and nontriviality. On the other hand, substantive democracy focuses on the substance and contents of democracy instead of the procedures and methods. There is the opinion that procedure alone is inadequate in

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realising democratic practices, as the public opinion should be heard and considered in the decision-making process of government institutions. Substantive democracy as a societal model considers quality of life and public affairs, including issues of social justice and economic inequality (Box et al., 2002). Hence, both procedural and substantive democracy are needed to complete the process of democratisation (Banu, 2003).

Malaysia has been defined as a hybrid regime with a semi-authoritarian and highly centralised state resulting in a system that is semi-democratic (Case, 1993, 2009; Weiss, 2003, 2014; Farduk, 2006; Funston, 2001; Neher, 1994; Verma, 2002). Slater (2012) points out that authoritarianism is seen as essential to stabilise Malaysia's multi-ethnic plural society and manage expectations from different groups within. The involvement of CSOs is a major pre-requisite for the success of democracy in a country (Banu, 2003). Malaysia has been growing and developing since its independence in 1957 under the authoritarian rule (Przeworski & Limongi, 1997b), and the involvement of CSOs may have been one of the driving forces in the development process.

As a semi-autocratic country, Malaysia is always in the position to determine the level of participation of non-state parties in public policy making. Therefore, the relationship between the state and civil society is top-down, where the state has been condescending towards the CSOs (Abdullah, 2017). This relationship limits CSOs to a highly dependent situation with limited chances to participate in the public policy-making process. However, CSOs in Malaysia have consistently pushed to take part in such processes and to contribute to the democratic process of the country. Howard (2010) has summarised the five components of democracy by Juan Linz and Alfred Stepan (1996) into an illustration (see Figure 1). These five components include civil society, political society, economic society, the rule of law, and state bureaucracy. Each of these components interact with each other and mutually reinforce the platform of democratic consolidation (Linz & Stepan, 1996, pp.3-15; Howard, 2003, p.33; Howard, 2010, p.186).
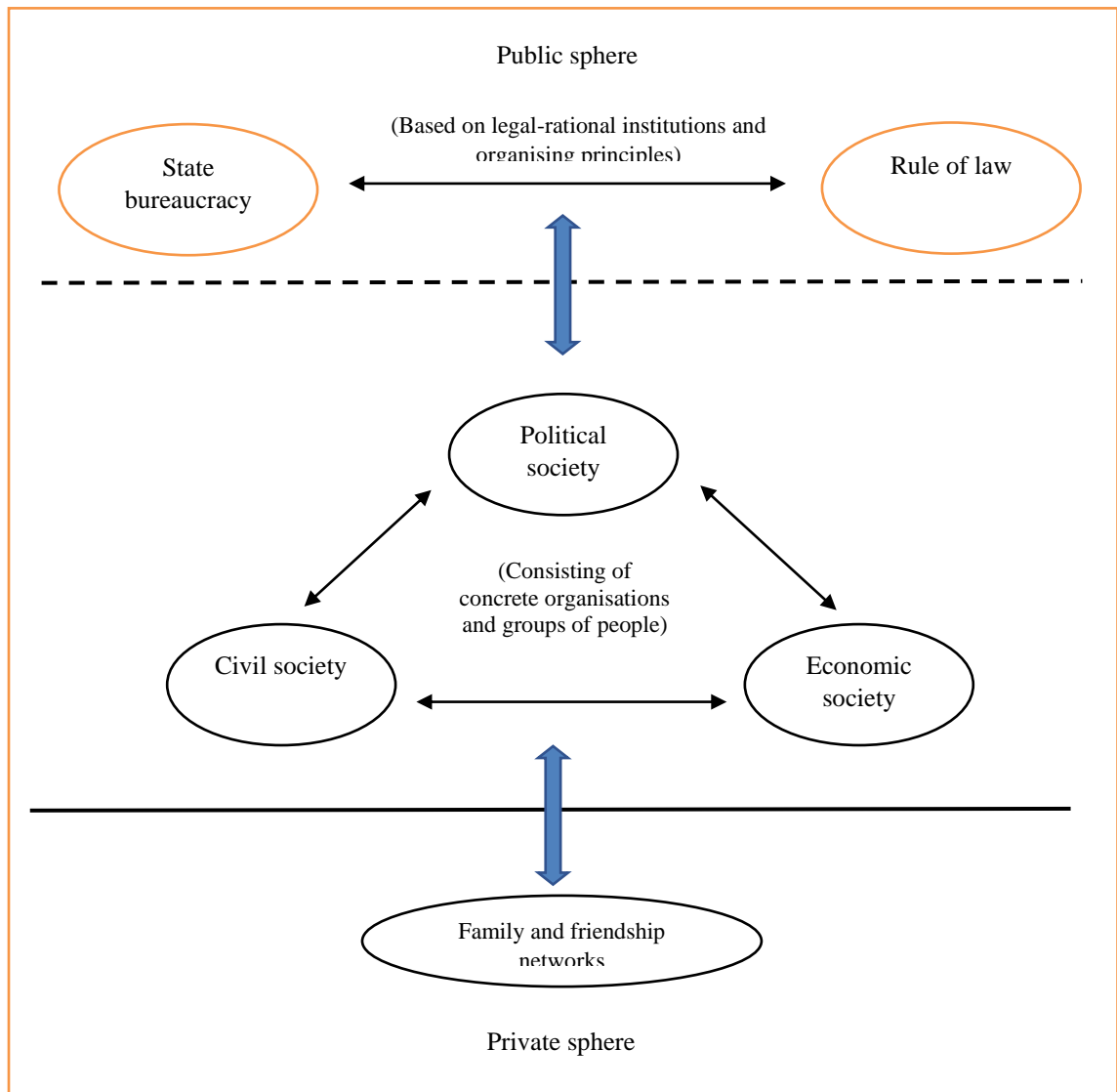
Figure 1: The arenas of democratisation (Howard, 2010)

State and CSO Relationships

As part of the democratic process, civil society that is active and vibrant in the public policy process is key for the successful democratisation of a country. This is true for both developed and developing countries (Howard, 2010). Looking at the Malaysian context, as shown in Figure 1, the state bureaucracy is the authority responsible for

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policy making, and this process is implemented according to existing laws. These two components are revealing to the public sphere. However, the decision-making process is influenced by the organisations and groups of people from the polity society, economic society, and civil society. Nonetheless, these three components are comprised of individuals from family and friendship networks. This situation is aligned with the current situation in Malaysia and emphasises the significance of CSOs in delivering grassroots expectations to the policy-maker.

CSOs practise different approaches in getting involved with the public policy process. The differences in approaches are due to their varied backgrounds, beliefs, and participation objectives. Lewis (2013) proposed Young's dualistic approach to describe the relationship between the state and civil society under a highly contested relationship from the perspective of self-organisation and the public sphere. On the other hand, he also identified three aspects that influence the relationship between the state and CSOs in a cooperative relationship, namely the political cultural, organisational imperatives and functional coincidence, and behavioural and attitudinal approaches, which explain the interaction between the authoritarian state and CSOs. These approaches offer a framework to understand the cooperative relationships between the state and CSOs in the public policy process, including the UPR process in which the interaction between state and CSOs tends to be more cooperative rather than contested.

The State and CSOs in the UPR

Studies have been conducted on the UPR from a macro perspective, focusing on the mechanism itself as well as the influence of the National Human Rights Institution (NHRI) in the Malaysian UPR. Beckstrand (2015) looked at the role of non-stakeholders (including CSOs) in the first cycle of the UPR, and found that CSO activity is related to the rates of states rejecting recommended changes. The level of demands in the recommendation, worsening human rights records, and recommendations related to specific international obligations or political rights are factors that increase a state's rejection of the UPR recommendations. Beckstrand identified that states commonly express their resistance to international human rights norms from the aspects of cultural, religious, and nationally-particularistic claims or with appeals to state sovereignty.

At the regional level, Gomez and Ramcharan (2018) analysed the implementation of the UPR towards human rights developments in southeast Asia from the CSO perspective. Khoo (2014) determined how effective the UPR was at encouraging national human rights reforms by analysing and assessing the

implementation actions of the Malaysian government following their acceptance of the UPR recommendations. Later, Khoo (2018) identified the effectiveness of Malaysia's NHRI, the Human Rights Commission of Malaysia (SUHAKAM) in the first and second cycle of the Malaysian UPR. Currently, no study has investigated the interaction between the state and CSOs in the UPR process. Therefore, this study fills this gap in the extant research by identifying the strategies or approaches employed by CSOs in the Malaysian UPR process.

The interaction between the state and CSOs in the UPR process is framed by the setting of this international mechanism in the first place, where the role of CSOs is acknowledged and the states are encouraged to involve CSOs in the UPR process. Hence, this study also fills a theoretical gap on the interaction between the state and CSOs in the Malaysian UPR process, where the nature of this newly developed international human rights mechanism differs from general public policy processes due to the expectation and consideration of the international community, the state, and CSOs. This study also analysed the relationship between the state and CSOs in the Malaysian UPR through the three approaches proposed by Lewis (2012), which are political culture, organisational imperatives and functional coincidence, and behaviour and attitude of the civil society.

SUBJECT AND METHOD

This study adopted a qualitative approach through two data collection methods: in-depth interviews and analysis of secondary data. Key players in the Malaysian UPR were identified and interviewed for this research, and include representatives from related government departments and agencies, SUHAKAM, and CSOs who participated in the first, second, and third cycles of the UPR. The informants were involved in the full cycle of the UPR, from policy making through to implementation and up to evaluation.

In-depth interviews were conducted with 11 persons who are active and have wide knowledge about the Malaysian UPR process. These include six officers from Ministry of Foreign Affairs (MOFA), the Ministry of Women, Family and Community Development (MWFCD), the Ministry of Home Affairs (MOHA), and two departments under the Prime Minister's Department. Additionally, three representatives from SUHAKAM and various CSOs were interviewed. The interviews were transcribed into conversational text, and then this data were analysed through a thematic analysis. The transcripts have been coded and categorised, and themes have been created.

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Although the issues under the UPR's recommendations are varied and involve a number of departments and agencies, it is sufficient to collect the data through the key players who shape the UPR process, and who are responsible for the decision making of the recommendations and facilitation of the mapping of these suggestions through active participation. Interview sessions with these government officials and representatives from CSOs are important for empirical data collection because they are the people who are involved directly in the Malaysian UPR process.

Secondary data sources have been reviewed and utilised. This provided an overall understanding of the UPR process and the role of state and CSOs in the Malaysian UPR. Secondary data sources include the summary report prepared by the United Nations UPR Working Group, the country report by the state (the Government of Malaysia), stakeholder reports and mid-term reports by SUHAKAM and CSOs, as well as memorandums and written comments from CSOs to the state. Apart from that, press statements and other related information from official websites of ministries and government agencies, SUHAKAM, and CSOs were reviewed to obtain related information on the decision making of the state in accepting UPR recommendations. The secondary data were analysed through inductive content analysis due to the lack of previous study on the UPR process (Elo & Kyngäs, 2008).

FINDINGS AND DISCUSSION

During the three cycles of the UPR, economic, social, and cultural recommendations, along with the protection of vulnerable groups and a national human rights mechanism, obtained positive responses from the state. However, recommendations for other controversial issues related to civil and political rights such as freedom of religion, freedom of assembly and association, LGBT rights, and the abolishment of the death penalty were not accepted by the state.

The findings of this paper illustrate the map of CSO involvement in the Malaysian UPR process by identifying the key CSOs involved as well as the approaches used by these organisations to influence the state's decision making in the UPR process. We found that there are two main CSO coalitions that participate actively in the Malaysian UPR: the Coalition of Malaysian NGOs in the UPR Process (COMANGO) as well as the Islamic Non-Governmental Organisations (INGOs). The latter became involved in the UPR by establishing an organisation named the Coalition of Muslim NGOs in the UPR Process (MuslimUPRo), a group that later developed and established

both the Centre for Human Rights Research and Advocacy (CENTHRA) and a specific INGO coalition in the UPR, the Malaysian Alliance of Civil Society Organisation in the Universal Periodic Review (MACSA). These findings brought to the discussion the three approaches of political culture, organisational imperative and functional coincidence, and behavioural and attitudinal aspects of civil society. We expect something different from the conventional public decision-making process due to the different context of this international mechanism.

The Involvement of CSOs in the Malaysian UPR Process

CSOs have been proactive in participating in the review process since the first Malaysian UPR cycle, and the number of involved CSOs has increased throughout the three cycles, from 2009 to 2018. The state has opened the door for more engagement in the UPR process by stakeholders, including CSOs, the SUHAKAM, and experts on human rights issues. This initiative enhances the transparency of public policy making in the UPR process. As an NHRI, SUHAKAM commits to its role monitoring the state of human rights protection and development in the country. They also act as the coordinator between the state and CSOs in the process of the UPR.

The UPR provides a great avenue to illustrate CSOs' role in the decision-making process of public policies. The submission of CSOs to the UPR Working Group increased between the first and second cycles and again in the third cycle due to the increase in awareness among civil society groups on this mechanism. Six local CSOs and six international CSOs submitted their respective written reports (Appendix 1). Being in a typical hybrid regime, CSOs have been pressing liberalisation to the state by participating in the policy-making process, voicing their opinions through discussions with the state (Weiss, 2014). Hence, it is unsurprising that the participating CSOs are those currently active in democratic movements for human rights. These include the Malaysian Bar Council, SUARAM, and other prominent CSOs participating in the Malaysian UPR process through the establishment of COMANGO. The Malaysian Bar Council, a body of legal practitioners, supports social movements and contributes to the line-up of CSOs by providing legal advice and taking action whenever necessary.

In comparison, the involvement of CSOs in the UPR process increased in the second cycle in 2013, when 13 local CSOs, 23 international CSOs, and three UN agencies submitted written reports (Appendix 2). The active involvement of CSOs in the UPR process shows that these groups believe the UPR process to be a platform and a tool in the development of human rights in Malaysia. Additionally, CSOs from the Islamic community have attended the review session in Geneva and participated in

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discussions on UPR recommendations. However, their late participation prevented them from submitting their stakeholder reports to the UPR Working Group during the second cycle. The participation of Islamic CSOs in the UPR process has created a new environment for the Malaysian UPR process, as there are conflicts between these groups and selected groups of secular CSOs.

The submission of local CSOs in the third UPR increased noticeably during the third cycle, when 34 out of 67 local CSOs submitted stakeholder reports (Appendix 3). Malaysia is increasingly becoming familiar with the UPR thanks to the third cycle, in large part due to the information sharing between CSO groups and SUHAKAM on their official website. CSOs concerned with human rights issues must not estranged from SUHAKAM as it is the NHRI of Malaysia. Being acquainted with this human rights review process resulted in the number of CSOs increasing during the UPR process, as they treat it as one of the platforms to express their problems and deliver their expectations to the state, particularly from the human rights perspective.

The rise of CSOs in the UPR process has added value to the human rights movement of Malaysia, as it has been used by CSO groups as a method of influencing the state's public policy decision making. Commonly, CSOs submit their stakeholder reports independently, although some CSOs choose to submit as a group, with the latter managing to cover broader issues than the former. The establishment of a CSO coalition is another way of creating cohesion in the UPR process. We identified two big coalitions of local CSOs in the UPR process, the COMANGO and the MACSA.

The COMANGO

To enable active CSO participation in the Malaysian UPR process, the COMANGO was established in 2008. This coalition comprises 52 CSOs, and the secretariat includes two prominent human rights CSOs in Malaysia, namely *Persatuan Kesedaran Komuniti Selangor* (EMPOWER) and SUARAM. The COMANGO began taking part in the Malaysian UPR process during the first cycle. Apart from engaging with the state, this coalition has maintained good contact with SUHAKAM and professional organisations such as the Malaysian Bar Council.

Other than EMPOWER and SUARAM, other prominent human rights CSOs in the COMANGO include the All Women's Action Society, the Association of Women Lawyers, *Pusat Komunikasi Selangor* (KOMAS), Education and Research Association for Consumers, Malaysia (ERA Consumer), the National Human Rights Society (HAKAM), *Tenaganita*, Sisters in Islam, the Foreign Spouses Support Group, the

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Centre for Independent Journalism, the Kuala Lumpur and Selangor Chinese Assembly Hall Youth Section, the Malaysian Youth and Student Democratic Movement, the ASEAN Institute for Early Childhood Development, *Jaringan Kampung Orang Asli Semenanjung* Malaysia, and the Association of Women with Disabilities Malaysia.

CSOs in the coalition have been working on the protection and development of human rights in Malaysia for decades, such as the rights of women and children, PWD, freedom of press, consumer rights, issues regarding foreign spouses, groups in the Chinese community, and young Malaysians including students. These groups have also played an active role in the democratisation of Malaysia by raising issues of human rights abuse to the state, society, and even to the international community by organising events and activities, publishing reports, and organising workshops on issues related to democracy. The majority of the COMANGO's members are human rights and social activists, while some are law practitioners. They have extensive experience in human rights activities and social movements in the local scene, including the *Reformasi* movement and the *Bersih* rally. Therefore, this coalition takes a more liberal approach to issues surrounding human rights, where they respect the rights of individuals concurrently with the rights of the consensus.

On 8 January 2014, an issue was raised when the MOHA declared in its press statement that the COMANGO is a non-registered coalition under the Registry of Societies of Malaysia. However, this issue was merely procedural and technical, and did not cause any serious impact on the COMANGO's ability to contribute to the development of human rights in Malaysia. Indeed, EMPOWER (one of the secretariats of the COMANGO) and other members have enjoyed positive interactions with the other related ministry coordinating the UPR country report, particularly through the engagement sessions organised by the state in 2017. Apart from that, the interaction between the state and the COMANGO seems to have improved upon the change of the country's ruling party on 9 May 2018, as the coalition was able to meet the new Minister of Foreign Affairs on 15 August 2018 to discuss the issues regarding the UPR and other related human rights issues.

The INGOs - MuslimUPRo, CENTHRA, and the MACSA

It was apparent that the CSOs coalition seemed to lack involvement from religion-based NGOs, especially the INGOs that play a significant role in the public-policy process due to Islam's status as the religion of the Federation. The INGOs began their movements decades ago, with prominent organisations being the Muslim Youth Movement of Malaysia and Sisters in Islam (Hassan, 2003).

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In 2013, the activities of the COMANGO attracted the attention of the INGOs, as most of the involved CSOs in the former are from liberal groups and thus support LGBT rights and freedom of religion that contradict the views of the INGOs. Furthermore, certain groups among the INGOs are of the opinion that the practice of Sharia law should only be discussed by Syariah experts and scholars of Islamic jurisprudence rather than those with a purely secular human rights background, as they believe that religion should be treated as a comprehensive element in the scope of human rights (Koshy, 2013).

The INGOs later expanded their involvement in the second cycle of the Malaysian UPR in 2013 through the coalition of MuslimUPRo. This group is supported by INGOs such as the Islamic and Strategic Study Institute, Malaysian Muslim Solidarity, and Concerned Lawyers for Justice. During their participation in the second cycle in 2013, the coalition wished to ensure that the country report was properly based on Syariah laws and the Federal Constitution (Koshy, 2013b). The coalition later facilitated the establishment of the CENTHRA, an organisation incorporated as a limited liability company under the Malaysian Law but which operates as an NGO. Members of this newly formed INGO are from two major groups: practising lawyers and academicians from tertiary institutions. Since then, the INGOs have been operating under the name of CENTHRA in the UPR process. However, CENTHRA has expanded its focus to broader areas of human rights issues outside of the UPR process.

The MACSA was established on 16 November 2017 with the specific aim to advocate human rights issues in Malaysia by participating in the Malaysian UPR process. Initially, there were 36 INGOs in the alliance during the early stages of its establishment, which later increased to 47 INGOs that share common human rights interests from the Islamic perspective. Currently, the chairman of this coalition is the representative of CENTHRA, whereas the co-chairperson is a representative from the International Women's Alliance for Family Institution and Quality Education.

The INGOs began taking part in the UPR process during the second cycle in 2013, through the establishment of the MuslimUPRo, CENTHRA, and the MACSA. Currently, the MACSA has been the most active INGO coalition in the UPR process, submitting their stakeholder report, attending engagement sessions with the state, publishing newspaper articles, engaging with a local radio station through interview sessions (Institute of Islamic Understanding Malaysia - IKIM FM), holding internal discussion sessions and training workshops, and reporting to the newly appointed Minister in the Prime Minister's Department of Religious Affairs.

Political Culture, Organisational Imperative and Functional Coincidence, And Behavioural and Attitudinal Aspects of Civil Society

The COMANGO and the MACSA are the two biggest CSO coalitions currently active in the Malaysian UPR process. Both have different backgrounds and philosophical stances, with the members of the COMANGO working in the universal human rights movement while the MACSA approaches human rights development from the Islamic perspective. The approach taken by these two coalitions has been analysed in this study using three aspects identified by Lewis (2013), which are political culture, organisational imperative and functional coincidence, and behavioural and attitudinal.

Political Culture

Malaysia's pluralistic society has resulted in a complex structure and public decision-making context. As the policy-maker, the state is responsible for meeting the demands and expectations of the people in the country as a whole. Therefore, their considerations are more complex and it is more challenging to fulfil the different expectations held by a diverse community. The aspect of political culture emphasises the shared value between the state and CSOs, which partially derives from a shared pattern of political, economic, and social interactions. These values play a role in the decisions the state makes in the UPR process. However, CSOs have taken the initiative to participate in the UPR process to deliver their views and the issues they wish the state to consider when setting UPR recommendations, including the COMANGO and the MACSA.

> *"We establish the coalition to engage in the UPR process. Among the key stakeholders in the UPR process are NGOs. How can you engage in this process, unless you actually do some consultations, write the report, submit the report… Those are things we have to do". (I11)*

Members of the COMANGO are mainly secular CSOs with human rights activists and practising lawyers. Some of the CSOs within the coalition have been participating in human rights movements for decades, and their core values are based on the UDHR. On the other hand, the MACSA's core human rights values are seen to be in line with the Cairo Declaration of Human Rights in Islam. However, the Federal Constitution remains one of the main documents referred to by the coalitions.

> *"And the reason why we are all doing this is because we want the government to respect, protect, and fulfil the human rights of everybody". (I11)*

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"The ones that are not against the Federal Constitution. Which are not against the general values of the Malaysian people including the Syariah Law". (I6)

"The Federation Constitution, for me, that is paramount in our country". (I7)

The COMANGO acts according to its free and liberal perspective, focusing on civil and political rights issues such as freedom of expression, freedom of assembly, freedom of religion, and the abolishment of the death penalty and child marriage. LGBT rights are among the COMANGO's concerns, as it is a sensitive issue in the Malaysian society, especially since it is seen as conflicting with Islamic values. The COMANGO is urging the state to be more open in accepting recommendations that are related to the above issues. The coalition has taken the initiative to monitor the state's implementation on accepted recommendations by submitting their mid-term reports to the UPR Working Group.

"Nobody talks about stopping violence against the LGBT [community]. They are also Malaysian, they also have human rights, they also have fundamental liberty, which is guaranteed in our constitution. All these have not changed". (I11)

Comparatively, the MACSA is pushing the state to accept UPR recommendations that are in line with the core values of Islam. They support the principle of human rights where the inherent dignity of everyone should be respected. However, all their UPR recommendations should be accepted based on Islamic values besides the fundamental values in policy making to which the state adheres.

"We recognise Syariah Law as one of the enforcements of laws. Of course, we talk to the government to actually be sensitive in accepting all the recommendations". (I6)

Certainly, the state has its own considerations in accepting the UPR recommendations, as they need to be aligned with the core values of the Federal Constitution. This is the norm shared by the state and the stakeholders of the country, including CSOs such as the COMANGO and MACSA. The complexity of Malaysia's pluralistic society is also a social norm shared by these parties. Although CSOs urge the state to accept as many recommendations as possible, especially those related to civil and political rights, the approaches used by these CSOs are proactive and cooperative through the attendance of engagement sessions organised by the state, the submission of

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stakeholder reports to the UPR Working Group, and collaboration with SUHAKAM. CSOs are not trying to challenge the state in the UPR process but instead are striving to reaffirm and legitimise policies to fulfil the expectation of the Malaysian society.

Organisational Imperative and Functional Coincidence

Both the COMANGO and the MACSA share a common goal, which is to complement the state's wishes in developing and protecting human rights in the country. They engage with the state on different issues in the UPR process. The COMANGO's presence is strong with robust initiatives, and they serve as a watchdog for universal human rights issues in the UPR. Although the MACSA's main concern is on human rights issues related to vulnerable groups such as women, children, and PWDs, they also contribute their expertise on matters regarding Islam and its perspectives.

> *"I would say on certain areas we have common ground like people with disabilities". (I11)*

The state has responded positively to CSOs that possess knowledge and experience in issues related to UPR recommendations. This can be seen through the engagement session organised by the state, where CSOs active and prominent in particular issues have been invited to attend. Having a common goal seems to be cause for the state to welcome and involve CSOs in the UPR process. Although the MOHA revealed that the COMANGO is an unregistered coalition, this was understood from the perspective of an official registration where the MOHA is responsible for putting national safety first. Most of the members of the COMANGO are registered organisations under Malaysian acts, and the coalition was established as a platform to gather together similarly minded CSOs with a shared understanding of human rights values to work together in the UPR process. This model applies to the establishment of the MACSA as well.

> *"My view is that they are critical, they are doing what they have to do, which is good". (I1)*

In order to stand in alignment with the MOHA, the state through the MOFA has to invite registered CSOs, including members of the COMANGO, to engagement sessions. Thus, there is no contradiction of these invitations to the issue of an unregistered organisation. In other words, the state is attempting to align under one big principle while acting flexibly by engaging with CSOs in the UPR process.

Generally, the aim of the participating CSOs in the UPR is to contribute to tackling human rights issues in Malaysia although they have different stances and opinions. They are concerned with the state's decision making in the UPR process, which is influenced by the current public policies. On the other hand, the decisions that have been made in the UPR will affect the trend of public policy. The presence of CSOs complements the UPR process, where stakeholders' consent appears in the decision-making process. Both the state and CSOs tend to work towards maximum human rights development of the country. This overlapping of functional aspirations is producing a productive symbiotic relationship between the state and CSOs (Lewis, 2013).

Behavioural and Attitudinal

CSOs are proactive in developing and engaging relationships with the state. Initiatives were taken by these CSOs through courtesy calls, engagement sessions, and submission of memorandums. Since the establishment of the coalitions, members of both the COMANGO and the MACSA have been invited by the state to the engagement sessions for UPR recommendations. The representatives of CSOs interact with the state officers who are in charge of the UPR and who deliver their concerns and expectations to the state. The review of the UPR takes place over a period of four to five years in a cycle, yet the state keeps in touch with CSOs from time to time and consultations occur whenever necessary.

Meanwhile, CSOs also maintain relationships with SUHAKAM in the UPR process. SUHAKAM organised consultation sessions on the UPR where the state and CSOs have been invited to join in the discussion. This has provided another platform for CSOs to communicate with the state on issues related to UPR recommendations. Several steps have been taken by CSOs to participate in the UPR process to deliver prevalent community issues. Interaction between the state and CSOs has been cooperative during the three cycles of the UPR.

> *"The actors, obviously the stakeholders, the state, the national human rights institution, the NGOs and also the UN Human Rights Council, all the stakeholders. But I am happy that, now Malaysia has, I mean through our dialogue, because we were involved with the Wisma Putra's consultations… There was a healthy exchange of information and concern". (I6)*

In addition, CSOs have also engaged with other UN member states when attending the review process in Geneva. They participated in this session and developed a relationship with local CSOs from other countries as well as CSOs at the international

level. This can be seen through joint stakeholder submission by local and international CSOs in the second and third UPR. CSOs applied different approaches to participate in the UPR process, from contacting the state directly, through SUHAKAM, and via the international platform. They are proactive in the UPR by taking the initiative to reach the parties who are also key players in the UPR. They have been applying the social capital approach to exert their influence in the UPR by extending their social networking at the local and international levels. Consequently, the interaction between the state and CSOs in the UPR process has been a cooperative relationship although there are different views on the UPR's recommendations.

CONCLUSION

Although a relationship was established between CSOs and the state, the influence of the latter is still limited to selected issues. The accepted recommendations remain focused on conservative issues, including the issues of women, children, and PWDs. Relatively, there is no open door at present for the discussion of controversial issues such as LGBT rights and freedom of religion. The state's willingness to provide a space for CSOs to participate in the UPR process is merely guided by the requirement of the mechanism itself. The substantive aspect of what exactly civil society wants has yet to materialise. The role of CSOs in the public decision-making process is therefore still marginal, as procedural democracy is still a current practice.

In viewing the interaction between the state and CSOs from the aspect of political culture, both parties share a common social norm, which is the complexity of Malaysia's social structure. Looking from the aspect of organisational imperatives and functional coincidence, we found that both the COMANGO and the MACSA are aware of the common goal to complement the state's wishes in developing and protecting human rights in the country. This is one of the reasons why they were invited to attend the engagement sessions organised by the state. It is clear that the state opens its doors for CSOs in the UPR process, yet improvements are required in order to involve CSOs in the UPR's decision-making process.

CSOs also tend to practise a social capital approach by maximising the use of resources to which they have access, such as support from the unified CSOs in the coalition, connections with the state and international organisations, and appearance via public media such as radio stations and newspapers. This is what has been observed from the behavioural and attitudinal aspect.

Both the COMANGO and the MACSA participate in the UPR in accordance with the UDHR and the methods provided by the UPR Working Group, as evidenced through the stakeholder reports submitted. However, there is still room to expand because their involvement in the UPR decision-making process depends on the state. Generally, the COMANGO and the MACSA clearly demonstrate their features of secular and Islamic CSOs, respectively, in the UPR process. These two coalitions are mainly coordinated by activists and experts who uphold the understanding of human rights from the secular and Islamic perspective. Therefore, the background of these coordinators has clearly shaped the suggestions and expectations of those coalitions in the UPR process, as shown in the submitted stakeholder reports. Although both the COMANGO and the MACSA are separately upholding different principles in the UPR process, they aim to protect human rights in Malaysia. The state as the policy-maker and also moderator shall play a role in coordinating CSOs expectations and align with the state's considerations in the UPR process in order to protect human rights in the country.

REFERENCES

Abdullah, S. (2017). *New Politics 2.0. Multiracial and Moderate Malaysian Democracy*. Institut Darul Ehsan Research Centre Sdn. Bhd.

Bach, T. (2012). The involvement of agencies in policy formulation: Explaining variation in policy autonomy of federal agencies in Germany. *Policy and Society*, *31*(3), 211–222.

Bach, T., Niklasson, B., & Painter, M. (2012). The role of agencies in policy-making. *Policy and Society*, *31*(3), 183–193.

Banu, S. (2003). The Substantive Democracy: Role of Civil Society in Rural Karnataka. *Indian Anthropologist*, *33*(2), 53–77.

Beckstrand, M. J. (2015). *Recommendations, Rhetoric, and Reporting: State and NGO Behavior in the Universal Periodic Review of Human Rights*. Syracuse University.

Box, R. C., Marshall, G. S., Reed, B. J., & Reed, C. M. (2002). New Public Management and Substantive Democracy. *Wiley*, *61*(5), 608–619.

Case, W. (1993). Semi-Democracy in Malaysia: Withstanding for Regime Change. *Pacific Affairs*, *66*(2), 183–205.

Case, W. (2009). Low-quality democracy and varied authoritarianism: elites and regimes in Southeast Asia today. *The Pacific Review*, *22*(3), 255–269.

Croissant, A., & Giersdorf, S. (2011). Civil Society and Competitive Authoritarianism in Malaysia. *Journal of Civil Society*, *7*(1), 1–21.

Elo, S., & Kyngäs, H. (2008). The qualitative content analysis process. *Journal of Advanced Nursing*, *62*(1), 107–115.

Farduk, A. F. A. (2006). *Democracy and Social Capital: A Study of Selected Malaysian Civil Society Organizations (CSOs)*. University of Malaya.

Freedman, A. L. (2009). Civil Society, Moderate Islam, and Politics in Indonesia and Malaysia. *Journal of Civil Society*, *5*(2), 107–127.

Funston, J. (Ed.). (2001). *Government and Politics in Southeast Asia*. Institute of Southeast Asian Studies (ISEAS).

Gomez, J., & Ramcharan, R. (2018). *The Universal Periodic Review of Southeast Asia. Civil Society Perspectives*. Strategic Information and Research Development Centre (SIRD).

Hai, D. . (2013). *Process of Public Policy Formulation in Developing Countries*. Retrieved from http://archives.ippapublicpolicy.org/IMG/pdf/panel_11_s1_hai_phu_do.pdf

Hassan, S. (2003). Islamic Non-Governmental Organisations. In Meridith L. Weiss & S. Hassan (Eds.), *Social Movements in Malaysia* (pp. 97–114). RoutledgeCurzon.

Ho, K. L. (1992). Dynamics of Policy-Making in Malaysia: The Formulation of the New Economic Policy and the National Development Policy. *Asian Journal of Public Administration*, *14*(2), 204–227.

Howard, M. M. (2003). *The Weakness of Civil Society in Post-Communist Europe*. Cambridge University Press.

Howard, M. M. (2010). Civil Society and Democracy. In H. K. Anheier & S. Toepler (Eds.), *Encyclopedia of Civil Society* (pp. 186–192). Springer New York.

Jacobs, L. R., & Shapiro, R. Y. (1994). Studying Substantive Democracy. *Political Science and Politics Association*, *27*(1), 9–17.

Kelsen, H. (2013). *The Essence and Value of Democracy*. (N. Urbinati & C. I. Accetti, Eds.). Rowman & Littlefield Publishers, Inc.

Khalid, I., Mushtaq, M., & Naveed, A. (2016). Loopholes in Public Policy Making: A Case Study of Pakistan. *Journal of Political Studies*, *23*(2), 373–396.

Khoo, Y. H. (2014). Electoral Reform Movement in Malaysia: Emergence, Protests and Reform. *Suvannabhumi*, *6*(2), 85–106. Retrieved from https://www.academia.edu/7483939/Electoral_Reform_Movement_in_Malaysia _Emergence_Protests_and_Reform

Khoo, G. C. (2014). The Rise of Constitutional Patriotism in Malaysian Civil Society. *Asian Studies Review*, *38*(3), 325–344.

Khoo, Y. H. (2014). Malaysia's Human Rights Performance: Assessment of its First Session of Universal Periodic Review in the United Nations Human Rights Council. *Cosmopolitan Civil Societies Journal*, *6*(1), 19–37.

Khoo, Y. H. (2016). Malaysia's 13th General Elections and the Rise of Electoral

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Reform Movement. *Asian Politics and Policy*, *8*(3), 418–435.

Khoo, Y. H. (2018). Can NHRIs bridge the Implementation Gap? Assessing SUHAKAM's effectiveness in Malaysia's Universal Periodic Review. In J. Gomez & R. Ramcharan (Eds.), *The Universal Periodic Review of Southeast Asia. Civil Society Perspectives* (pp. 187–200). Strategic Information and Research Development Centre (SIRD).

Koshy, S. (2013). Muslim NGOs to observe Malaysia's session in UN. *The Star*. https://www.thestar.com.my/news/nation/2013/10/13/muslim-ngos-to-observe-malaysias-session-in-un/#sOYpfyzZ2O8Y4SDg.99

Kua, K. S. (2005). *The Malaysian Civil Rights Movement*. Strategic Information Research Development (SIRD).

Lai, S. Y. (2004). Participation of the Women's Movement in Malaysia: The 1999 General Election. In H. G. Lee (Ed.), *Civil Society in Southeast Asia* (pp. 122–143). NIAS Press.

Lee, H. G. (2004). Introduction: Civil Society in Southeast Asia. In L. H. Guan (Ed.), *Civil Society in Southeast Asia* (pp. 1–26). Singapore: NIAS Press.

Lewis, D. (2013). Civil Society and the Authoritarian State: Cooperation, Contestation and Discourse. *Journal of Civil Society*, *9*(3), 325–340.

Linz, J. J., & Stepan, A. (1996). *Problems of Democratic Transition and Consolidation. Southern Europe, South America, and Post-Communist Europe*. Johns Hopkins University Press.

Maloney, W. A., Jordan, G., & McLaughlin, A. M. (1994). Interest Groups and Public Policy: The Insider/Outsider Model Revisited. *Journal of Public Policy*, *14*(1), 17–38.

Marzuki, A., Hay, I., & James, J. (2011). Public participation shortcomings in tourism planning: the case of the Langkawi Islands, Malaysia, (January 2014), 37–41.

Miles, L., & Croucher, R. (2013). Gramsci, Counter-hegemony and Labour Union-Civil Society Organisation Coalitions in Malaysia, *43*(3), 413–427.

Neher, C. D. (1994). Asian Style Democracy. *Asian Survey*, *34*(11), 949–961.

OHCHR. (2017). Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions. Retrieved from https://www.ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx

Przeworski, A., & Limongi, F. (1997a). Modernization: Theories and Facts. *World Politics*, *49*(2), 155–183.

Ramasamy, P. (2004). Civil Society in Malaysia: An Arena of Contestation? In H. G. Lee (Ed.), *Civil Society in Southeast Asia* (pp. 198–216). NIAS Press.

Rasiah, R., Tumin, M., Hameed, L. M., & Ndoma, I. (2017). Civil Society Organizations in Opposition to Healthcare Commercialization: Protecting Access for the Poor and Middle Class in Malaysia. *Nonprofit and Voluntary*

179

Sector Quarterly, *46*(3), 567–585.

Rodan, G. (2014). Civil society activism and political parties in Malaysia: differences over local representation. *Democratization*, *0347*(May 2015), 1–22.

Saffon, M. P., & Urbinati, N. (2013). Procedural democracy, the Bulwark of equal liberty. *Political Theory*, *41*(3), 441–481.

Schumpeter, J. A. (2003). *Capitalism , Socialism and Democracy*. Taylor & Fracis e-library.

Shannassy, M. O. (2009). Beyond the Barisan Nasional? A Gramscian Perspective of the 2008 Malaysian General Election. *Contemporary Southeast Asia*, *31*(1), 88–109.

Slater, D. (2012). Strong-state Democratization in Malaysia and Singapore. *Journal of Democracy*, *23*(2), 19–33.

Tan, B. K., & Bishan, S. (1994). *Monograph 1. The Role of NGOs in Development. Malaysian Case Study. Uneasy Relations: The State and NGOs in Malaysia*. Asian and Pacific Development Centre.

UNHRC. (2007). *5/1. Institution-building of the United Nations Human Rights Council*.

UNHRC. (2019). *Universal Periodic Review*. https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx

Verma, V. (2002). *Malaysia: State and Civil Society in Transition*. Lynne Rienner Publishers, Inc.

Walters, L. C., Aydelotte, J., & Miller, J. (2000). Putting More Public in Policy Analysis. *Public Administration Review*, *60*(4), 349–359.

Weiss, Meredith L. (2003). Malaysian NGOs – History, Legal Framework and Characteristic. In Meredith L. Weiss & S. Hassan (Eds.), *Social Movements in Malaysia: From moral communities to NGOs* (p. 17). Routledge Curzon.

Weiss, Meredith L. (2014). Of inequality and irritation: new agendas and activism in Malaysia and Singapore. *Democratization*, *21*(5), 867–887.

Weiss, Meredith L., & Hassan, S. (Eds.). (2002). *Social Movements in Malaysia: From Moral Communities to NGOs*.

Welsh, B. (2011). People Power in Malaysia: *Bersih* Rally and Its Aftermath. *Asia Pacific Bulletin*, (128). Retrieved from EastWestCenter.org/APB

Young, I. M. (2000). *Inclusion and Democracy*. Oxford University Press.

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Appendix 1: *CSOs submission during the first cycle of Malaysian UPR in 2009*

1. **Category**	2. **Name of CSOs**
3. Local 4. **(6 CSOs)**	1. Bar Council Malaysia (BCM) 2. COMANGO 3. SUARAM (Joint submission with FIDH) 4. Migration Working Group (MWG) 5. Northern Network for Migrant and Refugees 6. Indigenous Peoples Network of Malaysia (Jaringan Orang Asal Semalaysia – (JOAS)
5. International **6. (6 CSOs)**	1. Amnesty International (AI) 2. Becket Fund for Religious Liberty (BF) 3. European Centre for Law and Justice (ECLJ) 4. Federation Internationale des Ligues des Droits de I'Homme (FIDH) (Joint submission with SUARAM) 5. Human Rights Watch (HRW) 6. Jubilee Campaign (JC)

Appendix 2: *CSOs submission during the second cycle of Malaysian UPR in 2013*

7. **Category**	8. **Name of CSOs**
9. Local **10. (13 CSOs)**	1. Bar Council Malaysia (BCM) 2. Centre for Independent Journalism Malaysia (CIJ Malaysia) 3. COMANGO 4. SUARAM 5. Migration Working Group (MWG) 6. Child Rights Coalition Malaysia 7. Indigenous Peoples Network of Malaysia (Jaringan Orang Asal Semalaysia - JOAS) 8. Orang Asli Network Peninsular Malaysia (JKOASM) 9. Knowledge and Rights with Young People through Safer Spaces (KRYSS) 10. Seksualiti Merdeka 11. Justice for Sisters 12. Federation of Reproductive Health Association of Malaysia (FRHAM) 13. Reproductive Rights Advocacy Alliance Malaysia (RRAAM)
11. International **12. (23 CSOs)**	1. Amnesty International (AI) 2. Human Rights Watch (HRW) 3. World Vision Malaysia 4. Commonwealth Human Rights Initiative (CHRI) 5. The Child Rights International Network (CRIN) 6. European Centre for Law and Justice (ECLJ) 7. The Equal Rights Trust (ERT) 8. The International Foundation for the Protection of Human Rights Defenders (Front Line) 9. Global Initiative to End All Corporal Punishment of Children (GIEACPC)

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	10. International Commission of Jurist (ICJ)
	11. International Publisher Association (IPA)
	12. CIVICUS - World Alliance for Citizen Participation
	13. PaxRomana- International Catholic Movement for Intellective and Cultural Affairs (Asia)
	14. Article 19
	15. Lawyers for Lawyers (L4L)
	16. The Law Society of England and Wales
	17. The Advocates for Human Rights
	18. Harm Reduction International
	19. PT Foundation
	20. World Organisation Against Torture (OMCT)
	21. Clean Clothes Campaign (CCC)
	22. The Sexual Rights Initiative
	23. Society for Threatened Peoples
13. UN Agencies **14. (3 CSOs)**	1. International Labour Organisation (ILO) 2. United Nations Country Team Malaysia (UNCTM) 3. United Nations High Commissioner for Refugees (UNHCR)

Appendix 3: *CSOs submission during the third cycle of Malaysian UPR in 2018*

Category	Name of CSOs
Local (34 CSOs)	1. Allied Coordinating Committee of Islamic NGOs 2. Bar Council of Malaysia 3. Centre for Alternative Policies in Economics (CAPE) 4. Centre for Human Rights and Advocacy (CENTHRA) 5. COMANGO 6. Centre for Independent Journalism Malaysia (CIJ Malaysia) 7. Concerned Lawyers for Justice (CLJ) 8. EMPOWER 9. Front Line Defenders (FLD) 10. Foreign Spouses Support Group (FSSG) 11. Islamic Medical and Health Practitioner Association of Malaysia (I-Medik) 12. Orang Asli Network of Penisular Malaysia (JKOASM) 13. Indigenous People Network of Malaysia (JOAS) 14. Migration Working Group (MWG) 15. Sisters in Islam (SIS) 16. Justice for Sisters (Joint submission under the Coalition for SOGIESC Human Rights in Malaysia) 17. Coalition for SOGIESC Human Rights in Malaysia (A coalition consists Knowledge and Rights with Young people through Safer Spaces – KRYSS, Transmen of Malaysia, Seksualiti Merdeka, Pelangi Campaign, Center for Independent Journalism - CIJ) 18. Zenith Secretariat in the UPR Process (A coalition of civil society in Malaysia comprises of Persatuan Peguam Muslim Malaysia - PPMM, Persatuan Perubatan, Pengubatan & Kebajikan Islam Malaysia - DARUSSYIFA, and Gerakan Peguam Muda Muslim - GPMM

	19. Malaysian Alliance of Civil Society Organisations in the UPR Process (MACSA) 20. Coalition of Sabah Muslim NGO Council (CONCERN) 21. Association of Blind Muslims Malaysia (Pertis) 22. RFL Partnership 23. Reproductive Rights Advocacy Alliance Malaysia 24. International Women's Alliance for Family Institution - WAFIQ 25. Asylum Access Malaysia - AAM (Joint submission with Asia Pacific Refugee Rights Network) 26. Malaysia Drug Policy Movement Alliance – MDMA (Joint submission with Suara Rakyat Malaysia, and Persatuan Kebajikan Komuniti Iklhas Malaysia) 27. *Suara Rakyat Malaysia* - SUARAM (Joint submission with Malaysia Drug Policy Movement Alliance, and Persatuan Kebajikan Komuniti Iklhas Malaysia) 28. Pusat KOMAS (Joint submission with CIVICUS) 29. End CSEC Network Malaysia (Joint submission with ECPAT International) 30. Kuala Lumpur and Selangor Chinese Assembly Hall Civil and Rights Committee (Joint submission with Anti-Death Penalty Network, Ensemble contre la peine de mort, The Advocates for Human Rights, The World Coalition Against the Death Penalty, Harm Reduction International, and Malaysia Against the Death Penalty) 31. Malaysia Against the Death Penalty (Joint submission with Anti-Death Penalty Network, Ensemble contre la peine de mort, The Advocates for Human Rights, The World Coalition Against the Death Penalty, Harm Reduction International, Kuala Lumpur and Selangor Chinese Assembly Hall Civil and Rights Committee) 32. Development of Human Resources in Rural Areas – DHRRA Malaysia (Joint submission with Voice of the Children, Yayasan Chow Kit, the Global Campaign for Equal Nationality Rights, the Statelessness Network Asia Pacific, and the Institute on Statelessness and Inclusion) 33. Voice of the Children (Joint submission with Development of Human Resources in Rural Areas Malaysia, Yayasan Chow Kit, the Global Campaign for Equal Nationality Rights, the Statelessness Network Asia Pacific, and the Institute on Statelessness and Inclusion) 34. Yayasan Chow Kit (Joint submission with Development of Human Resources in Rural Areas Malaysia, Voice of the Children, the Global Campaign for Equal Nationality Rights, the Statelessness Network Asia Pacific, and the Institute on Statelessness and Inclusion)
International (33 CSOs)	1. ADF International 2. Amnesty International (AI) 3. Cultural Survival 4. Global Detention Project 5. Global Initiative to End All Corporal Punishment of Children 6. Human Rights Watch 7. International Campaign to Abolish Nuclear Weapons

	8. Institute on Statelessness and Inclusion
	9. Reporters without Boarders (RSF)
	10. Jubilee Campaign
	11. Lawyers for Lawyers (L4L)
	12. Organization for Defending Victims of Violence
	13. Shia Rights Watch (SRW)
	14. World Evangelical Alliance
	15. Asia Pacific Refugee Rights Network - APRRN (Joint submission with Asylum Access Malaysia
	16. CIVICUS (Joint submission with Pusat KOMAS)
	17. ECPAT International (Joint submission with End CSEC Network Malaysia)
	18. Anti-Death Penalty Network – ADPAN (Joint submission with Ensemble contre la peine de mort, The Advocates for Human Rights, Harm Reduction International, The World Coalition Against the Death Penalty, Kuala Lumpur and Selangor Chinese Assembly Hall Civil and Rights Committee, and Malaysia Against the Death Penalty)
	19. Ensemble contre la peine de mort (Joint submission with Anti-Death Penalty Network, The Advocates for Human Rights, Harm Reduction International, The World Coalition Against the Death Penalty, Kuala Lumpur and Selangor Chinese Assembly Hall Civil and Rights Committee, and Malaysia Against the Death Penalty)
	20. The Advocates for Human Rights (Joint submission with Anti-Death Penalty Network, Ensemble contre la peine de mort, Harm Reduction International, The World Coalition Against the Death Penalty, Kuala Lumpur and Selangor Chinese Assembly Hall Civil and Rights Committee, and Malaysia Against the Death Penalty)
	21. Harm Reduction International (Joint submission with Anti-Death Penalty Network, Ensemble contre la peine de mort, The Advocates for Human Rights, The World Coalition Against the Death Penalty, Kuala Lumpur and Selangor Chinese Assembly Hall Civil and Rights Committee, and Malaysia Against the Death Penalty)
	22. The World Coalition Against the Death Penalty (Joint submission with Anti-Death Penalty Network, Ensemble contre la peine de mort, The Advocates for Human Rights, Harm Reduction International, and Kuala Lumpur and Selangor Chinese Assembly Hall Civil and Rights Committee, and Malaysia Against the Death Penalty)
	23. Nigeria Network of NGOs (Joint submission with CIVICUS)
	24. Ethic &Religious Liberty Commission - ERLC (Joint submission with The Religious Freedom Institute)
	25. The Religious Freedom Institute (Joint submission with Ethic &Religious Liberty Commission)
	26. The St. Charles Institute (Joint submission with Ethic &Religious Liberty Commission)
	27. Francis International (Joint submission with VIVAT International, VIVAT International – Indonesia, and PADMA Indonesia)
	28. VIVAT International (Joint submission with Franciscans International,

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	VIVAT International – Indonesia, and PADMA Indonesia)
	29. VIVAT International – Indonesia (Joint submission with Franciscans International, VIVAT International, and PADMA Indonesia)
	30. PADMA Indonesia (Joint submission with Franciscans International, VIVAT International, and VIVAT International – Indonesia)
	31. Global Campaign for Equal Nationality Rights (Joint submission with Development of Human Resources in Rural Areas Malaysia, Voice of the Children, Yayasan Chow Kit, the Statelessness Network Asia Pacific, and the Institute on Statelessness and Inclusion)
	32. Statelessness Network Asia Pacific (Joint submission with Development of Human Resources in Rural Areas Malaysia, Voice of the Children, Yayasan Chow Kit, Global Campaign for Equal Nationality Rights, and the Institute on Statelessness and Inclusion)
	33. Pacific Institute on Statelessness and Inclusion (Joint submission with Development of Human Resources in Rural Areas Malaysia, Voice of the Children, Yayasan Chow Kit, Global Campaign for Equal Nationality Rights, and the Statelessness Network Asia)