



**PRESS STATEMENT**

**KUALA LUMPUR (20 JANUARY 2021)** - The Human Rights Commission of Malaysia (SUHAKAM) is concerned over the recent news reports regarding the possibility for the Government to introduce heavier punishments on a specific group of people, particularly the lesbians, gays, bisexuals and transgender (LGBT) through amendments to the Syariah Courts (Criminal Jurisdiction) Act 1965 (Act 355).

Currently, Act 355 provides that Syariah courts are empowered to impose maximum sentences of imprisonment not exceeding three years, any fine not exceeding RM5,000, or with whipping not exceeding six strokes or with any combination thereof for offences under the Islamic law.

With regard to the proposed heavier punishments under Act 355, SUHAKAM reiterates that all forms of torture and other cruel, inhuman or degrading treatment including whipping are absolutely prohibited under international human rights standards, particularly the Universal Declaration of Human Rights (UDHR). Over the years, SUHAKAM has called for the repeal of corporal punishment in all laws, both civil and Syariah, to be in compliance with the international human rights standards. The imposition of the punishment of whipping on female offenders under the State Syariah Enactments violates the equality provision (Article 8) of the Federal Constitution since the federal Criminal Procedure Code exempts female offenders from the punishment of whipping for offences under federal law.

SUHAKAM stresses that all individuals, regardless of their sexual orientation or gender identity, should have the same fundamental rights as enshrined in the Federal Constitution including their right to privacy and to live with dignity. SUHAKAM notes that the Government has responded in Parliament in November 2020 that the proposed amendments to Act 355 would be further discussed with the other States in early 2021. In this regard, SUHAKAM calls upon the Government to reconsider the proposal to amend Act 355 and ensure that it is in line with the international human rights standards. SUHAKAM further recommends that the Government adopt a more compassionate approach by respecting human rights for all through continuous dialogues and awareness raising programmes with the relevant stakeholders.

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**Human Rights Commission of Malaysia (SUHAKAM)**

**20 January 2021**

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