**Protecting Human Rights During and After the COVID-19**

Response to Joint Questionnaire of Special Procedures Mandate Holders

**Questions by the Special Rapporteur on the Right to Food**

The thematic report of the Special Rapporteur, Mr. Michael Fakhri, to the General Assembly will focus on international trade. The report’s main objective will be to identify the limits of the current international food system, explore to what extent the WTO is still suitable, and propose principles and mechanisms for a new food system. COVID-19 highlights the pre-existing weaknesses and inequities of the current system, but also provides a way to find new paths forward.

To what extent, and how, were international and domestic food supply chains disrupted during the pandemic? What were the measures taken by national, federal, provincial or local governments? Did authorities close particular local markets or impose export restrictions on certain goods? What was the reasoning for the actions taken by the respective authorities?

**Answer:**

**Malaysia prioritizes the aspect of food security at all times especially during the current COVID-19 pandemic which is unprecedented, life-threatening and is beyond expectation of socio-economic impacts to the world. On 18 March 2020, the Government implemented Movement Control Order (MCO) to flatten the curve and control the pandemic. This has also affected logistic issues of food and agriculture products during the early stages of MCO.**

**To ensure sufficient and continuous food supply, any activities, businesses, and services related to food have been classified as top priorities and essential services which are allowed to operate throughout the MCO period. The food supply chain is excluded from the MCO but with strict Standard Operating Procedure (SOP) to ensure no disruption to food availability.**

**Malaysia also does not impose any export restrictions on certain goods during the pandemic to ensure the adequate food supply.**

What measures did national, federal, provincial or local governments put in place to ensure access to food for the individuals in vulnerable situations such as older persons, children, women, rural communities, LGBT persons, national or ethnic, cultural, religious and linguistic minorities, and indigenous peoples?

**Answer:**

**The Ministry of Women, Family and Community Development Ministry (MWFCD), through its Social Welfare Department (SWD), has so far distributed 336,916 food baskets to the needy. These distributions were made nationwide through the MCO period in which it benefitted 1.34 million households.**

**However, the total number of food baskets distributed does not include donations from non-governmental organisations (NGOs), private sector establishments and individuals. The cost for these food baskets were covered by allocation from the Ministry of Finance and COVID-19 Fund.**

**SWD is responsible for coordinating the distribution of the food baskets, in collaboration with the People's Volunteer Corps (Rela) and the Civil Defence Force. Among the essential items included in the food baskets were rice, cooking oil, sugar, flour, condensed milk, salt, rice vermicelli, dried fish, soy sauce, chilli sauce, sardines, tea/coffee, biscuits, spices and dried chillies.**

**As for donations by other parties such as NGOs, private companies and individuals, the SWD's role was to accept, inspect and distribute the items to the needy. It is at the donors' discretion to determine the type, value and quantity of the items to be donated, and also to which target group the aid will go.**

What were the conditions under which food workers such as agricultural labourers, store workers, transporters, cooks, and shopkeepers had to work? What measures did national, federal, provincial or local governments put in place to ensure the safety and welfare of these workers? Were any special provisions and protections made for migrant workers?

**Answer:**

**The food supply sectors and its chain of essential services were allowed to operate as usual to ensure that Malaysians have adequate meat, vegetables, fruits and fishery product supplies. To ensure food safety and hygiene in the midst of the pandemic, the Government imposes stringent SOP for individuals and businesses involved in food and agriculture related activities. In general, all business owners/operators had to ensure that they and their workers adhere to the following rules:**

* **Practice social distancing of at least 1 meter, including when dealing with customers;**
* **Provide hand sanitizers or handwashing area with soap;**
* **Record body temperature;**
* **Wear facemask during working;**
* **Clean and sanitise the premise everyday (before and after); and**
* **Limit the number of customers at any one time.**

**Besides that, logistics and transportation services that support the supply chain and food marketing were also allowed to operate with minimum staffing. This was to ensure that the supply of essential and critical goods produced by farmers, fishermen and other sectors reached consumers on time.**

**Agriculture industries will continue to play its part to ensure the implementation of proper prevention measures, to safeguard employees and customers against COVID-19.**

1. Can you provide examples of any other measures taken by national, federal, provincial or local governments in your country to prevent hunger during the pandemic and in its aftermath?

**Answer:**

**Recognizing that the COVID-19 pandemic and MCO posed challenges to the people and business sectors, the Economic Stimulus Package (ESP) worth RM 260 billion was introduced to ease the burden of the people, farmers and micro, small and medium enterprises (MSMEs). For agriculture, the RM 1 billion Food Security Fund were allocated by the Government to be channelled to farmers, fishermen, breeders as well as MSMEs.**

**The Malaysian Government is committed to ensure that its national food security will not be compromised in whatever circumstances and will continue to monitor and take stock of the essential food items in the market to ensure that they are available, accessible and affordable to all people. To facilitate and enhance the food supply chain, the Ministry of Agriculture (MOA) and its agencies had implemented various initiatives as follows:**

**(i) Establishment of Controlled Fresh Market (PST) outlets**

**- Throughout the MCO period, MOA has established its Controlled Fresh Market (CFM) outlets. These initiatives were made possible through agencies under MOA which plays a pertinent role in connecting the local farmers and the public market through efficient agricultural supply chains. Until 22 April 2020, 144 CFM has been operated throughout the country in distributing agricultural products.**

**(ii) Leveraging on e-commerce platform**

**- Federal Agricultural Marketing Authority (FAMA), National Fishermen Association (NEKMAT) and other agencies under MOA have been expanding marketing outlets such as Agrobazaar, Desaraya, FAMACO as well as online sales through Agrobazaar Online and Nekmat Biz;**

**- To enhance online sales, MOA collaborates with existing e-marketplace platform providers such as Shopee, Lazada, MyGrocer and Food Market HUB. MOA also partners with the Malaysia Digital Economy Corporation (MDEC) under the e-Rezeki Program for the delivery services platform. There are 11 bulk shipping companies involved under the program such as JustLorry, GoLog, Zepto Express and Dego as well as nine (9) retail delivery companies such as Foodpanda, Lalamove and Bungkusit, among others;**

* **Besides that, MOA aims to expand/ strengthen agricultural products marketing through e-commerce platforms that have been identified to enhance the marketability/ viability of agricultural products for the domestic market and the international market. MOA has started the discussion to collaborate with Ourshop Airasia, Dropee and CP3 to develop a business to business e-commerce platform; and**
* **In the long term, MOA is working on developing disruptive innovation to expand online marketing/ e-commerce to create an alternative to conventional methods (in-store/ retail sales).**

**(iii) Strengthen storage and distribution facilities**

**- RM 10 million has been allocated to FAMA in the ESP to supplement and maintain existing facilities for food storage as well as logistics services. This will increase the storage capacity of the food stock and the mobilization of the product, reducing the risk of dumping due to reduced demand.**

**(iv) Providing financial support**

**- FAMA launched a rental exemption initiative for FAMA marketing outlets at the Farmers’ Market and Permanent Farmers’ Market for 6 months from the MCO's enforcement date on 18 March 2020. In addition, Farmers’ Organisation Authority implemented a 3 to 6 months moratorium of financial repayment from March to August 2020; and**

* **To ease the burden of the farmers, the Malaysian Pineapple Industry Board will cover the cost of transporting pineapple fruit to manufacturers during the duration of the MCO.**

**MOA also conducts its public awareness and outreach to the concerned agricultural stakeholders which includes:**

**(i) Initializing the awareness to discourage ‘panic buying’, provides advisories on essential agricultural services, operation of agricultural activities and assuring the continuous supply of the food in the market through social and mainstream media;**

**(ii) Deploying enforcement personnel from MOA agencies to stock-take and observe the conduct of the market pertaining to agricultural products throughout the value chain. Selective MOA personnel will continue to undertake activities that includes inspections on food and crops, food safety for human and animal consumptions as well as ensuring the availability and continuous supply of the essential food staples such as rice; and**

**(iii) Outreach and meetings to the public specifically to the local supermarket operators, importers, logistic providers, agricultural practitioners, distribution centres and State Exco’s for Agriculture Portfolio in relaying the right message and seeking support to:**

* + - **Minimise disruptions in domestic food supply chains by working closely together to ensure that markets are kept open and transportation of agricultural and food products are facilitated; and**
    - **Ensure that trade lines remain open to facilitate the flow of agricultural and food products to support the viability and integrity of supply chains.**

**The Malaysian Government has also announced the establishment of Cabinet Committee on Food Security chaired by the Prime Minister and comprises of ministers, senior government officers, academicians, agri-food experts, private sectors, industry players and NGOs to identify issues pertinent to food security. The Committee will develop policies, strategies and action plans to ensure national food security and strengthen the food supply chain.**

**To summarize, several strategies adopted by MOA to ensure food security during the COVID-19 pandemic include providing financial support to industry players, leveraging on e-commerce platform to overcome logistic disruption to reduce food loss and improving public awareness.**

**Questions by the Special Rapporteur on the Right to Adequate Housing**

The report of the Special Rapporteur on the right to adequate housing, Mr. Balakrishnan Rajagopal, to the General Assembly focuses on the impact of the COVID-19 crisis on the right to housing. It will analyse measures taken to prevent and stop evictions during and in the aftermath of the crisis and to protect groups at risk of marginalization, including persons living in situation of homelessness and in informal settlements. The report will discuss whether emergency measures implemented may have had discriminatory outcomes, map out emerging good practices to counter them by local and national governments, and analyse medium and long term interventions required to protect during and after the crisis the right to adequate housing for all.

1. Please elaborate on measures taken by national, federal, provincial or local governments to ensure persons are protected from the virus at their home or place of living:
2. Has your country declared a prohibition on evictions? If a prohibition was declared, indicate its legal basis and how long it will last. Please specify if it is a general prohibition and if it also applies to persons living in informality or in informal settlements. Is the prohibition of evictions restricted to tenants or mortgage payers who have been able to pay their rent or serve their mortgages, or broader?

**Answer:**

**During the MCO, a comprehensive ban on public movements and gatherings was imposed throughout the country including religious, sports, social and cultural activities. Everyone was urged to stay at home and travel only on necessary basis (such as for food, medical attention and essential services). This MCO covered both formal and informal settlements. There was no prohibition on evictions.**

**Nonetheless, on 27 March 2020, the Prime Minister of Malaysia announced the first stimulus package which included monetary incentives to people according to their income range. For public housing, rental waive was given for 6 months and rent-to-own scheme was given suspension for 6 months (until September 2020). The banks were also instructed by the Central Banks to give 6 months suspension/ moratorium for housing loans, personal loans and hire purchases. No eviction happened at public housing and since the housing loan moratorium, the Malaysian Government urged landlords to ease the rental of their tenants.**

1. If no general prohibition on evictions was declared, please indicate how many evictions have taken place, the number of people affected, and the specific details of time, location and reasons.

**Answer:**

**There were no evictions in Public Housing or People’s Housing Programme (PHP) during the MCO and the Malaysian Government has also imposed condition that house moving was not allowed along with other restrictions such as house renovations, visitation, gatherings and Homeowner Association meetings. The Malaysian Government is very strict on implying social distancing and no unnecessary movement was allowed. Legal action, including jail time and compound will be taken against anyone who does not comply with the MCO. If there were evictions at private properties, it can only be seen after the MCO has been lifted. The Government does not have any details of evictions by private property owners.**

1. Have any measures been taken to ensure that households are not cut-off from water, heat or other utility provision when they are unable to pay their bills?

**Answer:**

**Other than various subsidies that were given by the Malaysian Government to the lower income group such as minimal charges of utility companies, the Government has announced 15% to 50% discount rate for electricity, free internet and provisions such as RM1 Billion to sustain the agriculture, cultivation and food industries during the MCO. Other measures such as monetary benefit was also provided by the Government. These incentives ensure sustainability of the vulnerable groups during the pandemic.**

1. Please provide any information about other legal or financial measures aimed to ensure that households do not lose their home if they cannot pay their rent or mortgage payments? Have any other tenant protection measures been adopted in response to the pandemic?

**Answer:**

**Understanding the hardship faced and income disruption during the MCO, the Central Bank of Malaysia instructed all Banking Institutions to give option of moratorium or suspension of payment for 6 months from April to September 2020 to their respective borrowers. The moratorium includes housing loans, personal loans and hire-purchases. Despite direct monetary incentives for the citizen, increment of unemployment rate and income disruption has left many households especially the renters leaving the city to go back to their respective hometown to seek refuge with their parents, siblings or relatives.**

**As for the households on Public Housing or PHP, rental waive was given for 6 months and rent-to-own scheme was suspended for 6 months from April to September 2020.**

**There are no specific laws other than the contract laws between landlords and tenants. Until the Rental Tenancy Act is enacted, the Government can only urge the renters to negotiate in good terms with the landlords either to suspend the rentals according to the 6 months moratorium given by banks for housing mortgage or discount the rentals to an amount that is affordable to the renters.**

1. What measures have been taken to protect persons living in informal settlements, refugee or IDP camps, or in situation of overcrowding from COVID-19?

**Answer:**

**As the MCO has been imposed throughout the country, rural areas covering informal settlements were also affected. Various aids were channelled through the Ministry of Rural Development, the Welfare Department, the National Security Council as well as NGOs. Other settlements for refugee, IDP camps or even in correctional facilities has been standardised with SOPs of social distancing and strict sanitation to avoid outbreaks in these areas. Among the NGOs were MERCY Malaysia, MyCARE and Malaysian Relief Agency.**

1. What measures have been taken by authorities to ensure that migrant and domestic workers housed by their employers continue to have access to secure housing during the pandemic and in its aftermath? If migrant workers left their place of work to return to their place of origin, what measures were taken to ensure their right to housing?

**Answer:**

**During the MCO, migrant workers were housed by their employers while domestic workers should stay with their respective employers. Malaysian and foreign citizens were not allowed to travel in or out of the country.**

1. Have any measures been taken to provide safe accommodation for persons in situation of homelessness? If yes, how many persons were housed, in what form, where and for how long? How will it be ensured that persons provided with temporary accommodation will have access to housing after the crisis?

**Answer:**

**Relocation of the homelessness to the Public Housing or PHP has been the Malaysian Government’s agenda since decades throughout the cities. However, the number of homelessness continues to grow since more and more are migrating from villages to cities to secure better job despite the high cost of living. For homeless people during the crisis, the Ministry of Federal Territory have taken the action to turn indoor stadiums or halls for the homeless to seek refuge and receive proper treatment or sanitation to avoid spreading of the virus. There are 12 temporary settlements housing 854 homeless people in Kuala Lumpur. During the temporary settlements, the Ministry of Federal Territory also collaborates with private sectors on job placements for prospective homeless people to bring them in the workforce and contribute to the society. Homeless people employed will have accommodations or hostels provided by their employers that will ensure access to shelter or housing after the crisis. In addition, other states are also implementing similar initiatives as in Kuala Lumpur for the homeless people in their respective cities.**

1. Can you provide examples of any other measures taken or planned by national, federal, provincial or local Governments in your country to protect the right to adequate housing during the pandemic and in its aftermath?

**Answer:**

**Despite of the MCO and the outbreak, the Malaysian Government have open up for industries as well as construction industry on 10 June 2020 under Recovery Movement Control Order (RMCO) to operate under strict SOPs in order to ensure houses continue to be built, especially affordable houses. Under the latest stimulus package, the Government committed to help citizen to buy houses under the Homeownership Campaign that will give stamp duty exemption and Real Property Gain Tax (RPGT) for the first three houses. These initiatives were also aimed to revive the economy and reducing the property overhang that is indirectly caused by the pandemic.**