

## 1. Anti-Corruption

- 1.1. The acquittal of former Chief Minister of Sabah, Musa Aman, of 46 corruption and money-laundering charges has raised concerns; selective prosecution in MACC- Xavier's case.
- 1.2. Passing of emergency law and tapping on budgets without parliament approval.
- 1.3. Existence of police cartel and influence on picking IGP and the watered down IPCMC bill.
- 1.4. Whistleblower on judiciary corruption was punished, lack of progress in improving whistleblower protection laws and for a procurement bill to be tabled.
- 1.5. Lack of progress on the National Anti-Corruption Plan, as Malaysia dropped a whopping six ranks to 57th place in the Corruption Perception Index (CPI) 2020.

## 2.0 Electoral Reform

- 2.1 The PN government showed no urgency to reform the electoral system.
- 2.2 MPs were given positions in GLCs and government agencies as a means for the Prime Minister to consolidate his power.
- 2.3 The implementation of the Emergency Ordinance saw the suspension of Parliament, and no by-elections have been held for Batu Sapi and Gerik; and the suspension of the Sarawak State Election.
- 2.4 The PN government restructured the Parliamentary Special Select Committees and established 9 PSSCs that shadowed the main Government ministries. This is different from the Pakatan Harapan (PH) government that had 10 thematic PSSCs.
- 2.5 In the last days of TS Muhyiddin Yassin's time in office, in desperation for the support of the Opposition in an upcoming confidence vote, he offered a 7-point institutional reform package. But this offer was immediately rejected by PH.

## 3.0 Government-Link Companies (GLC)

- 3.1. The PN government's removal of Non-Governmental Organisations (NGOs) representation in GLCs and Government-Linked Investment companies (GLICs) boards immensely affected accountability and governance of public institutions.
- 3.2. Political appointment in Majlis Amanah Rakyat (MARA) during the transition between PH and PN governance in 2020. A total of 82.3% of 113 PN MPs were appointed in either the Cabinet, deputy ministerial posts, top GLC positions or as special diplomats.
- 3.3. The appointments in wholly owned GLCs and statutory bodies continue to be practised in a non-accountable, non-transparent method. The horse-trading among politicians for positions of power continue to happen, with MPs being appointed as heads of major government-linked companies.

- 3.4. The National Anti-Corruption Plan (NACP) Mid-Term Review was released in May 2021 by the Prime Minister's Department. 13 initiatives from the original NACP document were put on hold including those involving State-Owned Enterprises (SOEs). For example, Initiative 6.2.7 To introduce a legal provision that prohibits Statutory Bodies, State-Owned Enterprises (SOEs), and Government Established Company Limited By Guarantee (CLBG) from making contributions to politicians or political parties. The document introduced the term "Government-Interest Company" (GIC) which includes GLIC, GLC and Government-owned companies and their sub-entities under the federal government, state government and statutory bodies.
- 3.5. The PERKUKUH GLIC Mandate Recharge was launched virtually in August 2021, to reform the mandate and role of Malaysian GLICs to align with the national agenda and support the country's economic recovery plan. PERKUKUH was to contain 20 initiatives which were not disclosed, details on the programme were not available to the public and the policy document was not released during the launch.

#### 4.0 Health

- 4.1 Incompetent and doubtful political leadership in health matters - PN government had selected Dr Adham Baba as the health minister, and stuck with him throughout the 17 months in governance. Dr Adham Baba's deficiencies in ability to comprehend many complex issues, make good judgement as well as take timely and appropriate actions to remedy the situations and solve surging number of problems emerged due to the pandemic, are too obvious for the whole nation to see.
- 4.2 Failure to contain the pandemic due to political and external interest interference and not based on prevailing evidence - Two critical mistakes at the early third wave of pandemic paved the way for the subsequent failures to suppress the COVID-19 disease transmission in 2021: i) Slow response in closing the Sabah state borders during the early outbreak of the third wave pandemic. The outbreak was exacerbated by the Sabah state election campaigns, which was unnecessary if not for the political actions by certain leaders to grab power via defections. ii) Premature reopening of all state borders in early December, just when the pandemic situation was in control and improving. This intervention decided at the MKN resulted in widespread seeding of the virus throughout the country and caused the high peak in February 2021.
- 4.3 Failed in investing more in public health under the Budget 2021 - The MOH operating budget was reduced by about RM718 million, particularly the allocation for services and supplies was shrunk by RM1.3 billion. The government significantly cut back the budget on the Public Health overall programme by 12%
- 4.4 Temporary but unconvincing solutions for the contract doctors - To be fair, the housemanship and contract doctor issue has been a long standing issue, dated back to more than 10 years ago. On the Hartal Doktor Kontrak movement, the then Prime Minister Muhyiddin Yassin finally responded on 23 July 2021 by offering another temporary stop gap measure with a 2-year contract to those who had completed mandatory service (or 4 years if accepted for specialist studies), as well as upgrading the contract benefits. He promised to fix the system. The government did not seem to deal much on the issue but only when push comes to shove (CodeBlack and Hartal Doktor Kontrak movement).

- 4.5 The effectiveness of vaccine rollout campaign was held back by obsession to arrest undocumented migrants. The rapid pace of vaccine rollout under the National COVID-19 Immunisation Programme after June 2021 is one of the best performing acts and effective policy implementation by the PN government. The vaccine rollout rate during June-August saw Malaysia being one of the fastest immunised nations in the world. However, the Home Ministry was adamant in arresting undocumented migrants under the disguise of protecting the citizens from infection. The policy also causes many undocumented migrants went hiding for the fear of arrest. This complicates the COVID-19 pandemic control management and interventions, and helps sustain a certain viral burden in some unreachable communities.

## 5.0 Youth

- 5.1 PN reneged on Undi18 and Automatic Voters Registration by pushing back its implementation to September 2022, although the bill was passed on 16 July 2019 in Parliament.
- 5.2 The exponential rise of COVID-19 cases and deaths while under Emergency Proclamation and confusing SOPs and MCOs led the youths to rise and took to raising their voices for an accountable government and demanded Muhyiddin Yassin to resign as the Prime Minister over this pandemic failure. A series of rallies took place beginning with Buka Puasa, Buka Parlimen, Dataran Merdeka gathering, Konvoi Lawan, and the Lawan Rally, which saw up to a thousand youths gathering near Dataran Merdeka. The rally ended peacefully.
- 5.3 This led to numerous calls from the police to the activists to give their statements for the #Lawan rally, police's visits to activists' homes, and harassment of their family members who were not involved in the rally.
- 5.4 A quiet memorial for the COVID-19 related deaths at Dataran Merdeka saw the police using excessive force and unlawful arrest on the youths who had gathered. One police report was lodged by an activist for bruises sustained during the unlawful arrest.
- 5.5 Filing of police reports against the police's actions of arresting activists at IPD Sentul on 22 August 2021 saw activists and lawyers being called in to give their statements at IPD Dang Wangi.

## 6.0 Right to Citizenship

- 6.1 In December 2019, during the PH government there was an announcement that an SOP will be rolled out in January 2020 which includes shortening of processing time and reasons of rejection will be provided, however implementation of mentioned was not done.
- 6.2 Despite announcement of SOP, no transparency on the content of the said SOP leaving NRD not accountable in the implementation by the PN government
- 6.3 The pandemic has brought several restrictions to access NRD services and delayed birth registration and approval of citizenship applications – leaving many vulnerable stateless persons in limbo of their prolonged status and increased economic instability within their household. In addition, the pandemic had also delayed many wedding registration causing more children being born out of wedlock and are at high risk of being stateless.
- 6.4 With the citizen-first approach, many stateless persons and individuals with right to Malaysian citizenship have not been able to access assistance/aid provided by the Prihatin initiative and the vulnerable and elderly were left without clear directives to access vaccination which could contribute to herd immunity.

- 6.5 No obvious efforts, intention or initiative to address statelessness or those with documentation issues despite the increased number of individuals being affected by nationality law that practices inequality and narrowed interpretation of nationality law.

## **7.0 Environment**

- 7.1 PH government's Special Select Committees were replaced by the PN government. This appeared to have reduced the role of multidisciplinary parliamentary special committees to mere supervisory bodies. The absence of environment in the Special Select Committees set-up under the PN government diminished the importance of the environmental sector even though there were at least three (3) ministries playing a prominent role i.e. Ministry of Environment and Water of Malaysia, Ministry of Energy and Natural Resources and Minister of Science, Technology and Innovation
- 7.2 More mining projects are being approved in environmentally sensitive areas in Pahang, Kelantan and Perak. Orang Asli rights continue to be sidelined as more Orang Asli customary lands are being opened for mining and plantation.
- 7.3 The Environmental Impact Assessment (EIA) for Lynas Permanent Disposal Facility (PDF) in Bukit Ketam was rejected. Lynas is now preparing the EIA for a new PDF site in Gebeng Industrial Estate. This is only a partial victory as no one has been able to send the waste back to Australia.
- 7.4 The Climate Change Bill initiated by PH continued to be considered under PN. Further development on this Bill is unknown.
- 7.5 The EIA process needs to be revamped to emphasize the principle of precaution, rather than the mitigation of impacts identified as likely to be caused by the development, as most of these impacts could not be mitigated. This approach is currently being taken by the Department of Environment (DOE) in the EIA amendments with Civil Society Organisations (CSOs) consultation. This was initiated under PN.

## **8.0 Freedom of Expression/Freedom of Information (FOE/FOI)**

The PN coalition utilised draconian laws to investigate and prosecute anti-government speech since it took over the federal government in early March 2020.

- 8.1 Tashny Sukumaran, a journalist who was detained by police after reporting on immigration sweeps in an area that was under an enhanced movement restriction order owing to the presence of COVID-19.
- 8.2 Cynthia Gabriel, the founder of the Center to Combat Corruption and Cronyism (C4 Center), had been summoned for questioning by police in connection with a letter requesting for an investigation into charges that the administration was trading favours for political support.
- 8.3 After criticising the government's choice to limit the recent meeting of Parliament to a speech by the monarch, police called an opposition member of parliament, Xavier Jayakumar, for questioning on 20 May 2020.
- 8.4 Prosecutors prosecuted a businessman on 8 May 2020, with breaching section 233(1) of the Communications and Multimedia Act (CMA) and section 505(b) of the Penal Code for social media statements condemning the government for pursuing people who disobeyed the COVID-19 movement restrictions.
- 8.5 On 2 August 2021, the 11 activists, who make up Sekretariat Solidariti Rakyat (SSR), were summoned to the Dang Wangi district police headquarters to record their statements for breaching Article 10 of the Regulations and Control of Infectious Diseases.

## 9.0 Access to Justice, Rule of Law and Human Rights Defenders (A2J/ROL/HRD)

- 9.1 In their recent handling of Parliament and the Emergency Ordinance, PN failed to observe the separation of powers and hence violated Malaysia's core framework.
- 9.2 The PN government did not get consent from the Yang Di-Pertuan Agong before rescinding the COVID-10 Emergency Ordinance, despite an agreement that the cancellation of the ordinances would be tabled and debated at the existing special parliament meeting.
- 9.3 The Malaysian Human Rights Commission (Suhakam) voiced dissatisfaction with the police summoning its commissioners for questioning. On 31 July 2021, the commissioners were present during the *"Keluar dan #Lawan assembly*, as part of their role of monitoring public gatherings.
- 9.4 The Federal Government withdrew the Independent Police Complaints and Misconduct Commission (IPCMC) Bill and replaced it with the Independent Police Conduct Commission (IPCC).
- 9.5 In a democratic society, access to justice is, or should be, a fundamental right. However, under the PN's government the role and function of Parliament did not make any difference.

## 10.0 Sustainable Development Goal (SDG)

- 10.1 The Federal Government did not have much time to implement what they had planned. Malaysia's SDG performance improved in 2019 due to the achievement of the stated goals, while the COVID-19 pandemic hampered this.

## 11.0 Refugees

- 11.1 Since PN took power in Putrajaya, they have adopted a harsh line on refugees, claiming that they have "no status, rights, or grounds to bring any claims to the government," according to the former home minister, Hamzah Zainuddin.
- 11.2 Authorities have failed to assist and aid the vulnerable groups, organisations, and individuals who tirelessly provide services to migrants and refugees.
- 11.3 The 1951 Refugee Convention has not been ratified by Malaysia. Over 175,000 refugees and asylum seekers, the majority of whom are from Myanmar, have registered with the UN High Commission for Refugees (UNHCR), but they lack legal status and are unable to work or attend government schools.
- 11.4 The SDG16 goal on promoting peaceful and inclusive societies for a sustainable development and to provide access to justice for all was ignored by PN.

## 12.0 Women

- 12.1 KPWKM suspended the Talian Kasih hotline only to reactivate this essential service after public outcry.
- 12.2 No guidelines were issued for domestic violence (DV) survivors, nor steps taken to include DV shelters within the scope of essential services, or to set up temporary shelters.
- 12.3 The KPWKM Minister issued communication/PSA that are derogatory and discriminatory towards women.

- 12.4 While the first round of the stimulus package of COVID-19 left out many women, the next round (Penjana Stimulus Package) included some gender-responsive components, including childcare subsidies, flexible work arrangement incentives, and cash transfers for single mothers. However, there is still much to be done to make sure gender responsive budgeting is implemented so that no one is left behind especially during a pandemic.
- 12.5 Still lacking commitment on legislative, constitutional and policy reform by the PN government such as Sexual Harassment Bill, Anti-Stalking amendments to Penal code, Amendment to Employment Act 1955 to prevent discrimination, Adopting the Gender Equality Act drafted by JAG, Amend Article 14 of Federal Constitution to give equal citizenship rights to Malaysian women and implementation of the National Strategy Plan in Handling the Causes of Child Marriage that was launched by the Ministry of Women, Family and Community Development in January 2020

### 13.0 Child

- 13.1 The reinstatement of the Sarawak Special Committee on Citizenship and the co-chairing between federal and state ministers provided a clear channel to help process the large number of children born in the state having difficulty providing the expected documentation.
- 13.2 Inadequate response to children orphaned or abandoned by the pandemic resulting in children being placed in unsafe and unsupervised care arrangements, increasing their susceptibility to abuse, neglect and exploitation.
- 13.3 No consultations with NGOs despite having commissioned consultants to help formulate a National Child Policy, and inadequate and uncoordinated response to the impact of COVID-19 on the most vulnerable children by key government agencies.
- 13.4 Many initiatives by PH to transform childcare services are on the brink of collapse as the sector was de-prioritised by the PN government. Almost 50% of 5000 registered TASKAs were reported to or will be closed as more parents send children to illegal neighbourhood untrained babysitters.
- 13.5 While a National Strategy Plan in January 2020 in Handling the Causes of Child Marriage was developed, the implementation under PN has been poor. Refugee, stateless, and undocumented children are also not included.

### 14.0 Harmony

- 14.1 Establishment of the Ministry of National Unity, National Unity Action Plan and National Unity Blueprint (2021-2030) is a step forward. However, they focus on the notion of symbolic unity instead of addressing and preventing the root problems of disunity, i.e. racial and religious discrimination.
- 14.2 “Rukun Tetangga Cares, #RTCares” established to provide aid to those who are affected by the pandemic and to raise awareness on vaccinations and encourage local communities to register for the vaccines under the National Immunisation Programme.
- 14.3 The Ministry of Unity aims to improve its relationship with the religious houses (non-Islamic) (REBI) as a partner in fostering unity through its programmes in the future ,and have tabled and approved funds for the renovation or construction works of REBI, which became centres for vaccinations to facilitate the COVID-19 National Immunisation Programme.
- 14.4 PN government’s silence and inactions to rectify or censure politicians who made racial slurs, racial discriminations and racial harassment has caused major disunity and distrust with the administration and consequently failing to achieve the Ministry’s mandate.

- 14.5 The National Unity and Reconciliation Commission Bill was abandoned by the PN administration, ceasing efforts to curb racial and religious discrimination.

## 15.0 Education

- 15.1 Teacher training and teacher promotion on an objective professional assessment basis had been removed in favour of automatic promotion and tenure, contributing to the lack of professionalism in teaching and erosion of the progress towards the goals of the Malaysian Education Blueprint.
- 15.2 There have been no concerted plans for the adaptation and implementation of the National Education System to online learning (apart from a blanket statement that it will be adapted to online learning), on early childhood education and early intervention education for the disabled; and marginalised children's (Orang Asal, undocumented, stateless, refugee, migrant, disabled children) lack of access to education. No objective and meaningful assessment as an alternative to the abolished UPSR so as to evaluate the capacity and implement processes for moving students from primary to secondary schools
- 15.3 Lack of school safety and child protection, the teacher in Ain's case had been quietly re-assigned without any official reprimand and MOE has not issued any statement on the subsequent legal action against Ain by the teacher.
- 15.4 No alternative plans on the blanket closing of schools, which should be balanced with strategic decentralization of school management in areas of low risk of transmission.
- 15.5 The strong centralised "one plan for all" control by the Ministry of Education Systems have led to Schools and teachers in diverse districts having to conform to set processes and curriculum, thus being unable to meet the education gaps and needs in those localities. This has been exacerbated by the impact of the pandemic. There was no consideration of a planned graduated shift of control of these processes and curriculum, so as to facilitate an Education delivery that will raise the students' capacities to earn a livelihood and contribute meaningfully to National Development.

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