

Part 2: Activities of National Human Rights Institutions

Question 1

Human Rights Education and Promotion Working Group (EWG)

As set out in section 4(1) (a) of the Human Rights Commission of Malaysia Act 1999 (Act 597), SUHAKAM is assigned with the responsibility 'to promote awareness of and provide education in relation to human rights'. Human rights education and promotion is therefore a fundamental responsibility of SUHAKAM, and is undertaken primarily by the Human Rights Education and Promotion Working Group. At its first meeting on 4 May 2000, the Human Rights Education and Promotion Working Group formulated five objectives which are:

- (a) to promote respect for and protection of human rights through educational activities for all members of society;
- (b) to assess needs and formulate strategies for the furtherance of human rights education;
- (c) to strengthen the role and capacity of the media in promoting human rights education;
- (d) to co-ordinate the development of effective human rights education materials with the collaboration of Governmental and Non-government agencies;
- (e) to foster learning environments that encourage participation and development of a caring personality that upholds the dignity of human beings and values friendship, understanding, tolerance and equality.

SUHAKAM's education programs on human rights are not confined to just civil and political rights. They also encompass social, cultural and economic rights such as right to education, employment and recreation, the right to adequate standard of living, health and shelter and the right to a safe environment.

The Human Rights Education and Promotion Working Group is of the view that the promotion and provision of human rights education must be carried out from the perspective of knowledge, development of values, beliefs and attitudes, and action. Hence, its programmes aim to:

- provide all strata of society with information on human rights and existing mechanisms to protect these rights.
- develop beliefs in and positive attitudes toward human rights that will be translated into action so that individuals are likely to act to uphold their rights and those of others.

The activities carried out by the Education and Promotion Working Group fall into two categories:

- immediate, informal activities to promote awareness of human rights;
- formal human rights education which is long-term in its objectives.

For further information on the most recent work and activities of the Education and Promotion Working Group, please refer to the chapters from SUHAKAM's 2004 and 2005 Annual Reports, which are attached to this response.

Economic, Social and Cultural Rights Working Group (ECOSOC)

Research and policy development relating to economic, social and cultural rights are undertaken by the Economic, Social and Cultural Rights Working Group (ECOSOC). Functions of ECOSOC are:

- Pursuant to section 4(2)(a) of the Human Rights Commission of Malaysia Act 1999 (Act 597):
 - (i) to undertake research on economic, social and cultural rights by, amongst others, conducting programs, seminars and workshops; and
 - (ii) to disseminate and distribute the results of such research.

- To highlight the plight of vulnerable groups vis-à-vis their economic and social rights such as the right to adequate housing, healthcare and education. Vulnerable groups in this instance include the urban and rural poor, single mothers, the elderly and people suffering from mental illness.

Question 2

In 2003 and 2004 respectively, SUHAKAM received 3 complaints per year relating to alleged violations of the right to education. In 2005, SUHAKAM received a total of 8 complaints on this issue. As of April 2006, SUHAKAM has received 5 complaints relating to the right to education. In a number of these cases, SUHAKAM could not take direct action, since the subject-matter of such complaints were outside of SUHAKAM's jurisdiction. In such situations, SUHAKAM refers the complaints to the Ministry of Education or other relevant authority for their action. In complaints relating to indigenous communities, SUHAKAM refers cases to the Department for the Advancement of Indigenous Affairs.

Question 3

SUHAKAM has yet to conduct any Public Inquiries into issues relating to the right to education.

Question 4

SUHAKAM is conducting a review of the University and University Colleges Act, which contains several restrictive provisions which impact upon freedoms of students and academics in institutions of higher learning.

Question 5

SUHAKAM organizes conferences and workshops for Education Officers with the Ministry of Education on the national and state level. The objective is to increase awareness of human rights education, particularly the importance of understanding the Convention on the Rights of the Child (CRC), and the relevance of the rights of the child in the school environment. Participants are generally invited from officers from the Ministry of Education, State Education Department, District Education Officers, lecturers from teacher-training colleges and senior teachers from schools including principals and counselors. Approximately 300 individuals have been trained by SUHAKAM since 2004.

Question 6

Human Rights Awareness Programmes

Talks have been delivered on human rights in six primary schools. Students aged 10-12 attended the programmes in co-ed urban or rural schools, schools for indigenous children, Chinese and Tamil medium schools and single sex schools. The objective is to raise awareness of human rights with emphasis on responsibility.

Poster Competition

Annual poster competitions to promote human rights awareness among primary and secondary school children are based on different themes every year.

CRC Training Awareness Workshops

To facilitate public understanding of the CRC, Training of Trainers and awareness workshops are conducted. The main objective of the programme is to raise the awareness of human rights education, particularly the importance of understanding the CRC and its implementation. These apply respectively for persons with disabilities and those who work with them, teacher trainers, and indigenous peoples. A CRC Training Manual was used, containing important guidelines that are useful for trainers and facilitators. SUHAKAM has trained 373 participants since 2003 throughout Malaysia. These workshops involved participants from government agencies and NGOs who work directly on issues pertaining to child development.

Training of Young Trainers

Training of Young Trainers Workshop participants come from various youth associations. The course content is drawn from the CRC and delivered through a participatory and child-centred methodology. The overall strategy is to generate interest among young participants to develop a better understanding of the CRC and related human rights principles.

Human Rights Camps for School Children

SUHAKAM, with the support of Ministry of Education, organized a series of Human Rights Camps for school children aged 13 to 14 years. The main objective was to educate children on their rights and responsibilities as stated in the CRC, as well as on related human rights principles.

Roundtable Discussion: The Indigenous Community's Right to Education

The roundtable discussion provided an effective platform for representatives of the indigenous communities to raise their concerns, especially relating to their right to education. Participants came from representatives of the Ministry of Education, Department of Orang Asli Affairs and NGO's as well as community leaders.

Seminar on Rights of Indigenous People

Seminars and workshops were held to provide a platform for the indigenous people to directly express their views and misgivings, to enable SUHAKAM to study the situation and to priorities the human rights concerns of the indigenous people, in particular their right to customary native land, fair and appropriate compensation for lands acquired from their communities, their right to education, development and adequate healthcare.

Roundtable Discussion for Persons with Disabilities

SUHAKAM organized a series of dialogues and roundtable discussion to promote the rights of persons with disabilities. Representatives of the discussions came from the government, NGOs and persons with disabilities. Discussions focused on issues regarding education, employment and least restrictive environment.

Human Rights Workshop for Police Officers

SUHAKAM has been organized workshops for the police since 2002. The rationale for such workshops is to encourage discussions on alleged human rights violations and abuse of powers by the Police, based on public complaints as well as to assist in fine-tuning departmental procedures through guidelines on human rights. The objectives are to sensitize participants on their role in protecting and promoting human rights and to develop their ability to prepare standing orders in line with human rights principles.

Human Rights Workshop for Prison Departments

The objective is to raise the officers' awareness of human rights. The participants urged SUHAKAM to conduct more human rights programmes, especially for lower-ranking staff whose duties involve handling prisoners and other categories of detainees.

Question 7

Yes, there is a chapter on the work of the Education Working Group in all of SUHAKAM's Annual Reports. Please refer to the attached chapters from SUHAKAM's 2004 and 2005 Annual Reports for information on its latest work.

Question 8

SUHAKAM does not have any quasi-judicial powers under its parent legislation - (Human Rights Commission of Malaysia Act 1999) (Act 597) – to enable intervention in court proceedings either as amicus curiae or in any other capacity.

Question 9

Malaysia is a State Party to CEDAW and CRC. However, SUHAKAM has yet to assist the government with its reporting obligations by contributing to Malaysia's reports to the treaty bodies.

Question 10

SUHAKAM's Education and Promotion Working Group has been working closely with the Ministry of Education to promote awareness of human rights in schools and to integrate human rights into the education system by rectifying misconception of human rights among educators and decision makers, and building their understanding on CRC. SUHAKAM also collaborates with other governmental departments and NGOs to enlighten persons with disabilities and indigenous people of the right to education. UNICEF also supports our publication of CRC Booklet and CRC Training Manual. SUHAKAM also receives some international funding for its trafficking educational programmes.

Please note however that SUHAKAM's ability to receive extra-governmental sources of funding is limited by section 19 of its enabling legislation - Act 597. Section 19 states as follows:

Funds

19. (1) *The Government shall provide the Commission with adequate funds annually to enable the Commission to discharge its function under this Act.*
- (2) *The Commission shall not receive any foreign fund.*
- (3) *Notwithstanding subsection (2), the Commission may receive funds without any conditions from any individual or organization only for the purpose of promoting awareness of and providing education in relation to human rights as many be approved by the Commission.*
- (4) *The Commission shall cause proper audited accounts to be kept of its income and expenditure, and assets and liabilities.*
- (5) *The financial year of the Commission shall be the calendar year.*
- (6) *Any expenses incurred by the Commission in any action or proceeding, civil or criminal, brought by or against the Commission before any court shall be paid out of the funds of the Commission and any costs paid to, or recovered by, the Commission in any such action or proceeding, civil or criminal, shall be credited to the funds of the Commission.*
- (7) *Any expenses incurred by any member, officer or servant of the Commission, in any civil action or proceeding, brought against him in any court in respect of any act which is done or purported to be done by him under this Act or on the direction of the Commission shall be paid out of the funds of the Commission unless such expenses are recovered by him in such civil action or proceeding.*