1. What obligations does your Government have to ensure the right of access to

information under international, regional and national laws? Please provide, in detail,

the relevant legislation that guarantees the right of access to information on hazardous

substances and wastes, as well as the mechanisms, including grievance mechanisms,

which may be used by individuals and groups.

Malaysia and Pesticide issues –

Malaysian publically in the website of the Ministry of Agriculture provides list of registered pesticide formulations, trade names, active ingredients and companies.

There is no right to information regulations in Malaysia.

Malaysia carries out pesticide residue testing in food items including vegetables but do not release it to the public. We also do not know what kind of testing they do as there is lack of information. In addition, even when we call for information they say that it is not for public knowledge. Instead there is the official secret Act (OSA) – prerogative of the government to decide what information to make public. It is a repressive law.

2. Please provide, in detail, the scope and characteristics of hazardous substances and

wastes-related information that is or may be accessible to the public? More

specifically, please explain what type(s) of information is produced, by whom, based

on what criteria, and the time frame/frequency of data production including whether

data collected is disaggregated by gender, age, disability status, etc.

Information on bans and restrictions regarding pesticides are provided to the public.

3. Please explain, in detail, how the information on hazardous substances and wastes is

made available to the general public. In addition, what actions does the Government

take to disseminate this information and to raise awareness about the adverse impacts

of hazardous substances and wastes on human rights? How is this information

tailored to the different constituencies?

Bans and restrictions including phase outs are provided in Seminars, workshops and when requested.

4. Please provide examples of how information on hazardous substances and wastes has

been used to:

monitor human rights affected by hazardous substances and wastes (e.g.,

rights to health, safe and healthy working conditions, water and sanitation,

healthy environment, etc.);

protect the human rights of individuals and groups from the adverse impacts of

hazardous substances and wastes;

promote other human rights (e.g., rights to health, safe and healthy working

conditions, water and sanitation, healthy environment, etc.);

prevent potential human rights violations caused by the improper management

of hazardous substances and wastes; and

hold perpetrators accountable and seek remedy for victims.

Pesticide Action Network and local NGO, Tenaganita monitored the impact of pesticides on the health of plantations workers and found paraquat, a hazardous herbicide poisoning health of workers particularly of women sprayers. The report of this monitoring was provided to the Department of Agriculture, Labour, and Health and briefings were organised. The report contributed to the Pesticides Board announcement of the ban of paraquat which was repealed after 3 years due to lobbying of the agrochemical industry and the plantation industry.

Only the retailers and sellers of illegal pesticides are punished by fines.

So far the government has not carried out any systematic monitoring or studies on impact of pesticides on human health.

5. Which businesses are required to provide information on hazardous substances and

wastes (e.g., size, sector, operational context, ownership and structure)? Please

explain, in detail, the obligations of these businesses, have with regard to the type of

PAGE 3

information they are obliged to provide, to whom the information is made available,

and what measures may be taken if businesses fail to meet these obligations.

Plantation workers who have been interviewed by Tenaganita, local women’s group say that the labels of the pesticides that the workers sprayed are removed and so the workers do not have any access to the labels or receive any information of what pesticide they are spraying. The practice in the plantations is to mix the pesticides in a drum and the drums are given to the workers to use. Migrant workers are replacing local workers in the farms and plantations, including spraying of hazardous pesticides. There has been no training of migrant workers nor any systematic monitoring of their health.

6. When does the Government limit the right of access to information on hazardous

substances and wastes? Are these criteria on limitation provided by law? Who has the

authority to make decisions on the disclosure/non-disclosure of such information?

No legislation on the Right to Know and so there are no regulations

7. How does the Government ensure that the right of access to this information is

fulfilled while also respecting the confidentiality of business information? If

available, please indicate relevant cases and attach copies of relevant judgements

There is no right of access to information in Malaysia. The reality is that the public is kept ignorant about hazardous substances and waste that may impact their health. Occasionally independent studies are done and these are publicised in the media and in journals.