



2013 ANNUAL REPORT

HUMAN RIGHTS COMMISSION OF MALAYSIA



S U H A K A M
HUMAN RIGHTS FOR ALL

ANNUAL REPORT

2013

HUMAN RIGHTS COMMISSION
OF MALAYSIA

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APRIL 2010-APRIL 2013

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2. **PROF DATUK DR KHAW LAKE TEE** (Vice-Chairman)
3. **PROF EMERITUS DATO' DR MAHMOOD ZUHDI HJ AB MAJID**
4. **DATUK DETTA SAMEN**
5. **MS JANNIE LASIMBANG**
6. **MR MUHAMMAD SHA'ANI ABDULLAH**
7. **MR JAMES NAYAGAM**

MEMBERS OF THE COMMISSION 2013



1. **Tan Sri Hasmy Agam** (Chairman)
2. **Datuk Dr Khaw Lake Tee** (Vice-Chairman)
3. **Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid**
4. **Mr Nordin Kasim Madating**
5. **Prof Dato' Dr Aishah Bidin**
6. **Mr Francis John Adam**
7. **Mr James Nayagam**
8. **Ms Rodziah Abdul** (Secretary)

HUMAN RIGHTS COMMISSION OF MALAYSIA

ANNUAL REPORT 2013

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CHAIRMAN'S MESSAGE



TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia

Since its inception in 1999, the Commission has submitted its Annual Report without fail to Parliament, in accordance with its mandate enshrined under section 12 of the Human Rights Commission of Malaysia Act 1999 (Act 597). This is the 13th Annual Report, providing a record of the Commission's activities and actions, as well as its recommendations in respect of issues that require the attention of the Government, among other actors.

In spearheading the expansion of civil, cultural, economic, political and social rights over the year, the Commission kept close watch on the human rights impact of the Government's law reforms; the exercise of freedom of assembly; and conditions in places of detention. Additionally, it worked to widen the rights of vulnerable groups such as children, women, older persons, Indigenous Peoples, persons with disabilities, migrant workers, refugees, asylum seekers and detainees.

The Commission accepted 624 complaints, of which 403 cases fell under its jurisdiction. It resolved 173 cases and is following up on the remaining 230. The complaints were mainly on deaths in police custody; arrests and detention; rights of workers and migrant workers, refugees and asylum seekers; harassment of human rights defenders, the Murum dam; right to education or conduct of school administration; and campus elections.

The Commission discharged its monitoring duties by conducting 30 periodic visits to immigration detention centres, prisons and police lock-ups to monitor conditions and the situation of detainees and prisoners, as well as the personnel in charge. The Commission remains especially concerned about the well-being of children in immigration detention centres, in particular their access to informal education and the period of detention.

For the fourth consecutive year, Malaysia was placed on the US State Department's Tier 2 Watch List on human trafficking. The ranking was attributed to the lack of significant progress by the Government in addressing human trafficking compared to the previous year. As a member of the Council of Anti-Trafficking in Persons and Anti-Smuggling of Migrants, the Commission took an active part in providing input on matters like shelter audits, standard operating procedures and a risk management survey.

Following the public release of its Report of the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia (NI Report), the Commission had intended to undertake initiatives towards the implementation of recommendations contained in the Report. However, before it could proceed, the Government announced its decision to establish a National Task Force to study the NI Report. In welcoming the Government's decision to set up the Task Force, the Commission stressed the importance of early and effective implementation of the recommendations. In its view, it is imperative that the issues be resolved expeditiously, given the long-standing nature of the problems and resulting disenchantment among Indigenous Peoples.

The Commission sustained a high profile in engaging regional and international human rights bodies, particularly the United Nations (UN) Human Rights Council (HRC). Among the significant developments were its participation in Malaysia's second review under the Universal Periodic Review (UPR) and election as the Chair of the Commonwealth Forum on National Human Rights Institutions.

The Commission believes that international human rights treaties are the primary framework in reflecting national commitment to global standards. Given Malaysia's poor record in acceding to the core international human rights treaties – having done so for only three out of nine UN instruments – the Commission sees the need for the process to be expedited. The Government should begin with the four treaties to which it committed to accede during the first cycle of its UPR, namely, the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Given Malaysia's membership and active participation in the UN and its organs, such as the HRC until recently, and its current bid for a seat on the Security Council, there are compelling reasons for it to be an exemplary nation in upholding human rights. This is not only for the sake of respecting human rights, but also to assist Malaysia's aspiration to achieve developed status by the end of the decade.

The Commission is mindful of the challenges faced by Malaysia in the realm of human rights, especially given the misconception among some groups that this is a 'western-driven agenda' and their calls for Malaysia not to succumb to pressure to comply with what they consider to be 'alien' human rights standards.

Although everyone is entitled to his or her own opinion, it is regrettable that such groups fail to understand that the Universal Declaration of Human Rights (UDHR) is a Declaration that encompasses all aspects of human rights that Malaysia, as a Member State of the United

Nations, is obliged to uphold. Instead, they persist in holding on to the misperception that UDHR is only concerned with such issues as freedom of religion, and the rights of the lesbian, gay, bisexual and transgender community. This lack of understanding and slow progress towards accession to the remaining core conventions will hinder the country from taking progressive steps towards its goal to become a developed nation by 2020 in all respects.

To mitigate this issue, the Commission is working to enhance public awareness and understanding of human rights through educational and promotional programmes, as well as constructive dialogue. The Commission deems it important for all people to understand the importance of human rights to democracy. To this end, the Commission has intensified collaboration with the Ministry of Education (MOE) to promote human rights among school communities through the joint 'Human Rights Best Practices in Schools' programme. The Commission will continue to impress upon the MOE the importance of inculcating human rights values in Malaysians as early as at the primary school level, as is being done in a number of countries.

With increased awareness of human rights issues among Malaysians, the Commission sees itself evolving to play a bigger and more effective role as a National Human Rights Institution (NHRI). It has therefore advocated further amendments to its founding law, aimed at strengthening its effectiveness in discharging its functions as a Paris Principles-compliant NHRI. The Commission hopes that the Government will give due consideration to the proposed amendments, at the same time fulfilling its commitments under the 1993 Vienna Declaration and Programme of Action. These affirm the important role of NHRIs and the need for State Parties to establish and strengthen Paris Principles-compliant NHRIs.

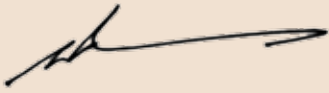
The Commission also renews its call for action to ensure that its Annual Report is debated in Parliament. As a NHRI created under an Act of Parliament, the Commission deems it important for legislators to take seriously the issues and recommendations in its Annual Report. The Commission reiterates its advocacy for the establishment of a Parliamentary Select Committee on Human Rights, following the Government's announcement in October 2012 of its intention to do so. This would serve as an interim measure towards the ultimate goal of full parliamentary debate on the Annual Report and all human rights issues that strengthen the democratic process.

The year, saw the reappointment of four Commissioners, including myself, for a further three-year term, and the appointment of three new Commissioners. In congratulating Datuk Dr Khaw Lake Tee, Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid and Mr James Nayagam on their re-appointment, let me also thank them for their continued commitment and support in assisting the Commission to discharge its statutory functions. I am particularly grateful to Datuk Dr Khaw Lake Tee for her enormous contributions, both as the Vice-Chair of the Commission and Chair of the Annual Report Committee.

I also wish to record my appreciation to former Commissioners Mr Muhammad Sha'ani Abdullah, Datuk Detta Samen and Ms Jannie Lasimbang for their dedication during their tenure. In warmly welcoming the three new members – Prof Dato' Dr Aishah Bidin, Mr Francis John Adam, Mr Nordin Kasim Madating, who came on board on 3 June – I look forward to working closely with them over the next three years.

Chairman's Message

As the Commission continues into its fourteenth year, it hopes to engage closely with various stakeholders in advocating greater observance of human rights among all people in Malaysia.



TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia

EXECUTIVE SUMMARY

The Commission developed a Work Plan for the year to meet the objectives of its Strategic Plan covering five thematic areas of human rights involving Indigenous Peoples, Children with Learning Disabilities, Older Persons, the Business Sector, and Free Trade Agreements, including the Trans-Pacific Partnership Agreement. This was in addition to a full schedule of activities to extend appreciation and adoption of human rights across all segments of society, including embarking on fresh initiatives to widen the scope of implementation and to respond to current issues that require redress.

As always, the Commission counted on partners and human rights defenders to help deliver its twin-goals to promote and protect human rights. It interacted with the Government and its agencies, Non-Governmental Organisations (NGOs), National Human Rights Institutions (NHRI), representatives of United Nations (UN) agencies, professional bodies and grassroots communities.

REPORT OF THE EDUCATION AND PUBLIC RELATIONS GROUP

The **Education and Promotion Division** expanded its outreach to schools through its on-going smart partnership with the Ministry of Education (MOE). As an outcome of such collaboration, the MOE set up a committee on the implementation of the Convention on the Rights of the Child (CRC). It also agreed to 121 more schools participating in the Human Rights Best Practices in Schools (HRBPS) programme, bringing the total to 138.

Programmes were instituted for Special Schools and under the Special Education Integration Programme to highlight relevant aspects of human rights to teachers.

Similar efforts were applied in relation to educators of children of Indigenous Peoples and in Sekolah Agama Rakyat. A high point of engagement with public and private tertiary institutions was the University of Malaya's endorsement of the Commission's proposal to establish a Human Rights Centre on campus.

The **Public Relations Division** stepped up understanding of human rights through press statements, interviews and response to issues of public interest. There was direct engagement of stakeholders via events such as the public release of the Commission's Annual Report 2012, Human Rights Booklet competition under the HRBPS programme, the Human Rights Award, and a panel discussion to observe World Human Rights Day.

REPORT OF THE COMPLAINTS, MONITORING AND INQUIRIES GROUP

The **Complaints and Monitoring Division** received 624 complaints. For the first time, these were analysed on the basis of specific human rights that had allegedly been violated. The complaints-handling mechanism was upgraded to be more accessible and efficient. Also reviewed were procedures for submitting complaints, including improving the turnaround time for response.

Prior to the public release of the Report of the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia (NI Report) in August, the **Inquiries Division** briefed stakeholders in Sabah, Sarawak and Peninsular Malaysia on the findings. The Division later met with senior officials of the Ministry of Rural and Regional Development and the Orang Asli Development Department to raise relevant issues.

In working on its campaign to end Immigration detention of children, the Division organised a Roundtable Discussion (RTD) to identify alternatives and procedural efficiency. A separate RTD sustained pressure for action against custodial deaths. Issues relating to freedom of assembly were another area that required attention. The Division monitored three public rallies – the ‘KL 112’ and Anti-Lynas protests and a demonstration against proposed amendments to the Prevention of Crime Act.

REPORT OF THE RESEARCH AND POLICY DEVELOPMENT GROUP

The **Research and Policy Development Division** embarked on research into two thematic studies relating to the Right to Education of Children with Learning Disabilities and the Rights of Older Persons – Care Services for Older Persons and Support for Caregivers. As part of its continuing focus on Human Rights and Business, research was conducted on alleged human rights violations by the logging and plantation industries; as well as on the likely impact on human rights of the proposed Trans-Pacific Partnership Agreement.

The Division monitored the implementation of Malaysia’s obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC) and Convention on the Rights of Persons with Disabilities (CRPD). In anticipation of the submission of the State Reports to the relevant Treaty bodies, the Commission completed its Parallel Report on CEDAW; at the time of writing, it was in the process of completing its CRC and CRPD Reports.

Discussions were held with government agencies and civil society groups on the feasibility of accession to four of the nine core human rights treaties: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination.

The **International Coordination Division** assisted the Commission’s tasks on the global stage. As the new Chair of the Commonwealth Forum on National Human Rights Institutions (CFNHRI), the Commission led in the submission of a Communiqué to the Commonwealth Heads of

Government Meeting. At the CFNHRI Biennial meeting, the Commission shared information from its study on delivering the rights of older persons. Two video statements were submitted to the 24th Regular Session of the Human Rights Council.

The Commission took part in the UN Universal Periodic Review process by submitting its Stakeholder's Report for Malaysia's second cycle review. The Report was prepared after consultations with the Government and its agencies, NGOs, the media and diplomatic corps. The Commission attended, as an observer, the review process, during which 232 recommendations were offered to Malaysia. The Government has committed to preliminary adoption of the Outcome Report.

At the first meeting of the Steering Committee on the National Human Rights Action Plan, the Legal Affairs Division of the Prime Minister's Department presented a proposal paper on the thrusts of the action plan and how it will be formulated. The Commission recommended the inclusion of civil society representatives in the Steering Committee, and stressed the need for a practicable action plan.

REPORT OF THE SABAH OFFICE

The Sabah Office received 235 complaints, of which 94 involved land matters. It provided logistical support for the Commission's activities on the NI Report, a forum on the rights of children with learning disabilities and a seminar on the rights of older persons.

REPORT OF THE SARAWAK OFFICE

Land-related issues continued to dominate the complaints received at the Sarawak Office. Of the 23 complaints recorded, 19 involved native customary rights to land. In tandem with the Commission's thematic studies, the Sarawak Office was involved in organising a forum on the rights of children with learning disabilities and a seminar on the rights of older persons.

KEY ISSUES

Basically we could not have peace, or an atmosphere in which peace could grow, unless we recognised the rights of individual human beings... their importance, their dignity... and agreed that was the basic thing that had to be accepted throughout the world.

Eleanor Roosevelt

1. REVIEW OF LAWS

The Government carried out a review of several laws including the Prevention of Crime Act 1959, Penal Code, Security Offences (Special Measures) Act 2012, Criminal Procedure Code and Evidence Act. However, the Commission was not consulted in the review process.

(a) Prevention of Crime (Amendment and Extension) Act 2013

The Commission appreciates the Government's efforts to combat serious crime, but remains concerned with the Prevention of Crime (Amendment and Extension) Act 2013, passed by Parliament in September. The Commission observes that some provisions are inconsistent with fundamental human rights principles enshrined in the Federal Constitution and Universal Declaration of Human Rights:

- Sections 9(5) and 9A(2) deprive the right of a person to legal representation;
- Section 7C violates a person's right to a fair trial and protection against repeated trials, as well as the rights to equality before the law and to be considered innocent until proven guilty; and
- Section 15A denies the right of an aggrieved individual to access a court of law with all the guarantees necessary for his/her defence.

The Commission recommends a review of the Act by incorporating these human rights principles, that:

- Detention must not be made arbitrarily;
- Detention must be based on grounds and procedures established by law;
- Information must be given on the grounds of detention; and
- The right to a fair trial and access to legal representation must be protected and upheld.

(b) Penal Code (Amendment) Act 2013

The Commission welcomes the amendments to the Penal Code, notably sections 326A, 352A, 375B, 376(2), 376B, 377CA and 377E, which seek to extend the protection of women and children. This is a positive step in implementing the Government's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

The Commission is, however, concerned that marital rape remains an exception to rape as defined under section 375 of the Penal Code. It reiterates its call to the Government to take into account Article 16(1)(c) of the CEDAW and Concluding Comment No. 22 by the CEDAW Committee, as well as Article 2 of the UN Declaration on the Elimination of Violence Against Women, and thereby criminalise marital rape.

The Commission is also concerned over section 203A which creates an offence in relation to disclosure or leakage of information which could affect national security. The Commission deems this a further restriction of the right to information and, therefore, calls upon the authorities to ensure a fair balance between national security and individual rights.

(c) Security Offences (Special Measures) (Amendment) Act 2013

The Amendment Act included two new offences as security offences under the Security Offences (Special Measures) Act 2012 (SOSMA) – those related to organised crime under Chapter VIB of the Penal Code; and those concerning smuggling of migrants under Part IIIA of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007. Given that the SOSMA is intended to deal with terrorist activities, the Commission is of the view that it would have been more appropriate for the accused in cases of organised crimes and smuggling of migrants to be investigated, charged and sentenced under the relevant laws.

(d) Criminal Procedure Code (Amendment) Bill 2013 and Evidence (Amendment) Bill 2013

Provisions were introduced in the respective parent Acts to accord greater protection for witnesses by allowing them to testify in a manner such that their identity is not disclosed. While

the Commission recognises the important need for witness protection, it is also concerned that the right of an accused person to a fair trial may be prejudiced when faced with such secrecy. The accused or his/her counsel would also be denied routine judicial access to the witness. As the two Bills have been withdrawn from Parliament in order for the proposed amendments to be refined, the Commission hopes to be included in the review process.

2. HUMAN RIGHTS COMMISSION OF MALAYSIA ACT 1999

There is a need to strengthen the Commission's functions and powers as a National Human Rights Institution (NHRI). On 2 December, it submitted nine proposals to amend its founding Act to YB Hajah Nancy Shukri, Minister in the Prime Minister's Department. The Commission hopes for due consideration of its recommendations seeking to:

- Strengthen the selection process of Commissioners;
- Appoint full-time and/or part-time Commissioners;
- Increase the period of the Commissioners' term;
- Enable the Commission to conduct unannounced visits to places of detention;
- Enable the Commission to undertake mediations;
- Formalise a consultation process by the Government with the Commission in the formulation or amendment of laws;
- Ensure that adequate funds are allocated to the Commission annually via Parliament;
- Enable the Commission to have an *amicus curiae* role in selected court cases that involve alleged human rights violations; and
- Ensure that the Commission's Annual Report is debated in Parliament.

3. INTERNATIONAL TREATIES

As the Government has yet to accede to the remaining six core international human rights treaties, the Commission held a series of discussions on the feasibility of Malaysia's accession to three of these – the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

The Commission refers to the Government's commitment, made during the first cycle of the

The Commission refers to the Government's commitment, made during the first cycle of the Universal Periodic review in 2009, that it would take steps to accede to four treaties – the ICESCR, ICCPR, ICERD and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The Commission urges the Government to expedite its efforts through the Inter-agency Standing Committee on Human Rights that it has established to study related issues.

Universal Periodic review (UPR) in 2009, that it would take steps to accede to four treaties – the ICESCR, ICCPR, ICERD and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT). The Commission urges the Government to expedite its efforts through the Inter-agency Standing Committee on Human Rights that it has established to study related issues.

4. RIGHT TO EDUCATION OF CHILDREN WITH LEARNING DISABILITIES

Although Malaysia has ratified the CRC and the Convention on the Rights of Persons with Disabilities, the Commission observes that a large number of Children With Learning Disabilities (CWLD) are excluded from primary education. It therefore conducted a study to promote the enrolment of CWLD in quality and inclusive primary education, and carried out observation missions to schools and NGO-run centres. Shortcomings were identified in some government-run schools in terms of learning space, lack of training for special education teachers and their aides, teachers' confusion over the School-based Assessment System, and the lack of facilities to enhance the physical and emotional development of CWLD.

A forum on the Right to Education of CWLD, held in three regions, flagged several concerns:

- There is ambiguity in the admissions criteria for special education programmes, particularly on the role of other government agencies such as the Ministry of Health and the Welfare Department; the Ministry of Education should publicise the criteria and improve inter-agency collaboration.
- Early intervention programmes should be enhanced to ensure the smooth integration of CWLD into the mainstream education programme.
- The Government should upgrade facilities in special schools to meet the needs of CWLD, turning to corporate sponsors for aid, if necessary.
- The number of schools offering special education programmes should be increased, particularly in rural areas, as Community-based Rehabilitation Centres do not have the same functions as such schools.
- Due consideration should be given to the placement of trained teachers in special education programmes; they and their aides should be given continuous training to upgrade their skills.

5. RIGHTS OF OLDER PERSONS

The Commission identified the rights of older persons as a priority area for research for the year. As a practical entry-point, it examined issues connected to care services and support for caregivers. Consultations with stakeholders highlighted that:

- The unsuitable built environment of some facilities poses a major physical obstacle and challenge to older persons.
- There is denial of access to financial services, in particular loan facilities, as older persons are deemed as being not creditworthy because of their age.
- Many older persons face financial difficulties in their retirement years, especially if they were once self-employed.
- Their health problems merit the delivery of affordable and accessible healthcare services.
- The Ministry of Health is faced with a shortage of resources and this has affected the provision of services.

It was suggested that the Government should explore engagement with private operators to extend affordable care services, and train medical personnel to provide healthcare services to older persons. The National Policy for Older Persons, Plan of Action for Older Persons and relevant laws should be tightened to ensure full protection of the rights of this target group.

6. FREEDOM OF ASSEMBLY

In its Report on the Public Inquiry into Incidents During and After the Public Assembly of 28 April 2012, the Commission flagged the important role of the authorities in facilitating peaceful assemblies, and recommended a review of the Standard Operating Procedure of the police in accordance with the Peaceful Assembly Act 2012 and international human rights standards. The Commission also called on rally organisers and participants to respect the role of the authorities and to develop appropriate guidelines to prevent untoward incidents.

Judging from the public assemblies held during the year, the Commission observed some changes in the operations of the authorities, particularly during the 'KL 112' rally on 12 January in Kuala Lumpur. This was a good example of a peaceful assembly resulting

The Commission further deems it necessary for the police to ensure that the line of communications is maintained during an assembly, to prevent confusion with respect to orders issued by officers and action by personnel. The police should also respect and uphold the rights of those arrested, in particular their right to legal counsel and to be informed of the grounds of arrest.

from cooperation among the authorities, organisers and participants. A similar outcome was observed during the anti-price hike rally led by *Gerakan Turun Kos Sara Hidup* on 31 December in Kuala Lumpur. This was despite the fact that the authorities were on high alert due to claims in some quarters that the rally was aimed at overthrowing the Government.

Recognising the vital role and safety of the media personnel in carrying out their duties, the Commission sees the need for the police to conduct briefings and training for its personnel in managing and facilitating the work of media personnel during an assembly.

The Commission further deems it necessary for the police to ensure that the line of communications is maintained during an assembly, to prevent confusion with respect to orders issued by officers and action by personnel. The police should also uphold the rights of those arrested, in particular their right to legal counsel and to be informed of the grounds of arrest.

7. HUMAN RIGHTS DEFENDERS

The Commission is deeply concerned about the challenges faced by human rights defenders in carrying out their work and exercising their fundamental rights and freedoms. Harassment and arrests of human rights defenders continue to occur as seen in the case of Ms Lena Hendry of *Pusat Komunikasi Masyarakat* and activists from *Jaringan Rakyat Tertindas*. Some members of political parties and elected representatives faced similar constraints when carrying out their duty to protect the human rights of the people.

Article 12(1) of the Declaration on Human Rights Defenders states: 'Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.' The Commission deems it important for the Government to ensure that all human rights defenders can operate freely and be protected effectively against intimidation, harassment and violation of their rights and freedoms by the authorities or other groups or individuals.

Article 12(1) of the Declaration on Human Rights Defenders states: 'Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.'

8. 13TH GENERAL ELECTION

The Commission received 59 complaints with regard to the 13th General Election held on 5 May. Of these, three were related to general matters, while 56 were related to procedures and were forwarded to the Election Commission (EC) for further action.

A discussion between the Commission and independent observers appointed by the EC to monitor the election process saw eight recommendations being offered:

- There is a need for the EC to improve the electoral roll.
- The size of constituencies should be normalised by ensuring that the discrepancy is limited and not more than 15% of the average constituency in each state.
- The EC should be independent of the Prime Minister's Department and its members should be appointed by, and made accountable to, a permanent and bipartisan Special Parliamentary Committee.
- The EC should be accorded the power to recruit its own staff, independent of the civil service.
- The role of a caretaker government should be defined and legislated to ensure that duty-bearers are aware of their role, that is, to ensure the smooth day-to-day administration of the country during a general election.
- Persons with disabilities should have the same access to election facilities as other voters.
- The appointment of election observers should be made a permanent feature in every General Election; the appointment process should be improved and training provided to emphasise best practices from Asia Pacific countries.
- All election candidates should have equal access to the Government's communication channels, which should be non-partisan and unbiased in reporting national matters. All state-owned and government-linked media companies must remain independent in their reporting and cease unsubstantiated attacks against opposition parties.

9. PLACES OF DETENTION

From the periodic visits it conducted, the Commission observes that conditions in detention centres generally meet the minimum standards, although there is still room for improvement:

- At least one medical practitioner should be stationed to provide healthcare services for both the personnel and detainees, as well as to give advice on appropriate meals for detainees who are ill.
- The budget allocated for meals for detainees should be revised from time to time and be standardised for all detention centres.
- The Government should address the shortage of human resources in prisons and detention centres toward ensuring effective implementation of rehabilitation programmes for prisoners and detainees.

- The Government should look into the rights, welfare and working conditions of personnel at all detention centres, particularly those who are exposed to infectious disease.

10. REPORT OF NATIONAL INQUIRY INTO THE LAND RIGHTS OF INDIGENOUS PEOPLES IN MALAYSIA (NI REPORT)

The Commission completed the NI Report in April and released it to the public on 5 August, following the Government's decision to set up a National Task Force to study the findings, recommendations and proposals. While the Commission welcomes the Government's immediate response, it holds the view that the NI Report should also be deliberated in Parliament.

Given the importance of the findings vis-à-vis the well-being of Indigenous Peoples, the Commission hopes that the National Task Force will complete its findings within a reasonable period of time.

Given the importance of the findings vis-à-vis the well-being of Indigenous Peoples, the Commission hopes that the National Task Force will complete its findings within a reasonable period of time. The Federal and State Governments involved should then ensure the expeditious and effective implementation of the recommendations and proposals under the six themes in the NI Report.

There are provisions in the Federal Constitution that recognise the land rights of Indigenous Peoples. The Commission deems it important for the Government to fully recognise these rights, as Indigenous Peoples are among the most marginalised and disadvantaged groups in Malaysia.

11. UNIVERSAL PERIODIC REVIEW (UPR)

Malaysia received 232 recommendations on human rights issues during its second cycle of the UPR. The review was carried out by the United Nations Human Rights Council UPR Working Group on 24 October. The recommendations were on:

- Accession to the remaining six core international human rights treaties and withdrawal of reservations to treaties that Malaysia has ratified
- Freedom of expression
- Freedom of assembly and of association
- Freedom of religion
- Situation of Indigenous Peoples, migrants and stateless people
- Access to housing, healthcare and education
- Empowerment of women, children and persons with disabilities
- Application of the death penalty
- Misconduct of law enforcement personnel
- Review/reform of laws that are incompatible with human rights principles

- Strengthening of, and cooperation with, the Commission
- Anti-trafficking in persons

Malaysia has the prerogative to either support or not support the recommendations. However, the Commission hopes that the Government will support as many practicable recommendations as possible towards a more desirable standard of human rights promotion and protection.

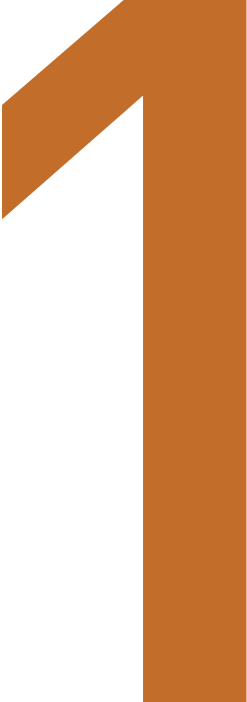
12. NATIONAL HUMAN RIGHTS ACTION PLAN (NHRAP)

The Government's initiatives in developing the NHRAP are appreciated. However, the Commission is deeply concerned with its slow progress. It hopes that the Government will accord priority to completing the NHRAP, while ensuring that it is practicable in scope and is developed based on meaningful consultation with all stakeholders, including civil society groups.

Malaysia has the prerogative to either support or not support the recommendations. However, the Commission hopes that the Government will support as many practicable recommendations as possible towards a more desirable standard of human rights promotion and protection.

13. GOVERNMENT'S RESPONSE TO THE COMMISSION'S ANNUAL REPORT 2012

At the time of writing, the Commission has yet to receive the Government's response to Annual Report 2012, and as in the previous year, is unable to assess whether the Ministries and Government agencies concerned have given any consideration to the Commission's findings and recommendations or taken any action to improve the human rights situation as highlighted in that Report. However, to the extent still applicable, the Commission has incorporated its assessment of the Government's response to some of the issues outlined in its 2011 Annual Report.



CHAPTER

REPORT OF THE EDUCATION AND PUBLIC RELATIONS GROUP

- Education and Promotion Division
- Public Relations Division

I. EDUCATION AND PROMOTION DIVISION

My great-great-grandmother taught my great-great-grandfather how to read at the peril of their lives. They could have been killed for that. Why? Because if a person reads, of course, you will find out that the wrong things being done to you are wrong, that slavery is wrong. You will read opinions. There will be an exchange of ideas, and to maintain slavery you can't have an exchange of ideas. To maintain any sort of restrictive system, you cannot have an exchange of ideas.

James Earl Jones

To improve society's acceptance and practice of human rights, the Education and Promotion Division provides education, training and information. Building on relationships and past efforts, it has strengthened its capacity to extend knowledge among government officials in particular and the community in general.

The Division added to its school-based programmes over the year under review, this time involving teachers from Special Schools and *Sekolah Agama Rakyat*. This is in line with the Commission's goal to expose all Malaysians to human rights principles from a young age.

It continued with events like exhibitions, road shows, workshops and seminars to promote human rights, as well as sustained interaction with government agencies, universities, Non-Governmental Organisations (NGOs), National Human Rights Institutions (NHRIs) and United Nations agencies.

1. HUMAN RIGHTS EDUCATION

(a) Human Rights Best Practices in Schools (HRBPS) Programme

Seventeen schools identified by the Ministry of Education (MOE) are currently involved in this long-running core programme. The objective is to instil awareness of human rights in students, for these to be practised responsibly toward social harmony.

From April 3-5, the Commission collaborated with the MOE on a workshop for teachers from 26 Orang Asli schools. They were expected to come up with a plan to be implemented in their HRPBS programme, focusing on personality development and character building so as to help students remain in school. This is a key consideration because regular attendance has been found to be an issue among Orang Asli children. The Commission noted the teachers' full commitment to, and interest in, the programme.

The MOE agreed to set up a CRC Committee – chaired by its Director-General. Through the committee, MOE agreed to 138 schools being included in the HRBPS programme

In May, the MOE agreed to set up a CRC Committee – chaired by its Director-General – as an offshoot of the HRBPS Committee. The Commission is a permanent member of this committee. Through the committee, MOE agreed to an additional of 121 schools being included in the programme, bringing the total to 138 by the end of the year under review.

From 3-4 December, the Commission held a seminar for principals of the 83 schools in the peninsula that had been selected for the HRBPS programme. Representatives of 70 schools attended, with the rest being unable to come because of floods. Officials of the respective State Education Departments and principals were briefed on the concept of the programme, and responded with enthusiasm and support. Seminars for the 55 schools in Sabah and Sarawak will be held in the coming year.



The HRBPS concept is explained to State Education Department officials and principals

To monitor implementation of the programme, the Commission visited 15 of the 17 original participating schools to observe progress and, where necessary, to provide guidance and advice.

- (i) There has been noticeable improvement in implementation. Teachers and students are more involved and seem to be more aware of human rights and child rights in their practices. Most of the schools highlighted the programme on special days such as Hari Kemerdekaan, Maulidul Rasul, Co-curricular Day and Sports Day. The Commission observed that there is now much better understanding and cooperation among principals and teachers.
- (ii) Most schools have documented their HRBPS activities for evidence and reference purposes. This good practice helps to disseminate knowledge, thereby extending awareness to teachers and students who are not yet involved in the programme.
- (iii) There are insufficient human rights materials and HRBPS resources in schools. Most still depend on the Commission for materials. It has assisted in this endeavour by launching a 'Human Rights Booklet' competition among these schools, distributing pamphlets on the HRBPS programme to the schools visited and sourcing additional material, especially for Tamil and Chinese schools.

(b) Tertiary Institutions

On 2 April, the Academy of Arts, Culture and Heritage invited the Commission to deliver a talk on human rights to students of the Faculty of Fine Arts. The Commission worked on the challenge of conveying the human rights message in a creative way. The effort was well received and the Commission gained valuable experience in taking a different approach to the subject.

To encourage universities to be pro-active in the field of human rights, the Commission had proposed to several institutions to establish a Human Rights Centre. The University of Malaya accepted the proposal and has since set up a centre under its Social and Behavioural Science Cluster. The Commission looks forward to collaborating with it.

(c) Schools for Orang Asli Children

- (i) Influence of parents and the community
The involvement of parents in child development, as prescribed in Article 5 and Article 18 of the Convention on the Rights of the Child (CRC), is well recognised in the Malaysia Education Blueprint 2013-2025 (Preschool to Post-Secondary Education).¹ The MOE has indicated that it will engage with parents, the community and private sector as partners.

The Commission has long advocated the idea of parental participation in the education of children, as parents wield the biggest influence in the lives of their children. Apart from close relatives, the community in which we live in also plays a part in the development of a child. As such, both groups must be active in fulfilling their obligations.

¹ *Malaysia Education Blueprint 2013-2025 (Pre-school to Post-Secondary Education)*, pp 20-28

During visits to Orang Asli schools, the Commission has observed that the attitude of parents and the community clearly influences the continuity of education of the children. Most parents realise the importance of education and are willing to part with their children who have to stay in hostels when schools are located some distance away – as in Pos Gob and Pos Hau in Gua Musang, Kelantan and Kampung Selaoh in Gerik, Perak. In turn, the Commission recognises the importance of the family nucleus to the Orang Asli community. By tradition and culture, parents would prefer their children to stay close to them.

(ii) Educational infrastructure

The rights to quality education and safety of children are essentially the responsibility of the State. The Commission appreciates the efforts, through various departments, to provide assistance such as transportation and hostel accommodation. The Orang Asli Development Department of Malaysia (JAKOA) provides transportation for Orang Asli children but often, the vehicles are either inadequate in number or not suitable for the intended purpose. The condition of roads in rural areas must also be improved to allow routine access to schools.

The Commission had highlighted the issue in its Annual Report 2012, but the problem persists, as seen during visits to schools like SK Tohoi in Gua Musang, and SK Lenjang and SK Senderut in Kuala Lipis, Pahang. Although several new and reliable vehicles have been provided in these locations, overloading poses serious safety concerns.

Schools like SK Batau, SK Lenjang and SK Sendrut in Pahang, and SK Pos Kemar in Perak, do not have adequate classrooms, functioning computers, telephones and access to the Internet even with the VSAT programme implemented in 2004 and 1 BestariNet programme launched by the MOE in 2011. There are not enough teachers, either, especially English-language teachers.

SK Batau and SK Pos Kemar have been selected as K9 Schools, under which Orang Asli children will be placed from Year 1 to Form 3. One objective of the programme is to reduce the dropout rate and absenteeism. While this is a good programme, the Commission feels more can be done. The MOE should ensure the adequacy of facilities in such schools, teaching and learning equipment, especially for vocational subjects and space in the hostels and teachers' quarters. In SK Pos Kemar and SK Lenjang, for example, 8-10 teachers were living in dilapidated quarters with minimal facilities.

The Commission also visited hostels. It was observed that most of the rural hostels were not fully equipped either in terms of materials or personnel to take care of the children. Many do not have clean water supply, which poses the risk of water-borne diseases such as leptospirosis. The Commission's Annual Reports for the past three years have highlighted the need to supply clean water to schools like Pos Batau, interior schools in the Batang Padang district, SK Denai and the hostel at SK Bidor, but the problems remain. The lack of 24-hour electricity supply is another issue, which the MOE has acknowledged. This hampers the requirement for students to use ICT to enhance learning.

(iii) Food supplements

The JAKOA provides lunch for children who do not stay in the hostels, but the quality is not satisfactory. The Commission was informed that the children are usually given canned foods such as sardine or chicken, with rice or noodles. Fruit is occasionally provided to supplement their diet.

(iv) MOE initiatives to raise standards

A special training programme was launched in 2011 at the Tengku Ampuan Afzan Teacher Training College, Kuala Lipis, to train candidates from the Orang Asli community to become teachers. Once they become certified teachers, they are to be placed at Orang Asli schools. In addition, Institut Aminudin Baki in Genting Highland has regularly conducted seminars and conferences for principals of such schools to build skills in management of schools and the curriculum. These programmes are excellent examples of the MOE's initiatives to uplift the standard and quality of education.

Issues concerning Orang Asli Schools and Sekolah Agama Rakyat were reported in the Commission's Annual Report but the relevant agencies have yet to act on almost all of these.

(d) Sekolah Agama Rakyat (SAR)

To sensitise the SAR community to human rights, the Commission conducted three seminars for teachers. With the collaboration of the State Islamic authorities, seminars were held for 168 religious teachers and administrators from government-aided schools in Pahang and Kedah. They were given exposure to principles of UN human rights treaties, with emphasis on the rights of children.

During periodic visits to the SAR, the Commission has noted aspects of administration and teaching that require serious attention. The issues were first reported in the Commission's Annual Report 2012, but the relevant agencies have yet to act on almost all of these. Hence, these are reiterated here in the hope that rectification will lead to quality education for the children, as enshrined in the CRC and Federal Constitution.

(i) School infrastructure and facilities

Several schools visited such as *SMK Agama Darul Naim*, *SMA Al Ittifaqiayah* in Pahang and *Madrasah Tarbiah Islamiah* and *SMA Darul Ta'lim* in Perak were using old desks and chairs, white boards, cupboards and computers obtained from government-aided schools. Some desks and chairs were not of the same height, forcing students to sit on low chairs and at high desks. The suitability and adequacy of classrooms, furniture, teaching aids, libraries, science laboratories, living skills equipment, computers and canteen services all remain matters for concern.

Due to the lack of funds, most schools do not provide a proper area in which teachers can work and interact. The office is not equipped with standard equipment like computers, telephones, fax machines, photocopiers or suitable furniture. The pay scheme for teachers

and school staff is not standardised, with salaries varying from RM200-1,200 per month. Some teachers are paid RM200-450, placing them in the hardcore poor category.

(ii) Hostel facilities

All the premises visited were found to have access to basic amenities such as clean water and electricity supply. However, some of the buildings are overcrowded, uncomfortable and unsafe for children.

The hostels lack many facilities; if these exist, they are not well maintained. Cleanliness of the premises is another area of concern. The children are therefore deprived of the right to a safe, comfortable, clean and cheerful place to live, and to a reasonable amount of privacy.

(iii) Teachers' qualifications

The majority of schools that are not registered with the MOE do not have the services of trained teachers. Most of the teachers do not have formal training and rely on their experience and observation of fellow-teachers in conducting lessons. They lack the necessary knowledge of pedagogy, child psychology, child development and other skills to be effective teachers, thus depriving the children of quality education.

There is almost no systematic monitoring by the relevant agencies. To enhance the professionalism of teachers, the schools conduct in-house training by inviting trained teachers, senior teachers and lecturers. The Commission was informed that the MOE's Teacher Training Division and the State Islamic Religious Department have organised ad hoc short courses but not all the teachers have been able to attend these.

(iv) Heavy workload for students

The religious schools registered with the MOE conduct lessons based on the national curriculum as well as that prepared by the State Islamic Religious Department. The students sit for the national public examinations (PMR and SPM) as well as a special examination on religious studies that is managed by the State Islamic Religious Department. The Commission is of the opinion that this system is too taxing on the children and impinges on the right of the children to recreational activities.

(v) Co-curricular activities

Most schools do not have a proper place for recreation and sport, which are also accorded low priority, in particular for students who stay in hostels. Students need opportunities to play and socialise for total personal development, character building and self-confidence. As most teachers are not professionally trained, they are not able to mentor the children through co-curricular activities.

(vi) Financial and material aid

All the schools visited had received financial aid from the MOE in 2011. However, up to October of the year under review, the schools had yet to receive any financial aid. The grant is for management, infrastructure, teacher-training and library facilities.

The Commission was informed that children studying in private SAR had to pay the full public examination fee, even though the Government has abolished these fees in schools under the purview of the MOE. The Commission was also informed that the Textbook Department only provides book aid to schools registered with the MOE and State Islamic Religious Department. Students in other types of religious schools have to buy textbooks although the Government has a policy on free textbooks.

These issues beset most the SAR run by independent entities such as the State Islamic Religious Department, Islamic Development Department of Malaysia, State Religious Affairs Council, NGOs, private companies and individuals. It is acknowledged that while some schools which are registered with the MOE or state government do receive grants, others do not. Some are still in the process of registration.

The Commission is of the view that assistance given to schools under the purview of the MOE must be extended to the SAR, regardless of their status. Due consideration and attention must be given to the SAR to enable students to succeed in education and life.

(e) Special Education Schools (SES) and Special Education Integration Programme (SEIP)

The Commission organised series of workshops (Table 1) on Human Rights for Special Education Teachers who teaches SES (Vision and Hearing Impairment) and SEIP (Learning Disabilities) based on region in Peninsular Malaysia. The workshops provided them with information on children's rights and identified related educational needs.

Table 1: Human Rights Workshops for SES/SEIP Teachers, 2013

NO.	ZONE	STATES	DATE
1.	North	Perlis, Kedah, Pulau Pinang, Perak	26-28 June
2.	East	Kelantan, Terengganu, Pahang	29-31 October

Participants highlighted issues affecting the education of children:

(i) Standard of questions

The standard set for children with special needs is the same as that for mainstream students. 'Modification' of the question paper for hearing impaired students or in a textbook does not mean lowering the level of difficulty, but only inclusion of the 'hand code'. Furthermore, the addition of the hand code in the textbook is only available for certain subjects, which includes Bahasa Melayu, Mathematics and Science.

(ii) Future of special needs students who excel in sports

There is no special sports school for these students. The Bukit Jalil and Bandar Penawar Sports Schools do not have the required facilities for such students.

(iii) School-based Assessment System

This is not suitable for students with special needs. Teachers have difficulty in assessing their performance because of the special needs of students themselves.

(iv) Misperception of mainstream teachers

They often blame students with special needs for purportedly bringing down the school's performance index.

(v) Lack of supervision

In certain states, the Special Education Unit of the State Education Department has yet to visit all the SES and SEIP. The lack of supervision may have contributed to gaps between policy and reality on the ground.



Teachers taking part in activities at a workshop on human rights

Participants' Recommendations

1. In major examinations such as the UPSR, a different standard must be applied for children with special needs, taking into account their level of ability.
2. Examination papers for students with special needs should be marked and assessed by special education teachers because mainstream teachers do not understand how these students respond to questions.
3. As the current education policy is examination-oriented, vocational training should be extended to special needs children, to equip them with job-related skills.
4. Special Education Teachers should be accredited with the Malaysian Skills Certificate to enable them to teach vocational skills and certify the students under this scheme.

The Commission will raise these issues with the relevant parties in order to come up with solutions that will benefit all parties, especially students.

(f) Workload of Teachers

The Commission has previously brought to the attention of the MOE the need to include human rights education in the school system, as the level of awareness is still very low or even absent. However, the Commission recognises that teachers have a heavy workload and does not wish to impose extracurricular activities on human rights. The Commission instead hopes to work closely with the MOE to integrate human rights into the curriculum, to enable early exposure to students.

2. TRAINING FOR LAW ENFORCEMENT AGENCIES

(a) Police Force

The Commission has conducted human rights talks and training programmes for police officers and personnel since 2002, in collaboration with the Police Training Division of Bukit Aman, Kuala Lumpur. The Police Training Division and the Commission continue to work closely to improve the curriculum.

Over the year, the Commission conducted a workshop at the Police Training Centre in Langkawi and gave four lectures at the Training Centres in Cheras and Kuala Kubu Baru, Selangor.

Such training should be conducted regularly and consistently to ensure that human rights are practised by police personnel in carrying out their duties and responsibilities. The programme exposes participants to the need to promote and protect human rights, and develops their ability to prepare human rights-based procedures for subordinates in executing daily tasks.

(b) People's Volunteer Corps (RELA)

The Commission conducted two human rights awareness workshops for RELA district officers and new recruits to enable them to recognise and uphold the human rights of the public. The programme, launched in 2007, assists them to test procedures and their conduct in relation to fundamental human rights.

(c) Prison Department

Under the on-going programme, three workshops were conducted to integrate the concept of human rights into daily duties, with emphasis on the rehabilitation of prisoners. Also explained were international human rights standards relevant to the work of prison officials, and their need to understand and respect the rights of prisoners, especially children, women and juveniles.

The Commission has been working with the Prison Department to draft a permanent human rights curriculum for prison officials. This was implemented in training courses from the year under review. Ten prison officers have been assisting the Commission to draft the curriculum and run 'Training for Trainers' (TOT) courses. They will continue to conduct human rights programmes for their counterparts, with the Commission's support.

(d) Local Authorities

The Commission extended its human rights course to enforcements officers from all the local councils in Perak. In previous years, it had conducted courses in Selangor and Penang, working with the Training Centre for Local Authorities. The aim is to sensitise enforcement officials to human rights in performing their tasks.

Lectures highlight the human rights of the officers themselves, people with disabilities, children and women. Complaints received by the Commission are shared with the local authorities alongside practical solutions to address the issues raised, such as the lack of infrastructure in public places to meet the needs of persons with disabilities.

3. RIGHTS OF OLDER PERSONS

The Education and Promotion Division worked closely with the Research and Policy Development Division to identify human rights issues affecting older persons. Early preparations are important because Malaysia will be deemed an 'aged country' in 2030 when the population aged 60 years and above makes up 15% of the population.

On 23 April, the Commission visited three centres in Kuala Lumpur for information on the services provided. These were the Rumah Seri Kenangan operated by the Government, the Old Folks Day-care Centre run by the Council of Peninsular Malaysia Welfare Centre in Cheras, and the private Lecadia Primacare Centre in Pudu, Kuala Lumpur. The Education and Promotion Division has since planned activities and an awareness campaign to enable the wider community to appreciate the needs and understand the rights of older persons.

4. COMMUNITY EDUCATION

Information on human rights was disseminated at the grassroots through a series of road shows held at Dewan Resideni Kangar, Perlis, Dewan Residen Kuala Lipis, Pahang, and Majlis Daerah Gerik, Perak.

Key human rights issues raised during the question session included:

- Freedom of speech and opinion on blogs for civil servants;
- Issues connected to Syariah law, including proposed coordination in all states; and
- Quality of healthcare services.

Based on the response, the Commission is of the opinion that the road shows provide an effective platform for members of the public to share information on, and discuss, human rights at the community level.

II. PUBLIC RELATIONS DIVISION

Education creates awareness and understanding of the universal principles and norms of human rights, as well as builds zero tolerance of abuse of any kind.

Tan Sri Hasmy Agam

Mindful of the need to make human rights accessible to all segments of society in more creative ways, the Commission embarked on two new projects during the year – ‘Human Rights Comics’ and ‘Human Rights Video’.

Other notable activities included the public release of the Commission’s Annual Report 2012 and the Human Rights Booklet Competition under the Human Rights Best Practices in Schools (HRBPS) programme. To mark World Human Rights Day, the National Human Rights Awards were presented. A panel discussion, themed ‘Road to 2020: Human Rights and Development’, was jointly organised with the United Nations Country Team (UNCT).

The Commission sustained its community outreach programmes and held meetings with senior government officials. It received visits from representatives of schools, universities, National Human Rights Institutions (NHRIs), Non-Governmental Organisations (NGOs) and UN agencies. In engaging with the media, it issued statements (*see Appendix I*), participated in interviews and responded to human rights issues as these arose.

1. PUBLIC RELEASE OF THE ANNUAL REPORT 2012

On 9 July, the Commission held an open forum to highlight the key issues and recommendations in its Annual Report 2012. The event drew 102 participants from government agencies, NGOs, government-linked companies (GLCs) and the media.

The discussion covered human trafficking, preventive detention laws, implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the National Human Rights Action Plan (NHRAP), and the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia (NI). The Commission also clarified its focus on five thematic areas for 2013 *vis-à-vis* other fundamental human rights issues.

(a) Human Trafficking

A participant queried the status of complaints he had lodged with the Commission since 2008 on alleged misuse of power by the police force and Immigration Department in human trafficking cases. The Commission provided the assurance that all complaints were given equal attention.

(b) Preventive Detention Laws

The Commission had an interesting discussion with a representative of the police force over the latter's support for a proposal to reinstate the Emergency (Public Order and Prevention of Crime) Ordinance (EO) to curb the crime rate. The Commission reiterated its objection to the proposal as the EO had allowed for detention without trial, which goes against basic human rights principles. The Commission deemed any such reinstatement as a retrogressive step in the country's human rights record.

The Commission further flagged the urgent need for the police force to emulate best practices in crime prevention by learning, for example, from the Royal Canadian Mounted Police, Scotland Yard, Interpol, the Los Angeles Police Department and the Victoria Police.

The Commission reiterated its call to the Government to repeal the Sedition Act 1948 and to replace it with a National Harmony Act. It expressed the hope that this would be drafted in accordance with fundamental human rights principles.

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(c) Implementation of CEDAW in Malaysia

The Commission shared a participant's concern on the Government's progress in submitting Malaysia's combined 3rd and 4th State Periodic Report to the CEDAW Committee for review of national implementation of the Convention. In stating that it had not received a copy of the State Report, the Commission also informed the floor that it was preparing its own report to be submitted to the CEDAW Committee in due course. The Commission also took cognizance of the need to ensure the Government's timely submission of the State Periodic Report.

(d) Progress on NHRAP

A participant commented on the Government's slow progress in developing the NHRAP and called on the Commission to play a more proactive role to move this forward. The Commission pledged to work closely on this with YB Senator Datuk Paul Low Seng Kuan, the Minister in the Prime Minister's Department.

(e) Five Thematic Areas for 2013 *vis-à-vis* Other Fundamental Human Rights Issues

The Commission's feedback was sought on whether it would focus solely on the five thematic areas identified in its 2013 strategy plan or if it would also look into other fundamental issues involving freedom of expression and liberty. The Commission clarified that it would continue to monitor all relevant issues, in particular the challenges facing human rights defenders.

(f) NI Report

A representative of the Ministry of Rural and Regional Development asked when the Commission proposed to release its NI Report, as this would serve as an important reference document in the Ministry's development of policy and guidelines.

The Commission explained that it had initially planned to submit the Report to Parliament early in the year, in the hope that it would be fully debated in view of the importance of the findings and recommendations to the well-being of Indigenous Peoples. However, the 13th General Election was called, leading to dissolution of Parliament and the State Legislative Assemblies. As a result, the Commission decided to defer the release of the Report until the formation of a new Parliament, Federal Government, State Legislative Assemblies and State Governments.

2. HUMAN RIGHTS BOOKLET COMPETITION UNDER THE HRBPS PROGRAMME

The Commission launched this competition in eight primary and nine secondary schools involved in the HRBPS programme. The objective was to assess the students' understanding of basic human rights principles, as well as to explore their creativity in translating human rights values into a child-friendly booklet through group work.

The Commission received entries from 26 groups, with some schools sending more than one group-entry. The judging process was based on three main criteria – creativity and uniqueness; level of understanding of human rights values; and team spirit. Prizes were presented on 13 September to the three winners in each category:

- (i) Primary schools:
 - SK Penderas, Pahang
 - SJK(T) Thiruvalluvar, Kedah
 - SJK(C) Chio Chiao, Selangor
- (ii) Secondary schools:
 - SMK Taman Tun Dr Ismail, Kuala Lumpur
 - SMK Munshi Abdullah, Melaka
 - SMK Taman Tun Dr Ismail, Kuala Lumpur

The Commission was encouraged that the competition had served as an effective medium in instilling human rights values among students. It was also impressed by their ability to convey their understanding of human rights through creative art works. Some of the winning entries will be incorporated in a booklet on a simplified version of the Convention on the Rights of the Child. To be published in Bahasa Malaysia, English, Mandarin and Tamil, it will be used for educational purposes.



Members of the Commission with winners of the Human Rights Booklet Competition

3. HUMAN RIGHTS AWARDS 2012

The ceremony was held on 10 December in conjunction with World Human Rights Day. The awards are intended to acknowledge and honour individuals and organisations who have contributed to the promotion and protection of human rights.

(a) Nominations

The Commission received a total of 39 submissions across four categories:

- The Individual Award, presented to an individual (over the age of 21) and a youth (up to the age of 21) who have demonstrated significant achievements in serving the cause of human rights in the community on *pro-bono* basis;
- The Community Organisation/Group Awards, presented to a registered non-profit organisation or a non-registered advocacy group that has demonstrated significant achievements in serving the cause of human rights in the community on *pro-bono* basis;
- The Media Award, presented to individuals and/or agencies from the print, online and broadcast media that have published or produced significant human rights

reports/documentaries/programmes over the past two years and particularly but not exclusively, until 31 July 2013; and

- The Special Award, presented to a government agency, statutory body, GLC or a private business entity that has demonstrated human rights best practices in its policies and regulations, norms and standards, delivery of services and conduct of activities.

(b) Recipients in 2013

(i) The Individual Award

Mr Andrew Khoo Chin Hock, a lawyer, was selected for his work on human rights, including advocacy of electoral reform and reinstatement of local government elections, and the rights of vulnerable and minority groups.



*Madam Ivy Khoo accepting the Individual Award on behalf of her son,
Mr Andrew Khoo Chin Hock*

(ii) The Community Organisation Award

This went to the Seri Mengasih Centre for Children with Learning Disabilities in Kota Kinabalu, Sabah, for its significant work in providing training and educational programmes.



*Ms Lee Fui Chin and Datuk Mohd Safari Manan receiving the Community Organisation Award
on behalf of Seri Mengasih Centre for Children with Learning Disabilities*

(iii) The Media Award

Journalist Ms Tan Su Lin of *Astro Awani* won in the Broadcast Category and Ms Shaila Koshy, assistant news editor of *The Star*, took the award for the Print Category. Ms Tan worked on a documentary entitled '*Perjuangan Hak Tanah Orang Asli*', focusing on the land rights of Indigenous Peoples in Malaysia. Ms Koshy was recognised for her reports on human rights issues over a period of 24 years, particularly those pertaining to Indigenous Peoples.



Ms Tan Su Lin of Astro Awani receiving the Media Award (Broadcast Category) for her documentary on land rights of Orang Asli



Ms Shaila Koshy of The Star receiving the Media Award (Print Category) for her coverage of human rights issues

(iv) The Special Award

Two awards were presented – to SK Lemoi, a rural school in Cameron Highlands, Pahang; and to the Social Security Organisation (SOCSO). SK Lemoi was chosen because its administrators had improved the quality of education of its Orang Asli students. SOCSO, in turn, was recognised for its 'Return to Work' programme, which has assisted 6,294 workers – who had sustained disabilities due to injury or illness – to rejoin the workforce.



Mr Omadani Mohd Nor receiving the Special Award on behalf of SK Lemoi



Datuk K Selvarajah, Executive Director of SOCSO, accepting the Special Award on behalf of the organisation



Members of the Commission with recipients of the Human Rights Awards 2013

4. SUHAKAM-UNCT PANEL DISCUSSION

The Commission, in collaboration with the UNCT, organised a Panel Discussion on 'Road to 2020: Human Rights and Development' on 10 December, in conjunction with World Human Rights Day. The event attracted 120 participants from the civil service, diplomatic missions, corporations, NGOs, UN agencies and the media.

Ms Michelle Gyles-McDonnough, UN Resident Coordinator in Malaysia, delivered the opening remarks. Dr Chandra Muzaffar, the President of the International Movement for a Just World, moderated the panel discussion.

The five panellists were Dato' Saifuddin Abdullah, Chief Executive Officer of the Global Movement of Moderates Foundation; Tan Sri Dato' Dr Michael Yeoh, Co-founder and Chief Executive Officer of the Asian Strategy & Leadership Institute; Datuk Dr Khaw Lake Tee, the Vice-Chair of the Commission; Mr Daniel Lo Soo Jeng, Special Officer on Human Rights in the Office of YB Senator Datuk Paul Low Seng Kuan, Minister in the Prime Minister's Department; and Mr Jerald Joseph, Director of the Pusat KOMAS. The Commission's Chairman, Tan Sri Hasmy Agam, delivered the closing remarks.

Panellists at the SUHAKAM-UNCT Discussion on 'Road to 2020: Human Rights and Development'



The event provided a platform to discuss integration of human rights into the national development agenda, and affirmed that human rights and development are mutually reinforcing and complementary.

5. HUMAN RIGHTS AND THE ARTS

The Commission explored creative approaches in promoting human rights through the arts, through two new projects.

(a) 'Human Rights Comics'

Given the popularity of comics among children today, it was felt that this would be an interesting medium in taking the human rights message to – and beyond – the school environment. The cartoon illustrations are based on a set of stories highlighting human rights values connected to the daily lives of children. The comics are expected to be published in 2014.

(b) 'Human Rights Video'

The Commission engaged the services of the Faculty of Film, Theatre and Animation of Universiti Teknologi MARA to come up with the video. It will be used as an additional tool in promoting human rights values to the public. The project is scheduled to be completed in 2014.

6. TALKS AND EXHIBITIONS

The Commission intensified its engagement with grassroots communities through outreach programmes in:

- (i) Perlis: '*SUHAKAM Bersama Masyarakat*' in Kangar, and a visit to the Cure and Care Rehabilitation Centre for recovering drug addicts in Chabang, on 21 February;
- (ii) Pahang: '*SUHAKAM Bersama Masyarakat*' in Kuala Lipis, and a visit to the Cure and Care Rehabilitation Centre for recovering drug addicts in Benta, on 2 July; and
- (iii) Perak: '*SUHAKAM Bersama Masyarakat*' in Gerik on 1 October.

These programmes were to enhance awareness of the Commission's work and enable participants to exchange views on human rights issues, as well as to air their grievances on alleged violations. Among issues raised were those related to women's rights within the ambit of Syariah Law; the need for uniformity in administering Islamic law in all states; the inadequacy of government aid for Sekolah Agama Rakyat; and the need to improve the quality of public healthcare services as most Malaysians find the cost of private healthcare to be exorbitant.

Exhibitions were organised during the '*SUHAKAM Bersama Masyarakat*' programmes, as well as at the invitation of three tertiary institutions – the International Islamic University Malaysia (29-31 January); Akademi Seni Budaya dan Warisan Kebangsaan (26-30 April); and Universiti Pendidikan Sultan Idris (11 May).

7. COURTESY CALLS

Sixteen delegations from local and foreign organisations visited the Commission to find out more about its work.

(a) Visits by local and foreign delegations

On 20 February, the Commission welcomed a delegation from the Enforcement Agency Integrity Commission of Malaysia, led by Ms Foo Hui Yi. It hopes to emulate best practices in conducting public inquiries, covering the challenges and constraints, as well as financial and technical aspects.

On 26 February, a combined delegation from the Malaysian Centre for Constitutionalism and Human Rights and the Cross Cultural Foundation of Thailand called on the Commission. It was interested in the Commission's role and functions, in particular its advocacy work and complaints resolution process.

On 8 March, Commissioner Kazi Hoque of the National Human Rights Commission of Bangladesh shared his experiences on the follow-up to the Universal Periodic Review (UPR) outcome. The meeting enabled representatives of both Commissions to exchange ideas and views on effective ways to promote the outcomes of the first cycle of review.

On 12 March, the Commission welcomed a delegation comprising academic staff from Afghanistan and representatives of Global Rights. The visit, arranged as part of the delegation's study-tour to Malaysia, was to learn about the Commission's work and key human rights issues.

On 24 July, a delegation led by Professor Kwong-Whan Ahn from the Asian Forum for Human Rights and Development visited the Commission as part of its fact-finding mission to assess the state of freedom of expression and peaceful assembly in Malaysia after the 13th General Election. The Commission's Chairman, Tan Sri Hasmy Agam, and Commissioner James Nayagam shared their observations and spoke on the Commission's efforts in discharging its mandate as a NHRI.

On 7 November, the Commission received a delegation headed by H.E Dr Abdul Rahim Al Awadi, the Assistant Minister for the Legal Affairs Department of the Ministry of Foreign Affairs in the United Arab Emirates. The objective was to learn about the establishment, functions and work of the Commission, since the UAE is exploring the possibility of creating a NHRI as part of its UPR follow-up actions.

On 14 November, the Commission welcomed a delegation from the Indonesian National Human Rights Commission, led by its Vice-Chairperson of Internal Affairs, Mr Muhammad Imdadun Rahmat. Both Commissions exchanged views and best practices in handling issues involving religious freedom, among other human rights concerns.

On 16 December, Mr Olivier De Schutter, the UN Special Rapporteur on the Right to Food, visited the Commission in line with his mission to Malaysia. He took special interest in the Commission's NI, progress in the drafting of the NHRAP, and Malaysia's accession to international core human rights treaties.

On 17 December, the US Ambassador to Malaysia, H.E Joseph Y Yun, called on the Commission's Chairman Tan Sri Hasmy Agam to discuss, among others, issues of human trafficking in Malaysia.



Members of the Commission with Mr Olivier De Schutter, UN Special Rapporteur on the Right to Food, with representatives of the Office of the High Commissioner for Human Rights and the Ministry of Foreign Affairs

(b) Courtesy calls and meetings

The Commission paid three courtesy calls to brief senior government officials on the key findings of the NI:

- Tan Sri Datuk Seri Panglima Sukarti Wakiman, Sabah State Secretary, on 5 March
- Tan Sri Dr Ali Hamsa, Chief Secretary to the Government, on 4 April; and
- Tan Sri Datuk Amar Haji Mohamad Morshidi Abdul Ghani, Sarawak State Secretary, on 9 April.

On 19 August, the Commission met the Chief Secretary to the Government and Dato' Haji Ismail Ibrahim, the Director-General of the Legal Affairs Division of the Prime Minister's Department. The discussion covered the absence of parliamentary debate of the Commission's Annual Reports; proposed amendments to the Commission's founding Act; the need for Malaysia to accede to core human rights instruments; issues involving the NI and NHRAP; and government funding and resources for the Commission's operations.

On 10 October, the Commission paid a courtesy call on YB Datuk Hajah Rohani Abdul Karim, the Minister of Women, Family and Community Development. The rights of women, children and persons with disabilities were discussed, alongside international human rights instruments pertaining to these vulnerable groups.

On 2 December, the Commission called on YB Puan Hajah Nancy Shukri, Minister in the Prime Minister's Department, to discuss pertinent human rights issues. These included the proposed

amendments to the Commission's founding Act; progress on the drafting of the NHRAP; the proposal to set up a Permanent Parliamentary Select Committee on Human Rights; and application of human rights norms by the Judiciary.

8. MEDIA RELATIONS

During the year, the Commission issued 17 press statements; gave 17 exclusive interviews; and responded to 18 media enquiries on a range of issues including custodial deaths, preventive detention laws, the 13th General Election, prison reforms, the NI, human trafficking, the UPR, migrant workers, Budget 2014 and issues affecting groups in Sabah and Sarawak.

Efforts were continued in expanding outreach via social media. As at 31 December, the Commission's Twitter account had 7,163 followers while its Facebook page had 3,086 fans, compared to 3,800 and 2,500 respectively in December 2012. The increase in number reflects growing public awareness of human rights issues and the Commission's work.

III. LOOKING FORWARD

In 2014, the **Education and Promotion Division** will step up training and engagement with government agencies and civil society groups, as awareness of various human rights can be improved. New projects and fresh approaches will be applied to achieve the aim. The series of human rights workshops for teachers of students with special needs will be completed, while a campaign will be launched to promote and protect the rights of older persons.

The **Public Relations Division** will explore more effective strategies and tools to promote human rights and to expand the Commission's engagement with stakeholders within and outside the country.

2

CHAPTER

REPORT OF THE COMPLAINTS, MONITORING AND INQUIRIES GROUP

- Complaints and Monitoring Division
- Inquiries Division

I. COMPLAINTS AND MONITORING DIVISION

*To deny people their human rights is
to challenge their very humanity.*

Nelson Mandela

The Division took various measures to review and strengthen its working procedures to ensure effective handling of complaints. These included developing a Complaints Handling Manual and Standard Operating Procedure on Monitoring Public Assemblies.

The Commission reclassified the categories of complaints, basing these on the fundamental liberties outlined in the Federal Constitution, the Universal Declaration of Human Rights; and the country's obligations under international treaties on the rights of children, women, persons with disabilities and Indigenous Peoples as well as on the elimination of racial discrimination. This has enabled the Commission to identify specific human rights infringements whenever complaints are received.

Procedures have also been put in place to ensure that complainants are informed as early as possible of the Commission's actions. However, this has had to take into account legislative constraints where court cases are involved, as well as availability of human resources.

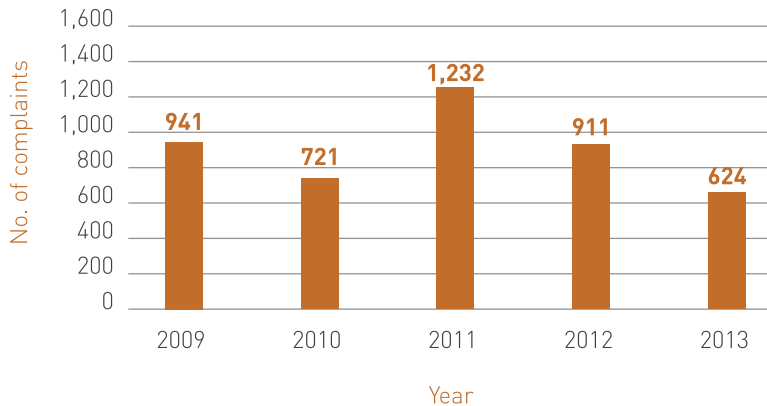
A hotline was set up for complaints on infringement of human rights in the conduct of the 13th General Election on 5 May. Of the 59 complaints received, three were related to general matters, while 56 were related to procedures and forwarded to the Election Commission (EC) for further action.

1. RESOLUTION OF COMPLAINTS

(a) Statistics

Over the year, the Commission received a total of 624 complaints at its Kuala Lumpur (357), Sabah (235) and Sarawak (32) offices. Of these, 14 were in the form of memoranda.

Figure 1: Complaints Received, 2008-2013

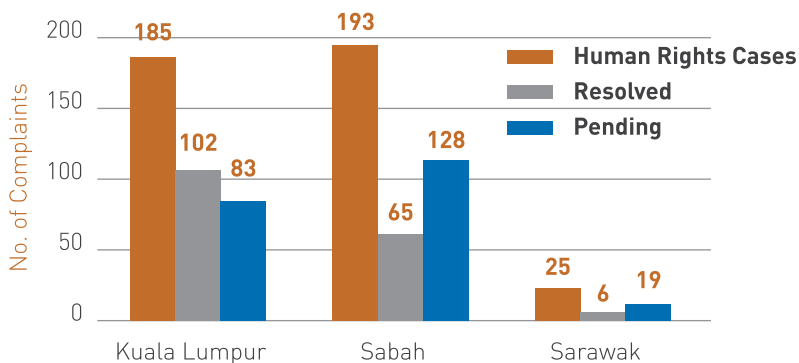


Upon deliberation, the Commission decided that 221 complaints were outside its jurisdiction, being:

- Disputes pending before the courts or which have been settled by the courts;
- Administrative issues which should be addressed by the relevant agencies; and
- Matters that are under the jurisdiction of professional bodies.

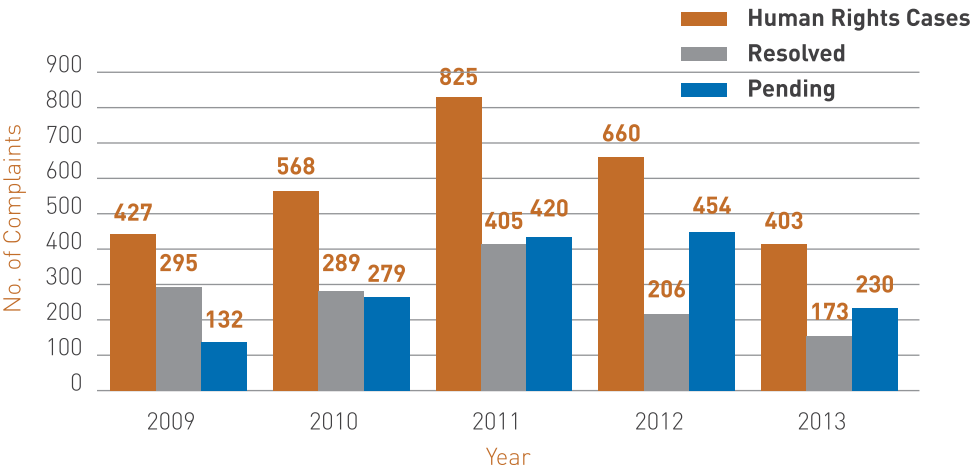
However, the Commission assisted the complainants either by forwarding the complaints or directing them to the relevant agencies. Of the 403 complaints accepted, the Commission has closed 173 cases (Figure 2), while the rest are still being investigated.

Figure 2: Resolved and Pending Cases, 2013



The number of complaints has dropped since the Commission adopted the policy of not accepting complaints sent on anonymous basis or complaints sent to other agencies but copied to it. However, it makes an exception in cases involving the rights of vulnerable groups such as children, and on serious matters such as human trafficking. The Commission is, however, concerned that the number of complaints lodged at its Kuching Office in Sarawak has dropped.

Figure 3: Resolved and Pending Cases, 2009-2013



(b) Complaints Handling Manual

The handling of complaints calls for the exercise of judgment and discretion throughout the process. To improve the effectiveness of the mechanism and to guide its decision-making process, the Commission developed a Complaints Handling Manual based on the South African model. The purpose is to set down administrative procedures in dealing with complaints and ensure that, within available resources, matters are dealt with as efficiently and effectively as possible. The further development of complaints-handling practices will draw on the experiences of the Division’s staff and Commissioners in applying the procedures, as well as relevant decisions by the Division.

The Commission is in the midst of developing an e-complaints system for online submissions. Among others, it will assist in effective handling, recording and documentation of complaints.

Table 1: Breakdown of Complaints, 2013

NO.	ISSUES AFFECTING HUMAN RIGHTS	KUALA LUMPUR	SABAH	SARAWAK
1.	Human dignity	2	0	0
2.	Equality (race, religion, gender, disability, political affiliation)	7	0	0
3.	Right to life	7	0	0
4.	Liberty/security of person	34	0	0
5.	Human trafficking/smuggling	4	0	0
6.	Cruel/inhuman/degrading treatment or punishment	14	0	0
7.	Arbitrary arrest/detention/exile	10	3	0
8.	Fair and public hearing	6	0	1
9.	Privacy	1	0	0
10.	Movement	5	0	0
11.	Asylum and refugee status	25	0	0
12.	Nationality	8	90	0
13.	Property ownership	6	0	0
14.	Thought, conscience and religion	0	0	0
15.	Opinion and expression	1	0	0
16.	Peaceful assembly	1	0	0
17.	Association	2	0	0
18.	Participation in government/voters' rights	4	0	0
19.	Employment/migrant workers	34	11	0
20.	Rest and leisure	0	0	0
21.	Adequate standard of living (food, clothing, housing, healthcare)	2	3	1
22.	Education	4	6	1
23.	Participation in cultural life	0	0	0
24.	Environment	2	0	0
25.	Native Customary Rights to land	4	75	21
26.	Others	2	5	1
TOTAL		185	193	25

2. ISSUES ARISING FROM COMPLAINTS

(a) Deaths in Police Custody

The number of custodial deaths has been increasing, with 19 cases reported over the year alone. The Commission itself received seven complaints. Concerned parties have renewed their call for the establishment of the Independent Police Complaints and Misconduct Commission.

In an immediate response, the police force announced the setting up of a committee to review the standard operating procedure pertaining to investigations and treatment of suspects while in detention. The police said they would work closely with the Ministry of Health.

On its part in dealing with custodial deaths, the Cabinet approved the establishment of a permanent coroner's court and a centralised lock-up in every state. Following this, the Commission organised two Roundtable Discussions on the issue.

(see Report on page 66)

(b) Arrest and Detention

Among the complaints directed to the Commission's attention were those alleging disproportionate use of force by the police during arrest and investigations; failure to state the grounds of arrest; barring of family visits during detention; and inaction on police reports lodged (Table 2).

Table 2: Complaints Against Police, 2013

COMPLAINTS	NUMBER/LOCATION		
	KUALA LUMPUR	SABAH	SARAWAK
Disproportionate use of force during arrest and investigations	14	1	0
Abuse of power	13	1	0
Inaction on reports	14	4	1
TOTAL	41	6	1

The Commission also received a complaint on alleged bias and use of force by the police in assisting the court bailiff in executing a court order to demolish houses in Kampung Hakka in Mantin, Negeri Sembilan. According to the visual images submitted to the Commission, the police appeared to have used unreasonable force, thereby causing injury to villagers and activists. Notwithstanding the authority under which it was acting, the police should have acted in a more professional manner in safeguarding peace as well as during the process of arrest. During the Commission's visit to the Mantin district police headquarters after the arrest, it observed that the police also acted harshly against those arrested; that they delayed the process of recording statements; and denied the persons arrested access to lawyers.

The Commission reiterates its recommendations in its Annual Reports 2011 and 2012 to the police force on the issues of physical contact during arrest, interrogation and the overall treatment of those arrested. The Commission has noted the police force's response to the Annual Report 2011 – that they are taking steps to install close-circuit television cameras (CCTVs) in interrogation rooms to ensure transparency and accountability by police officers. However, the police said the number of rooms installed with CCTVs is small, compared to needs at the district and contingent levels.

On the Commission's recommendation that every detainee should be examined by a medical officer before and after an interview/interrogation session, the police said they have been working with hospitals on this. However, due to the shortage of medical officers, the Ministry of Health has been unable to provide personnel, especially to police stations located far from hospitals. The police reiterated that delays in investigations could hamper their performance and could be life threatening to victims in cases like kidnap.

(c) Right of Workers/Migrant Workers

A total of 45 complaints relating to employment were received from Malaysians and migrant workers. The issue of wages topped the list, with workers claiming they had not been paid or that their wages had been reduced. Also prominent were cases of unlawful dismissal, annual leave not being granted, and failure of employers to remit employees' contributions to the Employees Provident Fund after deductions were made from their salary. There were also complaints of alleged mistreatment at the workplace and lack of compensation for affected workers. In most cases, the Commission sought the assistance of the Labour Department in resolving the complaints.

In its Annual Report 2011, the Commission recommended that migrant workers be provided with a special pass to allow them to continue working if there was a case pending in court, and that the pass be issued free of charge. The Government has responded that all migrant workers hold a *Pas Lawatan Kerja Sementara* which is provided annually upon renewal of the levy. As such, no other pass is required by migrant workers who wish to continue working until the disposal of their court case.

The Commission received complaints on alleged union-busting activities by employers. The National Union of Banking Employees (NUBE) questioned the move by Malayan Banking Bhd (MayBank) to establish an in-house union, which was deemed a way of weakening the national union. The NUBE has also challenged the matter in the court.

The Malaysian Trade Union Congress and NUBE lodged a complaint to the Commission that the Minister of Human Resources had reported to the International Labour Organisation in 2011 that the decision of the Director-General of Trade Unions (DGTU) to register the in-house union was valid and within the power of the DGTU as per the decision of the High Court. However, the High Court had delivered its judgment in favour of the DGTU only in November 2013. Therefore, there were questions as to how the Minister had communicated a decision in 2011. This prompted NUBE to allege that the Minister had influenced the court in its decision.



Representatives from MTUC handing over memorandum to the Commissioner

The National Union of Flight Attendants Malaysia complained to the Commission about the sacking of its president by Malaysia Airlines and its refusal to acknowledge the national union.

(d) Refugees and Asylum Seekers

The Commission received 25 complaints that refugees had been arrested either by the police or immigration authorities due to the lack of documentation. Some complainants claimed that there were cases where those holding cards issued by the UN High Commissioner for Refugees (UNHCR) had also been arrested. The Commission visited some of those arrested and referred the matter to the UNHCR.

A significant number of complaints alleged delay by the UNHCR in processing their applications. The complainants claimed that, despite several visits and requests to the UNHCR, refugees – especially from Myanmar – had their applications turned down or were told to wait. There were calls to expedite the refugees' application for resettlement in a third country.

The non-recognition of refugees by Malaysia has made the community more marginalised. The Commission has received several requests for medical and financial assistance due to the vulnerability of the refugee community.

(e) Human Rights Defenders

Over the year, the Commission noted the harassment of human rights defenders, such as activists from SUARAM and *Pusat Komunikasi Masyarakat* (Pusat KOMAS). Ms Lena Hendry of Pusat KOMAS was charged with the screening of *No Fire Zone: The Killing Fields of Sri Lanka*, in contravention of section 69(i)(b) of the Film Censorship Act 2002. The Commission, with the assistance of a lawyer from the Bar Council, held a watching brief in the case.

Activists from *Jaringan Rakyat Tertindas* and several members of political parties and elected representatives were arrested during the demolition of houses and the community hall at Kampung Hakka in Mantin, Negeri Sembilan. They were arrested while defending the housing rights of the villagers.

(f) Murum Dam

A group of Penan and activists have long expressed concern about the construction of the Murum Dam in Sarawak. According to them, the construction activities have encroached into customary land which would have considerable impact on the life, socio-economy, culture, tradition and beliefs of the Penan community, and on the environment. Members of the community claimed that they had not been consulted and that there was no process to obtain their free, prior, informed consent on matters related to the project. No agreement had been reached either on issues of relocation, compensation and remedy to the community.

As a result, the community set up a blockade to express their objections to the project. The police were called in to disperse the crowd. It was reported to the Commission that the police had fired warning shots into the air, and that two children were detained.

The Commission has written to the Sarawak Government, Sarawak Energy Board and the police. It also plans to arrange a meeting between the authorities and the Penan community.

(see 'Report of the Sarawak Office' on page 117)

(g) 13th General Election

In the run-up to the 13th General Election, the Commission called upon members of public to report any human rights infringements. It received 59 complaints, of which 56 were related to election procedures that fall under the jurisdiction of the EC. The remaining three were related to general matters. The use of indelible ink and pencils at polling centres topped the list of complaints. On 18 June, the Commission sent the complaints and a compilation of the issues to the EC for action. On 19 June, the EC responded, saying it had formed a committee to investigate the use of indelible ink, and requested more information on the other issues raised.

The Commission, on 1 October, met the independent observers who had been appointed by the EC to monitor the election process. They outlined key issues and offered recommendations:

- (i) Electoral roll
There is a need to improve the electoral roll, as highlighted by expert groups that have carried out in-depth studies.
- (ii) Size of constituencies and redelineation exercise
The size of constituencies should be normalised by ensuring that the discrepancy is limited and not more than 15% of the average constituency in each state. This would be in line with the Federal Constitution.
- (iii) Independence of the EC
The EC should be independent of the Prime Minister's Department, its members should be made accountable to, and appointed by, a permanent and bipartisan Special Parliamentary Committee. The EC should also have powers to recruit its own staff, independent of the civil service.

(iv) Role of a caretaker government

The role should be defined and legislated. Politicians should be aware of the limited role of a caretaker government, which is to ensure smooth day-to-day administration of the country during a general election.

(v) Access for persons with disabilities (PWD)

PWD must have the same access to election facilities as everyone else. The right to vote for PWD is not expressly mentioned in the Persons with Disabilities Act 2008. However, the right is guaranteed by virtue of the Convention on the Rights of Persons with Disabilities. Therefore, the EC must take steps to uphold the right to vote for PWD, who constitute 15-20% of the population in any country.

(vi) Election observers

The appointment of election observers should be made a permanent feature in all General Elections. The appointment process should be improved and training provided based on best practices from Asia Pacific countries.

(vii) Role of the media

All election candidates should receive equal access to the media. It is imperative that the Government's communication channels be viewed as non-partisan and unbiased in their reporting of national matters. All state-owned and government-linked media companies must remain independent in their reporting and cease unsubstantiated attacks against opposition parties.

(h) Right to Education/Conduct of School Administration

Eleven complaints were lodged with the Commission on the right to education and matters relating to school administration.

(i) Right to education

A complainant said that teachers of a primary school did not attend classes, especially those with weak students. These students were neglected despite the need to provide more attention to them. The same primary school had also relocated a classroom to a non-conductive area to enable a teacher with health problems to attend class. While the Commission appreciates the initiative of the school in addressing the teacher's problem, its decision compromised the right of pupils to quality education by placing them in a non-conductive area.

(ii) School administration

The Commission received complaints about school administration including the conduct of principals in some schools. The Commission has learnt that, while some school heads had made efforts to improve their schools, such initiatives were not received well by teachers due to miscommunication, which in turn affected the teachers' motivation and students' interests.

The Commission visited a secondary school which had installed CCTVs in the compound and toilets. This created dissatisfaction among representatives of parents who lodged a complaint.

While the Commission understands that installation of the CCTVs was aimed at addressing the problem of vandalism by students, it is of the view that any disciplinary and monitoring measures taken by the school authorities should be carried out based on the best interests of the children and in a manner consistent with their human dignity as enshrined under Articles 3 and 28(2) of the Convention on the Rights of the Child (CRC). Due consideration should also be given to Article 16 of the CRC which accords a child the right to be protected against any unlawful or arbitrary violation of privacy.

Complaints were also received about disciplinary teachers who failed to observe rules and regulations when punishing students. The Commission is of the opinion that the school should have considered other appropriate strategies in dealing with disciplinary problems or behavioural difficulties among students, with the ultimate aim of nurturing and instilling in them the values and responsibilities of good citizenry without undermining their basic rights.

(i) Campus Election

The Commission received memoranda from three student groups who alleged fraud and interference by the administration of their respective universities during the campus election.

A group from the University of Malaya expressed dissatisfaction because the campus administration had failed to fix a date for the election, even though the one-year term of the office bearers had expired. The students claimed to have submitted several recommendations to improve the process of the campus election but said there had been no feedback. They proposed that the Student Affairs Department should no longer manage the campus election. They also wanted the zoning system to be abolished; the election date to be fixed; freedom to campaign; improvements to the voting system; and monitoring of the election.

Students from the University of Malaysia Sabah claimed that the campus election had been manipulated. They said the e-voting system used was not accredited based on any international standards and that there were many problems, thus denying them a fair election. Furthermore, problems had arisen in accessing the voting account; technical problems were encountered on the computer; and there was a discrepancy in the total number of votes. They urged the Commission to monitor the campus election.

Student representatives from the International Islamic University of Malaysia alleged violations in the election of officer bearers of the Students Council. They claimed that there was interference by the Student Affairs Department, in contravention of the University's constitution.

3. PERIODIC VISITS TO PLACES OF DETENTION

Visits to detention centres are among the Commission's responsibilities under the Human Rights Commission of Malaysia Act 1999. During the year, the Commission carried out a total of 30 visits to detention centres (Table 3).

Table 3: Visits to Detention Centres, 2013

PLACES OF DETENTION	PERIODIC VISITS	CASE-BASED VISITS
Prisons	8	4
Immigration detention centres	6	2
Police lock-ups	8	2
TOTAL	22	8

The Commission carries out periodic visits to monitor the physical state of a detention centre, its facilities, rehabilitation programmes, treatment, diet and healthcare provisions and the well-being of personnel. Case-based visits are carried out when complaints are received, and focus on issues brought to the Commission's attention.

The Commission's Recommendations

The situation in detention centres generally met the minimum standards. However, there is room for improvement.

1. Healthcare and treatment for sick prisoners/detainees
The Commission observed that prisons, especially old ones, are not sufficiently equipped with facilities or resources to cater to the minimum needs and healthcare of detainees. While there is a post for a medical assistant at Immigration detention centres, it has not been filled. The Commission believes that there should be at least one medical personnel at any detention centre as this will not only be beneficial to detainees, but also to staff. The Commission is aware of a shortage of basic medicines because several detention centres are overcrowded.

The Commission received several complaints that ill detainees did not receive proper treatment. It was further told that there is no special diet for detainees/prisoners with diabetes and the only option is to replace the rice with white bread. The Commission feels that the detainees/prisoners need to be examined by the medical officer, who should then advise the administrator on the provision of appropriate meals. The administrator should also seek guidance from the Ministry of Health on the right nutrition or diet for sick detainees/prisoners.

2. Budget allocation for meals
The Commission has found that the budget allocation for meals varies from one detention centre to another and that, at times, the amount appears to be too low. For example, one Immigration detention centre only had a budget of RM4.50 per person per day – which worked out to RM0.70 for breakfast, RM1.90 for lunch and RM1.90 for dinner. The Commission was informed that the tender for supply of meals is awarded by the Home Ministry. The Commission hopes that this allocation will be revised from time to time.



Lunch is being prepared at one of the Immigration detention centres

3. Treatment of detainees and rehabilitation programmes

With the rise in recidivism, higher priority should be placed on the role of rehabilitation programmes in prison. During one visit, the Commission was informed that the prison is divided into categories covering sexual offences, drug cases and criminal offences, for example. This allows the authorities to focus the rehabilitation programmes to the needs of each group of prisoners. Subject to availability and term to be served, prisoners are also placed in a prison that is as close as possible to their homes. This facilitates family visits, thereby enhancing the rehabilitation process.

However, it was observed that due to the shortage of human resources – especially of civilian staff – some prisons are unable to implement proper rehabilitation programmes. This should be dealt with as soon as possible.

In line with its motto ‘Human Rights for All’, the Commission took the initiative to look into the rights and welfare of personnel at all detention centres. It was found that they continue to be exposed to difficult working conditions and risk being exposed to infectious disease like tuberculosis. Most of them also do not have proper working facilities.

4. CHILDREN IN IMMIGRATION DETENTION CENTRES

(a) Roundtable Discussion

In continuation of a campaign launched in April 2012 to end Immigration detention of children, the Commission organised a Roundtable Discussion (RTD) on 12 November. The objectives were to sustain awareness of the issue and to seek effective action. It was organised in cooperation with the SUKA Society and the International Detention Coalition (IDC). Participants comprised Immigration officers including commandants of detention centres, representatives of the Home Ministry, the Ministry of Women, Family and Community Development, the Welfare Department, and UNHCR, International Committee of the Red Cross, Voices of Children and a member of the UN Committee on CRC.

The IDC and International Social Services Hong Kong shared their experiences and expertise on alternatives to the detention of children. The participants unanimously agreed that there should be such alternatives and that children – especially those who are unaccompanied – should not

be detained. Such detention should be treated as action of last resort; and children should only be detained for the shortest period possible. All stakeholders at the RTD emphasised the need to develop a working group and a pilot programme on alternatives that focuses on unaccompanied children.

(b) Monitoring of children's well-being

During its periodic visits to Immigration detention centres, the Commission has given special attention to the well-being of children.

Table 4: Visits to Immigration Detention Centres, 2013

NO.	LOCATION	DATE
1.	Tanah Merah, Kelantan	20 January
2.	Pekan Nenas, Pontian, Johor	20 February
3.	KLIA, Sepang, Selangor	26 March
4.	Langkap, Perak	16 July
5.	Machap Umboo, Melaka	28 August
6.	Ajil, Terengganu	23 October
7.	Juru, Pulau Pinang	25 November

Based on observations and discussions with the administrator of each detention centre, the Commission has learnt that unaccompanied boys aged 13-18 years are placed in the same block as male detainees; while unaccompanied young girls aged 13-18 years are placed in the women's block. Under the Immigration Depot Regulations, children under 12 who are arrested with their parents can be admitted into the same detention centre as their parents.



The Commission officer is inspecting the condition of the detention centre

The Commission was informed that, as at 7 October 2013, there were 197 children under 12 and 550 children aged 13-18 years being detained throughout Malaysia. However, there were no special activities or facilities at detention centres to cater to their needs, including access to informal education.

5. HUMAN TRAFFICKING

Four complaints were lodged, alleging incidents of human trafficking. Although the Commission is not an enforcement agency for human trafficking crimes, it acts as a bridge between complainants and enforcement agencies to ensure that immediate and appropriate action is taken on every complaint.

One complainant informed the Commission via email that his brother who worked at a plantation in Negeri Sembilan was being forced by a human trafficking syndicate to work without pay. The Commission immediately contacted the Anti-Trafficking Unit of the police force in Bukit Aman, Kuala Lumpur, to relay the information. The police responded by rescuing the victim and placing him in a shelter. However, the Commission has not been informed about any action taken against the perpetrators, despite a formal enquiry being sent to the police.

The Commission has faced difficulty in dealing with human trafficking cases when insufficient information is supplied or when there is lack of cooperation from the complainant. For example, two complaints received via email and mail did not have important information such as contact details or the place of incident. When the Commission tried to contact the complainants, there was no response.

6. PREVENTIVE DETENTION LAWS

(a) Detainees at Kamunting Detention Camp

On 22 June 2012, the Government replaced the Internal Security Act 1960 (ISA) with the Security Offences (Special Measures) Act 2012. However, those detained prior to the repeal of the ISA remained in detention until such time as the detention order was revoked by the Home Minister. On 17 June, *Gerakan Mansuhkan ISA* submitted a memorandum to the Commission, demanding the release of all the detainees.

According to the Home Ministry, seven detainees were being held under the ISA as at 17 October 2013 (Table 5) for the alleged offences of terrorism and human trafficking (Table 6).

Table 5: Number of Detainees Held Under ISA, 2013

COUNTRY OF ORIGIN	NUMBER
Malaysia	3
Sri Lanka	1
Indonesia	2
Philippines	1
TOTAL	7

Table 6: Alleged Offences of ISA Detainees

ALLEGED OFFENCES	NUMBER OF CASES
Terrorism	6
Human trafficking	1
TOTAL	7

The authorities released 16 detainees over the course of the year (Table 7).

Table 7: Detainees Released in 2013

NATIONALITY	NUMBER
Malaysian	5
Pakistani	1
Indian	1
Indonesian	1
Iraqi	1
Sri Lankan	4
Bangladeshi	1
Filipino	2
TOTAL	16

(b) Security Offences (Special Measures) Act 2012¹

This was introduced to replace the ISA in dealing with security offences, and to maintain public order and security. According to the Home Ministry, 33 individuals had been detained under this law as at 6 December 2013, for alleged involvement in terrorism activities which threaten national security.²

7. MONITORING OF ACTIVITIES

The Commission monitored three public gatherings – ‘KL 112’, an Anti-Lynas demonstration and a protest against the proposed amendments to the Prevention of Crime Act 1959 (PCA). While ‘KL 112’ was held in Stadium Merdeka in Kuala Lumpur, the other two assemblies took place in front of Parliament House.

¹ The Act was passed by Parliament on 17 April 2012, given the Royal Assent on 18 June 2012 and gazetted on 22 June 2012.

² Mentioned as “aktiviti-aktiviti keganasan yang mengancam keselamatan negara”.

Table 8: Monitoring of Activities, 2013

NO.	ASSEMBLY	DATE
1.	'KL 112'	12 January
2.	Anti-Lynas	26 September
3.	PCA Amendments	30 September

Overall, the police facilitated the assemblies through traffic control operations. An estimated 100,000 people participated in 'KL 112', the largest assembly after the BERSIH 3.0 gathering of 28 April 2012. 'KL 112' underscored the importance of the police role in facilitating peaceful and public assemblies. It was proof that, when carried out efficiently and properly, the right of the people to assemble and to express their views peacefully can be guaranteed.

*One of the mass gathering monitored by the Commission*

During the Anti-Lynas and PCA Amendments protests, which were much smaller in number, the police were seen patrolling and managing the traffic. Representatives of the protestors were allowed to enter Parliament House to meet parliamentarians. Since the Peaceful Assembly Act 2012 is still new, it is hoped that enforcement will be carried out without needless limitations that could defeat the intention of Article 10 of the Federal Constitution.

II. INQUIRIES DIVISION

It was never the people who complained of the universality of human rights, nor did the people consider human rights as a Western or Northern imposition. It was often their leaders who did so.

Kofi Annan

The Inquiries Division, established in 2012, began following up on the Commission's recommendations presented in the Public Inquiry Reports, especially those on freedom of public assembly.

It has also initiated action on the Commission's Report of the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia (NI Report). It has been closely monitoring the National Task Force set up by the Government to study and implement the recommendations in the NI Report.

1. NI REPORT

In its Annual Report 2012, the Commission had reported its activities in conducting the NI. This exercise was completed over 18 months at a cost of about RM1.23 million, primarily involving public consultations and hearings, and preparation of the Report.

During the year under review, the Commission took the process further by holding discussions with stakeholders before finalising its proposals and recommendations. Separate sessions were held with Government agencies, Non-Governmental Organisations (NGOs), the private sector and the media respectively. The Commission's Chairman Tan Sri Hasmy Agam, Vice-Chairman Datuk Dr Khaw Lake Tee, and Commissioners Ms Jannie Lasimbang, Datuk Delta Samen, Mr James Nayagam and Mr Muhammad Sha'ani Abdullah attended the sessions held in three regions (Table 9).

Table 9: NI Discussions, 2013

NO.	REGION	DATE	VENUE
1.	Sabah	5 & 6 March	Hotel Promenade, Kota Kinabalu
2.	Peninsular Malaysia	19 & 20 March	Dewan Kadaram, Kuala Lumpur
3.	Sarawak	9 & 10 April	Hotel Hilton, Kuching

Representatives of the Inquiries Division attended two meetings with the Ministry of Rural and Regional Development to discuss the findings and recommendations of the NI Report. The sessions were aimed at eliciting cooperation for the implementation of the recommendations by the Federal Government and relevant State Governments.

The first meeting was held on 16 July with senior officials of the Ministry and the Orang Asli Development Department of Malaysia (JAKOA). The second meeting, on 19 July, was chaired by Rural and Regional Development Minister, YBhg Datuk Seri Mohd Shafie Haji Apdal. Both meetings were fruitful, leading to the Commission being invited to present the NI findings and recommendations to the relevant government departments.

(a) Public Release of the NI Report

The NI Report which was completed in April was released on 5 August, unavoidably later than scheduled. Given the importance of the findings and recommendations of the NI to the well-being of Indigenous Peoples (IP), the Commission felt it necessary to first submit the Report to Parliament, State Legislative Assemblies, the Federal Government and relevant State Governments, so as to allow elected representatives and policy makers to deliberate on the issues and recommendations.

The decision was made pursuant to section 21(3) of the Commission's founding Act which provides that it may 'whenever it considers it necessary to do so, submit special reports to Parliament in respect of any particular matter or matters referred to it, and the action taken in respect thereof'.

However, the dissolution of Parliament for the 13th General Election coincided with the completion of the NI Report. This compelled the Commission to postpone the launch until the new session of Parliament was convened.

Given the importance of the findings and recommendations of the NI to the well-being of Indigenous Peoples, the Commission felt it necessary to first submit the Report to Parliament, State Legislative Assemblies, the Federal Government and relevant State Governments, so as to allow elected representatives and policy makers to deliberate on the issues and recommendations.

Even then, the NI Report was not tabled. Instead, the Cabinet decided to set up a National Task Force. Members of the Commission, who were at a press conference when this was announced on 5 August, handed over the NI Report to YB Senator Datuk Paul Low Seng Kuan, Minister in the Prime Minister's Department, for the attention of the National Task Force.

The terms of reference of the National Task Force are to:

- (i) Assess the findings and recommendations of the NI Report vis-a-vis implementation;
- (ii) Gather, wherever appropriate, additional information [records held by the state authority/ agency] on particular issues;
- (iii) Take into account the rights, interests and views of all stakeholders; and
- (iv) Develop and incorporate recommendations for short-term and long-term measures to address any existing legal, policy and administrative constraints.

Its 15 members comprise:

- YBhg Datuk Dr Mohd Tap Salleh, President, Malaysian Institute of Integrity
- YBhg Dato' Zaal Azha Yusof, Chief Secretary, Natural Resources and Environment Ministry
- YBhg Datuk Seri Ibrahim Muhammad, Chief Secretary, Rural and Regional Development Ministry
- YB Tan Sri Datuk Seri Panglima Sukarti Wakiman, State Secretary, Sabah
- YB Tan Sri Datuk Amar Haji Mohamad Morshidi Abdul Ghani, State Secretary, Sarawak
- YBhg Dato' Haji Mohd Sani Mistam, Director-General, JAKOA
- YBhg Prof Emeritus Dato' Dr Hood Mohd Salleh, Director, Muzium Warisan Akademik, UKM
- YBhg Prof Madya Dr Juli a/l Edo, Department of Anthropology and Sociology, UM
- YBhg Prof Madya Dr Sarjit Singh Darshan Singh, Head of Department, Department of Social and Development Sciences, UPM
- Mr Andrew Khoo Chin Hock, Co-Chair, Bar Council Human Rights Committee
- Dr S Yogeswaran, Co-Chair, Bar Council Human Rights Committee
- Mr Majid Suhut, President, Peninsular Malaysia Orang Asli Association
- Ms Tijah Yok Chopil, Coordinator, Peninsular Malaysia Orang Asli Villages Network
- Mr Mark Bujang, Chairman, Borneo Resources Institute
- Ms Jannie Lasimbang, Jaringan Orang Asal SeMalaysia

The National Task Force met three times over the year. YB Senator Datuk Paul Low Seng Kuan, Minister in the Prime Minister's Department, chaired the inaugural meeting on 29 August. At the second meeting on 30 September, the Commission was invited to present its findings and recommendations. The third meeting was held in Gua Musang, Kelantan.

It is the Commission's earnest hope that the National Task Force will ensure the expeditious and effective implementation of the NI proposals and recommendations in the interests of IP.

The Commission has since distributed the NI Report to various stakeholders including, but not limited to, government agencies and NGOs, relevant international organisations and other national human rights institutions.

(b) Recommendations of the NI

The NI Report offers general conclusions and makes 18 recommendations under six main themes.

(i) General Conclusions

1. IP are among the most marginalised and disadvantaged groups in Malaysia. Despite provisions of the Federal Constitution, domestic laws and international laws that recognise their land rights, systemic issues have denied them the full enjoyment of their legal and human rights. These issues have evolved mainly from successive amendments of land laws that failed to recognise their perspectives of land ownership and management and, therefore, eroded Native Customary Rights (NCR) exerted over land.

Administrative decisions have affected land claims as well. These evolved from the adoption of policies that have given priority to large-scale development projects over the indigenous subsistence economy.

2. There is a high degree of frustration and anger in indigenous communities over violation of their land rights and the inadequate response to this. As injustices in access to and control of land are often central to the genesis of conflict that could be costly for the country as a whole if not addressed effectively, the NI sees it as critical that such injustices are dealt with in an expeditious and holistic manner.
3. On the basis of the facts and determinations arising from the NI, 18 key recommendations were made alongside proposals for implementation. It is recommended that all activities involving reviews and studies be conducted with the full and effective participation of IP. The Government's commitment in adopting the recommendation to establish an independent National Commission on Indigenous Peoples will ensure that indigenous land rights are effectively addressed.

(ii) Main Recommendations

The NI finds that recognition of NCR to land is critical to their protection and promotion. These rights are an indivisible and integral part of the protection and promotion of other human rights of IP. As such, current shortcomings must be addressed.

It is the Commission's earnest hope that the National Task Force will ensure the expeditious and effective implementation of the NI proposals and recommendations in the interests of the IP.

1. Address security of tenure
 - (i) To ensure that security of tenure and NCR as perceived by IP are not compromised, it is recommended that before any alienation, reservation or licence in respect of any land is made, created or issued, the authorities should fully investigate the status of the land by reference to relevant documentary and actual evidence on the ground.
 - (ii) Recommendations for changes to laws and policies which have been studied and/or adopted by the Government should be instituted immediately through legal and policy decisions.
 - (iii) Court decisions which have recognised the concept of indigenous/NCR land should be instituted promptly.
2. Clarity of concepts of customary tenure

Proper studies are urgently needed to clarify concepts such as *rayau* and traditional territories.
3. Restitution for non-recognition of customary lands
 - (i) Legal provision needs to be put in place for the restitution of land. Where the possibility of returning customary lands that have been acquired is not possible or feasible, alternative land or compensation should be considered.
 - (ii) Remedying past wrongs and instituting redress mechanisms for land loss will not only restore faith in the Government and reconcile conflicts, but also ensure justice and fairness to those whose land has been taken.
4. Redress mechanisms
 - (i) The NI strongly recommends the establishment of an Indigenous Land Tribunal or Commission composed of retired judges and experts on NCR to resolve issues and complaints related to land claims brought before it by IP.
 - (ii) A Native Title Court or a special court should be created to deal with the backlog of cases in the civil court. An independent mediation mechanism – for example, an Ombudsman – would provide assistance in disputes involving land claims of IP.
5. Address past policies and programmes
 - (i) Policies related to poverty eradication programmes need to be reviewed, ensuring that acquisition of land for such programmes does not infringe on customary land rights.
 - (ii) All areas which have been gazetted without proper survey and demarcation should be resurveyed.
 - (iii) There should be no eviction of communities with established NCR to land.

6. Review provisions for compensation
 - (i) Provisions and regulations in laws relating to acquisition of land, including the rate of compensation, should be reviewed.
 - (ii) Address land development issues/imbalances
The NI findings show that IP are not against development or its process, but want their interests and concerns to be protected through their participation in such programmes.
7. Adopt human rights approach to development
In line with international standards, the Federal and State Governments must adopt a human rights-based approach to development. Legal provisions should be put in place for project proponents to obtain the free, prior and informed consent of IP.
8. Ensure land development does not adversely impact IP
 - (i) Where land that is owned or claimed by IP is being acquired for development and poverty eradication programmes, the process should include the full and effective participation of the communities affected.
 - (ii) The Government should institute more stringent guidelines for poverty eradication programmes and build in evaluation processes to ensure that these meet targets and do not infringe on the rights of others.
9. Promote successful development models
 - (i) There is a need for small-scale land development models where indigenous landowners can be involved.
 - (ii) Businesses should also be made more accountable and required to respect human rights of IP.
10. Policy of people-centred, inclusive, sustainable development
 - (i) The agenda for sustainable development with a balanced approach to economic, social and environment factors must be the cornerstone of public policy in relation to IP and use of forests.
 - (ii) The Federal and State Governments must adopt sustainable forest and oil palm plantation management in mainstreaming economic and environmental policies.
 - (iii) The future loss of NCR land should be prevented.
11. Settlement exercise on customary land claims
 - (i) Such claims must be settled prior to the granting of new provisional leases, licences, projects or other land alienation approvals.
 - (ii) The relevant laws must be reviewed and amended to align these to universally accepted norms.

- (iii) Regular discussions must be held among IP, the Government, parliamentarians and other stakeholders to bridge gaps in perception and understanding.
- 12. Recognition of customary lands in protected areas
Remedies should be found for failure to give affected communities adequate information and notice required by law prior to the gazetting of protected areas and forest reserves. Such remedies could include excision of the community lands, granting of an alternative area, or exemplary joint management agreements for areas where communities can continue to stay.
- 13. Encourage active involvement of IP in forest management
 - (i) A new policy directive is needed for enhanced and active involvement of indigenous communities in forest management programmes, especially in forest reserves.
 - (ii) Land administration issues should be addressed.
- 14. Conduct comprehensive review of JAKOA
 - (i) In view of the seriousness of complaints and apparent weaknesses of the JAKOA in protecting Orang Asli land rights as provided by the Aboriginal Peoples Act 1954, an independent and comprehensive review of the department should be undertaken at an early date.
 - (ii) While such review is underway, the JAKOA should be more proactive in resolving existing Orang Asli land issues.
- 15. Capacity enhancement of Land Departments
Staff of the Lands and Surveys Department (Sabah and Sarawak) and the Department of Land and Mines (Peninsular Malaysia), including the delegated authorities at the district level, would benefit from capacity enhancement to ensure effectiveness in dealing with the land rights of IP.
- 16. Review responses to land issues
Gaps and weaknesses in administrative procedures and practices designed to facilitate the recognition of indigenous communities' rights to land should be reviewed by the relevant authorities to ensure more efficient implementation, taking into consideration past recommendations and studies.
- 17. Immediate implementation of corrective measures
 - (i) Land Offices should adopt and practise 'zero' tolerance for corruption, and ensure that their processes are accountable and transparent.
 - (ii) Relevant authorities, particularly the Land Office and the Forestry Department, need to enhance in-house complaints handling.
 - (iii) Police reports lodged by communities should be investigated and the role of the police in any conflict must be strictly non-partisan.

(iv) The opinion of the *Ketua Kampung, Penghulu* and *Batin* and the native/district chief (or the Native Courts of Sabah and Sarawak) should be sought when verifying historical evidence and the demography of an area claimed under customary rights. However, in view of the negative perception of some of these leaders, alternative ways to get historical and demographic information should also be considered.

(v) Recognise land as central to the identity of IP

The close relationship of IP to their customary lands and territories means that these are significant not only as a means of livelihood but also as part of their spiritual and cultural life, and form part of their identity as people. The centrality of customary lands is vital for their development and cultural survival. Effective recognition, as well as the promotion and protection of rights to land and identity, would thus require time-bound, broad-based affirmative action that encompasses issues related to their development and well-being.

18. Establish an Independent National Commission on Indigenous Peoples

The function of the Commission, among others, should be to advise the Government on laws and policies related to IP; propose and monitor sustainable development programmes on indigenous land; promote participation of IP at all levels; and conduct research on issues related to their well-being. Members of the Commission should be composed mainly of representatives of IP who have the support and acceptance of these communities.

2. PUBLIC INQUIRY INTO INCIDENTS DURING AND AFTER THE PUBLIC ASSEMBLY OF 28 APRIL 2012

The Parliamentary Select Committee (PSC) on Electoral Reform, set up on 2 October 2011, released its report in early April 2012 with 22 recommendations to improve the electoral system. The report was passed by the Dewan Rakyat on 3 April 2012.

On 4 April 2012, BERSIH 2.0 expressed dissatisfaction with the report and said its eight demands had not been fully addressed by the PSC. It organised a rally, dubbed '*Duduk Bantah*', on 28 April 2012 at various locations in the country including Dataran Merdeka in Kuala Lumpur. Allegations of human rights violations arose during the rally in Kuala Lumpur and were reported to the Commission. It conducted a Public Inquiry over a period of 29 days between 5 July 2012 and 10 January 2013.

(a) Public Hearings

During the public hearings, 49 witnesses were called to testify. The Panel of Inquiry received 67 exhibits and identified documents including photographs, video recordings, news clippings, medical reports, and police reports. It is observed that the rally was the first public assembly to be held following the passage of the Peaceful Assembly Act 2012 (PAA) on 23 April 2012.

The Panel also made site visits to:

- Dataran Merdeka and its surrounding areas – Jalan Tun Perak, Masjid India, Jalan Tuanku Abdul Rahman and the DBKL building – where members of the public had gathered; and
- *Kompleks Pasukan Simpanan Persekutuan Polis DiRaja Malaysia*, Cheras where the police demonstrated the use of razor wire, tear gas, command vehicles and sound commanders, and explained procedures on crowd control.

(b) Findings of the Inquiry

The Panel's findings were based on the testimony of witnesses, assisted by questions and submissions from observers and the exhibits tendered.

- (i) The Panel questioned the necessity to erect barricades that comprised three layers: Dannert wire (or razor wire), water-filled barriers and steel barriers. The suitability of using Dannert wire, especially where large crowds were expected to congregate, was also considered. However, the Panel made no finding as to the legality or installation of the barricades, whether pursuant to the Court Order or section 26 of the Police Act 1967.
- (ii) The Panel was able to establish that the Federal Reserve Unit had issued an initial warning to participants to disperse before water cannon and tear gas were deployed, but none thereafter. In addition, the warning could not be heard by participants although it was delivered via a loudspeaker and sound commanders.

The Panel found that the police did not assist or facilitate the dispersal of the participants.

(iii) The Panel found that the police did not assist or facilitate the dispersal of the participants, while the continuous firing of water cannon and tear gas hampered efforts to disperse. This resulted in at least one instance of the 'kettling' of the participants.

(iv) The Panel was of the view, based on testimonies and video recordings, that there was use of disproportionate force and misconduct by police towards the participants. Some were

assaulted along the way to the holding area at Dataran Merdeka, even though there was no evidence that they were resisting arrest or behaving aggressively.

- (v) It appeared to the Panel that the police had acted in bad faith, with their action suggesting that there were deliberate attempts to prevent the media from reporting and taking photographs of various incidents that day. These attempts at preventing the media from discharging their role and responsibilities were clearly a breach of freedom of expression and media freedom.

The Panel was of the view, based on testimonies and video recordings, that there was use of disproportionate force and misconduct by police towards the participants.

- (vi) Witnesses who alleged that they were assaulted or injured by police personnel during the assembly informed the Panel that they had lodged police reports. Only a few testified that there had been any follow up by the police. According to a police witness, every investigation must be completed without unnecessary delay.¹

(c) Recommendations for Police on Facilitating a Peaceful Assembly

1. Persons arrested shall be informed as soon as may be of the grounds of arrest and shall be allowed to consult and be defended by a legal practitioner of their choice, pursuant to Article 5(3) of the Federal Constitution. Failure to allow such legal access is both a breach of the Federal Constitution and of basic human rights principles.
2. The police in discharging their functions should take into consideration the rights of the individuals and ensure that they are able to exercise their rights as enshrined under the Federal Constitution and other laws. The police should not regard public assemblies as a challenge to their authority.
3. The police must make distinction between a peaceful assembly and a riot. They should also be seen as neutral and ensure the safety of participants and members of public especially in the event of public assemblies involving two or more opposing groups in the same area.
4. The police and organisers must meet and reach mutual agreement on matters relating to assemblies and other related matters. The police must keep in mind that the former section 27 of the Police Act 1967 is no longer applicable to public assemblies.
5. Methods used to disperse participants of assemblies should take into consideration the risks to both the participants and the police personnel themselves.
6. Arresting officers must exercise care and avoid using unwarranted or disproportionate force. While the police have the power to arrest or disperse participants according to the law, the use of force must be proportional to the level of risks at the time of arrest. Any person arrested should be informed of the ground of arrest and allowed access to legal counsel.
7. The police force should identify alternatives to ensure the line of communications is maintained among officers during an assembly, in order to avoid any confusion with respect to orders or action taken by any of the personnel on the ground.

Persons arrested shall be informed as soon as may be of the grounds of arrest and shall be allowed to consult and be defended by a legal practitioner of their choice, pursuant to Article 5(3) of the Federal Constitution.

¹ Section 120 of the Criminal Procedure Code states that [1] Every police investigation under this Chapter shall be completed without unnecessary delay, and the officer making the investigation shall, unless the offence is of a character which the Public Prosecutor has directed need not be reported to him, submit to the Public Prosecutor a report of his investigation together with the investigation papers in respect of such investigation within one week of the expiry of the period of three months from the date of the information given under Section 107.

8. Medical assistance must be administered immediately to individuals who are injured in the course of being arrested. Medical personnel must be present at all times to evaluate and dispense medical assistance on the spot.

(d) Recommendations for Police on Handling of Media Coverage

1. The police should conduct briefings and training for its personnel in managing and facilitating the work of media personnel during an assembly. Both parties should acknowledge their roles in the public and national interest, while maintaining respect for each other.
2. Communication or briefings may assist the police and the media to understand and appreciate their respective roles and duties during the assembly. The Panel also noted that section 24 of the PAA² suggests that the authorities have a duty to provide reasonable access to the media to the place of assembly, and so should not hamper media practitioners from carrying out their duties.

The Panel expressed its belief that the police force has extensive experience in managing and controlling crowds even in situations involving a large number of people. In this regard, the Panel commended the police force for the manner in which it had handled the 'KL 112' Assembly on 12 January.

3. The Panel made reference to the OSCE's Special Report on the Handling of the Media³ which contains guidelines, among others, on how the authorities should treat the media during assemblies, as well as how the media should prepare itself to cover such events.

The Panel expressed its belief that the police force has extensive experience in managing and controlling crowds even in situations involving a large number of people. In this regard, the Panel commended the police force for the manner in which it handled the 'KL 112' Assembly on 12 January.

3. ROUNDTABLE DISCUSSION ON DEATHS IN CUSTODY

Media reports on a spike in deaths in police custody over an 11-day period (21 May-1 June) also highlighted allegations of abuse and mistreatment of detainees in police lock-ups. These were levelled by family-members of some of the deceased and by NGOs. Home Minister, YB Datuk Seri Dr Ahmad Zahid Hamidi, then informed the Dewan Rakyat⁴ that 231 custodial death cases had been recorded between 2000 and May 2013 (Table 10), but that only two were caused by the police.

2 Section 24 of the PAA 2012 states: 'Any media representative may have reasonable access to a place of assembly and use any equipment to report on the assembly.'

3 The Organisation for Security and Co-operation in Europe (OSCE)'s 'Special Report: Handling of the Media during Political Demonstrations (Observations and Recommendations)'

4 Dewan Rakyat, Parlimen Ketiga Belas, Penggal Pertama, Mesyuarat Pertama, Bil 3, Rabu, 26 Jun 2013

Table 10: Deaths in Police Custody

NO.	CAUSE OF DEATH	NUMBER OF CASES
1.	Illness (HIV/AIDS, asthma, heart disease, etc)	196
2.	Self-hanging	29
3.	Fights among detainees	2
4.	Slipping in lock-ups	2
5.	Abuse by police	2
TOTAL		231

Source: Dewan Rakyat

A breakdown of the racial composition showed that Malays made up the majority of those who died, followed by Chinese, Indians, foreigners and others (Table 11).

Table 11: Custodial Deaths Based on Race/Nationality

NO.	RACE/NATIONALITY	NUMBER OF CASES
1.	Malays	97
2.	Indians	51
3.	Chinese	49
4.	Foreigners	25
5.	Others	9
TOTAL		231

Source: Dewan Rakyat

Despite the small number of deaths as claimed by the Home Minister, the Commission observes that an average of 18.6 people had died every year under the watch of the police force. This indicates systemic problems in managing and handling detainees in lock-ups.

Pursuant to its mandate under section 4 of Act 597, the Commission held two Roundtable Discussions on deaths in custody on 20 and 21 August. Family-members of deceased detainees, the Bar Council and Government agencies (police force, Ministry of Health and Home Ministry) shared their views on reducing deaths in the custody, although it was felt that prevention is an almost impossible task.

Participants' Recommendations

1. There must be proactive action by the Judiciary in order not to delay an inquest, and adherence to Special Proceedings under Chapter XXXII of the Criminal Procedure Code (Act 593, CPC).
2. Magistrates need to follow Practice Direction No. 1 of 2007 – Guidelines on Inquest – in carrying out their duties. The guidelines make specific reference to relevant provisions in Part VIII, Chapter XXXII, Sections 328-341A of Act 593.
3. The Judiciary should examine the necessity and grounds as to the number of remand orders granted to the police.
4. A Coroner's Court should be established nationwide with the inclusion of medical officers.
5. Medical examinations should be carried out on detainees for pre-existing diseases, external bodily injuries or intoxication (if indicated) when they are taken into custody.
6. Family-members should be allowed to arrange for a doctor to be present during the first post-mortem examination.
7. There is a need to improve logistical support at lock-ups to ensure the safety of detainees and to minimise any risk of self-harm.
8. Close-circuit television cameras should be installed in central lock-ups, as has been done in Jinjang, Kuala Lumpur. Consideration needs to be given to posting a medical officer at central lock-ups.
9. Creating the Independent Police Complaints and Misconduct Commission would ensure transparency in investigating allegations of misconduct.
10. The Enforcement Agency Integrity Commission should also have oversight of complaints from members of public about police misconduct.

On a separate occasion, Professor Ian Freckelton of the University of Melbourne, shared Australia's procedures in the investigation custodial deaths. He said the system:

- Should reflect public confidence by its transparency and rigour;
- Assuage community concern;
- Assist the closure of grief;
- Facilitate the preferring of criminal charges;
- Ensure that the public record is correct as to causes of death;
- Facilitate the taking of required public health measures; and
- Enable avoidance of avoidable deaths.

He also pointed out attributes of an effective death investigation system:

- (i) It must involve independent but collaborative work with other investigators; at the same time, it must be a transparent process in investigating procedures, court processes and recommendations while being compliant with human rights.
- (ii) It needs to be chaired by a trained and experienced judicial officer with sufficient investigative powers; and the court should be adequately financed to be able to sit in its regional locations.
- (iii) It should be guided by a clear legislative mandate that includes the undertaking of autopsies, exhumations, inquiries and inquests, supported by high-quality pathology and cognate services.
- (iv) It must incorporate and respect the rights of family-members, and acknowledge and respect cultural and religious values and practices.
- (v) It should incorporate the capacity to revisit previous findings where new evidence emerges.
- (vi) Support/bereavement counselling services should be made available.
- (vii) Decisions must be reported publicly, including via the Internet, and recommendations must be subject to response.

4. MEETING ON FREEDOM OF ASSEMBLY

The Commission held a meeting with the police force on 11 September to discuss progress made on the recommendations of the Panel of Inquiry on peaceful assembly. The meeting was chaired by the Commission's Vice-Chairman Datuk Dr Khaw Lake Tee; also present were Commissioners Prof Emeritus Dato' Dr Mahmood Zuhdi Haji Ab Majid and Mr James Nayagam. The police force was represented by SAC Datuk Ku Chin Wah, SAC Dato' Razali Basri, SAC Dato' Abdul Hamid Mohd Ali, ACP Mohan Singh s/o Tara Singh, ACP Muhammad Azlee Abdullah, ACP Zainuddin Ahmad and DSP S. Shanmugamoorthy.

The Commission was informed that the police force had considered all the recommendations that came out of previous Public Inquiries, in particular the proceedings relating to the 28 April 2012 assembly. It was agreed that section 27 of the Police Act 1967 was not the best instrument for public assembly and that, in the spirit of the PAA, the police would manage crowds in the roles of service provider and peacekeeper.

The meeting also took note that the law should not only look at the right to assemble peacefully, but also at the rights of the affected parties. While it is understood that the police have a duty to protect peace and harmony, they also need to play a role in protecting fundamental human rights.

Several recommendations were made:

1. The police force should facilitate peaceful assemblies as envisaged by the PAA. In ensuring crowd and traffic management, and minimising disruptions to public activities in the places concerned, the authorities and organisers must reach mutual agreement on relevant matters. The authorities must keep in mind that the former section 27 of the Police Act 1967 is no longer applicable to public assemblies. Meetings should be held with the organisers after notice of the assembly is given, as provided under section 13 of the PAA.⁵
2. The police should conduct briefings and training for its personnel in managing and facilitating the work of media personnel during an assembly. Both parties should acknowledge their roles in the public and national interest, while maintaining respect for each other.
3. The police force should identify alternatives to ensure that the line of communications is maintained among officers, to prevent confusion with respect of orders or action taken by any of the personnel on the ground during an assembly.
4. Participants, when ordered to disperse, should be given sufficient and reasonable time to do so in an orderly manner; proper exit routes should be made available. Any action by the police should not result in the 'kettling' of participants.
5. The police should wear their permanent name tag or identification body numbers at all times when on duty during an assembly. While there is a need for plainclothes officers to monitor, observe and document the event, they must not be involved in the dispersal or arresting process, unless they have clearly identified themselves.
6. Any person arrested should be informed of the ground of arrest and given access to legal counsel. The method of arrest should be commensurate with the seriousness of the offence. Principles of human rights and the safety of the arresting party and individuals are important, and proper guidelines must be established by the police on methods of arrest.
7. It is strongly recommended that the police force conduct investigations into reports lodged by members of public, even though these allege violations committed by police personnel. The police force must act expeditiously to conclude its investigations to avoid allegations of bias and lack of transparency.

5 Section 13 of the PAA states: 'The Officer in Charge of the Police District may at any time after receiving the notification under subsection 9(1), if the circumstances warrant it, call the organiser for a meeting to advise the organiser on the assembly.'

III. LOOKING FORWARD

In the year ahead, the **Complaints And Monitoring Division** will place greater emphasis on two priority issues identified by the Commission – the right to health in prison and deaths in police custody. In doing so, it will work closely with the authorities and civil society groups.

The Commission acknowledges that the human rights of the Indigenous Peoples have been significantly eroded and will remain so until there is common awareness of the dispossession and marginalisation they experience. In 2014, the Commission, through the **Inquiries Division**, hopes to continue addressing the issues on customary land, particularly by looking at more appropriate ways of handling, investigating and resolving complaints.

3

CHAPTER

REPORT OF RESEARCH AND POLICY DEVELOPMENT GROUP

- Research and Policy Development Division
- International Coordination Division

I. RESEARCH AND POLICY DEVELOPMENT DIVISION

Human rights that do not apply to everyone are not human rights at all.

Volker Beck

To improve the efficacy of research, the Commission has combined its research and policy development functions under a single unit, now known as the Research and Policy Development Division. During the year, it undertook research to back the Commission's thematic areas of work. These involve the right to education of children with learning disabilities; and the rights of older persons in relation to care services and support for caregivers.

1. THEMATIC AREAS

(a) Right to Education of Children with Learning Disabilities

The Commission undertook to study issues concerning the right to education of Children With Learning Disabilities (CWLD).¹ While much effort has been put into increasing the enrolment of children with disabilities, it is observed that more attention is being directed to the needs of children with visual or hearing impairment.² It is a matter of concern that many CWLD appear to be excluded from primary education. Being a State Party to the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), Malaysia is obliged to ensure that children with disabilities have an equal right to education.

The Commission takes cognizance of the Government's initiatives outlined in the Malaysia Education Blueprint 2013-2025 (Preschool to Post-Secondary Education), with the aim of enrolling 75% of students with special needs in inclusive programmes by 2025. The target is consonant with the aim of the Commission's study on increasing the number of CWLD who receive quality, inclusive primary education.

¹ Learning disabilities in Malaysia cover eight areas of disability such as Down Syndrome, mild autism, Attention Deficit Hyperactivity Disorder, Attention Deficit Disorder, mild mental retardation, global development delay and specific learning disabilities like dyslexia.

² Yeo Swee Lan in her thesis, 'Self-Advocacy Movement of Persons With Learning Disabilities: A Case Study In The Malaysian Context', observed that '...people with LD are the most neglected ones with regard to statutory or government-provided educational and training opportunities. While schools for the Blind and Deaf were set up in the 1950s, formal education for students with LD in the government schools began only in 1988'. Available at http://www.unitedvoice.com.my/pdf/ysl_dissertation.pdf

This was conducted to:

- (i) Raise awareness among education professionals, decision makers and the public in relation to challenges faced by CWLD in accessing primary education;
- (ii) Identify gaps in information on education for CWLD in order to build support for such education; and
- (iii) Build bridges between government agencies and civil society so as to promote participatory, transparent and accountable policy-making in the education sector.

While much effort has been put into increasing the enrolment of children with disabilities, it is observed that more attention is being directed to the needs of children with visual or hearing impairment.

The Commission conducted activities to gather information and identify issues. These included field visits to schools with integration programmes and to schools run by Non-Governmental Organisations (NGOs) to observe the teaching of, and lessons for, CWLD (Table 1); public fora on the right to education of CWLD; and teacher-training workshops.

Table 1: Visits to Schools, 2013

NO.	LOCATION	DATE
1.	SK Kolombong, Sabah	6 March
2.	Seri Mengasih Centre, Kota Kinabalu, Sabah	7 March
3.	PERKATA Special School, Kuching, Sarawak	10 April
4.	SK Gita 2, Kuching, Sarawak	10 April
5.	PIBAKAT, Kuching, Sarawak	11 April
6.	SK Hutan Melintang, Hutan Melintang, Perak	17 July
7.	Bethany Home, Hutan Melintang, Perak	17 July
8.	SK Ayer Hitam, Pulau Pinang	18 July
9.	Handicapped Children's Centre, Air Itam, Pulau Pinang	18 July
10.	SK Serian, Serian, Kuching	23 July
11.	SK Bukit Bandaraya, Kuala Lumpur	29 July
12.	SK(P) Jalan Batu, Kuala Lumpur	26 August
13.	SK(L) Jalan Batu, Kuala Lumpur	26 August
14.	PDK Selayang, Kuala Lumpur	12 September

Based on the visits, the Commission flagged a number of issues for attention:

- While noting that the overall classroom conditions in government schools are acceptable, the Commission is of the view that classrooms for CWLD should be more spacious to make learning conducive. It was noted that, in some of the schools visited, classrooms for special education were separated by thin walls made of plywood, or by bookshelves. This is unlike the classrooms in NGO-operated centres where the classrooms were found to be more spacious.
- Although the majority of teachers in special education classes are trained and have the appropriate qualifications, there were instances where teachers without special education training were being deployed. Although they were required to attend a one-off three-day special education course, the majority were not provided with comprehensive, intensive and continuing training to develop their teaching skills.
- In 2004, the Ministry of Education (MOE) had introduced the post of teachers' aide to assist special education teachers in class. The Commission observed the urgent need for the MOE to put in place a structured training course for these aides to ensure that they understand their roles, appreciate the special needs of each group of students and are exposed to basic knowledge of special education.
- There appears to be some confusion among special education teachers on the mechanism to evaluate the performance of CWLD under the new *Pentaksiran Berasaskan Sekolah* (School-based Assessment) system. Some teachers claimed that modification is needed to reflect the achievements of these students.
- The Commission noted the importance of other facilities required by CWLD to assist their physical and emotional development, including a 'snoezelen' room and facilities for speech and occupational therapy. These were absent in most, if not all, government schools visited. In contrast, many NGO-run centres are equipped with such facilities, sponsored by the private sector under corporate social responsibility (CSR) initiatives.

(ii) Forum on the Right to Education of CWLD

Three sessions were held – in Kuala Lumpur on 22 April; in Kota Kinabalu, Sabah, on 23 September; and in Kuching, Sarawak, on 25 September. The forum was to:

- Ascertain issues and challenges faced by CWLD and their parents in accessing primary education;
- Provide stakeholders an opportunity to express their views on the right to education of CWLD;
- Examine laws, policies and government practices in the delivery of the target group's right to education; and
- Identify concerns and draw up strategies and recommendations to promote and protect the right to education of CWLD.

Each forum was divided into two sessions. The first looked at experiences and challenges of CWLD, as described respectively by a student and a Special School teacher. The second session examined laws, policies and best practices by the relevant agencies for CWLD.

Representatives of government agencies like the MOE, Ministry of Health, and the Welfare Department were invited as speakers. Other panellists comprised teachers, parents of CWLD, members of NGOs and CWLD. The forum was well received in each location, with lively discussions that highlighted issues of concern.

- There was concern over the admissions criteria for special education programmes as outlined in the Education (Special Education) Regulations 1997 under which only children who are educable and able 'to manage themselves without help' are eligible for three types of programmes in government schools. However, the Commission notes that the criteria have been omitted in the Education (Special Education) Regulations 2013, adopted in July.
- The ambiguity of admission procedures for special education programmes was raised. While the MOE appears to have a standard admission procedure, its implementation seems to be shrouded in uncertainty, in particular on the role of other government agencies such as the Ministry of Health and the Welfare Department. Parents called on the MOE to ensure that the procedures are publicised, and to enhance inter-agency collaboration so as to secure the interests of the children.
- It was suggested that early intervention programmes be increased and enhanced for CWLD. These are pertinent to ensure their smooth integration into the mainstream education programme, which would facilitate their education and development.
- Priority should be given to upgrading school facilities to suit the special needs of CWLD. These should include spacious classrooms, provision of appropriate teaching materials and the building of sensory and/or 'snoezelen' rooms. In noting that some facilities would require a larger budget, the Commission strongly recommends collaboration between the Government and the corporate sector, to encourage CSR by sponsoring facilities in special schools.
- Calls were made to increase the number of schools offering special education programmes, particularly in rural areas. Most programmes are now being offered in urban or suburban areas. Arguably, parents in rural areas may send their special needs children to a Community-based Rehabilitation Centre (CBR). However, the CBR does not have the same role and functions as the special education programme. Therefore, CWLD should be educated in school as required by the CRC and CRPD.
- Parents should support the development of their children's education by engaging with teachers and schools.

- Paramount regard should be given to the placement of trained teachers in special education programmes. Continuity in training for these teachers and their aides should also be prioritised.



Panellists at the Forum on the Right to Education of CWLD in Kota Kinabalu, Sabah; (from left) Haji Ahmad Sabari Kamari, Head of Private and Special Education Sector, State Education Department; Datuk Dr Khaw Lake Tee, Vice-Chairman of the Commission; Dr Fauziah Zainal Abidin, Paediatrician, Women and Children's Hospital, Sabah; and Mrs Lily Chin, Assistant Director, Department of Community Development, State Welfare Department

(iii) Workshop on Human Rights for Special Education Teachers

Two teacher-training workshops were organised by the Commission's Education and Public Relations Group. These were held in Taiping, Perak, from 26-28 June for the Northern region; and in Cherating, Pahang, from 29-31 October for the Eastern Region.

(see Report on page 24)

In conducting its research, the Commission was pleased to receive cooperation and assistance from the MOE's Special Education Department and the Welfare Department of the Ministry of Women, Family and Community Development. In particular, they shared information and data relating to CWLD. As further consultation is required before the Commission can complete its report, another series of discussions will be held in 2014 with stakeholders, including government agencies and civil society groups.

(b) Rights of Older Persons

Attention to the rights of older persons is gaining prominence at the international and regional levels; hence, the Commission feels it important to promote these in Malaysia. The issue was identified as a priority area for the Division's work during the year. Given the length and breadth of issues relating to this set of rights and bearing in mind its own resource limitations, the Commission selected care services and support for caregivers as a practical entry-point. In time to come, it hopes to extend the focus to other areas including issues of discrimination in employment and access to healthcare services.

Several activities were carried out as part of the research, including consultations, visits to care institutions and half-day seminars (Table 2).

Table 2: Research on Rights of Older Persons, 2013

NO.	ACTIVITY	DATE
1.	Consultation on the Rights of Older Persons in Malaysia	4 February
2.	Visit to Rumah Seri Kenangan, Cheras, Kuala Lumpur	23 April
3.	Visit to Lecadia Primacare Centre, Pudu, Kuala Lumpur	23 April
4.	Visit to Old Folks Day-care Centre, Cheras, Kuala Lumpur	11 July
5.	Half-day Seminar on Care Services for Older Persons and Support for Caregivers, Kuala Lumpur	30 July
6.	Half-day Seminar on Care Services for Older Persons and Support for Caregivers, Kota Kinabalu, Sabah	24 September
7.	Half-day Seminar on Care Services for Older Persons and Support for Caregivers, Kuching, Sarawak	26 September

(i) Consultation on the rights of older persons

The objectives of consultation were to:

- Gather information on the existence of specific bodies which protect against age discrimination or are mandated to protect and promote the rights of older persons, if any;
- Examine the existence of laws and legal provisions prohibiting discrimination on the basis of old age;
- Analyse current laws, policies, practices and procedures as well as plans of action which have been adopted to ensure the equal enjoyment of rights by older persons, particularly in the areas of prevention and protection against violence and abuse, social protection, food and housing, employment, legal capacity, access to justice, healthcare support, and long-term and palliative care services; and
- Exchange views on the proposal for a UN and/or ASEAN Convention on Older Persons.

The 28 participants, comprising representatives of government agencies and NGOs, highlighted these issues:

- The unsuitable built environment of some facilities poses a major physical obstacle and challenge to older persons.

- Older persons are denied access to financial services, in particular loans. They are deemed as being not creditworthy because of their age.
- Many older persons have insufficient funds and need assistance to get through their retirement years. Those who were self-employed are most vulnerable to poverty in old age.
- Diabetes, hypertension and heart disease are the most common ailments suffered by older persons. Therefore, they require affordable and accessible healthcare services, including health screening.
- The distance to hospitals and clinics may cause transportation problems. As such, healthcare services should be made available within or near areas where older persons reside.
- It was noted that the Ministry of Health lacks human resources and funds, and that this has affected the delivery of services for older persons. The Commission is of the view that the Government should explore engagement with private medical operators under CSR initiatives.
- Training should be expanded for all medical officers, doctors, nurses and paramedics in dealing with older persons, to optimise delivery of healthcare services to this target group.
- Older persons are often stereotyped as being grumpy and prone to health problems, which are barriers for those wishing to re-enter employment.
- Implementation of the National Policy for Older Persons and Plan of Action for Older Persons and other related laws, policies and international obligations, including the CPRD which also applies to older persons, should be tightened to accord full protection of rights.

(ii) Visits to care centres

The Commission visited three types of care centres – respectively operated by the Government, a private entity, and the Council of Peninsular Malaysia Welfare Centre, an NGO, which receives partial government funding. This was to obtain an overview of services and the types of support available to caregivers; and to assess the suitability of such centres. Several issues were identified.

- Rumah Seri Kenangan, Cheras, Kuala Lumpur
The Government's initiative to establish the centre is commendable and the centre is ideally located. Nonetheless:
 - Certain parts of the building are not accessible to older persons, especially those in wheelchairs.
 - The Government should consider placing medical personnel at the centre to address any immediate health issues that arise.
 - Staff shortage is a serious problem that has affected admissions. It is suggested that recruitment be stepped up so that the centre is fully utilised.



The Commission's visit to Rumah Seri Kenangan, Cheras, Kuala Lumpur

- Lecadia PrimaCare Centre, Jalan Pudu, Kuala Lumpur
 - Due to Ministry of Health requirements, the centre has had to comply with standards set for hospices, resulting in higher operational costs. It is suggested that the Government subsidise a portion of the costs, such as water and electricity bills. Private centres should also be exempted from taxation.
 - Since the building is registered as a commercial premises, the tariffs for utilities are based on the commercial rate. The cost is then factored into fees paid by residents or their families, which affects affordability of care services.
- Old Folks Day-care Centre, Cheras, Kuala Lumpur

The Government could provide more assistance to the centre in terms of money or resources to support activities like training in information technology or languages. This could enable older persons to earn an income and continue contributing to society, while ensuring that their time at the centre is utilised effectively.

(iii) Half-day seminars

The three seminars, focusing on care services for older persons and support for caregivers, were held in the peninsula, Sabah and Sarawak to:

- Gain an overview of the care services provided by the Government, among other stakeholders;
- Identify the extent of support provided by the Government and other stakeholders to caregivers;
- Analyse existing challenges and issues that affect the standards of care provided in public and private care centres;
- Discuss the necessity of introducing national legislation to protect the rights of older persons; and
- Formulate practicable recommendations for implementation.



Participants at the Seminar on Care Services for Older Persons and Support for Caregivers, Kuala Lumpur

The seminar was divided into two sessions and involved panel discussions led by speakers representing the Ministry of Health and Welfare Department, civil society groups, the medical profession and academia. The participants were from government agencies, civil society groups, private care centres, academia and the medical profession. The discussions covered a range of issues:

- The Government has a role in providing care services for older persons and support for caregivers including NGOs, family-members and operators of private care centres. Concern was expressed about the limited number of the government-funded old folks' homes and senior citizens' activity centres, as well as financial aid for older persons.
- The Government is required to monitor private care centres under the Care Centres Act 1993 in the peninsula and Sabah. The standard of private care must be scrutinised, so that exploitation does not occur.
- There is a need to create public awareness of the rights of older persons, in order to protect their rights and provide quality care.
- The issue of long queues in public hospitals was reiterated alongside the shortage of gerontologists and primary healthcare practitioners.
- It was suggested that financial aid and technical support be provided to private caregivers, including operators of care centres and individuals. This is crucial if the intention is to move from government-based care to that provided by the community and private sector.
- Special privileges for older persons, such as discounts, should be expanded. At the same time, older persons should strive to be proactive and independent, in order to minimise their need for government aid.
- With regard to legal protection of the rights of older persons, views were split between enforcement of existing laws and introduction of new laws. Social and cultural factors were cited together with the parent-child relationship, which is personal in nature.

- The importance of an updated database was stressed to serve as a baseline in developing policies or laws to resolve issues linked to the rights of older persons.

(c) Business and Human Rights

Traditionally, the delivery of human rights has been the responsibility of the State. But the rapid growth of corporations and the impact of business on the lives of people have given rise to global debate on the roles and responsibilities of the business sector with regard to human rights.

In June 2011, the Human Rights Council had adopted the United Nations Guiding Principles on Business and Human Rights ('the Guiding Principles'). These were developed by Professor John Ruggie, the Special Representative of the UN Secretary-General on Business and Human Rights. They emphasise the duty of the State to protect human rights; ensure that other actors respect human rights; and ensure access to remedy in the case of violation of rights.

Traditionally, the delivery of human rights has been the responsibility of the State. But the rapid growth of corporations and the impact of business on the life of the people have given rise to global debate on the roles and responsibilities of the business sector with regard to human rights.

In Malaysia, the impact of business activities on human rights is becoming clearer. Many people are expressing concern about the arbitrary manner in which corporations carry out their activities. Their level of understanding of human rights and social responsibilities, and commitment to fulfilling these responsibilities, are still in their infancy. The Commission will therefore work on stepping up awareness programmes for the business sector, including government-linked companies.

(i) SUHAKAM-RWI Research Project

In late 2012, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) had given the Commission a grant to research 'The Role of SUHAKAM in Addressing Corporate Human Rights Violations: A Study on Logging and Plantation Industries in Malaysia'. The Commission selected the topic in light of issues raised during the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia (NI).

The Commission organised separate discussions with these industries and alleged victims – mainly involving the indigenous community – to gather input. The report was submitted to RWI on 19 December 2013, highlighting these findings:

- Indigenous Peoples (IP) alleged that plantation and logging companies have failed to respect and acknowledge their Native Customary Rights (NCR) to land. On many occasions, the companies had ignored or failed to consult the communities prior to the start of operations, thereby breaching the principle of free, prior and informed consent.

- IP believe that the companies have been able to easily manipulate them due to their own lack of education and understanding of human rights. It was also alleged that the companies had forged the signatures of IP in pursuing business activities.
- While IP had lodged reports with the relevant government agencies, they claimed that there has been no action and that their NCR rights have not been recognised. They also said they have limited access to remedy, especially through a non-judicial grievance mechanism.
- On a positive note, most of the plantation and logging companies have developed best practices in handling alleged human rights violations arising from their operations, especially in relation to migrant workers.
- Most companies, such as Sime Darby Plantation Sdn Bhd, United Plantation Sdn Bhd and Genting Plantation Bhd, are members of the Roundtable on Sustainable Palm Oil and are listed on Bursa Malaysia. This means they are already taking steps to integrate CSR as an ancillary pursuit to business undertakings.
- The Commission was led to understand that the companies comply strictly with domestic laws and procedures in matters involving land and IP.

The Commission's Recommendations

These were made in two parts.

1. The Commission's role in addressing corporate human rights violations
 - The Commission is to intensify its role in raising awareness of the impact of business on human rights, and in promoting the Guiding Principles among corporations.
 - The Commission is to conduct training and provide support to the management and employees of companies on implementing human rights best practices in their daily work.
 - The Commission, in collaboration with other stakeholders, is to come up with a monitoring mechanism on human rights violations in the corporate sector.
 - The Commission is to act as mediator in addressing allegations of human rights violations by companies.
 - The Commission is to hold a watching brief in court cases relating to allegations of human rights violations by companies.
2. Role of State and non-State actors
 - The State is the primary duty-bearer in preventing human rights violations by third parties, including companies. It should take steps to deter, investigate, punish and redress such abuse through effective policies, legislation and regulations.

- The State should enforce laws aimed at, or which have the effect of, requiring plantation and logging companies to respect human rights; it should periodically assess the adequacy of such laws and address any gaps.
- The State should ensure that other laws and policies governing the establishment and operations of plantation and logging companies – such as corporate law – do not constrain but enable respect for human rights.
- The State should take appropriate steps to ensure – through judicial, administrative, legislative or other appropriate means – that those affected by human rights violations in the plantation and logging industries, in particular IP, should have access to effective remedy.
- The State should offer tax incentives, corporate grants or other monetary reliefs to plantation and logging companies that respect human rights standards, while encouraging them toward voluntary compliance.
- The Commission recognises that plantation and logging companies have to be profitable, but notes that they should also respect human rights. In turn, this would promote the economic, social and cultural rights of the people. Therefore:
 - Human rights should be incorporated into business strategies and operations. Shying away from such responsibility may lead to loss of confidence among consumers, who are becoming more conscious of the importance of human rights. They are no longer just interested in product quality, but are also concerned about the social and environmental conditions behind the brand and production process. The corporate sector in Malaysia should embrace human rights values boldly in the interests of sustainability.
 - Plantation and logging companies must develop a code of best practice/conduct so that they can map out aspects that require improvement. This would minimise the risk of violating the human rights of parties affected by their operations, including IP.

- (ii) Impact of Trans-Pacific Partnership Agreement (TPPA) on human rights in Malaysia
- Principle 9 of the Guiding Principles requires the State – while providing investor protection – to retain adequate policy and regulatory ability to safeguard human rights when negotiating investment treaties, free trade agreements or contracts for investment. The Commission has been monitoring the negotiations on the TPPA to ensure that the Government puts in place safeguards as envisaged under of Principle 9.

As reported in the Commission's Annual Report 2012, a major source of dissatisfaction among interest groups has been the lack of public consultation. During the year under review, however, the Ministry of International Trade and Industry (MITI) took a positive step toward redressing this. On 1 August, it organised an open day to explain the rationale of Malaysia's participation in the TPPA negotiations and to obtain feedback.

The following concerns was raised:

- A proposal to strengthen intellectual property protection would extend the duration of patents and copyright, and introduce a provision on 'data exclusivity' as an administrative barrier to the marketing of generic medicines. These measures may delay the availability of generic medicines and cause the price of medicines to remain high for a longer period.
- With regard to the impact of liberalised trade, the lowering of tariffs or import taxes may cause problems for Malaysian companies, especially small-and medium-scale enterprises (SMEs), which would have to compete with cheaper imported items that are highly subsidised in the country of origin. In addition, reducing tariffs may cause many people to lose their jobs as SMEs do not have the same financial capacity as large companies to adjust to such changes.
- The Investor-State Dispute Settlement (ISDS) mechanism was established under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. The ISDS allows foreign investors to initiate dispute settlement proceedings against a host State. Under a TPPA proposal, multinational companies would effectively have the power to sue a country for laws that might diminish the value of their company or cut into their expected profits. They would therefore have the power to undermine domestic controls by the host State.

The Commission, which welcomes MITI's engagement with the public, also lauds an assurance by the Minister, YB Dato' Sri Mustapa Mohamed, that all concerns raised during the open day would be given consideration by the team of negotiators. He promised that more consultations would be held with stakeholders to share information on the progress of negotiations.

On 6 September, MITI organised a closed-door discussion and provided an update on the 19th round of the negotiations held in Brunei from 21-31 August. During the discussion, the Commission reiterated its call to the Government to ensure that all trade agreements are in line with obligations under UN treaties that Malaysia has signed – the CRC, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and CRPD.

2. OTHER ACTIVITIES

(a) Monitoring of State Implementation of International Treaties

(i) CEDAW

The Commission notes that the Government is late in submitting the 3rd, 4th and 5th State Reports to the CEDAW Committee. At a meeting with the Minister of Women, Family and Community Development on 10 October, the Commission was told that the Government planned to submit the three Reports by the end of the year. At the time of writing, this has yet to be done. The Commission has completed its Parallel Report which will be sent to the CEDAW Committee after the State Reports are submitted. The Commission urges the Government to expedite submission of the State Reports.

(ii) CRC

The Government is late in submitting the 2nd, 3rd and 4th State Reports to the CRC Committee. Nonetheless, the Commission has drafted its Parallel Report based on monitoring the Government's progress in implementing the CRC Committee's comments and recommendations in the 2007 Concluding Observations.

The draft Parallel Report highlights issues of concern, including the Commission's call to the Government to withdraw its remaining reservations to the CRC; to consider acceding to the third Optional Protocol on the CRC on a Communications Procedure; to bring laws in line with international standards in respect of protecting children against corporal punishment; and to safeguard the rights of children in vulnerable groups (including children with disabilities, indigenous children, asylum-seeking and refugee children, and stateless children) to education, health and restorative justice.

(iii) CRPD

Since its accession to the treaty in 2010, Malaysia has not submitted its initial State Report, which was due in 2012, to the CRPD Committee. At the time of writing, the Ministry of Women, Family and Community Development was still preparing the State Report.

Meanwhile, the Commission has begun drafting its Parallel Report based on its observation of the implementation of the rights of persons with disabilities (PWD) in relation to the Persons with Disabilities Act 2008; powers of the National Council for PWD; registration of PWD; access to public buildings and public transport; and rights to information, healthcare, housing and employment. In the final document, the Commission will reiterate its call for the Government to withdraw the remaining reservations to the CRPD and to ratify the Optional Protocol.

(b) Ratification of/Accession to International Treaties

The Commission has been consistent in urging the Government to accede to international human rights treaties. To date, however, Malaysia has only acceded to three of the nine core UN human rights treaties.

To move the process forward, the Commission organised separate discussions on the feasibility of accession to the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and International Convention on Elimination of All Forms of Racial Discrimination (ICERD). The discussions were to provide an overview of the treaties and obligations; analyse challenges and issues, including laws and policies that impede accession; and formulate practicable recommendations toward accession. Each discussion was divided into two sessions, respectively for civil society groups and the relevant government agencies.

(i) ICCPR discussion

The Commission met with civil society groups on 18 April and with government agencies on 22 August, in Kuala Lumpur.

Views were expressed on certain provisions of the ICCPR:

- Article 6 (Death penalty)
The Government's plan to review the mandatory death sentence for drug offenders was lauded as the crime is not considered a most serious crime, unlike murder. It was recommended that the Government consider a moratorium on the death penalty or commuting it to life imprisonment, especially for those who have been on death row for more than five years.
- Article 9 (Arbitrary arrest or detention)
It was felt that the Security Offences (Special Measures) Act 2012 could be exploited as the police have the power to detain anyone believed to be involved in security offences. For instance, section 4(5) states that a police officer above the rank of Superintendent may extend the period of detention for a maximum of 28 days for the purpose of investigation.
- Article 22 (Freedom of association)
Participants expressed concern that the Registrar of Societies has the power to refuse to register an association, under section 7 of the Societies Act 1966. It was agreed that such registration should be merely for administrative purposes and not to restrict freedom of association.

(ii) ICESCR discussion

The meeting with civil society groups was held on 27 March and with government agencies on 22 August, in Kuala Lumpur. The discussion centred on several issues:



ICESCR discussion with NGOs in Kuala Lumpur

- Article 13 and Article 14 (Right to education)
The MOE has introduced the Literacy and Numeracy Screening scheme to address the high illiteracy rate among students. However, the use of Bahasa Melayu as the medium language of instruction has contributed to the slow increase of literacy among Orang Asli/Asal students. It was suggested that teachers should equip themselves with basic knowledge of Bahasa Orang Asli/Asal, to assist students to better understand lessons.

- Article 12 (Right to health)
 - In developing healthcare services, the Government is seen as treating this as a commodity rather than an essential service. It was pointed out that the right to health is interrelated with the right to decent work, education and poverty.
 - There is unequal distribution of healthcare services, particularly in remote areas where the Orang Asli/Asal live. It may seem that overall healthcare services have improved, as evident in the increase in life expectancy. However, disaggregated data, based on geographical areas and on gender and ethnic groups, indicate otherwise.
- Article 11 (Right to adequate housing)
 - Concern was raised in relation to the building of houses for the Orang Asli/Asal, as this does not take into account their cultural identity and way of life.
 - The right to adequate housing includes the need for a location which allows access to employment options, healthcare services, schools, childcare centres and other social facilities. However, indigenous communities who have been relocated from the site of the Bakun Dam in Sarawak face several problems. Their houses are claimed to be of poor quality, while basic facilities such as a school or clinic are lacking. The villagers are forced to travel to the Sungai Asap resettlement area, which is some distance away, to access such facilities.
- Right to form a family life
Lesbian, gay, bisexual and transgender couples in Malaysia are not allowed to legally adopt children. This violates their right to form a family. Migrant workers are similarly not permitted to enter into marriage during their stay in Malaysia.
- Right to culture
The Local Government Act in Kelantan and Terengganu prohibits certain cultural activities such as *Mak Yong* performances. In addition, Muslim women above the age of 18 are not allowed to participate in any cultural performance or activity.
- Right to education
The number of refugee children is increasing in Malaysia. Domestic laws do not recognise their right to education.
- Right to work
There is discrimination against the Orang Asli/Asal who receive much lower wages than migrant workers.
- Rights of migrant workers
 - The Malaysian Trade Unions Congress has urged the Government to formulate a law to protect migrant workers from irresponsible employers, but the response has not been encouraging. At the same time, enforcement of current laws is weak. For example, even with the Workmen's Compensation Act 1952 (Act 273), there are many cases where migrant workers have not received compensation.

- ° Government hospitals and clinics impose high charges on migrant workers who seek treatment. Most of them are low-income earners who are also burdened with having to pay a levy.
- ° Living quarters provided by employers for migrant workers are generally in poor condition and lack proper sanitation facilities.

(iii) ICERD discussion

Separate discussions were held in Kuala Lumpur on 3 April for the two stakeholder-groups. They highlighted these issues:

- Special privileges of Bumiputeras under Article 153 of the Federal Constitution could be an issue in Malaysia's accession to the ICERD although it was argued that this could be reconciled with the provision allowing for 'special measures'.
- Policies giving preference to Bumiputeras may be construed as amounting to discrimination. These relate to business, education, employment in the public sector and property ownership.
- Some laws may be deemed discriminatory, in particular those involving ownership of Malay Reserve land and restrictions on land ownership in certain states – for example, Sarawak and Kelantan limit ownership to people of these states.
- Most Malays believe that human rights principles contradict Islamic teachings and hence are not relevant to Malaysia. It was also noted that Islam should not be used as a shield. It is incumbent upon civil society groups to educate the public on the compatibility of human rights principles and Islamic teachings, while experts in the fields of Syariah law and human rights should examine issues that arise.
- There is need for political will and transparency to ensure that special measures reach the target groups and are not abused by the elite.

The Government has set up Technical Sub-Committees to study the feasibility of becoming a State Party to the ICESCR, ICCPR, ICERD and Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT). The Commission hopes to engage actively with the Sub-Committees. While respecting the Government's stand that all domestic laws and policies should be in full compliance with treaty obligations prior to accession, the Commission is of the view that immediate steps must be taken to review all applicable laws and policies.

(c) The Commission's Role in Court

The Commission held a watching brief in a case involving an application for the custody of an adult person with learning disabilities. As this was the first time a case of this nature had come to its attention, the Commission saw it pertinent to assist the court in applying relevant principles of the CRPD – Article 23 deals with respecting the rights of PWD to marriage, family

and parenthood; and Article 19 emphasises respect for the rights of PWD to live, participate and be included in a community. Mr Andrew Khoo, a lawyer from the Bar Council, represented the Commission. The case is in progress.

The Commission also held a watching brief in *Chayed bin Basirun & 5 Ors v Noorfadilla binti Ahmad Saikin* at the Court of Appeal. This involved an appeal by the Government against the decision of the Shah Alam High Court delivered in 2011. It had ruled that the Government's revocation of an offer of employment as temporary teacher to Noorfadilla Ahmad Saikin due to her pregnancy was unconstitutional and a breach of Malaysia's commitments and obligations as a State Party to the CEDAW. The Commission was represented by its Vice-Chairman Datuk Dr Khaw Lake Tee and Mr Andrew Khoo, a lawyer from the Bar Council. On 27 June, the Government withdrew its appeal, a move that was complimented by many, including the Commission.

(d) Review of Laws

Ministers and senior officials have previously stated that the Commission and civil society groups would be consulted in the Government's law review and policy planning processes. In reality, and particularly during the year under review, the Commission was not consulted in any of these processes. It therefore reiterates that Article 2 of the Paris Principles requires a National Human Rights Institution (NHRI) to be given appropriate mandate to provide opinions and recommendations to the Government, Parliament or other responsible organs on legislative or administrative matters. This is aimed at encouraging the harmonisation of national legislation and practices with international human rights instruments, as well as ensuring effective implementation.

The Commission studied five of the Amendment Bills introduced during the year.

(i) Prevention of Crime (Amendment and Extension) Act 2013

While reiterating its support for the Government's efforts to tackle serious crime, the Commission has reservations about amendments to the Prevention of Crime Act 1959, as reflected in the Prevention of Crime (Amendment and Extension) Act 2013. The Commission is of the view that some provisions, in particular those relating to detention without trial and legal representation, are inconsistent with fundamental human rights principles as enshrined in the Federal Constitution and the Universal Declaration of Human Rights (UDHR).

An amendment to section 9(1) makes it a requirement for inquiry reports to be submitted to the Prevention of Crime Board (Board) instead of the Minister. However, the Commission takes a serious view of the new sections 9(5) and 9A(2) which deprive the right of a person to legal representation as guaranteed by Article 5(3) of the Federal Constitution and Article 7 of the UDHR.

Section 7C empowers the Board to issue a detention order against a person who has committed two or more serious offences, whether or not he/she has been convicted, and merely on the sufficiency of evidence. The Commission is of the opinion that this violates a person's right to a fair trial and protection against repeated trials, as well as the rights to equality before the law and to be considered innocent until proven guilty, as stipulated under Articles 7(2) and 8(1) of the Federal Constitution.

Section 15A prevents judicial review of the Board's decision except on procedural matters, thereby denying the right of the aggrieved individual to access a court of law with all the guarantees necessary for his or her defence.

In the Government's efforts to combat crime, it is important to ensure that the laws enacted are progressive and not retrogressive in character. It must be kept in mind that Malaysia is a sitting member of the UN Human Rights Council; hence, the Government should uphold the highest standards in the promotion and protection of human rights. The Commission deems it important for the Government to review the amendments by taking into account these human rights principles, that:

- The detention must not be made arbitrarily;
- The detention must be based on grounds and procedures established by law;
- Information must be given on the grounds of detention; and
- The right to a fair trial and access to legal representation must be upheld and protected.

(ii) Penal Code (Amendment) Act 2013

The Commission welcomes the introduction of sections 326A, 352A and 375B and amendments to sections 376(2), 376B and 377CA of the Penal Code. These new provisions increase protection of women from domestic and sexual violence and are in line with the Government's obligations under the CEDAW. The amendment to section 377E, to increase the penalty for inciting a child to an act of gross indecency, fulfils obligations under Article 34 of the CRC, where the State Party is required to protect a child against all forms of sexual exploitation and sexual abuse.

However, the Commission is concerned that marital rape remains an exception under section 375. The Commission reiterates its call to criminalise marital rape. The CEDAW Committee in Concluding Comment No. 22³ has requested Malaysia to enact legislation criminalising marital rape. The definition is based on absence of consent from the wife:

- Article 16(1)(c)⁴ of the CEDAW is clear that both spouses have equal rights in a marriage. A wife is not under the authority of her husband or subservient to him.
- Article 2 of the UN Declaration on the Elimination of Violence Against Women, defines 'marital rape' as violence against women, which impairs upon a woman's right to the full enjoyment of human rights and fundamental freedoms.

The Commission echoes the concerns of many in regard to the introduction of section 203A. It provides for a new offence in relation to disclosure of information, carrying a penalty of fine or imprisonment or both. While noting the argument that the provision is necessary to curtail the leakage of information which could jeopardise national security, the Commission feels that this further limits the right to information. As such, the Commission calls on the authorities to ensure a fair balance between concerns of national security and the fundamental rights of individuals.

³ CEDAW/C/MYS/CO2

⁴ Malaysia has entered a reservation to this article.

(iii) Security Offences (Special Measures) (Amendment) Act 2013 (SOSMA)

The Amendment Act amended, among others, the First Schedule to SOSMA by including two new security offences: namely, organised crime under Chapter VIB of the Penal Code and smuggling of migrants under Part IIIA of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007. Looking at the framework and the objective of SOSMA,⁵ that is, to deal with terrorist activities, the Commission is the view that it would be more appropriate for the accused in cases of organised crime and smuggling of migrants to be investigated, charged and sentenced under the relevant laws for such offences.

(iv) Criminal Procedure Code (Amendment) Bill 2013

Among the amendments are the new clauses 265A, 265B and 265C which address the issue of witnesses who refuse to appear to testify for fear that their safety may be compromised if their identity is disclosed. The amendments allow for their evidence to be taken in a manner that they are not seen or heard by both the accused and the counsel. The amendments also allow for the distortion of their voice if they feel that there is danger of recognition.⁶

(v) Evidence (Amendment) Bill 2013

This seeks to provide for the admissibility of evidence given under the proposed section 265A of the Criminal Procedure Code (Amendment) Bill 2013 relating to a protected witness.⁷ The Commission accepts the merit of protecting a witness, but is of the view that the right of an accused person to a fair trial may be prejudiced in the face of such secrecy. It would deny the accused, through his/her counsel, judicial access to the witness.

As at the end of the year, Parliament had passed the Penal Code (Amendment) Act 2013, Security Offences (Special Measures) (Amendment) Act 2013, and Prevention of Crime (Amendment and Extension) Act 2013. However, these have yet to come into force. The Government withdrew the Criminal Procedure Code (Amendment) Bill 2013 and the Evidence (Amendment) Bill 2013 in order to fine-tune the proposals.⁸ The Commission welcomes the move and hopes that it will be consulted during the review process.

(e) Anti-Trafficking in Persons and Anti-Smuggling of Migrants (ATIP)

Malaysia was placed on the 'Tier 2 Watch List' by the US State Department in its Trafficking in Persons [TIP] Report 2013, for the fourth consecutive year. This was for failure to fully comply with minimum standards for the elimination of trafficking under the US Trafficking Victims Protection Act 2000. The Commission organised Roundtable Discussions (RTD) with NGOs and the diplomatic corps to discuss the continuing issue of trafficking in persons. It also visited a shelter for victims of trafficking in Sabah (Table 3).

On 3 September, the Commission assisted the Office of YB Senator Datuk Paul Low Seng Kuan, Minister in the Prime Minister's Department, to organise a dialogue with NGOs. The Commission applauds the Minister's commitment to assist in taking this matter to a higher

5 One controversial provision is the detention of a suspect for up to 28 days by the police and lack of judicial oversight when the detention period is extended up to 28 days.

6 Explanatory statement of the Criminal Procedure Code (Amendment) Bill 2013

7 Explanatory statement of the Evidence (Amendment) Bill 2013

8 Available at: <http://www.thestar.com.my/News/Nation/2013/12/05/Govt-withdraws-six-Bills-Move-to-allow-further-finetuning-of-proposed-laws.aspx/>

level. The Commission will monitor the development of issues and stands ready to assist the Government.

Table 3: Activities under ATIP, 2013

NO.	ACTIVITY	DATE
1.	RTD with NGOs to move the ATIP agenda forward	28 February
2.	Meeting with representative of the UN High Commissioner for Refugees to discuss issues in Malaysia	1 March
3.	Visit to shelter for female victims of human trafficking, Kota Kinabalu, Sabah	7 March
4.	Briefing by the US Embassy on the [TIP] <i>Report on Malaysia 2013</i>	23 July
5.	RTD with diplomatic missions in Malaysia	27 August
6.	Dialogue between NGOs and YB Senator Datuk Paul Low Seng Kuan, Minister in the Prime Minister's Department	3 September

The Commission's Recommendations

1. The Government should strengthen its mechanisms in prosecuting offenders, protecting victims and deterring human trafficking. This should be done in partnership with civil society groups and diplomatic missions, as well as international and regional stakeholders.
2. NGOs should be provided an avenue to offer expertise to the Council for ATIP, since many victims are more inclined to approach members of civil society for assistance.
3. All victims should be given an immediate health check upon arrival at a shelter, as well as receive regular visits by medical personnel.
4. A dedicated court should be established to expedite the resolution of cases pertaining to ATIP. Victims should be informed of the status of their case.

(f) Amendments to the Human Rights Commission of Malaysia Act 1999

In 2012, the Commission had recommended an amendment of its power to visit places of detention to allow for unscheduled visits. In 2013, the Commission reiterated the proposal.

It further recommended that the Government consider its proposals on the selection and term appointment of Commissioners; whether to appoint full-time or part-time Commissioners; power to intervene in court cases; power to undertake mediation; debate on the Commission's report in Parliament; and to consult the Commission on formulation and amendment of laws.

II. INTERNATIONAL COORDINATION DIVISION

People are equal, like the teeth of a comb.

**Nabi Muhammad (peace be upon him),
reported by Al-Albani**

The International Coordinating Division is the focal point for the Commission's engagement and interaction with its counterparts in other countries, as well as with international, regional and sub-regional bodies dealing with the promotion and protection of human rights.

Over the year, the Commission assumed the Chairmanship of the Commonwealth Forum on National Human Rights Institutions. It also played an active role *vis-a-vis* Malaysia's second review under the Universal Periodic Review process, among other functions.

1. INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (ICC)

A number of important developments took place in relation to the ICC, the international body representing National Human Rights Institutions (NHRIs) worldwide. In May, Advocate Lawrence Mbedle Mushwana, Chairperson of the South African Human Rights Commission, took over the Chair of the ICC from Dr Mousa Burayzat, Chairman of the Jordanian National Centre for Human Rights. Advocate Mushwana, who represents the African region, will serve for three years.

The ICC made a significant achievement when its members adopted the revised text of the General Observations of the ICC Sub-Committee on Accreditation (SCA). The ICC exercises an accreditation system, supervised by the SCA, to promote NHRIs' compliance with the Paris Principles. These underline principles and standards to which NHRIs must adhere in order to ensure effectiveness and independence in promoting and protecting human rights.

In May, the revised text of the General Observations was adopted, leading to a more rigorous accreditation system and raising the bar for NHRIs.

A set of General Observations has been developed over the years to serve as a more detailed interpretation of the Paris Principles and to further guide the SCA in assessing NHRIs. The revised text of the General Observations was adopted in May, leading to a more rigorous accreditation system and raising the bar for NHRIs. The Commission believes that this reflects the evolving nature of the ICC accreditation system, and will entail a lot more effort by NHRIs to strengthen their mandate and enhance efficacy in discharging their duties.

The ICC adopted three new General Observations relating to the quasi-judicial competency of NHRIs, assessment of NHRIs as national preventive and national monitoring mechanisms, and assessment of the performance of NHRIs.

The Commission's founding legislation – the Human Rights Commission of Malaysia Act (Act 597) – was amended twice in 2009 to address the SCA recommendations in the Commission's last re-accreditation exercise. Essentially, the amendments were in relation to the tenure, composition and appointment process of Commissioners.

Since then, the Commission has been mulling additional amendments to strengthen Act 597 and widen its mandate and powers. It plans to submit a proposal to the Government to bring amendments into force to:

- Strengthen the selection process of Commissioners;
- Appoint full-time and/or part-time Commissioners;
- Increase the period of the Commissioners' term;
- Enable the Commission to conduct unannounced visits to places of detention;
- Enable the Commission to undertake mediations;
- Formalise a consultation process by the Government with the Commission in the formulation or amendment of laws;
- Ensure that adequate funds are allocated to the Commission annually via Parliament;
- Enable the Commission to play an *amicus curiae* role in selected court cases that involve alleged human rights violations; and
- Ensure that the Commission's Annual Report is debated in Parliament.

Although the Commission's 'A' status under ICC accreditation will not be reassessed by the SCA until 2015, the proposed amendments are in line with the spirit of the accreditation process. On account of this, and to foster better results in upholding human rights, the Commission deems these amendments necessary and hopes that the Government will give due consideration to the proposal.

The Commission attended the ICC Annual Meeting held in May at the United Nations Office in Geneva, Switzerland. Discussion of the thematic human rights issues included:

- 20 years – the Vienna Declaration and Plan of Action, the Paris Principles and the ICC;
- Report of the Special Rapporteur on Human Rights Defenders;
- Follow-up to the Amman Declaration on Rights of Women and Girls;
- Post-2015 Agenda and the Role of NHRIs; and
- Right to Participation.

The Commission, in its capacity as an ICC Bureau Member, participated in the Bureau Meetings held in Geneva, Switzerland, in May and in Accra, Ghana, in November. The Commission's Chairman, Tan Sri Hasmy Agam, attended the meeting in Accra. It adopted several resolutions to strengthen the organisational structure, and to formalise internal processes relating to finances and staff management. The ICC Strategic Plan for 2014-2016 and the ICC Implementation Plan for 2014 were also discussed.

The Commission believes that active engagement with the HRC is essential to engender more meaningful deliberations on human rights issues among member-states and stakeholders at the UN level. Input by NHRIs is needed to inform the discussions and to provide a more accurate perspective of the human rights situation on the ground.

2. HUMAN RIGHTS COUNCIL (HRC)

The Commission continued its engagement with the HRC by submitting two video statements to the 24th Regular Session held in September. The statements were in relation to the Summary Report of the Consultation on the Promotion and Protection of the Human Rights of Older Persons, and the Report of the Special Rapporteur on the Rights of Indigenous Peoples: Extractive Industries and Indigenous Peoples.

Video, written and oral statements are among the forms of contributions made by NHRIs. These are crucial in increasing and enhancing the visibility and recognition of NHRIs in the HRC.

In its statement on older persons, the Commission stressed that, while existing human rights instruments and standards can serve as a framework in addressing such rights, it is of the view that the development of a specific international convention on older persons is befitting. This would reinforce standards and provide for a more focused and integrated mechanism, leading to greater respect and fulfilment of the human rights of this target group.¹

The Commission's statement on Indigenous Peoples² highlighted the importance of recognising their right to customary land, the principle of free, prior and informed consent, and the adoption of a human rights-based approach to development in ensuring that the rights of Indigenous Peoples are protected. The Commission also called on the Government to give serious and urgent consideration to adopting and implementing the recommendations in the Report of the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia. The two statements were well-received by stakeholders and the Commission's counterparts from other countries.

¹ See Appendix II for transcript of the Commission's video statement on older persons

² See Appendix II for transcript of the Commission's video statement on Indigenous Peoples

The Commission believes that active engagement with the HRC is essential to engender meaningful deliberations among member-states and stakeholders at the UN level. Input by NHRIs is needed to inform the discussions and provide a more accurate perspective of the human rights situation on the ground. The Commission sees the independent participation rights granted by HRC to NHRIs as an invaluable privilege that should be utilised as much as possible. It will therefore continue to submit contributions.



Screen capture of the Chairman's video statement on older persons, delivered at the 24th Session of the HRC

While the Commission commends the Government and the Ministry of Foreign Affairs for inviting Mr Olivier De Schutter and facilitating his visit, it calls upon the Government to extend an invitation to other Special Rapporteurs, some of who have repeatedly requested to carry out visits.

One mechanism under the HRC involves the Special Procedures, which seek to provide expert advice and publicly report on thematic human rights issues of a given country. Designated experts – often known as Special Rapporteurs – conduct country missions upon the invitation of the respective Governments and offer advice and recommendations.

Malaysia extended an invitation to the Special Rapporteur on the Right to Food, Mr Olivier De Schutter. During his visit in December, the Special Rapporteur held discussions with stakeholders including the Commission. While the Commission commends the Ministry of Foreign Affairs for facilitating his visit, it calls upon the Government to similarly extend an invitation to other Special Rapporteurs, some of who have repeatedly requested to carry out visits.

3. UN RESOLUTIONS ON NHRIs

Two resolutions relating to NHRIs were adopted by consensus at the HRC and the UN General Assembly (UNGA) respectively. These were instrumental in promoting acknowledgement of NHRIs at the international level.

Building on the practice of 2011 and 2012, the HRC, at its 23rd Regular Session in June, adopted a third resolution on NHRIs (A/HRC/RES/23/17).³ Sponsored by Australia, it reiterated recognition of the increasingly important role of NHRIs in promoting and protecting human rights,

3 Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/23/17

especially in mechanisms of the HRC such as the Universal Periodic Review (UPR), special procedures and treaty bodies. The resolution encouraged NHRIs to intensify their engagement with these processes, *inter alia*, by submitting Parallel Reports and other relevant information. It underscored the role of NHRIs in promoting gender equality and in advancing women's rights, and eliminating discrimination as well as violence against women and girls.

NHRIs should be allowed to participate independently in any UN forum related to human rights.

The UNGA, at its 68th Session in New York, adopted a resolution on NHRIs which, in essence, was based on the UN Secretary-General's Report on NHRIs, which is presented biennially. The thrust of the UNGA resolution was to bolster recognition of NHRIs and its coordinating body, the ICC, as key actors in the promotion and protection of human rights. It requested the UN Secretary-General to focus, in his next report, on the participation of Paris Principles-compliant NHRIs in UNGA and other related UN fora, with a view to exploring the feasibility of granting independent participation rights to NHRIs in these mechanisms.

Unlike at the HRC, NHRIs currently do not enjoy the privilege of participating independently in most of the New York-based UN fora, including the Commission on the Status of Women and the Open-Ended Working Group on Ageing, all of which serve as important avenues for deliberations on human rights issues.

The Commission is of the opinion that there should not be any distinction in the granting of independent participation rights to NHRIs among the different mechanisms within the broader UN system. NHRIs should be allowed to participate independently in any UN forum related to human rights. It views the adoption of both resolutions, in particular the UNGA resolution, as an initial but crucial step towards achieving independent participation rights for NHRIs in all UN fora.

Despite receiving wide cross-regional support and co-sponsorship by numerous developed and developing countries, both resolutions were not co-sponsored by Malaysia.

The Commission finds the Government's stance regrettable and is puzzled by this lack of support. It is not in keeping with the Government's commitment, delivered at its second UPR in October, to continue advancing the promotion and protection of human rights. While the Commission is mindful that an NHRI should focus on domestic issues, input by NHRIs at the UN level is imperative for informed discussion. In this regard, Malaysia's co-sponsorship would have reinforced the resolutions and would have been the right position for a country that is a member of the HRC and which is campaigning for a seat on the UN Security Council.

While the Commission is mindful that a NHRI should focus on domestic issues, input by NHRIs at the UN level is imperative in encouraging more meaningful and informed discussion.

Therefore, the Commission recommends that the Government, under the leadership of the Ministry of Foreign Affairs, play a more robust role on the international stage in advocating greater recognition of NHRIs.

4. COMMONWEALTH FORUM ON NATIONAL HUMAN RIGHTS INSTITUTIONS (CFNHRI)

CFNHRI is a platform for national accountability mechanisms to establish networking and share information through experiences and best practices on human rights. In May, the Commission became the Chair of CFNHRI after the Australian Human Rights Commission ended its two-year term. The Commission will serve for two years until the next Biennial Meeting, scheduled to take place in March or May 2015. The Commission looks forward to its tasks, including organising meetings, coordinating and drafting input for statements, administering the website, and facilitating projects on thematic issues.

In May, the Commission attended the CFNHRI Biennial Meeting held in Geneva. It had the opportunity to share with other members its activities on the rights of older persons, involving care services for this group and support for caregivers.

In conjunction with the Commonwealth Heads of Government Meeting (CHOGM) held in Colombo, Sri Lanka, in November, the CFNHRI submitted a Communiqué for the consideration of leaders. The CFNHRI Communiqué,⁴ drafted by the Commission with input from other members, highlighted the importance of:

- Recognition of NHRIs and the CFNHRI
- Appointing a Commonwealth Commissioner for Democracy, Rule of Law and Human Rights
- Business and human rights
- Human rights and climate change
- Post-2015 Development Agenda
- Rights of persons with disabilities, older persons, women and children
- Issues of sexual orientation and gender identity
- Issues of human rights and mass violence

The Commission hopes that the input provided by Malaysia and the Commonwealth will be based on principles of human rights, in particular the human rights based-approach to development.

Although the leaders, through the CHOGM Communiqué,⁵ made reference to several of these issues, the Commission was discouraged to note that such references did not address the substantive recommendations posed by the CFNHRI. For example, while the leaders acknowledged the importance of establishing and strengthening NHRIs, they did not explicitly recognise NHRIs and the CFNHRI as instrumental stakeholders and partners in promoting and protecting human rights.

⁴ Available at: <http://cfnhri.org/wp-content/uploads/2013/12/CFNHRI-Communique-to-CHOGM-20133.pdf>

⁵ Available at: http://thecommonwealth.org/sites/default/files/news-items/documents/CHOGM%202013%20Communique_2.pdf

Nevertheless, the Commission is pleased that the Prime Minister of Malaysia committed to providing input for the formulation of a Commonwealth Statement on the Post-2015 Development Agenda. This aims at providing the Commonwealth perspectives and recommendations in shaping and determining the Post-2015 Development Agenda. The Commission hopes that the input provided by Malaysia and the Commonwealth will be based on principles of human rights, in particular the human rights based-approach to development. The Commission also calls upon the Government, in preparing its input, to engage in broad and meaningful consultation with stakeholders including civil society groups to ensure that their views are heard and reflected.

5. UNIVERSAL PERIODIC REVIEW (UPR)

The UPR, established by UNGA Resolution 60/21 and further supported by HRC Resolution 5/1, is now in its second cycle. Malaysia's human rights record was reviewed in October, for the second time since 2009.

The Commission played an active role in the process, both prior to and after the second review. One role of a NHRI is to inform the UPR Working Group about the country's human rights situation. In March, the Commission submitted its independent report,⁶ also known as a Stakeholder's Report, which highlighted its views and observations on various human rights issues, ranging from accession to international human rights treaties and the National Human Rights Action Plan (NHRAP) to rights of marginalised groups and other emerging issues, such as business and human rights and rights of older persons.

The Commission adopted its Plan of Action for Malaysia's Second UPR cycle, underlining the Commission's plans and proposed activities for the second cycle of Malaysia's UPR, which will last for another four and a half years

In preparing its report, the Commission conducted a series of consultations with stakeholders including government agencies and civil society groups to obtain input and feedback. While most of the meetings were held in 2012, three were held with media representatives in February 2013.

The Commission adopted its Plan of Action in September which outlines plans and proposed activities for the second cycle of Malaysia's UPR over the next four and a half years up to 2018. Among the activities proposed are a nationwide campaign to raise public awareness and understanding of the UPR and the Government's commitments under this mechanism, more active engagement with the media, and the Commission's participation in Malaysia's review in Geneva.

The Commission held a briefing session for the diplomatic corps in Malaysia on 27 August, with these objectives:

- (i) To alert participants to Malaysia's second UPR;

⁶ See Appendix II for the Commission's Independent Submission to Malaysia's UPR

- (ii) To share the Commission's submission for Malaysia's second UPR;
- (iii) To share the Commission's views and observations on the implementation of recommendations received by Malaysia during its first UPR, and on the current human rights situation; and
- (iv) To offer guidelines on how UN member-states can make more meaningful recommendations for Malaysia's second UPR.

Representatives from 23 embassies – including those from countries that served as the Troika of Rapporteurs for Malaysia, namely Japan, Kenya and Switzerland – attended the briefing.

The second review on Malaysia took place on 24 October in Geneva. During the session, also known as the Interactive Dialogue,⁷ the Government delegation headed by Datuk Ho May Yong, Deputy Secretary-General of the Ministry of Foreign Affairs, presented the National Report and other updates on the human rights situation. The National Report, which serves as a key reference document for the UPR process, enumerates the steps and measures taken by the Government to implement recommendations received during the first UPR. The delegation focused on, among others, the Government Transformation Plan and the Economic Transformation Plan, deemed by the Government as key initiatives in promoting and protecting human rights in Malaysia.

The Interactive Dialogue saw 104 UN member-states making comments and recommendations to the Government of Malaysia. While many of the comments were complimentary, some expressed concern.

In the interests of advancing the promotion and protection of human rights, the Commission is of the view that more critical and constructive suggestions would have been more beneficial to the States under review, including Malaysia.

The Commission was disappointed to note the absence of comment or recommendations on issues involving business and human rights.

The Commission acknowledges that the Interactive Dialogue is a diplomatic exercise of peer review, where Government delegations often make gentle comments and recommendations to one another in the spirit of collegiality. Nevertheless, in the interests of advancing the promotion and protection of human rights, the Commission is of the view that more critical and constructive suggestions would have been more beneficial to the States under review, including Malaysia. The Interactive Dialogue would also be more meaningful if its format could be reviewed to allow for an in-depth examination and analysis of the human rights situation to be carried out.

Malaysia received 232 recommendations, some of which were similar to those it received in 2009. Accession to international human rights treaties, engagement with UN treaty bodies and special

⁷ Webcast available at: <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/17th-upr/watch/malaysia-review-17th-session-of-universal-periodic-review/2767540103001>

procedures topped the list, followed by issues relating to the death penalty, economic, social and cultural rights including the right to healthcare and education, and poverty eradication. Other recommendations pertained to the rights of marginalised and vulnerable groups, anti-trafficking in persons, freedom of expression and opinion, freedom of association and peaceful assembly, and freedom of religion.

The Commission was disappointed to note the absence of comment or recommendations on issues involving business and human rights. While the Government is seen as the primary custodian of human rights, there is a need for State actors to acknowledge the role and responsibility of non-State actors, especially business entities, to observe human rights principles and standards in their daily operations. The UPR would have been an opportune venue to highlight this point.

In spite of this prerogative, the Commission urges the Government to support as many practical recommendations as possible with a view to implementing them before Malaysia's third UPR in 2018, to achieve a more desirable standard of human rights promotion and protection.

The Government is due to announce which of the 232 recommendations it will support by 20 March 2014, at the 25th Regular Session of the HRC when the formal adoption of Malaysia's UPR Outcome Report will take place. By supporting a recommendation, the Government commits to fulfilling and executing the recommendation. Under the UPR, the State under review is allowed to either support or not support individual recommendations. In spite of this prerogative, the Commission urges the Government to support as many practical recommendations as possible with a view to implementing them before Malaysia's third UPR in 2018, to achieve a more desirable standard of human rights promotion and protection.

In connection with this, the Commission plans to meet with the Government prior to the 25th Session of the HRC to discuss the UPR recommendations and to provide input on which of the recommendations the Government should prioritise during the course of the second UPR cycle. The Commission also intends to meet with stakeholders, including civil society groups, to seek their views.

The second UPR received more coverage in the local media than the first. The Commission is appreciative of this as it facilitates greater awareness of, and interest in, the UPR process in particular and human rights in general. The Commission hopes that the media will continue to take an active interest in human rights issues.

6. ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS (APF)

The Commission participated in activities organised by the APF, especially those related to training and capacity building. Among these were the APF Regional Training-of-Trainers

Workshop in Myanmar in June; and the APF-RWI Blended Learning Course on NHRIs in Bangkok in November.

In June, the Commission's Secretary participated in the APF Annual Senior Executive Officers' Meeting, held in Sydney for NHRI officers holding the post of secretary-general or executive director.

In September, the APF organised a High-level Dialogue for the Commission with two prominent human rights experts – Prof Chris Sidoti, the former Secretary-General and Commissioner of the Australian Human Rights Commission, and Ms Rosslyn Noonan, the former ICC Chair and former Chairperson of the Human Rights Commission of New Zealand. They provided views on how the Commission can fulfil its mandate more effectively.

As the Commission has benefited from APF membership, it has proposed to the Government that an annual financial contribution be made as a gesture of support for the work being carried out by the regional body. Up to the time of writing, no decision had been made. The Commission hopes for a positive response, as this would reflect well on Malaysia, both as a member of the HRC and as a country that upholds human rights.

In October, the Commission participated in the APF 18th Annual Meeting and Biennial Conference, hosted by the National Centre for Human Rights of Qatar, Doha. At a panel session, Chairman Tan Sri Hasmy Agam shared the Commission's experience in engaging with the police force.



The Commission's Chairman, Tan Sri Hasmy Agam (second from left), speaking at the 18th APF Annual Meeting and Biennial Conference in Doha, Qatar

In December, the APF sponsored two officers from the Commission's Education and Promotion Division for a study visit to the National Human Rights Commission of India to learn about its initiatives and experience in incorporating human rights into the curriculum of the education system. The Commission aspires to put into effect the lessons learnt as part of its own effort to develop a human right curriculum for schools in Malaysia.

7. SOUTHEAST ASIA NATIONAL HUMAN RIGHTS INSTITUTIONS FORUM (SEANF)

As the lead NHRI for the SEANF Joint Project on the Rights of Indigenous Peoples, the Commission held a Regional Consultation on 14 March in Kuala Lumpur. This was co-organised with the Asia Indigenous Peoples' Pact, the Indigenous Peoples Network of Malaysia and Partners of Community Organisations in Sabah.

Prof James Anaya, the Special Rapporteur on the Rights of Indigenous Peoples, attended the session, alongside NHRI representatives from Indonesia, Malaysia, the Philippines and Thailand, and representatives of indigenous organisations and non-governmental organisations from various countries in Southeast Asia. SEANF members found this a useful avenue to share experiences, good practices and challenges in the promotion and protection of Indigenous Peoples' rights.

The Commission also participated in the two SEANF Technical Working Group Meetings held in Timor Leste and the Philippines, in March and July respectively.

From 25-26 July, the Commission attended the Roundtable Discussion (RTD) on 'Business and Human Rights: Towards NHRI's Convergence in Assessing Human Rights Impact of the ASEAN Integration'. Held in Quezon City, it was organised by the Commission on Human Rights of the Philippines (CHRP) in its capacity as the lead NHRI for the SEANF Joint Project on Business and Human Rights.

The 21 participants exchanged views on related issues. As an outcome of the RTD, they agreed on a regional theme to reflect the work being undertaken by NHRIs – 'Promoting and Strengthening Respect for Human Rights and Access to Justice and Remedies in relation to Business Activities by All Actors including Business Entities in the Southeast Asia Region'. They also identified action points to:

- Document institutional practices using a standard report format to be provided by CHRP;
- Hold RTDs and regional workshops to share experiences toward the development of regional guidelines and a common assessment tool;
- Conduct research based on collated documentation reports and analysis of international and local jurisprudence on economic, social and cultural rights;
- Formulate and adopt regional guidelines and a common assessment tool;
- Conduct a series of regional capacity-building activities; and
- Strengthen communication and interaction with ASEAN and other regional actors, and develop partnerships with civil society groups.

In August, the Commission participated in a Workshop on the Right to Development and Community Rights. Organised by the National Human Rights Commission of Thailand, it was held from 26-29 August in Bangkok. It was aimed at providing capacity-building training for staff members of SEANF and to allow experiences to be shared.

Prior to the 10th Annual Meeting of SEANF in Timor Leste, the Commission took part in the Regional Workshop on Anti-Torture and Detention, held in Bali, Indonesia, on 8 September. The National Human Rights Commission of Indonesia (Komnas HAM) organised this.

Hosted by the Office of the Procurator for Human Rights and Justice of Timor Leste (PDHJ), the 10th Annual Meeting of SEANF was held in Dili, Timor Leste from 10-11 September. Members presented updates on the outcomes of their thematic projects. PDHJ handed over the Chair of SEANF to Komnas HAM for 2014, at the closing session of the meeting.



SEANF 10th Annual Meeting in Dili, Timor Leste

8. ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR)

The Commission welcomes the Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN, adopted by ASEAN in October, and hopes that member-states will undertake to put it into effect.

From 10-11 June, the Commission participated in the Workshop on ASEAN Human Rights Mechanisms: Challenges and Ways Forward, held in Bangkok, Thailand. It was co-organised by the Ministry of Foreign Affairs of Thailand, UN Women, and the Working Group for an ASEAN Human Rights Mechanism. It was aimed at identifying pressing human rights concerns in ASEAN and coming up with recommendations for submission to the relevant ASEAN bodies to improve regional human rights promotion and protection.

The Government of Malaysia, in anticipation of ASEAN Chairmanship in 2015, should play a more proactive role in upholding human rights in the region.

The workshop was a timely event, given the upcoming review of the Terms of Reference (ToR) of the AICHR and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, scheduled to take place in 2014 and 2015 respectively.

There has been much criticism of AICHR especially in relation to its ToR. Many stakeholders feel that it lacks the mandate to receive complaints and investigate human rights violations. The review will allow stakeholders to propose amendments to strengthen the AICHR mandate and ToR. Article 9.6 of the current ToR provides for an initial review five years after it takes effect. It also states: 'This review and subsequent reviews shall be undertaken by the ASEAN Foreign Ministers Meeting, with a view to further enhancing the promotion and protection of human rights within ASEAN.'

As such, the Commission calls on the Ministry of Foreign Affairs of Malaysia to consult all stakeholders and take their views into account prior to making its submission to the ASEAN Foreign Ministers Meeting on review of the ToR.

In line with the aspiration for an ASEAN Community by 2015, which strives to create a people-centred ASEAN, it is necessary to ensure that broad and meaningful consultation is at the core of every policy-making process within member-states. The Government of Malaysia, in anticipation of ASEAN Chairmanship in 2015, should play a more proactive role in upholding human rights in the region. Malaysia, which is highly regarded by its neighbours for its steady economic development and growth, should also be seen as a leading nation in the realm of human rights promotion and protection.

9. NATIONAL HUMAN RIGHTS ACTION PLAN (NHRAP)

There has been little progress in developing the NHRAP since 2010. During the year, the Legal Affairs Division of the Prime Minister's Department (BHEUU) – the focal agency for developing the NHRAP – provided research grants to five universities to conduct a study on domestic laws relating to human rights. The University of Malaya, Universiti Kebangsaan Malaysia, International Islamic University Malaysia, Universiti Sains Islam Malaysia and Universiti Sultan Zainal Abidin have conducted the research as an initial step in the development process.

The BHEUU convened the first meeting of the NHRAP Steering Committee in December. Chaired by YB Hajah Nancy Shukri, Minister in the Prime Minister Department, it comprises representatives of government agencies, the Commission and academia.

While the Commission welcomes the Government's ambitious proposal to address a wide range of human rights issues, it stresses the need for the NHRAP to be a practical and achievable plan.

The BHEUU presented its work plan for development of the NHRAP. It proposed that the core areas should cover civil and political rights; economic, social, religious and cultural rights; rights of vulnerable groups; right of Indigenous Peoples; and international obligations. The proposal also indicated that the five-year NHRAP is due to be completed by 2016 and implemented from 2017 to 2021.

During the meeting, the Commission's Chairman, Tan Sri Hasmy Agam, expressed concern regarding the absence of civil society representatives in the Steering Committee, and suggested that they be included.

While the Commission welcomes the Government's ambitious proposal to address a wide range of human rights issues, it stresses the need for the NHRAP to be a practical and achievable plan. The Commission also recommends that the development of the NHRAP be subject to a formalised and regular consultation process aiming at obtaining input from all stakeholders. Furthermore, given the importance of the NHRAP and notwithstanding the proposed timeline for its completion, the Commission urges the Government to give this its utmost priority.

III. LOOKING FORWARD

The **Research And Policy Development Division** will finalise its reports on the right to education of CWLD and rights of older persons. It will then hold discussions with the relevant government agencies to identify follow-up actions. The Division will also assist the Commission's efforts to press the Government to withdraw the remaining reservations to the CEDAW, CRC and CRPD, and to ratify the Optional Protocol or remaining Optional Protocol of these treaties. Another long-standing area of attention is to obtain Malaysia's accession to the ICCPR, ICESCR, ICERD and CAT.

The **International Coordination Division** will assist in strengthening the Commission's role and engagement at the regional and international levels. The Division will also support the Commission in implementing its Plan of Action on the UPR Follow-up, as well as in serving as Chair of the CFNHRI.

4

CHAPTER

REPORT OF THE SABAH OFFICE

Human rights must be respected; human rights have no borders

Tan Sri Datuk Seri Panglima Simon Sipaun

The Commission's Office in Sabah ('the Sabah Office') took steps to highlight the Report of the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia (NI Report), following its public release in August. Copies were handed, together with the Commission's Annual Report 2012, to State Government officials.

On the ground, the Sabah Office maintained its activities to promote and protect human rights especially among vulnerable groups. It organised or participated in awareness programmes, Roundtable Discussions and field visits.

1. RESOLUTION OF COMPLAINTS

Complaints were submitted via memoranda, letters, email, telephone and in person. The Sabah Office also recorded oral statements by complainants at 'Meet the People' sessions organised by the State and Federal Public Complaints Bureaux.

Of the 235 complaints received during the year, the majority involved land matters (Table 1). The Sabah Office resolved 51 cases, while 142 cases are receiving attention. Another 42 cases were found to require no further action.

The Sabah Office has consistently brought to the attention of the Land Office the predicament of Indigenous Peoples (IP), in particular concerning Native Customary Rights (NCR) to land. Under the Sabah Land Ordinance 1930 [Cap. 68], this refers to land possessed by customary tenure; land planted with a certain number of fruit trees and plants of economic value which are usually and regularly treated as personal property; land cultivated within three years of occupation; grazing land, burial grounds, shrines and land claimed as right of way.

Over generations, IP have developed customary land laws, or *Adat*, to control and regulate the use of land. Legally, IP who have established NCR have prior rights over other applicants for the land. In practice, however, there are shortcomings.

Table 1: Complaints Received by the Sabah Office, 2013

ISSUES AFFECTING HUMAN RIGHTS	NUMBER OF CASES
Land	94
Citizenship	30
Birth certificates	26
Police	5
Employment	14
Immigration	19
Education	5
Others	42
TOTAL	235



Villagers from Kampung Ulu Kukut, Kota Belud, submit a memorandum to Commissioner Nordin Kasim Madating on alleged encroachment into their land

The Commission's Recommendations

1. Any development plan/policy should not override the legal rights of IP. Their need for land to sustain their livelihood and way of life should be given priority.
2. A direct and transparent consultation process should be instituted with IP before development plans or policies are executed. IP and/or their *Ketua Kampung* should be notified, given full information and consulted for feedback.
3. Large-scale land alienation to government agencies or government-linked companies should be reviewed. It is noted that many IP have lost their customary land to these entities without notice or compensation.
4. The Land Office/Assistant Collector of Land Revenue should give priority to applications by IP for a land inquiry.

2. INTEGRATED MOBILE COMPLAINTS COUNTER

During the year, the Sabah Office took part in the Integrated Mobile Complaints Counter programme to disseminate information on human rights, particularly to rural communities, and to receive complaints. The annual one-stop programme is organised by the Federal Complaints Bureau of the Prime Minister's Department and the State Public Complaints Bureau. It allows government agencies to identify problems at the grassroots, in order to come up with solutions.

The programme was conducted in Telupid (13 May), Membakut (29 September), Matunggung (24 October), Lahad Datu (26 October), Ranau (7 December) and Beluran (16 December).



YB Datuk Dr Maximus Ongkili, Minister of Energy, Green Technology and Water, at the one-stop service programme in Matunggung

- In Telupid, the Commission mounted an exhibition to educate visitors on human rights and how these are addressed. More than 100 visitors were recorded at its counter. The Beluran District Officer, Haji Yusof Osman, opened the event, in which 28 government agencies participated.
- In Membakut, about 150 visitors called at the Commission's booth. The five complaints received comprised four on land matters and one on basic infrastructure in a village. Assistant Minister to the Chief Minister, YB Datuk Mohd Arifin Arif, officiated at the event, at which 29 government agencies opened counters.
- In Matunggung, 32 government agencies took part. YB Datuk Dr Maximus Ongkili, Minister of Energy, Green Technology and Water, opened the event.
- In Lahad Datu, 35 government agencies were involved. The District Officer, Mr Zulkifli Nasir, officiated at the event.
- In Ranau, 30 government agencies took part. The Assistant District Officer, Mr Yasin Ibrahim, opened the event.

- In Beluran, 32 government agencies provided services. The event was opened by the District Officer, Tuan Haji Yusof Osman.

3. FORUM ON THE RIGHT TO EDUCATION OF CHILDREN WITH LEARNING DISABILITIES

The Sabah Office worked with the Research and Policy Development Group (RPDG) to organise the forum for 230 participants in Kota Kinabalu on 24 September. The speakers were from the State Education Department, Social Services Department, Health Department, a private Special School, and the Parents Association. *(see Report on the Forum on page 76)*

The participants – comprising government and civil society representatives, school principals, teachers and parents – raised a number of issues:

- The Government should consider increasing funds for Special Schools.
- The curriculum should be reviewed to suit the needs of special students.
- The Government must provide trained teachers for Special Schools.
- Facilities in Special Schools, especially in rural areas, must be given urgent attention.

4. SEMINAR ON CARE SERVICES FOR OLDER PERSONS AND SUPPORT FOR CAREGIVERS

The half-day seminar, organised by the RPDG with assistance from the Sabah Office, was held on 24 September in Kota Kinabalu. It brought together 120 participants, representing the Government and civil society groups. The speakers were from the State Health Department and Social Services Department, Sabah Law Association, and the Council for Senior Citizens of Sabah. Three papers were presented. During the discussions, several concerns were highlighted: *(see Report on page 81)*

- Family-members should not treat older persons as babysitters.
- They would need financial aid as most do not have a retirement fund.
- Older persons often face long waits and delays in accessing services, particularly in government hospitals.
- Diabetes, hypertension and heart disease are common ailments within this age-group. As such, healthcare services, including health screening, should be made available and accessible to older persons.
- Public transportation services should be elderly-friendly and also be made available in rural areas.

5. SYMPOSIUM ON SABAH NATIVE CUSTOMARY RIGHTS

The Universiti Malaysia Sabah organised the symposium from 2-3 September. YAA Tan Sri Richard Malanjun, the Chief Justice of Sabah and Sarawak, opened the event. Commissioner Nordin Kasim Madating moderated the discussions which touched on NCR issues and the Native Court system, among other matters.

6. ACTIVITIES RELATED TO THE NI REPORT

The Sabah Office provided logistical support to the NI Secretariat in organising two Roundtable Discussions on the NI Report. Held on 5 and 6 March, these were respectively for government agencies and civil society groups in Sabah. The objective was to highlight the NI findings and recommendations ahead of the public release of the Report. Input was also sought as to how stakeholders could push for implementation of the recommendations.

7. MEETINGS WITH STATE GOVERNMENT OFFICIALS

On 26 April, the Sabah Office welcomed Mr Nordin Kasim Madating as the newly-appointed Commissioner. Courtesy calls were organised to introduce him to key officials in the state.

(a) Yang DiPertua Negeri Sabah

The Yang DiPertua Negeri Sabah, TYT Tun Datuk Seri Panglima Haji Juhar Haji Mahiruddin, received Mr Nordin Kasim Madating at the State Palace on 10 September. Apart from explaining the Commission's role, powers and achievements, the Commissioner took the opportunity to relate the case of a prisoner who is hopeful of receiving a pardon.



*The Yang DiPertua Negeri Sabah (second from left)
receiving Commissioner Nordin Kasim Madating*

On a visit to the Women's Prison Institute in Kepayan, Kota Kinabalu, on 24 October 2012, the Commission was told about a prisoner who is serving a term of 20 years after being convicted under section 39B of the Dangerous Drugs Act 1952. Prison officers attested to her good behaviour and piety. The Yang DiPertua Negeri, who holds the power of pardon, gave an assurance of priority to the case. The Sabah Office has since forwarded the details to the State Pardons Board for consideration.

(b) Speaker of the State Legislative Assembly

During the courtesy call on 8 November, the Commissioner briefed the Speaker, YB Datuk Seri Panglima Mohd Salleh Tun Said, on the NI Report, which was publicly released on 5 August. The Commissioner expressed the hope that the NI Report would be tabled for debate at the next sitting of the State Legislative Assembly. This would focus attention on the issues and recommendations, and enable the review of policies and administrative decisions.

(c) Deputy Director, Welfare Services Department

During the courtesy call, the Commissioner briefed Mr Mohd Noor Wahab on the objectives of two current thematic projects involving the human rights of CWLD and older persons. Mr Mohd Noor assured the Commission of the Department's cooperation and support.

(d) State Attorney-General

The newly-appointed State Attorney-General, Datuk Hajah Mariati Roberts, met the Commissioner on 14 November. The NI Report and Commission's Annual Report 2012 were presented to her.

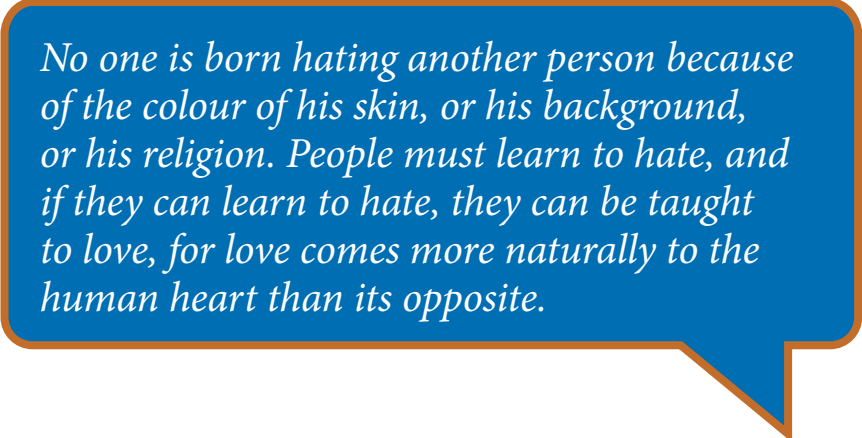
8. LOOKING FORWARD

The **Sabah Office** will next focus on the right to health and deaths in police custody. A fact-finding mission will be carried out to prisons and police lock-ups in cooperation with other Divisions of the Commission. In relation to this, the Sabah Office will strengthen human rights education for law enforcement personnel. It will also elicit the cooperation and assistance of all levels of society, including the media, to promote and protect human rights in the state.

5

CHAPTER

REPORT OF THE SARAWAK OFFICE



No one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.

Nelson Mandela in 'Long Walk to Freedom'

The focus of the Commission's Office in Sarawak ('the Sarawak Office') was on investigating and resolving complaints of human rights violations. This remains a key responsibility, especially in land-related issues. Field trips, including visits to detention centres, were conducted to obtain more information on specific cases.

The Sarawak Office also organised Roundtable Discussions, talks and seminars, in addition to promoting human rights through joint programmes and activities with government agencies and Non-Governmental Organisations (NGOs).

1. RESOLUTION OF COMPLAINTS

The Sarawak Office mainly handled issues of compensation in land acquisition cases, alleged trespass into customary lands by logging companies, and administrative problems involving personal identification documents. As in the past, the complaints were submitted via memoranda, letters, email, telephone or in person. The number of complaints dropped as the Commission now has a policy of not accepting complaints sent on an anonymous basis or those sent to other agencies but copied to it. However, the Sarawak Office exercised discretion where complaints were related to the rights of vulnerable groups like children, women and Indigenous Peoples (IP).

Seven of the 32 complaints received during the year were found to be unrelated to human rights and therefore required no further action. Of the remaining 25 cases, 21 were related to Native Customary Rights (NCR) to land (Table 1). Six complaints were resolved in cooperation with government agencies and NGOs, and the other 19 are being considered by the relevant authorities.

Table 1: Complaints Received by the Sarawak Office, 2013

ISSUES AFFECTING HUMAN RIGHTS	NUMBER OF CASES
NCR to land	21
Education	1
Right to a standard of adequate living	1
Fair trial and public hearings	1
Others	1
TOTAL	25

(a) Land issues

The Sarawak Office received a memorandum on 5 February from representatives of an Iban village in the Mukah Division, alleging trespass on their land. They claimed to have planted sago and rubber on land leased to them since colonial times. They complained that a logging company entered their land and destroyed the trees without their knowledge.



Iban villagers from the Mukah Division complain about trespass on their land

Several rural communities have long expressed unhappiness due to the State Government's actions in taking over customary land for development. In the case of the Murum Dam in Belaga, residents of eight Penan longhouses in the area said they were not against the project *per se*, but were concerned about having to move away from their land and jungles on which they depend for their survival and livelihood. On 21 November, the Commission received a memorandum from the affected Penan, demanding:

- Implementation of the principle of free, prior and informed consent
- Implementation of a resettlement scheme

The Penan said they were not against the Murum Dam per se, but were concerned about having to move away from their land and jungles on which they depend for their survival and livelihood.

- Respect for their NCR to land
- Demarcation of a communal forest reserve
- Payment of compensation
- Payment of royalty from revenue generated by the Murum Dam
- Establishment of a community development fund and an education fund
- Provision of employment

Sarawak Energy Bhd, in a letter dated on 16 December to the Commission, said the State Government has implemented a resettlement programme as planned for the Penan community. Those affected were offered a compensation package aimed at improving their standard of living through:

- (i) Housing in the form of two-storey longhouses supplied with water, electricity and sanitation facilities;
- (ii) An internal road system for temporary schools, temporary clinics and a place of worship;
- (iii) 15 acres of land per family;
- (iv) RM15,000 per family as compensation for relocation;
- (v) Monthly aid of RM850 for each family for a period of three years from the date of resettlement;
- (vi) Monthly aid of RM500 for each family in the fourth year of resettlement;
- (vii) Aid based on needs from the fifth year of resettlement; and
- (viii) 30 acres of communal area for roaming, hunting and food-gathering purposes

In other land-related complaints, it was claimed that the quantum of compensation did not reflect the value of the land or was not paid at all. In addition, the formula for calculation of the compensation was not explained to the landowners. The Commission will follow up on these issues.

Similar allegations had been highlighted during the proceedings of the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia (NI). The NI Report, released on 5 August, contains the Commission's recommendations on addressing shortcomings.

2. FORUM ON THE RIGHT EDUCATION OF CHILDREN WITH LEARNING DISABILITIES

The Sarawak Office assisted the Research and Policy Development Group (RPDG) with organising the forum in Kuching on 25 September. Those present comprised school principals, Special School teachers, government officers and civil society representatives. They identified three main areas for government intervention:

(see Report on page 76)

- A larger financial allocation for Special Schools;
- A review of the curriculum to suit the needs of special students; and
- The provision of trained teachers for Special Schools.

3. SEMINAR ON CARE SERVICES FOR OLDER PERSONS AND SUPPORT FOR CAREGIVERS

The Sarawak Office provided support to the RPDG in organising a half-day seminar in Kuching on 26 September. The 50 participants represented stakeholder groups. Three papers were presented by speakers from the State Health Department and the Universiti Malaysia Sarawak. Participants highlighted pertinent issues in their discussions:

(see Report on page 81)

- Older persons encounter many physical obstacles and challenges due to the built environment at some facilities.
- As most do not have a retirement fund, they require financial assistance.
- They face long waits and delays in accessing services, especially in government hospitals.
- With diabetes, hypertension and heart diseases being common among older persons, they should have access to affordable healthcare services, including health screening.
- Caregivers face a shortage of human resources, including voluntary services, in providing institutional care.

4. MONITORING OF FACILITIES

(a) Special Schools

The Sarawak Office and members of the Commission's Secretariat conducted visits to obtain information on the operation of two Special Schools in Kuching and their care centre for children with learning disabilities. The visit focused on the facilities, syllabus and curriculum, as well as quality of teaching and finance.

Both Special Schools expressed the need for their own building and for additional classrooms to cater to the future student intake. Teachers also said they have difficulty in conducting activities in the current classrooms, as these are not spacious enough.

(i) SK Serian, 23 July

The 52 students enrolled during the year ranged in age from 7 to 14 years. While there are eight classrooms, it was noted that there is no designated classroom for the teaching

of *Pendidikan Islam*. In addition, the toilets are not suitable for the use of students with disabilities; the classrooms are located in a low-lying area that is prone to flooding every year; and the entrance to classrooms is not suitable for those using wheelchairs.



Commissioner Francis Johen Adam interacting with teachers and students at SK Serian Special School



Visit to SK Serian Special School

(ii) SK Laksamana, 25 July

The school has seven classrooms, which were sufficient to accommodate the year's enrolment of 69 students aged 7-13 years. Barriers are installed at the door of some of classrooms to prevent autistic students from leaving the premises unnoticed. There are 16 teachers in the school. They requested additional teaching aids for dyslexic students.

Based on the visit to these two schools for special education, the Commission found out that the main problem faced by both schools is to have their own buildings to accommodate the students

The Commission's Recommendations

1. The Government should provide sufficient funds for Special Schools.
2. Proper classrooms and toilets are required in such schools.
3. There must be easy access to the premises for students with disabilities, especially for those using wheelchairs.

(c) Sg Maong Police Lock-up

The Commissioner led the visit to the police station on 1 August and met the Officer-in-Charge, Inspector Standly Mawat anak Ranggau. The two lock-up cells can hold up to five detainees. Based on its observation of the conditions, the Commission made recommendations on the need to ensure cleanliness of the toilet; for sufficient lighting in the cells; and for blankets to be provided to detainees.

(d) Community-based Rehabilitation Centre, Miri

On 3 December, the Sarawak Office and members of the Commission's Secretariat visited the Centre to assess services provided through community-based rehabilitation (CBR) for children with disabilities.

The concept of CBR focuses on enhancing quality of life for persons with disabilities (PWD) and their families; meeting their basic needs; and enabling their inclusion and participation in society. It has evolved to become a multi-sectoral strategy that empowers PWD to benefit from education, employment, healthcare and social services. The World Health Organisation recommends that CBR be implemented through the combined efforts of PWD, their families, communities, government agencies and NGOs. This requires close collaboration with PWD and their families to overcome physical and sociological barriers within their communities.

In its early years, the CBR programme in Miri was known as PIBAKIS. The Centre was registered under section 7 of the Societies Act 1966 by a group of parents of children with disabilities in 1991. The enrolment in 2013 stood at 185, with 24 teaching staff.

The Centre operates from 8am to 1pm and from 1.30pm to 5pm daily to provide such services as:

- (i) Early intervention support and inclusion for children with disabilities
Every child has the right to participate fully in the community and to have the same choices, opportunities and experiences as other children. Additional support provided to children with disabilities and their families would help them participate in society, thereby fulfilling their potential. Providing support early is linked with improved outcomes, particularly when provided in the child's natural environment.

(ii) Home visits

These are undertaken by the Centre's four instructors, who visit 30 houses each day to monitor the children's progress.

(iii) External activities

Children with disabilities are given exposure to religious lessons, sewing and cooking classes, and leisure activities so that they can learn independent living skills and interact with each other.

5. CONSULTATIVE MEETING ON THE UNIVERSAL PERIODIC REVIEW (UPR) PROCESS

On 27 February, the Sarawak Office assisted the Commission's consultative meeting on the UPR process with the local media. The UPR is a UN peer review mechanism for scrutiny of national commitments to, and obligations in, delivering human rights. About seven media practitioners attended the meeting chaired by then Commissioner Muhammad Sha'ani Abdullah, who was assisted by then Commissioner Datuk Detta Samen. The purpose was to explain the mechanism of the evaluation process. The first UPR for Malaysia was conducted in 2009, following which the Government adopted 62 of the 103 recommendations put forward by UN member-states. Malaysia went through the second cycle of the UPR in October 2013.

6. TALKS ON HUMAN RIGHTS

(a) Children's Home, Serian, Kuching

The home caters for about 79 children under the age of 18. The visit on 19 November enabled Commissioner Francis Johen Adam to give a talk on human rights to the Board of Visitors and staff. He highlighted the rights of children and the Commission's role and functions. The home is managed by Ms Fazila Sulaili, with the assistance of 50 staff-members, about 30 of whom attended the talk. Participants posed questions on:

- The Commission's role in protecting the rights of young children who work in places such as coffee shops;
- Whether the child can choose his/her religion if there is no information on the parents' background; and
- Whether the Commission is involved from the preliminary stage in development projects, such as the construction of hydroelectric dams, as many human rights are affected.



Commissioner Francis John Adam giving a talk at the Children's Home in Serian, Kuching

(b) People's Volunteer Corps (RELA), Bintulu

On 18 March, the Commission delivered a talk on human rights to RELA members. This was to raise awareness of human rights. The event served as a stepping stone for future collaboration with RELA. Participants asked about the Commission's plans to improve resolution of human rights issues; and about land-related disputes between IP and the State Government.

(c) Persons with Disabilities, Miri

The talk on 3 December, in conjunction with PWD Day, attracted 76 participants from government agencies, NGOs and interested individuals. It was aimed at:

- (i) Enabling better understanding of the needs of PWD;
- (ii) Informing family-members of PWD of the support services available; and
- (iii) Informing PWD of their basic rights.

The Commissioner briefed participants on the rights of PWD as stated in the Persons with Disabilities Act 2008. Aspects like access to buildings under section 26(1); use of public facilities under section 27(1); education under section 28(1) and employment under section 29(1) were explained.

Participants showed interest in how the community can help PWD register with the Government. They recommended that government agencies employ more PWD; and asked if the State Government could include facilities for PWD in building plans.

7. MEETING WITH SARAWAK ENERGY BHD (SEB)

The Sarawak Office held a meeting with SEB on 21 January. The company was represented by Mr Steven Bartholomeusz, the Senior Manager (Corporate Social Responsibility) and Mr Baderi Sahmat, Manager, Policy and Government Relations. This was to establish contacts in promoting corporate social responsibility by the company in its dealings with IP, especially in

planning and implementing development projects. SEB said it will also work with other parties, such as NGOs, in undertaking these activities.

8. COURTESY CALLS

Courtesy calls were paid to the State Prison Director, Mr Abdul Kadir Rais, on 18 February; and the State RELA Director, Mr Rini Tupong, on 25 February, to update them on the Commission's activities.



State RELA Director Mr Rini Tupong, in discussion with then Commissioner Datuk Detta Samen (right)

SK Serasot Alumni Association, Kuching

On 24 October, the SK Alumni Association from Bau District paid a courtesy call and study visit to the Sarawak Office. Commissioner Francis John Adam, who is adviser to the Association, received the delegation headed by the President, Mr Matthew Jikeh Nowek. The delegation was briefed on the role and functions of the Commission, with emphasis placed on the fact it is not a NGO but an independent national human rights institution. The visitors were also told that the Commission is ready to work with all interested parties in promoting awareness of human rights.

9. LOOKING FORWARD

In the year ahead, the **Sarawak Office** will focus on the right to health and deaths in police custody. A fact-finding mission will be carried out to prisons, Immigration detention centres and police lock-ups in the state, in cooperation with the Commission's Divisions.

The Sarawak Office is also committed to strengthening its ties with the State Government, NGOs and the community at large in the year ahead, to extend awareness of human rights. It will rely mainly on road shows, seminars and Roundtable Discussions to convey relevant information and gather input.

APPENDICES

APPENDIX I

THE COMMISSION'S PRESS STATEMENTS 2013

NO	DATE	TITLE
1.	10 January	49 Witnesses Testified Before the Panel of the Public Inquiry into the Incidents During and After the Public Assembly of 28 April 2012
2.	10 January	The Right to A Peaceful Assembly Must Be Respected
3.	12 January	Necessary Spirit of Goodwill and Accommodation Amongst Parties Involved Ensured Peaceful Assembly
4.	12 March	Respect for Human Rights in Handling Lahad Datu Crisis
5.	26 March	SUHAKAM Human Rights Awards 2013
6.	17 April	SUHAKAM's Findings from the Public Inquiry into the Incidents During and After the Public Assembly of 28 April 2012
7.	25 April	SUHAKAM's National Inquiry Report into the Land Rights of Indigenous Peoples in Malaysia
8.	21 June	SUHAKAM Calls for Greater Protection for Victims of Human Trafficking and Smuggling
9.	27 June	SUHAKAM's Response to the Proposal to Reinstate Emergency (Public Order and Prevention of Crime) Ordinance (EO)
10.	12 July	SUHAKAM Welcomes the Government's Move to Allow Refugees to Work in Malaysia
11.	5 August	Report of the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia
12.	20 August	SUHAKAM Lauds PM's Assurance for not Introducing Laws Restricting Human Rights and Liberties
13.	6 September	The Best Interests of the Child Must Be Maintained and Respected
14.	28 September	Human Rights Principles Must Be Reflected in the Prevention of Crime (Amendment and Extension) Bill 2013
15.	7 October	Malaysia's Human Rights Record Up for Second Review on 24 October 2013
16.	10 October	SUHAKAM Objects to Police 'Shoot First' Approach
17.	26 October	Malaysia's Second Universal Periodic Review (UPR)



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA **HUMAN RIGHTS COMMISSION OF MALAYSIA**

49 WITNESSES TESTIFIED BEFORE THE PANEL OF THE PUBLIC INQUIRY INTO THE INCIDENTS DURING AND AFTER THE PUBLIC ASSEMBLY OF 28 APRIL 2012

The Human Rights Commission of Malaysia (the Commission) concluded its Public Inquiry into the Incidents During and After the Assembly of 28 April 2012, 29 days after its first hearing on 5 July 2012. A total of 49 witnesses including 19 members of the public, four members of the media, 18 police personnel and eight professional had given their testimonies before the threemember Panel of Inquiry chaired by Datuk Dr Khaw Lake Tee and assisted by Commissioners Prof Datuk Dr Mahmood Zuhdi b Abdul Majid and Mr Detta Samen. Most of the members of public and the media came on their own accord while the police personnel were called based on the list of names submitted by the Royal Malaysian Police or the testimonies of the witnesses at the hearings. At today's hearing, the three observers representing the Royal Malaysian Police, the Bar Council and Bersih 3.0 Assembly, were invited to make their submissions to the Panel for its consideration. The Panel will consider all the testimonies and the submissions in the preparation of its report which it expects to complete and present by early February.

The Commission had first announced its public inquiry on 21 May 2012. The Inquiry was conducted pursuant to the complaints and memoranda received by the Commission on the alleged use of disproportionate force by the enforcement officers toward the participants and members of the media during and after the 28 April public assembly. The Commission had also sent down its monitoring team during the public assembly. This was the ninth public inquiry conducted by the Commission since its inception, of which half of the total number conducted were consequent upon complaints and memoranda on abuses and excessive use of force dispersing the crowds during public assemblies.

The Commission, in furtherance of the protection and promotion of human rights, has the power to inquire into complaints regarding infringements of human rights and should the complaint warrant an inquiry, the Commission, under the Human Rights Commission of Malaysia Act 1999 (Act 597), has the power to procure and receive all such evidence and to summon any person(s) to give evidence. In this regard, the Commission wishes to emphasise that its power to conduct this public inquiry into allegations of human rights violations is derived from Section 12 of the Human Rights Commission of Malaysia Act 1999. In conducting this inquiry, it is discharging its statutory duty and responsibilities to protect and promote human rights in the country as mandated by Act 597.

-END-

"HUMAN RIGHTS FOR ALL"

TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia (SUHAKAM)

10 January 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

HUMAN RIGHTS COMMISSION OF MALAYSIA

THE RIGHT TO A PEACEFUL ASSEMBLY MUST BE RESPECTED

The Human Rights Commission of Malaysia (the Commission) welcomes the readiness of the police to facilitate the upcoming “Himpunan Kebangkitan Rakyat” rally to be held on Saturday 12 January 2013 as expressed by the Inspector-General of Police (IGP) Tan Sri Ismail Osman. The Commission further welcomes the positive dialogue between the police and the rally organisers on 8 January to ensure the exercise of the public’s fundamental right to freedom of assembly is fully observed in the upcoming rally.

The Commission further welcomes the assurance of the IGP to ensure the visibility of the names and badge numbers of the police personnel during field operations as recommended by the Commission in response to the findings of the previous public inquiries pertaining to the allegations of use of excessive force by the authorities during public rallies.

Whilst the Commission notes that media representatives attending the rally will be provided with special identification tags issued by the police in addition to the existing official government-issued press tags, it hopes that those media representatives without the police-issued press tags will enjoy the same protection and respect when discharging their official duty.

As a National Human Rights Institution that has been dealing with the issue of freedom of assembly since inception, the Commission reiterates its call to the authorities to respect and fulfil human rights commitments the Government has made at both national and international levels as well as to comply with international human rights norms towards improving the state of human rights in the country.

Since much is at stake both for the image of the police as well as of the country, the Commission hopes that the police will conduct themselves in a highly professional manner and emulating the best practices of other police forces in the world and continue to improve from the deficiencies of the previous experience. Indeed, the Commission is confident that with the new positive attitude shown by its top leadership the police can and will live up to the expectations of the public. On the same note, the Commission also calls upon the organisers and participants to fulfil their responsibilities towards promoting a peaceful assembly.

-END-

“HUMAN RIGHTS FOR ALL”

TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia (SUHAKAM)

10 January 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
HUMAN RIGHTS COMMISSION OF MALAYSIA

**NECESSARY SPIRIT OF GOODWILL AND ACCOMMODATION
AMONGST PARTIES INVOLVED ENSURED PEACEFUL
ASSEMBLY**

It is with great relief and satisfaction that the Commission welcomes the successful convening of the "Himpunan Kebangkitan Rakyat" peaceful rally held at Merdeka Stadium in Kuala Lumpur and in Kota Kinabalu today. This clearly demonstrates that given the necessary spirit of goodwill and accommodation amongst the parties concerned the democratic right of peaceful assembly can take place in the country, contrary to the views of sceptics.

The Commission wishes to commend the police for their display of professionalism as well as the organisers and participants of the assembly for their orderly conduct which reflects well on the country. The Commission would like to, once again, commend the top leadership of the police for its sagacity and wisdom in handling the situation.

The Commission is also heartened by the cooperative manner demonstrated by both the police and rally organisers in their effort as regards crowd control and dispersal during the rally that aim to avoid any untoward incidents and arrest.

Recognising the fact that the rally has provided a lens through which the right to freedom of peaceful rally can be realised through open engagement between the authorities, organisers and participants of the rally, the Commission hopes that this positive effort will continue to enhance the understanding between all relevant parties on their respective role in ensuring the conduct of peaceful rallies that could lead to further relaxation of existing restrictions.

In carrying out its independent monitoring role, the Commission has mobilised its monitoring team to observe rally situation in several main locations in Kuala Lumpur and Kota Kinabalu. It will continue to play this important role and to undertake investigation concerning any alleged human rights infringements brought to its attention.

-END-

"HUMAN RIGHTS FOR ALL"

TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia (SUHAKAM)

12 January 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA HUMAN RIGHTS COMMISSION OF MALAYSIA

RESPECT FOR HUMAN RIGHTS IN HANDLING LAHAD DATU CRISIS

The Human Rights Commission of Malaysia (the Commission) expresses its deepest condolences to the families and relatives of the security forces who had lost their lives in the recent operations held in Sabah for the defence of Sabah's security and sovereignty. May their souls rest in peace and may their families find strength and courage in these difficult times.

The Commission is also deeply concerned about the safety and well-being of all Sabahans, particularly those who are directly affected by the ongoing security crisis. These include residents who have been traumatised by the horrific attacks that took place in the crisis areas and those who have been displaced and relocated to community halls.

The Commission notes with appreciation the actions taken by the Government in providing various assistance and support to the affected groups which include among others, psychological and emotional counselling services, extra medical team members and the installation of extra public facilities for the affected groups. The Commission hopes that the Government will continue to ensure that the basic needs and welfare as well as other humanitarian assistance for the affected groups are given primary consideration in its effort to overcome the crisis.

In respect of the arrest of the 97 persons suspected to be connected with Sulu militants by the Malaysian authorities under the Security Offences Act (Special Measures) 2012 (SOSMA), the Commission urges the Government to ensure that due process of the law and fundamental human rights principles are fully respected.

While the Commission looks forward to seeing the displaced residents return to their homes and resume their normal routines, it strongly urges the authorities to continue protecting the residents through the existing security measures towards ensuring a safe and peaceful environment.

The Commission also deems it important for all parties to exercise prudence and caution in responding to the crisis in order to avoid any misunderstandings or speculations which could worsen the situation. To this end, the Commission hopes that the relevant authority will continue to provide regular updates and information to the public on the status of the crisis and the events as they unfold.

-END-

"HUMAN RIGHTS FOR ALL"

TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia (SUHAKAM)

12 March 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA HUMAN RIGHTS COMMISSION OF MALAYSIA

SUHAKAM HUMAN RIGHTS AWARDS 2013

In conjunction with the International Human Rights Day on 10 December, the Human Rights Commission of Malaysia (the Commission) is calling for public nominations for its 2013 Human Rights Awards. The Awards are introduced by the Commission as part of its efforts to promote human rights and to honour outstanding Malaysian individuals, groups, organizations and agencies for their significant contributions towards human rights in Malaysia.

The Awards present an opportunity for nominees to compete in four categories namely, Community Individual Awards, Community Organization or Group Awards, Media Awards and a new category, the Special Awards. This newly-added category is open to both government agencies or statutory bodies or government-linked companies as well as private business entities that have demonstrated human rights best practices in their implementation of policies and regulations, norms and standards, delivery of services or conduct of business activities.

The Commission hopes that this campaign will promote greater understanding and support among the public on the work of human rights defenders and at the same juncture, encourage active participation among various communities and societal actors in the field of human rights.

Nominations will be closed on 31 July 2013 and the list of winners will be announced by the Commission in November through its official portal, followed by an Award Presentation Ceremony on 10 December.

Nomination form and additional information concerning the Awards can be obtained from the Commission's official portal at www.suhakam.org.my.

-END-

"HUMAN RIGHTS FOR ALL"

TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia (SUHAKAM)

26 March 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
HUMAN RIGHTS COMMISSION OF MALAYSIA

**SUHAKAM'S FINDINGS FROM THE PUBLIC INQUIRY
INTO THE INCIDENTS DURING AND AFTER THE PUBLIC
ASSEMBLY OF 28 APRIL 2012**

The Human Rights Commission of Malaysia (the Commission) today releases its findings from its Public Inquiry into the Incidents During and After the Public Assembly of 28 April 2012 (BERSIH 3.0), which commenced on 5 July 2012 and concluded on 10 January 2013.

The Inquiry was set up to determine, among others, whether there were any violations of the human rights of any person or party during and after the public assembly of 28 April. In total, 49 witnesses comprising members of the public, media personnel, police personnel and professionals testified before the Panel of Inquiry led by the Commission's Vice Chairman Datuk Dr Khaw Lake Tee and assisted by Commissioners Emeritus Professor Datuk Dr Mahmood Zuhdi and Datuk Detta Samen. A total of 67 exhibits and identified documents were received by the Panel in the course of the proceedings.

The Panel of Inquiry also invited representatives from the Royal Malaysian Police (PDRM), the Bar Council, and BERSIH 2.0 to act as observers and to assist the Panel in various matters including questioning the witnesses and making oral and written submissions to the Panel upon the conclusion of the Inquiry.

In its report, the Panel identifies the following as the key findings from the Inquiry:

- That the assembly of 28 April was the first public assembly to be held after the enforcement of the Peaceful Assembly Act 2012 (PAA 2012). However, as the Act came into effect only 5 days before the assembly, it was too early for the PDRM to fully observe the PAA 2012 in its operations and handling of the assembly participants;
- That the 3R 1C 1E approach (Restraint, Restraint, Restraint, Caution and Enforce) adopted by the PDRM in handling the assembly did not reflect the spirit of the PAA 2012, as was intended by the police. The exercise of restraint is not quite the same as facilitation which connotes a more active and participatory role;
- That the police did not assist or facilitate in the dispersal of the participants during the public assembly of 28 April 2012 as envisaged under section 8 of the PAA 2012;
- That the participants of the assembly were not given sufficient and reasonable time to disperse in an orderly and safe manner. Instead, the warning to disperse was made only before the initial firing of the water cannon and tear gas but none thereafter. The continuous firing of water cannon and tear gas had also hampered the efforts of the participants to disperse;
- That there was use of disproportionate force and incidents of misconduct by the police personnel towards those who had been arrested and who were being led to the holding area

at Dataran Merdeka; and that most of those arrested were not informed of the ground of their arrest;

- That there were participants who were arrested by the police personnel while they were inside certain premises although they had already left the scene of the assembly;
- That there were attempts by the police in preventing the media from covering the event by confiscating their equipment, deleting the photographs taken as well as arresting or assaulting them;
- That all the arrested participants at the PULAPOL were not informed of the grounds of their arrest and were denied the access to their legal representatives;
- That the persons who staged protests outside the residence of Dato' Ambiga Sreevenasan after 28 April were entitled to exercise their right of expression and freedom to assemble. At the same time, the exercise of these rights must not deny the fundamental rights of Dato' Ambiga Sreevenasan and those residing along the same road and in the same area to privacy, personal liberty and safety. The activities conducted must also be in accordance with laws, regulations or municipal by-laws. The failure of the authorities to act in the face of such violations of their rules and regulations suggest the lack of will to act or even bias or condonation on their part;
- That the Dewan Bandaraya Kuala Lumpur (DBKL) could have played a greater role in facilitating the movement of traffic by opening more roads in and around the city;
- That the closure of several Light Rapid Transit (LRT) stations including Masjid Jamek, Dang Wangi, Pasar Seni (Kelana Jaya Line), Plaza Rakyat, Bandaraya and Sultan Ismail (Ampang Line) from 3.00 p.m. to 5.30 p.m. had created difficulties for the participants to disperse peacefully and orderly; and
- That some of the language used in the guidelines prepared by the organisers of the assembly of 28 April entitled "Garis Panduan Bersih 3.0 – 28 April" could be misinterpreted and could possibly encourage the participants to act in a manner that may be contrary to law or which may result in undesirable actions and consequences.

In response to its findings, the Panel of Inquiry has outlined several key recommendations for the consideration of the relevant authorities and media. They include, among others, the following:

- The need for the PDRM to facilitate peaceful assemblies as envisaged under the PAA 2012 by ensuring crowd and traffic management and control as well as minimising disruptions to the public and activities in the places concerned. These can be realised through meetings with the organisers as well as on-going training and workshops on crowd management and control in line with international standards;
- The need for the police to make distinction between a peaceful assembly and a riot as well as to maintain its neutrality in protecting the safety of participants and members of public in the event of public assemblies involving two or more opposing groups in the same area;
- The need for PDRM to review and amend their Standard Operating Procedure (SOP)/ Standing Orders in the dispersal of assemblies in accordance with international human

rights standards such as Universal Declaration of Human Rights (UDHR), International Convention on Civil and Political (ICCPR), Convention on the Rights of Children (CRC), European Convention and American Convention on Human Rights and to emulate best practices of other Police Forces in the world;

- The need for the PDRM to ensure that participants are given sufficient and reasonable time to disperse in an orderly and safe manner, and that proper exit routes are available to avoid any untoward incidents. Alternatives means to warn and disperse participants should also be explored;
- The need for the PDRM to avoid any untoward incidents or conflicting instructions by ensuring all orders are issued by the Ground Commander and, should the task be delegated to another officer, the information must be made known to the police personnel on duty during the assembly;
- The need for the PDRM to adopt additional or other means of communication in order to ensure that police officers maintain communications with one another and to avoid any possible confusion with respect to orders or actions taken by any of the troops on the ground;
- The need for the arresting officers to exercise care and avoid using unwarranted or disproportionate force at the time of the arrest as well as to need to inform the arrested persons the ground of their arrest and to ensure their right to obtain access to legal counsel;
- The need for members of public especially participants of public assemblies not to take the law into their own hands and to appreciate and respect at all times the role and responsibilities of the police in maintaining and preserving security, peace and law and order;
- The need for the police to wear their permanent name tags or identification body numbers at all time when exercising their duty while the plain-clothes officers tasked to monitor, observe and document the event should not be involved in the dispersal or arresting process, unless they clearly identify themselves;
- The need for the PDRM to review its SOP and to make compulsory the reporting of its personnel after performing their duty which details all actions taken during the assignment;
- The suggestion for the relevant authorities and media to refer to the OSCE's Special Report on the Handling of the Media¹, which contains guidelines on, amongst other things, how the authorities should treat the media during assemblies, as well as how the media should be prepared in handling the reporting of such events;
- The need for communication or briefing between the police and the media before the assembly to assist both parties in appreciating each other's roles and duties on the day of the assembly, and to anticipate any unforeseen circumstances;
- The need for the journalists to ensure that their attire are not similar to what the participants are wearing and that their media tags are worn and visible at all times. They should also not join the participants in activities such as chanting and singing to avoid being identified as participants;

¹ Organization for Security and Co-operation in Europe (OSCE)'s Special report: Handling of the media during political demonstrations (Observations and Recommendations)

- The need for PDRM to conduct and complete its investigations on the police reports lodged by the public in relation to acts committed by police personnel to avoid allegations of bias and lack of transparency;
- The need for the authorities to exercise caution when issuing statements that may be interpreted as condoning or advocating any infringement of human rights and which contravenes any law in the country; and
- The need for the authorities to act professionally, impartially and fairly at all times in the discharge of their duties and responsibilities and not to be seen favouring or being partial to any particular party or group.

Based upon its findings, the Panel expresses its hope that the authorities will undertake the necessary steps to implement the recommendations and to demonstrate their professionalism in the conduct of their duties and responsibilities at all the various stages of any public assemblies. In this regard, the Commission once again would like to commend the police for their successful handling and management of the "Himpunan Kebangkitan Rakyat" peaceful rally held at Merdeka Stadium in Kuala Lumpur on 12 January 2013.

While the Panel recognises that all individuals are entitled to their fundamental rights and freedom to assemble including the right to freedom of assembly as enshrined under the Federal Constitution, the PAA 2012 and the Universal Declaration of Human Rights (UDHR), it wishes to flag the need for all parties to play a balanced role in exercising their rights and freedoms so as not to deny the rights and freedoms of others.

The Panel would like to reiterate that the scope of the Inquiry was restricted to issues of violations of human rights during and after the assembly of 28 April. Hence, unless and to the extent they were related to the issues within the terms of reference, the Panel did not inquire into matters such as whether there was any basis for the organisation of the assembly; the composition and objectives of those who organised or participated in the assembly; who or what was responsible for the turn of events at or about 3.00 pm that day or their motives for doing so; or the decisions and actions taken by the authorities and why.

In conclusion, the Panel would like to express its gratitude to all the witnesses, observers, the Office of the Inspector-General of Police (IGP), BERSIH 2.0 Secretariat as well as the media, for their co-operation, support and assistance rendered to the Panel throughout the course of the Inquiry.

-END-

"HUMAN RIGHTS FOR ALL"



DATUK DR KHAW LAKE TEE

Chair of the Panel of the Inquiry/Vice-Chairman
The Human Rights Commission of Malaysia (SUHAKAM)
17 April 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
HUMAN RIGHTS COMMISSION OF MALAYSIA

SUHAKAM'S NATIONAL INQUIRY REPORT INTO THE LAND RIGHTS OF INDIGENOUS PEOPLES IN MALAYSIA

The Human Rights Commission of Malaysia (the Commission) expresses its concern over the speculations made by various parties, including the Democratic Action Party (DAP) and the "Sarawak Report", among others, regarding the alleged withholding of the Commission's National Inquiry Report on the Land Rights of Indigenous Peoples in Malaysia (National Inquiry).

The Commission, as a National Human Rights Institution (NHRI) established under the Human Rights Commission of Malaysia Act 1999 (Act 597), wishes to stress that the right to release any of its reports is the sole and exclusive prerogative of the Commission. Since its inception in 1999, the Commission, on its own motion, had released various reports, including reports of its previous inquiries on alleged human rights violations.

In respect of its National Inquiry Report, and notwithstanding its past practices, the Commission, decided, after serious consideration, to defer the official release of the Report until after its first submission to the Federal Parliament. This decision is made pursuant to Section 21(3) of its founding Act which provides that "the Commission may, whenever it considers it necessary to do so, submit special reports to Parliament in respect of any particular matter or matters referred to it, and the action taken in respect thereof."

Given the importance of the findings and recommendations of the National Inquiry to the wellbeing of Indigenous communities in Malaysia, the Commission sees the strong need for the Report of this first-ever National Inquiry on the land rights of the Indigenous Peoples to be submitted to the Federal Parliament, the Legislative Assemblies of the relevant States, the Federal Government as well as the relevant State Government so as to allow Parliamentarians, Members of Legislative Assemblies, as well as policy makers, to deliberate on the issues and recommendations raised in the report. Nevertheless, given the upcoming General Election and the dissolution of Parliament and State Legislative Assemblies, the Commission has decided to defer the release of the Report until a new Parliament and a new Federal Government as well as State Legislative Assemblies and State Governments are formed. It is the Commission's earnest hope that given the importance of the findings of the National Inquiry and the many concrete recommendations contained therein, this National Inquiry on the land rights of the Indigenous Peoples of Malaysia will be fully deliberated in Parliament and the Legislative Assemblies and followed up in terms of the expeditious and effective implementation of the many recommendations and proposals contained in the report by the Federal Government as well the relevant State Governments, in the larger interests of the Indigenous communities.

As a Paris Principles-compliant NHRI, the Commission wishes to reiterate its impartiality and independence in discharging its statutory mandates relating to promotion and protection of human rights of all peoples in Malaysia.

-END-

“HUMAN RIGHTS FOR ALL”



TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia (SUHAKAM)

25 April 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

HUMAN RIGHTS COMMISSION OF MALAYSIA

SUHAKAM CALLS FOR GREATER PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING AND SMUGGLING

The Human Rights Commission of Malaysia (the Commission) is deeply concerned that once again, for the fourth consecutive year, Malaysia is placed on the Tier 2 Watch List by the U.S. Department of State in its 2013 Trafficking in Persons (TIP) report for failing to fully comply with the minimum standards for the elimination of trafficking under the US Trafficking Victims Protection Act 2000 (TVPA). The State Department attributes Malaysia's ranking to the lack of significant progress made by the Malaysian Government in addressing human trafficking in Malaysia as compared to the previous year.

In its 2013 TIP report, the State Department provides its assessment on Malaysia's human trafficking track record vis-à-vis the Government's efforts from three main aspects namely, prosecution, protection and prevention, some of which have been highlighted by the Commission through its annual reports, as well as dialogues and roundtable discussion with relevant Government agencies and other stakeholders.

Based on its findings derived from its dialogues held with various key stakeholders and visits to shelters for trafficked victims, the Commission has made the following recommendations:

- That the Government strengthen its mechanisms in relation to the prosecution of offenders, the protection of victims and the prevention of new incidents of trafficking through partnership with civil society groups and diplomatic missions, as well as international and regional stakeholders;
- That NGOs should be provided avenues to offer their expertise to the Council for Antitrafficking in Persons and Anti-smuggling of Migrants (MAPO) since many victims are more inclined to approach them for assistance;
- That all victims are provided with immediate health check-up upon their arrival at the shelters, as well as regular visits by medical personnel;
- That the victims are informed of the status of their cases, and a special court be established to expedite the resolution of cases pertaining to anti-trafficking in persons;
- That the Government provide extensive training to enhance the skills of law enforcement officers nationwide, especially those on the frontline, on ways to identify suspected victims of human trafficking;
- That the Government amend the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (Act 670) by allowing the victims to receive compensation and to work pending

the resolution of their cases; gazetting NGO-run shelters; providing greater clarification on cases of human trafficking and smuggling of migrants under Sections 12 and 13 of the ATIP Act; as well as clarification on the Commission's role and membership on the Council.

- That the Government review Section 2(1) of the Employment Act 1955 on the legalisation of 'contractor for labour' which may result in the exploitation of workers by both the recruiting agents and the employers; and
- That the Government accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as well as the Convention Relating to the Status of Refugees.

Given the fact that Malaysia is both a destination and transit country for many migrant workers, the Commission calls upon the Government to intensify its efforts to provide greater protection to victims of human trafficking and smuggling at all stages, in line with international standards set by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

-END-

"HUMAN RIGHTS FOR ALL"



TAN SRI HASMY AGAM

Chairman
The Human Rights Commission of Malaysia (SUHAKAM)
21 June 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
HUMAN RIGHTS COMMISSION OF MALAYSIA

**SUHAKAM'S RESPONSE TO THE PROPOSAL TO REINSTATE
EMERGENCY (PUBLIC ORDER AND PREVENTION OF
CRIME) ORDINANCE (EO)**

The Human Rights Commission of Malaysia (the Commission) is deeply concerned with reports concerning the increase in crime rates involving former EO detainees since the repeal of the EO in 2012, which has prompted the proposal by some concerned citizens, including academics and researchers, to reinstate the EO or to develop a similar preventive detention law to deal with elements that threaten national security and the safety of society in this country.

While the Commission recognises the need to address this issue in preserving social order, it is of the view that the reinstatement of the EO is a retrogressive step as any detention held without trial is against the Federal Constitution and basic human rights principles, particularly Article 8(1) of Federal Constitution as well as Article 7 of the Universal Declaration of Human Rights (UDHR) both of which provide that all persons are equal before the law and are entitled to the equal protection of the law. The landmark decision by the Government, that was initiated by the Prime Minister, for changes in the law in accordance with the needs of contemporary society was indeed a victory for the champions of human rights -- which we all are or should be as citizens of a country that aims to be a full-functional democracy -- and therefore we should support that decision as we move forward towards joining the ranks of the developed nations.

The increase in crime rates occurs in many other countries and is not unique to Malaysia; this, however, does not justify the use of retrogressive measures which would only move the country backwards in terms of its human rights record. The Commission is of the view that the alleged crime offences could be dealt with under the existing penal laws of the country including the Penal Code that allow for the suspected criminals to be charged through a public fair trial in Court.

The Commission also sees the need for the authority to enhance the effectiveness of its crime investigation, prevention and monitoring mechanism, as well as rehabilitation programme for former detainees.

-END-

"HUMAN RIGHTS FOR ALL"

TAN SRI HASMY AGAM

Chairman
The Human Rights Commission of Malaysia (SUHAKAM)
27 June 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA HUMAN RIGHTS COMMISSION OF MALAYSIA

SUHAKAM WELCOMES THE GOVERNMENT'S MOVE TO ALLOW REFUGEES TO WORK IN MALAYSIA

The Human Rights Commission of Malaysia (the Commission) commends the Government for its decision to issue work permits to refugees in Malaysia. This positive step is also in line with the consistent call made by the Commission over the years calling for greater protection for the human rights of refugees and asylum seekers in this country.

The Commission has, in the past, received numerous complaints pertaining to the issues facing refugees and asylum seekers, particularly the deprivation of their basic rights to access employment, formal education and healthcare services. In respect of employment, the refugees often suffer from exploitation by some employers due to their status and the absence of work permits. In this regard, the Commission hopes that, in allowing the refugees to work, the Government will also provide safeguards to protect the refugee workers from any forms of exploitation by the employers.

In welcoming this positive development, which is a major step to improve the wellbeing of refugees in Malaysia, the Commission hopes that the Government will continue to work closely with UNHCR for the further amelioration of the plight of refugees and the protection of their basic human rights, consistent with its position as a responsible and active member of the United Nations and the Human Rights Council. It will continue to express the hope that the Government will take incremental steps towards accession to the 1951 Convention Relating to the Status of Refugees.

-END-

"HUMAN RIGHTS FOR ALL"

TAN SRI HASMY AGAM

Chairman
The Human Rights Commission of Malaysia (SUHAKAM)
12 July 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

HUMAN RIGHTS COMMISSION OF MALAYSIA

REPORT OF THE NATIONAL INQUIRY INTO THE LAND RIGHTS OF INDIGENOUS PEOPLES IN MALAYSIA

It is with great pleasure today that the Human Rights Commission of Malaysia (the Commission) releases the National Inquiry Report on the Land Rights of Indigenous Peoples in Malaysia to the Government and the public.

As is generally known, the National Inquiry was held for the first time ever by the Commission. The Commission decided to hold the National Inquiry following numerous and persistent complaints on land issues received from the indigenous communities, ever since its establishment.

In this regard, the Commission deems the involvement of all stakeholders imperative to ensure the effectiveness of the Inquiry. The first initiative undertaken by the Commission was to notify the Federal and relevant State Governments of the intention and objective of the Inquiry. This was ensued by consultation sessions where other stakeholders, including Indigenous Peoples and civil society, were given the opportunity to raise relevant issues. Also present during the consultation sessions were representatives from the Federal and State Governments. To ensure that it received a comprehensive and fair depiction of the issues raised during the consultation sessions, the Commission conducted public hearings in which the cases selected based on specific criteria were heard. During the public hearings, all parties, including indigenous communities, the private sector and the Government, were invited to give testimonies to the Inquiry Panel. The entire National Inquiry process of the National Inquiry took more than 18 months and an allocation of RM1,235,508.61 was spent to ensure its success.

As a result of the National Inquiry process, a Report containing all the issues raised has been prepared. This Report is segregated into several chapters, including three separate chapters that record issues for Peninsular Malaysia, Sabah and Sarawak.

The Commission wishes to highlight common issues involving all Indigenous Peoples in Malaysia. These include, the allegation that the responsible parties failed to give real recognition to the concept of customary land ownership of Indigenous Peoples and the Government's weaknesses in administering Indigenous Peoples' land. Besides that, other issues that were raised were allegations of logging and plantation activities carried out on Indigenous Peoples customary land. There were also allegations of Indigenous Peoples' customary land gazetted as protection areas (forest reserves or wildlife sanctuaries). A frequently raised issue was the absence of a comprehensive and transparent consultation with Indigenous Peoples in relation to development of customary land in their areas.

In its report, the Commission outlined 18 recommendations with regard to six main issues as follows:-

1. Recognise Indigenous Customary Rights to Land
2. Remedy for land loss
3. Address land development issues/imbbalances
4. Prevent future loss of native customary land of the Indigenous Peoples
5. Handle land administration issues
6. Recognise land as the Central to Indigenous Peoples' Identity

The Commission hopes that the Government undertake immediate attention and action on the issues highlighted in its National Inquiry Report on the Land Rights of Indigenous Peoples in Malaysia. Among the specific recommendations that the Commission hope to receive support from the Government are pertaining to the establishment of an independent National Commission on Indigenous Peoples where its functions would be, among others, to effectively review recognition as well as promotion and protection of Indigenous Peoples' rights to their land and identity. The establishment of this proposed Commission should be seen as a time-bound and broad-based affirmative action for the development and well-being of Indigenous Peoples in Malaysia.

The Commission would like to take this opportunity to thank all those involved, particularly from the government, the indigenous communities and the private sector, for their cooperation and responses in the conduct of the National Inquiry.

-END-

"HUMAN RIGHTS FOR ALL"



TAN SRI HASMY AGAM

Chairman
The Human Rights Commission of Malaysia (SUHAKAM)
5 August 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
HUMAN RIGHTS COMMISSION OF MALAYSIA

**SUHAKAM LAUDS PM'S ASSURANCE FOR NOT
INTRODUCING LAWS RESTRICTING HUMAN RIGHTS
AND LIBERTIES**

The Human Rights Commission of Malaysia (the Commission) is gratified at, and warmly welcomes, the Prime Minister's assurance that laws that restrict human rights and liberties or that empower the authorities to detain individuals without trial would not be introduced in the Government's effort to combat crimes. The Commission also commends the Prime Minister for recognising the need to strike a balance between human rights and public interest. These views are in line with the Commission's consistent stand in response to the proposal to reinstate preventive detention laws in overcoming the spike in crimes, and also very much in keeping with the country's goal of becoming a vibrant and fully functional democracy and a developed nation in the not too distant future.

In supporting the Government's pledge to act in the face of the increasing crime rates and to restore public safety, the Commission reiterates its hope that any measures taken by the Government to provide a more secure society will not be dealt through preventive detention laws that deprive the people's fundamental liberty and rights to fair trial.

The Commission also calls upon the Government to conduct a thorough study and review of the country's national policy on safety as a long-term measure to safeguard public security should it feel that the existing laws are insufficient to address the growing crime rates.

-END-

"HUMAN RIGHTS FOR ALL"

TAN SRI HASMY AGAM

Chairman
The Human Rights Commission of Malaysia (SUHAKAM)
20 August 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

HUMAN RIGHTS COMMISSION OF MALAYSIA

THE BEST INTERESTS OF THE CHILD MUST BE MAINTAINED AND RESPECTED

The Human Rights Commission of Malaysia (the Commission) expresses its concern and disquiet over the recent action of the police in interviewing some pupils of SK Seri Pristana without the consent and in the absence of their parents. Equally of great concern was the failure of the school authorities to discharge their responsibilities and duties in relation to the pupils under their care and to prevent the occurrence of the said incident.

While there is no specific provision under the Child Act 2001 or any law requiring the presence of a parent or guardian before a child may be interviewed or questioned in the course of an investigation by any enforcement authorities, the Commission is of the considered opinion that the action of the police has violated the underlying spirit of the Child Act 2001, which is unequivocal in its assertion, among others, that a child by reason of his physical, mental and emotional immaturity, is in need of special safeguards, care and assistance, as well as protection, in all circumstances and at all times. The Child Act is also in line with the four core principles of the Convention on the Rights of the Child (CRC) to which Malaysia is a State Party. These principles include non-discrimination; the right to life; survival and development as well as devotion to the best interest of the child. Article 5 of the CRC emphasizes the need for the State to respect the rights and responsibilities of parents to provide appropriate direction and guidance to their children in a manner consistent with the latter's evolving capacities. The United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime also flags the need to delicately handle child victims and witnesses of crime, as is reflected in the Criminal Procedure Code and the Child Witnesses Act.

The Commission strongly urges the police and all schools to act and uphold at all times the best interests of the child and to ensure that such acts do not occur in future and that should there be any need to question any children, such interviews be conducted with the consent and in the presence of their parents or guardians as well as in a "child-sensitive" manner by professionally-trained personnel.

The Commission recommends that for the better protection and safeguard of children, the Government study good practices from elsewhere with regard to the proper procedures relating to police interviews of students and to consider developing appropriate legislation to that effect, pending which, to issue appropriate guidelines on the handling of this issue.

-END-

"HUMAN RIGHTS FOR ALL"

DATUK DR KHAW LAKE TEE

Acting Chairman

The Human Rights Commission of Malaysia (SUHAKAM)

6 September 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
HUMAN RIGHTS COMMISSION OF MALAYSIA

**HUMAN RIGHTS PRINCIPLES MUST BE REFLECTED IN THE
PREVENTION OF CRIME
(AMENDMENT AND EXTENSION) BILL 2013**

While reiterating its support for the Government's continued effort to tackle serious crimes in the country, the Human Rights Commission of Malaysia (the Commission) expresses its concern over the Government's proposed amendments to the Prevention of Crime Act ("PCA") 1959 as reflected in the Prevention of Crime (Amendment and Extension) Bill 2013 which was tabled in the Dewan Rakyat for first reading on 25 September 2013.

Having studied the Bill, the Commission opines that some of its provisions, and in particular those relating to detention without trial and legal representation, are inconsistent with fundamental human rights principles as enshrined in the Federal Constitution and the Universal Declaration of Human Rights (UDHR).

While it is noted that the Bill proposes an amendment to Section 9(1) making it a requirement for inquiry reports to be submitted to the Prevention of Crime Board (Board) instead of the Minister, the Commission views seriously the proposed Sections 9(5) and 9A(2) that deprive the right of a person to legal representation as guaranteed by Article 5(3) of the Federal Constitution and Article 7 of the Universal Declaration of Human Rights (UDHR).

The Commission is also concerned with the proposed Section 7C which empowers the Board to issue a detention order against a person who has committed two or more serious offences, whether or not he has been convicted, and merely on the sufficiency of evidence. The Commission is of the view that this provision violates a person's right to a fair trial and protection against repeated trials as well as the rights to equality before the law and to be considered innocent until proven guilty, as stipulated under Articles 7(2) and 8(1) of the Federal Constitution, respectively.

The Commission also expresses its dismay over the proposed Section 15A which prevents judicial review of the Board's decision except on procedural matters thereby denying the right of the aggrieved individual to access to a court of law with all the guarantees necessary for his defence.

In the Government's efforts to combat crime, it is important to ensure that laws that are enacted are progressive and not retrogressive in character, mindful of Malaysia's position as a sitting member of the United Nations Human Rights Council that requires it to uphold the highest standards in the promotion and protection of human rights in the country. The Commission therefore deems it important for the Government to defer the second tabling of the Bill and to conduct a review of the proposed amendments by taking into account the following fundamental human rights principles:

- That the detention must not be made arbitrarily;
- That the detention must be based upon grounds and procedures established by law;
- That information of the grounds for detention must be given; and
- That the right to fair trial and access to legal representation must be granted.

The Commission holds the view that consistent with the Government's stated aim of moving the country forward to attaining the status of a developed nation in the near future, it is imperative for Malaysia to demonstrate its full compliance with international human rights norms and to ensure meaningful engagement with various stakeholders in its law review and policy planning processes to which the Government has committed itself.

-END-

"HUMAN RIGHTS FOR ALL"



TAN SRI HASMY AGAM

Chairman
The Human Rights Commission of Malaysia (SUHAKAM)
28 September 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

HUMAN RIGHTS COMMISSION OF MALAYSIA

MALAYSIA'S HUMAN RIGHTS RECORD UP FOR SECOND REVIEW ON 24 OCTOBER 2013

The Human Rights Commission of Malaysia (the Commission) calls upon the public to take cognizance of Malaysia's second Universal Periodic Review (UPR), which will take place on 24 October 2013 at the United Nations Office in Geneva, Switzerland.

The UPR is a mechanism established by the United Nations Human Rights Council (HRC) in 2007 with the aim of improving the human rights situation on the ground in each of the 193 UN Member States. Under the UPR, the human rights records of Member States are reviewed every four and a half years by the UPR Working Group comprising the 47 members of the HRC.

During this period, every Member State is to honour their commitments made to the international community by implementing the recommendations that were received at its UPR, with a view to achieving an improved human rights record before the next review. Malaysia was reviewed in the first cycle of the UPR on 11 February 2009 and is up for its second review by the UPR Working Group on 24 October 2013.

At its first cycle of review, Malaysia accepted 62 of the 103 recommendations issued by the UPR Working Group on various human rights issues including, accession to international human rights treaties; review of existing laws and judicial systems; human rights of the vulnerable groups including indigenous peoples, women and children; foreign workers; trafficking in persons; as well as education, economic and healthcare rights.

Given the fact that the Working Group will assess Malaysia's implementation of the preceding review outcome and accepted recommendations as well as developments of the human rights situation in the country, the Commission wishes to bring to the attention of the Government that its current legislative initiatives in the interests of public security, public order or prevention of crime, in particular the amendments to the Prevention of Crime Act 1959 which include provisions that are retrogressive in nature and inconsistent with fundamental human rights principles, will open the country to scrutiny and criticism by the international community which will indirectly affect Malaysia's human rights record at international fora.

In this regard, the Commission calls upon the Government to demonstrate its full compliance with international human rights principles and fulfil the pledges and voluntary commitments that it made in defending its candidature for membership of the HRC, all of which are essence of the UPR.

The Commission also calls upon other stakeholders, particularly the media and members of civil society organisations to play their respective roles in advocating for the realisation of the review outcome towards enhancing the human rights situation in Malaysia.

In conjunction with Malaysia's second UPR, the Commission and 10 other stakeholders have also contributed their respective submissions to the Office of the High Commissioner for Human Rights (OHCHR), all of which have been compiled as one of the three key documents to be reviewed by the Working Group. These documents are available on the website of the Human Rights Council at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MYSession17.aspx>.

-END-

"HUMAN RIGHTS FOR ALL"



TAN SRI HASMY AGAM

Chairman

The Human Rights Commission of Malaysia (SUHAKAM)

7 October 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA HUMAN RIGHTS COMMISSION OF MALAYSIA

SUHAKAM OBJECTS TO POLICE 'SHOOT FIRST' APPROACH

The Human Rights Commission of Malaysia (the Commission) is dismayed by the remarks made by the Minister of Home Affairs at a security briefing event with community leaders in Ayer Keroh, Melaka on 6 October 2013, that gangsters would be "shot first" without any warning, if evidence was obtained by the Police.

The approach that is being advocated by the Minister is entirely contrary to fundamental human rights principles, particularly the right to life and the rights to a fair trial and equal protection of the law as guaranteed under the Universal Declaration of Human Rights (UDHR) and the Federal Constitution. This approach which allows the authority to exercise laws and justice in their hands, also undermines the principle of the rule of law and criminal justice system that the Government is obliged to uphold in good faith in a democracy.

The remarks by the Minister are most unfortunate at a time when Malaysia's human rights record will be scrutinised at the Universal Periodic Review later this month at the UN Human Rights Council and will likely come under severe criticism from the international community, along with the Government's recent amendments to the Prevention of Crime Act 1959 (PCA), allowing for the detention of individuals without trial.

The Commission strongly urges the Government to uphold the highest standards in the promotion and protection of human rights in all its actions aimed at safeguarding public security and safety.

-END-

"HUMAN RIGHTS FOR ALL"


TAN SRI HASMY AGAM

Chairman
The Human Rights Commission of Malaysia (SUHAKAM)
10 October 2013



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA HUMAN RIGHTS COMMISSION OF MALAYSIA

MALAYSIA'S SECOND UNIVERSAL PERIODIC REVIEW (UPR)

The Human Rights Commission of Malaysia (the Commission) congratulates the Government of Malaysia for its presentation at its second Universal Periodic Review (UPR) session on 24 October 2013 at the United Nations Office in Geneva.

The Commission, which attended the session as an observer, notes the various comments and numerous recommendations made to Malaysia by approximately a hundred UN Member States during the interactive dialogue exercise of the UPR. The Commission also notes that most of the comments offered by Members States were positive and complimentary in nature where a significant number of them lauded Malaysia for its achievements in promoting economic, social and cultural rights, particularly poverty eradication and access to education and healthcare.

Positive comments were also made on the Government's move to repeal several preventive detention laws including the Internal Security Act (ISA) and Emergency Ordinances although only a few had expressed concern regarding the Government's recent amendments to the Prevention of Crime Act (PCA) that are retrogressive and inconsistent with human rights principles.

The Commission welcomes the recommendations posed by Member States on issues related to rights of women, children, migrant workers, refugees and asylum seekers, Indigenous Peoples, trafficking in persons and the abolition of the death penalty, among others. Nonetheless, the Commission is disappointed with the absence of recommendations on the issue of business and human rights, which is an emerging and equally important human rights area for Member States throughout the globe including Malaysia. This demonstrates the lack of recognition by State actors on the role and obligation of business entities in promoting and protecting human rights.

While the Commission concurs with the positive comments from a number of Member States that Malaysia has shown some progress in the field of human rights through various initiatives and measures since its last review in 2009, the Commission is of the view that critically constructive comments and recommendations by the Members States would have served as valid and useful reminders to the Malaysian Government of the need to redouble its efforts to promote and protect the human rights situation in the country.

Mindful that UPR process allows the State Under Review to either support or not support the individual recommendations, the Commission urges the Government to consider positively supporting as many constructive and practical recommendations as possible, with a view to fully implementing them over the course of the next four and a half years, before Malaysia is due to be reviewed for the third time in 2018, by which time Malaysia would be on the threshold of becoming a developed nation.

The Commission looks forward to the preliminary adoption of the outcome report on Malaysia, which is scheduled to take place on 31 October 2013 in Geneva. The Commission hopes that the report, which in essence, would underscore the Government's commitments for the second UPR cycle, would serve as a key document in determining the Government's next course of action in promoting and protecting human rights.

By and large, the Commission believes that the UPR session was a great success on the part of the Government, which we commend, but feels that a more focused and in-depth deliberation of the human rights situation in the country would have been more beneficial to Malaysia as it undertakes measures to fulfill its commitments to further improve the human rights situation in the country in the coming four and a half years before the the next review cycle.

-END-

"HUMAN RIGHTS FOR ALL"



TAN SRI HASMY AGAM

Chairman
The Human Rights Commission of Malaysia (SUHAKAM)
26 October 2013

APPENDIX II

THE COMMISSION'S STATEMENTS TO
THE HUMAN RIGHTS COUNCIL

NO	DATE	TITLE
1.	March	Submission to the Universal Periodic Review (UPR) Malaysia October 2013
2.	September	Transcript of the Video Statement on the Report of the Special Rapporteur on the Rights of Indigenous Peoples: Extractive Industries and Indigenous Peoples <i>24th Regular Session of the Human Rights Council Palais des Nations, Geneva, September 2013</i>
3.	September	Transcript of the Video Statement on the Summary Report of the Consultation on the Promotion and Protection of the Human Rights of Older Persons <i>24th Regular Session of the Human Rights Council Palais des Nations, Geneva, September 2013</i>

Submission to the Universal Periodic Review (UPR) Malaysia October 2013

(Submitted on 11 March 2013)

A. INTRODUCTION

1. The Human Rights Commission of Malaysia (SUHAKAM) is an "A" status National Human Rights Institution (NHRI) established in 1999 by the Human Rights Commission of Malaysia Act [Act 597].
2. This independent submission reflects the views of SUHAKAM, based on its own deliberations and monitoring of the UPR follow up process. In preparing the submission, SUHAKAM also takes into consideration information obtained through a series of consultations¹ with stakeholders.
3. Since its first UPR in February 2009, Malaysia has seen a number of positive developments that have contributed to some level of progress in the human rights situation of the country. SUHAKAM observes that many of these significant achievements relate to civil and political rights. SUHAKAM also notes that many of the positive changes pertain to UPR recommendations that were not supported by the Government such as the abolition of the Internal Security Act (ISA) and other preventive laws; the review of the Police Act; and the proposed review of the mandatory death penalty.

B. HUMAN RIGHTS ISSUES (Related to UPR Recommendations)

I. Accession to International Human Rights Treaties

4. SUHAKAM welcomes Malaysia's accession to two of the Optional Protocols² to CRC³ in April 2012 and also its withdrawal of certain reservations⁴ to CRC and CEDAW⁵ in 2010.
5. SUHAKAM commends the Government's initiative in establishing a Technical Sub-Committee to study the feasibility of becoming party to ICCPR, ICESCR, CAT and ICERD.⁶
6. SUHAKAM calls on the Government to accelerate the process of acceding to the remaining six core international human rights treaties. Existing laws, policies and practices inconsistent with those treaties should not be seen as impediments to accession. Rather, accession should be used as a foundation for gradual compliance.

II. National Strategies and Institutional Framework on Human Rights⁷

7. SUHAKAM commends the Government's decision in October 2010 to develop a National Human Rights Action Plan (NHRAP) for Malaysia. However, SUHAKAM is very concerned

about the slow progress of the NHRAP despite earlier indications that it would be pursued as a matter of urgency. While SUHAKAM recognizes the need for extensive deliberation in formulating the NHRAP, it believes that the NHRAP should be completed in a reasonably short timeframe. SUHAKAM also urges the Government to hold broad and meaningful consultations with all stakeholders in developing the NHRAP.

8. SUHAKAM looks forward to the establishment of the proposed Parliamentary Select Committee on Human Rights, which could serve as a meaningful body to deliberate its Annual Report⁸ as well as other human rights issues.

III. Marginalized Groups

Children

9. The Government has taken various measures to protect the rights of children and address child abuse⁹ such as the introduction of the National Child Protection Policy and Plan of Action, ChildLine 15999, Kuala Lumpur Crash Pad, National Urgent Response Alert (NUR Alert) system and the Suspected Child Abuse and Neglect Team (SCAN).
10. SUHAKAM urges the Government to give due attention to the rights of children of marginalized groups¹⁰ such as children with disabilities, stateless children, street children, migrant children, indigenous children and refugee children, especially in terms of access to quality education,¹¹ healthcare and protection from abuse.

Women

11. A number of measures have been taken by the Government towards the empowerment of women¹² especially in promoting gender equality and women participation at the decision-making level,¹³ both in public and private sectors.
12. SUHAKAM welcomes the amendments to the Domestic Violence Act in 2012, which have expanded the definition of 'domestic violence' to include psychological and emotional injuries. The amendments also make domestic violence a seizeable offence, which allows the police to investigate and make arrests immediately.¹⁴
13. SUHAKAM calls on the Government to further look into the absence of a Gender Equality Act; double standards on the right to citizenship in the Federal Constitution; sexual abuse and violence within marriage; the enactment of a sexual harassment law; the cap on the total number of days for maternity leave; trafficking of women; rights of single mothers; women refugees/asylum seekers and the Optional Protocol to CEDAW.¹⁵

Persons with Disabilities¹⁶

14. The Government should step up its efforts in addressing the rights of persons with disabilities (PwDs) especially with regard to registration of PwDs; access to education, in particular for those with learning disabilities; access to public facilities, amenities, buildings and public transportation; as well as employment.

Indigenous Peoples

15. The Government has introduced various programmes to foster better economic opportunities as well as to provide equal education¹⁷ for indigenous communities. The Indigenous Education Transformation Plan was launched to offer education that would furnish indigenous peoples with the necessary knowledge and skills for better occupational opportunities.
16. SUHAKAM, through its National Inquiry into Land Rights of Indigenous Peoples, finds that it is necessary for the Government to take legal, policy and administrative measures to address issues related to indigenous peoples' right to land. These issues include the lack of recognition of indigenous peoples' concept of Native Customary Rights to Land; inclusion of native customary land in protected areas and development projects; and inadequate compensation for the loss of indigenous peoples' land, territories, crops and resources. In addition, it is imperative that the Government apply the principle of free, prior and informed consent when addressing issues concerning indigenous communities.

Migrant Workers

17. SUHAKAM welcomes the Government's amnesty programme (6P), carried out in 2011, which was aimed at deriving the actual number of undocumented migrant workers in Malaysia and issuing them with documents for work or returning them to their countries of origin at their own cost and without penalty.
18. Nonetheless, more concrete measures must be taken to ensure that the rights of migrant workers, in particular undocumented migrant workers, are safeguarded. Among the problems faced by migrant workers are irregular or long working hours; incomplete and irregular payment of wages; deplorable living conditions; and the lack of appropriate personal identification card while their passports are held by their employers.

Refugees and Asylum Seekers¹⁸

19. The Government does not recognize the status of refugees and does not make distinction between refugees, asylum seekers and undocumented immigrants. There are no laws governing refugees and asylum seekers and their rights are extremely limited especially in terms of access to formal education, employment and healthcare services. SUHAKAM recommends that the Government accede to the Convention and Protocol relating to the Status of Refugees.

IV. Judicial Reforms¹⁹

20. SUHAKAM commends the establishment of the Judicial Appointments Commission (JAC) in February 2009, to provide for a more transparent mechanism in appointing judges; as well as the introduction of human rights subjects in the training programmes conducted by the Judicial and Legal Training Institute (ILKAP) for the judicial officers and public prosecutors. SUHAKAM welcomes the references by judges to international human rights

conventions, where relevant, in their decisions and hopes that the judiciary will continue to take into account human rights standards in their judgments.

V. Trafficking in Persons

21. SUHAKAM welcomes the Government's initiative in introducing the National Action Plan against Trafficking in Persons 2010-2015. SUHAKAM notes that the amendments made to the Anti-Trafficking in Persons Act in 2010 provide for, among others, the imposition of a higher fine on any person convicted of profiting from the exploitation of a trafficked person; as well as a mandatory Interim Protection Order for a suspected victim of trafficking.
22. SUHAKAM is concerned that the amendments have widened the scope of the Act to include smuggling of migrants. Trafficking in persons and smuggling of migrants must be treated as separate issues to avoid problems in identifying victims of trafficking. In addition, the Act should allow victims to work pending the resolution of the cases. SUHAKAM also finds that there is lack of awareness, skills and resources within the law enforcement agencies in addressing the issue.

VI. Right to Education

23. SUHAKAM commends the Government for introducing Malaysia's Education Blueprint 2013-2025 as an effort to further strengthening the education system.²⁰ However, gaps still exist in terms of access to education for children of marginalized groups such as children with disabilities,²¹ indigenous children, migrant children, refugee children and stateless children. SUHAKAM recommends that the Government withdraw, among others, its reservation to Article 28(1)(a) of CRC, which calls upon state parties to make primary education compulsory and free to all, and in line with the Child Act 2001 under which all children are entitled to protection and assistance in all circumstances without regard to distinction of any kind.

VII. Poverty Eradication²²

24. SUHAKAM finds that the various programmes put in place by the Government through its agencies, particularly under the Government Transformation Programme, have led to positive results in eradicating poverty and in raising the living standards of low income households.
25. SUHAKAM, however is concerned that poverty eradication policies and programmes are focused only on raising income levels and still do not have a holistic measurement and goals that take into consideration social, cultural and land tenure aspects. There are no effective and meaningful consultations with affected communities or persons, or in-built periodic assessments to enable adaptation of such programmes and to mitigate negative impacts.

VIII. Healthcare

26. The Government has taken various steps to ensure accessibility and affordability of healthcare, including the introduction of the 1Malaysia Clinics and outreach programmes such as mobile clinics and flying doctors. Nevertheless, SUHAKAM urges the Government to take the necessary measures to ensure that marginalized groups such as asylum seekers, undocumented migrants and stateless persons also have equitable access to healthcare.
27. SUHAKAM is concerned about the possible ramifications of the proposed Free Trade Agreement (FTA) with the European Union and the proposed Trans-Pacific Partnership Agreement (TPPA) with the USA on patented drugs and medicines, which may in turn raise the costs of healthcare significantly and affect access to healthcare. SUHAKAM calls for transparent and meaningful consultation with all stakeholders.

IX. Housing²³

28. The Government has undertaken various initiatives to address the right to housing especially for the low-income groups. These include the Public Housing Programme; the Urban Housing Assistance Project; the Rental House Assistance Project; the Low Cost Housing Fund Scheme and the My First Home Scheme. However, in many cases, these programmes do not benefit the intended target groups because of their failure to qualify for loans, shortage of affordable units and inefficient low-cost housing distribution system.

X. Preventive Detention Legislation

29. SUHAKAM lauds the repeal of the Internal Security Act (ISA) 1969,²⁴ the Banishment Act 1959 and the Restricted Residence Act 1933 as well as the annulment of the three remaining proclamations of Emergency, all of which provide for detention without trial. While SUHAKAM welcomes the Security Offences (Special Measures) Act, which replaced the ISA, it is of the view that Sections 4, 5, 6 and 30²⁵ of the Act may lead to violation of human rights.

XI. Freedom of Assembly

30. The repeal of Sections 27, 27A and 27B of the Police Act²⁶ and the adoption of the Peaceful Assembly Act in 2012 are positive moves by the Government in relation to the right to peaceful assembly. While the Peaceful Assembly Act places upon the police the responsibility to ensure orderly conduct of a peaceful assembly, it also gives the police discretion to impose conditions, which could potentially undermine the right of the public to assemble peacefully.

XII. Freedom of Expression and Information

31. The Government has taken progressive steps towards full respect of the right to freedom of expression and information. Amendments were made to the Printing Presses and

Publications Act 1984 in 2012, removing the Minister's absolute discretion over the issuance of licences; and abolishing the requirement for these licences to be renewed annually. While SUHAKAM welcomes these amendments, it is of the view that reforms should not be restricted to addressing procedural matters.

32. SUHAKAM welcomes the Government's decision to repeal the obsolete Sedition Act of 1948, which restricts the freedom of speech and expression. SUHAKAM hopes that the proposed replacement law - the National Harmony Act - will strike a balance between providing greater enjoyment of freedom of speech and expression, and the need to handle the delicate nature of the country's plural society.
33. SUHAKAM is concerned by the inclusion of section 114A in the Evidence Act. SUHAKAM believes that section 114A of the Act, which relates to the presumption of fact in publication, could seriously undermine and threaten freedom of speech and expression, especially on the Internet, and possibly reverse the burden of proof in criminal and civil matters.

XIII. Death Penalty

34. SUHAKAM welcomes the Government's proposal to review the mandatory death penalty for drug trafficking. This will allow the court the liberty and discretion to determine punishment based on the gravity of the offence in each case. SUHAKAM hopes that this move will gradually lead to the abolition²⁷ of the death penalty.

XIV. Sexual Orientation and Gender Identity²⁸

35. SUHAKAM is concerned by the ill-treatment, discrimination, bullying, vilification, humiliation and intimidation of sexual minority groups. Regardless of sexual orientation or gender identity, everyone is entitled to rights and fundamental liberties.

XV. Proposal to Amend SUHAKAM Act

36. SUHAKAM's founding Act was amended twice in 2009 in response to recommendations made by the International Coordinating Committee NHRIs (ICC) Sub-Committee on Accreditation (SCA) in relation to SUHAKAM's accreditation status. The amendments provided for, among others, a more transparent selection and appointment process of Commissioners.
37. To further strengthen²⁹ its effectiveness in the discharge of its functions, SUHAKAM has proposed an amendment to allow it to visit places of detention without prior notification, as is currently required.

XVI. UN Special Procedures³⁰

38. The Working Group on Arbitrary Detention, which conducted an official visit to Malaysia in June 2010, thus far was the only UN Special Procedures Mandate Holder (SPMH) that was invited by the Government. SUHAKAM calls on the Government to extend formal invitations

to other SPMH, who are keen to visit Malaysia, which would allow them to offer their expert insights on ways to address various human rights issues in the country.

C. OTHER HUMAN RIGHTS ISSUES (Not Related to UPR Recommendations)

I. Business and Human Rights

39. SUHAKAM calls on the Government to take the necessary measures to ensure that the private sector, which includes transnational corporations and other business enterprises, fulfils their responsibility to observe and respect human rights standards in their daily operations. Such measures must take into consideration standards highlighted in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.
40. SUHAKAM is concerned with the possible impact of the proposed Free Trade Agreement (FTA) with the European Union and the proposed Trans-Pacific Partnership Agreement (TPPA) with the USA, on human rights in the country. Among the concerns are the lack of consultation with stakeholders; the possible impact of increased intellectual property protection on access to affordable medicines; tariff liberalisation on rice and agricultural products; and workers rights.

II. Rights of Older Persons

41. SUHAKAM commends the Government for its Policy on Older Persons and Plan of Action, adopted in 2011. SUHAKAM calls for the effective implementation of the provisions and proposed programmes contained therein so that the rights of older persons are safeguarded. In addition, SUHAKAM urges the Government to give particular attention to issues related to care services, employment and social security of older persons.

III. UPR Follow-Up

42. SUHAKAM believes that the UPR process would serve as an effective mechanism in enhancing the human rights situation of a country only if all stakeholders play an active role throughout process. SUHAKAM was disappointed to learn through its consultations, that many stakeholders at the grassroots level, including Government agencies and civil society organisations, had little awareness and understanding of the UPR process, much less the recommendations accepted or rejected by the Government.
43. SUHAKAM recommends that the Government play a more active role in ensuring all stakeholders, especially Government agencies at the state level, are not only aware of the UPR but are also directly involved in the implementation of the UPR recommendations. At the same time, SUHAKAM will step up its own efforts in promoting awareness and understanding of the UPR.

D. CONCLUSION

44. The Government has taken commendable steps in improving the human rights situation of Malaysia. Laws relating to preventive detention and freedom of assembly, among others, have been reformed to ensure greater compliance with international standards. Policies and programmes have led to positive results in promoting and protecting women's rights. Progress can be seen in areas relating to economic and social rights such as education and healthcare.
45. Nevertheless, there must be more concerted efforts to address problems faced by marginalized groups as they continue to become victims and the most vulnerable to human rights violations. Urgent priority must be given to accession to human rights treaties and the development of the NHRAP as these will bring about significant changes towards greater respect for human rights.

As of 11 March 2013

- 1 A series of nine consultations were organised by SUHAKAM in various areas of Malaysia to obtain feedback from stakeholders, including Government agencies and civil society organisations, on the UPR recommendations accepted by Malaysia; the extent to which the recommendations have been implemented; as well as other human rights issues. Two of the consultations, which were held in the states of Sabah and Sarawak, were organised in collaboration with the United Nations Country Team.
- 2 Optional Protocol to CRC on the Involvement of Children in Armed Conflict; and Optional Protocol to CRC on the Sale of Children, Child Prostitution and Child Pornography.
- 3 Acronyms:
CRC – Convention on the Rights of the Child
CEDAW – Convention on the Elimination of All Forms of Discrimination against Women
ICCPR – International Covenant on Civil and Political Rights
ICESCR – International Covenant on Economic, Social and Cultural Rights
CAT – Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
ICERD – International Convention on the Elimination of All Forms of Racial Discrimination
- 4 In 2010, Malaysia withdrew its reservations to Articles 1, 13 and 15 of CRC and Articles 5(a), 7(b), 16(2) of CEDAW.
- 5 Recommendation 3 (supported by the Government).
- 6 Recommendations 1, 2 and 5 (supported by the Government).
- 7 Recommendations 11 and 12 (supported by the Government).
- 8 As stipulated by the Human Rights Commission of Malaysia Act, SUHAKAM submits its Annual Report to the Parliament every year. However, none of the Annual Report has ever been debated in Parliament.
- 9 Recommendations 20 and 21 (supported by the Government).
- 10 Recommendation 22 (supported by the Government).
- 11 Recommendation 23 (supported by the Government).
- 12 Recommendations 17 and 18 (supported by the Government)
- 13 Recommendation 19 (supported by the Government).
- 14 Recommendation 16 (supported by the Government).
- 15 Not supported by Government.
- 16 Recommendations 13 and 14 (supported by the Government).
- 17 Recommendation 51 (supported by the Government).
- 18 Not supported by the Government.
- 19 Recommendations 25-28 (supported by the Government).
- 20 Recommendations 31 and 32 (supported by the Government).

- 21 Recommendation 23 (supported by the Government).
- 22 Recommendations 35-42 (supported by the Government).
- 23 Recommendations 48 and 49 (supported by the Government).
- 24 Not supported by the Government.
- 25 Section 4 does not provide for judicial oversight when the detention period is extended up to 28 days. Section 5 allows the police to deny immediate access to legal representation for a period of up to 48 hours. Section 6 permits the interception of communication which may infringe personal liberty and the right to privacy. Section 30 compels the court, upon application by the Public Prosecutor, to commit an acquitted person pending exhaustion of all appeals.
- 26 Not supported by the Government.
- 27 Not supported by the Government.
- 28 Not supported by the Government.
- 29 Recommendation was noted and responded to by the Government.
- 30 Not supported by the Government.

HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)
Transcript of the Video Statement on the Report of the
Special Rapporteur on the Rights of Indigenous Peoples:
Extractive Industries and Indigenous Peoples

24th Regular Session of the Human Rights Council
Palais des Nations, Geneva, September 2013

Mr President,

The Human Rights Commission of Malaysia (SUHAKAM) commends the Special Rapporteur on the Rights of Indigenous Peoples, Prof James Anaya, for his comprehensive report on extractive industries and indigenous peoples.

As state and non-state actors race to capitalize on what is left of earth's non-renewable resources, certain segments of the population – in many cases indigenous communities – become victims, as their rights are violated in the process. Extractive industries, if embarked upon without sound guidelines and safeguards in place, can easily have an adverse effect on the rights of indigenous peoples especially on their right to land.

SUHAKAM strongly believes that the recognition of indigenous customary right to land; the principle of free, prior and informed consent; as well as the adoption of a human rights based approach to development are key elements in ensuring that indigenous peoples' rights are protected.

For your information, SUHAKAM has concluded its first ever national inquiry, which focussed on land rights of indigenous peoples in Malaysia. Among the main issues arising from the national inquiry are: lack of recognition of native customary right to land; lack of access to remedy and redress; the negative impact of development projects on indigenous communities; and the shortcomings in the administration of land. These findings and determinations are highlighted in the report of the national inquiry, which was released recently and is available for public consumption through our website.

SUHAKAM calls on the Government of Malaysia, at both the Federal and State levels, to give serious and urgent consideration to the recommendations put forth in the report of the national inquiry, with a view to adopting and implementing them.

The Commission hopes that both reports can serve as useful reference materials to stakeholders in their endeavour to promote and protect the rights of indigenous peoples all over the world.

Thank you Mr President.

HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)
Transcript of the Video Statement on the Summary Report
of the Consultation on the Promotion and Protection of the
Human Rights of Older Persons
24th Regular Session of the Human Rights Council
Palais des Nations, Geneva, September 2013

Mr President,

The Human Rights Commission of Malaysia (SUHAKAM) congratulates the Office of the High Commissioner for Human Rights for organising a public consultation earlier this year on the promotion and protection of the human rights of older persons, and notes with appreciation the summary report of the consultation.

This initiative is a positive indication of the increasing recognition of the need for discussion and debate on issues relating to rights of older persons, which is in tandem with the growing percentage of the older person population worldwide.

Older persons should not be seen as a liability or a burden on a country's economy but should be treated as an important asset, whose expertise and experience can be utilized to contribute to society.

While existing human rights instruments and standards can serve as a framework for addressing rights of older persons, SUHAKAM is of the view that the development of a specific international convention on older persons is apt, as it would further reinforce these standards and provide for a more focussed and integrated mechanism, leading to greater respect and fulfilment of their rights.

At the national level, the Commission commends the Government of Malaysia for its Policy on Older Persons and Plan of Action, adopted in 2011, and for the steps taken to look into rights of older persons. Nevertheless, more effort needs to be given to ensure the full and effective implementation of this policy and plan of action as well as to overcome gaps and challenges.

SUHAKAM also urges the Government to consider positively drafting a law on older persons and to give particular attention to issues related to care services, employment, healthcare, social security and non-discrimination of older persons.

The Commission hopes that the Council will continue to include the rights of older persons on its agenda as we seek possible solutions to existing and impending challenges relating to rights of older persons.

Thank you Mr President.

APPENDIX III

ACTIVITIES OF THE COMMISSION IN 2013

PRD	-	Public Relations Division	ICD	-	International Coordination Division
EPD	-	Education and Promotion Division	Sabah	-	Sabah Office
CMID	-	Complaints and Monitoring Divisions	Sarawak	-	Sarawak Office
ID	-	Inquiries Division	SUHAkam	-	Human Rights Commission of Malaysia
RPDD	-	Research and Policy Development Division			

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
1.	3 Jan	Meeting with Officer-in-Charge of Police District (OCPD) on death in police custody; visit to Dang Wangi police lock-up	Kuala Lumpur	CMID
2.	4-5 Jan	Visit to promote human rights of Orang Asli	Cameron Highlands, Pahang & Gerik, Perak	EPD
3.	9 Jan	Meeting on 'Death Penalty' with Royal Malaysia Police (PDRM)	SUHAkam, Kuala Lumpur	RPDD
4.	10 Jan	Submission of memorandum by Manivanan Gowin on death in custody of Krishnan a/l Subramaniam	SUHAkam, Kuala Lumpur	CMID
5.	10 Jan	Visit to Kampung Mengkabang	Tuaran, Sabah	Sabah

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
6.	11 Jan	Meeting with Coordinator, Universiti Malaysia Sabah (UMS), on proposal to establish Human Rights Centre	Kota Kinabalu, Sabah	EPD
7.	11 Jan	Meeting with Association of Women Lawyers (AWL) on baseline study on 'Working Conditions of Male and Female Lawyers in Kuala Lumpur and Selangor' in partnership with SUHAKAM and Women's Aid Association (WAO)	Kuala Lumpur	RPDD
8.	12 Jan	Monitoring 'KL 112' assembly at Stadium Merdeka	Kuala Lumpur	CMID
9.	17 Jan	Talk on Human Rights for private companies	Kuala Lumpur	RPDD
10.	17 Jan	Visit to Immigration detention centres	Lenggeng, Perak & Semenyih, Selangor	CMID
11.	17 Jan	Submission of memorandum on Sedition Act 1948 by Constitution Research and Education Centre	SUHAKAM, Kuala Lumpur	CMID
12.	21 Jan	Meeting with Sarawak Energy Bhd on issues of corporate social responsibility	Kuching, Sarawak	Sarawak
13.	25 Jan	Human Rights Best Practices in Schools (HRBPS) programme at SJK(C) Chio Chiao	Selangor	EPD
14.	29-30 Jan	Participation in exhibition in conjunction with 'Illum Wonderland Fair'	Petaling Jaya, Selangor	EPD
15.	30 Jan	Universal Periodic Review (UPR) consultation with the media	SUHAKAM, Kuala Lumpur	ICD
16.	4 Feb	Meeting with Director, National Institute of Public Administration	Kuala Lumpur	EPD
17.	4 Feb	Consultation on 'Rights of Older Persons'	SUHAKAM, Kuala Lumpur	RPDD
18.	5 Feb	Submission of memorandum by Iban villagers on alleged encroachment by Golden Agra Plantation Sdn Bhd into land in Dalat	Kuching, Sarawak	Sarawak
19.	5 Feb	Meeting on Human Rights Curriculum for PDRM	Kuala Lumpur	EPD

20.	5 Feb	Watching brief in case involving fatal shooting of three Indonesians in 2012	Negeri Sembilan	CMID
21.	8 Feb	Meeting with Kajang OCPD on the death of C Sugumar a/l Chelladury	Kajang, Selangor	CMID
22.	9 Feb	Visit to promote human rights of Orang Asli	Rompin, Pahang	EPD
23.	14-15 Feb	Workshop on Human Rights for officials of local authorities	Penang	EPD
24.	16 Feb	Meeting with Ministry of Education (MOE) on HRBPS Curriculum	Putrajaya	EPD
25.	16 Feb	Dialogue with villagers in Kampung Pandi	Kota Belud, Sabah	Sabah
26.	18 Feb	Courtesy call on Director, Sarawak Prison	Kuching, Sarawak	Sarawak
27.	19 Feb	Meeting with MOE on SUHAKAM's visits to schools	Putrajaya	EPD
28.	19 Feb	Visit to prison	Johor Bahru, Johor	CMID
29.	19 Feb	Visit to police lock-up	Johor Bahru, Johor	CMID
30.	20 Feb	Study visit by Enforcement Agency Integrity Commission of Malaysia	SUHAKAM, Kuala Lumpur	PRD
31.	20 Feb	Visit to Immigration detention centre	Pontian, Johor	CMID
32.	20-22 Feb	HRBPS programme: Monitoring visit to SMK TTDI, SMK Dato' Mansur & SJK(T) Sepang	Kuala Lumpur, Negeri Sembilan & Selangor	EPD
33.	21 Feb	'SUHAKAM Bersama Masyarakat' programme	Kangar, Perlis	EPD
34.	21 Feb	Visit to Cure and Care Rehabilitation Centre (CCRC)	Pandang Besar, Perlis	EPD
35.	21 Feb	Visit to prison	Kajang, Selangor	CMID
36.	21 Feb	Submission of memorandum by SUARAM on arrest procedures under the Security Offences (Special Measures) Act 2012	SUHAKAM, Kuala Lumpur	CMID
37.	24 Feb	Monitoring public assembly by Gerakan Bertindak Kembalikan Royalti Rakyat	Penampang, Sabah	Sabah
38.	25 Feb	Courtesy call on State Director, Peoples' Volunteer Corps (RELA)	Kuching, Sarawak	Sarawak

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
39.	26 Feb	Study visit by Malaysian Centre for Constitutionalism; and Human Rights and Cross Cultural Foundation of Thailand	SUHAKAM, Kuala Lumpur	PRD
40.	26-27 Feb	UPR consultation with the media	Kota Kinabalu, Sabah; & Kuching, Sarawak	ICD, Sarawak & Sabah
41.	26-27 Feb	HRBPS programme: Monitoring visit to SMK Munsyi Abdullah and SMK Sultan Abdul Aziz	Melaka & Perak	EPD
42.	28 Feb	Roundtable Discussion (RTD) with NGOs on 'Anti-Trafficking in Persons'	SUHAKAM, Kuala Lumpur	RPDD
43.	1 March	Briefing by the UN High Commissioner for Refugees (UNHCR) on issues affecting Rohingya community	SUHAKAM, Kuala Lumpur	RPDD
44.	1 March	Visit by United Nations Delegation	SUHAKAM, Kuala Lumpur	PRD
45.	1 March	Meeting with Director-General, MOE	Putrajaya	EPD
46.	5 March	Courtesy call on Sabah State Secretary	Kota Kinabalu, Sabah	ID, Sabah
47.	5-6 March	Briefing for stakeholders on findings of Report of National Inquiry into the Land Rights of Indigenous Peoples in Malaysia (NI Report)	Kota Kinabalu, Sabah	ID
48.	6 March	Meeting with AWL on baseline study on 'Working Conditions of Male and Female Lawyers in Kuala Lumpur and Selangor' in partnership with SUHAKAM and WAO	Kuala Lumpur	RPDD
49.	6-7 March	Project on Children with Learning Disabilities: Visit to SK Kolombong, Seri Mengasih Centre and Shelter Home 3	Kota Kinabalu, Sabah	RPDD
50.	8 March	Courtesy visit by delegation from the Human Rights Commission of Bangladesh	SUHAKAM, Kuala Lumpur	PRD

51.	11 March	Meeting between SUHAKAM, UN Special Rapporteur on the Rights of Indigenous Peoples and Orang Asli Development Department	Kuala Lumpur	ICD
52.	11 March	Meeting between SUHAKAM, UN Special Rapporteur on the Rights of Indigenous Peoples and Bar Council Committee on Orang Asli Rights	Kuala Lumpur	ICD
53.	12 March	Visit by delegation from Afghanistan and Universiti Kebangsaan Malaysia (UKM)	SUHAKAM, Kuala Lumpur	PRD
54.	12 March	Discussion on collaboration project with UKM	SUHAKAM, Kuala Lumpur	EPD
55.	12-15 March	HRBPS programme: Monitoring visit to SK Ulu Geruntum, SMK Ulu Kinta, SK Kenang and SMK Muhibbah	Perak	EPD
56.	14 March	Regional Consultation on 'Indigenous People's Rights' organised by SUHAKAM and Southeast Asia National Human Rights Institutions Forum	Kuala Lumpur	ICD
57.	18 March	In-house Training: 'Findings of NI Report'	SUHAKAM, Kuala Lumpur	EPD
58.	18 March	Talk on Human Rights for RELA	Bintulu, Sarawak	Sarawak
59.	18-19 March	HRBPS programme: Monitoring visit to SK Penderas and SMK Kuala Krau	Pahang	EPD
60.	19-20 March	Briefing on findings of the NI Report for stakeholders in Peninsular Malaysia	Kuala Lumpur	ID
61.	21 March	Visit to prison	Sungai Buloh, Selangor	CMID
62.	22 March	Workshop on human rights for enforcement officers of local authorities	Banting, Selangor	EPD
63.	25 March	Seminar on 'Human Rights and Islam'	Kuala Lumpur	EPD
64.	26 March	Visit to Immigration detention centre	Selangor, Selangor	CMID
65.	26 March	Visit to CCRC	Dengkil, Selangor	CMID
66.	26 March	Submission of memorandum by Linus Chung of Malaysian Citizens Initiative group on alleged corruption in Sarawak	SUHAKAM, Kuala Lumpur	CMID

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
67.	27 March	Talk on Human Rights for Malaysian Anti-Corruption Commission (MACC)	Kajang, Selangor	EPD
68.	27 March	Discussion with NGOs on feasibility of Malaysia's accession to International Covenant on Economic, Social and Cultural Rights (ICESCR)	Kuala Lumpur	RPDD
69.	28 March	Visit by lecturers and students of Kolej Profesional MARA Sri Iskandar, Perak	SUHAKAM, Kuala Lumpur	PRD
70.	1 April	Dialogue with villagers in Kampung Ansuar	Telupid, Sabah	Sabah
71.	2 April	Visit to Kampung Tagupi	Lahad Datu, Sabah	Sabah
72.	2 April	Talk on Human Rights for students of Academy of Arts, Culture and Heritage (ASWARA)	Kuala Lumpur	EPD
73.	3 April	HRBPS programme: Monitoring visit to schools	Melaka	EPD
74.	3 April	Closed-door discussions with government agencies and NGOs respectively on feasibility of Malaysia's accession to International Covenant on Elimination of All Forms of Racial Discrimination (ICERD)	SUHAKAM, Kuala Lumpur	RPDD
75.	4 April	Meeting with Chief Secretary to the Government	Putrajaya	SUHAKAM
76.	4 April	Talk on Human Rights for Prison Department	Kajang, Selangor	EPD
77.	4 April	Talk on Human Rights for MACC	Kajang, Selangor	EPD
78.	9 April	Courtesy call on Sarawak State Secretary	Kuching, Sarawak	ID, Sarawak
79.	9-10 April	Briefing on findings of NI Report in Sarawak	Kuching, Sarawak	ID
80.	10-11 April	Project on Children with Learning Disabilities: Visit to Pertubuhan Ibu Bapa Kanak-Kanak Keperluan Istimewa Sarawak and Association of Welfare of Mentally Retarded Children Sarawak	Kuching, Sarawak	RPDD

81.	11 April	Meeting with Deputy Vice-Chancellor, Universiti Sains Malaysia, on proposal to establish Human Rights Centre	Penang	EPD
82.	14 April	Meeting with Native Chief	Lahad Datu, Sabah	Sabah
83.	17 April	Public Release of Preliminary Report on Public Inquiry into the Incidents During and After the Public Assembly on 28 April 2012	SUHAKAM, Kuala Lumpur	CMID, PRD
84.	17-18 April	HRBPS programme: Monitoring visit to SMK TTDI and SJK(T) Sepang	Kuala Lumpur & Selangor	EPRG
85.	18 April	Discussion with NGOs on feasibility of Malaysia's accession to International Covenant on Civil and Political Rights (ICCPR)	SUHAKAM, Kuala Lumpur	RPDD
86.	19 April	Visit to promote human rights of Orang Asli	Cameron Highlands, Pahang	EPD
87.	20 April	Talk on Human Rights at SMK Munshi Abdullah	Melaka	EPD
88.	22 April	Talk on Human Rights at Judicial and Legal Training Institute (ILKAP)	Bangi, Selangor	EPD
89.	22 April	Visit to Sekolah Agama Rakyat (SAR)	Pahang	EPD
90.	22 April	Forum on 'Children with Learning Disabilities'	Kuala Lumpur	RPDD
91.	23 April	Visit to Rumah Sri Kenangan and Lecadia Primacare Centre	Cheras & Pudu, Kuala Lumpur	RPDD
92.	23-26 April	Visit to SAR	Pahang	EPD
93.	25 April	Press Conference on the end of tenure of SUHAKAM Members for the term 2010-2013	Kuala Lumpur	PRD
94.	26 April	Talk on Human Rights for MACC officers	Kuala Lumpur	EPD
95.	26-30 April	Participation in Exhibition and Job Interview in conjunction with ASWARA Open Day	Kuala Lumpur	EPD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
96.	5 May	Operation of Hotline for reports of alleged human rights violations during the 13 th General Election	SUHAKAM, Kuala Lumpur	CMID
97.	13 May	Participation in exhibition in conjunction with Career Education Programme at Universiti Pendidikan Sultan Idris (UPSI)	Tanjung Malim, Perak	EPD, PRD
98.	20 May	Meeting with Human Rights Watch	SUHAKAM, Kuala Lumpur	CMID
99.	20 May	Meeting with National Unity Department	Kota Kinabalu, Sabah	Sabah
100.	21 May	Meeting with National Registration Department	Kuala Lumpur	CMID
101.	22 May	Visit to SMK Rantau Panjang, Bestari Jaya	Rawang, Selangor	EPD
102.	22 May	Visit to SAR Kelas Agama Fardu Ain	Gombak, Selangor	EPD
103.	5 June	Talk on Human Rights for Prison Department	Lumut, Perak	EPD
104.	7 June	Workshop on Human Rights for enforcement officers of local authorities	Selangor	EPD
105.	12 June	Visit to Kampung Sungai Elo	Pitas, Sabah	Sabah
106.	14 June	Press Conference to introduce SUHAKAM Members for the term 2013-2016	SUHAKAM, Kuala Lumpur	PRD
107.	17 June	Watching brief in an application for custody of an adult person with learning disabilities	Shah Alam, Selangor	SUHAKAM
108.	17 June	Submission of memorandum by Gerakan Mansuhkan ISA on repeal of the Internal Security Act	SUHAKAM, Kuala Lumpur	CMID
109.	17-18 June	Workshop on Human Rights for enforcement officers of local authorities	Penang	EPD
110.	19 June	Meeting with AWL on baseline study on 'Working Conditions of Male and Female Lawyers in Kuala Lumpur and Selangor' in partnership with SUHAKAM and WAO	Kuala Lumpur	RPDD

111.	19-20 June	Talk on Human Rights for Prison Department	Johor Bahru, Johor	EPD
112.	20 June	Submission of memorandum by Manicka on death in custody of Karunanithi	SUHAKAM, Kuala Lumpur	CMID
113.	20 June	Submission of memorandum by <i>Gerakan Mansuhkan ISA (GMI)</i>	SUHAKAM, Kuala Lumpur	CMID
114.	20 June	Participation in exhibition in conjunction with Hari Kokurikulum & Hari Koperasi Peringkat Sekolah at SMK Ulu Kinta	Ipoh, Perak	EPD
115.	22 June	Participation in Integrated Mobile Complaints Counter	Telupid, Sabah	Sabah
116.	27 June	Watching brief at Court of Appeal in case of <i>Chayed bin Basirun & 5 Ors v Noorfadilla binti Ahmad Saikin</i>	Putrajaya	SUHAKAM
117.	1 July	Talk on Human Rights at ILKAP	Bandar Baru Bangi, Selangor	EPD
118.	1-2 July	'SUHAKAM bersama Masyarakat' programme	Kuala Lipis, Pahang	EPD
119.	2 July	Visit to CCRC	Benta, Pahang	EPD
120.	2 July	Visit by lecturers and students of Faculty of Law, University of Sydney, Australia	SUHAKAM, Kuala Lumpur	PRD
121.	3-5 July	Workshop on 'Rights of Children and HRBPS' for Orang Asli School teachers	Banting, Selangor	EPD
122.	3-5 July	Workshop on Human Rights for Special Education Teachers (Northern Zone)	Taiping, Perak	EPD
123.	7-9 July	Workshop on 'Rights of Children' for SAR principals	Pahang	EPD
124.	9 July	Public Release of SUHAKAM Annual Report 2012	SUHAKAM, Kuala Lumpur	PRD
125.	11 July	Visit to Old Folks Day-care Centre	Cheras, Kuala Lumpur	RPDD
126.	15 July	Visit to Immigration detention centre	Tapah, Perak	CMID
127.	15-19 July	Monitoring visit to HRBPS schools and SAR	Pahang	EPD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
128.	16 July	Visit to Immigration detention centre	Langkap, Perak	CMID
129.	16 July	Meeting with Native Chief	Lahad Datu, Sabah	Sabah
130.	16-18 July	Project on Children with Learning Disabilities: Visit to SK Hutan Melintang and Bethany Home; SK Ayer Hitam and Handicapped Children's Centre	Perak & Penang	RPDD
131.	19 July	Meeting with AWL on baseline study on 'Working Conditions of Male and Female Lawyers in Kuala Lumpur and Selangor' in partnership with SUHAKAM and WAO	Kuala Lumpur	RPDD
132.	23 July	Visit to SK Serian	Kuching, Sarawak	Sarawak
133.	23 July	Visit to Rohingya settlement	Selayang, Selangor	EPD
134.	23 July	Briefing by US Embassy on 'US Trafficking in Persons Report on Malaysia 2013'	SUHAKAM, Kuala Lumpur	RPDD
135.	25 July	Visit to prison	Sg Buloh, Selangor	CMID
136.	25 July	Visit to SK Laksamana	Kuching, Sarawak	Sarawak
137.	27 July - 2 Aug	Monitoring visit to SAR and HRBPS schools	Perak & Kedah	EPD
138.	28 July	Visit to Orang Asli settlement in Kampung Cenawing	Gerik, Perak	EPD
139.	29 July	Visit to SK Bukit Bandaraya	Bangsar, Kuala Lumpur	RPDD
140.	30 July	RTD on 'Care Services for Older Persons and Support for Caregivers'	Kuala Lumpur	RPDD
141.	30 July	Talk on Human Rights for Prison Department	Taiping, Perak	EPD
142.	1 Aug	Visit to police lock-up	Kuching, Sarawak	Sarawak
143.	2 Aug	Talk on Human Rights at Institut Kefahaman Islam Malaysia	Kuala Lumpur	EPD

144.	5 Aug	Submission of memorandum by Persatuan Penasihat Pengguna-Pengguna Malaysia on treatment of P Uthayakumar in Kajang Prison	SUHAKAM, Kuala Lumpur	CMID
145.	5 Aug	Public Release of NI Report	Kuala Lumpur	ID
146.	13 Aug	Visit to prison	Kajang, Selangor	CMID
147.	15 Aug	Visit by members of Kuala Lumpur Bar Council Legal Aid Centre	SUHAKAM, Kuala Lumpur	PRD
148.	16 Aug	Talk on Human Rights at Pink Triangle (PT) Foundation	Kuala Lumpur	EPD
149.	16-18 Aug	Visit to Orang Asli settlement in Pos Selaub	Hulu Perak, Perak	EPD
150.	19 Aug	Meeting with MOE on HRBPS programme	Putrajaya	EPD
151.	19 Aug	Talk on Human Rights at ILKAP	Bandar Baru Bangi, Selangor	EPD
152.	19 Aug	Meeting with Chief Secretary to the Government and Director-General of Legal Affairs Division, Prime's Minister Department	Putrajaya	SUHAKAM
153.	20-21 Aug	RTD on 'Death in Custody'	SUHAKAM, Kuala Lumpur	ID
154.	22 Aug	Discussion with government agencies on feasibility of Malaysia's accession to ICCPR and ICESCR respectively	SUHAKAM, Kuala Lumpur	RPDD
155.	22 Aug	Visit by UN Independent Expert on Minority Issues	SUHAKAM, Kuala Lumpur	PRD
156.	23 & 26 Aug	Visit by students and teachers from SMJK Yu Hua, Kajang, Selangor	SUHAKAM, Kuala Lumpur	PRD
157.	26 Aug	Talk on 'Human Rights and Peaceful Assembly Act 2012' at ILKAP	Bandar Baru Bangi, Selangor	EPD
158.	26 Aug	Project on Children with Learning Disabilities: Visits to SK(PI) and SK(IL) Jalan Batu	Kuala Lumpur	RPDD
159.	27 Aug	Briefing with diplomatic corps on Malaysia's second UPR cycle and Anti-Trafficking in Persons in Malaysia	SUHAKAM, Kuala Lumpur	ICD, RPDD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
160.	28 Aug	Visit to Immigration detention centre	Alor Gajah, Melaka	CMID
161.	28 Aug	Visit to Henry Gurney School	Telok Mas, Melaka	CMID
162	29 Aug	Visit to pre-release prison	Melaka	CMID
163.	29 Aug	Visit to police lock-up	Melaka	CMID
164.	31 Aug	Talk on Human Rights at PT Foundation	Kuala Lumpur	EPD
165.	2 Sept	Symposium on 'Native Customary Rights', jointly organised with UMS	Kota Kinabalu, Sabah	Sabah
166.	3 Sept	Dialogue with YB Senator Datuk Paul Low Seng Kuan, Minister in the PM's Department, on Anti-Trafficking in Persons and Anti-Smuggling of Migrants	Putrajaya	RPDD
167.	3 Sept	Talk on Human Rights at PDRM College	Kuala Kubu Bharu, Selangor	EPD
168.	4 Sept	HRBPS programme: Visit to SMK Seksyen 9	Shah Alam, Selangor	EPD
169.	4 Sept	Meeting with Prison Department	Kajang, Selangor	CMID
170.	4 Sept	Meeting with PDRM	Kuala Lumpur	CMID
171.	5 Sept	Visit by Mr Filippo Grandi, Commissioner-General of the UN Relief and Work Agency for Palestine Refugees in the Near East	SUHAKAM, Kuala Lumpur	SUHAKAM
172.	6 Sept	Meeting with National Human Rights Commission of Nepal	SUHAKAM, Kuala Lumpur	ICD
173.	9 Sept	Meeting with Deputy Director, Social Welfare Department	Kota Kinabalu, Sabah	Sabah
174.	10 Sept	Audience with Yang DiPertua Negeri Sabah	Kota Kinabalu, Sabah	Sabah
175.	11 Sept	Discussion on 'Freedom of Assembly' with PDRM	SUHAKAM, Kuala Lumpur	ID
176.	12 Sept	Project on Children with Learning Disabilities: Visit to Community-based Rehabilitation Centre (CBR)	Selayang, Selangor	RPDD

177.	13 Sept	Project on Children with Learning Disabilities: Meeting with MOE	Putrajaya	RPDD
178.	13 Sept	Prize-giving Ceremony for HRBPS 'Human Rights Booklet' Competition	SUHAKAM, Kuala Lumpur	PRD
179.	23 Sept	Forum on 'Right to Education of Children with Learning Disabilities'	Kota Kinabalu, Sabah	RPDD
180.	24 Sept	Seminar on 'Care Services for Older Persons and Support for Caregivers'	Kota Kinabalu, Sabah	RPDD
181.	25 Sept	Forum on 'Right to Education of Children with Learning Disabilities'	Kuching, Sarawak	RPDD
182.	25 Sept	Visit to K9 school in Pos Batau	Kuala Lipis, Pahang	EPD
183.	26 Sept	Visit to Orang Asli settlement in Senderut and SK Senderut	Kuala Lipis, Pahang	EPD
184.	26 Sept	Seminar on 'Care Services for Older Persons and Support for Caregivers'	Kuching, Sarawak	RPDD
185.	26 Sept	Monitoring Anti-Lynas assembly by Save Malaysia, Stop Lynas group	Kuala Lumpur	CMID
186.	27 Sept	Submission of memorandum by residents of Kg Hakka, Mantin, Negeri Sembilan on alledged use of force by the authority	SUHAKAM, Kuala Lumpur	CMID
187.	27 Sept	Visit to Orang Asli settlement in Pos Lenjang and SK Lenjang	Kuala Lipis, Pahang	EPD
188.	29 Sept	Participation in Integrated Mobile Complaints Counter	Membakut, Sabah	Sabah
189.	30 Sept	Monitoring protest against amendments to Prevention of Crime Act by SUARAM at Parliament House	Kuala Lumpur	CMID
190.	30 Sept – 1 Oct	'SUHAKAM Bersama Masyarakat' programme	Gerik, Perak	EPD
191.	6-7 Oct	Visit to Orang Asli settlement in Ulu Grik	Grik, Perak	EPD
192.	10 Oct	Visit by Mr Park Heung Kweun, Counsellor, Embassy of the Republic of Korea	SUHAKAM, Kuala Lumpur	PRD
193.	10 Oct	Courtesy call on YB Datuk Hajah Rohani Abdul Karim, Minister of Women, Family and Community Development	Putrajaya	PRD
194.	11 Oct	Visit by Mr Laurent Meillan, Office of the High Commissioner for Human Rights, Bangkok, Thailand	SUHAKAM, Kuala Lumpur	PRD, ICD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
195.	15 Oct	Talk on Human Rights for pre-school teachers at SUKA Society	Petaling Jaya, Selangor	EPD
196.	16 Oct	Submission of memorandum by Falun Dafa Research Centre Bhd on arrests and harassment of practitioners by the police	SUHAKAM, Kuala Lumpur	CMID
197.	21 Oct	Meeting with YB Dato' Seri Haji Idris Jusoh, Minister of Education II	Putrajaya	EPD
198.	22 Oct	Visit to <i>Ibu Pejabat Polis Daerah</i> Marang and Marang prison	Marang, Terengganu	CMID
199.	22 Oct	Submission of memorandum by Abdul Muqit Muhammad on University of Malaya campus election	SUHAKAM, Kuala Lumpur	CMID
200.	22 Oct	Meeting with AWL on baseline study on 'Working Conditions of Male and Female Lawyers in Kuala Lumpur and Selangor' in partnership with SUHAKAM and WAO	Kuala Lumpur	RPDD
201.	23 Oct	Visit to Immigration detention centre	Ajil, Terengganu	CMID
202.	24 Oct	Courtesy call by SK Serasot Alumni	Kuching, Sarawak	Sarawak
203.	24 Oct	Participation in Integrated Mobile Complaints Counter	Matunggung, Sabah	Sabah
204.	25-27 Oct	Visit to Orang Asli settlement in Sungai Kudung	Segamat, Johor	EPD
205.	26 Oct	Participation in Integrated Mobile Complaints Counter	Lahad Datu, Sabah	Sabah
206.	28 Oct	Talk on Human Rights at SMK Munshi Abdullah	Melaka	EPD
207.	28-30 Oct	Workshop on Human Rights for SAR teachers (Kedah, Zone 1)	Gurun, Kedah	EPD
208.	29-31 Oct	Workshop on Human Rights for Special Education Teachers (Eastern Zone)	Cherating, Pahang	EPD
209.	30 Oct - 1 Nov	Workshop on Human Rights for SAR teachers (Kedah Zone 2)	Sungai Petani, Kedah	EPD
210.	31 Oct	Meeting with UMS on proposal to establish Human Rights Centre	Kota Kinabalu, Sabah	EPD

211.	31 Oct	Talk on Human Rights for RELA officers	Kota Kinabalu, Sabah	EPD
212.	1 Nov	Submission of memorandum by Jaringan Kampung Orang Asli Kelantan against mapping of native land	SUHAKAM, Kuala Lumpur	CMID
213.	6 Nov	Human Rights Programme for Orang Asli students at SK(A) Sungai Judah	Pulau Carey, Selangor	EPD, PRD
214.	7 Nov	Visit by UAE Delegation	SUHAKAM, Kuala Lumpur	PRD
215.	8 Nov	Courtesy call on Speaker, State Legislative Assembly	Kota Kinabalu, Sabah	Sabah
216.	9-11 Nov	Visit to Orang Asli community and K9 schools	Grik, Perak	EPD
217.	11-12 Nov	Workshop on Human Rights for officers of local authorities	Penang	EPD
218.	12 Nov	Talk on Human Rights at ILKAP	Bangi, Selangor	EPD
219.	12 Nov	RTD on 'Alternatives to Immigration Detention of Children in Malaysia'	SUHAKAM, Kuala Lumpur	CMID
220.	14 Nov	Dialogue with Members of Parliament on 'Reintroduction of Discretionary Sentencing for Capital Punishment Cases', jointly organised with the Bar Council, EU and British High Commission	Kuala Lumpur	RPDD
221.	14 Nov	Visit by Indonesian Human Rights Commission Delegation	SUHAKAM, Kuala Lumpur	PRD
222.	14 Nov	Courtesy call on State Attorney-General	Kota Kinabalu, Sabah	Sabah
223.	19 Nov	Talk on 'Convention on the Rights of the Child' at Children's Home, Serian	Kuching, Sarawak	Sarawak
224.	20 Nov	Submission of memorandum by Jawatankuasa Bertindak Kuala Lumpur Taknak Insinerator against the proposed incinerator project in Kepong	SUHAKAM, Kuala Lumpur	CMID
225.	20 Nov	Submission of memorandum by Malaysian Trades Union Congress on workers' rights and welfare	SUHAKAM, Kuala Lumpur	CMID
226.	21 Nov	Submission of memorandum by Jawatankuasa Hal Ehwal Penan Pelieran – Murum on warning shots fired into the air by the police	SUHAKAM, Kuala Lumpur	CMID

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
227.	24 Nov	Talk on Human Rights for RELA members	Kota Kinabalu, Sabah	Sabah
228.	25 Nov	Visit to Immigration detention centre	Penang	CMID
229.	26 Nov	Visit to prison and police lock-up	Penang	CMID
230.	27 Nov	Visit to camp/working place for pre-release/parole detainees	Bukit Mertajam, Kedah	CMID
231.	27 Nov	Visit to district police headquarters	Alor Setar, Kedah	CMID
232.	27-28 Nov	Seminar on ' <i>Hak Asasi Manusia dan Islam di Malaysia: Teori, Hakikat Semasa dan Hala Tuju Masa Depan</i> '	Kuala Lumpur	EPD
233.	28 Nov	Meeting with Head of School Management, Department of Education	Kota Kinabalu, Sabah	Sabah
234.	2 Dec	Meeting with Political Officer, US Embassy	Kota Kinabalu, Sabah	Sabah
235.	2 Dec	Courtesy call on YB Hajah Nancy Shukri, Minister in the Prime Minister's Department	Putrajaya	SUHAKAM
236.	2-4 Dec	Human Rights Training-of-Trainers course for Prison Department	Taiping, Perak	EPD
237.	3 Dec	Talk on 'Convention on the Rights of Persons with Disabilities' and visit to CBR	Miri, Sarawak	Sarawak
238.	3-4 Dec	Seminar on HRBPS for principals in Peninsular Malaysia	Kuala Lumpur	EPD
239.	4-5 Dec	Workshop on human rights for officers of local authorities	Teluk Intan, Perak	EPD
240.	5 Dec	Meeting between PDRM and Falun Dafa Research Centre Bhd	SUHAKAM, Kuala Lumpur	CMID
241.	7 Dec	Workshop on Human Rights for UPSI students	Tanjong Malim, Perak	EPD
242.	7 Dec	Participation in Integrated Mobile Complaints Counter	Ranau, Sabah	Sabah
243.	10 Dec	Human Rights Awards Ceremony	Kuala Lumpur	PRD

244.	10 Dec	Panel discussion on 'Road to 2020: Human Rights and Development', co-organised with UN Country Team	Kuala Lumpur	PRD
245.	12 Dec	Meeting with State Secretary, on demolition of Kampung Hakka in Mantin	Seremban, Negeri Sembilan	CMID
246.	12 Dec	Meeting with Mega 9 Sdn Bhd, developer of Kampung Hakka, Mantin	Mantin, Negeri Sembilan	CMID
247.	13 Dec	Visit by lecturers and students of Universiti Teknologi MARA Dungun, Terengganu	SUHAKAM, Kuala Lumpur	PRD
248.	13 Dec	Visit by Mr Olivier De Schutter, UN Special Rapporteur on the Right to Food	Kota Kinabalu, Sabah	Sabah
249.	15 Dec	Workshop on Human Rights for UPSI students	Tanjong Malim, Perak	EPD
250.	16 Dec	Participation in Integrated Mobile Complaints Counter	Beluran, Sabah	Sabah
251.	17 Dec	Visit by H.E Joseph Y Yun, US Ambassador to Malaysia	SUHAKAM, Kuala Lumpur	PRD

APPENDIX IV

TALKS, MEETINGS, WORKSHOPS AND CONFERENCES - NATIONAL 2013

MOC – Member of Commission

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
1.	10 Jan	Interview with <i>Berita Harian</i>	SUHAKAM, Kuala Lumpur	Tan Sri Hasmy Agam (Chairman)
2.	14-16 Jan	Participation in conference: 'Legislation Transformation Regarding Rights to Security' by Attorney-General's Chambers, Razak School of Government and Institut Terjemahan dan Buku Malaysia	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman) Mr James Nayagam (MOC) Mr Muhammad Sha'ani Abdullah (MOC) Nurul Hasanah Ahamed Hassain Malim, Officer
3.	17 Jan	Interview with <i>NTV7-7 Zoom In</i>	Selangor	Mr James Nayagam (MOC)
4.	22 Jan	Attendance at briefing and strategy meeting: 'Trans-Pacific Partnership Agreement' (TPPA) by Malaysian AIDS Council	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman) Mr Muhammad Sha'ani Abdullah (MOC) Mohamad Azizi Azmi, Officer
5.	23 Jan	Attendance at forum: 'Children in Detention' by National Population and Family Development Board	Kuala Lumpur	Hasmah Abdul Manaf, Officer

6.	4-6 Feb	Participation in workshop: 'Amendments to Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act' by Home Ministry	Melaka	Mr James Nayagam (MOC)
7.	22 Feb	Interview with <i>BFM Radio</i>	Selangor	Mr Muhammad Sha'ani Abdullah (MOC)
8.	25 Feb	Attendance at consultation series: 'Labour Inspection to Combat Forced Labour: Cooperation with Social Partners and Civil Society' by International Labour Organisation Triangle	Kuala Lumpur	Paremeswari Subramaniam, Officer
9.	26 Feb	Meeting with Dr Susan L Bissel, Chief of Child Protection, UNICEF	Kuala Lumpur	Mr James Nayagam (MOC)
10.	28 Feb	Meeting with Council of Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO)	Putrajaya	Mr James Nayagam (MOC) Mohamad Azizi Azmi, Officer
11.	12-13 March	Attendance at regional consultation: 'Rights of Indigenous Peoples' between Asia Indigenous Peoples Pact and UN Special Rapporteur	Kuala Lumpur	Ms Jannie Lasimbang (MOC) Chua Yen Sin, Officer Loliana Hasbullah, Officer
12.	19 Mar	Interview with <i>DTUBES.TV</i>	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman)
13.	20 Mar	Interview with <i>BFM Radio</i>	Selangor	Mr James Nayagam (MOC)
14.	21 Mar	Attendance at briefing: 'Sarawak Energy Sustainability and Stakeholders' Engagement Process and Practice' by Sarawak Energy Bhd	Miri, Sarawak	Mr Detta Samen (MOC) Sophian Osman, Officer
15.	21-22 Mar	Participation in panel discussion at workshop: 'Alternative Education' by University of Malaya	Kuala Lumpur	Hasmah Abdul Manaf, Officer
16.	3 Apr	Interview with <i>BFM Radio</i>	Kuala Lumpur	Mr James Nayagam (MOC)

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
17.	10 Apr	Meeting with Ministry of Education (MOE) on CRC Committee	Putrajaya	Ameer Izyanif Hamzah, Officer Hasmah Abdul Manaf, Officer
18.	15 Apr	Meeting with MOE on Blue Ocean Strategy for CRC Committee	Putrajaya	Hasmah Abdul Manaf, Officer
19.	18 Apr	Meeting on 'Death Penalty' with Amnesty International Malaysia	Kuala Lumpur	Tan Sri Hasmy Agam (Chairman) Datuk Dr Khaw Lake Tee (Vice-Chairman) Mr James Nayagam (MOC) Simon Karunagaram, Officer Nur Syamimi Amran, Officer
20.	19 Apr	Education Committee Meeting under National Council for Disabled Persons No. 1/2013	Putrajaya	Nurul Hasanah Ahamed Hassain Malim, Officer Paremeswari Subramaniam, Officer
21.	3 May	Participation in Ministry of Foreign Affairs consultation with stakeholders on the Government's Universal Periodic Review (UPR) Draft National Report	Putrajaya	Nurul Hasanah Ahamed Hassain Malim, Officer Lee Pei Hsi, Officer Wan Kasim Wan Kadir, Officer
22.	20 May	Meeting with MAPO	Putrajaya	Simon Karunagaram, Officer
23.	27 May	Participation in seminar: 'Child Rights-based Diversion' by UNICEF	Kuala Lumpur	Hasmah Abdul Manaf, Officer
24.	31 May	Participation in civil society consultation: 'Birth Registration in Malaysia' by UNICEF	Kuala Lumpur	Hasmah Abdul Manaf, Officer
25.	4 May	Participation in seminar: 'Human Rights Best Practices in Schools' by Universiti Pendidikan Sultan Idris	Tanjung Malim, Perak	Hasmah Abdul Manaf, Officer

26.	4-5 June	Participation in regional symposium: <i>'Islam Dan Era Negara-Negara Asean: Kesatuan Pemikiran, Kemakmuran Bersama'</i> by Institut Kefahaman Islam Malaysia (IKIM)	Kuala Lumpur	Shahizad Sulaiman, Officer
27.	11 June	Talk for police officers at course: <i>'Pengendalian Kes Seksual dan Keganasan Rumah Tangga 2013'</i>	Cheras, Kuala Lumpur	Simon Karunagaram, Officer
28.	11-13 June	Participation in course: <i>'Pengacaraan Majlis'</i> by Institut Latihan Islam Malaysia	Bangi, Selangor	Intan Farida Adnan, Officer Dzul Affandi Mat Noor, Officer
29.	19 June	Talk for civil servants on: <i>'Dasar Awam Gunaan'</i> by National Institute of Public Administration	Kuala Lumpur	Lee Pei Hsi, Officer Simon Karunagaram, Officer
30.	24-27 June	Attendance at 1 st Asia Pacific Conference: <i>'Dyslexia and Other Learning Disabilities'</i> by Dyslexia Association of Sarawak	Kuching, Sarawak	Wan Norhafizah, Officer
31.	25 June	Participation in workshop: <i>'Border Enforcement'</i> by Home Ministry and Customs and Border Protection Service, Australia	Pulau Langkawi, Kedah	Mr James Nayagam (MOC)
32.	26 June	Meeting on UPR with Mr Stuart Shaw, Second Secretary, High Commission of Canada	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman) Nurul Hasanah Ahamed Hassain Malim, Officer Chua Yen Sin, Officer Nurrul Elyani Khairul Anuar, Officer
33.	3 July	Meeting of National Council for Disabled Persons No. 1/2013	Putrajaya	Mr Francis Johen Adam (MOC) Nurul Hasanah Ahamed Hassain Malim, Officer
34.	5 July	Meeting with Prof Kimikazu Shigemasa Kwansei Gakuin, University of Japan	SUHAKAM, Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman)

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
35.	7 July	Interview with <i>The Borneo Post</i>	Kuching, Sarawak	Mr Francis John Adam (MOC)
36.	8 July	Attendance at launch of report: 'Public Opinion Survey on the Mandatory Death Penalty in Malaysia' by Bar Council	Kuala Lumpur	Tan Sri Hasmy Agam (Chairman) Datuk Dr Khaw Lake Tee (Vice-Chairman) Prof Dato' Dr Aishah Bidin (MOC) Nur Syamimi Amran, Officer
37.	15 July	Interview with <i>theantdaily.com</i>	Kuala Lumpur	Tan Sri Hasmy Agam (Chairman)
38.	16 & 19 July	Meeting on Report of the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia (NI Report) with Ministry of Rural and Regional Development	Putrajaya	Nurul Hasanah Ahamed Hassain Malim, Officer Jesrina Kaur Grewal, Officer Nur Adlin Abd Ghaffar, Officer
39.	22 July	Talk on human rights for students of Law School, Monash University	Bandar Sunway, Selangor	Datuk Dr Khaw Lake Tee (Vice-Chairman)
40.	23 July	Interview with <i>The Star Online</i>	Kuala Lumpur	Tan Sri Hasmy Agam (Chairman)
41.	29 July	Interview with <i>The Edge</i> and <i>Fz.com</i>	Kuala Lumpur	Tan Sri Hasmy Agam (Chairman)
42.	30 July	Meeting with MAPO	Putrajaya	Mr James Nayagam (MOC)
43.	1 Aug	Interview with <i>BFM Radio</i>	Kuala Lumpur	Mr James Nayagam (MOC)
44.	1 Aug	Attendance at 'TPPA Open Day' by Ministry of International Trade and Industry (MITI)	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman) Nurul Hasanah Ahamed Hassain Malim, Officer Mohamed Azizi Azmi, Officer Paremeswari Subramaniam, Officer
45.	8-11 Aug	Participation in workshop: 'Land Rights and Indigenous Peoples' by <i>Jaringan Orang Asal SeMalaysia</i>	Jerantut, Pahang	Mr James Nayagam (MOC)

46.	13 Aug	Interview with <i>Milenio newsgroup</i>	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman)
47.	14 & 15 Aug	Interview with <i>BFM Radio</i>	Selangor	Mr James Nayagam (MOC)
48.	21 Aug	Participation in 2 nd Roundtable Discussion (RTD): 'International Corporate Social Responsibility Standards' by Malaysian-German Chamber of Commerce and Industry	Kuala Lumpur	Paremeswari Subramaniam, Officer
49.	22 Aug	Participation in workshop: 'Dyslexia and its Co-morbid Conditions' by Dyslexia Association of Sarawak	Kuching, Sarawak	Sophian Osman, Officer
50.	24 Aug	Participation in forum: 'Rights of Women and Children: A National Concern' by Attorney-General's Chambers and Razak School of Government	Petaling Jaya, Selangor	Datuk Dr Khaw Lake Tee (Vice-Chairman) Mr James Nayagam (MOC) Nur Syamimi Amran, Officer Loliana Hasbullah, Officer Chua Yen Sin, Officer Nurrul Elyani Khairul Anuar, Officer Wan Norhafizah Junid, Officer
51.	26 Aug	Meeting with MAPO	Putrajaya	Mr James Nayagam (MOC)
52.	26-28 Aug	Meeting with Malaysian Timber Certification Council	Kuala Lumpur	Nur Adlin Abd Ghaffar, Officer
53.	3 Sept	Attendance at seminar: 'Memposisi Islam Dalam Kerangka <i>Demokrasi Moden</i> ' by IKIM	Kuala Lumpur	Shahzad Sulaiman, Officer
54.	5 Sept	Attendance at 'Wacana Majlis Profesor Negara: <i>Masyarakat dan Jenayah - Di mana Kita?</i> ' by Majlis Profesor Negara and <i>Berita Harian</i>	Kuala Lumpur	Nur Syamimi Amran, Officer Loliana Hasbullah, Officer Nurrul Elyani Khairul Anuar, Officer Helmy Fendi Mohammad, Officer Intan Farida Adnan, Officer

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
55.	5 Sept	Attendance at briefing: 'Achieving the Maternal Mortality Ratio Target in Malaysia' by United Nations Development Programme	Kuala Lumpur	Mr James Nayagam (MOC) Lau Sor Pian, Officer
56.	6 Sept	Participation in closed-door discussion on TPPA by MITI	Kuala Lumpur	Prof Dato' Dr Aishah Bidin (MOC) Mohamad Azizi Azmi, Officer
57.	11 Sept	Education Committee Meeting under the National Council for Disabled Persons No 2/2013	Putrajaya	Nurul Hasanah Ahamed Hassain Malim, Officer Paremeswari Subramaniam, Officer
58.	13 Sept	Interview with <i>The Star Online</i>	Kuching, Sarawak & Kota Kinabalu, Sabah	Mr Francis Johen Adam (MOC) Mr Nordin Kassim Madating (MOC)
59.	17 Sept	Participation in seminar and RTD: 'Role of the Media in Future Elections' by IKMAS & CIJ	Kuala Lumpur	Lee Pei Hsi, Officer Simon Karunagaram, Officer
60.	21 Sept	Participation in forum: 'Emergency Ordinance' by Bar Council	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman)
61.	23 Sept	Meeting with Batin Orang Asli on recommendations of NI Report	Kuala Lumpur	Mr James Nayagam (MOC) Jesrina Kaur Grewal, Officer
62.	25 Sept	Attendance at symposium: ' <i>Pemikiran Liberalisme dan Pluralisme Peringkat Kebangsaan</i> ' by Jabatan Agama Islam Selangor (JAIS)	Shah Alam, Selangor	Shahzad Sulaiman, Officer
63.	26 Sept	Attendance at launch: SUARAM Annual Report 2012	Kuala Lumpur	Mr James Nayagam (MOC) Lee Pei Hsi, Officer Nurrul Elyani Khairul Anuar, Officer

64.	30 Sept	2 nd meeting of National Task Force on NI Report	Kuala Lumpur	Jesrina Kaur Grewal, Officer Nur Adlin Abd Ghaffar, Officer
65.	30 Sept	Meeting with MAPO	Putrajaya	Mr James Nayagam (MOC)
66.	4 Oct	CRC Committee meeting with MOE	Putrajaya	Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid (MOC) Hasmah Abdul Manaf, Officer Simon Karunagaram, Officer
67.	4 Oct	Interview with <i>BFM Radio</i>	Selangor	Datuk Dr Khaw Lake Tee (Vice-Chairman)
68.	11 Oct	Meeting with Legal Affairs Division of Prime Minister's Department and EU representative on 'Dialogue with MPs: Abolition of the Death Penalty in Capital Punishment Cases' project	Putrajaya	Nur Syamimi Amran, Officer
69.	26 Oct	Interview with <i>Her World</i> magazine	Kuala Lumpur	Mr James Nayagam (MOC)
70.	26 Oct	Interview with <i>The Star</i>	Kuala Lumpur	Mr James Nayagam (MOC)
71.	29 Oct	Participation in UN consultation: 'Policy and Legal Environment related to HIV/AIDS Services in Malaysia' by Joint UN Programme on HIV/AIDS	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman) Siti Zaihan Zulkarnain, Officer
72.	30 Oct	Attendance at seminar: ' <i>Sehari Perkongsian Hasil Penyelidikan</i> ' by Institut Gerontologi, Universiti Pertanian Malaysia	Serdang, Selangor	Lau Sor Pian, Officer Siti Zaihan Zulkarnain, Officer
73.	11 Nov	Participation in seminar: 'International Forestry Day' by Sabah Forestry Department	Kota Kinabalu, Sabah	Mr Nordin Kasim Madating (MOC) Jasmih Slamet, Officer
74.	12-13 Nov	Participation in conference: 'Human Rights in Islam' by International Islamic University Malaysia	Gombak, Selangor	Shahzad Sulaiman, Officer
75.	14 Nov	Participation in seminar: 'Indigenous Peoples' by University of Malaya	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman)

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
76.	15 Nov	Interview with <i>The Star</i>	SUHAKAM, Kuala Lumpur	Tan Sri Hasmy Agam (Chairman)
77.	18 Nov	Interview with <i>Channel News Asia</i>	SUHAKAM, Kuala Lumpur	Mr James Nayagam (MOC)
78.	18 Nov	Interview with students of Law Faculty, Universiti Teknologi MARA	SUHAKAM, Kuala Lumpur	Mr James Nayagam (MOC)
79.	18-20 Nov	Participation in 'Dialogue for NGOs' by International Women's Rights Action Watch	Putrajaya	Datuk Dr Khaw Lake Tee (Vice-Chairman)
80.	21-25 Nov	Participation in '7 th Land Conference of the Indigenous Peoples' by Jaringan Kampung Orang Asli Semenanjung Malaysia	Kuala Lumpur	Jesrina Kaur Grewal, Officer Hasmah Abdul Manaf, Officer
81.	26-27 Nov	Participation in National Law Conference: 'Handling Inquiries Relating to Public Safety and Empowering Women's Rights and Public Safety' by Judicial and Legal Training Institute	Putrajaya	Datuk Dr Khaw Lake Tee (Vice-Chairman) Prof Dato' Dr Aishah Bidin (MOC) Jesrina Kaur Grewal, Officer
82.	29-30 Nov	Participation in workshop: 'Selected Items before the International Law Commission' by UKM-AALCO	Bangi, Selangor	Nur Syamimi Amran, Officer Mohammad Tawfik, Officer
83.	4 Dec	Participation in seminar: 'Rights of Migrant Children' by European Union Delegation to Malaysia	Kota Kinabalu, Sabah	Mr Nordin Kasim Madating (MOC) Jasmih Slamet, Officer
84.	5 Dec	Participation in <i>'Muzakarah Pakar: Harga Rumah Melambung, Isu dan Penyelesaian'</i> by IKIM	Kuala Lumpur	Siti Zaihan Zulkarnain, Officer
85.	5 Dec	Meeting of National Council for Disabled Persons No. 2/2013	Putrajaya	Mohamad Azizi Azmi, Officer Nur Syamimi Amran, Officer

86.	6 Dec	Participation in forum: 'International Court of Justice, International Criminal Court and Permanent Court of Arbitration' by Asian Strategy and Leadership Institute	Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman)
87.	11 Dec	Attendance at launch of report: 'Profile of Children in Malaysia: Implementation of Children's Rights with Equity' by Economic Planning Unit and UNICEF	Putrajaya	Mohammad Tawfik, Officer
88.	11 Dec	Education Committee Meeting under National Council for Disabled Persons No. 3/2013	Putrajaya	Nur Syamimi Amran, Officer Loliana Hasbullah, Officer
89.	12 Dec	Interview with Natalie Shobana Ambrose on 'National Interest Analysis on Trans-Pacific Partnership Negotiation'	SUHAKAM, Kuala Lumpur	Datuk Dr Khaw Lake Tee (Vice-Chairman)
90.	18 Dec	Participation in workshop: 'Revised Action Plan for Disabled Persons' by Ministry of Women, Family and Community Development (MWFCD)	Putrajaya	Mr Francis John Adam (MOC)
91.	19 Dec	Participation in workshop: 'Researching Women and Society' by Universiti Sains Malaysia	Penang	Wan Norhafizah Junid, Officer

APPENDIX V

TALKS, MEETINGS, WORKSHOPS AND CONFERENCES - INTERNATIONAL 2013

MOC – Member of Commission

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
1.	13-15 Feb	International Criminal Court Conference and Workshop on 'Capacity Building in the Asia Pacific'	Sydney, Australia	Tan Sri Hasmy Agam (Chairman)
2.	18-20 March	Southeast Asia National Human Rights institutions Forum (SEANF) Technical Working Group (TWG) Meeting	Dili, Timor Leste	Simon Karunagaram, Officer Wan Kasim Wan Kadir, Officer
3.	8-10 April	Regional Conference on 'Business and Human Rights in ASEAN'	Jakarta, Indonesia	Mohamad Azizi Azmi, Officer
4.	8-12 April	Southeast Asian Sub-regional Blended Learning Course on 'National Inquiries'	Bangkok, Thailand	Nur Syamimi Amran, Officer Nur Adlin Abd Ghaffar, Officer
5.	5-10 May	Commonwealth Forum of National Human Rights Institutions (CFNHRI) Biennial Meeting	Geneva, Switzerland	Rodziah Abdul, Secretary Nurul Hasanah Ahamed Hassain Malim, Officer Wan Kasim Wan Kadir, Officer
6.	6-8 May	26 th Annual Meeting of International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and ICC Bureau Meeting	Geneva, Switzerland	Rodziah Abdul, Secretary Nurul Hasanah Ahamed Hassain Malim, Officer Wan Kasim Wan Kadir, Officer

7.	9-10 May	CFNHRI Biennial Meeting	Geneva, Switzerland	Rodziah Abdul, Secretary Nurul Hasanah Ahamed Hassain Malim, Officer Wan Kasim Wan Kadir, Officer
8.	10 May	Workshop on the Universal Periodic Review (UPR) 2 nd Cycle Reporting Process by the Royal Government of Cambodia	Phnom Penh, Cambodia	Lee Pei Hsi, Officer
9.	12-17 May	Training on 'National Human Rights Institutions and the Promotion and Protection of Migrant Workers' Rights'	Manila, The Philippines	Shahizad Sulaiman, Officer
10.	3-7 June	Asia Pacific Regional Workshop on 'Training of Trainers for Human Rights'	Yangon, Myanmar	Nurul Hasanah Ahmed Hassain Malim, Officer Lee Pei Hsi, Officer
11.	10-11 June	Workshop on 'ASEAN Human Rights Mechanisms: Challenges and Ways Forward'	Bangkok, Thailand	Rodziah Abdul, Secretary Chua Yen Sin, Officer
12.	17-18 June	Regional Exchange on UNDP's engagement with the International Human Rights System on 'Promoting Human Rights in the Asia Pacific'; and follow-up on the UPR	Bangkok, Thailand	Datuk Dr Khaw Lake Tee (Vice-Chairman) Mohamad Azizi Azmi, Officer
13.	24-25 June	Asia Pacific Forum of National Human Rights Institutions (APF) Senior Executive Officers' Meeting	Sydney, Australia	Rodziah Abdul, Secretary
14.	25-26 June	Meeting with the Australian Human Rights Commission on the Chairmanship of CFNHRI	Sydney, Australia	Rodziah Abdul, Secretary Wan Kasim Wan Kadir, Officer
15.	25-27 July	Regional Workshop on 'Business and Human Rights' and SEANF TWG Meeting	Quezon City, The Philippines	Prof Dato' Dr Aishah Bidin (MOC) Wan Kasim Wan Kadir, Officer Paremeswari Subramaniam, Officer
16.	7-9 Aug	Workshop on 'Development and the Environment'	Bangkok, Thailand	Simon Karunagaram, Officer Natalie Qi Wei, Officer

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
17.	12-15 Aug	4 th Session of UN Open-ended Working Group on Ageing	New York, United States of America	Tan Sri Hasmy Agam (Chairman)
18.	19-24 Aug	Blended Learning Course: 'Equal Status and Human Rights of Women in Southeast Asia: Face-to-face Workshop'	Bangkok, Thailand	Lau Sor Pian, Officer
19.	26-29 Aug	National Human Rights Commission of Thailand Capacity-building Workshop on 'The Right to Development and Community Rights'	Bangkok, Thailand	Jesrina Grewal, Officer Wan Norhafizah Junid, Officer Yustina Ishak, Officer
20.	28-31 Aug	Asia Pacific Refugee Rights Network and International Detention Coalition Capacity-building Workshop	Jakarta, Indonesia	Nurul Hasanah Ahmed Hassain Malim, Officer
21.	31 Aug - 5 Sept	Study tour on 'Police Leadership in Public Health'	Melbourne, Australia	Simon Karunagaram, Officer
22.	7-9 Sept	SEANF Regional Workshop on 'Anti-Torture and Detention'	Bali, Indonesia	Rodziah Abdul, Secretary Chua Yen Sin, Officer Norashikin Hamzah, Officer
23.	10-11 Sept	10 th Annual Meeting of SEANF	Dili, Timor Leste	Tan Sri Hasmy Agam (Chairman) Rodziah Abdul, Secretary Chua Yen Sin, Officer
24.	1-3 Oct	18 th Annual Meeting and Biennial Conference of APF	Doha, Qatar	Tan Sri Hasmy Agam (Chairman) Wan Kasim Wan Kadir, Officer
25.	13-19 Oct	Raoul Wallenberg Institute (RWI) Blended Learning Course: 'Library and Information Centre'	Bangkok, Thailand	Ameer Izyanif Hamzah, Officer Mohd Ariff Saifullah, Officer
26.	21-23 Oct	13 th Informal Asia-Europe Meeting: Seminar on 'Human Rights and the Environment'	Copenhagen, Denmark	Prof Dato' Dr Aishah Bidin (MOC)

27.	22-23 Oct	Expert Seminar on 'Moving Away from the Death Penalty in Southeast Asia'	Bangkok, Thailand	Datuk Dr Khaw Lake Tee (Vice-Chairman)
28.	22-24 Oct	Padjajaran International Legal Conference Series: 'Regional Perspectives on Law and Rights'	Bandung, Indonesia	Jesrina Kaur Grewal, Officer
29.	24-31 Oct	Malaysia's 2 nd UPR	Geneva, Switzerland	Tan Sri Hasmy Agam (Chairman) Wan Kasim Wan Kadir, Officer
30.	2-3 Nov	2 nd Jakarta Human Rights Dialogue on 'Prevention of Torture in ASEAN Region'	Jakarta, Indonesia	Mr James Nayagam, (MOC)
31.	4-6 Nov	IRAW Asia Pacific – Komnas Perempuan Regional Dialogue with NHRIs and ASEAN Human Rights Mechanisms on Enhancing Realisation of Women's Human Rights and Justice	Jakarta, Indonesia	Rafidah Yahya, Officer Helmi Fendy Mohammad, Officer
32.	12-13 Nov	Workshop on 'Human Rights Implications of ASEAN Community Blueprints'	Jakarta, Indonesia	Mr Francis Johen Adam, (MOC)
33.	20 Nov	Expert Consultation Meeting on 'Business and Human Rights Reporting and Assurance Framework Initiative'	Jakarta, Indonesia	Mohamad Azizi Azmi, Officer
34.	25-26 Nov	2 nd ICC Bureau Meeting	Accra, Ghana	Tan Sri Hasmy Agam, (Chairman) Wan Kasim Wan Kadir, Officer
35.	25-27 Nov	SEANF Regional Workshop on 'Business and Human Rights' and TWG Meeting	Manila, The Philippines	Prof Dato' Dr Aishah Bidin (MOC)
36.	25 Nov - 6 Dec	RWI Blended Learning Course on 'National Human Rights Institutions'	Bangkok, Thailand	Siti Rahayu Mohd Noor, Officer
37.	9-10 Dec	Workshop on 'Women, Peace and Security in ASEAN'	Manila, The Philippines	Lau Sor Pian, Officer

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
38.	11-12 Dec	ASEAN Intergovernmental Commission on Human Rights Regional Workshop on 'Post-Millennium Development Goals 2015 and Human Rights'	Bali, Indonesia	Rafidah Yahya, Officer
39.	15-21 Dec	Study visit to the National Human Rights Commission of India	Delhi, India	Ameer Izyanif Hamzah, Officer Hasmah Abdul Manaf, Officer

APPENDIX VI

THE COMMISSION'S PUBLICATIONS 2013

NO	CATEGORY	TITLE
1.	Report	SUHAKAM Annual Report 2012 (Bahasa Malaysia & English)
2.	Report	National Inquiry into the Land Rights of Indigenous Peoples
3.	Journal	Human Rights Journal
4.	Bulletin (Mar)	SUHAKAM Bulletin
5.	Bulletin (June)	SUHAKAM Bulletin
6.	Bulletin (Sept)	SUHAKAM Bulletin
7.	Bulletin (Dec)	SUHAKAM Bulletin
8.	Brochure	<i>Perisytiharan Kaheerah Mengenai Hak Asasi Manusia dalam Islam</i>
9.	Brochure (Reprint)	<i>Perisytiharan Hak Asasi Manusia Sejagat (UDHR)</i>
10.	Brochure (Reprint)	<i>Hak Asasi & Rasuah</i>
11.	Brochure (Reprint)	<i>SUHAKAM & Anda</i>
12.	Booklet (Reprint)	<i>Konvensyen mengenai Hak Kanak-kanak (CRC)</i>
13.	Booklet (Reprint)	<i>Konvensyen Mengenai Penghapusan Segala Bentuk Diskriminasi Terhadap Wanita</i>

APPENDIX VII

MONTHLY MEETINGS - ATTENDANCE OF MEMBERS OF THE COMMISSION 2013

NO	SERIAL NO. OF MEETING	DATE OF MEETING	MEMBERS OF THE COMMISSION PRESENT	MEMBERS OF THE COMMISSION ABSENT	WITH LEAVE	WITHOUT LEAVE
1.	1-2013	8 Jan	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Mr Muhammad Sha'ani Abdullah Mr James Deva Nayagam Ms Jannie Lasimbang Mr Detta Samen Ms Rodziah Abdul			
2.	2-2013	5 Feb	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Mr Muhammad Sha'ani Abdullah Ms Jannie Lasimbang Mr Detta Samen Ms Rodziah Abdul	Mr James Deva Nayagam	✓	

3.	3-2013	4 Mar	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Mr Muhammad Sha'ani Abdullah Mr James Deva Nayagam Ms Jannie Lasimbang Mr Detta Samen Ms Rodziah Abdul		
4.	4-2013	8 Apr	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Mr Muhammad Sha'ani Abdullah Mr James Deva Nayagam Ms Jannie Lasimbang Mr Detta Samen	Ms Rodziah Abdul	✓
5.	5-2013	24 Apr	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Datuk Detta Samen Mr Muhammad Sha'ani Abdullah Mr James Deva Nayagam Ms Jannie Lasimbang Ms Rodziah Abdul		
6.	6-2013	14 June	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Prof Dato' Dr Aishah Bidin Mr James Deva Nayagam Mr Nordin Kasim Madating Mr Francis Johen Adam Ms Rodziah Abdul		

NO	SERIAL NO. OF MEETING	DATE OF MEETING	MEMBERS OF THE COMMISSION PRESENT	MEMBERS OF THE COMMISSION ABSENT	WITH LEAVE	WITHOUT LEAVE
7.	7-2013	4 July	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Prof Dato' Dr Aishah Bidin Mr James Deva Nayagam Mr Nordin Kasim Madating Mr Francis Johen Adam Ms Rodziah Abdul			
8.	8-2013	19 Aug	Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Prof Dato' Dr Aishah Bidin Mr James Deva Nayagam Mr Nordin Kasim Madating Mr Francis Johen Adam Ms Rodziah Abdul	Tan Sri Hasmy Agam	✓	
9.	9-2013	17 Sept	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Prof Dato' Dr Aishah Bidin Mr James Deva Nayagam Mr Nordin Kasim Madating Mr Francis Johen Adam Ms Rodziah Abdul			

10.	10-2013	9 Oct	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Prof Dato' Dr Aishah Bidin Mr James Deva Nayagam Mr Nordin Kasim Madating Mr Francis Johen Adam Ms Rodziah Abdul		
11.	11-2013	6 Nov	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Mr James Deva Nayagam Mr Nordin Kasim Madating Mr Francis Johen Adam Ms Rodziah Abdul	Prof Dato' Dr Aishah Bidin	✓
12.	12-2013	19 Dec	Tan Sri Hasmy Agam Datuk Dr Khaw Lake Tee Prof Emeritus Dato' Dr Mahmood Zuhdi Hj Ab Majid Prof Dato' Dr Aishah Bidin Mr James Deva Nayagam Mr Nordin Kasim Madating Mr Francis Johen Adam Ms Rodziah Abdul		

APENDIX VIII

**CERTIFICATE OF THE AUDITOR-GENERAL ON THE
COMMISSION'S ACCOUNTS**



**LAPORAN KETUA AUDIT NEGARA
MENGENAI PENYATA KEWANGAN
SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
BAGI TAHUN BERAKHIR 31 DISEMBER 2013**

Laporan Mengenai Penyata Kewangan

Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia telah diaudit oleh wakil saya, yang merangkumi Lembaran Imbangan Pada 31 Disember 2013 dan Penyata Pendapatan, Penyata Perubahan Dalam Ekuiti dan Penyata Aliran Tunai bagi tahun berakhir pada tarikh tersebut, ringkasan dasar perakaunan utama dan nota penjelasan yang lain.

Tanggungjawab Ahli Suruhanjaya Terhadap Penyata Kewangan

Ahli Suruhanjaya Hak Asasi Manusia Malaysia bertanggungjawab terhadap penyediaan dan persembahan penyata kewangan yang saksama selaras dengan piawaian perakaunan yang diluluskan di Malaysia. Ahli Suruhanjaya juga bertanggungjawab terhadap kawalan dalaman yang dianggap perlu oleh Ahli Suruhanjaya bagi membolehkan penyediaan penyata kewangan yang bebas daripada salah nyata yang ketara sama ada disebabkan oleh fraud atau kesilapan.

Tanggungjawab Juruaudit

Tanggungjawab saya adalah memberi pendapat terhadap penyata kewangan tersebut berdasarkan pengauditan yang dijalankan. Pengauditan telah dilaksanakan mengikut Akta Audit 1957 dan piawaian pengauditan yang diluluskan di Malaysia. Piawaian tersebut menghendaki saya mematuhi keperluan etika serta merancang dan melaksanakan audit untuk memperoleh jaminan yang munasabah sama ada penyata kewangan tersebut bebas daripada salah nyata yang ketara.

Pengauditan meliputi pelaksanaan prosedur untuk memperoleh bukti audit mengenai amaun dan pendedahan dalam penyata kewangan. Prosedur yang dipilih bergantung kepada pertimbangan juruaudit termasuk penilaian risiko salah nyata yang ketara pada penyata kewangan sama ada disebabkan oleh fraud atau kesilapan. Dalam membuat penilaian risiko tersebut, juruaudit mempertimbangkan kawalan dalaman yang bersesuaian dengan entiti dalam penyediaan dan persembahan penyata kewangan yang memberi gambaran yang benar dan saksama bagi tujuan merangka prosedur pengauditan yang bersesuaian tetapi bukan untuk menyatakan pendapat mengenai keberkesanan kawalan dalaman entiti

tersebut. Pengauditan juga termasuk menilai kesesuaian polisi perakaunan yang diguna pakai dan kemunasabahan anggaran perakaunan yang dibuat oleh Ahli Suruhanjaya.

Saya percaya bahawa bukti audit yang saya peroleh adalah mencukupi dan bersesuaian untuk dijadikan asas bagi pendapat audit saya.

Pendapat

Pada pendapat saya, penyata kewangan ini memberikan gambaran yang benar dan saksama mengenai kedudukan kewangan Suruhanjaya Hak Asasi Manusia Malaysia pada 31 Disember 2013 dan prestasi kewangan serta aliran tunai bagi tahun kewangan berakhir pada tarikh tersebut selaras dengan piawaian perakaunan yang diluluskan di Malaysia.

Laporan Mengenai Keperluan Perundangan Dan Peraturan Lain

Selaras dengan keperluan Akta Suruhanjaya Hak Asasi Manusia Malaysia 1999 (Akta 597), saya turut melaporkan, pada pendapat saya, perakaunan serta rekod dan daftar lain yang dikehendaki oleh Akta untuk disimpan oleh Suruhanjaya Hak Asasi Manusia Malaysia telah disimpan dengan sempurna selaras dengan peruntukan Akta tersebut.



(LIM CHIN TEONG)
b.p. KETUA AUDIT NEGARA
MALAYSIA

PUTRAJAYA
27 FEBRUARI 2014



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA OLEH Pengerusi DAN SALAH SEORANG AHLI SURUHANJAYA

Kami, TAN SRI HASMY AGAM dan DATUK DR. KHAW LAKE TEE yang merupakan Pengerusi dan Naib Pengerusi SURUHANJAYA HAK ASASI MANUSIA MALAYSIA, dengan ini menyatakan bahawa, pada pendapat Suruhanjaya, Lembaran Imbangan pada 31 Disember 2013, Penyata Pendapatan, Penyata Perubahan Dana serta Penyata Aliran Tunai bagi tahun berakhir pada tarikh tersebut dan nota-nota yang disertakan, adalah disediakan menurut piawaian perakaunan yang diluluskan yang berkenaan di Malaysia untuk menunjukkan gambaran yang benar dan saksama berkenaan kedudukan SURUHANJAYA HAK ASASI MANUSIA MALAYSIA pada 31 Disember 2013 dan hasil kendaliannya serta aliran tunainya bagi tahun berakhir pada tarikh tersebut.

Bagi pihak Suruhanjaya,



TAN SRI HASMY AGAM

Pengerusi

Kuala Lumpur

Tarikh: **22 JAN 2014**

Bagi pihak Suruhanjaya,



DATUK DR. KHAW LAKE TEE

Naib Pengerusi

Kuala Lumpur

Tarikh: **22 JAN 2014**

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

**PENGAKUAN OLEH PEGAWAI UTAMA YANG BERTANGGUNGJAWAB
KE ATAS PENGURUSAN KEWANGAN SURUHANJAYA**

Saya, Rodziah Abdul, Pegawai Utama yang bertanggungjawab ke atas pengurusan kewangan SURUHANJAYA HAK ASASI MANUSIA MALAYSIA, dengan ikhlasnya mengakui bahawa Lembaran Imbangan pada 31 Disember 2013, Penyata Pendapatan, Penyata Perubahan Dana serta Penyata Aliran Tunai bagi tahun berakhir pada tarikh tersebut dan nota-nota yang disertakan, mengikut sebaik-baik pengetahuan dan kepercayaan saya, adalah betul dan saya membuat ikrar ini dengan sebenarnya mempercayai bahawa ia adalah benar dan atas kehendak-kehendak Akta Akuan Berkanun, 1960.

Sebenarnya dan sesungguhnya diakui)

Oleh penama di atas,)

Rodziah Abdul)

Di Kuala Lumpur pada)

22 JAN 2014



Di hadapan saya,



Lot 1.08, Tingkat 1,
Bangunan KWSP, Jln Raja Laut
50350 Kuala Lumpur.
Tel: 019-6680745

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

LEMBARAN IMBANGAN PADA 31 DISEMBER 2013

	Nota	2013 RM	2012 RM
ASET BUKAN SEMASA			
Loji dan peralatan	3	813,752	971,594
ASET SEMASA			
Pelbagai Penghutang, deposit dan prabayar	4	802,755	790,884
Simpanan Tetap	5	4,544,418	4,533,000
Tunai dan baki di bank	6	2,349,765	1,281,080
		<u>7,696,938</u>	<u>6,604,964</u>
LIABILITI SEMASA			
Pelbagai pemiutang dan akruan	7	566,387	408,791
		<u>566,387</u>	<u>408,791</u>
ASET SEMASA BERSIH		7,130,551	6,196,173
		<u><u>7,944,303</u></u>	<u><u>7,167,767</u></u>
 Dibiayai Oleh:			
Dana Terkumpul	8	7,944,303	7,167,767
		<u><u>7,944,303</u></u>	<u><u>7,167,767</u></u>

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA PERUBAHAN EKUITI
BAGI TAHUN BERAKHIR 31 DISEMBER 2013

	Dana terkumpul
	RM
Pada 1 Januari 2012	5,823,459
Lebihan bagi tahun	1,344,308
Pada 31 Disember 2012/ 1 Januari 2013	7,167,767
Lebihan bagi tahun	776,536
Pada 31 Disember 2013	7,944,303

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA PENDAPATAN
BAGI TAHUN BERAKHIR 31 DISEMBER 2013

	Nota	2013 RM	2012 RM
PENDAPATAN			
Geran Kerajaan		10,600,000	11,264,500
PENDAPATAN LAIN			
Hibah		9,590	7,295
Faedah ke atas simpanan tetap		142,146	96,105
Lain-Lain		7,839	5,278
		<u>159,575</u>	<u>108,678</u>
Jumlah Pendapatan		10,759,575	11,373,178
PERBELANJAAN			
Emolumen	9	4,250,519	3,830,752
Perjalanan dan sara hidup		722,992	764,709
Pengangkutan		-	400
Perhubungan dan utiliti		273,237	232,592
Sewaan		2,137,372	2,302,890
Bekalan bahan mentah		49,680	72,853
Bekalan dan bahan-bahan lain		129,104	160,355
Penyelenggaraan dan pembaikan kecil		464,191	528,322
Perkhidmatan Ikhtisas dan hospitaliti	10	1,468,981	1,571,758
Susutnilai		431,407	546,446
Ganjaran		54,292	16,385
Kerugian daripada jualan/pelupusan harta		-	245
Hutang Ragu		-	430
Lain-Lain Perbelanjaan		1,264	733
		<u>9,983,039</u>	<u>10,028,870</u>
Lebih pada tahun		<u><u>776,536</u></u>	<u><u>1,344,308</u></u>

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA ALIRAN TUNAI
BAGI TAHUN BERAKHIR 31 DISEMBER 2013

	2013	2012
	RM	RM
ALIRAN TUNAI DARI AKTIVITI OPERASI		
Penerimaan	10,617,429	11,277,073
Pembayaran untuk perbelanjaan	(9,405,907)	(9,122,776)
Tunai bersih dari aktiviti operasi	<u>1,211,522</u>	<u>2,154,297</u>
ALIRAN TUNAI DARI AKTIVITI PELABURAN		
Keuntungan diterima dari simpanan tetap	142,146	96,105
Belian loji dan peralatan	(273,565)	(42,322)
Tunai bersih digunakan untuk / dari aktiviti pelaburan	<u>(131,419)</u>	<u>53,783</u>
Peningkatan bersih dalam tunai dan kesetaraan tunai	1,080,103	2,208,080
Tunai dan kesetaraan tunai pada awal tahun	<u>5,814,080</u>	<u>3,606,000</u>
Tunai dan kesetaraan tunai pada akhir tahun	<u>6,894,183</u>	<u>5,814,080</u>
ANALISA TUNAI DAN KESETARAAN TUNAI		
Simpanan tetap	4,544,418	4,533,000
Tunai dan baki di bank	<u>2,349,765</u>	<u>1,281,080</u>
	<u>6,894,183</u>	<u>5,814,080</u>

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

NOTA-NOTA KEPADA PENYATA KEWANGAN 31 DISEMBER 2013

1. OBJEKTIF-OBJEKTIF/FUNGSI-FUNGSI UTAMA

- 1.1 Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM) ditubuhkan oleh Parlimen Malaysia di bawah Akta Suruhanjaya Hak Asasi Manusia Malaysia 1999, (Akta 597) dengan objektif untuk melindungi dan memajukan hak asasi manusia di Malaysia. Akta ini diwartakan pada 9 September 1999.
- 1.2 Fungsi utama SUHAKAM adalah untuk:
 - 1.2.1 memupuk kesedaran dan menyediakan pendidikan yang berhubungan dengan hak asasi manusia.
 - 1.2.2 menasihati dan membantu Kerajaan dalam merumuskan perundangan dan arahan dan tatacara pentadbiran dan mengesyorkan langkah-langkah yang perlu diambil.
 - 1.2.3 mengesyorkan kepada Kerajaan berkenaan dengan penandatanganan atau penyertaan dalam perjanjian triti dan surat cara antarabangsa yang lain dalam bidang hak asasi manusia; dan
 - 1.2.4 menyiasat aduan berkenaan dengan pelanggaran hak asasi manusia.
- 1.3 Penyata Kewangan Bagi Tahun Berakhir 31 Disember 2013 telah diluluskan oleh Suruhanjaya pada 22 Januari 2014.

2. DASAR PERAKAUNAN PENTING

- 2.1 Asas Perakaunan

Penyata kewangan ini telah disediakan menurut kelaziman kos sejarah dan mematuhi piawaian perakaunan yang diluluskan terpakai di Malaysia.
- 2.2 Loji dan Peralatan Dan Susut Nilai

Loji dan peralatan dinyatakan pada kos ditolak susut nilai terkumpul.

Susutnilai diperuntukkan berdasarkan kaedah garis lurus dikira untuk menghapus kira kos setiap aset sepanjang anggaran hayat kegunaannya.

Kadar susut nilai tahunan adalah 20%.

2.3 Tunai dan Kesetaraan Tunai

Tunai merangkumi wang tunai di tangan dan di bank dan simpanan. Kesetaraan tunai merangkumi pelaburan mudah tunai yang boleh ditukarkan kepada amaun tunai yang diketahui yang tertakluk kepada risiko pertukaran nilai yang tidak signifikan. Pihak Suruhanjaya telah menggunakan kaedah langsung di dalam penyediaan Penyata Aliran Tunai.

2.4 Faedah Kakitangan

Faedah Jangka Pendek

Upah, gaji dan bonus diiktiraf sebagai perbelanjaan pada tahun yang mana perkhidmatan berkaitan diberikan oleh kakitangan Suruhanjaya.

Pelan Caruman Tetap

Suruhanjaya membuat caruman kepada Kumpulan Wang Simpanan Pekerja ('KWSP') dan Pertubuhan Keselamatan Sosial ('PERKESO'). Caruman sedemikian diiktiraf sebagai perbelanjaan dalam Penyata Pendapatan seperti yang ditanggung. Apabila caruman telah dibayar, Suruhanjaya tiada obligasi bayaran lagi.

2.5 Peruntukan

Peruntukan dibuat bila pihak Suruhanjaya mempunyai obligasi sah atau konstruktif pada masa kini berikutan peristiwa lepas, di mana kemungkinan aliran keluar sumber akan diiktirafkan untuk menjelaskan obligasi, dan bila anggaran yang boleh diyakini boleh dibuat bagi amaun tersebut.

2.6 Geran Kerajaan

Geran daripada Kerajaan diiktiraf pada nilai saksamanya di mana terdapat jaminan munasabah bahawa geran akan diterima dan Suruhanjaya akan mematuhi semua syarat yang ada padanya.

Geran kerajaan berkaitan dengan pembelian Loji dan Peralatan dimasukkan dalam liabiliti bukan semasa sebagai pendapatan tertunda dan dikreditkan kepada Penyata Pendapatan sepanjang hayat dijangka ke atas Loji dan Peralatan berkaitan, asas-asas yang seimbang dengan susut nilai Loji dan Peralatan yang berkaitan.

2.7 Pengiktirafan Pendapatan Hibah, Faedah Simpanan Tetap Dan Mudharabah-Insurans

Pendapatan Hibah, Faedah Simpanan Tetap Dan Mudharabah-Insurans diiktirafkan berdasar asas tunai.

3. LOJI DAN PERALATAN

2013	Buku, peralatan dan kelengkapan	Komputer	Kenderaan	Peng- ubahsuaian	Jumlah
	RM	RM	RM	RM	RM
Kos					
Pada 1 Januari	672,514	572,293	1,474,361	1,563,013	4,282,181
Tambahan	28,648	76,480	162,787	5,650	273,565
Pada 31 Disember	701,162	648,773	1,637,148	1,568,663	4,555,746
Susut Nilai Terkumpul					
Pada 1 Januari	548,553	458,515	1,272,377	1,031,142	3,310,587
Caj untuk tahun	44,530	56,448	139,264	191,165	431,407
Pada 31 Disember	593,083	514,963	1,411,641	1,222,307	3,741,994
Nilai Buku Bersih					
Pada 31 Disember	108,079	133,810	225,507	346,356	813,752

2012	Buku, peralatan dan kelengkapan	Komputer	Kenderaan	Peng- ubahsuaian	Jumlah
	RM	RM	RM	RM	RM
Kos					
Pada 1 Januari	702,431	576,267	1,474,361	1,563,013	4,316,072
Tambahan	23,012	11,029	-	-	34,041
Pelupusan / Pelarasan	(52,930)	(15,003)	-	-	(67,933)
Pada 31 Disember	672,513	572,293	1,474,361	1,563,013	4,282,180
Susut Nilai Terkumpul					
Pada 1 Januari	556,483	405,344	1,038,037	831,964	2,831,828
Caj untuk tahun	44,985	67,943	234,340	199,178	546,446
Pelupusan	(52,916)	(14,772)	-	-	(67,688)
Pada 31 Disember	548,552	458,515	1,272,377	1,031,142	3,310,586
Nilai Buku Bersih					
Pada 31 Disember	123,961	113,778	201,984	531,871	971,594

4. **PELBAGAI PENGHUTANG, DEPOSIT DAN PRABAYAR**

	<u>2013</u> RM	<u>2012</u> RM
Deposit	782,107	782,107
Prabayar	6,758	3,788
Faedah Terakru	<u>13,890</u>	<u>4,989</u>
	<u><u>802,755</u></u>	<u><u>790,884</u></u>

5. **SIMPANAN TETAP**

Simpanan tetap dengan bank berlesen tidak dicagarkan untuk sebarang tujuan. Kadar faedah efektif bagi simpanan tetap dengan bank berlesen ialah di antara 3.00% - 3.23% setahun. Tempoh matang simpanan tetap ialah antara 30 hari hingga 92 hari.

6. **TUNAI DAN BAKI DI BANK**

	<u>2013</u> RM	<u>2012</u> RM
Tunai di tangan	4,511	5,000
Tunai di bank	<u>2,345,254</u>	<u>1,276,080</u>
	<u><u>2,349,765</u></u>	<u><u>1,281,080</u></u>

7. **PELBAGAI PEMIUTANG DAN AKRUAN**

	<u>2013</u> RM	<u>2012</u> RM
Pelbagai pemiutang	1,470	7,729
Operasi pemiutang	35,674	253,485
Lain-lain pemiutang	-	593
Akruan	<u>529,243</u>	<u>146,984</u>
	<u><u>566,387</u></u>	<u><u>408,791</u></u>

8. **DANA TERKUMPUL**

	<u>2013</u>	<u>2012</u>
	RM	RM
Baki pada 1 Januari	7,167,767	5,823,459
Lebihan Bagi Tahun	776,536	1,344,308
Baki pada 31 Disember	<u>7,944,303</u>	<u>7,167,767</u>

9. **EMOLUMEN**

Pembayaran emolumen bagi 78 (2012:80) jawatan pegawai dan Kakitangan Tetap adalah seperti berikut:

	<u>2013</u>	<u>2012</u>
	RM	RM
Gaji	2,362,046	2,255,584
Imbuhan Tetap Khidmat Awam	127,192	128,881
Imbuhan Tetap Perumahan	253,574	263,199
Imbuhan Tetap Keraian	108,824	110,075
Lain- lain Elaun	361,416	553,818
Sumbangan Badan Berkanun	701,421	430,779
Faedah Kewangan Lain	336,046	88,416
Jumlah	<u>4,250,519</u>	<u>3,830,752</u>

10. PERKHIDMATAN IKHTISAS DAN HOSPITALITI

Termasuk di dalam perbelanjaan ini adalah pembayaran emolumen kepada Pesuruhjaya sebanyak RM620,018

11. MAKLUMAT KAKITANGAN

Jumlah kakitangan SUHAKAM pada akhir tahun adalah 85 (2012:80).

12. INSTRUMEN KEWANGAN

Objektif dan Polisi Pengurusan Risiko Kewangan

Polisi pengurusan risiko kewangan Suruhanjaya bertujuan memastikan sumber kewangan mencukupi untuk menjalankan operasi-operasinya dengan lancar.

(a) Risiko Mudah Tunai

Pihak Suruhanjaya mengamalkan pengurusan risiko mudah tunai yang hemat untuk meminimumkan ketidakpadanan aset dan liabiliti kewangan dan untuk mewujudkan tahap tunai dan bersamaan tunai yang mencukupi bagi memenuhi keperluan modal kerja.

(b) Nilai Saksama

Nilai dibawa tunai dan bersamaan tunai, pelbagai dan lain-lain belum terima, pelbagai dan lain-lain belum bayar menghampiri nilai saksama kerana sifat instrumen kewangan yang jangka pendek.

13. **ANGKA-ANGKA PERBANDINGAN**

Sebahagian daripada angka-angka bandingan tahun lalu telah dipinda untuk disesuaikan dengan persembahan tahun ini seperti yang dinyatakan dalam Penyata Aliran Tunai :

	Sebagaimana dinyatakan semula 2012 RM	Sebagaimana dilaporkan terdahulu 2012 RM
ALIRAN TUNAI DARI AKTIVITI OPERASI		
Penerimaan	11,277,073	11,264,500
Pembayaran untuk perbelanjaan	(9,122,776)	(9,105,293)
Tunai bersih dari aktiviti operasi	2,154,297	2,159,207
ALIRAN TUNAI DARI AKTIVITI PELABURAN		
Hibah	-	7,295
Keuntungan diterima dari simpanan tetap	96,105	83,900
Belian loji dan peralatan	(42,322)	(42,322)
Tunai bersih dari aktiviti pelaburan	53,783	48,873
Peningkatan bersih dalam tunai dan kesetaraan tunai	2,208,080	2,208,080
Tunai dan kesetaraan tunai pada awal tahun	3,606,000	3,606,000
Tunai dan kesetaraan tunai pada akhir tahun	5,814,080	5,814,080
ANALISA TUNAI DAN KESETARAAN TUNAI		
Simpanan tetap	4,533,000	4,533,000
Tunai dan baki di bank	1,281,080	1,281,080
	5,814,080	5,814,080

LIST OF ABBREVIATIONS

AALCO	Asian-African Legal Consultative Organization
AICHR	ASEAN Inter-Governmental Commission for Human Rights
APF	Asia Pacific Forum of National Human Rights Institutions
ASLI	Asian Strategy and Leadership Institute
ASWARA	Academy of Arts, Culture and Heritage
ATIP	Anti-Trafficking in Persons
AWL	Association of Women Lawyers
BERSIH	Coalition for Clean and Fair Elections
BHEUU	Legal Affairs Division of the Prime Minister's Department
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CBR	Community-Based Rehabilitation centre
CCRC	Cure and Care Rehabilitation Centre
CCTV	Closed Circuit Television
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CPC	Criminal Procedure Code 593
CFNHRI	Commonwealth Forum of NHRIs
CHOGM	Commonwealth Heads of Government Meeting
CHRP	Commission on Human Rights of the Philippines
CIJ	Centre for Independent Journalism
CMID	Complaints and Monitoring Division
CPC	Criminal Procedures Code 593
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisations
CSR	Corporate Social Responsibility
CWLD	Children With Learning Disabilities
DGTU	Director-General of Trade Unions

JAIS	Jabatan Hal Ehwal Agama Islam Selangor
JAKOA	Department of Orang Asli Development
EAIC	Enforcement Agency Integrity Commission of Malaysia
EC	Election Commission
EO	Emergency (Public Order and Preventive of Crime) Ordinance 1969
EPD	Education and Promotion Division
EPU	Economic Planning Unit
EU	European Union
EPRG	Education and Public Relations Group
Forum Asia	Asian Forum for Human Rights and Development
FTA	Free Trade Agreement
GEGAR	Gerakan Bertindak Kembalikan Royalti Rakyat
GLC	Government-linked Companies
HRBPS	Human Rights Best Practices in School
HRC	Human Rights Council
ICC	International Coordinating Committee of National institutions for the Promotion and Protection of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICD	International Coordination Division
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ID	Inquiries Division
IDC	International Detention Coalition
IGP	Inspector-General of Police
IIUM	International Islamic University Malaysia
IKIM	Institut Kefahaman Islam Malaysia
IKMAS	Institute of Malaysian and International Studies
ILKAP	Judicial and Legal Training Institute
ILO	International Labour Organisation
INTAN	National Institute of Public Administration
IPO	Interim Protection Order
IP	Indigenous Peoples

ISA	Internal Security Act 1960
ISDS	Investor-State Dispute Settlement
ITBM	Institut Terjemahan dan Buku Malaysia
JAIS	Selangor Islamic Affairs Department
JAKIM	Islamic Development Department of Malaysia
JKOASM	Jaringan Kampung Orang Asli Semenanjung Malaysia
JOAS	Jaringan Orang Asal SeMalaysia
Komnas HAM	National Human Rights Commission of Indonesia
LGBT	Lesbians, Gays, Bisexual and Transgender
MACC	Malaysian Anti-Corruption Commission
MAPO	Council of Anti-Trafficking in Persons and Anti-smuggling of Migrants
MayBank	Malayan Banking Bhd
MITI	Ministry of International Trade and Industry
MOE	Ministry of Education
MOFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MoU	Memorandum of Understanding
MTUC	Malaysian Trades Union Congress
MWFC	Ministry of Women, Family and Community Development
NCR	Native Customary Rights
NGO	Non-Governmental Organisations
NHRAP	National Human Rights Action Plan
NHRI	National Human Rights Institutions
NI	National Inquiry into the Land Rights of Indigenous Peoples in Malaysia
NUBE	National Union of Banking Employees
OCPD	Officer-in-Charge of Police District
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PAA	Public Assembly Act 2012
PCA	Prevention of Crime Act 1959
PDHJ	Office of the Provedor for Human Rights and Justice of Timor Leste

PDRM	Polis DiRaja Malaysia
PRD	Public Relations Divison
PSC	Parliamentary Select Committee
PT Foundation	Pink Triangle Foundation
Pusat KOMAS	Pusat Komunikasi Masyarakat
PWD	Persons with Disabilities
RELA	People's Volunteer Cops
RPDD	Research and Policy Development Division
RSP0	Roundtable on Sustainable Palm Oil
RPDG	Research and Policy Development Group
RTD	Roundtable Discussion
RWI	Raoul Wallenberg Institute of Human Rights and Humanitarian Law
SAR	Sekolah Agama Rakyat
SCA	Sub-Committee on Accreditation
SEANF	Southeast Asia National Human Rights Institutions Forum
SEB	Sarawak Energy Berhad
SEIP	Special Education Integration Programme
SES	Special Education Schools
SJKC	Sekolah Jenis Kebangsaan Cina
SJKT	Sekolah Jenis Kebangsaan Tamil
SK	Sekolah Kebangsaan
SMA	Sekolah Menengah Agama
SME	Small-and medium-scale entrepreneurs
SMJK	Sekolah Menengah Jenis Kebangsaan
SOCSSO	Social Security Organisation
SOP	Standard Operating Procedure
SOSMA	Security Offences (Special Measures) Act 2012
SUARAM	Suara Rakyat Malaysia
TIP	Trafficking in persons
ToR	Terms of Reference
TOT	Training for Trainers
TPPA	Trans-Pacific Partnership Agreement

TVPA	Trafficking Victims Protection Act
TWG	Technical Working Group
UAE	United Arab Emirates
UDHR	Universal Declaration of Human Rights
UiTM	Universiti Teknologi Mara
UKM	Universiti Kebangsaan Malaysia
UM	University of Malaya
UMS	Universiti Malaysia Sabah
UN	United Nations
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNGA	UN General Assembly
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UPR	Universal Periodic Review
UPSI	Universiti Pendidikan Sultan Idris
UUCA	Universities and University Colleges Act 1971
WAO	Women's Aid Association
WHO	World Health Organisation

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