



**8th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions
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Kathmandu, Nepal**

**Forum Members Report:
HUMAN RIGHTS COMMISSION OF MALAYSIA**

At the seventh annual meeting of the Asia Pacific Forum of National Human Rights Institutions, SUHAKAM's delegation reported on the Commission's activities from year 2000 up to November 2002. As explained, in accordance with Section 4 of the founding legislation of the Human Rights Commission of Malaysia Act 1999 (Act 597), the ultimate aim of the Human Rights of Commission of Malaysia (SUHAKAM) is to further protect and promote human rights in Malaysia. In so achieving, the four main functions of SUHAKAM are:

- To promote awareness of and provide education in relation to human rights;
- To advise and assist the Government in formulating legislation and administrative directives and procedures and recommend the necessary measures to be taken;
- To recommend to the Government with regard to the subscription or accession of treaties and other international instruments in the field of human rights; and
- To inquire into complaints regarding infringements of human rights and make the necessary recommendation in relation thereto.

Since its inception in 2000, SUHAKAM established four working groups to assist the Commission in discharging its corresponding four functions. They are:

- The Education Working Group;
- The Law Reform Working Group;

- The Treaties and International Instruments Working Group; and
- The Complaints and Inquiries Working Group.

After approximately three years in existence, SUHAKAM evaluated the existing working groups of the Commission between the end of 2002 and at the beginning of 2003. It decided that it was appropriate for the working groups within SUHAKAM to be re-structured whereby:

- The Education Working Group was renamed **Human Rights Education and Promotion Working Group** (EWG) to reflect its function more precisely. Education involves the process of teaching, learning and training. Thus, SUHAKAM felt that the tasks and responsibilities of the EWG ought to encompass promoting awareness and improving knowledge of human rights as well as developing skills in promoting and upholding one's rights;
- The Law Reform Working Group and the Treaties and International Instruments Working Group were merged and renamed as the **Law Reform and International Treaties Working Group** (LRITWG). The merger was made to reflect the need to review domestic legislation *vis-à-vis* international human rights standards and *vice versa*;
- The **Complaints and Inquiries Working Group** (CIWG) maintained its *status quo*; and
- A new working group named the **Economic, Social and Cultural Rights Working Group** (ESCRWG) was established. The establishment of this working group was to reflect SUHAKAM's acknowledgement that economic, social and cultural rights (ECOSOC rights) have been in the shadow of civil and political rights and of the need to devote more attention to these rights, particularly those relating to basic needs such as the right to health care, housing, food and nutrition and education.

The highlight of SUHAKAM's activities since November 2002 is the completion of the Commission's review of the Internal Security Act 1960 (ISA) at the end of 2002. SUHAKAM recommended that the ISA should be repealed and be replaced with an anti terrorist law that should comply with human rights principles.

In addition for the period between November 2002 and January 2004, the core activities of SUHAKAM were as follows:

A. EWG

- Organised an art competition for school-going children;
- Organised a two-day conference on 'Human Rights and the Administration of Law';
- Organised two training-of-trainers workshops to promote awareness and practice of human rights as embodied in the Convention on the Rights of the Child;
- Organised nationwide dialogues on the rights of people with disabilities;
- Organised workshops on the rights of indigenous people;
- Conducted a comprehensive research with five local universities on human rights awareness and practices in secondary schools;
- Continued to work with the Police on human rights education for the Police;
- Continued to work with the Ministry of Education to integrate human rights into the various school subjects.

B. LRITWG

- Initiated review on the Dangerous Drugs (Special Preventive Measures) Act 1985 and the Prevention of Crime Act 1959. The review is ongoing;
- Initiated review on the Persons with Disabilities Bill. The review is ongoing;
- Organised a Roundtable Discussion on the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
- Followed-up on recommendations made in SUHAKAM's Report on Rights of Remand Prisoners and Freedom of Assembly.

C. CIWG

- Visited 25 places of detention including police lock-ups, prisons, immigration detention depots, and the forensic wards at psychiatric hospitals;
- Organised workshops on human rights for law enforcement agencies such as the Police, Prisons Department, Immigration Department and Anti-Corruption Agency with the co-operation of the Legal Aid Bureau and the Prime Minister's Department;
- On-going resolution of complaints. For the year 2003, about 48.32% of the complaints received were not related to the violation of human rights. The breakdown of the complaints that relate to a human rights violations is as follows:

- 160 complaints were associated with the alleged failure of the relevant authorities to take action on complaints lodged with them, employment related matters and alleged professional negligence;
- 64 matters on alleged abuse of power by law enforcement officers such as death in police custody and inaction on reports lodged;
- 35 on land, property, immigration and refugee matters;
- 10 general statements as part of signature campaigns, notifications and articles pertaining to alleged human rights abuses.

D. ECOSOC

- Organised its inaugural seminar on “Accessibility to Basic Needs”;
- Organised dialogues on the issue of trafficking in women and children;
- Organised a seminar on “Adequate Housing – A Human Right”.

The Commission lost a very eminent member at the end of 2003. The late Tan Sri Harun Hashim, SUHAKAM's then Vice Chairman, passed away on 30 September 2003. He was appointed as a Commissioner since the inception of SUHAKAM. During his tenure, the late Tan Sri Harun served unstintingly, making time to share both wisdom and wit with inimitable candour. The late Tan Sri Harun maintained the highest decorum and discipline and shall be remembered for his invaluable insights into the inner workings of the law and of Government.

The term of office of the current Commissioners will be expiring in April 2004. Thus, a new batch of Commissioners will be appointed immediately thereafter. Most probably, as in the past, some of the Commissioners will be re-appointed to provide continuity. Nevertheless, for the year ahead, the Commission will continue to discharge its duties pursuant to its founding legislation. The main priority of the Commission would be to continue with its efforts to further promote and protect human rights in Malaysia. This would be done mainly through the organisation of various seminars, workshops and other programmes, the review of laws that are perceived to infringe human rights principles and the handling of complaints.

The underpinning objective of the Commission's activities would be to strive for awareness and knowledge of human rights to be translated into a change in behaviour, especially of attitude, so that upholding one's rights and respecting the dignity of others becomes a part of the Malaysian culture.

Whilst the main focus will continue to be on the authorities such as the law enforcement agencies and the Judiciary, as it did in the previous years, SUHAKAM will continue to progressively expand its activities to target other sections of society such as the private sector, academia, non-governmental organisations and the general public at large. The ultimate aim of the Commission would be to achieve the aspiration of its motto - "Human Rights for All".