



S U H A K A M
HUMAN RIGHTS FOR ALL

ANNUAL REPORT 2018



SUHAKAM
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ANNUAL REPORT 2018

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Chairman's Message

The year 2018 was a defining year in the history of Malaysia, as the sun set on a 61-year-old political rule that had been unbroken since Merdeka. The first ever change in government was heralded by many to be the beginnings of a more open, free and transformative democracy, with a manifesto of progressive election promises aimed at addressing various human rights issues that had plagued Malaysian society for many a decade.

Changing 61 years of a historical trajectory is no easy feat, and SUHAKAM recognises the challenge inherent in effecting the many commitments made by the new government. Key among these challenges is perhaps to first transform the civil service, an indispensable arm of the government, to be apolitical and neutral, with a high sense of ethical conduct. This is fundamental to realising the government's reform plan and SUHAKAM believes that the new government has to seriously consider effective ways to rejuvenate the civil service if it is to spearhead the new Malaysian vision.

Prime Minister Tun Dr. Mahathir Mohamad himself pledged at the United Nations General Assembly on 28 September that Malaysia would accede to the remaining core United Nations instruments related to the promotion and protection of human rights to uphold principles of truth, justice, fairness, the rule of law and accountability, among others, as per the goal of the new administration.

In October, the government also announced its plan to abolish the death penalty, accompanied by an immediate moratorium on all executions. SUHAKAM was confident that this was an excellent first step in the total abolition of capital punishment in Malaysia. These announcements, along with that of the promised repeal of the Sedition Act 1948, Universities and University Colleges Act 1971 and the various incarnations of the Internal Security Act – Security Offences (Special Measures) Act 2012 (SOSMA) and Prevention of Crime Act 1959 (POCA) – draconian laws that had long been used as political tools against citizens expressing dissent, uplifted the entire nation. The future looked very bright indeed for Malaysia.

Changing 61 years of a historical trajectory is no easy feat, and SUHAKAM recognises the challenge inherent in effecting the many commitments made by the new government. Key among these challenges is perhaps to first transform the civil service, an indispensable arm of the government, to be apolitical and neutral, with a high sense of ethical conduct.

However, as 2018 drew to a close and euphoria settled nationwide, it is becoming increasingly clear that the new government would re-evaluate its promises to the people of Malaysia.

Despite the commitment to make Malaysia's human rights record respected by the world, the government backpedalled on its keystone election commitments that would remove, for good, mechanisms that have curtailed human rights in Malaysia. The opportunity to accede to the six remaining international human rights treaties could not have come at a better time, but for even the so-called 'low-hanging fruit', a consensus could not be reached over the absolute prohibition of torture and the elimination of racial discrimination, for example.

Conditions of detention should not be an added punishment, and I lament the deplorable state of some of our prisons and detention centres that are in breach of a number of United Nations standards. There are still a handful of our prisons that use the bucket system, a degrading toilet system in the 1950s. SUHAKAM finds that our prisons lack the necessary resources for effective rehabilitation to ensure that when detainees are released, they are better equipped to become law-abiding individuals that can contribute to society.

Death in custody is a matter that SUHAKAM takes very seriously, and we continue to monitor prisons and detention centres to the best of our ability. In our view, Malaysia still has inadequate legal safeguards against torture in custodial settings and action by the government to effectively reduce and prevent acts of torture behind custodial walls seems to be minimal. Many of the primary safeguards against ill-treatment and torture of detainees are protected within the framework of the International Covenant on Civil and Political Rights (ICCPR) that the government has committed to acceding. Likewise, accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) is a long-held hope here in SUHAKAM – one the government has also pledged its commitment to – and in doing so, will bring closure to inhuman treatment in custody and embrace a new regime of rehabilitation.

A blow to both human rights in Malaysia and SUHAKAM came in the form of the government distancing itself from participating in our 2018 Human Rights Day celebration that was misreported as a counter-rally as it bowed to political pressure to reject accession to the International Convention on the Elimination of All forms of Racial Discriminations (ICERD). The groups opposing accession were irrationally claiming that accession would unravel social contracts built on the backs of affirmative action

A blow to both human rights in Malaysia and SUHAKAM came in the form of the government distancing itself from participating in our 2018 Human Rights Day celebration that was misreported as a counter-rally as it bowed to political pressure to reject accession to the International Convention on the Elimination of All forms of Racial Discriminations (ICERD).

and the special position of Malays in the Federal Constitution. SUHAKAM will persevere in its efforts to convince the government to pursue human rights as a necessity in the social, political and economic development of Malaysia.

For its part, SUHAKAM's future is looking bright.

SUHAKAM has stepped up engagements with policymakers and ministers in a bid to increase awareness and understanding of human rights from a legislative standpoint and successfully organised its first joint programme for Members of Parliament with the Office of the Speaker of the House of Representatives (Dewan Rakyat) on 25 September. Current activities aimed at increasing transparency and independence in the governance of SUHAKAM are underway,

with plans to make SUHAKAM accountable to Parliament. SUHAKAM's independence would be further enhanced under Parliament and would provide us with leverage to operationalise human rights and in time validate the proposition that human rights are central to the country going forward and for Parliamentarians to believe that human rights win votes.

Given the current state of Malaysia's lacklustre protections when it comes to the rights and welfare of children particularly on issues such as child marriage, detention and statelessness, among others, SUHAKAM is especially encouraged by the government's initiative through the Ministry of Women, Family and Community Development to establish a Children's Commission and pledges its support in this endeavour. SUHAKAM has also developed, in partnership with the Ministry of Education, a Human Rights Module for Post UPSR and PT3 school students, with implementation by some schools already. While the feedback has been positive, SUHAKAM will need to constructively evaluate how effective our efforts have been, with the aim of expanding the scope of this particular project so that more youths and children will become aware of their rights as well as the principles of human rights.

In this vein, SUHAKAM has engaged with a number of religious institutions and organisations to discuss commonalities between the principles of human rights and religious concepts of justice.

SUHAKAM is an active participant in the various global and regional networks of National Human Rights Institutions (NHRIs). We continue to play our part in mending the gap between international human rights agreements and policies legislated and enforced by the national government. We maintain our networks with other ASEAN countries and seek each other out for support and assistance whenever we are able to render it. It is becoming increasingly clear that rigid limitations of national boundaries no longer confine migration matters, the environment, oppression of certain ethnic or religious groups and many other issues.

We believe that, through the ASEAN Intergovernmental Commission on Human Rights (AICHR), we should be able to access and pursue human rights across borders and as a regionally collaborative effort. Only in doing so can we truly live up to the sobriquet of a people-centred ASEAN.

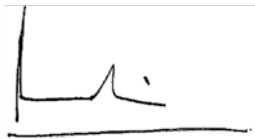
Human rights defenders in Malaysia would seem to be locked in constant tension with religion. The claim that human rights are a western agenda is an all-too-familiar accusation. There is still much to do in educating the population on the impact that human rights have on their dignity and livelihood, as well as their quality of life. In this vein, SUHAKAM has engaged with a number of religious institutions and organisations to discuss commonalities between the principles of human rights and religious concepts of justice. We are proud to say that the brickwork has been laid for future partnerships, beginning with the inclusion of human rights in Friday prayer sermons in a handful of mosques but this will be an uphill task.

There remains, also, the conundrum of harmonising efforts between federal and state governments, particularly on so-called sensitive issues such as child marriage and Orang Asli land rights. The rigours of convincing the federal government to accede to human rights treaties are not the end of the battle for SUHAKAM – it continues in persuading the 13 state governments to ensure successful implementation, enforcement as well as monitoring of these commitments.

SUHAKAM also recognises the massive effort still needed to change laws, policies, infrastructure and attitudes following Malaysia's accession to the UN Convention on the Rights of Persons with Disabilities in 2010. More conversations with the public and various state and non-state actors are required before Kuala Lumpur, let alone Malaysia, can consider itself truly accessible to persons with disabilities.

Advocacy has been an essential part of the work in SUHAKAM, but as we emerge into a new era, our goal is to move beyond advocacy and to make real, measurable changes in the system.

This is but a snapshot, a year in a decades-long journey for the promotion and protection of human rights in Malaysia. We here in SUHAKAM certainly have our work cut out for us. Purposeful though it may be, there is still a long way to go until we are able to make our human rights record something the world can respect.



TAN SRI RAZALI ISMAIL
CHAIRMAN
HUMAN RIGHTS COMMISSION OF MALAYSIA



Executive Summary

SUHAKAM remains determined and steadfast in carrying out its role of promoting and addressing human rights in Malaysia. There are still some pockets of Malaysians, mainly from religious communities and political groups, who view basic human rights norms and freedom of choice as a “threat” to their faith or political beliefs. Challenges remain, including transgressions of the rights of minority groups, migrants, the B40 group and those in detention. Allegations of torture and mistreatment while in the custody of enforcement authorities, as well as child abuse and violations against children’s rights, occur with alarming frequency. There are still sections of society who either do not understand or refuse to accept that human rights applies to everyone. It was unfortunate that at the end of December 2018 there was a public assembly to object to the application of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in Malaysia. This implies that “Malaysians” welcome racial discrimination. Objections were also raised by certain quarters to the demands for gender equality.

SUHAKAM’s Study on Discrimination Against Transgender Persons based in Kuala Lumpur and Selangor showed a general lack of awareness/understanding of sexual orientation and gender identity. It also showed pervasive discrimination against transgender persons, in terms of access to education, health, employment, housing and public facilities and their right to dignity.

SUHAKAM continued to support the rights of indigenous peoples, in particular, the recognition of indigenous customary rights to land, and seeking redress to

land administration matters. SUHAKAM convened a National Inquiry into the Land Rights of Indigenous Peoples in Malaysia in 2010 and the report was published in 2013. SUHAKAM is concerned with the slow progress in the government’s endorsement and implementation of the 18 recommendations in the report. SUHAKAM will continue to engage with the relevant Minister and ministry/authorities for amicable solutions and positive outcomes for all.

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SUHAKAM organised 5 sessions of *SUHAKAM Bersama Masyarakat* (Meet the People) at different locations in Kuala Lumpur, Perak, Johor, and Kedah; reaching out to 1,848

participants. Under its “Youth for Rights” programme, SUHAKAM continued to educate and empower youth on human rights principles, through 7 workshops involving 1,535 participants from various local universities and youth groups. SUHAKAM also engaged with Malaysian Islamic groups and religious authorities, Members of Parliament and government agencies, to examine the obstacles surrounding Malaysia's non-accession to the United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Punishment (UNCAT), particularly the incompatibility of domestic civil and syariah laws with UNCAT. SUHAKAM successfully persuaded some mosques to include human rights topics in the sermons preached during Friday prayers at mosques. Furthermore, SUHAKAM and JAKIM jointly organised a National Seminar on Islam and Human Rights on 27 November. Datuk Seri Dr Mujahid Yusof, Minister in the Prime Minister's Department (Religion) gave an excellent keynote address. Mujahid stressed that, with the exception of certain circumstances, Islam demanded the promotion and protection of human rights.

SUHAKAM regularly issued press statements that called for action and reminded the government and authorities to take steps to address issues affecting the rights of vulnerable groups, especially in relation to issues of gender inequality, the rights of indigenous peoples, religious intolerance and child abuse, including child marriages. The press statements served as a vehicle for SUHAKAM to state its stance and to compel legislative bodies to review, amend or repeal security laws with provisions that breach fundamental liberties.

SUHAKAM has an active social media presence on Facebook, Twitter and Instagram. SUHAKAM strives to be more in touch with the general public and the younger population.

On October 11, the Communications and Multimedia Minister announced that the Cabinet has decided to suspend the use of the Sedition Act, Printing Presses and Publications Act and the Communications and Multimedia Act, pending their repeal. SUHAKAM hopes that the government will not waver in its intent and will move forward with full commitment and focus on Promise 27 in the Pakatan Harapan Manifesto and see it through.

SUHAKAM submitted a proposal to the Institutional Reforms Committee (IRC) in mid-2018, recommending amendments to a number of clauses in the Malaysian Human Rights Commission Act. The Commission also reminded the government of its obligations to ratify the remaining core international human rights treaties and made recommendations

for the reform of government institutions like the Attorney General Chambers (AGC), Royal Malaysia Police, Election Commission, the Judiciary and Malaysian Anti-corruption Commission (MACC). SUHAKAM included its report on the National Inquiry into the Land Rights of Indigenous Peoples. The IRC had, in turn, forwarded its recommendations to the Council of Eminent Persons (CEP) for consideration. SUHAKAM also participated in a series of technical meetings and was appointed to be part of a task force established by the Ministry of Home Affairs to review security laws which have been used in certain instances to arbitrarily detain individuals.

SUHAKAM was involved in the review of several legislations, which included the following: the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, Harmony Bill, Accommodation and Employees' Housing Bill 2018 and Employees' Housing Regulations 2018, Workers' Minimum Standards of Housing and Amenities Act 1990 [Act 446] (WMS Act), amendments to the Employment Act 1955 and Older Persons Bill. SUHAKAM strongly urged the government to allow refugees to seek formal employment and education in Malaysia and to ensure they are able to seek medical care based on their needs, as opposed to their ability to pay, and not fear being arrested.

SUHAKAM also conducted a public inquiry into the disappearance of Pastor Raymond Koh, social activist Amri Che Mat, Pastor Joshua Hilmy and his wife Ruth Sitepu since 2017. It is hoped that the publication of the report on the public inquiry into the disappearances of Pastor Koh and Amri, will serve as a tool for future engagement with relevant stakeholders and authorities, encourage discussions and serve as a catalyst towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

SUHAKAM received complaints from Peninsula Malaysia, Sabah and Sarawak mainly dealt with arrests, detention of persons, right to an adequate living, cruel, inhuman and degrading treatment, right to nationality and rights to customary land. SUHAKAM received complaints from migrant workers on matters related to minimum wage, occupational hazards and exploitation of workers.

SUHAKAM is concerned with the existence and continued use of the "bucket system" in prisons even to this day. SUHAKAM visited Taiping Prison and Penang Prison in 2018. Sadly, the old prison buildings were often dilapidated and found to have been constructed of unsuitable or sub-standard building material. SUHAKAM will continue to engage with the relevant agencies/authorities to end the bucket system in the old prisons and recommend other improvements.

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It is estimated that there are roughly 2,599 stateless children in Malaysia. Without proper documentation, they are denied their right to access school and education, and ultimately the opportunity to improve their lives in the future. Some foreign children continue to be detained under immigration laws in Malaysia, as either accompanied or unaccompanied minors. Authorities have also used security laws, specifically the Prevention of Crime Act, to detain children without trial. SUHAKAM strongly advocates that the authorities implement alternatives to detention for these children. SUHAKAM reminds the government to accede to international

human rights instruments such as the Convention Relating to the Status of Stateless Persons, Convention on the Reduction of Statelessness and Convention Relating to the Status of Refugees.

SUHAKAM is appalled that there are thousands of underaged marriages of those below 18 years old in Malaysia every year and that the abuse and exploitation of children still occurs. This is a grave human rights violation; an early marriage significantly impacts a child's right to health, education, equality, and non-discrimination. Early marriage also prevents the child from living a life free from violence and exploitation. SUHAKAM urges the government to review existing civil and syariah laws to ensure local laws always consider the best interests of the child and not lead to further human rights violations or discrimination against the child. The Ministry of Women, Family and Community Development, with support from civil society and SUHAKAM, has initiated discussions and taken steps towards establishing a Children's Commission in the near future, which will protect and promote children's rights.

Persons with Disabilities (PWD) in Malaysia remain a disadvantaged group with many still left behind, be it in economic, social, cultural, religious, civil or political aspects. SUHAKAM organised a *Seminar Masjid Mesra OKU* (Seminar on Disabled-Friendly Mosques) on 20 October, with the aim of providing a platform for discussing substantive issues, including the needs of PWD and their basic right to worship. The session sought to identify solutions and resolutions to develop a policy to make mosques disabled-friendly.

SUHAKAM will continue to collaborate with the PWD and their organisations to identify and highlight the problems they encounter, including to identify laws that may need to be revised or updated.

From 2012 to 2018, the government studied and developed the National Human Rights Action Plan (NHRAP), which was launched on 1 March 2018. The Plan contains 294 action plans. It was an important milestone in improving the standing of human rights in Malaysia. However, the plan has been found to be inadequate. It has failed to take into account certain human rights aspects. This was attributed to the absence of or minimal consultation with activists, advocates, CSOs, and even SUHAKAM, in the development of the plan. SUHAKAM wants to be involved in any working meetings and consultations to ensure that the plan will be further improved so that it is relevant to the Malaysian context.

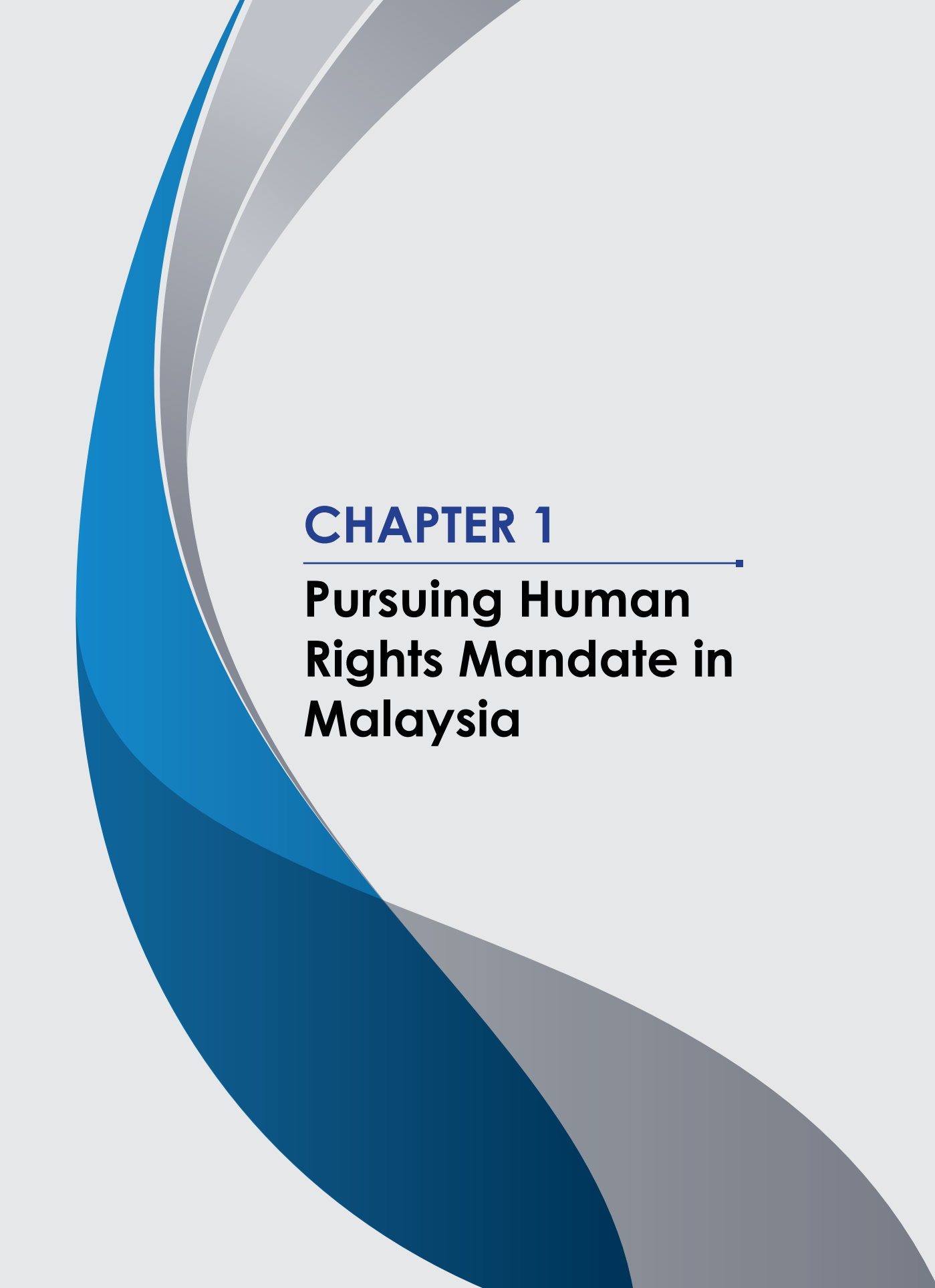
SUHAKAM collaborated with the United Nations Development Programme (UNDP) to implement a project to support the development of Malaysia's National Action Plan on Business and Human Rights (NAPBHR) by promoting an understanding and application of the UN Guiding Principles on Business and Human Rights (UNGPR). SUHAKAM also explored various avenues by forming partnerships to promote greater respect and compliance of human rights in the business operations of Felda Global Ventures Holdings Berhad (FGV) and the Federal Land Development Authority (FELDA). With The Forest Trust (TFT), SUHAKAM co-organised a "Consultation on Children in the Plantations of Sabah", to address supply-chain issues focussing on children in the oil palm plantations of Sabah.

SUHAKAM has continued to engage with the international community through a number of international human rights platforms, including the Southeast Asia National Human Rights Institutions Forum (SEANF), Asia Pacific Forum of National Human Rights Institutions (APF), Commonwealth Forum of National Human Rights Institutions (CFNHRI), and the Global Alliance of National Human Rights Institutions (GANHRI). One important international engagement in the year was Malaysia's Third Universal Periodic Review

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(UPR). SUHAKAM took an active role in holding pre-UPR consultations and briefing sessions with government agencies, diplomatic corps, civil society and the media in Malaysia. In carrying out its role as an advisory body to the government, SUHAKAM submitted its recommendations for UPR to the Human Rights Council in March. SUHAKAM Commissioners and officers attended the review session in Geneva, during which Malaysia received a total of 268 recommendations.

SUHAKAM has come a long way since its founding. It has made huge strides in improving the human rights situation in Malaysia, always working with the Government, ministries, CSOs and activists to further its goals. SUHAKAM will continue to carry out its work diligently and purposefully to achieve its vision of a "Malaysian society where human rights are fully respected, protected and enjoyed equally by all" in the not too distant future.



CHAPTER 1

Pursuing Human Rights Mandate in Malaysia



Education, Promotion and Publicity

EDUCATION AND TRAINING

OVERVIEW

The ultimate purpose of human rights education is to empower the people with human rights knowledge so as to ensure the protection, respect and fulfilment of human rights of every individual. Recognising the importance of human rights education, the Human Right Commission of Malaysia (SUHAKAM) through its Education and Training Division conducted several human rights education and training programmes. SUHAKAM collaborated with local and international organisations such as the Judicial and Legal Training Institute (ILKAP), Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Educational, Scientific and Culture Organisation (UNESCO) to organise programmes during the year. SUHAKAM also expanded its target group to include the Immigration Department, National Anti-Drug Agency, parliamentarians and private entities.

In 2018, University Utara Malaysia, established a Memorandum of Understanding (MoU) with SUHAKAM to undertake several joint programmes pertaining to human rights and education. To further realise SUHAKAM'S vision for human rights education to be taught in schools by 2020, SUHAKAM organised several strategic meetings with key actors in education. SUHAKAM met with Education Minister YB Dr. Maszlee Malik on 11 December, Deputy Minister of Education YB Teo Nie Ching on 22 October and Director General of Education Datuk Dr. Amin Senin on 25 June. SUHAKAM briefed them on SUHAKAM'S Human Rights Best Practices in School Programme (ATHAM) and

Human Rights Modules for post-Primary School Achievement Test (UPSR) and post-Form 3 Assessment (PT3) students. SUHAKAM's idea to introduce human rights education in schools was well-received. SUHAKAM was requested to cooperate with the Ministry of Education (MOE) to develop a human rights training module for the Teachers Training Institute and to give its input on human rights education to MOE's Curriculum Division.

In order to gauge how well its training sessions were conducted and the level of knowledge the participants gained, SUHAKAM introduced a more structured evaluation using an online form as well as a pre- and post-tests approach.

1. Human rights modules for post-UPSR and PT3 students

As highlighted in the 2017 Annual Report, SUHAKAM completed two human rights modules for post-UPSR and post-PT3 students in June this year. Each module contains 30 activities. The objective was to educate students in primary and secondary schools on human rights through fun activities. Though the modules were developed for Standard 6 and Form 3 students, who would have had more free time in school after their UPSR and PT3 examinations and before the school break at the end of the year, the activities are suitable for all primary and secondary students irrespective of their standard and form. SUHAKAM appreciates the contributions of MOE officers as well as teachers from several schools in finalising the modules during the two workshops which were held on 3 May and 28 June, respectively.

Following the completion of the modules, SUHAKAM organised 3 Training of Trainers (TOT) sessions to ensure that the teachers from ATHAM schools could carry out the activities, as well as equip them with sufficient knowledge of human rights, particularly on the rights of the child. About 62 secondary school teachers and 51 primary school teachers attended the TOTs which were held as follows:

No.	Programme	Date	Venue
1.	Training of Trainers on Human Rights Module Post-UPSR/PT3 for South zone	3 – 5 July	Port Dickson, Negeri Sembilan
2.	Training of Trainers on Human Rights Module Post-UPSR/PT3 for North zone	10 -12 July	Alor Setar, Kedah
3.	Training of Trainers on Human Rights Module Post-UPSR/PT3 for East zone	17 – 19 July	Kota Bharu, Kelantan

Although MOE did not make the modules compulsory, it was interesting to note that several schools, among others, SMK Sentul, SMK Gombak Setia and SMK Taman Seri Kluang, carried out the activities with their students this year. SUHAKAM also distributed compact discs of the modules to all ATHAM schools to encourage them to utilise the modules.



Training of Trainers on Human Rights Module Post UPSR and PT3 students for South zone held on 3- 5 July at Port Dickson

Moving forward, SUHAKAM plans to publish and distribute the modules to all ATHAM schools in hardcopy; expand TOTs to other ATHAM and non-ATHAM schools; and develop a mechanism to monitor the implementation of the activities in schools in the next two years to ensure that the objective of introducing the modules has been met.

2. Awareness programme on a Child's Right to Safety

Due to the good feedback from 12 MARA Junior Science Colleges (MJSCs) on the Child's Right to Safety Awareness Programme last year, SUHAKAM organised a similar programme at another 10 MJSCs during the year, which involved about 5,000 students, as well as follow-up programmes at a few MJSCs that were visited in the previous years. During the year under review, programmes were held in the following MJSCs:

No.	Location	Date
1.	Jeli MJSC, Kelantan	10 March
2.	Kota Putra MJSC, Terengganu	9 April
3.	Besut MJSC, Terengganu	9 April
4.	Batu Pahat MJSC, Johor	16 April
5.	Kubang Pasu MJSC, Kedah	29 April
6.	Tun Ghafar Baba (Jasin) MJSC, Melaka	9 May

Whereas, the follow-up programmes were held at the following MJSCs:

No.	Location	Date
1.	Tumpat MJSC, Kelantan	1 January
2.	Pasir Salak MJSC, Perak	5 February
3.	Taiping MJSC, Perak	19 February
4.	Kuching MJSC, Sarawak	23 February
5.	Pontian MJSC, Johor	29 March
6.	Pengkalan Chepa MJSC, Kelantan	3 September

The follow-up programme was basically a continuation of the introductory programme in which the students were divided into small groups and asked to prepare a chart based on one of the following themes:

1. What has your school done (activities or programmes) to educate the students on bullying?
2. Senior vs Junior, who normally does the bullying? And how to overcome bullying from always taking place?

As SUHAKAM has conducted the programme at all MJSCs nationwide over the past three years, SUHAKAM plans to shift focus to ATHAM schools next year.

3. Roundtable with parliamentarians: Aligning national legislation with international standards on freedom of expression, access to information and press freedom

In conjunction with International Day for Universal Access to Information which is celebrated on 28 September, SUHAKAM, UNESCO and the Parliament of Malaysia co-organised a roundtable with Parliamentarians on “Aligning National Legislations with International Standards on Freedom of Expression, Freedom of Information and Press Freedom” on 25 September. Apart from raising the awareness of the newly elected Members of Parliament (MPs) on international standards with regards to freedom of expression, freedom of information and press freedom, the roundtable also served as an opportunity for lawmakers to have an in-depth discussion with local and international experts in order to identify the weaknesses of domestic laws with a view to narrowing the gap with international standards. About 70 participants attended the programme. Apart from MPs and their officers, officers from the Attorney General's Chambers, the Parliament of Malaysia and the media were also present.



Roundtable with Parliamentarian Aligning National Legislation with International Standards on FOI Access to Information and Press Freedom

There were four discussion panels:

- i. Session one, on the interplay between international standards, national laws, and the Federal Constitution, was moderated by Dr. Lim Ming Kuok. The panellists were Mr. Amos Toh, legal advisor to the Special Rapporteur on the Right to Freedom of Opinion and Expression; Ms. Jennifer Jokstad, Human Rights Officer at the Office of the High Commissioner for Human Rights (OHCHR) in Bangkok; and Emeritus Professor Datuk Dr. Shad Saleem Faruqi, the holder of the Tun Razak Chair in Universiti Malaya.
- ii. Session two on access to information, a pre-requisite for a functioning democracy was moderated by Ms. Masjaliza Hamzah. The three panellists were Ms. Kishali Pinto-Jayawardena, the Right to Information (RTI) Commissioner of Sri Lanka; Mr. Toby Mandel, the founder and Executive Director of the Centre for Law and Democracy, a Canadian-based international human rights NGO and Mr. Steven Sim Chee Keong, Malaysian Deputy Minister of Youth and Sport.
- iii. Session three, Proportionate, Necessary, Legitimate, and Prescribed by Law: Considerations to Defamation and Hate Speech - was moderated by Commissioner Mr. Jerald Joseph. The panellists were Ms. Barbora Bukovska, Legal Director of Article 19; and Mr. Edmund Bon, the Malaysian Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR).
- iv. Session four which was a collaboration between Parliament and other stakeholders, was moderated by Dr. Lim Ming Kuok. The panellists here were Mr. Bambang Harymurti, a former member of the Indonesian Press Council and CEO of TEMPO; Mr. Pieter Knapen, Secretary-General of the Belgium Press Council; and Datuk A. Kadir Jasin, Media and Communications Adviser to the Prime Minister.

4. Seminar on human rights and policing

The police are the first line of defence for human rights. They are the guardians of the law, including human rights law. Cognisant of the important role played by the Royal Malaysia Police (RMP), SUHAKAM, with the collaboration of RMP, organised a "Seminar on Human Rights and Policing" for high-level police officials on 2 August at the Royal Malaysia Police College in Kuala Lumpur.

The seminar served as a platform for a discussion on how to balance public order and human rights, contemporary challenges, as well as the need to ensure public and police rights are always prioritised. This includes the provision of enough facilities, as well as looking after police welfare and security. The seminar also discussed steps that needed to be taken to achieve a better balance between public order and human rights.

The seminar was officiated by Inspector General of Police Tan Sri Mohamad Fuzi Harun. Ministry of Home Affairs (MOHA) Deputy Secretary-General Dato' Indera Khairul Dzaimie closed the event after reading out the speech of the ministry's secretary-general. About 40 participants, which included all the directors and deputy directors of various departments in Bukit Aman, Chiefs of State Contingent and Commandants of RMP training institutions, attended the seminar. Four senior officers from MOHA also participated to ensure the matters discussed would be taken up to the ministry for consideration. Commissioner Professor Dato' Dr Aishah Bidin moderated the session. The speakers were Associate Professor Dr. Shamrahayu Ab Aziz from the International Islamic University Malaysia (IIUM) who spoke on the 'International Human Rights Standards and Practises In Law Enforcement', Commissioner Dato' Mah Weng Kwai who discussed about 'SUHAKAM's Observations and Recommendations on Human Rights for RMP' and ACP S.Shanmugamoorthy from Bukit Aman who spoke on 'Human Rights in the Context of Policing in Malaysia'.

5. Human rights workshop for district police officers in charge of criminal investigations

Following the good response from participants of the "Human Rights Workshop for District Police Officers In charge of Criminal Investigations (OCCI)" in the central zone in 2017, SUHAKAM conducted a similar workshop in the northern zone covering the states of Perlis, Kedah, Pulau Pinang and Perak in 2018. The programme, held from 23 - 25 July in Penang, was attended by 34 OCCIs. The workshop helped SUHAKAM and RMP exchange views on human rights and policing.

There was a marked difference between the participants' pre- and post-workshop scores when tested on their knowledge of human rights and its application in their work. The average pre-workshop score for correct answers was 36.3%. After the workshop, their scores averaged at 72.5%. One of the participants suggested SUHAKAM organise a similar workshop for community leaders to enhance their understanding of human rights. SUHAKAM plans to continue the training programme for the police in the southern and eastern zones the following year.

6. Workshop on human rights and justice

On 7 July, ILKAP jointly organised a workshop on "Human Rights and Justice" at its institute in Bangi for 30 Session Court judges and magistrates from the Klang Valley and 10 legal officers from the Attorney General's Chambers. It was aimed at raising greater awareness and understanding of human rights among members of the judiciary and their application domestically. It also provided participants with a platform to impart, receive and exchange views and knowledge of human rights.

The workshop was broken up into five sessions. While "Introduction to the core United Nations International Human Rights Treaties" was delivered by SUHAKAM officer Ms Rafidah Yahya and "Human Rights in the Federal Constitution" was dealt with by Emeritus Professor Datuk Dr Shad Saleem Faruqi, "Gender Issues and Women's Rights in Malaysia" was delivered by Commissioner Associate Professor Dr Nik Salida Suhaila Nik Saleh and "The Application of Human Rights Standards/Principles in the Criminal Justice System" was by Commissioner Dato' Mah Weng Kwai. UNHCR's Ms Caroline Samuel and Mr Devendiran Paramanantham dealt with "Refugee Protection: UNHCR Mandate and Operations in Malaysia".

Several participants applauded the programme and suggested that the workshop is extended to run over a day and include lower court judges in other states as well. SUHAKAM plans to conduct similar training workshops in other states in the coming years.

7. Human rights workshop for Record Officers and Medical Assistants in prisons

In 2018, SUHAKAM organised another 4 human rights workshops with the cooperation of the Prisons Department, focusing on the "Right to Health in Prison and Effective Management of Prisoners' Record" as shown below:

No.	Programme	Date	Venue
1.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia	7 – 9 August	Kota Kinabalu, Sabah
2.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia	15 – 16 August	Correctional Academy of Malaysia, Langkawi, Kedah
3.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia	15 – 17 October	Correctional Institute Malaysia, Tanjung Kling, Melaka
4.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia	13 – 15 November	Ipoh, Perak

The two human rights workshops for medical assistants were a continuation of similar sessions conducted in 2017 for medical officers seconded to the Prisons Department. About 60 medical assistants who are working in prisons nationwide participated in the workshops. Apart from SUHAKAM officers who provided information on international human rights standards in relation to the right to health in prison, SUHAKAM also invited Dato' Dr Zahari Noor, Head of the Forensics Department at Penang Hospital, and Dr Mohd Nor Hayat Mamat, Head of the Medical Unit in the Prisons Department, to share their knowledge and expertise in medical treatment for prisoners as well as the role of MAs in providing health services in prison.

The two workshops for Record Officers focused on the effective management of prisoners' records and issues that may obstruct the practice of human rights in the officers' daily tasks. M. Masran Muhamad, Assistant Commissioner of Prison (ACP) from the Security & Intelligence Division of the Prisons Department was invited to share his knowledge of managing the records and violations of human rights that might occur because of a poor records management system. The workshops increased the participants' knowledge of human rights and this is reflected in their average pre- and post-test scores of correct answers:

No.	Programme	Pre-Test Average Score	Post-Test Average Score
1.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia from 7 – 9 August	20%	67%
2.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia from 15 – 16 August	51.25%	69.93%

No.	Programme	Pre-Test Average Score	Post-Test Average Score
3.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia from 15 – 17 October	34.82%	79.48%
4.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia from 13 – 15 November	46%	79%

Both workshops were well received. Participants shared some of their challenges and made recommendations for improving prisons by taking a human rights-based approach (HRBA). Most of the suggestions called on SUHAKAM to continue providing capacity building training programmes for the Prisons Department.

8. Human rights workshop for Directors of NADA rehabilitation centres

During the year, SUHAKAM expanded its collaboration with another agency, namely the National Anti-Drug Agency (NADA), following a working meeting with the Director General of NADA, Dato' Dr Abd Halim Mohd Hussin earlier this year. From 12 – 14 March, SUHAKAM conducted a human rights workshop for 30 directors of NADA rehabilitation institutions. They included the directors of the Cure and Care Rehabilitation Centre (CCRC), Cure and Care Vocational Centre (CCVC) and Cure and Care Clinic (C&C) in Malaysia. The training workshop was conducted at the NADA Training Centre in Sungai Petani, Kedah. Officers from NADA's headquarters attended as well.



SUHAKAM officer was conducting a session during Human Rights Workshop for Directors of National Anti-Drug Agency Rehabilitation Centres

The participants were introduced to human rights, SUHAKAM, international human rights standards on the treatment of detainees, the right to health in places of detention and current human rights issues in Malaysia. Taking up the participants' recommendation, SUHAKAM plans to expand the workshop for NADA officers/staff, including enforcement officers, officers-in-charge of treatment and rehabilitation at the institution as well as the auxiliary police in NADA, in following years.

9. Joint workshop with the Office of the UN High Commissioner for Refugees for Immigration Officials

Under a MoU between SUHAKAM and UNHCR last year, a workshop on the "Monitoring of Immigration Detention for Senior Immigration Officers" was conducted from 29 – 30 January in Putrajaya. The session was aimed at bringing about policy changes in the treatment of refugees and asylum seekers as well as improving the standard of treatment in detention centres. The lectures were attended by 32 senior officers from various departments at the Immigration Department headquarters. The participants were also taken to the UNHCR office to better understand the work carried out by the UN agency in Malaysia, especially in the documentation and determination of refugee status.

Several training workshops were also jointly conducted by SUHAKAM and UNHCR for ground officers and staff at 11 immigration depots in Peninsular Malaysia, with the aim of increasing their knowledge of international standards in relation to detention and refugee-related issues. The following were the sessions conducted:

No.	Depot	Date
1.	Bukit Jalil (Kuala Lumpur)	11 October
2.	Kuala Lumpur International Airport (KLIA)	11 October
3.	Semenyih (Selangor)	16 October
4.	Lenggeng (Selangor)	16 October
5.	Machap Umboo (Melaka)	24 October
6.	Pekan Nenas (Johor)	25 October
7.	Juru (Penang)	1 November
8.	Langkap (Perak)	8 November
9.	Belantik (Kedah)	21 November
10.	Ajil (Terengganu)	27 November
11.	Tanah Merah (Kelantan)	29 November

10. Training of trainers programme and training module on business and human rights for Felda Global Ventures Officers

In the MoU between SUHAKAM and Felda Global Ventures Holdings Bhd (FGV) last year, SUHAKAM made a commitment to develop a training module and conduct a Training of Trainers (TOT) session on Business and Human Rights for FGV Operational Level Officers.

The module was divided into 3 sections, namely "Introduction to Human Rights and SUHAKAM"; "Introduction to Business and Human Rights"; and, "Human Rights Issues relating to Business and Human Rights". Among the issues that were discussed were the rights of employees (minimum wages, contract, safety and health, right to be involved in a union, freedom to speak, passport storage and housing), sexual harassment, discrimination, human trafficking and forced labour, child labour, environment, indigenous peoples' right to their native customary land and forced eviction as well as complaint mechanisms.

Following the development of the training module, SUHAKAM conducted a TOT workshop at the FGV Training Centre, Kuala Lumpur, from 4 - 6 December for 30 FGV officers who will then go on to conduct a one-day training session in 2019 for operational officers at all FGV estates.

11. Human rights workshop for administrators of *tahfiz*/religious schools in Kuala Lumpur

Several incidents were reported to have occurred at *tahfiz* or religious schools in the country, including the death of 21 students in a fire in 2017. This prompted SUHAKAM to organise a programme for the administrators of such schools to educate them on the right of a child to education and safety. With the collaboration of the Federal Territory Religious Department, SUHAKAM managed to organise a human rights workshop for administrators of 38 *tahfiz* schools in Kuala Lumpur on 3 and 4 December.

Besides educating the participants on the Convention on the Rights of Child (CRC), the workshop also enlightened the participants on the safety requirements for their buildings. The latter was provided by the Fire Department of Kuala Lumpur. The Federal Territory Health Department also taught them health aspects of living in boarding schools.

The workshop was well-received. The religious department suggested that another workshop is held next year for other *tahfiz* schools in the Federal Territory that were unable to participate this time.

12. MoU with Universiti Utara Malaysia (UUM)

SUHAKAM and UUM signed a MoU on 16 January 2018 to enhance, encourage and develop mutual cooperation pertaining to human rights, in respect of education, research and community service. Several collaborative programmes have been planned for the 3-year-period of the MoU.

On 25 April, SUHAKAM and UUM collaborated to deliver an introductory talk on the rights of the child, focusing on the issue of bullying, to students of Sekolah Kebangsaan Tunku Abdul Rahman Putra in Kedah. Several activities were conducted with the assistance of volunteers from UUM. Although it was challenging to keep the students (from standard 4 to 6) focused throughout, they participated earnestly in the activities as well as in the Q&A session. On 26 April 2018, the same programme was conducted for the students of Sekolah Menengah Kebangsaan Syed Ibrahim, Kedah.

During the talk, the students were asked about human rights and SUHAKAM. The spontaneous survey showed that less than 5% of them have a basic knowledge of human rights. This is perhaps because their homes and school were in a rural area. However, the programme managed to enlighten the students on human rights and the rights of the child.

13. Invitations to deliver human rights talks and training

In 2018, SUHAKAM received several invitations from government agencies and other organisations to deliver talks and conduct training workshops on specific and general human rights topics. They were:

No.	Topic	Date	Venue	Organiser
1.	Human Rights talk to RMP officers	29 January	RMP Training College, Cheras, Kuala Lumpur	Royal Malaysia Police (RMP)
2.	"Human Rights in Federal Constitution" talk to Administrative and Diplomatic Service trainee officers	5 February	Intan Bukit Kiara, Kuala Lumpur	National Institute of Public Administration (INTAN)
3.	Human Rights talk at " <i>Ijtimak Pentadbir Pentadbir-Pentadbir Maahad Tahfiz dan Pondok Negeri Pahang 2018</i> "	13 February	Raub, Pahang	Pahang Religious Department

No.	Topic	Date	Venue	Organiser
4.	Talk on "Death in Custody: Human Rights Perspective" for Prison Officers	20 March	Correctional Academy of Malaysia, Langkawi, Kedah	Prisons Department
5.	One-day Human Rights Training for Prison officials	24 March	Malaysian Prison College, Kajang, Selangor	Prisons Department
6.	Half-Day Human Rights Training for RELASIS UNIMAP	21 April	UNIMAP Perlis	RELA Brigade of University Students (RELASIS)
7.	One-day Human Rights Training for Prison Officials	24 April	Prison Officers Training Centre, Taiping, Perak	Prisons Department
8.	"Human Rights in the Federal Constitution" talk to Administrative and Diplomatic Service trainee officers	30 April	INTAN Bukit Kiara, Kuala Lumpur	INTAN
9.	One-day Human Rights Training to Prison Officials	10 May	Seremban Prison, Negeri Sembilan	Prisons Department
10.	"Human Rights and the Rights of Migrant Workers" training for Penggerak Malaysia	15 May	SUHAKAM Office, Kuala Lumpur	Penggerak Malaysia
11.	Talk on "SUHAKAM's roles in Human Rights Issues" to the RMP	23 May	PULAPOL, Kuala Lumpur	RMP
12.	Talk on "Human Rights Issues in Malaysia" to the RMP	24 May	PULAPOL, Kuala Lumpur	RMP
13.	Talk on "Patients' Right to Health" to the Malaysian Nurses Association	28 July	Pulau Pinang General Hospital, Pulau Pinang	Malaysian Nurses Association
14.	Human Rights Talk to MACC officers	31 July	Kelantan MACC Office, Kelantan	Malaysian Anti-Corruption Commission (MACC)

No.	Topic	Date	Venue	Organiser
15.	Human Rights Training for Henry Gurney Telok Mas officials	13 September	Henrey Gurney School, Telok Mas, Melaka	Prisons Department
16.	A series of three Human Rights talks on "Human Rights and SUHAKAM", "Current Issues on Human Rights", and "Human Trafficking from Human Rights Perspective" for RMP recruits during basic police training	20 & 21 September	PULAPOL, Kuala Lumpur	RMP
17.	Human Rights Training for prison recruits	21 September	PULAPEN, Taiping, Perak	Prisons Department
18.	Human Rights Training for the officers of Rumah Seri Kenangan, Johor Bharu	30 September	Rumah Seri Kenangan, Johor Bharu, Johor	Social Welfare Department
19.	Human Rights Training for enforcement officials of Kulai Municipal Council	7 November	Mersing, Johor	Kulai Municipal Council

SUHAKAM welcomes invitations to conduct training or deliver talks on human rights from any other stakeholders with the aim of promoting human rights in Malaysia.

PROMOTION AND OUTREACH

During the year, SUHAKAM continued to discharge its core mandate of raising awareness of human rights through a range of outreach programmes and partnerships with various stakeholders in Malaysia.

1. Protection against torture and other cruel, inhuman, or degrading treatment or punishment

a) UNCAT Programmes with various stakeholders

As a follow-up to dialogues on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) held from 5 - 7 July 2017, SUHAKAM organised another series of UNCAT programmes from 2 - 5 July 2018 in Kuala Lumpur with Malaysian Islamic groups and religious authorities, MPs and various government agencies, as well as Minister of Foreign Affairs Dato' Saifuddin Abdullah.

The programmes sought to examine the obstacles surrounding Malaysia's non-accession to UNCAT, particularly the incompatibility of domestic, civil and syariah laws with

UNCAT, as well as to learn from other jurisdictions and to gain support from various key stakeholders advocating for Malaysia's accession to the convention.

Among the key issues and recommendations derived from the programmes were:

- i. That the assumption that Islam and UNCAT are incompatible should not be an obstacle for Malaysia to ratify the convention and to advance the human rights agenda in the country.
- ii. That syariah law was not a hindrance to Malaysia's accession to the UNCAT as the provisions of Syariah offences and punishment under Syariah Courts (Criminal Jurisdiction) 1965 (Amendment) 1984 and Syariah Criminal Procedure (Federal Territories) Act 1997 fell outside of the definition of "torture" under the UNCAT.
- iii. That the education and awareness of UNCAT among the Muslim community in Malaysia should be based on the fundamental belief that Islam forbids torture and cruelty.
- iv. That there should be regular dialogues with Malaysian religious scholars and academics to look into the compatibility of UNCAT with the Federal Constitution of Malaysia and the Islamic principles upheld by the Muslim community.
- v. That Malaysia should emulate the best practices of other Islamic countries like Tunisia and Qatar, which have replaced corporal punishment with other forms of punishment such as imprisonment for criminal offences.
- vi. That there needs to be a constructive discussion among members of the public on Malaysia's accession to UNCAT despite their differing views with regard to the integration of universal values into a domestic context. It is vital for Malaysians to understand that the purpose of UNCAT is not to impose another set of values and culture with the aim of undermining existing religious beliefs and values in Malaysia.
- vii. That "prevention" is the key element under UNCAT, which seeks to prohibit torture and ill-treatment and to uphold the State party's accountability in undertaking effective measures as underlined in the convention.
- viii. That each State Party is allowed to make declarations and reservations to certain articles in UNCAT. However, this must be done based on solid justification so as not to undermine the objective of the convention.
- ix. That the implementation of caning in schools contradicts Article 16 of UNCAT which stipulates the obligation of the State Party to develop interventions to prevent cruel, inhuman or degrading treatment or punishment. There is a need for educators to review their disciplinary methods so as to respect the human dignity of all children in meeting the objectives of education.
- x. That human rights should be taught to school children - as is implemented in Indonesia through a school programme called "Student Community of Human Rights" - to tackle the problem of bullying as well as through the introduction of a subject on respecting the rights of the people in the school curriculum.

- xi. That the justice system should focus more on the rehabilitation and re-integration of ex-offenders into society as good citizens instead of retribution.
- xii. That the prevalence of corruption, including in law enforcement and the justice system, could have an adverse impact on the fight against torture and other forms of degrading treatment as enshrined in a resolution (A/HRC/37/L.32) adopted by the UN Human Rights Council on 23 March 2018.
- xiii. That the ratification of UNCAT could bring mutual confidence between UN Member States in the context of international cooperation relating to prosecution and/or extradition of individuals alleged to have committed acts of torture.
- xiv. That the implementation of UNCAT is a crucial process and SUHAKAM should include the promotion of greater understanding among law enforcement agencies such as the RMP.



Workshop on UNCAT with the Malaysian Islamic Community on 2 July 2018

b) Memorandum presented to Malaysia's Representative to the ASEAN Intergovernmental Commission on Human Rights and the Ministry of Foreign Affairs Malaysia (MOFA)

Recognising the instrumental role played by the ASEAN Intergovernmental Commission on Human Rights Representative for Malaysia (AICHR Malaysia) and MOFA in the human rights discourse within Malaysia and within the ASEAN region, SUHAKAM and its ACT4CAT

Campaign Coalition members namely the Malaysian Bar Council, Amnesty International Malaysia (AIM), Suara Rakyat Malaysia (SUARAM) and Lawyers for Liberty (LFL) handed over a memorandum to the Malaysian Representative to AICHR, Mr Edmund Bon Tai Soon, and the representatives of MOFA on 25 June, ahead of International Day in Support of Victims of Torture. In the memorandum, the ACT4CAT coalition called on AICHR Malaysia and MOFA to undertake the following:

- i. Publicly support the call for the ratification of UNCAT;
- ii. Support and facilitate dialogues between the Government of Malaysia and other UNCAT signatories within the ASEAN region and the United Nations;
- iii. Invite and welcome special rapporteurs and international human rights experts to Malaysia; and
- iv. Assign the ratification of UNCAT as one of AICHR Malaysia's long-term goals.

While presenting the memorandum to these key actors, the coalition also highlighted the fact that 6 ASEAN Member States, namely Cambodia, Indonesia, Lao PDR, Philippines, Thailand and Vietnam have ratified UNCAT and that 58 Organisation of Islamic Cooperation (OIC) States have ratified the convention globally.

AICHR has the mandate to promote and protect the human rights and fundamental freedoms of the ASEAN people. This mandate ought to empower AICHR to advocate for the ratification of UNCAT in Malaysia as the ASEAN governments, including Malaysia, have expressed support against torture under Article 14 of the ASEAN Human Rights Declaration. The coalition is hopeful that AICHR Malaysia will take a proactive role by supporting the ratification of UNCAT in Malaysia.

Noting the important role of MOFA in facilitating the ratification of treaties, and ensuring the adherence of implementing agencies to international human rights standards, the coalition deems it necessary for MOFA to open its doors and welcome United Nations special rapporteurs to conduct additional visits and studies on Malaysia.

The coalition was pleased with the assurance given by AICHR Malaysia that it would escalate the memorandum to the Minister of Foreign Affairs and discuss with the minister the proposal to host an inter-Ministry High-Level Dialogue to identify the way forward for ratifying UNCAT within specific timelines.



The ACT4CAT Coalition led by Datuk Lok Yim Pheng presenting a memorandum by to the ASEAN Intergovernmental Commission on Human Rights (AICHR) Representative for Malaysia Mr Edmund Bon Tai Soon

c) Malaysia's Third Universal Periodic Review

While Malaysia's Third Universal Periodic Review (UPR) was taking place on 8 November in Geneva, Switzerland, the delegation from SUHAKAM also held side meetings with the Association for the Prevention of Torture (APT) and the Convention Against Torture Initiative (CTI), respectively, on 7 and 8 November. This was to strengthen its collaboration with these international partners towards advocating for Malaysia's ratification of UNCAT, as well as to enhance its work in preventing torture and ill-treatment in places of detention.

SUHAKAM was pleased to note that, at Malaysia's Third UPR, there were 15 specific recommendations on Malaysia's ratification of UNCAT and 6 recommendations calling for, among others, the elimination of torture and all forms of ill-treatment and inhuman or degrading punishment including corporal punishment in both the civil and syariah legal systems.

SUHAKAM hopes that the government will respond positively to these recommendations with a view to preventing, and ultimately eliminate, all acts of torture and other cruel, inhuman and degrading treatment or punishment in Malaysia.

2. Public Outreach and Engagement

a) *SUHAKAM Bersama Masyarakat* (“Meet-the-People”) Programme

SUHAKAM continued to raise public awareness of human rights through its “*SUHAKAM Bersama Masyarakat*” programme in various parts of the country. During the year, SUHAKAM conducted a series of 5 such sessions in the Federal Territory and 3 other states with 1,848 people participating. The details of the sessions are as follows:

- i. PPR Beringin Kepong, Kuala Lumpur (25 March)
- ii. PPR Pantai Dalam, Kuala Lumpur (29 March)
- iii. Kuala Kangsar, Perak (24 July)
- iv. Hulu Terengganu, Terengganu (4 October)
- v. Langkawi, Kedah (22 November)

Issues of concern

The following were the key issues raised by the participants:

i. Education

Concerns were raised regarding the need for MOE and the state religious authorities to look into religious schools, namely *Sekolah Agama Rakyat* (SAR) and *tahfiz* schools, in Malaysia to ensure that these schools comply with the required standards in terms of safety, content delivery, capacity development for the teachers as well as a quality learning system.

Some parents voiced their concern over heavy schoolbags and the possible health risks their children faced from carrying overweight schoolbags. They expressed hope that MOE would lift the burden off the students by reducing the number of textbooks they have to carry to and from school.

The matter of stateless children's basic right to education was also raised in one of the sessions by a concerned citizen who hoped that stateless children would be given an equal opportunity to receive proper education in Malaysia.

A representative from a Parent Teacher Association in Langkawi raised a concern about underperforming schools on the island. The representative flagged the need for SUHAKAM to study the matter and make the necessary recommendations to MOE.

ii. Right to Vote

Some participants expressed their concern about unequal voting rights. Registered voters in the Federal Territory of Kuala Lumpur can only vote for representation in Parliament unlike voters in other states who can vote for representatives in the state legislative assembly and in Parliament. While acknowledging that Kuala Lumpur is governed directly by the Federal government through the Ministry of Federal Territories together with a local authority, namely Kuala Lumpur City Hall, the participants expressed hope that the government would give due attention to this matter.

iii. Freedom of expression

The rise of racial and religious hate speech and fake news on social media platforms was a primary concern for several participants. They asked SUHAKAM and other key stakeholders to play their respective roles to mitigate the problem.

iv. Employment

A participant requested SUHAKAM to look into the termination of 1,200 civil servants from the Special Affairs Department (JASA), under the new government.

v. Freedom of religion

There were repeated queries about the right to freedom of religion in the context of Malaysia and the role of SUHAKAM in this regard. Some participants saw Article 18 of the UDHR - on an individual's right to freedom of thought, conscience and religion - as a threat to Islamic teaching in Malaysia. Similarly, they also saw the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as a threat to the Muslim community in Malaysia.

Perception survey findings

SUHAKAM continued to conduct perception surveys of participants at these sessions to assess their understanding of human rights as well as the work of SUHAKAM in general.

Based on the feedback of 1,001 respondents, the following key outcomes were identified:

- i. That 87% of the respondents were of the opinion that human rights are basic rights and freedoms belong inherently to all human beings while 12% perceived human rights as a basic right belonging to certain groups. The remaining 1% viewed human rights as foreign values or western ideology.

- ii. That 85% of the respondents believed that human rights protect all people including detainees and inmates while 10% opined that human rights protect only children and women. There were 4% who confined human rights protection to only persons with disabilities and 1% confined it to only politicians.
- iii. That 74% of the respondents indicated that they were concerned about human rights while 25% were concerned to a certain extent, and 1% were not concerned about human rights at all.
- iv. That 49% of the respondents thought that SUHAKAM was an NGO that championed human rights as opposed to 42% who thought SUHAKAM was an independent statutory body that promoted and protected human rights. The remaining 9% thought that SUHAKAM was a government department.
- v. That 95% of the respondents understood that SUHAKAM worked on all issues related to human rights in the country as opposed to 3% who thought that SUHAKAM worked on issues related to interests of particular political parties, and 2% who thought that SUHAKAM worked on issues related to the misconduct of government agencies.
- vi. That 60% of the respondents opined that SUHAKAM did the best it could to fulfil its responsibility while 25% thought that it did not do well enough because of a lack of follow-up action by the government. The remaining 15% said SUHAKAM did not do well enough because of limitations on its powers.

The survey result shows that over 70% of the respondents were concerned about human rights and understood the basic concept of human rights and subscribed to the notion that human rights protection extended to all people including detainees and inmates.

There was a marginal difference (7%) between the percentage of respondents who mis-perceived SUHAKAM as a human rights NGO (49%) and the percentage (42%) of respondents who understood that SUHAKAM was a statutory body that promotes and protects human rights. Nevertheless, it was encouraging to note that the majority (95%) knew that SUHAKAM worked on a whole range of human rights issues in the country.

The results also reflected that over 60% of the respondents were satisfied with SUHAKAM's performance while some 20% felt that SUHAKAM did not do enough and they attributed this to the lack of follow-up action by the government or its limited powers.

These results are indicative of the continued need for SUHAKAM to raise greater public awareness of its role and function as a National Human Rights Institution created by a statute of Parliament, and to eliminate the erroneous perception that it is an NGO.



'SUHAKAM Bersama Masyarakat' session in Langkawi, Kedah

b) Exhibitions

SUHAKAM held 19 exhibitions at various events hosted by SUHAKAM and other organisations. They were:

Date	Organiser	Details
4 February	Kuala Lumpur City Hall (DBKL)	This was held in conjunction with a Federal Territory programme titled " <i>Kenduri 1 Wilayah Persekutuan</i> ".
24 February	Kuala Lumpur City Hall (DBKL)	This was also held in conjunction with a Federal Territory programme titled " <i>Kenduri 1 Wilayah Persekutuan</i> ".
17 – 18 March	Ministry of Finance (MOF)	This was held in conjunction with MOF's programme series titled " <i>Fiesta NBOS</i> " at Segamat, Johor.
25 March	SUHAKAM	This was held in conjunction with the Commission's " <i>SUHAKAM Bersama Masyarakat</i> " programme in Kepong, Kuala Lumpur.
29 March	SUHAKAM	This was held in conjunction with the Commission's " <i>SUHAKAM Bersama Masyarakat</i> " programme in Lembah Pantai, Kuala Lumpur.

Date	Organiser	Details
31 March	HELP University	This was held in conjunction with HELP University's "The Tan Sri Dato' Seri Dr Abdul Malek Law Students' Conference 2018".
15 April	MOF	This was held in conjunction with MOF's programme titled " <i>Fiesta NBOS</i> " at Bentong, Pahang.
15 May	SBM Offshore	This was held in conjunction with SBM Offshore's programme titled "SBM KL Life Day 2018" at Platinum Sentral, Kuala Lumpur.
2-3 June	Greenpeace Malaysia	This was held in conjunction with Greenpeace Malaysia's programme "The Rainbow Warrior" at Pelabuhan Klang, Selangor.
16 – 18 July	Universiti Sultan Azlan Shah (USAS)	This was held in conjunction with USAS's programme "World Conference on Islamic Thought and Civilization" at Ipoh, Perak.
24 July	SUHAKAM	This was held in conjunction with the Commission's " <i>SUHAKAM Bersama Masyarakat</i> " programme in Kuala Kangsar, Perak.
14 August	Monash University Malaysia (MUM)	This was held in conjunction with the MUM programme "Monash Internship and NGO Fair 2018" in Subang Jaya, Selangor
25 September	SUHAKAM and UNESCO	This was held in conjunction with SUHAKAM and UNESCO "Roundtable with Parliamentarians: Aligning National Legislation with International Standards on Freedom of Expression, Access to Information and Press Freedom" in Kuala Lumpur.
4 October	SUHAKAM	This was held in conjunction with the Commission's " <i>SUHAKAM Bersama Masyarakat</i> " programme in Hulu Terengganu.
6-7 October	SUHAKAM	This was held to promote the UNCAT Campaign to members of the public in Kuching, Sarawak.
29-30 October	Asian Confederation of Institutes of Internal Auditors Conference (ACIIA)	This was held in conjunction with the 2018 ACIIA Conference in Kuala Lumpur.

Date	Organiser	Details
3 November	Jawatankuasa Kawasan Rukun Tetangga (KRT) Perumahan Awam Seri Negeri Sembilan, Bandar Baru Sentul	This was held in conjunction with the programme " <i>Karnival Masyarakat Penyayang</i> " in Kuala Lumpur.
22 November	SUHAKAM	This was held in conjunction with the Commission's " <i>SUHAKAM Bersama Masyarakat</i> " programme in Langkawi Island, Kedah.
8 December	SUHAKAM	This was held in conjunction with the celebration of the 2018 Human Rights Day in Kuala Lumpur.

3. Empowerment of Youth

SUHAKAM continued to educate and empower youths on human rights principles through its "Youth for Rights" programme that was held in various local universities. During the year, SUHAKAM conducted a total of 7 workshops and reached out to 1,535 youths from various local universities and youth groups as follows:

- Universiti Selangor (UNISEL) and Members of Malaysian Youth Parliament, Shah Alam, Selangor, 31 March
- University Kuala Lumpur (UniKL), Kuala Lumpur, 2 May
- Universiti Sultan Azlan Shah (USAS), Kuala Kangsar, Perak, 27 June
- INTI International University & Colleges, Nilai, Negeri Sembilan, 26 September
- Universiti Sultan Zainal Abidin (UniSZA), Kuala Nerus, Terengganu, 3 October
- Universiti Sains Malaysia (USM), Penang, 12 November
- Universiti Malaysia Pahang (UMP), Gambang, Pahang, 28 November

As with the previous year, SUHAKAM continued to survey the perception of youths to gauge their understanding of human rights as well as the work and functions of SUHAKAM. This was the feedback from 552 young respondents:

- Almost all, 95% of the respondents, opined that human rights were basic rights and that freedoms belonged inherently to all human beings while 4% perceived human rights as basic rights belonging to certain groups. The remaining 1% viewed human rights as foreign values or western ideology.
- A large majority, that is 79% of them believed that human rights protect all people including detainees and inmates while 17% opined that human rights protect politicians. Of the remaining, 2% thought that human rights protect children and women and 2% confined human rights protection to persons with disabilities only.

- iii. More than half - 66% - of them indicated that they were concerned about human rights while 33% were concerned only to a certain extent. The remaining 1% were not concerned about human rights at all.
- iv. That 44.4% of the respondents understood that SUHAKAM was an independent statutory body that promotes and protects human rights as opposed to 42.4% who thought that it was an NGO that championed human rights. The remaining 13.2% thought that SUHAKAM was a government department.
- v. That 66% of the respondents understood that SUHAKAM worked on all issues related to human rights in the country as opposed to 31% who thought that SUHAKAM worked on issues related to the misconduct of government agencies. The remaining 3% of the respondents thought that SUHAKAM worked on issues related to the interests of political parties.
- vi. While 57% thought SUHAKAM did the best it could in fulfilling its responsibility, 20% opined that SUHAKAM did not do well enough due to limitations of its powers. The remaining 23% felt that SUHAKAM did not do well enough due to the lack of follow-up action on the part of the government.



"Youth For Rights" programme held in Selangor on 31 March

Although most of the youths opined that human rights protect all people including detainees and inmates, 17% believed that human rights protect a specific group, namely the politicians and only 4% of the respondents attributed human rights protection to vulnerable groups like children and women as well as persons with disabilities. In comparison, the percentage of "*SUHAKAM Bersama Masyarakat*" respondents who held the view that human rights protect politicians was relatively low.

Similar to the survey results of the “*SUHAKAM Bersama Masyarakat*” programme, there was a marginal difference between those who misperceived SUHAKAM as a human rights NGO and those who understood that SUHAKAM was a statutory body that promotes and protects human rights.

While 66% of the respondents understood that SUHAKAM worked on all issues relating to human rights, 30% thought that SUHAKAM worked on issues concerning the misconduct of government agencies. This seems to suggest that some youth tended to view SUHAKAM as a grievance-handling mechanism that deals with complaints and wrongdoings of government functionaries.

SUHAKAM was pleased to note that the overall evaluation for the Youth for Rights programme was very encouraging. The participants also provided various constructive suggestions to enhance the delivery of the programme.

MEDIA

OVERVIEW

Throughout the year, SUHAKAM issued a total of 52 press statements on various human rights issues including children, the 14th General Election, women, education, death penalty, migrants, freedom of thought, conscience and religion or belief, unilateral conversion, human trafficking, freedom of movement, Sedition Act, Anti-Fake News Bill 2018, Anti-Discrimination Bill, National Harmony and Reconciliation Commission Bill and Racial and Religious Hatred Bill, Official Secrets Act 1972 (OSA), the smoking ban and police lock-up conditions.

It is noted that media coverage, including mainstream media, increased towards the end of the year. It can be concluded that while most media outlets covered accurately SUHAKAM's stance on various human rights issues through its press statements, some media institutions seem to provide erroneous reporting of it. This misleads readers, resulting in a lack of understanding of SUHAKAM's messages.

Media institutions play an enormously important role in the promotion and protection of human rights and SUHAKAM hopes that the media will continue to support, disseminate information and provide the public with full, fair and accurate information on human rights issues. SUHAKAM will continue to raise awareness of the importance of ethical journalism and human rights protection and how, together, they can contribute to a better society.

1. Social media engagement

SUHAKAM actively disseminates information on its activities, releases press statements and promotes human rights understanding through Twitter, Facebook and Instagram. As of this year, SUHAKAM has 14,355 followers on Twitter, 10,572 likes on Facebook and 498 followers on Instagram.

2. Human rights documentary

In June, SUHAKAM collaborated with the United Nations Association of Malaysia (UNAM) Youth on a project to produce a documentary entitled, '*Hak Yang Hilang*'. The purpose of the documentary was to raise awareness, spark conversation and understanding among the public on the issue of child marriage, Orang Asli and migrant workers.

Over 20 interviews were conducted with experts, MPs, religious leaders, community leaders and members among others. The 20-minute documentary was screened during SUHAKAM's Human Rights Day celebrations on 9 December and will be made available on SUHAKAM's YouTube channel at <https://www.youtube.com/user/SukahamVideo>

PUBLICATION AND DOCUMENTATION

The Publication and Documentation Division was established in 2018. The division comprises three units, namely, Publications, Libraries and Document Management. Its objective is to promote, empower and develop the community's minds and disseminate information on human rights through printed or electronic materials in various fields and themes.

1. SUHAKAM Short Video Competition 2018

In 2018 SUHAKAM organised a Short Video Competition to garner public views on their understanding of human rights. The competition was opened to the public from 15 August to 15 October 2018. With the theme of human rights in the context of Malaysian society, the Publication Unit received 117 entries. The scoring and evaluation were based on content, storyline, creativity and technical aspects. The winning videos were showcased at SUHAKAM's Human Rights Festival on 9 December 2018.

The 1st prize winner received cash worth RM5,000, 2nd prize RM3,000 and RM1,000 for the 3rd prize. All winners and those who had submitted their short video received certificate of participation. The list of winners are as below:

No.	List of Winners	Title	Theme
1st Prize	• Yuvan Raj Ganesan • Mathan Amuthan Selvam • Nanthakumaran Rajavijayan • Deena Pravinah A/P Nagarathnam • Dineshwaran Bole Ar Seng • Mohanakumaran A/L Rajavijayan • Kabilan A/L Shunmuganathan • Jaygentaran Raj A/L Mahagentharan	Wheels (<i>Roda</i>)	Persons with Disabilities
2nd Prize	• Albert Wong Tuong Chui • Belinda Yii Sii Yung • Joan Sim Jo Jo • Dr. Ting Chuong Hock • Emilia Ting Ing Chieh • Yong Wan Rong • Lau Buong Yan	Can you give us more love? (<i>Bolehkah anda memberikan kasih sayang kepada kami?</i>)	Persons with Disabilities
3rd Prize	• Muhammad Zaim Aiman Bin Kamaruddin • Izz Danial Bin Muhammad Hisham • Dennis Vissa A/L Eh Run • Muhammad Alif Ikhwan Bin Mohd Nawi	Chance (<i>Peluang</i>)	Education



The 1st prize was awarded to the short video entitled “Roda” which focuses on the rights of persons with disabilities. The team was represented by Nanthakumaran Rajavijayan, Deena Pravinah A/P Nagaratnam and Yuvan Raj Ganesan



Dr. Ting Chuong Hock, representing his team to receive the 2nd prize award for the SUHAKAM Short Video Competition 2018



Muhammad Zaim Aiman bin Kamaruddin and Izz Danial bin Muhammad Hisham won the 3rd prize, representing their team from Sekolah Menengah Kebangsaan Tok Janggut, Kota Bharu, Kelantan

2. Material for People With Disabilities – Braille Brochures

The Publication Unit continued to print its various brochures in 2018. The brochure on Human Rights for All was previously published in Bahasa Malaysia and English. The publication was expanded to include the Mandarin, Tamil, Iban and Kadazan languages as well.

As a step towards helping those with visual impairment, the Publication Unit took the initiative to publish the same brochure in braille which is in Bahasa Malaysia and English. It is hoped that this will help create awareness to them about their rights.

SUHAKAM is looking forward to translating other brochures into braille, although it is more expensive to do so, it can help the visually impaired.

The Way Forward

SUHAKAM is encouraged to note the increased interest from Parliament, government and enforcement agencies, schools, universities, the private sector and general public, to know more about human rights. This is evident from the increased number of invitations received by SUHAKAM this year to deliver talks, conduct training as well as to hold public exhibitions and briefings on general or specific human rights themes. Joint training programmes with government and UN agencies, the judiciary, and universities have also increased.

In order to satisfy SUHAKAM's mandate to promote awareness and provide education on human rights, SUHAKAM – after a meeting with the Minister of Education on 11 December – will work on how to realise its organisation-wide focus of having “Human Rights Education (Taught and Practised) in All Schools by 2020”. Towards this goal, SUHAKAM will expand its Human Rights Best Practices in Schools (ATHAM) Programme to other schools. SUHAKAM has obtained an agreement from the MOE to expand the ATHAM programme to another 200 schools in 2019, bringing the total number of schools involved to 422.

With respect to the completed Human Rights Modules for post-PT3 and -UPSR students, next year, SUHAKAM will proceed with TOTs involving MOE master trainers. MOE has agreed for SUHAKAM to train master trainers at the national level, who would then be tasked to train other trainers at the district level. These trainers would then conduct training sessions on implementing the modules for the relevant school teachers. In order to further strengthen the placement of human rights subject in school, SUHAKAM will also work with MOE to insert human rights issues in civics education.

Apart from the above, SUHAKAM will also embark on the development of human rights training modules to be considered for inclusion in the syllabus at Institut Aminudin Baki and Teachers Training Institute.

With regard to universities, SUHAKAM will continue to implement programmes under established MoUs and approach other universities for joint training and education activities for students. SUHAKAM is encouraged that the human rights syllabus for pre-diploma students has been accepted by UNISEL. In the coming year, SUHAKAM will conduct a TOT session for UNISEL lecturers to guide them on how the syllabus could be taught. SUHAKAM will expand the idea of including human rights education into the syllabus to other universities as well.

With respect to community awareness, next year, SUHAKAM will continue its outreach work in the form of dialogues with the grassroots through programmes such as the SBM Offshore programmes, campaigns and exhibitions. This will also give SUHAKAM the opportunity to correct any misunderstandings about the objectives of SUHAKAM and human rights. SUHAKAM will also conduct smaller-scaled dialogues with state agencies such as the state religious authorities to, among others, forge partnerships and discuss specific human rights themes. Joint capacity building programmes with enforcement agencies such as the police, immigration and prisons will also be extended to next year.

As the next step, SUHAKAM will continue to give FGV'S trainers on-the-ground guidance in the first few human rights training sessions for their plantation supervisors. In order to expand its reach to other enterprises, SUHAKAM will publicise the availability of human rights in business training nationwide.



Advisory Capacity on Legal Aspects & Policies

OVERVIEW

SUHAKAM is a National Human Rights institution (NHRI) that is independent of the government, with a broad legal mandate to protect and promote human rights at the national level in an independent manner. As an NHRI, SUHAKAM sits between the government and civil society and works in cooperation with civil society and state actors to provide an accurate account of the human rights situation, with recommendations to government and Parliament, as well as other state bodies.

SUHAKAM's mandate includes advising and assisting the government in formulating legislation, policies and procedures, and making recommendations for the accession of international human rights treaties. In this regard, SUHAKAM through its Law and International Treaties Division conducts reviews of various existing laws as well as proposed bills to assess their impact on human rights.

1. Amendment to SUHAKAM Act 1999 (Act 597)

SUHAKAM has consistently advocated for amendments to the Human Rights Commission of Malaysia Act 1999 to strengthen its mandate and powers. In this regard, SUHAKAM submitted its proposed amendments to the Institutional Reform Committee (IRC) as well as at the *Jawatankuasa Khas Mengenai Anti-Rasuah* (JKKMAR). SUHAKAM reiterated its position and recommendations at both meetings for Malaysia to accede to the remaining international human rights treaties in response to the government's call to improve Malaysia's human rights at the world level as well as to ensure its performance is on par with global development.

The proposals cover the following aspects:

- i. Selection of Members of Commission – it is proposed that all Commissioners be appointed by Yang di-Pertuan Agong on the advice of Parliament and that the selection of Commissioners be carried out by Parliament through an open and transparent process;
- ii. Composition of the Commission – it is proposed that the statutory limit of 20 members is maintained and for some of them to be appointed on a full-time basis so as to ensure that Commissioners are committed to their roles and to avoid any conflict of interest at any level;
- iii. Terms of the Commission – it is recommended that the term of office for the Commissioners be extended to a one-time term of five years as it would enable SUHAKAM to discharge its functions and oversee the implementation of its activities and recommendations more effectively;
- iv. Disqualification of Commissioners – it is proposed that the requirement for the chairman to obtain leave from the Minister be removed;
- v. Power to Visit Places of Detention – it is proposed that SUHAKAM be given a statutory mandate to visit places of detention without prior notice in order for the Commission to ensure these places comply with human rights principles;
- vi. Power to Undertake Mediation – it is suggested that express provisions be included in the Act to vest in the Commission the power to mediate;
- vii. Consulting SUHAKAM on the formulation and amendments of laws – it is proposed that a new provision be included to make it mandatory for the government to consult the Commission on the formulation of and/or amendments of laws before they are tabled in Parliament for deliberation
- viii. Funds of the Commission – it is proposed that the funds of the Commission be sourced directly from Parliament, after reviewing the Commission's annual budget proposal;
- ix. Relations with the Judiciary - it is suggested that a new provision for SUHAKAM to appear as *amicus curiae* in court cases be inserted in the Act to further accentuate the Commission's role in assisting the judiciary in relation to human rights issues;
- x. Powers Relating to Inquiries – it is suggested that a punitive provision, relating to the Commission's power to obtain documents, information or any other things, be introduced for failure to comply with such a notice from the Commission; and another for the protection of the Commission's witnesses against any harassment or intimidation by any institution, agency or individuals;
- xi. Conduct of Inquiries by SUHAKAM – it is recommended that Section 12(3) of the parent Act be amended to be clear and unambiguous with regard to the words "cease to do the inquiry";

- xii. Outcome of Inquiries – it is proposed that all relevant agencies to take actions on SUHAKAM's recommendations including, where applicable, initiating a criminal investigation and/or prosecution of an offence;
- xiii. Debate SUHAKAM'S Annual Report/Special Reports – it is proposed that the relevant provision be amended to state explicitly that the Parliament is to debate reports by the Commission; and
- xiv. Select Committee on Human Rights – it is proposed that a Parliamentary Select Committee (PSC) be formed in order for SUHAKAM and other stakeholders to discuss human rights matters with Parliament on a regular basis.

In May 2018, SUHAKAM extended its proposed amendment Bill to the IRC, and later to the JKKMAR for consideration.

2. Submission of Position Papers to the Institutional Reforms Committee (IRC)

In May 2018, SUHAKAM initiated a meeting with the IRC with the aim of submitting recommendations with regard to the Independent Police Complaints and Misconduct Commission (IPCMC), and reporting to Parliament, among others.

SUHAKAM also submitted position papers regarding the following international human rights treaties - International Covenant on Civil and Political Rights (ICCPR), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and the Convention Relation to the status of Refugees (1951 Refugee Convention) - for the Committee's consideration.

From SUHAKAM's observations, the government has carried out several actions to meet the standards and spirit of the international human rights treaties. Among the justifications in the position papers were:

- i. Removal of the mandatory death penalty in drug-related offences;
- ii. Removal of corporal punishment from the Child Act 2001 and the introduction of alternative punishment i.e. counselling and community service;
- iii. The introduction of the National Education Blueprint 2015-2025;
- iv. The introduction of National Key Results Areas (NKRAs) which are designed to improve the socio-economic growth of Malaysians;

- v. Malaysia's commitment to achieving targets in the Sustainable Development Goals (SDGs);
- vi. The issuance of Directives with regard to the management of refugees in Malaysia;
- vii. The development of the Malaysia Plans, New Economic Policy, National Development Policy, National Vision Policy and the National Transformation Policy to eradicate poverty, increase income and restructure of society; and
- viii. The establishment of a special task force to look into the issue of citizenship in Malaysia.

While noting that there might be hurdles in Malaysia's accession or ratification of the remaining treaties including, among others, the compatibility between the treaty provisions and Malaysia's Constitution, and domestic laws and practices; SUHAKAM is of the view that it should not be regarded as a huge obstacle for Malaysia. It should be noted that there is no requirement for the State Party to amend its domestic legislation and policies to ensure full compliance with the provisions of the treaties prior to accession or ratification. In fact, there is a principle i.e. "progressive realisation" emphasised by international human rights standards so as to encourage a State Party to take steps to maximise their available resources to achieve the full realisation of the treaty.

Thus, it is timely for Malaysia to consider acceding the remaining international human rights treaties as it will provide a platform to operationalise the Federal Constitution and to reinforce rights that are not adequately provided for therein. It will further provide protection for people to enjoy and exercise their rights, and clarity for the authorities in ensuring respect for human rights. SUHAKAM urges the Government to take one step forward by acceding or ratifying human rights treaties in the near future.

Apart from the submission to IRC, the papers were also used as a reference to support SUHAKAM's proposal to JKKMAR for consideration and a policy decision, one of which involved the ratification of international human rights treaties.

3. Submission of Justification Paper to the Governance, Integrity and Anti-Corruption Centre (GIACC)

In August 2018, SUHAKAM was invited to the "*Mesyuarat Persediaan bagi Membincangkan Kertas Pertimbangan yang akan Dibentangkan dalam Mesyuarat Jawatankuasa Khas Kabinet Mengenai Anti-Rasuah Siri 4 (JKKMAR)*" on 21 September. SUHAKAM was tasked with presenting a justification paper together with recommendations pertaining to Promise 26 of the government's Manifesto towards improving 'Governance, Integrity and Removing Corruption'.

In view of the said meeting, SUHAKAM prepared a paper focusing on two issues concerned with strengthening SUHAKAM's powers and functions through amendments to SUHAKAM's parent Act; and ratification of international human rights treaties. The essence of the justification paper was as follows:

a) Strengthening SUHAKAM's powers and functions

SUHAKAM has identified several amendments to enable SUHAKAM to be more effective in undertaking its functions. The proposed amendments include matters affecting governance, integrity and accountability in the selection process of SUHAKAM Commissioners; SUHAKAM's power to advise and assist the government in formulating legislation and administrative directives and procedures; SUHAKAM's power to inquire into complaints regarding the infringement of human rights; debating of SUHAKAM's Annual Report/Special Reports in Parliament; and SUHAKAM's power to promote awareness of and provide education in relation to human rights.

b) Ratification of international human rights treaties

In line with Promise 26 of the Manifesto, SUHAKAM recommended that the government accede to or ratify the following seven international human rights treaties:

- i. International Covenant on Civil and Political Rights (ICCPR); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- ii. International Covenant on Economic, Social and Cultural Rights (ICESCR);
- iii. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- iv. International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED);
- v. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW); and
- vi. Convention Relation to the status of Refugees (1951 Refugee Convention)

This would show Malaysia's commitment to the betterment of human rights and to guarantee the country's performance is on par with global development.

On 21 September 2018, Commissioner Prof Dato' Dr Aishah Bidin, the Head of Delegation, presented SUHAKAM's justification paper together with its recommendations to the Cabinet during the JKKMAR meeting. The meeting was held at Bangunan Putra Perdana, Putrajaya, and was chaired by Prime Minister Tun Mahathir Mohamad. Cabinet Members, in principle, supported and endorsed SUHAKAM's proposals for its empowerment so that its functions and roles can be carried out more efficiently.

Nevertheless, SUHAKAM failed to obtain consensus for its latter recommendation to ratify international human rights treaties. SUHAKAM was advised to review its proposal in light of local norms, values and cultures. SUHAKAM was not discouraged by the decision and will seek initiatives to further strengthen its research on human rights issues in Malaysia.

SUHAKAM is still in contact with the GIACC so as to update them of the progress of actions taken by SUHAKAM, pertaining to the proposals mentioned above.

As a follow-up action, in November 2018, SUHAKAM met with the Solicitor General as well as the Attorney General to obtain their views and advice on any possible action that SUHAKAM could consider in order to expedite the process of amending its parent Act and convincing the government of its proposals. SUHAKAM is overwhelmed by the good response from both meetings and the willingness of the Office of the Attorney General to assist SUHAKAM to refine its proposed Bill. SUHAKAM is expected to send a revised version of its bill to the Office of Attorney General by end of January 2019.

It is hoped that the proposed amendments will be considered thoroughly by the government as they are pivotal to increasing SUHAKAM's effectiveness, clarifying ambiguous provisions and bringing the Act fully in line with the Paris Principles and the Belgrade Principles (which define the relationship between NHRIs and parliaments) with a view to strengthening and better describing the 'effective cooperation' stipulated in the Paris Principles.

4. Review of Laws

SUHAKAM plays a crucial role in advancing all aspects of the rule of law and in promoting and monitoring the effective implementation of international human rights standards at the national level, through a review of existing laws. This year SUHAKAM considered the following:

a) Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM)

Malaysia is a popular destination among migrant workers for economic reasons or as a transit country. However, these vulnerable groups are at risk of becoming victims of sexual and labour trafficking. SUHAKAM has consistently called on the government to intensify its efforts to prevent and combat human trafficking and the smuggling of migrants, as well as to ensure full protection and assistance for trafficked and smuggled victims at all stages, in line with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. With regard to this, SUHAKAM appreciates the efforts made by the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) to enhance the ATIPSOM Act.

SUHAKAM was invited by MAPO to provide recommendations on how to improve the laws to better protect victims. In its recommendations, SUHAKAM referred to the following international documents - United Nations Guiding Principles on Business and Human Rights (UNGP); Recommended Principles and Guidelines on Human Rights and Human Trafficking; Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children; United Nations Convention against Transnational Organised Crime (UNTOC), Supplementing UNTOC; the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children; and Council of Europe Convention on Action against Trafficking in Human Beings.

SUHAKAM also made a reference to the advances made by the United Kingdom and Australia in combating human trafficking by passing the Modern Slavery Act 2015 and the Modern Slavery Act 2018, respectively.

Based on these international norms and best practices, SUHAKAM has suggested a provision for the confiscation of assets; new regulations to identify victims; and the introduction of a statement on slavery and human trafficking as evidence of transparency in the supply chains of an organisation.

SUHAKAM also made recommendations to define a child as “below 18 years old” in order to protect children from being trafficked and to include provisions to protect victims and witnesses from intimidation and harassment.

While SUHAKAM is eager for higher penalties to be meted against offenders, SUHAKAM is opposed to the proposed inclusion of whipping as part of the punishment.

Following MAPO's reluctance to act on SUHAKAM's recommendation to include a statement against slavery and human trafficking in the proposed amendments, SUHAKAM approached the Companies Commission of Malaysia (SSM) to discuss possible mechanisms to monitor supply chains of an organisation registered under SSM.

In regard to this matter, SSM alerted that Sections 252 and 253 of the Companies Act 2016 may be applicable for monitoring supply chains. However, SSM cautioned that, actions under Sections 252 and 253 are made on a voluntary basis and that it was not mandatory for companies to submit the statement. Moreover, the said sections are not specifically for combating modern slavery but merely a form of corporate social responsibility as one of the pillars of UNGP.

Therefore, to ensure transparency in the supply chain, SUHAKAM hopes that MAPO would be willing to reconsider two additional amendments to the ATIPSOM Act 2007, that is, for mandatory reporting and the inclusion of SSM as a member of MAPO to monitor the submitted reports.

b) Harmony Bill

It has been almost 4 years since the National Unity Consultative Council was tasked by the government to review the Racial and Religious Hate Crimes Bill, the National Harmony and Reconciliation Bill, and the National Harmony and Reconciliation Commission Bill.

However, it seems that the issue of national harmony has worsened. As such, the Department of National Unity and Integration (JPNIN) has been assigned to consider whether to enact a new law called the National Harmony Act or to improve on the previously suggested bills. JPNIN has engaged SUHAKAM to consult on the proposed National Harmony Act.

In relation to this, SUHAKAM suggested that the Secretariat reconsider the title of the law so that it reflects the spirit and nature of the proposed National Harmony Act which would provide for a Commission to be set up and to have a clear definition of national harmony, unity, reconciliation, and integration. SUHAKAM is concerned that the proposed National Harmony Commission will have no guidance if there is no clear definition of national harmony, unity, reconciliation and integration in the bill.

c) Accommodation and Employees' Housing Bill 2018 and Employees' Housing Regulations 2018

In Working Group No. 2 of the National Human Resources Consultative Council, SUHAKAM representative Commissioner Datuk Lok Yim Pheng was requested to review its proposed amendment on the proposed Accommodation and Employees' Housing Bill 2018 and Employees' Housing Regulations 2018.

In reviewing the proposed bill and regulations, SUHAKAM referred to Article 11 (1) of ICESR, Article 5 of ICERD, Article 14 of CEDAW, Article 27 (1) of the CRC, Article 43 of ICRMW, and Article 28 of Convention on the Rights of Persons with Disabilities. In essence, SUHAKAM supported the intention of the Bill to extend the right of housing to all sectors of workers, both local and foreign and submitted its comments on September 2018.

However, on 2nd October 2018, SUHAKAM was informed that due to technical issues, the Ministry of Human Resources (MOHR) dropped the idea of tabling the Accommodation Bill and its Regulations. Instead, the Working Group suggested amendments to the existing law, that is the Workers' Minimum Standards of Housing and Amenities Act 1990 [Act 446] (WMS Act). SUHAKAM is not happy with that decision as the proposed Bill and Regulations would have been better for extending the right to housing to all.

d) Workers' Minimum Standards of Housing and Amenities Act 1990 [Act 446] (WMS Act)

Working Group No. 2 in the National Human Resources Consultative Council sought SUHAKAM's comments on a suggestion to amend the Workers' Minimum Standards of Housing and Amenities Act 1990 [Act 446] (WMS Act).

SUHAKAM applauds the insertion of its following recommendations on the Accommodation Bill into the proposed amendments to the WMS Act which include, among others:

- i. That medical assistance is no longer exclusive to estate employees, but extended to employees in other sectors; and
- ii. That an accommodation manager is a trained counsellor and be responsible for monitoring the buildings twice a month and keeping a record at the place of employment. The manager should also be responsible for ensuring an employee is taken to the hospital if the employee complains of ill health or appears to be suffering from any health condition, and keep a record of these instances at the place of employment.

SUHAKAM has serious concerns about child labour. SUHAKAM believes that the only solution is to provide children's day care centres, even though there are less than 10 children below 4 years of age. Apart from that, SUHAKAM has suggested that the WMS Act applies the same provision in the proposed accommodation regulations, especially on the issue of sexual harassment and minimum standards in accommodation, as commented on by SUHAKAM in a previous submission. SUHAKAM would like the drafter to expand the definition of "estate" so that a Children's Day Care Centre may be allowed in an estate even where there are less than 10 children below 4 years. SUHAKAM would also like to see penalties imposed for those who continue to commit the offences in the Accommodation Bill.

SUHAKAM hopes that these proposed amendments would be able to minimise the risk of forced labour. Moreover, SUHAKAM hopes that the current number of

labour inspectors is increased to a reasonable number to ensure that employers are following the law.

e) Amendment to Employment Act 1955

As a member of the Working Group No. 2, SUHAKAM was again requested to submit comments on the proposed amendments to the Employment Act 1955. SUHAKAM submitted that the proposed amendments give a clearer and comprehensive interpretation of the terms “contractor for labour” and “contracts of service”. SUHAKAM also agreed with the proposal for a new section on accepted as to who is an employee as it extends the protection under the Employment Act. SUHAKAM is also delighted that the words “domestic servant” have been replaced with “domestic employee”. This is a better recognition of domestic employees and upholds their dignity. The proposed amendment also provides better treatment for spouses by their inclusion in the definition of immediate family members. The amendments include provisions that prohibit forced labour, extend maternity leave to 90 days for all sectors, make it easier to lodge complaints of sexual harassment, and to improve on rest hour for employees and allow flexible working arrangements. On top of it, SUHAKAM is ecstatic to see the deletion of the wages cap in the First Schedule of the Employment Act, whereby giving equal rights to all employees.

Nevertheless, there are some provisions in the proposed amendments that need further review. While the definition of forced labour has been expanded to include the element of “deception” in one part of the definition, SUHAKAM is concerned that the word “deception” may be manipulated by the perpetrator. SUHAKAM would like to have a definition of “deception” in the provision on forced labour. SUHAKAM also suggests that the Director-General issues directives on non-discrimination on grounds of gender, religion, race, disability, language, marital status and pregnancy to comply with human rights principles. SUHAKAM would like to have proportionate sanctions to deter employers from abusing and exploiting their employees.

SUHAKAM takes note of the intention of the drafter to allow women to work at night by deletion of the whole section in Part VIII. However, for the purposes of safety and women's dignity, SUHAKAM views that the mere introduction of Section 60A (10) is not enough to safeguard employees working at night. Therefore, SUHAKAM would suggest instead that Section 34 and Section 354 in Part VIII and Section 102(2)(b) remain.

Lastly, SUHAKAM hopes for better recognition of domestic employees and suggests that the Minister uses his powers under Section 102 to make better regulations to ensure that the process of recruiting migrant workers – whether for domestic purposes or otherwise - is ethical and in line with human rights standards. This would include transparency in written contracts that clearly explain the terms of employment and conditions of work. It must also be in a language the worker understands. The government must also ensure that domestic workers have access to some form of complaints mechanism especially when their rights are allegedly violated, or their contracts breached. The mechanism must be equipped with an adequate mandate to resolve the issue, including a provision to impose penalties on employers. To this end, the government must expeditiously amend laws and policies to strengthen the overall protection of domestic workers and migrant workers.

As such, SUHAKAM salutes the proposed new laws and amendments (in the Accommodation and Employees' Housing Bill 2018 and Employees' Housing Regulations 2018, Workers' Minimum Standards of Housing and Amenities Act 1990 and Employment Act 1955) that will help uphold workers' rights. They will also be a milestone in the long journey to ratify ILO conventions concerning the Abolition of Forced Labour, 1957 (No. 105), Discrimination (Employment and Occupation), 1958 (No. 111), Employment Policy, 1964 (No. 122) and Labour Inspection (Agriculture), 1969 (No. 129).

With these amendments, Malaysia is taking a step forward to achieving the fundamental principles in the ILO Declaration on Fundamental Principles and Rights at Work. However, SUHAKAM hopes that improvements in the Trades Union Act 1959 and Children and Young Persons (Employment) Act 1966 for freedom of association, effective recognition of the right to collective bargaining and the effective abolition of child labour will also be looked into.

f) Older Persons Bill

SUHAKAM attended a meeting on 3 May 2018 called by the Ministry of Women, Family and Community Development (MWFCD) on the development of a specific Act for older persons in Malaysia. At the meeting, the researchers from the University of Malaya presented the outcome of their studies on the magnitude and consequences of elder abuse and neglect in the country as well as the gaps in the existing national laws relating to older persons in Malaysia.

The main outcome was that MWFCF would prepare a paper for the development of a new bill on older persons and table it to the National Advisory and Consultative Council of Older Persons for approval. Once approved, the MWFCF would proceed with the drafting of the bill.

SUHAKAM fully supports the development of the said Bill which will enhance protection for older persons in Malaysia and ensure that their basic rights are upheld.

5. Security Laws

Following the change in government after May 9, 2018, SUHAKAM was invited to be part of a special committee to review various laws relating to security as well as the mandatory death penalty, under the purview of Ministry of Home Affairs (MOHA). During the meetings, SUHAKAM reiterated its stand that there must be an appropriate balance in the use of security laws to protect the nation from security threats, on the one hand, and the maintenance of fundamental human rights and freedoms on the other hand.

6. Anti-Death Penalty

Asia Pacific Forum of National Human Rights Institutions (APF)'s Project on the Abolition of the Death Penalty

SUHAKAM, along with its partners, have been consistently advocating for the abolition of the death penalty in Malaysia. In 2017, SUHAKAM was successful in its bid for the Asia Pacific Forum of National Human Rights Institutions (APF)'s Project on the Abolition of the Death Penalty. The aim of the Project was to strengthen the capacity of national human rights institutions (NHRIs), especially those located in a State which still retains the death penalty, and to promote the abolition of the death penalty.

For the purpose of the project, SUHAKAM met with some of the most prominent Islamic scholars and other religious in 2017 and early 2018 to explain about the abolition of the death penalty and gauge their reactions to the issue. Based on the meetings, SUHAKAM observed that they were supportive of SUHAKAM's efforts to abolish the death penalty. At the same time, SUHAKAM had also organised a workshop on the death penalty for university students at the University of Selangor (UNISEL) and Sultan Idris University of Education (UPSI) in November and December 2017 respectively. From the workshops, it was observed that after the presentation by SUHAKAM, some of the students changed their mindset – instead of retaining the death penalty, some of them were of the view that the abolition of the death penalty should be carried out in stages.

In line with the new Government's commitment as enshrined in Promise 27 of the Government's Manifesto to revoke mandatory death in all Acts, on 28 June 2018, SUHAKAM organised a National Conference on the Death Penalty and it was attended by representatives from the relevant Government agencies, Members of Parliament, diplomatic corps, religious bodies, non-governmental organisations (NGOs), legal practitioners, academicians and students.

As an outcome of the Conference, SUHAKAM prepared a report of the Conference with the following recommendations to the Government:

- i. That the Government uphold its commitment under Promise 27 of its Manifesto, which is to revoke mandatory death penalty in all Acts;
- ii. That the Government establish a moratorium on the use of the death penalty pending the review on the relevant laws; and
- iii. That the Government accede without hesitation to the ICCPR and the Second Optional Protocol to the ICCPR which aims at the abolition of the death penalty.



Commissioner Dato' Mah Weng Kwai delivering the welcoming remarks during SUHAKAM National Conference on the Death Penalty

SUHAKAM submitted a copy of the report to the Speaker and Secretary of the House of Representatives as well as to the Special Committee on Security Laws. SUHAKAM hopes that the Government would seriously consider the report of the National Conference and uphold its commitment to abolish the mandatory death penalty. However, SUHAKAM still maintains the position that the death penalty for all crimes should be abolished and be replaced with other alternatives.

SUHAKAM also realised the importance of awareness – raising on the issue of the death penalty among the different levels of the community, including government officials, civil society organisations, academicians, students and the general public. In this regard, SUHAKAM would continue to work with its partners to explore ways and means to advocate for the abolition of the death penalty in the country.

7. SUHAKAM's Role in Court

Watching Brief in Courts

SUHAKAM reiterates its stance that the judicial system is a vital organ of the State to protect and provide checks and balances with regard to the fundamental rights of individuals. Since 2011, SUHAKAM has actively held watching briefs in cases involving various human rights issues and is thankful to the courts for accepting SUHAKAM's request to do so. In 2018, SUHAKAM held watching brief in the following cases:

- i. Chan Tsu Chong & Ors v Suruhanjaya Pilihan Raya & 2 ors – Judicial Review on the Redelineation;
- ii. PP v Lam Chang Nam – the abduction of Pastor Raymond Koh Keng Joo;
- iii. Pang Wee See & Yee Oii Pah @ Yee Ooi Wah v Pendaftar Besar Kelahiran dan Kematian, Malaysia; Cheong Kok Fai & Yok Lian v Pendaftar Besar Kelahiran dan Kematian, Malaysia; Than Siew Beng & Alexander Than Keng Mun v Ketua Pengarah Jabatan Pendaftaran Negara & Lain-lain; Lim Jen Hsian & Lim Zu Yi v Ketua Pengarah Jabatan Pendaftaran Negara; and Augustina a/l Lourdsamy & Lain-lain v Madhuvita Janjara Augustin – these cases touched on the issue of citizenship of adopted children and legitimised children;
- iv. Maqsood Ahmad & 38 Ors v Ketua Pegawai Penguatkuasa Agama & 4 Ors – a case related to freedom of belief and religion;
- v. One case involved the detention of 11 Uighur detainees; and
- vi. Rosliza binti Ibrahim v State Government of Selangor – a case related to freedom of religion.

For the purpose of watching briefs, SUHAKAM was represented by counsel from the Bar Council, namely Mr. Mansoor Saat, Mr. Collin Andrew, Mr. Annou Xavier and Ms. Larissa Ann Louis. The representation was done on a *pro bono* basis.

Apart from holding watching briefs in the civil courts, SUHAKAM also has been given permission to hold watching briefs in the syariah courts. It is hopeful that the latter can be carried out in the near future when a suitable case comes up. To date, SUHAKAM is still engaging with relevant stakeholders including the Syariah Lawyers Association to familiarise them with the concept of watching brief.

So as to promote and uphold the basic rights of the public, SUHAKAM reiterates its wish to play a more active role in both courts in the capacity of a friend of the court (*amicus curiae*) so that SUHAKAM can offer its views and advice according to human rights standards and principles. With the proposed amendments to its founding Act, it is hoped that such a vision can be realised soon.

The Way Forward

SUHAKAM has to point out that there is a difference between Malaysian foreign policy regarding human rights and what is done nationally; human rights still appears to be less of a priority in national policies.

SUHAKAM aspires to make human rights a reality on the ground and local level in Malaysia but to achieve this it must also be relevant and efficient, have strong political support, sufficient financial and administrative resources, as well as a diverse and plural composition of Commissioners and staff. This is yet to be fully realised. SUHAKAM has raised concerns over the limitations of its founding law. SUHAKAM has proposed amendments to Act 597 since 2002 to enhance its independence and effectiveness. In 2009, Act 597 was amended twice, among others, to make the selection and appointment process of the members of the Commission more transparent. Nevertheless, more needs to be done to further strengthen SUHAKAM's mandate, powers and resources that are pivotal to the efficacy of the Commission and to further align the SUHAKAM Act with the Paris Principles.

Complaints and Monitoring

1. Inquiries into Complaints

In 2018, SUHAKAM received a total of 1,180 complaints. In comparison to the year before, the complaints received at its Kuala Lumpur office increased by almost 50%, with 558 complaints received at its Sabah office and 57 received at its Sarawak office over the year. The complaints came in the form of memoranda, emails, letters, phone calls, walk-ins, e-complaints system and submissions during SUHAKAM's roadshow programmes.

Table 1 List of Memoranda received in 2018

NO.	DETAILS	DATE
1.	Memorandum by the Selangor Urimai Welfare Association pertaining to citizenship status (statelessness) and being unable to access education.	10 January
2.	Memorandum by SUARAM regarding the police's lack of action in a traffic accident involving a minor.	12 January
3.	Memorandum by Sungai Siput Member of Parliament (Jeyakumar Devaraj) involving the declaration of a child's religion, following the divorce of the parents who professed different religions before marriage.	24 January
4.	Memorandum by participants of <i>Rancangan Pengumpulan Semula</i> (RPS) Bekok, Kudong Orang Asli Village regarding issues faced by the Orang Asli.	26 January
5.	Memorandum by Jaayendiran A / L Kumaresan on being beaten while remanded by the Royal Malaysia Police.	2 March

NO.	DETAILS	DATE
6.	Memorandum by the Socialist Party of Malaysia requesting SUHAKAM to investigate the loss of Orang Asli native customary land in Kampung Tiga, Pos Terisu, Cameron Highlands as a result of being deceived by former teachers of SK Pos Terisu.	16 March
7.	Memorandum by SUARAM regarding a Customs Officer hit by Tonto.	2 April
8.	Memorandum by Kampung Baru Residents Action Force, Jalan Padang Tembak Bukit Pinang, Alor Setar, Kedah on land issues.	6 April
9.	Memorandum by student activists urging SUHAKAM to investigate violence in UIA.	9 April
10.	Joint Memorandum to SUHAKAM on 14 th General Election by G25.	20 April
11.	Memorandum by the family lawyer regarding the death of Mariappan A/L Manivannan in Bentong Prison, Pahang.	26 June
12.	Memorandum by SUARAM on the protection of Sri Lankan refugees and asylum seekers from refoulement.	3 July
13.	Memorandum by the Selangor Vidiyalin Aarambam Welfare Organisation in relation to the Security Offences (Special Measures) Act 2012.	5 July
14.	Memorandum by SUARAM regarding the following: 1. Sexual harassment of children by a teacher at a school. 2. Police harassment of individuals who provide information pertaining to gambling issues.	16 July
15.	Memorandum by Mapin, Merhom, MRC, ERC and CENTHRA on the plight of the Rohingya in Malaysia.	23 July
16.	Memorandum by SUARAM on the issue of a young man who has been missing since March 2018.	26 July
17.	Memorandum by Nambikkai on the following issues: 1. SOSMA detainees not given proper treatment in prison. 2. Prisoners detained in Hong Kong prison.	14 August
18.	Memorandum by SUARAM relating to the issue of rough treatment by the police.	6 September
19.	Memorandum by the Kapar branch of the Malaysian People's Party regarding the death of Haymhen Kumar.	14 September
20.	Memorandum by Gamis on campus election issues.	14 September
21.	Memorandum by Pemantau Malaysia Baru regarding misuse of police power.	14 September

NO.	DETAILS	DATE
22.	Memorandum by Lawyers For Liberty regarding the death of Soosaimanicckam A/L Joseph in Pangkalan Tentera Laut Diraja Malaysia, Lumut, Perak	9 November
23.	Memorandum by NGO Desak Sampai Mansuh (DSM) Berkenaan Hak Asasi Mangsa Fitnah SOSMA	12 December
24.	Memorandum by Pertubuhan Tindakan India Malaysia Kuala Lumpur Malaysian Indian Action Force (MIAFORCE) berkaitan memohon untuk membentuk penyiasatan bebas terhadap serangan di Kuil Sri Maha Mariamman dan Kematian Adib	27 December

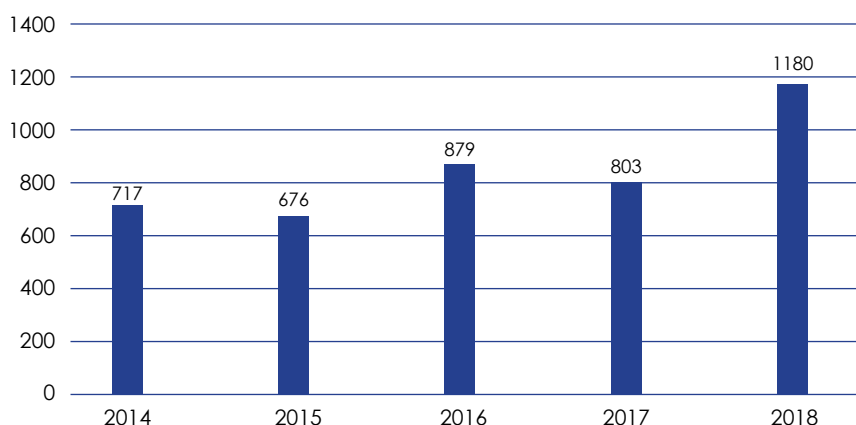


Figure 1 Total Number of Complaints Received, 2014-2018

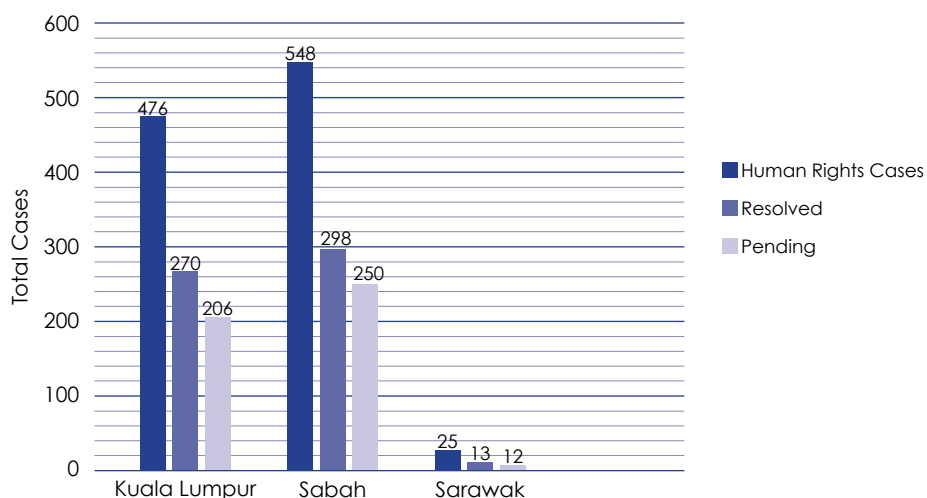


Figure 2 No. of Cases Resolved and Pending in 2018

After careful consideration, SUHAKAM decided that 131 complaints fell outside SUHAKAM's jurisdiction. This marked a 61.6% decrease in complaints received outside the jurisdiction of SUHAKAM from the previous year.

Of the 1,049 complaints accepted by SUHAKAM, 581 of them have been completed while the rest are still being investigated.

Table 2 Breakdown of Human Rights Complaints, 2018

NO.	SUBJECT MATTER	PENINSULA	SABAH	SARAWAK
1.	Human dignity	-	-	-
2.	Equality/discrimination (on the basis of race, religion, gender, disability, political affiliation etc.)	22	-	4
3.	Right to life	16	1	1
4.	Liberty and security of person	34	3	-
5.	Human trafficking/smuggling	4	-	1
6.	Cruel, inhuman or degrading treatment or punishment	53	3	1
7.	Arbitrary arrest, detention, or exile	109	61	1
8.	Equality before the law/right to a fair and public hearing	24	2	3
9.	Right to privacy	7	-	-
10.	Freedom of movement	5	1	-
11.	Right to seek asylum and refugee status	17	-	-
12.	Right to nationality	31	381	1
13.	Right to own property	12	35	-
14.	Freedom of thought, conscience, and religion	5	-	1
15.	Freedom of opinion and expression	-	-	-
16.	Right to peaceful assembly	1	1	1
17.	Freedom of association	-	-	-
18.	Right to take part in government/voters' rights	3	-	-
19.	Right to work/employment and migrant workers' rights	22	16	2
20.	Right to rest and leisure	7	-	-
21.	Right to adequate standard of living (food, clothing, housing, healthcare)	54	15	1
22.	Right to education	9	5	2

NO.	SUBJECT MATTER	PENINSULA	SABAH	SARAWAK
23.	Right to freely participate in the cultural life of the community	-	-	-
24.	Environmental rights	3	2	-
25.	Right to native customary land	31	12	5
26.	Child's rights	3	-	-
27.	Others	4	10	1
TOTAL		476	548	25

2. Activities - Visits to detention centres

NO.	DATES	PLACES OF DETENTION	ISSUES OBSERVED
1.	27 February 2018	Sabak Bernam Police Station, Selangor	The police quarters must be maintained for the welfare of the personnel. Relevant documents to refurbish two levels of the quarters have been sent to the State Police Headquarters and has been estimated to cost around RM200,000.
2.	27 February 2018	Sekinchan and Sungai Besar Police Stations, Selangor	There is a lack of CCTV to facilitate the monitoring of detainees. Further, the absence of ventilation fans in the lockup makes the conditions in the lockup unbearable. Again, a lack of personnel continues to be a recurring issue as there are many vacancies to be filled. The quality of service can only be maintained insofar as there is enough manpower. The detainees were not issued with enough basic personal hygiene items, which leads to poor self-hygiene. Pursuant to Rule 18 of the United Nations' Standard Minimum Rules for the Treatment of Prisoners, each detainee must be issued with personal hygiene items "as are necessary for health and cleanliness, in order that they may maintain a good appearance compatible with self-respect". (Rule 18, Nelson Mandela Rules) SUHAKAM found that detainees regularly did not receive medical check-ups on arrival at the detention centres. It is not helped by the fact that this issue is one that can be resolved easily with the wide availability of treatment rooms among other facilities that were built specifically for this purpose.

NO.	DATES	PLACES OF DETENTION	ISSUES OBSERVED
			There is an evident lack of counselling for juveniles at these detention centres. Juveniles should be able to receive counselling to set them back on the right path. The Department of Social Welfare has received the relevant recommendations pertaining to this issue. SUHAKAM found that for these two police stations, there is a clear need for further exposure to the Royal Malaysia Police SOP and 1953 Lockup Rules, in light of the management of detainees.
3.	15 March 2018	Lenggeng Immigration Depot, Negeri Sembilan	The hygiene of food and drinks served during SUHAKAM's visit was very poor, much less the food and drinks served to the detainees. This was not the first time the food supplier has received a warning. The lack of assistant medical officers continues to be a problem. The ratio of detainees to assistant medical officers is too high. There are insufficient personnel guarding the cells. The frequent occurrence of undesirable events such as fights between detainees can clearly be prevented by an increase in the number of these personnel. Insufficient funds leading to a myriad of problems including but not limited to, lack of a water filtration system for each block, poor airflow system that causes the temperature in the cells to be unbearable on top of having poor ventilation. There's poor maintenance of street lights surrounding the Depot for night-time monitoring. Further, the patients from the Lenggeng Immigration Depot queue in the same lane as the public when receiving treatment at the Emergency & Trauma department, causing the queue to be needlessly long.

NO.	DATES	PLACES OF DETENTION	ISSUES OBSERVED
4.	15 March 2018	Semenyih Immigration Depot, Selangor	Insufficient funds to repair damaged wooden floors in Block A and also to install and maintain a water filtration system for each block to provide clean water. Lack of basic equipment, medicine and emergency equipment for medical personnel to provide good healthcare services. Also, poor hygiene standards at the Depot, as female detainees are not even provided sanitary pads. Poor sanitation in a closed environment escalates the possibility of infections and other communicable diseases spreading, as detainees are often housed together in close proximity. The lack of additional assistant medical officers continues to be a problem, as the ratio of detainees to assistant medical officers is too high.
5.	21 April 2018	National Anti-Drugs Agency offices, Kuala Lumpur, Selangor and Perlop, Perak	Lack of facilities and maintenance at the lock-ups, such as CCTV, wardrobes for detainees, space for recreational activities. There were also job vacancies at the offices that must be filled as soon as possible.
6.	27 April 2018	Belantik Immigration Depot, Kedah	Due to the nature of ongoing investigations, children held at the immigration depot are not receiving proper, if any, education at all. The right to education is a basic human right and the investigations should not prevent the Rohingya children there from receiving education, given that NGOs are more than willing to help out.
7.	6 July 2018	Langkap Immigration Depot, Perak	A recently completed block for male detainees cannot be used due to the incomplete installation of fences and CCTV. To date, the Public Works Department and the Ministry of Home Affairs have taken no action. Here too female detainees are not provided sufficient sanitary pads, leading to poor sanitary conditions. This could potentially lead to the spread of communicable diseases, particularly within a small closed environment coupled with poor sanitation.

NO.	DATES	PLACES OF DETENTION	ISSUES OBSERVED
			Female detainees with babies are forced to share a cell with many other female detainees. The housing of female detainees with babies and other female detainees in close proximity is not healthy for both mother and child. They should be transferred to centres that already have established facilities for female detainees with babies while waiting for the appropriate facilities to be completed at the Langkap Immigration Depot. The lack of staff continues to be an issue, as tasks are not able to be completed punctually.
8.	10 July 2018	Kuantan Lockup Centre, Pahang	The water system at the detention centre is not well regulated. This is evidenced by the sheer number of leaking taps/pipes in the detainees' cells. This issue is further exacerbated by problems in maintenance, as the water leaks will damage the walls of the building. If left unchecked, the cost of repair in the future will be substantial. Besides that, staff do not have lockers to keep their belongings in while on duty. Poor ventilation in the detention blocks is caused by the condition of the exhaust fans. The lack of basic personal hygiene items such as sanitary pads for female detainees is also an issue here. This lowers the overall hygiene standard, ultimately leading to higher treatment costs as detainees are more susceptible to communicable diseases. The lack of staff is causing delays and difficulties in completing tasks.
9.	21 September 2018	Detention Unit, Royal Malaysian Navy, Sungai Wangi, Perak	Lack of basic facilities to ensure the safety and convenience of personnel. No appropriate room for familial visits or lawyers, hence the treatment rooms double as visitor centres. This makes treatment for patients difficult when relatives or lawyers visit the centre.

3. Improving the condition of detention centres

a) Abolishing the bucket system in old prisons

Since its establishment in 1999, SUHAKAM has been visiting places of detention on a regular basis as part of its mandate. It has observed that there is much room for improvement with regard to the provision of health care in prison. In 2014, SUHAKAM initiated a study on “Right to Health in Prisons” to ensure that the conditions of confinement in the country were constitutional and consistent with standards of health, safety and human dignity. During the course of that study and previous site visits over the years, SUHAKAM observed that there were prisons that did not have in-cell sanitation facilities, especially the old prisons like Taiping Prison, Penang Prison, Seremban Prison, Pengkalan Chepa Prison, and the rehabilitation centres in Muar and Batu Gajah. As a result, prisoners have to urinate and defecate in buckets or portable units in their cells. In the morning, the prisoners have to empty their buckets into the main septic tank.



SUHAKAM's visit together with government agencies to the Pulau Pinang Remand Prison regarding on abolishing the bucket system in old prisons.

Hence, one of the SUHAKAM's recommendations in the 'Right to Health in Prison' report was to replace the existing bucket system with in-cell sanitation. In pushing for this, SUHAKAM initiated three meetings and organised two visits with the relevant agencies to Taiping Prison and Penang Prison in 2018. The series of meetings and visits were attended by representatives from the Prisons Department, Ministry of Home Affairs (MOHA), Ministry of Health (MOH), Ministry of Works, Economy Planning Unit

(EPU), the Heritage Department, as well as the Sewerage Services Department. During the sessions, SUHAKAM was informed that only Seremban Prison (Negeri Sembilan), Pengkalan Chepa Prison (Kelantan) and Rehabilitation Centre in Batu Gajah, Perak were replacing the bucket system with in-cell sanitation. The three older prisons were unsuitable for renovation because of the existing condition and structure of the buildings themselves. During the visits, SUHAKAM also found that the old prison buildings were generally dilapidated and many of them were unsuitable for the confinement of large numbers of detainees on a long term basis.

To move forward, SUHAKAM met with MOHA, the EPU and Prisons Department to continue to push for replacing the bucket toilet system in Taiping Prison, Penang Prison and the rehabilitation centre in Muar. Besides that, SUHAKAM will also visit the centre in Muar, together with the Works Minister and the relevant agencies, to come up with solutions for improving the conditions there.

b) Custodial medical unit (CMU)

On March 2017, SUHAKAM convened a roundtable with relevant government agencies to discuss SUHAKAM's report in 2016 entitled "Death in Police Custody: A Thematic Study on Lock-up Conditions and Factors Contributing to the Death". The report listed the factors which contributed to the said death in custody and preventive measures the government could take to reduce incidents of death in police lock-ups. After the discussion, SUHAKAM made recommendations for improvements to the relevant parties. One specific recommendation was for the establishment of a CMU at the police lock-up.

The recommendation was received positively by MOH and the police. As a first step, it was proposed that a CMU is established at five centralised lock-ups in the country. The Royal Malaysian Police (RMP) told SUHAKAM that that could only be achieved when it is allocated a sufficient budget. The cost of establishing 5 CMUs is RM500,000 (Ringgit Malaysia Five Hundred Thousand). This covers human resources, logistics, and facilities. SUHAKAM has taken the initiative to meet with the Ministry of Finance (MOF) for endorsement of a special budget allocation for the establishment of CMUs.

4. Detention Under Preventive Laws

a) Security Offences (Special Measures) Act 2012 (SOSMA) cases

In 2018, SUHAKAM received 33 complaints pertaining to arrests under the Security Offences (Special Measures) Act 2012 (SOSMA). The majority of the arrested individuals were from Perak and were held at Taiping Prison. These individuals are suspected of being a part of an organised group of criminals.

The detainees' family members alleged to SUHAKAM that police used violence and torture during interrogation to coerce them into falsely confessing to belonging to a group of gangsters known as Geng x. The detainees were also forced to sign a document blindfolded. The authorities did not explain the contents of the document even after they were asked. Furthermore, the detainees' families were not informed of the court's mention dates and/or they were not allowed to enter the court during the mentions. In contrast, the media was allowed. The families added that the detainees were depressed. Their income and careers were affected due to the arrest and they did not know why they had been arrested even after several months in detention.

SUHAKAM has taken several actions. SUHAKAM managed to get investigation officers to ask the court's approval for family members of the detainees to attend case mentions. The investigation officers were also reminded to notify detainees' families, especially those without legal representation, of court mention dates as well as the reason for their arrest. SUHAKAM has sent its recommendations to the office of the Chief Registrar of the Federal Court of Malaysia and the Attorney General's Chambers over the long intervals between mention dates that lead to long drawn-out detentions. Additionally, SUHAKAM also visited and recorded statements from the detainees at Taiping Prison and wrote to the Prisons Department on the issues raised by the detainees. Statements of the Investigation officers were also recorded. The detainees were accused under Section 43 of Societies Act and most of them pleaded guilty and spent 12 to 18 months in prison. However, proving police violence and torture against the detainees was a challenging task for SUHAKAM.

SUHAKAM has urged RMP to conduct interrogations in rooms with CCTV and to allow the family members of the detainees to visit them without unnecessary delay during their remand.

SUHAKAM has made strong recommendations to the government with regard to SOSMA. The government is now in the midst of revising SOSMA and POCA as both the acts are considered oppressive. SUHAKAM had also been invited by MOHA to make comments on both the Acts.

b) Juvenile detention under the Prevention of Crime Act (POCA)

On 19 July 2018, SUHAKAM visited Kluang Prison. The purpose of the visit was to obtain information in relation to juvenile (minors) detainees under POCA. Kluang Prison is a Special Rehabilitation Centre for POCA detainees. This prison was gazetted on 28 March 2014 and it has the capacity to hold 2,500 people. During SUHAKAM's visit, there were 43 people detained under POCA. They comprised 39 juveniles and 4 adults.

Issues

During the visit, SUHAKAM interviewed the 39 juvenile detainees. From the interviews, SUHAKAM recorded 2 complaints:

- i. Two detainees told SUHAKAM that they were beaten and tortured at Sungai Petani District Headquarters (IPD). They added that they were taken to several police stations. SUHAKAM was also informed that the detainees were forced to plead guilty and were subsequently detained under POCA. They were being investigated over a robbery.
- ii. The second complaint was from another detainee. He said he was beaten and tortured at Dukun Police Station, Negeri Sembilan. The detainee also told SUHAKAM that his custody changed hands between several District Headquarters. They were Sepang IPD, Shah Alam IPD, Subang Jaya IPD, Serdang IPD and Banting IPD. The complainant said he was forced to plead guilty and he was subsequently detained under POCA.

The sentencing of a detainee without trial violates Article 9 of the UDHR which states that no one shall be subjected to arbitrary arrest, detention or exile. While Article 10 states that an individual is entitled to a fair hearing to determine any allegations against him, Article 11(1) adds that all persons charged with a criminal offence are entitled to be considered innocent until proven guilty.

Besides that, Article 5 of the Federal Constitution also talks about the freedom of self. This prevents an individual from being arrested without reason and without a trial. Article 7(2) has outlined that anyone who has been released cannot be charged repeatedly unless ordered so by a higher court. Although the Federal Constitution states these rights, laws such as POCA still exclude them.

Article 5 of the UDHR states that no one may be subjected to torture or cruel, inhuman or degrading treatment. Article 1 of the Convention against Torture (CAT) states that any form of action that causes pain or suffering, either physically or mentally, intentionally for a particular purpose, is a form of abuse that violates human rights.

Section 330 of the Penal Code makes it an offence punishable by imprisonment of up to 7 years and a fine for any person who voluntarily causes injury to any person, for the purpose of obtaining a confession or information which leads to the detection of an offence or to return property.

Police officers changing hands over detainees is an abuse of power. According to Section 117 of the Criminal Procedure Code (Act 593), regardless of the case involved,

a suspect cannot be held for more than 14 days for an offence which has a sentence of more than 14 years imprisonment, and 7 days for criminal penalties of less than 14 days. If a person is arrested and charged with criminal activity, then he should be brought to court for each charge and not sent around to other stations.

Recommendations

1. SUHAKAM reiterates its stand on the rights of a child must be preserved. All legal policies, actions affecting children should be reviewed by the authorities and the government so that they are in keeping with the best interests of the child. In the context of the rights of children in custody, SUHAKAM again emphasises that children, regardless of their legal status or nationality, should not be placed in detention centres. SUHAKAM urges the government to consider alternatives to placing children in detention centres.
2. SUHAKAM understands the purpose of enforcing POCA for the prevention of crime. SUHAKAM agrees that any criminal found guilty must be brought to justice. However, SUHAKAM is of the view that such laws must be accompanied by adequate protection for all parties to avoid misuse of the law. SUHAKAM also stresses that the implementation of a law should not waive the principle of human rights. For example, a person is innocent until proven guilty. They should also be tried fairly and freely before the court.
3. SUHAKAM also reiterates its recommendation to the government to review all laws that allow for sentencing without a trial, including POCA, so that all laws are in line with the principles of human rights contained in the UHDR and Federal Constitution. SUHAKAM hopes the judiciary will play a role in defending the rights of criminal prisoners under POCA, especially juvenile detainees.

5. Chain Remand

SUHAKAM has continued to receive complaints of the abuse of remand procedures, for example, RMP's practice of taking an arrested person to several district police headquarters for the purposes of other investigations after producing them in the Magistrate's Court. In 2018 alone, SUHAKAM received 7 complaints related to chain remand. SUHAKAM wants to reiterate the recommendation in its 2012 Annual Report that the police should conduct initial investigations before making an arrest. Arrests should only be made where there is reasonable suspicion that a person has committed an offence or when it is reasonably considered necessary to prevent a person from committing an offence or from fleeing.

6. Death in Custody

This year, SUHAKAM received 4 complaints pertaining to a death in custody. They are:

- i. M. Thanaseelan in a police lock-up in Shah Alam, Selangor;
- ii. S. Mariappan in Bentong Prison, Pahang;
- iii. Soosaimanicckam A/L Joseph in Pangkalan Tentara Laut Diraja Malaysia, Lumut, Perak; and
- iv. Md Faizal Md Yeit in a police lock-up in Batu Pahat, Johor.

The investigations into the first 3 cases are in progress at the time of writing this report. In regard to the case of Md Faizal Md Yeit, it is completed.

Death of Md Faizal Md Yeit

On 26th of September 2018, SUHAKAM received a complaint pertaining to the death of Md Faizal Md Yeit on 24 September 2018 whilst in police custody at the Batu Pahat police station in Johor. Pursuant to Section 12(2) of the Dangerous Drugs Act 1952, he was arrested and remanded for allegedly being in possession of drugs.

SUHAKAM understands that the Integrity and Standard Compliance Department (JIPS) of RMP and the Enforcement Agency Integrity Commission (EAIC) are investigating the matter following the publication of Md Faizal Md Yeit's death in the newspapers. The EAIC interviewed members of the police force who were allegedly involved in the incident and have obtained testimonies from them and family members of the deceased. Accordingly, SUHAKAM decided to look into the deceased's condition of health prior to being placed in police custody, treatments received by the deceased prior to his death, and the cause and manner of his death.

Based on the findings of the investigation and further examination of all related documents provided by RMP, Sultanah Nora Ismail Hospital (HSNI) and the Batu Pahat health clinic (KKBP), SUHAKAM has arrived at the decision that there was no negligence on the part of the police force.

However, the findings of the investigation have highlighted the need for action to be taken on several issues. As such, SUHAKAM has tabled the following recommendations, pursuant to Section 4(2)(b), Act 597 for consideration:

i. Conducting investigations within the period of the first remand

SUHAKAM recommends that the testimonies of all *Orang Kena Tahan* (OKT) who have been detained be obtained at the earliest possible juncture. The Magistrates Court must

give special attention to this and ascertain whether there is any real need for extending a remand. The prevalence of extending remand orders for unreasonable excuses such as 'not having the opportunity to conduct investigations within the period of the first remand' should not be accepted. Detaining an individual in a police lock-up deprives the individual of basic human rights, such as, but not limited to, freedom of movement.

ii. Preparing medication log books for OKT

SUHAKAM recommends sentries prepare medication log books for each OKT, recording their name, medications administered (if known), and the dosage frequency of administering any medicines for the reference of sentries on different shifts.

iii. Early and proper treatment for detainees

Early diagnosis and treatment are vital to saving patients' lives. SUHAKAM was informed that in the event of a perforated gastric ulcer, early diagnosis and proper treatment can save a patient's life. The doctor administering the treatment must take into account the medical background of a patient who is a detainee. SUHAKAM recommends doctors provide early band treatment such as, but not limited to, conducting blood tests, x-rays and other appropriate medical examinations.

iv. Replacing medical tools and machines that are faulty

SUHAKAM has been given to understand that the x-ray machine at KKBP was not working properly for a period of almost 2 years and this contributed to the lack of diagnoses for patients. SUHAKAM was also informed that the problem was brought to the attention of the relevant departments and MOH. The average number of patients at KKBP including detainees who are sent to KKBP for treatment is high, considering KKBP is one of the major clinics in Batu Pahat. SUHAKAM recommends that any medical tools and machines that are essential for treatment and are not in proper working order should be replaced immediately.

v. Briefing by pathologist to the deceased's family

SUHAKAM recommends that family members of the deceased be given access to the body. SUHAKAM also recommends that coroners provide the bereaving families with a comprehensive explanation to avoid any misunderstandings.

SUHAKAM further recommends that the pathologists involved brief the deceased's family members before and after an autopsy is performed to ensure they obtain an accurate assessment.

7. Monitoring public assemblies

This year SUHAKAM monitored 3 public assemblies. SUHAKAM observed smooth management of the assemblies. The organisers and authorities worked closely to ensure the assemblies did not have major problems or unwanted incidents.

Table of Assemblies and Rallies Monitored in 2018

NO	ASSEMBLY	DATES
1.	Free and Fair Election assembly at Parliament Malaysia, Kuala Lumpur	28 March
2.	"Habitat Day Rally" from Jalan Tun Perak to Jalan Bukit Bintang, Kuala Lumpur	30 September
3.	Anti ICERD Rallies at Dataran Merdeka, Kuala Lumpur	8 December

8. Public inquiry into the disappearance of individuals

SUHAKAM conducted a public inquiry into the disappearances of Pastor Raymond Koh, social activist Amri Che Mat and Pastor Joshua Hilmy and his wife, Ruth Sitepu. It was reported that Pastor Koh was kidnapped by a group of individuals on 13 February 2017 in Petaling Jaya and the incident was captured in a CCTV recording. Amri was reported missing on 24 November 2016 in Kangar, Perlis, while he was on his way to meet a friend. There were witnesses who saw Amri purportedly being taken away by a group of individuals about 500 meters from his house. It was also alleged that there were similarities in the manner in which Amri and Pastor Koh were abducted. Pastor Joshua and Ruth have been missing since November 2016.



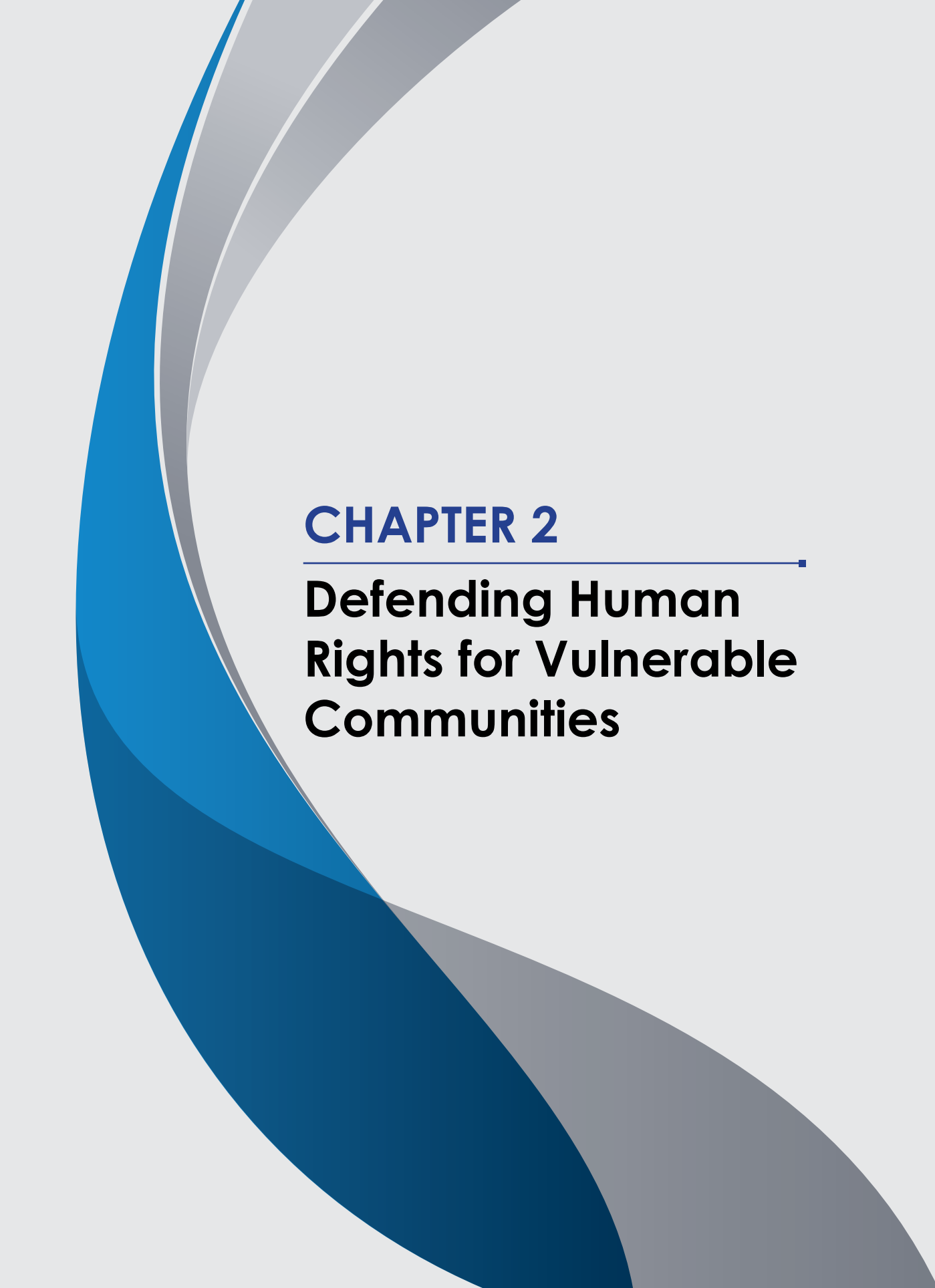
Public Inquiry on Disappearances of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy

SUHAKAM received a complaint from a group of civil society organisations and family members of the missing individuals on their disappearances in April 2017. SUHAKAM decided to hold a public inquiry into the disappearances and began hearing testimony in October 2017. At the time of writing, SUHAKAM has concluded its inquiry into the disappearance of Pastor Raymond Koh and Amri Che Mat. SUHAKAM was unable to begin the inquiry into the disappearance of Joshua and Ruth Hilmi in the year of review.

As for the disappearance of Pastor Raymond Koh, the inquiry was concluded on 8 December and a total of 16 witnesses testified before the inquiry. As for the Amri Che Mat case, the inquiry concluded on 31 October and a total of 24 witnesses appeared before the inquiry panel. All parties, including legal counsel for the family, Bar Council lawyers, RMP officers and SUHAKAM officers assisting the Commission were instructed to prepare submissions. The panel's findings and recommendations will be made public in due course.

The Way Forward

SUHAKAM will continue to protect human rights through its Complaints and Monitoring Division. Several complaints which have yet to be completed in the year will be followed-up on by the division in 2019. The report on the mass grave in Wang Kelian, Perlis, and the public inquiry into the disappearance of individuals will be completed in 2019. The division will also improve its monitoring by conducting full-fledged audits on detention centres to ensure that human rights standards are complied with by the detaining authorities. SUHAKAM is planning to empower the Complaints and Monitoring Division by conducting visits to other detention centres in the region to learn from their best practices on handling detainees.

An abstract graphic on the left side of the page, consisting of several overlapping, curved, teardrop-like shapes. The colors are various shades of blue (from light to dark) and grey. The shapes curve from the top left towards the bottom right.

CHAPTER 2

Defending Human Rights for Vulnerable Communities

Indigenous Peoples

Overview

The rights of indigenous peoples remained a focus of SUHAKAM in the year of review. Besides conducting awareness-raising programmes for the community, SUHAKAM continued to receive complaints of alleged infringement of rights and followed up on the recommendations made at the conclusion of the National Inquiry into the Land Rights of Indigenous Peoples.

The struggle to get recognition of their native customary land rights from the government has always been as a major challenge for indigenous peoples in Malaysia. Jurisdiction over land matters falls within the authority of state governments and for almost all state governments in Malaysia, the land and forest have been one of their main sources of revenue. Moreover, existing state policies do not give due recognition to the land rights of indigenous peoples. Laws in Malaysia largely have no provisions that acknowledge the native customary rights of indigenous peoples. Nevertheless, there have been several court rulings in favour of the indigenous community. These keep their hopes and struggle alive¹. In fact, The indigenous peoples have urged the new government to use court cases to formulate new laws to protect their rights.

¹ Cases won through the years include the Adong Kuwau case in Kota Tinggi, Johor; Sagong Tasi in Sepang, Selangor; Mohamad Nohing in Bera, Pahang; and Yibet in Kuantan, Pahang. Other cases are the Wong Chu Wai case in Bidar; Sangka Chuka in Kampung Peta, Johor; Eddy Salim from the Seletar tribe in Johor; and Pos Belatim and Pos Balar in Gua Musang, Kelantan - <https://www.thestar.com.my/news/nation/2018/11/15/orang-asli-use-court-cases-to-formulate-new-laws/#mhX76Swry1PA8Oom.99>

Apart from land rights, there are programmes by both Federal and State Government to assist the community to uplift themselves from poverty by providing housing, education and better access to healthcare.

The indigenous community in Malaysia is generally referred as Indigenous Peoples. The Orang Asli ("Original peoples") are the indigenous people of Peninsular Malaysia.

Orang Asli in Peninsula Malaysia

1. Right to Education

SUHAKAM visited five schools, eight Orang Asli settlements and attended three conferences in pursuing the right to education for Orang Asli. The major issue identified was absenteeism from schools, mainly in the interior, the lack of 3R skills (writing, reading and arithmetic) among primary school children, and dropping out of school especially during the move from primary to secondary school.

As for the adults, illiteracy is common among them too. It is estimated that about 75% of the adults met during the visits were illiterate. Due to this, they find it difficult to protect and defend their rights especially in relation to land matters and education.

However, it was observed that where parents and teachers collaborate as partners in addressing some of these problems, they managed to reduce absenteeism and lack of 3R skills. The children of these schools are very involved in school activities.

Apart from the above, an age-old problem confronting Orang Asli schools is the lack of facilities. There are schools that still go without treated water and do not have 24 hours supply of electricity. These situations hinder effective teaching and the learning process. Nevertheless, Ministry of Education (MOE) has been making efforts to remedy the situation. Among them is the establishment of a Special Training College to train Orang Asli teachers and assigning them to Orang Asli schools and modifying the curriculum for the students in the 96 Orang Asli schools.

2. Right to Orang Asli native customary land

SUHAKAM regrets the lack of commitment by the authorities, especially the state governments, in recognising the land rights of Orang Asli. Most of the state governments are not taking any measures to protect the land of the indigenous peoples but instead have enabled logging and plantation companies to encroach on Orang Asli land rights by leasing those lands to them. The state governments depend on forest revenue and land is leased to private companies and state agencies for plantations, logging, farming, and construction of dams, among others.

The blockades in Gua Musang, Kelantan, highlight the Orang Asli struggle to defend their land rights. SUHAKAM visited the blockades in Kg. Kuala Wook, Kg. Pasik and Kg. Cawas in February. The community informed them that they resorted to setting up blockades as their last option, hoping the authorities would hear them out and find a solution to their problem. The Orang Asli community implied they were not challenging the powers of the authorities by setting up the blockades but they were merely expressing their dissatisfaction over the inaction of the state government in resolving their long overdue land issues and to save the forests from being destroyed by the logging, plantation and mining companies. It was reported by the Orang Asli in Gua Musang that the encroachment destroyed Orang Asli graveyards, polluted drinking water sources and destroyed forest resources. The blockades caused dissatisfaction among several parties, especially the private companies, and it was reported in the media in August 2017 and October 2018 that the blockades were destroyed several times by unidentified parties to gain access to the forest land. All this has resulted in some tension among them.

During the year of review, SUHAKAM also visited several Orang Asli settlements in Perak, Pahang and Kelantan in order to obtain first-hand information, verify complaints received and to get replies from state agencies.

3. Engagement with state governments

In 2018, SUHAKAM received 48 complaints on the alleged encroachment of Orang Asli land rights. Most of the complaints came from Orang Asli in Kelantan, Perak, Pahang, and Johor.

Since land falls under the jurisdiction of the state government, SUHAKAM met several state agencies to discuss the land rights of Orang Asli. In Kelantan, SUHAKAM had discussions with the Department of Lands and Mines, Forestry Department and Department of Orang Asli Development (JAKOA) on 12 March 2018. This was a follow-up to the meeting with the Kelantan Chief Minister on 26 September 2017 and state agencies from 19 to 22 February 2018.

According to Orang Asli representatives, apart from the non-friendly state government policies, another problem which has led to encroachment is the non-compliance with **the principle of free, prior and informed consent**. In most cases, the Orang Asli communities were not consulted prior to the issuance of a licence to private companies. Even if consent was given, it was obtained from the Tok Batin or head of the village who was appointed by JAKOA. The Orang Asli community disagree with this procedure, saying they feel the Tok Batin are forced to give consent because they have been appointed by the government agencies and they also fear to lose their headman's allowance.

The Orang Asli representatives said they understood the state government's dependency on the forest for revenue, especially in Kelantan. They suggested the state government opt for alternative revenue generating activities like eco-tourism which would preserve the forest. Such activities could involve the Orang Asli community sharing their knowledge of the forest and its resources.

The Kelantan Forestry Department responded positively and proposed having a **'community forest'** as an interim measure before native customary land rights were recognised by the state. The concept of the community forest suggested by the Kelantan Forestry Department is one where the Orang Asli will be involved in the monitoring and management of the forest. The Forestry Department has suggested that public consultation is held before granting any licence to private companies and that the Orang Asli be appointed forest rangers so they can monitor and report on illegal activities in the forest.

According to the Kelantan Forestry Department logging activities would stop completely in 2030. It added that the last approval for logging was given in 2013.

During the same dialogue, JAKOA stated that it has developed a five-year plan for the development of Orang Asli in Gua Musang at an estimated cost at half a million ringgit. The development will encompass the following:

- i. Construction of 1,180 Hardcore Poor Housing Programme (PPRT) units for Orang Asli.
- ii. Construction of roads running 203 km at Orang Asli settlements in Gua Musang.
- iii. Installation of street lights.
- iv. Construction of a complex which would serve as One Stop Centre for Orang Asli. A plot of land of measuring 9.7 hectares has been acquired near Kuala Betis – Lojing for this purpose.

SUHAKAM noted that while JAKOA has developed a programme which would benefit the Orang Asli community, the people were never consulted. The Orang Asli representatives who were at the dialogue did not have any knowledge about the proposed development project.

In order to achieve a long-term solution, SUHAKAM has requested a follow-up meeting with the Kelantan Chief Minister to further discuss the land rights of Orang Asli and to explore a sustainable forest management programme. SUHAKAM's visits to Orang Asli settlements in Lojing and Kuala Betis, Gua Musang, proved that their situation was worse, in contrast to some of the responses SUHAKAM received from Kelantan state

agencies. A discussion on actions for long term solution is crucial and SUHAKAM hopes to engage in constructively with the Kelantan State Government.

SUHAKAM received complaints of a similar nature from the Orang Asli community in Perak. SUHAKAM held a meeting with the Chief Minister of Perak on 20 September to address Orang Asli land rights and other human rights issues concerning them. The Chief Minister promised that the state government would engage with the Orang Asli community to discuss the issues raised.

SUHAKAM had also written to the Chief Minister of Pahang in relation to Orang Asli land issues in the state and sought a dialogue with the state agencies.

Follow up on the National Inquiry into the Land Rights of Indigenous Peoples (NI)

SUHAKAM would like to record its disappointment over the slow pace of government's implement the recommendations made in the report of the National Inquiry into the Land Rights of Indigenous Peoples. SUHAKAM is concerned that the slow response would further erode the rights of indigenous peoples who are already vulnerable. SUHAKAM is not clear what is the position of the new government on the NI recommendations and the status of the committee chaired by the then Deputy Prime Minister, Datuk Seri Dr. Ahmad Zahid Hamidi in pursuing NI recommendations. Nevertheless, SUHAKAM has taken note that Orang Asli affairs have been transferred to the purview of the Minister in Prime Minister's Department responsible for National Unity and Social Wellbeing and SUHAKAM is planning to have constructive engagement with the said Minister on the plight of the community.

Several activities were organised by SUHAKAM to follow-up the National Inquiry recommendations:

- i. A meeting was held on 3 August with JAKOA and the Selangor state government regarding the gazetting of Orang Asli land in Selangor.
- ii. On 4 June, SUHAKAM co-organised a forum on 'Sustainable Forest Management and a New Hope for Malaysia' in partnership with Greenpeace in conjunction with World Environment Day. The forum focused on human rights and the environment, particularly in the context of achieving and implementing SDG 15 in the context of sustainable forest management through effective policies and programmes. Recommendation 13 of SUHAKAM's NI was also addressed during the forum by exploring steps to be taken to promote the involvement of indigenous peoples in forest management.

Indigenous peoples of Sabah

Since its establishment, the SUHAKAM Sabah Office has engaged in work relating to the indigenous peoples' collective rights to land and resources, especially their claims to native customary land as provided for under Section 15 of the Sabah Land Ordinance No. 10 of 1930.

In 2018, SUHAKAM received 56 complaints regarding claims involving native customary rights (NCR). These complaints related to alleged encroachment or dispossession of land claimed as NCR land; the inclusion of land, claimed to be NCR land, in gazetted forests or park reserves; overlapping claims; slow processing of land applications, requests for the issuance of native titles and gazetting of land as community reserve.

Below are two cases involving NCR land claims by the natives of Sabah.

District of Pitas - The Shrimp Aquaculture Project near Sungai Telaga

The Shrimp Aquaculture Project is an Entry Point Project 6 under the Malaysian Economic Transformation Programme which was undertaken in the 10th Malaysia Plan. The project seeks to enhance the quality of Malaysian shrimp exports by establishing an Integrated Zone for Aquaculture Models.

By siting the project in the District of Pitas, in particular near Sungai Telaga, the government hopes to alleviate the extreme poverty in the district by way of providing job opportunities for the locals. The project is targeting the development of 10,000 hectares of land, that includes a large portion of mangrove swamps, to be fully developed by 2020. This project is undertaken by the Yayasan Sabah Group and Sunlight Inno Seafood Sdn. Bhd.

Unlawful clearing during the earlier stages of the project disrupted the ecosystem in the mangroves. The mangroves are home to the proboscis monkey (*Nasalis larvatus*), pig-tailed macaque (*Macaca nemestrina*), long-tailed macaque (*M. fascicularis*), Borneo bay cat (*Catopuma badia*), flying foxes (*Pteropus vampyrus*), otters, Brahminy kite (*Haliastur indus*), oriental darter (*Anhinga melanogaster*), adjutant stork (*Leptoptilos javanicus*), estuarine crocodile (*Crocodylus porosus*), and mangrove squirrel, etc. Some of the species mentioned above are in the protected and/or vulnerable species under the Wildlife Enactment and CITES lists.

The inhabitants of the 6 villages situated near the area, namely Kg. Telaga, Kg. Boluuh, Kg. Datong, Kg. Sungai Eloi, Kg. Gumpa and Kg. Ungkup (G6), claimed to have native customary rights to the area. The majority of the inhabitants fall within the hardcore poverty group.

They are indigenous natives comprising the Rungus, Tombonuo and Suluk Sungai ethnicities. They also call themselves "*Orang Dua Alam*" or "People of Two Worlds". This is due to the fact that they spend half of their time farming on land and the other half fishing, catching crabs, cockles, edible snails, etc for sale or for self-consumption. They don't really engage in open sea fishing. They rely on the mangrove swamps for their source of income and protein.

The establishment of the Shrimp Aquaculture Project in the area resulted in the destruction of a large area of mangrove swamps, depriving the locals of their communal harvesting grounds since 2013. They have also not been allowed access to certain harvesting grounds because the company is blocking certain tributaries of the river with large barges. The womenfolk have been harassed and are not allowed to wander freely in the mangrove areas. They have also experienced a sharp loss in income and food supply.

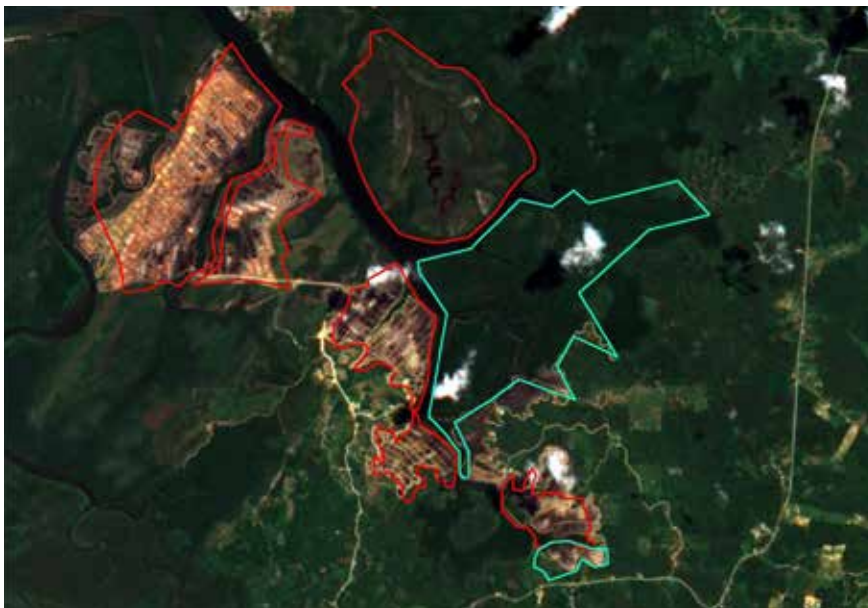
Action by SUHAKAM Sabah Office

SUHAKAM, upon receiving complaints from the said villagers, contacted several state government agencies expressing the concerns of the indigenous community but unfortunately, there was no response.

After the 14th General Election, SUHAKAM conducted a second field visit from 12 - 14 October 2018. Most of the villagers voiced their disappointment and frustration, saying the new government had taken no action either. However, a day after the visit to the Shrimp Project, the new Sabah Minister of Agriculture, Datuk Junz Wong, visited the project. During his visit, he declared that there would be no further deforestation of mangrove swamps. He announced that a request for another 1,000 acres from the company for the shrimp project was rejected by the Ministry.



Datuk Godfrey Gregory Joitol addressing the villagers on the roles and functions of SUHAKAM



Red Areas Cleared from 2013 -2015; Green Area is the expansion area of 1,000 acres approved by the state cabinet. (This was before Datuk Junz Wong announced the rejection of the company's application). This is the only remaining communal grounds for the G6 community for their livelihood

NOTE: Red areas have been cleared, the big green boundary is the site for the 1,000 acres of mangrove land that is still state land and has not been gazetted.

District of Tongod – NCR claims against Corak Nakhoda Sdn Bhd

SUHAKAM Sabah Office received complaints from the natives in four villages, that is, Kg. Kiliwatong, Kg. Kiandungo, Kg. Makagatan, and Kg. Sogo-Sogo. The villagers alleged that in 1990, the Sabah State Legislative Assembly approved the implementation of the Tongod Regional Planning Study (TRPS). However, this study - which made some welcome promises to the locals to promote development based on their way of life - was never implemented. The communities were left waiting for a development programme that never came to fruition. This situation prevailed right up to 1997 when the new administration abruptly announced that the TRPS had been dropped. The area of land involved was alienated to other parties and eventually sold to Corak Nakhoda Sdn. Bhd.

As a result, the villagers lost access to forests that they used for hunting, fishing, and collecting forest products such as rattan and dammar. Community members also alleged that the company cleared areas which were planted with durian trees and other fruit trees outside the area leased to it and that it had cleared the catchment area, the people's main source of drinking water. Kampung Tekulong, which features on a map during the British period, indicating NCR land, was also cleared and planted with the palm oil trees. This has impacted the peoples' livelihoods significantly.

As soon as community members learned that the area, which they had applied to be recognised and alienated as NCR land many years ago, was handed over as a country lease to Corak Nakhoda, they appealed against it. According to the villagers, they hope the land could be returned to them for farming and other livelihood activities.

Indigenous peoples of Sarawak

During the year under review, SUHAKAM Sarawak Office continued to work for the realisation of indigenous land rights. The protection of land rights is crucial for the indigenous community whose economic, social and cultural development is based on their relationship to the land.

SUHAKAM Sarawak Office has been organising outreach programmes and dialogues with the headmen (*Ketua Kaum* or *Tuai Rumah, Tua Kampung*) of each native village or longhouse community, and Community Chiefs (known locally as *Temenggong, Pemanca* and *Penghulu*). In 2018, a total of five outreach programmes were held in various parts of Sarawak.

Among the issues brought to the attention of SUHAKAM was their right to native customary land. In Sarawak, state land is subject to a cut-off date i.e. the indigenous

community must prove (orally or by documents) that they have cleared and occupied the land before 1 January 1958. Without such proof, they will be regarded as squatters on state land. Even if they can prove their right to customary land, the indigenous community has no document of title to it. Therefore, the native community wants better protection and security for native land which they can show they have been occupying through proper surveys of their individual plots. However, the process is slow. Currently, only the outer boundaries have been conducted.²

The customary land claims and disputes involve areas included in the provisional leases the state government issued to private companies for oil palm plantations, or planted forest or forest areas covered by timber licences, all over so-called state land. The onus is on the native claimants to prove their case. If the parties are unable to settle the dispute among themselves, the native community must file a claim in the High Court since no other person or authority has the power to make a decision in such disputes. The redress mechanism is expensive and time consuming for them.

Furthermore, indigenous peoples who were relocated for the construction of the Bakun and Murum hydro-electric dams still have unsettled outstanding issues, which include inadequate land for farming, lack of employment opportunities, lack of roads and water supply and temporary schools for their children.

There were issues that involve the freedom to select native leaders through elections, as stated in UNDRIP³ too. In Sarawak, existing state policy allows a native longhouse or village to conduct 'elections' by nominating a person, whose name is then submitted to the district office, but is then subject to endorsement by the local Member of State Legislative Assembly before it is forwarded to State Secretary for a final decision. The appointment of a *Ketua Kaum* for each longhouse or village is subject to existing administrative circulars from the early 1970s. Community chiefs, however, are appointed directly by the state government, although the nomination or recommendation of political leaders of the area is subject to conditions in administrative circulars made in the early 1980s. There are complaints about delays and the non-transparent process of reappointing headman. In 2018, the SUHAKAM Sarawak Office received 2 complaints about the rejection of the reappointment of community chiefs.

2 An outer boundary survey is a first phase survey through perimeter survey projects which is funded by the Federal Government. The second phase is the survey of individual plots which will be done in future.

3 Article 18 UNDRIP: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

The natives living in the interior is not having birth certificates and identity cards that can verify their citizenship status. This is due to various reasons such as late registration of births, lack of supporting documents required by the National Registration Department (NRD) or questionable marital status of the parents. The lack of these documents later lead to problems in getting access to education and healthcare.

The SUHAKAM Sarawak Office will endeavour to continuously champion for the rights of the indigenous peoples of Sarawak.

International commitment to indigenous peoples

The 17th Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) was held from 16 – 27 April 2018 at the United Nations Headquarters, New York. The Permanent Forum is a high-level advisory body to the Economic and Social Council with a mandate to deal with indigenous issues. The theme for this year's Permanent Forum is 'Indigenous peoples' collective rights to lands, territories and resources.' A SUHAKAM Commissioner and an officer attended the Permanent Forum.

During the Session, SUHAKAM was invited to speak on a panel on 'Advancing the Rights of Indigenous Peoples: National and Regional Human Rights Mechanisms' alongside the Inter-American Commission on Human Rights (IACHR) and the Norwegian National Human Rights Institution (NIM).

The following questions were addressed:

- i) How do NHRIs or IACHR promote and protect the rights of indigenous peoples? What are the actions undertaken by the institutions, particularly in recent years?
- ii) A recurring theme in the work of various NHRIs and IACHR is the challenges to the rights of indigenous peoples by land and resource-based business operations, such as mining and agribusiness. How does each institution address the human rights challenges of indigenous peoples? How can those business interests be respectful of indigenous rights?
- iii) Indigenous human rights defenders have been facing increasing reprisals across the world. The Permanent Forum has encouraged NHRIs to work with indigenous peoples to develop strategies to protect and provide support to those defenders. What have been or can be the specific actions in this regard?

SUHAKAM shared the work its conducted to promote and protect the rights of indigenous peoples such as the NI, conducting workshops and talks for indigenous communities to raise their awareness of human rights and school visits to monitor the quality of education and school facilities for indigenous children.

Apart from the above, at Malaysia's Third Universal Periodic Review during the 31st Session of the UPR Working Group on 8 November 2018, Finland requested updates on the government's implementation of SUHAKAM's NI recommendations. The government stated that it had initiated constructive dialogue with representatives of indigenous communities over the issue of land rights and engaged with all states in Peninsular Malaysia that were involved.

Recommendations

SUHAKAM recommends the following steps to recognise the rights of the Indigenous Peoples of Malaysia:

- i. Implement the recommendations made in the NI without any delay.
The Minister in Prime Minister's Department responsible for National Unity and Social Wellbeing who has been entrusted with the responsibility of overseeing the rights of Orang Asli must work with all state governments to monitor the implementation. The Minister should also engage his counterparts in Sabah and Sarawak in a similar manner.
- ii. All state governments must recognise the indigenous peoples right to native customary land and gazette lands for the community. Engage the indigenous community for alternative forest-based revenue generating activities like eco-tourism.
- iii. Apply the principle of **free, prior and informed consent** before making any development programmes for the indigenous community.
- iv. Adopt the interim measures proposed by the Forestry Department in Kelantan in recognising the indigenous peoples land rights.
- v. The Sabah Land Ordinance (CAP 68) should be reviewed and amended to eliminate ambiguity and confusion. A workshop could be organised to bring together experts, representatives of complainants, and other interested parties to identify the changes needed.
- vi. Enhance school facilities and training for teachers in Orang Asli schools.
- vii. The capability and capacity of officers and staff involved in land and forest administration and management should be upgraded on a regular and continuous basis to make them more human rights compliant.
- viii. Land and forest administration and management processes should be made more transparent. Close consultations with the affected community should be carried out as and when a project is planned and implemented such as the construction of dams, gazetting of forest reserves, water catchments, wildlife conservations, Sabah Parks, settlement schemes, commercial and agricultural project and other

projects. The state government must ensure that in any gazetting exercise, no human habitation exists in the area to be gazetted. In other words, it should be pro-active and not reactive.

- ix. Where possible, mediation could be adopted between parties to avoid costly legal processes and settlements in relation to land disputes.
- x. The government has a responsibility to ensure indigenous peoples have access to adequate resources to research and negotiate their claims so that the settlement is equitable, just and enduring.
- xi. Member states within the UNPFII must commit to engaging in a meaningful dialogue with their indigenous peoples and NHRIs, where they exist, to design and develop national strategies to give full effect to the UNDRIP, which includes monitoring, evaluation and annual reporting of the progress of implementation.

The Way Forward

Land is becoming more and more scarce as a resource for the government and the indigenous community. SUHAKAM hopes to engage both the federal and state governments towards achieving long-term solutions for the land rights of the indigenous community. It is SUHAKAM's hope that the NI recommendations are implemented without any further delay.

Children

SUHAKAM observed that violations and neglect of children's rights continue to persist in Malaysia. This year, issues that have re-emerged related to stateless children, asylum-seeking and refugee children, street children, children in detention as well as cases of child abuse, exploitation and child marriage.

1. Citizenship

During the year, SUHAKAM received 413 complaints from undocumented children or parents whose application for citizenship for their children were denied by National Registration Department (NRD) for various inconsistencies with the law.

It has been estimated that as of April 2018, around 2,500⁴ stateless children are waiting for proper documentation in Malaysia. SUHAKAM believes the number of stateless children in Malaysia is much larger with higher numbers in Sabah that are predominantly caused by the influx of foreign migrants who went on to have children in Malaysia. Due to their own immigration status, parents fail to register births with the NRD. During a roundtable on 11 July on "Statelessness in Sabah", participants linked the issue to street children who were also beggars, and whose numbers have significantly increased in the state.

⁴ The Star Online, "The State of Statelessness", The Star Online (1 April 2018) <<https://www.thestar.com.my/news/nation/2018/04/01/the-state-of-statelessness-for-those-born-in-malaysia-but-without-a-citizenship-their-life-is-left-i/>> accessed 2 January 2019

While noting that the conferment of citizenship is the prerogative of the government in accordance with existing provisions of the Federal Constitution, SUHAKAM is disheartened that there seems to be a lack of empathy and sympathy towards children who have been put in such a situation through no fault of their own. As a country with leaders who are vocal on the state of human rights in other countries and is a state party to the Convention on the Rights of the Child (CRC), the government should always consider the best interests of the child as paramount and refrain from taking actions that would lead to further violations of his or her human rights and discrimination against the child. (Please refer Complaints and Monitoring Chapter and Chapter 2 on stateless, page 112 for details).

2. Detention of foreign undocumented children

Foreign children continue to be detained under Malaysian immigration law, both accompanied and unaccompanied minors. During a visit by SUHAKAM to the Pekan Nenas Immigration Depot, there were pregnant women and children who were detained for overstaying in the country and attempting to flee the country without permission. They were among 131 Sri Lankan individuals who were arrested by Immigration in Johor waters while on their way to either Canada or New Zealand. During another visit to the same depot, some detainees alleged that they were not given proper medical attention. They included women and children. In response to SUHAKAM's verbal and written advice, the detention centre wrote back detailing the medical services provided to the detainees. (Please refer Complaints and Monitoring Chapter, page 67 for details).

SUHAKAM began working on alternatives to detaining children and removing those already in detention under immigration law in 2013. This year, SUHAKAM continued this effort by partnering with the UNHCR, the Malaysian Representative to AICHR, and the International Detention Coalition (IDC) to jointly organise a closed-door civil society consultation on 5 February 2018.

The consultation aimed at identifying the benefits of alternatives to detention (ATDs) for, among others, children, pregnant and breastfeeding mothers who are affected by forced displacement in Malaysia. The consultation also looked at the benefits of regular independent monitoring of detentions. Arising from the consultation, the following steps will be undertaken by the partners:

- i. Develop and pilot a vulnerability screening and assessment tool and referral mechanism to enable the detection of persons with vulnerabilities, such as children, pregnant women, and disabled persons at the earliest stage possible and for these vulnerable groups to be given proper care in accordance with their needs.
- ii. Propose amendments to the current detention standard operating procedures (SOP), and to engage with government agencies involved with immigration detention on specific issues such as ATD.

- iii. Engage with Bar Council and other relevant stakeholders to discuss the possibility of extending the National Legal Aid Scheme to include immigration cases involving refugees, asylum seekers and stateless persons.
- iv. In order to move the above strategies forward, three groups will be established and each tasked to address the following areas respectively:
 - a. ATD for Children and Other Vulnerable Groups.
 - b. Arrest, Detention and Release Procedures.
 - c. Detention Standards.

Moving forward, the working group on Immigration Detention hosted by UNHCR (which consists of key stakeholders including SUHAKAM) will have meetings to discuss the establishment of the multi-stakeholder groups and further action to be taken.

As an initial step, SUHAKAM recommends that all unaccompanied children who are in immigration detention centers be released into a civil society run shelters as part of a pilot ATD project for children. SUHAKAM hopes that such measures will then be widely implemented and applied for all children who are in immigration detention or are found by the enforcement authorities. This is to ensure that the best interests of the child are upheld.

3. Children under preventive detention

SUHAKAM reiterates its stance that detention without trial is a serious human rights violation and that laws that allow for such detention should be repealed. SUHAKAM is concerned that children have been detained using archaic laws such as POCA 1959.

During SUHAKAM's visit to the Kluang Prison on 19 July, a total of 39 juveniles were among the detainees. SUHAKAM interviewed some of them and were alerted to two serious allegations of chain remand, police brutality and forced confession. SUHAKAM stresses that such incidents go against the very principles of human rights. The Federal Constitution guarantees the right to be free from torture, to be presumed innocent until proven guilty and to have access to a fair trial. In particular, Article 5 of the Constitution guarantees the personal liberty of all persons and, if arrested, they must be informed on the grounds of arrest, allowed legal representation and produced before a magistrate within 24 hours. In addition, the Federal Constitution provides that any allegation of unlawful detention must be brought before a judge. However, under POCA, any detention is not subject to judicial review. With respect to allegations of police brutality, Section 330 of the Penal Code is clear that voluntarily causing hurt for the purpose of obtaining a confession is an offence punishable by law.

As such, SUHAKAM urges lawmakers to ensure that due process is adhered to by authorities and to remove unconstitutional laws from the legal system of a country that considers itself a democracy.

4. Child marriage

Over the past decade, Malaysia has registered about 15,000⁵ marriages involving children; 10,000 of those underage marriages were Muslim couples, while 4,999 were non-Muslim couples.⁶

For now, child marriage in Malaysia is not necessarily illegal. The marriageable age for non-Muslims under civil law is 18 years. However, a female who is 16 years of age and above but under 18 years of age, may be married after obtaining a special marriage licence from the Chief Minister under section 21 (2) of the Law Reform (Marriage and Divorce) Act 1976. For Muslim girls, the minimum age for marriage is 16. Additionally, a Syariah Court judge may give permission for the marriage of a girl below 16. This highlights the discriminatory nature of the laws in Malaysia on the age of marriage for males and females.

This year, Malaysia was once again dragged into the international spotlight when a 41-year-old man married an 11-year-old girl in Kelantan with the blessing of the girl's parents. The groom contended that he married the girl in order to help the family. While this brought about fierce objections against child marriages, there were also bizarre arguments from certain quarters defending such marriages, including arguing that child marriage was a 'necessity' in a certain state and was in accordance with religion.⁷ From a human rights standpoint, it has been stressed constantly that child marriages are grave human rights violations that significantly impacts a child's right to health, education, equality, non-discrimination and to live free from violence and exploitation. In such cases, the best interests of the child are clearly put secondary to the interests and desires of an adult. Furthermore, SUHAKAM is of the view that laws that allow child marriages may be regarded as legalising paedophilia.⁸

At the international level, the United Nations General Assembly passed a historic resolution in 2012 on child, early and forced marriage urging "all States to enact, enforce

5 Yiswaree Palansamy, "Reject lawmakers with 'perverted' mindset, Selangor Speaker tells women", Malaymail (Kuala Lumpur, 5 April 2017) <<https://www.malaymail.com/s/1349589/reject-lawmakers-with-perverted-mindsets-selangor-speaker-tells-women>>

6 Ibid.

7 Yimmie Yong, Zakiah Koya, R. Aravinthan, "Kelantan: Underage marriage is necessary", The Star online (30 November 2018) <<https://www.thestar.com.my/news/nation/2018/11/30/kelantan-underage-marriage-is-necessary/>> accessed 10 January 2019

8 SUHAKAM, "Press Statement 24/2018: Child Marriage", SUHAKAM (Kuala Lumpur, 1 July 2018) <<https://www.suhakam.org.my/2018/07/>> accessed 13 January 2019

and uphold laws and policies aimed at preventing and ending child, early and forced marriage and protecting those at risk and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses..."⁹

Further, article 16(2) of the Convention on The Elimination Against All Forms of Discrimination Against Women (CEDAW) states that "the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory". As a State party to CEDAW, Malaysia is therefore obligated to stop the practice of child marriage and undertake necessary legislative amendments to that effect.

From a theological perspective, a joint report by UNICEF and Al-Azhar University in Egypt pointed out that, "child marriage is no more than a custom; it is not part of Syariah or worship and it leads without doubt to significant adverse effects. Therefore, the preferred age of marriage is after the age of 18 years. Marriage is a religious and social responsibility that demands the ability and willingness of both husband and wife to bear its responsibilities, so it is not right to apply this burden to children."¹⁰

In addition, the National Fatwa Council in Malaysia ruled following a discussion held from 21 - 22 October 2014 that child marriages are no longer seen as a healthy practice and are not *wajib* (obligatory) or *sunnah* (encouraged)¹¹ in Islam is a good step in discouraging child marriages on a religious basis, and emphasises the need for better regulations to ensure that child marriages are not allowed.

SUHAKAM recommends that the government amend all existing domestic and syariah laws on the age of marriage to be 18 years for both males and females. This would ensure uniformity of the law and ensure that Malaysia complies with its obligations under the various international treaties.

Islamic family law, including marriage, is placed under the prerogative of the State under Schedule Nine, Part II – State List of the Federal Constitution. Nevertheless, SUHAKAM is of the view that the Government should consider introducing a law to prohibit child marriages pursuant to Article 76(1)(a) and (2) of the Federal Constitution.

9 UN General Assembly, Child, early and forced marriage: resolution adopted by the General Assembly, 18 November 2014, A/RES/69/156

10 Child Marriage Is No More Than A Custom; It Is Not Part Of Sharia Or Worship, Says UNICEF, 07 April 2017 <http://www.malaysiandigest.com/news/668188-child-marriage-is-no-more-than-a-custom-it-is-not-part-of-sharia-or-worship-says-unicef.html>

11 Isu Perkahwinan Kanak-kanak: Kajian Dari Aspek Agama, Kesihatan dan Psikologi: <http://www.e-fatwa.gov.my/fatwa-kebangsaan/isu-perkahwinan-kanak-kanak-kajian-dari-aspek-agama-kesihatan-dan-psikologi>

As a State party to the CRC, Malaysia should enact a federal law that would bind all states in Malaysia and both the civil and syariah system to fully implement the spirit of the provisions in the CRC and the UN Resolution on Child, Early and Forced Marriage. By so doing, the Government will be able to adhere to its international obligations but also harmonise civil and Syariah Laws in Malaysia pertaining to the age of marriage.

In the interim, among the safeguards that the government should consider is having specialist lawyers appointed on behalf of children below 18 years by the government when an application for marriage is made. Such a measure would ensure that the child is given the right to express his or her opinion and make an informed decision without the persuasion or coercion of his/her family and/or any other third party. This is to ensure that any decision for marriage is made with the informed, free and full consent of the intending spouses.

SUHAKAM also urges the government to consider procedures to curb situations where rapists and those who sexually assault children are allowed to marry their victims to compensate for their crimes or resort to intimidation to ensure that their victims do not report the crimes to the authorities. In such instances, SUHAKAM calls upon the government to:

- i. Empower enforcement agencies to act even in circumstances where no official complaint has been filed by the victim or where a complaint has been withdrawn by the victim;
- ii. Provide for compulsory and comprehensive sex education in schools to ensure that children understand their bodies and are not exploited and forced into marriage or other forms of sexual exploitation; and
- iii. Provide support services that are tailored for children, especially young girls, and which are sensitive to their specific needs with a focus on empowering the victim and giving the child the ability to make an informed decision.

5. National Children's Commission

In view of the myriad of issues and the precarious position that domestic laws have put on children in Malaysia, SUHAKAM is encouraged by and fully supports the proposal to establish a National Children's Commission as announced by the Deputy Minister of Women, Family and Community Development (MWFCDD), YB Hannah Yeoh, in July. SUHAKAM is of the view that such a Commission would ensure children's rights are effectively and fully protected and realised in Malaysia by taking into consideration the standards set forth by the near-universally ratified CRC.

In this regard, SUHAKAM sought and met with the deputy minister on 30 August to discuss the proposed National Children's Commission. An outcome of the meeting

was for SUHAKAM to submit a paper on the proposed Commission to the MWFCF for their consideration. For the purposes of preparing the paper, SUHAKAM organised a consultation with relevant civil society organisations (CSOs) on 1 November 2018 to obtain views and feedback on the proposed Commission. SUHAKAM also incorporated some of the feedback and recommendations from the consultation in its paper.

Following that, the MWFCF organised a consultation with members of Parliament, relevant government agencies and CSOs on 23 November 2018 at their office in Putrajaya to obtain their views and recommendations on the proposed appointment of a Children's Commissioner within SUHAKAM's framework. Some of the issues and concerns raised by the participants were related to the type and organisational structure of the Children's Commission, powers and functions of the Children's Commissioner and the Commissioner's working relationship with the other relevant government agencies, among others.

As an outcome of the consultation, the MWFCF indicated that they would share the details of the updated proposal for the Children's Commission with all the participants before it is tabled in the Parliament for deliberation. SUHAKAM will follow up with the MWFCF on this matter.

The Way Forward

All human beings are born equal in dignity and rights and as such children's rights are human rights. They are equally entitled to be treated with dignity and their rights respected by adults. In addition, by virtue of their vulnerability to exploitation and abuse, they are endowed with special protections as those provided by the CRC. As a state party to this Convention, SUHAKAM impresses upon the government to ensure that the best interests of the child is always respected as the primary consideration and forms the foundation of planning, developing and implementing all laws, policies and programmes that affect them.

SUHAKAM will continue to work closely with MWFCF to conceptualise and support the realisation of an independent and effective National Children's Commission in Malaysia that should be guided by the CRC and tasked to look into the promotion and protection of the rights of the child as a whole. At the same time, SUHAKAM will continue its collaboration with the various ministries, enforcement agencies, religious authorities and civil society organisations to address complaints, advise the government on reviewing relevant laws as well as withdrawing its remaining reservations in the CRC, and promote greater public awareness on the shared responsibility to protect children and their interests.

Women

Gender equality is at the very heart of human rights, yet many women still experience discrimination in many instances and these include discrimination at the workplace and their right to employment.

Malaysia acceded to Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1995. This convention is described as the women's international bill of rights, but SUHAKAM has observed that gaps remain in the full realisation and operationalisation of CEDAW, particularly for marginalised women and girls.

1. The 69th Session of the Committee on The Elimination of All Forms of Discrimination Against Women

SUHAKAM attended the 69th Session of the CEDAW Committee on 20 February 2018 at Palais des Nations Geneva, where Malaysia's third to fifth periodic report on its progress on the implementation of CEDAW was reviewed by the Committee.

The CEDAW Committee had set aside time at its 69th session for NHRIs to provide orally country-specific information in respect of States parties that have been scheduled for consideration during the session. Accordingly, the following issues, amongst others, were presented by SUHAKAM for consideration by the Committee:

- i. SUHAKAM welcomed the government's effort to include 'gender' as a prohibitive ground for discrimination in Malaysia. To give effect to this, SUHAKAM called on the government to immediately introduce a gender equality law.

- ii. SUHAKAM highlighted the challenges faced by non-citizen wives in Malaysia and the lack of protection for these women in relation to their rights to nationality and citizenship. The inequality of the law regarding nationality and citizenship places a heavy burden on mothers who have to go through a more arduous process to register their children as the approval of such citizenship applications takes years. Also, there is a lack of transparency and consistency in the application process.
- iii. SUHAKAM called on the Government to re-introduce the proposed amendment to the Law Reform (Marriage and Divorce) Act 1976 relating to the unilateral conversion of children by one parent as it would provide a legal basis to ensure equal rights for both spouses upon the dissolution of their marriage on matters regarding the religion of the children of the marriage.
- iv. In respect of people of different sexual orientation and gender identity, SUHAKAM reiterated that all human beings regardless of their sexual orientation shall enjoy a full range of human rights.
- v. SUHAKAM emphasised that the government should adopt a more receptive stance and approach in addressing the rights of asylum seekers, refugees and stateless women and girls who are already in Malaysia, as these vulnerable groups do not enjoy the right to education, employment, free healthcare, and are often held in detention centres under the current legal framework in Malaysia. Therefore, SUHAKAM recommended that the Government considers alternatives to detention, such as community placement.

At the 69th Session before the CEDAW Committee, SUHAKAM observed the following:

- i. There was an apparent lack of preparation and seriousness by Malaysia's delegation in the review process as the answers provided did not reflect the reality of the situation; were inaccurate or misleading and failed to address many of the questions posed.
- ii. There was an overemphasis by the delegation on religion in response to the questions.
- iii. Due to a lack of coordination, the delegation gave the impression of a lack of seriousness in finding solutions to the problems faced in terms of discrimination against women.

While noting that the periodic reports sought to provide an update on policies, initiatives and measures being undertaken by the country to eliminate discrimination of women, SUHAKAM observed that many questions by the Committee had not been answered satisfactorily by the delegation from the Malaysian government, giving the impression that there has been no progress at all in several areas. SUHAKAM stands ready to have a discussion with the ministries concerned and all stakeholders regarding the promotion and protection of the rights of women in Malaysia.

2. Discrimination

SUHAKAM is also concerned over the ban imposed on female Muslim frontline staff working in the hotel industry in Malaysia against wearing the headscarf by certain hotels. Although this ban has been lifted in most hotels practising such a policy, SUHAKAM calls on the government to introduce an equality law to ensure that private and public organisations protect the right of women to manifest their religion and belief without discrimination in the workplace. While the government has indicated that it is working towards formulating a gender equality bill, SUHAKAM urges it to expedite the process as it has been long-delayed.

3. Protection of women in the Syariah Court

SUHAKAM is concerned with the practice of caning in Malaysia's judicial system. In the case of two women who were found guilty of attempting to have consensual sex, SUHAKAM regrets that the Terengganu Syariah Court chose to sentence them with caning. SUHAKAM is of the view that such a penalty was not only a cruel, inhuman and degrading punishment but that caning them in public would cause humiliation and injury to the reputation of both women and their families. SUHAKAM understands that the law provides for punishment by caning, however, judges should exercise judicial discretion in accordance with the principles of compassion, mercy and human dignity in Islam.

SUHAKAM recalls that during Malaysia's recent review by the CEDAW Committee it was emphasised that Muslim women in Malaysia were disadvantaged by the chosen interpretation of syariah in Malaysia and could not progress on par with women of other faiths, even with constitutional guarantees of equality.

SUHAKAM, therefore, reiterates its call for a repeal of such punishments in all laws, both civil and syariah, to be in compliance with international standards.

4. Right of foreign spouses

Foreign spouses in Malaysia face many challenges including the right to employment. Non-citizen wives of Malaysian husbands are completely dependent on their spouses to maintain their legal status in the country. The Malaysian spouse is required to be present for every application for the Long-Term Social Visit Pass and its frequent renewals, along with applications for Permanent Residence and Citizenship; they also must provide endorsement to work. This equates to decades of dependence.

Should a husband refuse to be present at the Immigration Department, the non-citizen's wife's immigration status in the country may be at risk, leaving the woman vulnerable in cases of domestic violence, estrangement, abandonment or death of the husband. There is also a lack of transparency and consistency in the application process, with no explanation provided for a shorter duration of visa, delays in approving Permanent Residence or grounds for rejecting such applications.

SUHAKAM urges the Government of Malaysia to adopt a more receptive stance and approach in addressing the rights of foreign spouses by reviewing the application process for permanent residence and ensure their rights are protected and upheld.

5. Marital rape

Over the years, SUHAKAM has urged the government to criminalise marital rape by removing the exception under section 375 of the Penal Code, which states that "Sexual intercourse by a man with his own wife by a marriage which is valid under any written law for the time being in force, or is recognised in Malaysia as valid, is not rape" and to add an explicit provision on marital rape. However, based on recent discussions in Parliament, it was indicated that the government was not ready to make marital rape an offence mainly because of the difficulty of proving it in court. Nevertheless, SUHAKAM would like to reiterate that marital rape is a violation of the human rights of women. Article 2 of the UN Declaration on the Elimination of Violence against Women defines marital rape as violence against women. In this regard, SUHAKAM maintains its position that marital rape should be criminalised so as to protect women from violence.

6. Sexual harassment bill

While there are existing guidelines and a code of practice on the prevention of sexual harassment in the workplace, there is no specific legislation that deals with sexual harassment. In 2011, the government incorporated the definition of sexual harassment and other related provisions in the Employment Act 1955. While SUHAKAM commended the move, it was of the view that the definition was not sufficiently comprehensive and the process for complaints and the penalties were inadequately covered. SUHAKAM has previously recommended that MWFCD and Ministry of Human Resources (MOHR) review the provisions regulating sexual harassment and consider having a separate and more comprehensive law on sexual harassment. In this regard, SUHAKAM welcomes the government's recent announcement regarding their intention to introduce a new law to prevent sexual harassment in the workplace.

7. Women human rights defenders

While noting that the concept of human right defenders is not well received in Malaysia, groups are in fact advocating their work actively in Malaysia. There are huge numbers of NGOs and individuals who are involved and dedicated to advocating human rights principles and standards, in particular, for the disadvantaged groups.

SUHAKAM expressed its concern and disappointment over the late-night arrest of human rights lawyer Ms. Siti Kasim. SUHAKAM was made to understand that her arrest was related to an allegation of kidnapping her client and obstructing the police from carrying out their duties. SUHAKAM regretted that the arrest was made without adequate investigation by the police force. Police action in breaking down the door of her house was unacceptable and clearly contravened with the UN Basic Principles of the Role of Lawyers and Declaration on Human Rights Defenders in that the police officers appeared not to have discharged their functions in full appreciation of and respect for human rights.

In that regard, SUHAKAM wishes that such cases will not be repeated and that police personnel and/or any authority that has the power to detain any individual shall perform their duties in accordance with the guidelines provided and human rights standards as contained in UN instruments. SUHAKAM also calls on the government to look into enacting laws or policies to ensure that human right defenders are protected in Malaysia.

The Way Forward

While noting that the government has shown some effort and taken several initiatives to address and enhance women's rights, there is still much to be done to raise awareness of women's rights to all key stakeholders, public and private officials as well as to all women in Malaysia. SUHAKAM hopes that in this era of new Malaysia, the basic rights of women can be addressed holistically and upheld through a variety of initiatives by the government in partnership with the relevant key stakeholders to ensure that Malaysia is on par with international standards and norms for protecting and upholding women's rights. SUHAKAM will continue monitoring and providing recommendations to the government on the formulation of laws, policies and guidelines pertaining to women, to ensure that they are in line with human rights principles.

Statelessness

A person who is deemed a stateless person is a person without nationality or the status of his/her nationality is still uncertain. His/her status is unclear due to the fact that he/she is not yet in possession of the required document deemed appropriate by the law. The fact that he/she does not possess the required documents as prescribed by the relevant domestic law, should not result in the immediate categorisation of him/her as 'stateless' as his/her status is yet to be ascertained by the relevant authorities. In order to eliminate this uncertainty, appropriate policies or measures should be undertaken.

Malaysia has been confronted issues of stateless due to historical factors such as the migration of labourers during the pre-independence era and under current migration trends due to economic and political reasons around the globe. In East Malaysia, both Sabah and Sarawak are bordering states with Indonesia (Kalimantan) and the Philippines' where the sea borders with Sabah has led to heavy migration into the state for decades.

According to UNHCR¹², from the mapping and legal aid project conducted by its partner Development of Human Resources in Rural Areas (DHRRA), there are about 12,400 stateless persons residing in Peninsula Malaysia. However, UNCHR reported that it could not establish the number of stateless people residing outside Peninsula Malaysia due to the complex circumstances in East Malaysia.

12 <https://www.unhcr.org/ending-statelessness-in-malaysia.html>

It was also reported that a total of 12,078 citizenship applications was submitted to National Registration Department (NRD) by DHRAA and **2,359** persons have acquired nationality in West Malaysia.

The issue of statelessness and nationality is a complex subject matter and granting citizenship is at the sole discretion of the state. The Malaysian Government has been very cautious in granting citizenship and this has prolonged the matter over the years. SUHAKAM has been receiving complaints and, in the year of review, a total of 413 complaints were received.

1. Stateless children

Below is the summary of cases involving stateless children received by SUHAKAM:

- i. SUHAKAM found that children born out of wedlock shall follow the citizenship of his/her birth mother even though their parents married after the birth, or the children are declared stateless due to failure to recognise their biological mother. Generally, if a marriage, involving a Malaysian and a foreigner has been registered in Malaysia, and if the baby is born within an acceptable time before the marriage, the baby born shall be conferred Malaysian citizenship.
- ii. One complainant, 16 years old, was born in 2001 to a Malaysian father and an Indonesian mother. However, her parents' marriage was only registered with the Selangor Religious authority in 2003. The complainant's father applied for Malaysian nationality, but the application was rejected by the government in 2013.
- iii. A complaint from Malaysian parents who legally adopted abandoned children with no citizenship since birth were left in a quandary after NRD rejected the children's application for citizenship. Although the NRD approved the registration of adoption, denying the adopted children the citizenship of the country would create other problems for the children.

SUHAKAM was informed that citizenship is the highest recognition conferred by the government, thus it should not be considered as a 'right' but as an 'award' by the government. However, denying citizenship especially for children who were born on Malaysian soil would lead to many other problems in the future. Stateless children will have problems accessing healthcare services, education and their future livelihood will be affected. This may lead to social problems in the country if not addressed adequately.

2. Statelessness in Sabah

In Sabah, children thought to be at risk of statelessness have factual links with Malaysia (as their country of residence and - in the vast majority of cases - of birth) and with at least one other country (usually Indonesia or the Philippines, from where their parents

or grandparents originated). Therefore, in the case of children born in Sabah but considered 'foreign' by the Malaysian authorities, the key question is whether they would be considered nationals by Indonesia or the Philippines. In the case of children of Indonesian parents, this issue is fairly straightforward. Although many children of Indonesian migrants born in Sabah lack documents, there is an Indonesian consulate in Kota Kinabalu which regularly issues birth certificates and passports for the children of its nationals. For children of Indonesians living in the interior of Sabah, the expense of travelling to the city may prohibit the acquisition of such documents, making recognition of Indonesian citizenship theoretically possible, but practically difficult to achieve. Nevertheless, children of Indonesians are unlikely to fall into the category of *de jure* stateless children.

The situation for the children of Filipino nationals is much more complex. The Philippines does not have a consulate in Sabah (on the island of Borneo). This is largely because of ongoing political sensitivities surrounding the Philippines' historical claim to Sabah as a former part of the 'Sultanate of Sulu'. This 'claim' is strongly disputed by 'native' Sabahans, and its political fallout contributes to create anti-Filipino sentiment in the state. Moreover, it is practically difficult for Filipinos in Sabah to obtain documents, given both the expense of travelling and the fact that holders of **IMM13 'refugee'** cards are unable to leave Sabah. The majority of those who might use the services of mobile registration units (which occasionally visits Sabah) do not know of their existence. Thus, whilst the Philippines government is known to be 'generous' in granting citizenship to even the undocumented children or grandchildren of refugees and migrants who claim it, in practice, most are unable to make such a claim. Though the extent to which this renders the descendants of Filipinos vulnerable to statelessness may be debatable, such people clearly lack what has been termed an 'effective nationality'.

Below is an example of complaints received by SUHAKAM's Sabah Office:

Aisyah is a 10-year-old Suluk girl holding an IMM13 card. Her grandparents came to Sabah as refugees in the 1970s. During an interview with her about the differences between Sabah and the Philippines, Aisyah said: 'I don't know anything about the Philippines'. She has no family that she knows of left there, has never been there, and explicitly refuses to discuss it as a place with which she should have any connection. As holders of IMM13 cards, Aisyah and her parents are 'legal', in the sense of being allowed to remain in Sabah. However, they are still considered Philippine nationals by the Malaysian authorities. Whether or not the government of the Philippines would recognise them as citizens, and notwithstanding the inability of Aisyah and her brothers to attend Malaysian government schools, the important point in their

case is that they do not want to be Filipino citizens since they feel they belong in Malaysia. Thus, when the Filipino learning centre, where Aisyah studied, organised document-processing by the Philippines National Statistics Office, neither Aisyah nor her brothers were interested in applying for such documents. This implies that for some people, the impulse to escape statelessness is by no means as strong as the impulse to 'hold out' for a particular, preferred nationality that might be gained in the future.

Statelessness in Sabah is complicated, not only by cases of long-term residence by people lacking either an effective nationality or by their possible preference for temporary statelessness over Filipino nationality, in order to eventually gain Malaysian nationality which they feel they deserve. It is also complicated by the reality that many refugees from the Philippines originally came to Sabah to escape the fighting, in which they were as likely to have been killed by their national army or by Muslim separatists. It is ironic that many Suluk people, who express ambivalence towards what they see as the 'colonial' Philippines state in Muslim-majority areas of that country, are simply treated as 'Filipinos' by Malaysians in Sabah. Some of the children of such 'Filipinos' have heard stories of violence and warfare from their parents and grandparents, and repeat the opinion that, whatever difficulties were experienced in Malaysia, it was at least safer than the place from which their family originated. Recent reports of infighting around Zamboanga city, in the south of the island of Mindanao illustrate the reality of such safety concerns for those who lack a desire to 'return' to the Philippines. Moreover, ongoing violence in the southern Philippines, from which many people continue to flee, complicates any easy separation of earlier 'refugees' from contemporary 'economic migrants'.

On the ground, statelessness as a distinctive issue by itself it often disappears, as it is often entangled with wider issues of 'illegality'. Even if one were clearly able to separate 'stateless children' from 'undocumented children', their practical experience is in fact very similar. Therefore, despite their different ethnicities and family histories, and despite the different degrees of assistance offered by their apparent 'home' countries, the children of Indonesians and Filipinos actually share many common experiences. Children who lack legal documents fear being picked up by the police during one of the regular operations – on buses, in shopping centres or in squatter settlements – aimed at 'checking' documents. Whatever the complexity of legally establishing an individual as 'stateless', in Sabah (as has been argued for other contexts legal statelessness must be analysed alongside the kind of 'effective statelessness' created by irregular migration. Indeed, given that holders of IMM13 passes are potentially stateless but nevertheless legally documented, it remains to be explored whether, in this specific context, there might be some advantages to being 'stateless' over being 'undocumented'.

In response to the complaints received and above-mentioned issues, on 11 July 2018, Sabah Office hosted a Roundtable Discussion on "Statelessness in Sabah". The objectives of the discussion were:

1. To identify and address the issues and concerns faced by Malaysians, particularly Sabahans, due to lack of proper documentation;
2. To discuss the problems related to illegal immigrants and the effects on the human rights of Malaysians in Sabah; and
3. To identify practical ways to implement the recommendations to overcome the problems.

About 150 participants representing government agencies, NGOs and political parties as well as concerned individuals and experts, attended the half-day discussion.

There were two main issues raised at the Roundtable Discussion:

i. IMM13 Holders

The IMM13 permit was given to those recognised as refugees, and it was first given to those from Southern Philippines fleeing the war between the Philippines Government under Ferdinand Marcos and the Moro National Liberation Front in the early 1970s. These permits were given on the advice of the UNHCR who assisted in the documentation and registration process. All refugees were supposed to be registered with the Malaysian government and given welfare aid and allowed to seek employment. They could seek permanent resident status on a case-to-case basis but not citizenship. It is alleged that many IMM13 permits are forged.

ii. Street Kids (Undocumented Children)

In recent years, many children were found begging especially on the streets of Kota Kinabalu. The participants claimed that begging was never a culture of the local community and the natives of Sabah.

3. International commitments related to statelessness

As one way to address the complex nationality issue in Sabah, SUHAKAM spearheaded a project on statelessness. SUHAKAM has been working with the Commission on the Human Rights (Philippines) (CHRP) and the National Commission on Human Rights (Indonesia) (Komnas HAM) on the matter. At the time of writing SUHAKAM is in the process of signing a MoU with CHRP and Komnas HAM to assist each other in addressing the issue of statelessness in Sabah from a human rights perspective.

SUHAKAM, CHRP and Komnas HAM have agreed that the following actions could be collectively addressed by the three NHRIs once the terms of reference have been established:

- Conduct research on the geopolitical nature and historical impetus of the problem i.e. the root causes and push and pull factors of migration.
- The three NHRIs are to work with the Malaysian Anti-Corruption Commission (MACC) to ensure no corruption in the registration and documentation processes of stateless persons and persons of Indonesian and Filipino origin in Sabah.
- To have more cooperation and collaboration with the embassies of Indonesia and the Philippines.
- SUHAKAM, CHRP and Komnas HAM to propose recommendations and increase efforts to discuss the issue of statelessness collectively at the ASEAN level.
- SUHAKAM, CHRP and Komnas HAM to use Sustainable Development Goals (SDGs) and the Universal Periodic Review (UPR) process to jointly raise the issue of statelessness to their respective governments.
- Initiate bilateral dialogues between Indonesia and Malaysia or between the Philippines and Malaysia on the issue of statelessness.

In August 2018, SUHAKAM wrote to Dato' Saifuddin Bin Abdullah, Minister of Foreign Affairs, regarding the outcome of the roundtable discussion on "Issues and Challenges of Statelessness in Sabah" held on 11 July 2018. SUHAKAM highlighted issues regarding the protection of stateless persons and recommended the establishment of a process with safeguards for issuing residence permits once statelessness has been established. Furthermore, SUHAKAM pointed out the lack of consular services, especially from the Philippines, and stressed the ministry's role in encouraging the Philippines to open an office in Sabah or to encourage the Philippines Embassy in Kuala Lumpur to send regular and scheduled consular services to Sabah. SUHAKAM also strongly advised the Malaysian government to accede to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. SUHAKAM has yet to receive a response from the minister.

Recommendations

1. In addressing statelessness, SUHAKAM fully recommends that the Government accedes to the relevant international human rights instruments such as Convention Relating to the Status of Stateless Persons, Convention on the Reduction of Statelessness and Convention Relating to the Status of Refugees. Securing accession to these international instruments would ensure, as a minimum: that children will not arbitrarily be deprived of nationality; that they will be granted a nationality under certain circumstances in which they might otherwise be stateless; and that

adequate protection will be available to children, who, nonetheless, remain or become stateless.¹³

2. It is also vital to note the recommendation made by the Committee on the Rights of the Child in its concluding observations on Malaysia at its 44th session: "...the Committee recommends that the State party continue to implement an efficient and at all stages free-of-charge birth registration system, which covers its territory fully, and undertake awareness-raising campaigns to reach the most remote areas of its territory. The Committee recommends that the State party improve the birth registration system of non-Malaysian children born in Malaysia, children of single mothers and children born in remote areas of the country. Meanwhile, children without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered."
3. SUHAKAM recommends that the right of all children to have a nationality be respected. A mechanism should be developed to address the problem of statelessness within the national borders and to ensure that every child is registered at birth and is granted nationality. A Bureau of Population, Refugees and Migration could be set up and a specialist or point person at the Bureau should be identified.¹⁴
4. Registration of birth¹⁵
 - i. Extend period of registration of births from the present 14 days (for Sabah and Sarawak) to 60 days (as per Peninsular registration) to assist the process, especially for those who live in remote areas.
 - ii. It should be mandatory that the NRD registers all applications for birth certificates, including late registration, without unnecessary delay.
 - iii. More campaigns should be carried out to inform parents of the necessity to register the birth of their children.
 - iv. The registration of children born out of wedlock – It was recommended that greater effort is made to encourage the parents concerned to register such births to prevent problems for the child when he or she is trying to enrol in primary school.¹⁶
5. Undertake a study on the Adoption Act to understand whether adoption would have any bearing on the granting of citizenship.

The Way Forward

SUHAKAM will be engaging with NRD and Ministry of Home Affairs (MOHA) for an amicable solution to this age-old problem which has hampered fundamental rights to citizenship. The new government must exercise political will to resolve the problem.

13 SUHAKAM Report on Forum on Reducing Violence, Harm and Exploitation of Children' (2006) (page 34).

14 Ibid (page 9).

15 SUHAKAM Annual Report 2001 (Page. 40)

16 SUHAKAM Annual Report 2005 (Page 86)

Refugees and Asylum Seekers

Article 14 of Universal Declaration of Human Rights (UDHR) guarantees that everyone has the right to seek and to enjoy in other countries asylum from persecution and this right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

According to United Nations High Commissioner for Refugees (UNHCR), as of end December 2018, there are some 163,860 refugees and asylum-seekers registered with UNHCR in Malaysia¹⁷. Of this figure, about 141,780 are from Myanmar which includes around 88,880 Rohingyas; 26,180 Chin; 9800, Myanmar Muslims; 4000 Rakhines and Arakanese and other ethnicities.

Apart from this there are about 22,070 refugees and asylum seekers from other countries including:

- 6,080 Pakistanis
- 3,040 Yemenis
- 2,990 Syrians
- 1,790 Sri Lankans
- 2,960 Somalis
- 1,740 Afghans
- 1,480 Iraqis
- 790 Palestinians

¹⁷ <https://www.unhcr.org/en-my/figures-at-a-glance-in-malaysia.html>. Accessed in December 2018

Some 67% of refugees and asylum-seekers are men, while 33% are women. There are some 42,480 children below 18 years old.

1. Training for enforcement agencies

SUHAKAM has been working closely with UNHCR in addressing the rights of the refugees and asylum seekers in Malaysia. In 2017, SUHAKAM signed a MoU with UNHCR and has been carrying out activities as stipulated in the MoU. As reported in Chapter 1 page 30, one of the activities was training for senior immigration officers which was held from 29 - 30 January. The session highlighted policy changes in the treatment of refugees and asylum seekers as well as improving the standard of treatment at detention centres. This was followed by a series of activities at 11 immigration detention centres targeting the immigration ground staff to raise their awareness of international standards for detention centres.

2. Alternatives to detention (ATD)

SUHAKAM, together with CSOs, have been advocating alternatives to detention for children in immigration depots. According to the Immigration Department children are not detained for violating immigration law. However, the department has to take along the children together with the adults for their safety. In 2018, there were more than 1,000 children detained at the immigration depot.¹⁸ SUHAKAM visited immigration detention centres in Malaysia and it was observed that there are no facilities for children in almost all of the depots. The children have to suffer the uncondusive environment at the detention centres. This may affect their development as it would have a long term impact on them. Hence, SUHAKAM is looking forward to a pilot project, which was agreed upon by the government, to provide shelter for these children in a centre run by a CSOs.

Besides holding training programmes and discussions on alternatives to detention, SUHAKAM also continued to receive complaints from refugees and asylum seekers. In the year of review, 11 such complaints were lodged. Numerous complaints related to the arrest and detention by the Immigration Department of UNHCR cardholders and those with appointment letters. SUHAKAM referred such cases to UNHCR for document verification and further action. There were also complaints related to healthcare and the treatment of refugees at the detention centres. In such cases, SUHAKAM conducted several visits to the depots to ensure that medical aid was provided. SUHAKAM has also received numerous complaints alleging abuse and mistreatment at the detention centres.

¹⁸ <https://www.thestar.com.my/news/nation/2018/10/17/immigration-dept-has-over-1000-children-in-detention-centres/>
access on 20 December 2018

There were complaints of delayed deportation of refugees or undocumented persons due to lack of documents and cooperation from the respective foreign missions. In such cases, SUHAKAM communicated with the relevant foreign missions and alerted them on the need for documents for the deportation process to take place. There were also some exceptional cases that were referred to International Organisation for Migration (IOM) for financial aid for the return of refugees.

This year, SUHAKAM received a complaint pertaining to the detention of 131 Sri Lankan Individuals who were trying to leave Malaysia in May 2018. All of them were arrested by Immigration authorities in Johor territorial waters (*Perairan Johor*) when they were trying to leave for Canada and New Zealand. The detainees - clustered into registered refugees, unregistered individuals, asylum seekers and UNHCR appointment letter holders - were held separately at three places. The men were detained at the Ulu Choh Correctional Centre and the women at Simpang Renggam Prison. The pregnant women and parents with children were held at the Pekan Nenas Immigration Depot. Those held in prison were charged with two offences, one for leaving the country without permission and the other for overstaying. The group held at the Immigration Depot were not charged but held for deportation purposes.

SUHAKAM intervened by visited them and working with UNHCR and lawyers to seek solutions. Upon the intervention of all parties concerned, 39 UNCHR card holders were released. For those taken to court, the charges were also dropped except for 6 men, which included Malaysians, who were charged under the Anti-Trafficking in Persons and Smuggling of Migrants (ATIPSOM) Act for organising the escape. The Immigration Department has deported everyone to Sri Lanka although some of them feared repercussions upon returning to their home country.

While trying to resolve cases concerning refugees and asylum seekers, SUHAKAM believes there are other major concerns that must be addressed by the authorities. SUHAKAM strongly urges the government to allow formal employment and education for the refugee community in Malaysia. Access to healthcare is also important as SUHAKAM received many cases about the inability to pay medical bills. UNHCR cardholders get about a 50% discount but non-cardholders not only face difficulty in settling their bills but also risk getting arrested. Ministry of Health (MOH) has issued a circular requiring all government hospitals and clinics to report to the Immigration Department when undocumented persons including non-UNHCR cardholders come for treatment. While hospitals provide the necessary treatment, it is compulsory for them to make a report to the Immigration Department. As such, some refugees and asylum seekers who need treatment and those with chronic illnesses are unable to obtain treatment, posing a possible risk to public health if they remain untreated. SUHAKAM met the Minister of Health on 16 October and asked the ministry to review its circular as it hinders refugees and asylum seekers from getting treatment for fear of

getting arrested. SUHAKAM believes a more holistic approach must be taken by the government. Imposing restrictions on refugees and asylum seekers getting treatment may not be a viable solution.

3. International commitment to refugees & asylum seekers

Undocumented migrant workers, refugees and stateless persons remain among the most vulnerable owing to their irregular immigration status. SUHAKAM is disappointed that the government failed yet again to ensure that refugees be given the legal right to work despite committing to do so. There has been no progress in taking steps towards acceding to the 1951 Refugee Convention.

In response to recommendations made by States at Malaysia's Third Universal Periodic Review during the 31st Session of the UPR Working Group on 8 November 2018, the government stated that it was working hand in hand with UNHCR to improve the livelihood of UNHCR cardholders. The government also highlighted the pilot programme initiated in 2017 for Rohingya UNHCR cardholders to be employed legally by companies. SUHAKAM is of the view that such a programme was not very successful.

Recommendations

1. Accede to the 1951 Refugee Convention, its 1967 Optional Protocol to accord adequate protection for refugees and asylum seekers in Malaysia.
2. Accord same treatment for all refugees and asylum seekers regardless of their religion, race and country of origin.
3. Implement alternatives to detention, especially for children, pregnant and breastfeeding mothers and other vulnerable groups. Detention of these group of refugees and asylum seekers will only worsen their situation as the immigration depot has no facilities to offer them. The detention would traumatise and leave a psychological impact on them.
4. Allow refugees and asylum seekers to work and allow formal education for their children. Employment and education would guarantee social security for the community and reduce their vulnerability during their stay in Malaysia.
5. Provide easy access to healthcare and abolish the practice of arresting undocumented and non-UNHCR cardholders who seek treatment.

The Way Forward

SUHAKAM will work closely with all stakeholders including government agencies, UNHCR and CSOs in championing the rights of refugees and asylum seekers. The fundamental rights of the community must be protected due to their vulnerability and inferior position. Political and economic conditions forced them to flee their home country for safety and it is our duty to protect and shelter them.

Human Trafficking

Overview

Human trafficking is a heinous global crime in which human beings are bought and sold for profit through forced prostitution, bonded labour and involuntary domestic servitude. It is the second largest and fast-growing criminal industry in the world. The International Labour Organisation (ILO) estimates that it is a \$150 billion global industry. Trafficking in persons, also known as a modern-day slavery, violates several human rights, for example, the right to life, liberty, human dignity and security, the right to freedom of movement, and the right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment.

The root causes of trafficking are various and often differ from one country to another. Some of the common factors are local conditions that make populations want to migrate in search of better conditions: poverty, lack of social or economic opportunity, and insecurity related to armed and political conflict.

Malaysia is considered to be a destination country and, to a lesser extent, a source and transit country for trafficked persons. The common types of human trafficking in Malaysia are labour trafficking, sex trafficking, bonded labour and etc. Victims of labour trafficking consist of cheap labour working in sectors such as agriculture, construction, domestic work and manufacturing where they are hired illegally without any social protection. Sex trafficking is always associated with the trafficking of women and girls into the sex industry or prostitution due to demands for sexual services. Young foreign women are

lured with false promises of legal work in Malaysia, but are subsequently coerced into the commercial sex industry. They face constant threats if the trafficker's demands are not fulfilled.

Refugees and asylum seekers in Malaysia are also vulnerable to trafficking because a lack of recognition of their status prevents them from working legally in Malaysia. Most of them often smuggled across the border.

Malaysia is party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. At the regional level, Malaysia is party to a number of binding and non-binding instruments including the ASEAN Convention Against Trafficking in Persons, especially Women and Children (ACTIP).

The government's efforts to combat trafficking began with the passage of legislation against trafficking and criminalising the act of trafficking. The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 or ATIPSOM strongly embodies the meaning of 'trafficking in persons' as defined by the Trafficking Protocols, and the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Council (MAPO) that plays a key role in realising the objectives and goals of ATIPSOM. The Act was further enhanced in 2010 and 2015. Although the 2015 amendment provides better protection for victims, for example, it enables them to move freely with prospects of being gainfully employed. It also provides a redress mechanism for victims of trafficking and enhances the role of civil society and government agencies. However, bureaucracy and a lack of seriousness are hurdles in combating this crime.

Despite various efforts in place to combat trafficking, Malaysia was downgraded to the Tier 2 Watch List by the U.S State Department in its 2018 Trafficking in Persons (TIP) report for failing to comply with the minimum standards for the elimination of trafficking under the US Trafficking Victims Protection Act 2000 (TVPA) and for lack of significant progress by the Government in addressing trafficking issues in Malaysia compared to the previous year.

SUHAKAM's Efforts

SUHAKAM's focus on trafficking began in 2003 with a visit to the Kajang Women's Prison where many girls were being held in remand after they were picked up during raids at entertainment centres. Since then, SUHAKAM has conducted several discussions, studies, awareness raising programmes and made recommendations to the government when necessary.

SUHAKAM receives many complaints regarding human trafficking and acts as a bridge between the complainants and enforcement agencies to make sure that necessary action is taken on every complaint.

In 2015, SUHAKAM received a memorandum from the Bar Council and National Human Rights Society (HAKAM) urging SUHAKAM to hold a public inquiry following the discovery of mass graves at Wang Kelian, Perlis. SUHAKAM deliberated the issue and has carried out an investigation by engaging various stakeholders. The investigation is still in progress.

SUHAKAM plays an active role in highlighting the importance of following human rights principles in every process, whether in drafting legislation, carrying out enforcement, and in the protection and rehabilitation of victims.

SUHAKAM has observed:

- i. A lack of awareness among all stakeholders, including front-line officials, law enforcement agents as well as the general population with regard to the elements and dangers of trafficking;
- ii. A need for a simplification of related terms as a lack of awareness may be behind the inability of many to understand the term “trafficking in persons”. It is necessary to localise or explain this and other terms for better understanding.
- iii. Good law must be accompanied by good implementation and practices, and public awareness, because of the complex nature of human trafficking. The law alone cannot stop trafficking in persons.
- iv. International cooperation and understanding is crucial, especially between and among countries of origin, transit and destination. Embassies in Malaysia can play an important role by understanding the common pattern of human trafficking activities to ensure the safety of their nationals, including rescued victims.
- v. Taking a human rights-based approach is important in the protection of trafficked victims. SUHAKAM welcomes the government's continuous efforts in protecting the rights of the victims in shelter homes, as emphasised in the Government's National Strategic Plan and the establishment of special courts to expedite the disposal of such cases.

Over the years, SUHAKAM has made several recommendations to the government in relation to combatting human trafficking. They are:

- i. Accession to international conventions on Protection of the Rights of all Migrant Workers and Members of their family (1990); Convention relating to Status of Refugees (1951) and Protocols Relating to Status of Refugees (1967) and also Convention against Transnational Organised Crime (Migrants Protocol);

- ii. Strengthen mechanisms in prosecuting offenders and protecting victims. This should be done in partnership with civil society groups and diplomatic missions, as well as international and regional stakeholders;
- iii. Urge embassies to intensify their role in preventing trafficking in persons;
- iv. All victims should be given an immediate health check upon arrival at a shelter, as well as receive regular visits by medical personnel;
- v. To provide extensive training to enhance the skills of law enforcement officers nationwide in identifying suspected victims of human trafficking;
- vi. SUHAKAM also stresses that the preventing, identifying and assisting of trafficked victims requires a multi-system, coordinated approach and recommends an independent inquiry with the aim of placing human trafficking firmly on the nation's political agenda;
- vii. To review Section 2(1) of the Employment Act 1955 on the legalisation of 'contract for labour' which may result in the exploitation of workers by recruiting agents and employers; and
- viii. Media should play a crucial role in creating awareness on the trafficking in persons that takes place.

The Way Forward

Human trafficking is modern-day slavery that violates the fundamental rights and liberties of a person. SUHAKAM will strengthen its collaboration with various stakeholders and continue its efforts to combat human trafficking in Malaysia.

Workers

Workers' rights are another area of focus for SUHAKAM. There were several activities undertaken during the year of review by SUHAKAM in relation to the rights of workers, including migrant workers. SUHAKAM received a total of 40 complaints in relation to issues of workers' rights.

As reported under the topic Business and Human Rights, SUHAKAM has been actively promoting business and human rights as one of the ways to ensure the rights of workers. SUHAKAM organised three forums on "Promoting Understanding and Application of the UN Guiding Principles on Business and Human Rights (UNGPR)" in Terengganu, Putrajaya and Johor on 12, 16 and 20 August respectively. Besides introducing and enhancing an understanding of UNGPR, the forum also identified and promoted good practices and lessons learnt from the implementation of business and human rights. The forums were part of a project for raising awareness of the UNGPR undertaken by SUHAKAM with the support of UNDP Asia-Pacific.

SUHAKAM also published a translation of three documents namely the UNGPR, Frequently Asked Questions about the Guiding Principles on Business and Human Rights, and The Corporate Responsibility to Respect Human Rights: An Interpretive Guide. These documents will be used to raise awareness and understanding of the UNGPR and related issues on business and human rights.

1. Amendment to labour laws

In the year of review, SUHAKAM was invited by the National Human Resources Consultative Council to provide its input to amend two legislations in relation to workers' rights (please refer page 60 and 61). They were the Minimum Standards of Housing and Amenities Act 1990 [Act 446] (WMS Act) and the Employment Act 1955. For amendments to the WMS Act, SUHAKAM commented on minimum standards for accommodation, sexual harassment, daycare and child centre, and healthcare for workers. As for amendments to the Employment Act, SUHAKAM submitted its comments on issues relating to the contract for labour and service and better protection for domestic workers. SUHAKAM also gave its input on forced labour, the extension of maternity leave to all sectors, setting up a complaints mechanism for sexual harassment, rest day and flexible working arrangements.

2. Migrant workers

This group of workers always claim that they are often exploited in the workplace. They experience minimum wage violations and occupational hazards, among others. As Malaysia is committed to promoting decent work and economic growth under the SDGs it is important that stakeholders ensure migrant workers enjoy the same protection accorded to Malaysian workers.

Migrant workers still face situations where their passports are held by employers even though it is an offence under the Passports Act 1966. This may lead to abuse and complications for the workers as the production of valid documents is essential for inspection by the authorities. In the complaints before the Commission, the practice still takes place as the employers are concerned that employees may run away. SUHAKAM views this practice as arbitrary and against the rights and spirit of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) which upholds the right of migrant workers to leave any State and enter and remain in their State of origin.

SUHAKAM has been observing the announcements and comments made by the new Minister of Human Resources (MOHR), including his suggestion to deduct 20% of migrant workers' salary to prevent them from fleeing¹⁹ and about them longer working hours than permitted under the Employment Act²⁰. Migrants workers have been confronted with problems like exorbitant recruitment fees, long overtime hours, unsafe work environments, low wages etc. The migrant workers are often at the mercy of their

19 The Star Online 16 December 2018, <https://www.thestar.com.my/news/nation/2018/12/16/kula-proposes-20-deduction-of-foreign-workers-wages/>

20 Free Malaysia Today 18 December 2018, <https://www.freemalaysiatoday.com/category/nation/2018/12/18/activist-baffled-by-kulas-defence-of-top-glove-after-expose/>

employers due to their vulnerability – they are usually forced to work in uncondusive working conditions due to their debts to the recruitment agencies and their poor background in their country of origin. It is SUHAKAM's hope that MOHR will take steps to protect migrant workers by addressing their problems. Any new policies must only strengthen those protections.

3. International commitment to migrant workers

In response to recommendations made by States at Malaysia's Third Universal Periodic Review during the 31st Session of the UPR Working Group on 8 November 2018, the government stated that an initiative had been launched under the new government for the establishment of a single online system to apply for foreign workers without differentiating source countries and the formation of an independent committee to review the existing mechanism on foreign worker management including the recruitment process.

The government also mentioned that it is working actively with International Labour Organisation (ILO) under several projects to better protect workers and increase compliance with international labour standards. In response to recommendations made on acceding to the ICRMW, the government mentioned that technical reviews between relevant stakeholders were being held. Moreover, employers, workers organisations and CSOs will be engaged as part of a tripartite consultation process. SUHAKAM commends the government for its commitment in this regard.

Recommendations

1. The government must develop and implement the National Action Plan on Business and Human Rights (NAPBHR).
2. The government must encourage the business sector to observe the UN Guiding Principles on Business and Human Rights (UNGPR).
3. Implement the amendments to labour laws - Minimum Standards of Housing and Amenities Act 1990 [Act 446] (WMS Act) and the Employment Act 1955 for better protection of workers.
4. Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
5. Ratify the ILO Domestic Workers Convention (No. 189).

The Way Forward

Workers are the backbone of the development of any country. They must be protected and provided a conducive working environment. SUHAKAM will continue to work with MOHR and other stakeholders to ensure that workers' rights are observed by all parties.

Persons with Disabilities

Human rights protections afforded by international human rights law are meant for all human beings without distinction. Yet, persons with disabilities (PWD) are often overlooked in the human rights debate leading to many of them being unable to enjoy the full range of human rights. By and large, they face discrimination and obstacles that restrict them from participating in society on an equal basis, while efforts to address their wellbeing have mostly been philanthropic.

The UN Convention on the Rights of Persons with Disabilities (CRPD) is revolutionary in that it signals a shift in the treatment of PWD from charity-based to that of a rights-based approach. Malaysia acceded to the CRPD on 6 July 2010, manifesting its international commitment to ensure PWD enjoy the same standards of equality, rights and dignity as everyone else.²¹ Notwithstanding the above, Malaysia's efforts to uplift PWD began much earlier. For instance, efforts to care for the welfare of PWD have been a regular feature in Malaysia's five-year development plans and was underscored in the National Social Policy 1990. In addition, the Department of Social Welfare (DSW) which is an agency under the Ministry of Women, Family and Community Development Malaysia (MWFCD) was established in 1946 to look into the development of certain vulnerable groups, including PWD. More recently, Malaysia enacted the Persons with Disabilities

²¹ The exact PWD population in Malaysia is uncertain. As of July 2018, there were a total of 474,579 PWD registered with the Department of Social Welfare (DSW). However, the Department estimates that the actual number is much higher as the remaining have not been registered. Dewan Negara, 29 August 2018, Vol. 5, p.57; Nor Khalilah Gusti Hassan, "OKU bekerja dalam sektor awam masih rendah", Sinar Online (Kuantan, 9 July 2018); Nor Khalilah Gusti Hassan, "OKU bekerja dalam sektor awam masih rendah", Sinar Online (Kuantan, 9 July 2018)

Act 2008 (Act 685) that affirms broad protection for the rights of PWD, including, among others, access to public facilities, schools, employment, healthcare, as well as to participate in politics and in public life. The Act also provides the formation of the National Council for Persons with Disabilities. Among its responsibilities are the implementation of the National PWD Policy and National PWD Action Plan. The National PWD Policy in particular expressly underscores the rights and freedoms of PWD.

In spite of all these, from the various consultations, visits, research and complaints received from PWD over the years, SUHAKAM observes that PWD in Malaysia remain a disadvantaged group with most of them still left behind in terms of economic, social, cultural, religious, civil and political rights because of direct and/or indirect discrimination.

This year alone, SUHAKAM received 8 complaints from PWD who asserted that their rights have been persistently ignored by the government and society. Most of them complained that many public buildings, facilities and services remain unfriendly to their needs. As a result, their right to fully participate in even the very basic aspects of their economic and social life – like going to the hospital, attending school, searching for jobs and running errands – has been restricted by indirect discrimination. One of the complainants drew attention to the PWD-unfriendly public facilities in Kuala Kangsar, Perak, including their post office, banks, police stations, government buildings and mosques. In addition, using public transport, especially buses, was nearly an impossible task for wheelchair-bound persons.

The lack of PWD-friendly facilities extends to places of worship as well. During SUHAKAM's National Seminar on Human Rights and Islam that was co-organised with JAKIM on 27 November in PWTC Kuala Lumpur, a blind participant highlighted the plight of PWD to profess their religion due to lack of proper facilities in mosques. He said that the responsibility of ensuring PWD enjoy their human rights, including their right to freedom of religion, is required by Islam. Similar issues were raised by PWD participants during the *Seminar Masjid Mesra OKU* (Seminar on Disabled-Friendly Mosques) on 20 October that SUHAKAM jointly organised with the management of Sri Putra Mosque and OKU Berdaya Hulu Langat. The seminar was one of the activities under SUHAKAM's broader focus on the right to freedom of religion. Apart from raising awareness, the seminar aimed to provide a platform for stakeholders to discuss the challenges and needs of PWD in relation to their basic right to worship and to come up with a resolution for the implementation of a "disabled-friendly mosques" policy throughout Malaysia. The seminar was officiated by Dr Zaliha Mustafa, the political secretary of the Minister of MWFC. Invited speakers included Mr Francis Johen, SUHAKAM Commissioner; En Jamali

Mohd. Adnan, Jabatan Kemajuan Islam Malaysia (JAKIM) Principal Assistant Director; Dr Mohd. Pisal Zainal, Bandar Sri Putra Mosque Deputy Inspector; Datin Siti Muhibah Hj Nor, OKU Berdaya Hulu Langat member; and Prof Dr Ruzita Mohd. Amin, Head of the PWD Unit at International Islamic University Malaysia (UIAM).

Participants in the seminar raised the following issues:

- i. Society's awareness of the importance of disabled-friendly mosques and other places of worship remains very low. This includes mosque committee members, who should be provided training on the importance of ensuring and maintaining PWD-friendly mosques.
- ii. To date, many mosques in Malaysia are without ramps with a safety railing, special parking lots, tactile paving, PWD toilets, interpreters for the deaf during Friday sermons, braille signs for the blind and many others.
- iii. Most mosques in Malaysia have failed to comply with the Uniform Building By-Laws (UBBL) 1984, as well as MS 1184: Universal Design and Accessibility in the Built Environment – Code of Practice (Second Version).
- iv. One stumbling block to ensuring PWD-friendly mosques was the high cost to acquire and maintain facilities that may include high-tech mechanical facilities like the Sahala Wudhu Station. Mosques are highly dependent on financial donations from the congregation and the public.
- v. Participants of the seminar further agreed that the Persons with Disabilities Act 2008 should be amended to include legal enforcement measures, while provisions of the CRPD should be integrated into all organisations' internal operations.



Sahala Wudhu Station

Aside from public facilities and services, numerous employers in Malaysia have failed to secure their workplace with PWD-friendly facilities for employees. This is not only perilous for PWD workers but also does not allow such employees the opportunity to perform to the best of their abilities.

Government facilities are not spared from this problem. Some of the complaints received by SUHAKAM related to PWD in detention centre who were unable to manage themselves and had to ask fellow detainees in their cells for help them in their personal daily routine. They also claimed that they did not have adequate and regular access to necessary healthcare and medical treatment.

SUHAKAM is of the opinion that Malaysia has more than enough legislation and policies to stop the problems from persisting. For instance, Sections 26 and 27 of the Persons with Disabilities Act 2008 guarantees the right of PWD to access public facilities, amenities and services. Moreover, Section 34(A) of the Uniform Building By-Laws 1984 (UBBL 1984) which is enforceable by local authorities, requires PWD access for buildings and facilities. UBBL 1984 also requires that the construction of building and facilities comply with the Malaysian Standards (MS) 1183 and 1184 on providing a means of escape for disabled people and access for disabled persons to public buildings respectively. However, the laws lack provisions for legal enforcement. For example, while the Persons with Disabilities Act 2008 is very extensive in listing the rights and freedoms of PWD, it has no provision for a penalty and/or remedy for violations or neglect. As such, any unnecessary delay in the implementation of the provisions of rights of PWD may have no legal repercussions. In addition, local authorities should intensify inspections of older public buildings and amenities to ensure adjustments are made so that all PWD requirements stated in the By-Laws are met.

SUHAKAM will continue to push for the inclusion of PWD in public life by working closely with relevant agencies and community-based organisations to ensure laws are translated into practice in Malaysia through enforcement and monitoring. SUHAKAM is currently working with the panellists of the Seminar on *Masjid Mesra OKU* to finalise a resolution to be submitted to MWFCDD to obtain their commitment that they, in particular the Social Welfare Department (SWD), to take steps to ensure the wellbeing of PWDs are elevated by, among others, working with local authorities to create an enabling environment for PWDs to prosper. Aside from this, SUHAKAM plans to expand its engagement with other faith-based organisations to promote PWD-friendly places of worship.

The Way Forward

The plight of PWD in Malaysia persists because of the failure of authorities to enforce existing conventions, laws and bylaws that are meant to empower and ensure PWD can participate in public life and realise their right to self-development and independence.

In the coming year, SUHAKAM will work with the management of other places of worships to ensure physical access for PWD. SUHAKAM will also complete and submit a proposed resolution on PWD-friendly places of worship to be considered and adopted by MWFCD. Additionally, SUHAKAM will follow-up with MWFCD and Ministry of Education (MOE) on implementing the recommendations in SUHAKAM's 2015 report on The Right to Education for Children with Learning Disabilities – Focusing on Primary Education.

Lesbian, Gay, Bisexual and Transgender (LGBT)

Background

In Malaysia, the lesbian, gay, bisexual and transgender (LGBT) community is often regarded as a taboo. Strict conformity to the traditional binary classification of gender has resulted in discrimination against the LGBT community and violations of their human rights. Not accepted in mainstream Malaysia, their life has become a challenge; hence it would be appropriate to classify them as a marginalised group.

SUHAKAM reiterates that all individuals, regardless of their sexual orientation or gender identity have the same basic rights as enshrined in the Federal Constitution.

1. Issues

Despite the change of government in Malaysia, the LGBT community is continuously targeted by both the government and the uninformed public. Among the cases that were instigated by public interest was the resignation of Numan Afifi, an activist from the LGBT community. He received severe backlash over his appointment as press officer to the Ministry of Youth and Sports. Numan had organised a Pride Day breaking of the fast event in 2017. The critics insisted that it was inappropriate for a "champion of LGBT causes" to be a government staff member. The second was the caning imposed by the Syariah High Court on two women who pleaded guilty to attempting to have same-sex relations. This case attracted international media attention and a few international communities condemned the corporal sentence, calling it humiliating and demeaning. Subsequently, a transwoman was brutally attacked while seven others watched in

Seremban. The attack left her with broken ribs, a broken backbone and a ruptured spleen. Following police investigations, the attackers simply said that they didn't like transgender people and felt like attacking the woman. Another matter that distressed the LGBT community was when the director of the George Town Festival said the Minister in the Prime Minister's Department (Religion), YB Datuk Seri Dr. Mujahid Yusof Rawa directed him to take down some portraits. YB Dr. Mujahid said the promotion of LGBT culture was not supported in Malaysia. The exhibition featured a series of portraits of various Malaysians posing with the *Jalur Gemilang* (Malaysian flag) taken last year to commemorate 60 years of Malaysian independence.

2. Community impact

SUHAKAM has been working together with the transgender community and conducted a study with the assistance of Justice for Sisters in addressing the discrimination faced by the LGBT community. The study examines the discrimination against transgender persons based in Kuala Lumpur and Selangor in respect of their right to employment, health care, education, housing and dignity.

3. Target Group

SUHAKAM worked with relevant stakeholders from the Ministry of Health, Prisons Department and the Prime Minister's Office. The public is also the primary target group when it comes to eradicating stigma and discrimination.

4. Complaints

Between June 2010 and 2 March 2017, SUHAKAM received 4 complaints on LGBT-related discrimination, hate speech and of challenges with the criminal justice system. This year, SUHAKAM received a complaint from a transwoman on discrimination at her workplace.

5. Legal Situations

The dual legal system comprising federal criminal law and syariah law complicates and discriminates against the LGBT community. The international standard is clear when it comes to the right to non-discrimination, as laid out in the core principles of the Universal Declaration of Human Rights (UDHR). The Federal Constitution grants equality and personal liberty, however, gender is still defined in binaries and not looked at as a spectrum. The Penal Code still criminalises oral and anal sex between consenting adults, a provision from colonial times. For a Muslim transgender person, syariah law castigates severely the expression of transgenderism.

6. Best Practice / International Norms

There are numerous international instruments that create obligations on the State to prevent violence and discrimination based on gender identity and sexual orientation. International customary human rights laws - UDHR, ICCPR, and ICESCR - strongly state that non-discrimination and protection of individual rights cover all human beings. Therefore, the principle of non-discrimination is a cross-cutting component in major international human rights laws. This also extends to other human rights mechanisms including charter-based mechanisms such as the Human Rights Council and its Special Procedures.

SUHAKAM's efforts

In 2016, SUHAKAM embarked on a study to identify the types of discrimination faced specifically by transgender persons based in Kuala Lumpur and Selangor and understand how their basic rights have been violated. The main objective of the study was to assist SUHAKAM to identify strategic actions to ensure the respect of human rights of the transgender community.

Outcomes

The study on transgender persons subsequently addressed gender identity which crosscuts gender expression and sexual orientation. Through this study, SUHAKAM intends to unpack the discrimination faced by this community in relation to their rights to education, employment, housing, healthcare. The study revealed that all transgender respondents agreed that at some stage of their life, they encountered some form of discrimination solely due to their gender identity and expression. In addition, they also experienced harassment, abuse, and violence by the state authorities as well as non-state agents, no less the general public. Some indicated that they were victims of bullying in schools and tertiary education by peers, teachers and lecturers. As adults, they were further discriminated against by various policies in the workplace and faced harassment in the workplace. It was also evident that transgender people not only face challenges in having their identity recognized but also in accessing basic public services such as healthcare and education. By ignoring sensitivities linked to their identity, public institutions have become hostile against the community. Even filling up forms could be a traumatizing experience for a transgender.

Recommendations

Based on the study, SUHAKAM recommends that the protection and promotion of transgender person rights conform with international human rights standards and norms through:

1. Awareness and Education

Lack of education and/or awareness and lack of understanding on issues of sexual orientation, gender identity and expression (SOGIE) as well as human rights may result in biases and prejudices from a young age, which underpin discriminatory practices and violence against people of different SOGIE including the transgender. SUHAKAM stresses firmly the importance of integrating human rights issues into the curriculum at all level of study starting from the primary level. Human rights education will instil an understanding of the rights of all people. This is an important approach to tackle bullying in schools and across the education system.

2. Continuous dialogue and discourse

While acknowledging the complexity and sensitivity of this issue in Malaysia, SUHAKAM underscores that Malaysia is built on the fundamentals of dignity and respect towards one another. In this regard, continuous multi-stakeholder dialogues and discussions involving the Government, CSOs, media, business players, and other professionals, are necessary to not only highlight the discriminatory practices experienced by transgender people but also as a solution-based platform where measures to address these issues are identified and adopted.

3. Legal or Policy Framework against Discrimination

Discrimination against transgender persons in education, health, employment and housing is prevalent and widespread. Comprehensive legislation and/or policy on equality and non-discrimination is needed to provide legal protection to all persons, including LGBT, against discriminatory practices. Such a legal framework will ensure that no one is treated as second class citizens by society.

4. Criminal Justice Process

Everyone including transgender persons should be treated equally before the law. This principle should not only be limited to access to justice but also treatment received within the criminal justice process. In the study, it was found that transgender persons

were vulnerable to violence and abuse in the criminal justice system. The government has to develop standard operating procedures (SOPs) that minimise arbitrary arrest, questioning and stops of LGBT persons. Training should be held for enforcement agencies to discourage stereotyping, profiling and abuse.

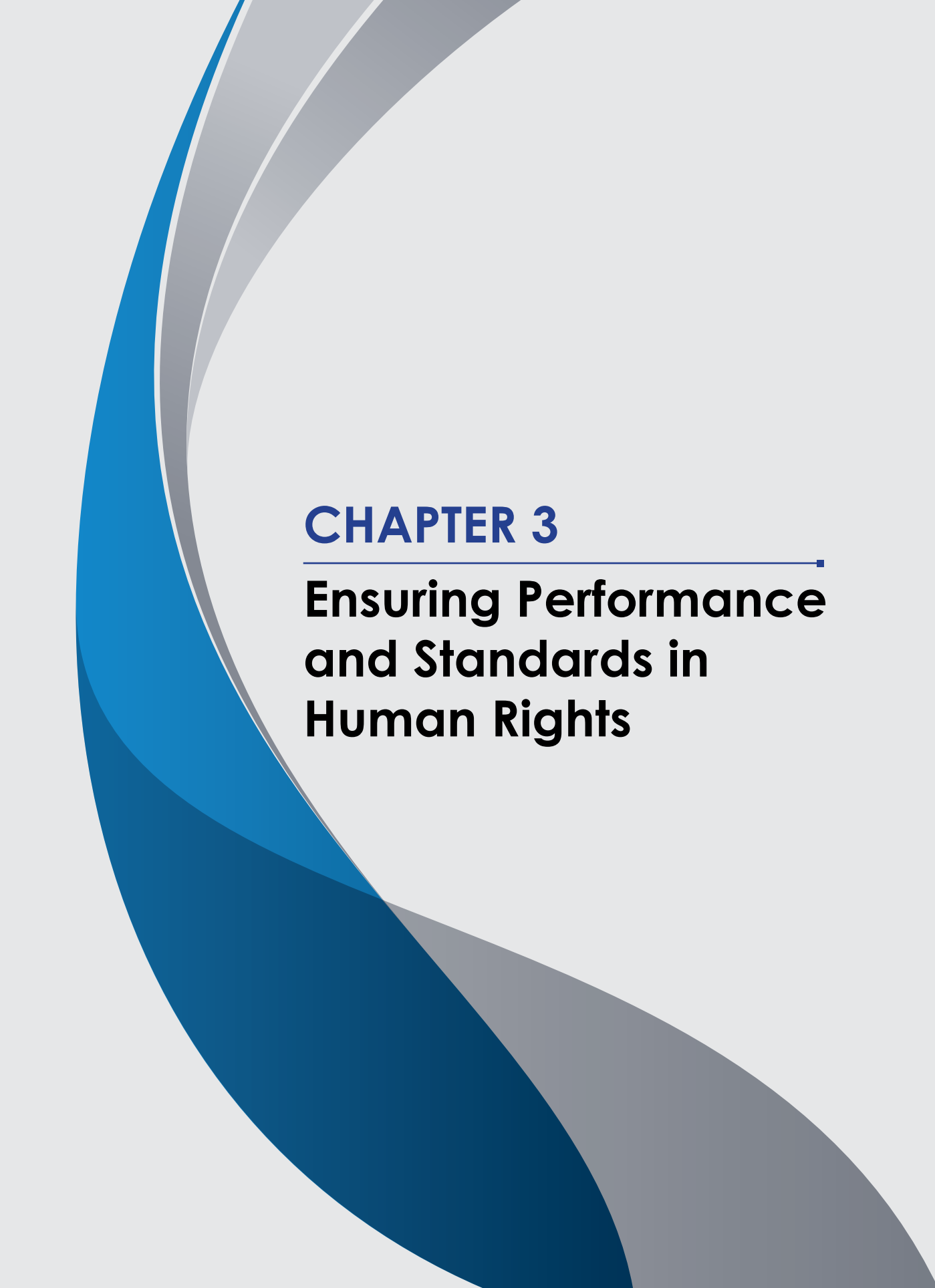
5. Capacity Building and Training

Often discrimination occurs unintentionally. Name calling or derogatory remarks may not be meant to intimidate an LGBT person or make them feel oppressed. Training is key to addressing unprofessionalism, abuse, bullying and other negative behaviours against LGBT persons. Training would increase understanding and empathy. For example, an activity that examines common stereotypes provides an awareness of misconceptions about the LGBT community and how misguided remarks can poison a working and learning environment.

The Way Forward

Moving forward, SUHAKAM will continue to advocate the relevant government agencies including religious authorities on the outcome of the study.

SUHAKAM reiterates that all individuals, regardless of their sexual orientation or gender identity, have the same basic rights as enshrined in the Federal Constitution and shall enjoy a full range of human rights.

The background features a large, abstract graphic on the left side, composed of several overlapping, curved, teardrop-like shapes in shades of blue and grey. The shapes curve from the top left towards the bottom right, creating a sense of motion and depth. The main text is positioned to the right of this graphic.

CHAPTER 3

Ensuring Performance and Standards in Human Rights

Democracy, Good Governance and Human Rights

1. Elections

SUHAKAM was approached by civil society groups such as BERSIH 2.0, the Bar Council, G25 and political parties on various issues related to Malaysian elections. These groups expressed their concerns on irregularities which occurred in past elections and the flaws in the policies, laws, procedures and conduct of the Election Commission (EC) which were perceived to be favouring certain parties.

International Human Rights Laws, such as Article 21(3) of the Universal Declaration of Human Rights (UDHR) and Article 25(b) of the International Covenant on Civil and Political Rights (ICCPR), guarantees the right to vote freely and to be elected fairly through universal and equal suffrage by secret balloting or equivalent free voting procedures, where the results are to be accurately counted, announced and respected.

As the issues raised are direct human rights violations, SUHAKAM took the decision to oversee and monitor the election process to ensure the protection of the rights of the people. Before embarking on the monitoring exercise, SUHAKAM made several attempts to meet the EC before the 14th General Elections (GE14) and to discuss the various issues brought to the attention of SUHAKAM. However, there was no positive response from the EC.

Due to the cold treatment by the EC, SUHAKAM decided to monitor the GE14. SUHAKAM is aware that the EC invited observers from 14 countries from ASEAN, the Commonwealth, Asia and Europe. According to the then EC chairman, no organisation

or individuals would be recognised as observers other than those who were appointed and invited. Thus, SUHAKAM sought accreditation from the EC to enable SUHAKAM to monitor the election processes effectively.

Unfortunately, SUHAKAM's request was turned down. Nevertheless, based on the mandate in the Human Rights Commission of Malaysia Act 1999, SUHAKAM went ahead with the monitoring exercise as planned.

Subsequently, after the GE14 and the historic change of government, the EC invited several groups including SUHAKAM to monitor the by-election in Sg. Kandis. The by-election was called following the death of its assemblyman, Mat Shuhaimi Shafiei of PKR, due to lymphoma cancer on July 2²². SUHAKAM accepted the invitation and monitored the by-election in Sg.Kandis.

Through these efforts, mainly monitoring GE14, SUHAKAM recorded multiple human rights infringements during the election process or which it received through complaints. The findings are as below:

i. Vote buying

Political parties from both sides of the divide were found to have organised programmes to reward voters during the election period. Common programmes occurring throughout the period were lunches and dinners aimed at "treating" voters.

ii. Long queue

The high turnout during GE14, an estimated 82.32% of the registered voters coming out to cast their votes, contributed to long queues at polling stations. Furthermore, some polling stations like community halls could not accommodate the number of voters. The lack of polling stations and channels (*saluran*) also contributed to long queues.

iii. Lack of preparation and coordination by the EC

SUHAKAM recorded several glitches and flaws in the flow of the event, demonstrating the lack of preparation which caused dissatisfaction among the voters.

iv. Accessibility to Polling Centres

SUHAKAM observers noted that several polling stations were not disabled-friendly and lacked facilities to ensure the safety and wellbeing of vulnerable groups, especially for persons with disabilities and the elderly.

22 <http://www.thestar.com.my/news/nation/2018/08/04/sungai-kandis-byelection-voter-turnout-only-31-as-at-1pm/#zBfv1YmxAOsuxiiX.99>

v. Election Irregularities

The much-disputed redelineation of the electoral boundaries for parliamentary and state seats in the peninsula and Sabah caused dissatisfaction among the opposition political parties and CSOs like Bersih 2.0. The redelineation process, which was said made to favour the ruling parties, also segregated voters according to ethnicity.

vi. Freedom of the Media

There was unbalanced reporting during the election campaign period as Barisan Nasional (BN) was given prominence, especially by the mainstream media. According to media practitioners, the ruling party had control over them and they were, therefore, obliged to provide coverage for BN.

vii. Access to Independent Monitoring

Confidence in an election should mean that any group should be able to request to monitor. However, SUHAKAM was not accredited or allowed to monitor GE14 in polling centres although the EC granted observer status to many national and international observers who had no track record. The full information of these groups was not made available to the public.

viii. Political Funding

There was a lot of publicity on the incumbent party at the time, with a large number of flags, newspapers and public LCD display screens publicising the aforementioned party. This was already in full swing one month before the elections. The issue here is that the funding for each party/candidate is unknown.

Sg. Kandis By-Election

This was the first by-election after the GE14 and change of government. The EC invited SUHAKAM to monitor the by-election; a complete change in its stand from before when it rejected SUHAKAM's application to monitor GE14. The invitation by the EC was not only to SUHAKAM but also to five other civil society organisations²³ including BERSIH 2.0. This is seen as part of the reform of the electoral system in the aftermath of GE14. All observers were engaged throughout the election processes during the following:

- i. Nomination of candidates;
- ii. Election campaign;
- iii. Production of postal ballot papers;
- iv. Checking the contents of the ballot box;
- v. Polls;
- vi. Counting of votes;
- vii. Opening of the envelope and counting the postal votes; and
- viii. Official summation of votes/declaration of election results

²³ Bersih & Adil Network Sdn Bhd (BERSIH 2.0), Universiti Kebangsaan Malaysia(UKM), Persatuan Orang Kota Bharu (POKB), Kelab Pemikir Politik Nasional (KPPN) and ENGAGE

While there is room for improvement on the above election processes, SUHAKAM observed that the EC was more transparent and open to suggestions. The EC was proactive and made several changes to the election process, especially to address several problems that cropped up during GE14. Among the positive steps the EC made were:

- i. Extension of voting hours by 30 mins;
- ii. Additional channels at polling stations to mark the ballot paper;
- iii. Setting up additional polling channels in smaller-sized polling centres to avoid congestion and long queues;
- iv. Better access to polling stations by providing buggy services; and
- v. Assignment of EC liaison officers for the observers to convey their observations immediately to.

2. Electoral reform committee

SUHAKAM commends the government for setting up the Electoral Reform Committee (ERC) to review election laws and systems in Malaysia.²⁴ The ERC was given two years to review the electoral process and submit its recommendations to the government. The ERC has to consult all stakeholders, including political parties, politicians, NGOs, voters and others. It was also reported the ERC will review systems and best practices in other democratic nations which have reached a suitable standard and possess an election management system based on democratic principles accepted by all parties as “independent, fair, and transparent”.

RECOMMENDATIONS

Vote Buying (Money Politics)

- i. Strictly enforce Section 8 (Treating) and Section 10 (Bribery) of the Election Offences Act 1954.
- ii. Prohibit the caretaker government from awarding any contracts, announcing any form of rewards, and handing aid to voters during the election period (from the day of dissolution of Parliament and State Assemblies to the day of polling).
- iii. Ban the practice of giving groceries and other forms of gifts like hampers, cash coupons, and holding lucky draws during the election period.
- iv. The caretaker government cannot promise anything from the recent budget if they win the elections. This must be considered as bribery.

²⁴ <https://www.thestar.com.my/news/nation/2018/08/16/government-sets-up-electoral-reform-committee/#jtoaBUYbSuYEsETH.99>

Long Queues

- i. Review the capacity of all existing polling stations on whether they can accommodate the number of registered voters who have been increasing in every election.
- ii. The use of '*Balai Raya*' as polling centres should no longer be suitable because they are too small and can be inaccessible in certain locations if there is traffic congestion.
- iii. EC must ensure that there are sufficient facilities to assist senior citizen voters by providing amenities such as shade, chairs and drinks.
- iv. Increase the number of polling stations and channels to accommodate the increase in voter turnout.
- v. EC officers must be trained properly to ensure that the process is carried out smoothly and efficiently.

Lack of Preparation and Coordination by the Election Commission

- i. The EC must provide proper training for officers assisting in the polling process to ensure that it is done efficiently and smoothly.
- ii. The EC must ensure uniformity in its rules and regulations and brief the officers accordingly to avoid variations in its conduct.
- iii. PACA (polling and counting agents) must be allowed into polling stations 30 minutes before the polling process so they can witness the preparation of the ballot box and confirm that it is empty before voting begins.

Accessibility to Polling Stations

- i. All polling centres must be accessible and disabled-friendly.
- ii. Channels 1 and 2 must be located on the ground floor and PWD must be assigned to these channels.
- iii. The EC must collaborate with healthcare centres to ensure there is a sufficient number of wheelchairs throughout election day.

Election Irregularities

- i. Ensure a meaningful consultation with the public during the redelineation exercise.
- ii. The electoral list must be reviewed and updated regularly by the proper authorities.
- iii. To allow for automatic registration when one reaches the age of 21.
- iv. EC officers must maintain their neutrality and carry out their duties and responsibilities in a professional manner without favouring any party.
- v. The Returning Officer must sign Form 14 and a copy must be given to PACA to ensure transparency.

- vi. If government premises are used by candidates for campaign purposes, action must be taken against the candidate and the head of the said premises.

Freedom of the Media

- i. The government must ensure freedom of the media.
- ii. The media must provide balanced reporting without fear or favour.
- iii. Both TV and print media must be allowed to report without fear or favour. The media must not only support the incumbent government in power.
- iv. A National Press Council must manage these practices.

Access to Independent Monitoring

- i. Be open in accrediting interested parties to monitor elections.
- ii. Share all information about the groups monitoring the elections publicly.
- iii. Grant these groups access to monitor the entire election without any restrictions.

Political Funding

- i. All political funding should be made public.
- ii. Specific laws are needed to manage political funding.

3. Launch of the report on Democracy in Southeast Asia

On 23 April 2018, SUHAKAM and the Kofi Annan Foundation launched the conference report on Democracy in Southeast Asia: Achievements, Challenges and Prospects. The launch featured Alan Doss, the President of Kofi Annan Foundation, and Damaso Magbual of the National Citizens' Movement for Free Elections (NAMFREL).

The report was published following a conference which was held from 2 – 3 September 2017 in Kuala Lumpur. The conference "Democracy in South East Asia: Achievements, Challenges, and the Road Ahead" was organised by SUHAKAM, in partnership with the Kofi Annan Foundation and with the support of the previous government. The conference brought together esteemed leaders, officials, representatives from the diplomatic community, scholars and activists from across the region to accelerate discussions on electoral integrity and contribute to the overall assessment of the state of democracy in South-East Asia. Key takeaways and approaches to strengthening democracy and electoral integrity throughout Southeast Asia were highlighted in a report.

The conference report summarises the following salient issues facing democracy in Southeast Asia today and made recommendations to alleviate the issues:

- i. A paradigm shift is needed to overcome the perception that there is a trade-off between democracy and development.
- ii. To curb political violence and inspire political trust, the rule of law and the impartiality of judicial and law enforcement institutions must be strengthened in many countries of Southeast Asia.
- iii. Electoral management bodies (EMBs) must defend their independence, to ensure that elections are conducted and managed with integrity.
- iv. To counter the pervasive influence of money politics and improve the regulation of political finance, stronger regulatory frameworks are required, and stronger political leadership to enforce them.
- v. All actors must delink politics from identity and defend Southeast Asia's pluralism and diversity because they are the bedrocks of peace, stability and fairness.
- vi. Barriers to the participation of all citizens in political processes and decision-making must be dismantled and the political rights of all citizens protected.

Recommendations

- i. Democratic principles must be at the heart of development agendas and should inspire how the future is imagined, presented and implemented.
- ii. The strengthening of rule of law institutions is central to efforts to create an enabling environment for democratic politics. Enforcement officials must adopt a professional policing culture that protects and serves citizens impartially. Judges must defend the separation of powers and uphold their duty to protect the rights of every citizen by applying the law without favour in accordance with the constitution.
- iii. Judiciaries and EMBs must impartially uphold the right of citizens to participate in political life and ensure that elections are fair and transparent. Citizens should demand their political rights and hold these key institutions to account.
- iv. Political finance must be subject to robust independent oversight. Political donations and expenditure should be regulated, public financing of political campaigns audited, all donations and expenditure transparently reported, and breaches of political finance regulations investigated and sanctioned.
- v. Pluralism, inclusion and diversity must be protected by law and policy. Political leaders should defend the rights of all identity groups and speak out when they are abused. Dedicated measures must be adopted to ensure that the distribution of power is fair. Public figures and institutions that violate the law should face sanctions.
- vi. Address barriers to the participation of all citizens, paying particular attention to minorities and people who are marginalised. In parallel, encourage broader civic engagement in public affairs.

Drawing from the conclusions of the report, a lot more work needs to be done in Southeast Asia while significant economic strides cannot make up for instances of lapses in governance, recourse to authoritarianism and populist measures, that include racism and racial politics in a multifarious setting of Southeast Asia.

During the launch, Doss highlighted several measures that can be taken to reinforce electoral integrity:

- Build professional and independent EMBs;
- Develop norms and practices that create a level playing field for multi-party competition;
- Remove barriers to universal and equal political participation;
- Regulate political finance in a transparent manner.
- Magbual expressed the need for a political finance law in ASEAN states and pointed out that an election is credible and legitimate if run by credible EMBs that is impartial, independent and non-partisan. He added that the greater the collaboration between CSOs and EMBs, the more credible and legitimate the elections will be.

The Way Forward

SUHAKAM is hopeful the new government's effort in reforming the electoral process will ensure free and fair elections in Malaysia. The formation of the Electoral Reform Committee and the change in the EC's leadership reflects the commitment of the government of the day. SUHAKAM will continue to monitor the implementation of reforms.



National Human Rights Action Plan

Since 2002, SUHAKAM has repeatedly called for the development of Malaysia's human rights action plan in order for the government to take charge and introduce a systematic approach to advance human rights in the country by placing it in the context of public policy. SUHAKAM was, therefore, very pleased when the Cabinet finally announced that the government would develop Malaysia's first-ever National Human Rights Action Plan (NHRAP) in 2012. It took about six (6) years for the government to study and develop the NHRAP which was subsequently launched on 1 March this year by the then premier Dato' Seri Najib Razak. Within that timeline, initial consultations were conducted by the Legal Affairs Division of the PM's Department, domestic law studies were commissioned by the government from five local universities, and subsequently, a consultant was appointed to conduct a nationwide consultation and draft the NHRAP, before it was finalised and released.

The launch of Malaysia's NHRAP was a landmark achievement and much awaited by SUHAKAM. However, the NHRAP received a lot of criticism, both in its development process and its contents, much of which were concerns equally shared by SUHAKAM.

In terms of the Plan's development, the government appointed an external consultant in November 2015 to conduct a study, consult stakeholders and eventually, develop the draft NHRAP. While there should not be any impediment in the government seeking external service, the government had not, in SUHAKAM's opinion, made a well-thought-out move when it appointed a consultant who lacked expertise and knowledge in the field of human rights to develop Malaysia's maiden NHRAP. This is because when the

Cabinet announced the development of the NHRAP, human rights-based CSOs and lawyers were bountiful in Malaysia, not to mention the existence of a national human rights institution. Be that as it may, the consultant did have the opportunity – in line with the SOP – to consult as many human rights organisations and advocates in preparing the draft NHRAP. SUHAKAM was disappointed to learn that in the course of the NHRAP's development, many CSOs claimed that they were not adequately consulted and that many of them were only approached in the earlier part of the process. SUHAKAM, for one, was appointed as an NHRAP Steering Committee Member in 2013. However, during the course of NHRAP's development, SUHAKAM was only consulted in two meetings by the consultant. SUHAKAM reiterates that as an NHRI, SUHAKAM, together with other CSOs and academia, should have been made partners and to work with the consultant and implementing agencies to plan and develop the NHRAP. Notwithstanding this, during the development process, SUHAKAM made submissions to the consultant to propose the parameters and substance of the NHRAP. Regrettably, a majority of SUHAKAM's recommendations were not accepted as part of the NHRAP document.

The NHRAP features five main thrusts:

- i. Civil and Political Rights
- ii. Economic, Social, Religious and Cultural Rights
- iii. Rights of Vulnerable Groups
- iv. Rights of Original Peoples, and
- v. Global Responsibilities

The thrusts are seen by SUHAKAM as ambitious. They are very broad-based and aims to cover all human rights subjects as enumerated in the Universal Declaration of Human Rights (UDHR). Despite this potential, some CSOs have described it as a "deeply problematic document" that fails to address the root causes of human rights violations and downplayed Malaysia's standing in the global community on human rights matters, with a very weak political commitment to UN global human rights standards. Many stakeholders even urged for the rewrite of the NHRAP.

The NHRAP contains 294 action plans in 83 priority areas categorised under the 5 thrusts. SUHAKAM opines that certain areas of the NHRAP were comprehensive, in particular, the strategies for the rights of indigenous peoples. On the other hand, other parts of the NHRAP fell short from addressing the systemic and root causes of persisting human rights violations in the country. The following are the main issues observed by SUHAKAM:

- i. At the core of it, the NHRAP fails to set forth action items to address systemic and root causes of inequalities and human rights violations in Malaysia. For instance, the NHRAP does not address the subject of race relations and anti-racial discrimination,

which is not only relevant to the context of multiracial Malaysia but also forms a part of the core principles of human rights.

- ii. Many of the objectives enumerated in the NHRAP ignore the very basic principles of human rights as it fails to meet the minimum standard of achievement set forth by the UDHR, as well as other international human rights treaties. For instance, the NHRAP strategy to only update the SOP for child marriages fails to take into consideration the best interests of the child and effectively protect the rights of the child as pledged by Malaysia when it ratified the CRC. SUHAKAM underscores the need for a national human rights action plan to set the highest of standards according to international human rights law. Setting the bar at a lower target may likely result in ineffective addressal of systemic human rights violations, rendering the NHRAP meaningless. As a respected member of the United Nations that supported the adoption of the UDHR, Malaysia must strive to ensure that the universal standard of achievement is fully translated into and reflected in the domestic context.
- iii. During the NHRAP's development process, SUHAKAM had highlighted to the Consultant to ensure that all action items of the NHRAP follow the S.M.A.R.T. (specific, measurable, achievable, realistic and timely) criteria for obvious reasons. Despite having noted this recommendation, many of the action items were ambiguous and do not fulfil one or more of the criteria. For instance, many of the action items for the advancement of the right to education are extremely broad in that it does not refer to any specific programmes and timelines for implementation.
- iv. In accordance with the principles of human rights, a national human rights action plan must be anchored on the principle that human rights are inherent to all human beings without distinction. As such, with respect to Malaysia's NHRAP, it must be able to address all persons residing in Malaysia regardless of their nationality, ethnicity, religion, immigration status and other statuses. However, a review of the NHRAP found that while the document had extensively addressed issues concerning Malaysians, and covered the rights of refugees well, it did not adequately address the rights of non-nationals such as migrant workers and stateless persons in Malaysia.
- v. In the years preceding the launch of the NHRAP, SUHAKAM observed many incidents that demonstrated the regression of certain civil and political rights in Malaysia. In particular, during the said period, some documents and information of public interest were classified as official secrets under the Official Secrets Act (OSA), disciplinary actions were taken against university students who exercised their right to freedom of assembly to voice dissent against the government or its officials, and printing permits of several online media were denied by the government on the basis that they published "sensational" and "controversial" news reports. It was, therefore, alarming to note that critical issues such as the right to freedom of expression and assembly, access to information as well as press freedom were wholly omitted

from the NHRAP. SUHAKAM underscores the responsibility of the government to be unbiased in addressing human rights and urges it not to sideline human rights subjects just because they may cause inconvenience to the government.

- vi. SUHAKAM is disappointed over the considerably weak action items laid down under the International Obligation category, in that they only provide for the government to conduct feasibility studies throughout the 10-year time frame to assess whether or not Malaysia is ready to accede to the remaining core international human rights treaties. Moreover, such an action item is surprising in view of the fact that the government has already begun feasibility studies for the treaties prior to the NHRAP. For instance, subsequent to Malaysia's review under the Universal Periodic Review (UPR) in 2014, the government set up inter-agency committees to conduct similar studies. As such, the NHRAP should have specified progressive steps towards the goal of Malaysia concluding the time frame to accession for the remaining core international human rights treaties.

Owing to the glaring issues above, upon SUHAKAM's insistence, the government agreed to insert a passage in the NHRAP document to establish that it is a **living document** that will undergo periodical review to address any gaps as well as emerging challenges and issues in order to ensure compliance with the Federal Constitution and international human rights standards. In addition, the government expressed its commitment to work out specific indicators for the NHRAP through consultations with stakeholders towards bolstering meaningful advancement of human rights for the people.

In order to reiterate SUHAKAM's concerns, the above matters were also been communicated to the government, in particular, the IRC via a written submission on 8 June.

The Way Forward

Moving forward, SUHAKAM urges the government to expedite the review of the NHRAP in consultation with key stakeholders like human rights CSOs. In addition, the government must ensure that the implementation of the NHRAP is appropriately supported by the allocation of adequate funds to responsible agencies and organisations especially for the purpose of implementing the NHRAP action items.



Business & Human Rights

SUHAKAM is responsible for ensuring the protection and promotion of human rights through its work, including with companies and businesses. SUHAKAM's human rights activities seek to promote the freedom and dignity of all human beings and, through SUHAKAM's Economic, Social and Cultural Rights Division (ESCRD), has focused its work and advocacy on issues related to business and human rights, follow-up action on the National Inquiry into the Land Rights of Indigenous Peoples report, right to health for Hepatitis C detainees, right to education for children with physical disabilities and follow-up action on research on transgender rights, particularly the right to employment, education, housing, healthcare and dignity.

As per the covenant that Malaysia is still not yet party to, International Covenant on Economic, Social and Cultural Rights (ICESCR) is concerned with issues related to human rights concerning basic, social and economic conditions needed to live a life with dignity and freedom, relating to work and workers' rights, social security, health, education, food, water, housing, healthy environment, and culture.

SUHAKAM believes all companies have a responsibility to respect human rights in their operations and business whereby their employees particularly must be guaranteed respect such as the right to non-discrimination and equality, the right to freedom of association, fair and equitable working conditions and the right to be free from slavery and other human rights abuses.

Over the years, more emphasis has been placed on the expectation of companies operating as responsible citizens. Many companies have now undertaken new initiatives to comply with this greater accountability requirements, especially of international standards on, among others, corporate responsibility to respect human rights. Against this backdrop, and with the firm belief that sustainable business cannot flourish in a country where poverty, corruption, and inequality remain, all of which are human rights violations, SUHAKAM actively pursues the business and human rights agenda in Malaysia.

This year, SUHAKAM secured a grant from the United Nations Development Programme (UNDP) for a Project to Support the Development of Malaysia's National Action Plan on Business and Human Rights (NAPBHR) by Promoting Understanding and Application of the UN Guiding Principles on Business and Human Rights (UNGPs) in Malaysia, with the aim of promoting greater awareness, understanding and application of the UNGPs in the country, especially among the small and medium-sized enterprises (SMEs). While SUHAKAM was able to persuade the previous government to develop a NAPBHR for Malaysia, the re-organisation of the government structure has led to a delay in the development of the NAPBHR. Regardless of this setback, SUHAKAM has held forums to promote understanding and the application of the UN Guiding Principles on Business and Human Rights (UNGPs) in several states with the support of UNDP Asia-Pacific. SUHAKAM published a translation of the Guiding Principles on Business and Human Rights, Frequently Asked Questions and the Interpretive Guide on the Corporate Responsibility to Respect Human Rights, to raise awareness and understanding of the UNGPs and related issues.

SUHAKAM recognises the importance of building good relationships across a company and with external groups, in expanding the recognition of human rights values within the company. In so doing, SUHAKAM continues to explore various avenues through our partnership to promote greater respect and compliance of human rights in the business operations of Felda Global Ventures Holdings Berhad (FGV) and the Federal Land Development Authority (FELDA) through an MoU signed in March 2017. This year, the parties actively engaged with each other to discuss and review current policies to ensuring their compliance and respect for human rights principles.

Apart from that, a roundtable discussion on "FGV's Social Compliance and Human Rights Initiative" was organised by FGV with the support of SUHAKAM on 20 April to discuss initiatives FGV has taken to address the concerns raised by a *Wall Street Journal* article in 2016 about human rights violations in FGV plantations. The roundtable was part of FGV's initiatives to develop and improve its sustainability and human rights policies and procedures.

Engaging stakeholders strategically and effectively which means long-term commitments at all stages of SUHAKAM's work, is recognised as fundamental towards achieving greater responsibility to respect human rights.

On 9 July, in partnership with The Forest Trust (TFT), SUHAKAM co-organised a Consultation on Children in the Plantations of Sabah, in response to allegations of children's participation in plantation work. The consultation also addressed supply-chain issues and presented key findings from the Children in Plantations of Sabah (CiP) Report and sought a response from stakeholders, to obtain policy/ administrative updates from regulators on issues requiring further clarity, and explored potential collaboration with stakeholders to strengthen child protection in plantations.

On the international front, SUHAKAM participated at the 7th United Nations (UN) Forum on Business and Human Rights from 26 - 28 November in Geneva, Switzerland, which is the global platform for annual stock-taking and lesson-sharing on efforts to move the UNGP from paper to practice. This year's theme was "Business Respect for Human Rights – Building on What Works". Among issues that were discussed during the three-day forum were corporate human rights such as due diligence, approaches for meaningful engagement with affected stakeholders, experiences in addressing human rights abuses, government practice and protection, SDGs, climate change, corruption and gender.

SUHAKAM, through Commissioner Professor Dato' Dr Aishah Bidin as a panellist, contributed in two forum sessions entitled "Role of NHRIs in Facilitating Access to Remedy for Business-Related Human Rights Impacts" and "Accountability and Remedy: Exploring the Interconnectedness of Different Types of Grievance Mechanisms".

SUHAKAM hopes that the government's commitment to developing a National Action Plan on Business and Human Rights (NAPBHR) as announced in the 6th UN Forum on Business and Human Rights on 27-29 November 2017 will continue so that Malaysia will be able to make headway in fostering a culture of respect for human rights by businesses in all stages of their operations including their operations abroad.

In furthering its efforts to mainstream the business and human rights agenda in Malaysia, SUHAKAM organised forums in three different states namely Terengganu, Johor and Putrajaya involving the participation of various stakeholders including state-level government agencies, businesses and business associations as well as civil society organisations. It was observed that the participants were enthusiastic during the panel

sessions, expressing a desire to know more about business and human rights as well as UNGPs, including its benefits, expected challenges, and limitations. They were also interested in how business entities could be encouraged to use the UNGPs.

SUHAKAM believes that it is imperative that it engages with all relevant stakeholders to promote the business and human rights agenda and the implementation of the UNGPs at both federal and state levels and in different locations in the country.

The Way Forward

SUHAKAM hopes that the government will stand true to its commitment to develop a National Action Plan on Business and Human Rights (NAPBHR) to ensure that businesses and companies respect and protect human rights in their operations. SUHAKAM will continue advocating for the development of a NAPBHR and intensify its efforts to promote awareness on business and human rights issues in ensuring businesses comply with human rights.

Human Rights & Religious Groups

Human rights and religion are intrinsically linked, in that religions of the world demand their followers demonstrate and propagate the promotion and protection of human rights. Irrespective of the different faiths, they share similar core principles and teachings in the conduct of human affairs for individuals and their collective rights and responsibilities, respect for and protection of human dignity, justice and non-discrimination. Hence, it is necessary for religious institutions and human rights organisations to forge partnerships in order to advance this common goal.

In Malaysia, the widely professed religions include Islam which accounts for more than half or 61.3%²⁵ of the Malaysian population, followed by Buddhism at 19.8%²⁶, Christianity at 9.2%²⁷ and Hinduism at 6.3%²⁸ of the population. Other religions or beliefs professed by smaller groups in Malaysia include Confucianism, Taoism and other tribal, folk and traditional Chinese religions.

Among the religions in Malaysia, Islam is most prominent, not only in the proportion of devotees but also in terms of Islam's position in the justice system and government. The

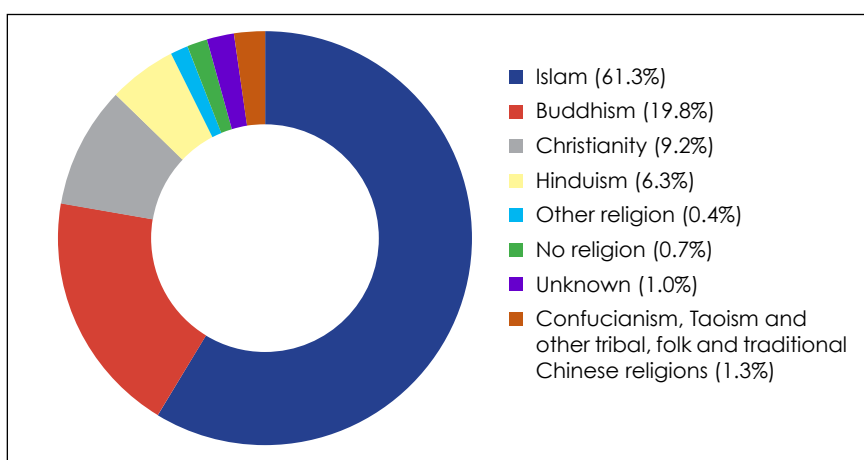
25 Department of Statistics, Malaysia (DOSM), "Population Distribution and Basic Demographic Characteristic Report 2010 (Updated: 05/08/2011)", (DOSM, 7 May 2015), <https://www.dosm.gov.my/v1/index.php?r=column/cthem&menu_id=L0pheU43NWJwRWVSZklWdzQ4TlhUUT09&bul_id=MDMxdHZjWtk1SjFzIzNkRXZcVZjd09> accessed 26 December 2018

26 Ibid.

27 Ibid.

28 Ibid.

Percentage distribution of the population by religion, Malaysia, 2010



Source: Department of Statistics, Malaysia (DOSM), "Population Distribution and Basic Demographic Characteristic Report 2010 (Updated: 05/08/2011)"

Federal Constitution of Malaysia sets forth that ***"Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part for the Federation"***²⁹.

In addition, the Constitution provides that except for Malacca, Penang, Sabah and Sarawak, the Ruler or Sultan of each state is the Head of the religion of Islam. By way of Article 3(2) of Federal Constitution, the Rulers authorise the Yang di-Pertuan Agong to represent them at Federal level for this matter, whereas the states of Malacca, Penang, Sabah and Sarawak are to confer the Yang di-Pertuan Agong the position of Head of the religion of Islam. The Rulers, however, still maintain authority over religious affairs in their respective States. Aside from state mufti, each state in Malaysia has its own Islamic religious department responsible for assisting the Yang di-Pertuan Agong and/or Sultan in the administration of Islamic affairs at the state level. At the federal government level, the Department of Islamic Development Malaysia (JAKIM), that answers to the minister for religious matters under the Prime Minister's Department, was established by the federal government to draft and standardise syariah law, to coordinate the administration of Islam in Malaysia and to coordinate and develop Islamic education.³⁰ Malaysia also has a dual justice system comprising civil and syariah laws and courts.

²⁹ Federal Constitution of Malaysia 1957, Art.3 (1)

³⁰ JAKIM, 'Fungsi JAKIM' <<http://www.islam.gov.my/mengenai-jakim/fungsi-jakim>> accessed 4 January 2019

Against this backdrop, this year, SUHAKAM continued its focus on human rights and religion by intensifying its engagement with Islamic religious authorities and Islamic society organisations as well as explored areas for engagement with other faith-based organisations.

The need to work much closer with the Islamic religious authorities and organisations in Malaysia arose following much public debate on the perceived incompatibility between human rights and Islam, which, in turn was prompted by a number of incidents including the public perception for and against the LGBT group, the report on the situation of Muslim women in Malaysia by CSOs at the 69th Session of the CEDAW Committee, corporal punishment in syariah law and its effect on the feasibility of Malaysia acceding to UNCAT and several other incidents. The politicising of human rights by certain politicians had worsened the misconception.

As part of its effort to correct the public's comprehension of the relationship between human rights and Islam, SUHAKAM expanded its on-going effort to include human rights subjects in sermons for Muslim Friday prayers. Building from its efforts with Federal Territory Islamic Religious Department (JAWI) from the year before, SUHAKAM met Dato' Dr Asyraf Wajdi, a then Deputy Minister at the Prime Minister's Department in January this year, and with JAKIM Director General Datuk Haji Mohamad Nordin Ibrahim in June to gain further support. SUHAKAM was encouraged to note the position of JAKIM that the core principles of human rights were in line with the demands of Islam. As such, both parties agreed that there was a need to intensify public awareness so as to correct the misperception of incompatibility and identify the exceptions and their extent, in order to empower Muslim society in Malaysia with correct information on the subject.

The first initiative undertaken by JAKIM immediately after the meeting with Datuk Haji Mohamad Nordin Ibrahim was allotting a session for SUHAKAM to brief state religious authorities during the *Persidangan Ketua Jabatan/Majlis Agama Islam Negeri Seluruh Malaysia* (PKJ) on 28 June. SUHAKAM took the opportunity to highlight current human rights issues and initiatives with the aim of illustrating the relationship between human rights and Islam as well as the important role of state religious authorities to advance human rights. The briefing was successful as it presented a platform for cooperation between SUHAKAM and state religious authorities. All heads of the state religious departments unanimously agreed to SUHAKAM's recommendation to expand its existing cooperation with JAWI by submitting proposed scripts on Islam and human rights subjects to be considered and read during Friday sermons. The following input from SUHAKAM was positively received and incorporated into and read during the Friday sermons:

NO.	SCRIPT SUBMITTED BY SUHAKAM	FRIDAY SERMON INCORPORATING PART OR ALL OF EACH OF SUHAKAM'S SUBMISSIONS	DATE OF FRIDAY SERMON READING
1	<i>Hak kepada Kesihatan</i> (Right to Health)	Special Sermon in commemoration of Israk Mikraj – JAWI	13 April
2	<i>Hak Pelarian</i> (Rights of Refugees)	<i>Kemuliaan Membela Golongan Teraniaya</i> (Honour in Defending the Oppressed) - JAWI	6 July
3	<i>Hak Orang Asli</i> (Rights of Indigenous Peoples)	Special Sermon for Independence Day entitled <i>Demi Islam Demi Negara</i> (For Islam for Country) - JAWI	31 August
4	<i>Hak kepada Pelindungan dari keseksaan dan hukuman atau layanan zalim, tidak berperikemanusiaan atau menjatuhkan maruah</i> (Protection against torture and other cruel, inhuman or degrading treatment or punishment)	<i>Hak Perlindungan daripada Kezaliman</i> (Right to be free from torture and cruel, inhumane and degrading treatment or punishment) – JAWI	26 October
5	<i>Menyantuni Orang Kurang Upaya</i> (Respecting Persons with Disabilities)	<i>Malaysia Harmoni</i> (Malaysia in Harmony) - JAWI <i>Menyantuni Orang Kurang Upaya</i> (Respecting Persons with Disabilities) – JHEAINS	7 December

Aside from the sermon, SUHAKAM and JAKIM jointly organised a National Seminar on Islam and Human Rights on 27 November in Kuala Lumpur. Apart from ascertaining and affirming the position of human rights in Islam, the seminar generally aimed to provide a platform to discuss how best to promote human rights in the Malaysian context. The seminar drew around 200 participants from agencies, civil society, universities and members of the public.

Datuk Seri Dr. Mujahid Yusof, Minister in the Prime Minister's Department (Religion) officiated the seminar. In his speech, Dr. Mujahid stressed that the promotion and protection of human rights were demanded in Islam and that only certain areas of human rights would require further deliberation from an Islamic point of view before they could be applied in Malaysia. Notwithstanding this, he qualified that upholding

justice and human dignity as well as having respect for diversity were parts of Islamic teaching and demonstrated by Prophet Muhammad SAW, Dr. Mujahid encouraged all Malaysians to respect human rights and to ensure national unity, harmony and integration among society.



YB Datuk Seri Dr. Mujahid Yusof accompanied by Tan Sri Razali Ismail and Datuk Haji Mohamad Nordin Ibrahim stand during National Anthem 'Negaraku' on National Seminar on Islam and Human Rights

The seminar lined-up distinguished speakers from the field of Islam and human rights who were divided into three groups, each to address specific issues respectively:

SESSION TOPIC	SPEAKERS
Human Rights: Framework and application of universal principles in Malaysia	• Prof. Dato' Dr. Abdul Monir Yaacob, Vice President of Law and Regulations, Universiti Islam Malaysia; and • Prof. Dr. Mohd Azizuddin Mohd Sani, Director Research and Innovation Management Centre, Universiti Utara Malaysia
Responsibility for protecting and upholding the rights of vulnerable groups	• YA Adjunct Prof. Dato' Dr. Hj Mohd Naim Hj Mokhtar, Syariah Appeal Court Judge, Syariah Judiciary Department Malaysia; • Prof Datin Dr. Raihanah Abdullah, Director Academy of Islamic Studies, University Malaya; • Mr. Umar Mukhtar, Islamic Affairs Officer, Office of Mufti of the Federal Territories (Malaysia).
Islam and Human Rights: A way forward in Malaysia	• Prof. Emeritus Dato' Paduka Dr. Mahmood Zuhdi Abd. Majid, Chairman of National Dakwah Council (MDN), • Prof. Dr. Wan Kamal Mujani, Dean of Faculty of Islamic Studies, National University of Malaysia (UKM)

The salient points from the seminar were as follows:

- (i) Echoing the Minister, all speakers agreed that the core principles of human rights were essentially compatible with Islam towards achieving justice, equality and respect for the human dignity, among others. It is important for human rights advocates and society in Malaysia to refer to and exemplify Prophet Muhammad S.A.W and the *Sahifah Madinah* (Madinah Constitution) that clearly promotes and demands of society to respect one another and ensure justice. Nonetheless, the approach towards realising certain human rights in Malaysia requires further constructive deliberation in order to respect Islamic teachings.
- (ii) The Syariah Judiciary Department and Syariah courts are guided by two core principles namely *Qath'i* (definitive) and *Zhanni* (speculative) in upholding justice within the Islamic legal system. *Qath'i* is defined as a law that is based on the proposition of the Qur'an and the Hadith which is not open for interpretation on the basis that there is already clear argument and unanimity of the four Islamic schools of thoughts (Shafi'i, Hanafi, Maliki, Hambali) that there will be no compromise on certain matters. While *Zhanni* is defined as a speculative law that allows different interpretations. For example, the Syafi'i school of thought provides that Muslim women require their guardian's permission before they can enter into marriage. According to the Hanafi school of thought, however, a guardian's permission is not required for Muslim women to marry. Another example cited is in divorce whereby the Syariah Enactment makes reference to Maliki and Hambali schools of thought for the provision that allows an aggrieved wife to ask for divorce through *fasakh* on grounds of domestic violence.
- (iii) Human rights are in fact social matters rather than a political agenda. However, in Malaysia, there is a tendency to politicise this social issue. While the advancement of human rights may require political commitment, SUHAKAM must ensure that these subject matters are not misused by politicians for their own political mileage.
- (iv) The main challenge in Malaysia with respect to human rights was to translate international human rights principles that are seen as universal into the domestic context in Malaysia. For this to succeed, the local norms and beliefs must be considered and international principles must be harmonised with the local context.
- (v) With respect to the ratification of international human rights treaties, this requires a holistic process that includes public education and thorough research. The legal nature of the treaties which are mostly available in English may not be correctly understood by the Malay-speaking majority in Malaysia. In addition, there needs to be careful consideration of the convictions of the Malay-Muslim majority and their influence in the country.



Associate Prof. Madya Dr. Nik Salida Suhaila Nik Saleh (moderator) with panels YBhg Prof. Emeritus Dato' Paduka Dr. Mahmood Zuhdi Abd Majid and YBhg Prof. Dr. Wan Kamal Mujani on Third Session: Way forward on Islam and Human Rights in Malaysia

The outcomes of all the above activities have essentially affirmed that contrary to current public sentiment, the core principles of human rights are not only compatible but also demanded in Islam. Additionally, it confirms the shared common goal that could be collectively worked on by Islamic religious authorities with human rights advocates for the advancement of human rights in Malaysia.

The Way Forward

Moving forward, aside from the existing joint initiatives, SUHAKAM will continue to work with JAKIM and other state religious authorities to conduct smaller-scaled dialogues at the state level on specifically themed human rights. Such activities have already been initiated by SUHAKAM with Islamic NGOs such as the joint UNCAT awareness campaign with the Centre for Human Rights Research and Advocacy (CENTHRA) as well as the Seminar on *Masjid Mesra OKU* that was conducted in partnership with the management of the Bandar Sri Putra Mosque together with OKU Berdaya Hulu Langat. Please refer to Chapters 1 (page 34 on UNCAT) and Chapter 2 (page 130 on PWD).

International Engagements

As an National Human Rights Institution (NHRI), the work and functions of SUHAKAM extend beyond national borders. The role of SUHAKAM in carrying out its mandate to promote and protect human rights is further carried out at the regional and international level through its engagements with other NHRIs, sub-regional, regional and international networks along with the United Nations mechanisms. While commitments made on the domestic front may play a strong bearing on how the advancement of human rights will be made at the international level, the same can be said about commitments made at the international level toward the advancement of human rights and its principles at the national level.

Through its international commitments, SUHAKAM continued to carry out its work in strengthening engagements and collaborations with other NHRIs, networks and contributions to UN mechanisms. SUHAKAM operationalised these commitments through the International Coordination and Media Relations Division as one unit in 2018.

SUHAKAM conducted consultations and briefings for government agencies, diplomatic corps, civil society and the media for Malaysia's Third Universal Periodic Review. In carrying out its role as an advisory body to the government, SUHAKAM submitted its recommendations to the Human Rights Council in March for the Universal Periodic Review (UPR) and continues to advise the government on ways it can improve its approach toward the UPR process. SUHAKAM also made contributions to international bodies and networks by taking part in surveys and submitting input on the human rights situation in Malaysia.

Furthermore, as an 'A' status NHRI, SUHAKAM is granted a significant role in the decision-making process of its various networks and continues to participate in International fora on human rights issues as befits its status.

In 2018, SUHAKAM was better able to strengthen its recognition both locally and internationally, raise awareness on international mechanisms applicable in the local context and contribute to the overall international movement on human rights. Once again, through the operation of the International Coordination Division and Media Relations Division, SUHAKAM succeeded in increasing its efforts to raise awareness on the UPR, the importance of the UPR and understanding of the UPR process through its social media platforms.

1. Malaysia's third Universal Periodic Review

On 8 November, Malaysia's human rights record was reviewed during the 31st Session of the UPR Working Group. The review takes place in the form of an interactive dialogue between the UN Member States and is based on three documents namely the national report, a compilation of UN information and a summary of stakeholders' information. A total of 111 States participated in the review and the troikas were from South Africa, Cuba and Nepal.



SUHAKAM's delegation at the 31st Session of the UPR Working Group for Malaysia's Third UPR

SUHAKAM attended the review during which Malaysia received a total of 268 recommendations. During the presentation by the Head of Delegation, the following were highlighted:

- i. A renewed focus on human rights following the transition of power after the 14th General Elections.
- ii. The government's commitment to accede to the remaining core human rights instruments.
- iii. The government's recognition of the role of SUHAKAM and civil societies through engagement and collaborative efforts.
- iv. The decision to abolish the death penalty and imposition of a moratorium on death sentences.
- v. The decision to suspend the application of the Sedition Act, the establishment of a Special Committee to review the provisions of the Printing Presses and Publications Act, the Communications and Multimedia Act and the review of the suspension of the Security Offences (Special Measures) Act, the Prevention of Crime Act and the Prevention of Terrorism Act.
- vi. Institutional and judicial reform.
- vii. The 11th Malaysia Plan - raising the socioeconomic standard of people and further reducing the poverty gap.
- viii. The agreement by State Chief Ministers and the government to set the minimum marriageable age at 18 years old.
- ix. On the rights of women, Malaysia exceeded the 30% target by having 35.8% of women in decision making positions in the public sector.
- x. On the rights of persons with disabilities, Malaysia has shifted from a 'charity-based approach' to a 'rights-based approach'.
- xi. SUHAKAM's Annual Report will be debated in both houses of Parliament and the appointment of Commissioners will be approved by a Parliamentary Committee.
- xii. Advancements in how the government will undertake the UPR - looking into recommendations noted in previous cycles, conducting half-yearly reviews to track progress on implementation of recommendations and institutionalising collaboration and engagement with SUHAKAM and CSOs.

SUHAKAM's observations:

- i. Strong and forthcoming commitments displayed and made by the government during their statement.
- ii. Clear improvement in the government's approach towards the UPR process in their commitment to conduct half-yearly meetings with stakeholders.
- iii. Malaysia received a number of positive comments from other States.

- iv. The Malaysian delegation was adequately prepared to respond to questions and recommendations. However, this was not the case in their response toward FGM (female genital mutilation).
- v. No timeline was given for the accession of treaties.

On 9 October, SUHAKAM attended UPR Info's Pre-sessions for the first time to deliver a statement that highlighted specific issues and recommendations to the Permanent Missions which would be directly involved in making recommendations during Malaysia's Third UPR. Due to the time allocated per speaker, SUHAKAM's statement focused on the following issues:

1. Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment
2. Violation of Children's Rights
3. Discrimination in Religious Rights and Practice
4. Oppressive Laws
5. Persons with Disabilities
6. Vulnerable and Marginalised Groups

Prior to the submission of SUHAKAM's stakeholder report in March, SUHAKAM organised a consultation with civil society organisations and the media on 16 March for feedback on SUHAKAM's stakeholder report. The Chairman, on behalf of SUHAKAM, highlighted the role of civil society and the media in the UPR process. SUHAKAM took into account suggestions and comments made on SUHAKAM's stakeholder report and amended the report where necessary.

On 13 July, SUHAKAM organised a session with government agencies and civil society organisations in Sabah for a status update on the implementation of Malaysia's accepted recommendations. Among the recommendations made during the briefing session, the following were specific to SUHAKAM:

1. SUHAKAM, human rights NGOs and activists to resubmit recommendations that have not been accepted as well as accepted recommendations that have not been implemented.
2. SUHAKAM to conduct more discussions with migrant workers and to look into the situation of legitimate migrant workers in Sabah and Sarawak.
3. SUHAKAM to recommend to the government to allow for permanent residents of persons with disabilities to be given deductions in income tax.
4. SUHAKAM to bring up the issue of the lack of definition of unaccompanied children in the law.
5. SUHAKAM to include mental health in making recommendations on healthcare for unaccompanied children.

On 24 September, SUHAKAM organised a dialogue with embassies to offer guidelines on how the UN Member States can make more meaningful recommendations during the review.

SUHAKAM commends Ministry of Foreign Affairs (MOFA) for expressing its commitment during Malaysia's Third UPR to engage in half-yearly consultations with civil society, and for its efforts to construct a matrix to monitor the implementation of recommendations. SUHAKAM has been informed that the matrix is finalised and will be circulated to the implementing Ministries or Agencies. On the other hand, SUHAKAM is concerned with the lack of effort by the Ministry in strengthening domestic coordination and in taking steps toward the establishment of an inter-ministerial tracking system.

2. Southeast Asia National Human Rights Institutions Forum

The Southeast Asia National Human Rights Institutions Forum (SEANF) is a sub-regional network of six NHRIs namely from Indonesia (Komnas HAM), Malaysia (SUHAKAM), Myanmar (MNHRC), the Philippines (CHRP), Thailand (NHRCT) and Timor Leste (PDHJ).

As the current Chair of SEANF, NHRCT hosted two Technical Working Group meetings and the Annual Meeting in Thailand, all of which SUHAKAM attended. Given the very nature of SEANF in promoting and protecting human rights in Southeast Asia through a collaborative framework, SUHAKAM spearheaded a tripartite partnership with CHRP and Komnas HAM to address the issues and challenges of statelessness in Sabah. In July, SUHAKAM organised a meeting with the two NHRIs in Sabah and a roundtable discussion involving government agencies and civil society. The signing of a Memorandum of Understanding (MOU) is currently underway to formalise the partnership and to address the issue further.

Alongside the 15th Annual Meeting of SEANF in September, SEANF in collaboration with OHCHR co-organised a panel discussion in Bangkok on Human Rights as an Enabling Factor to Achieving SDGs to commemorate the 70th Anniversary of the Universal Declaration of Human Rights. SUHAKAM spoke specifically on Goal 16 of the SDGs on peace, justice and strong institutions. SEANF also issued a statement pertaining to the representation of human rights norms and principles in many goals of the SDGs and the role of NHRIs in upholding the human-rights related aspects of the SDGs.

3. Asia Pacific Forum Of National Human Rights Institutions

The Asia Pacific Forum of National Human Rights Institutions (APF) is a coalition of 24 NHRIs from the Asia Pacific Region. The APF promotes and facilitates the capacity building

of member institutions through various programmes. As an 'A' status NHRI, SUHAKAM is given voting and participatory rights.

In 2018, SUHAKAM actively engaged with APF through the APF Regional Network Meeting and side events held alongside other network meetings. Through a side meeting with APF and Office of the High Commissioner for Human Rights (OHCHR) at the 13th International Conference of Global Alliance of National Human Rights Institutions (GANHRI), matters of mutual concern were identified, including ways that APF and OHCHR can provide services and capacity development to strengthen NHRIs. The following pertinent issues were discussed:

- NHRI needs of the OHCHR Regional Office and the APF.
- NHRI engagement with the UN Human Rights mechanisms:
 - i. Submissions to Treaty Bodies and the UPR;
 - ii. Submissions to Special Procedures;
 - ii. Follow up to the above mechanisms and existing systems to track implementation by the state and follow up on progress.

While the APF has traditionally focused its efforts at the UN level, the APF will be reconsidering its strategy for 2019. The focus will now be at the regional level and ASEAN while the UN level engagement will be transferred to GANHRI, in accordance with their strategic plans.

In 2018, SUHAKAM also took part in various training programmes and participated in the Capacity Assessment of the National Human Rights Commission of India (NHRC).

4. Commonwealth Forum of National Human Rights Institutions

SUHAKAM is a member of the Commonwealth Forum of National Human Rights Institutions (CFNHRI) which is an international network of NHRIs across the Commonwealth. The objective of the CFNHRI is to build partnerships, share information through experiences and best practices among member institutions and to advance human rights collectively.

As current Chair of the CFNHRI, the Northern Ireland Human Rights Commission (NIHRC) organised the CFNHRI Biennial Meeting and the Commonwealth Women's Forum in April. At the Commonwealth Women's Forum, discussions surrounding the topics "Violence against Women and Girls" and "Addressing Barriers to Empowerment in the Community" took place, during which SUHAKAM took the opportunity to highlight concerns raised by the CEDAW Committee during Malaysia's review in February.

Upon request by the Equality and Human Rights Commission, SUHAKAM participated in a research project by John Wadham on the role of NHRIs in promoting and protecting freedom of expression, association and peaceful assembly in the context of elections. A report highlighting SUHAKAM's work, among others, was published in this regard.

5. Global Alliance for National Human Rights Institutions

The Global Alliance for National Human Rights Institutions (GANHRI) is the international network of NHRIs to promote and strengthen the compliance of NHRIs with the Paris Principles and support NHRI engagement with the UN system and other international organisations. GANHRI currently has more than 100 members including SUHAKAM.

SUHAKAM attended both the 2018 Annual Meeting of GANHRI in February and the 13th International Conference of GANHRI in October. The theme of the Conference this year is 'Expanding the civic space and promoting and protecting human rights defenders, with a focus on women: The role of national human rights institutions.'

6. United Nations Permanent Forum on Indigenous Issues

In April, SUHAKAM attended the 17th Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII). The theme for this year is "Indigenous peoples' collective rights to lands, territories and resources". SUHAKAM was invited to speak on "Advancing the Rights of Indigenous Peoples: National and Regional Human Rights Mechanisms". During the panel session, SUHAKAM shared various issues faced by the indigenous peoples in Malaysia and how SUHAKAM as an NHRI promotes and protects the rights of indigenous peoples.

7. UN Special Rapporteur on the Sale and Sexual Exploitation Of Children

On 28 September 2018, SUHAKAM welcomed the visit by United Nations Special Rapporteur on the Sale and Sexual Exploitation of Children Ms. Maud de Boer-Buquicchio. As a regular advocate for the government to extend a standing invitation to all special procedures and to implement the recommendations of the Special Rapporteurs who have visited Malaysia, SUHAKAM provided its independent observations and recommendations on the issue of child marriage.

SUHAKAM stated that the minimum legal age for marriage should be 18 years old with no exceptions. Moreover, corporal punishment is still practised in schools. SUHAKAM had also briefed the UN Special Rapporteur that Deputy Minister of the Ministry of Women, Family and Community Development, YB Hannah Yeoh, has agreed to a pilot

programme to move children out of detention centres and into NGO shelters. SUHAKAM also informed the UN Special Rapporteur that data on child sexual abuse is classified under the Official Secrets Acts 1972 (OSA) and SUHAKAM has urged the government to enact federal freedom of information law in place of the Official Secrets Act.

8. UN Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation

On 26 November 2018, SUHAKAM welcomed the visit by the United Nations Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation Mr. Leo Heller. The UN Special Rapporteur stated that in terms of the general picture, the situation in Malaysia was good. However, several populations were neglected in terms of water and sanitation.

Two main areas where SUHAKAM receives complaints in terms of water and sanitation were highlighted. The first being the Malaysian prison system that uses the bucket system and secondly, the lack of water supply in immigration detention centres. SUHAKAM also briefed the UN Special Rapporteur on complaints made by the Orang Asli regarding schools that do not have clean water.

The Way Forward

In the forthcoming year, SUHAKAM plans to expand its international networks in order to facilitate greater partnerships and increased international presence. SUHAKAM will take on a more proactive role in utilising UN mechanisms through increased participation and periodic reporting.

SUHAKAM is encouraged by the commitments made by the MOFA for the UPR and will continue to work closely with the Ministry to achieve the ultimate goal as stated in the Pakatan Harapan manifesto of ensuring that Malaysia's position in the UPR improves. SUHAKAM will also work toward strengthening its efforts at the ASEAN level to engage in effective dialogue and identify possible areas of collaboration.

Human Resource and Finance

Background

The Corporate Services Division performs a supporting function in administration (inclusive of ICT), finance and human resources management so that core functions can be carried out efficiently and effectively. In the year 2018, SUHAKAM was restructured to enable it to move more cohesively and efficiently, in carrying out its annual work plans. The division has successfully conducted several programmes and activities including the development of capacity and skills of the officers and staff.

1. Capacity Development And Knowledge Enhancement

The Human Resources Unit continued to provide a variety of training and courses as part of its effort to enhance the capacity and skills of officers and staff of SUHAKAM in terms of technical and human rights skills. To this end, SUHAKAM consistently emphasizes the need to continue improving knowledge, and the development of skills in human rights, towards career development, and welfare of SUHAKAM's officers and staff. In addition, ICT related knowledge was also extended to the officers as value added skills.

Details of the in-house training carried out this year are as follows:

NO.	DATE	DETAILS	TRAINER
1.	26 January	In-House Training: <i>Taklimat Berhubung Isu-Isu Hak Asasi OKU Penglihatan oleh En Muhammad Huzairah Ahmad dari Pertubuhan Pembangunan Orang Buta Malaysia (PPOBM)</i>	Mr. Muhammad Huzairah Ahmad (PPOBM)
2.	22 February	In-House Training: Responding to Hate Speech and National Action Plan by M. Bea Bodrogi (Article 19)	Ms. Bea Bodrogi (Article 19)
3.	30 March	In-House Training: <i>Taklimat Insurans Berkelompok SUHAKAM</i>	Ms. Loo Chee Ju, Mr. Ibrahim & Pn. Seri Ruzana (Rosegate Insurance Brokers Sdn Bhd)
4.	27 April	In-House Training : <i>Program Kesedaran & Pendidikan MAKNA</i>	Mr. Shahrin Bin Mustapha
5.	1 June	In-House Training: Program Sinar Ramadhan Anjuran Kelab Kebajikan & Sukan SUHAKAM (KKSS): <i>"Terima Kasih Ramadhan"</i>	Associate Professor Dr. Nik Salida Suhaila
6.	8 June	In-House Training: <i>Program Sinar Ramadhan: "Pesta Pahala"</i>	PU Rahmat Ikhsan
7.	12-13 September	In-House Training: <i>Bengkel Menjalankan Siasatan dan Pemantauan Hak Asasi Manusia, kerjasama Bahagian Aduan & Pemantauan</i>	Mr. Simon Karunagaram, Pn. Rafidah Yahya and Mr. Shahizad Sulaiman
8.	21 September	<i>Sesi Perkongsian Ilmu (Sihat Bersama Dietitian) di Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM)</i>	Mr. Khairul Azuan
9.	11 October	In-House Training: <i>Latihan Pengurusan Aduan kepada kakitangan dan pegawai Pejabat SUHAKAM Sabah</i>	Mr. Simon Karunagaram Mr. Ahmad Zaidi Baharudin

Further to the above, efforts were also undertaken by the Human Resources Unit to source other training and courses provided by third parties, such as government training institutions and private training providers which are either free or charge minimal fees.

NO.	ORGANISER	NO. OF COURSES
1.	National Institute of Public Administration (INTAN)	9
2.	Bar Council	2
3.	Malaysian Administrative Modernisation and Management Planning Unit (MAMPU)	1
4.	Department of Islamic Development Malaysia (JAKIM)	2
5.	Accountant General's Department of Malaysia	1
6.	United Nations Country Team	1
7.	Judicial and Legal Training Institute (ILKAP)	1
8.	Selangor International Islamic University (KUIS)	1
9.	Institute of Islamic Understanding Malaysia (IKIM)	1
10.	Inland Revenue Board of Malaysia	1
11.	Social Security Organisation	1
12.	Private Companies	5

Besides that, staff members were also provided with the opportunity to participate in various human rights training and courses abroad. They include the following:

NO.	DATE	SUBJECT MATTER	ORGANISER
1.	1 - 4 May	Immigration Detention Monitoring Workshop – Bangkok, Thailand	UNHCR
2.	2 August 2018 – 1 February 2019	Fellowship Programme with the National Institutions, Regional Mechanisms and Civil Society Section (NRCS) of the Office of the High Commissioner for Human Rights – Geneva, Switzerland	Office of the High Commissioner for Human Rights
3.	24 - 26 September	APF Facilitators Network (AFN) Workshop – Bangkok, Thailand	Asia Pacific Forum
4.	20 - 21 November	Blended Learning Course on Human rights and the Environment in the Framework of Sustainable Development Goals – Component III Regional Meeting for National Human Rights Institutions – Bangkok, Thailand	Raoul Wallenberg Institute

Undoubtedly, capacity building and knowledge enhancement for officers and staff require sufficient financial allocation. This is because most of human rights-related courses are often conducted overseas. As a result, SUHAKAM had to regulated the participation of officers and staff for overseas courses as the annual grant by the

government is very limited. Nevertheless, SUHAKAM still managed to provide adequate exposure and training for its officers and staff to enable them to perform and deliver their best.

2. Restructuring of SUHAKAM

At the beginning of the year, SUHAKAM conducted a minor restructuring exercise by merging its International Coordination Division and Media Division into one. SUHAKAM also rotates its officers to expose them to different work and functions for a better understanding of human rights from different angles and perspectives. The officers who were involved in the transfer are listed below:

NO.	NAME OF OFFICER	PREVIOUS DIVISION	CURRENT DIVISION
1.	Jesrina Grewal	Media	International Coordination and Media Relations
2.	Wan Kasim Wan Kadir	International Coordination	Economic, Social and Cultural Rights
3.	Mohamad Azizi Azmi	Policy	Corporate Services
4.	Abdul Rahman Abdullah	Education and Training	Complaints and Monitoring
5.	Shahizad Sulaiman	Complaints and Monitoring	Education and Training
6.	Syamsul Azhar Zamani	Corporate Services	Publication and Documentation

3. Financial Position and Performance

Section 19(1) of the Human Rights Commission Act 1999 states that the Malaysian Government shall provide SUHAKAM with adequate funds annually to enable it to discharge its functions. In the year 2018, SUHAKAM received a grant of RM11,116,300 compared to RM11,616,300 in 2017. This was a slight decrease of 4.3%. Allocation of funds was channelled periodically as appended below:

NO.	ALLOCATION APPORTIONMENT	TOTAL RECEIVED (RM)
1	First Quarter (Jan – Mar, 2018)	2,529,075.00
2	Second Quarter (Apr – Jun, 2018)	2,529,075.00
3	Third Quarter (Jul – Sep, 2018)	2,529,075.00
4	Fourth Quarter (Oct – Dec, 2018)	2,529,075.00
5	Additional Appropriation	1,000,000.00
	TOTAL FUNDING RECEIVED	11,116,300.00

SUHAKAM's income consists of an Operating Grant Allocation from the government distributed annually to SUHAKAM, *hibah* and interests received from the fixed deposit. Project funds received by SUHAKAM are used to promote awareness and to provide education pertaining to human rights. The Prime Minister's Office is the main source of funding in the government's Operating Grant Allocation.

Figure 1 shows the total Operating Grant Allocation channelled to SUHAKAM by the government between 2014 and 2018.

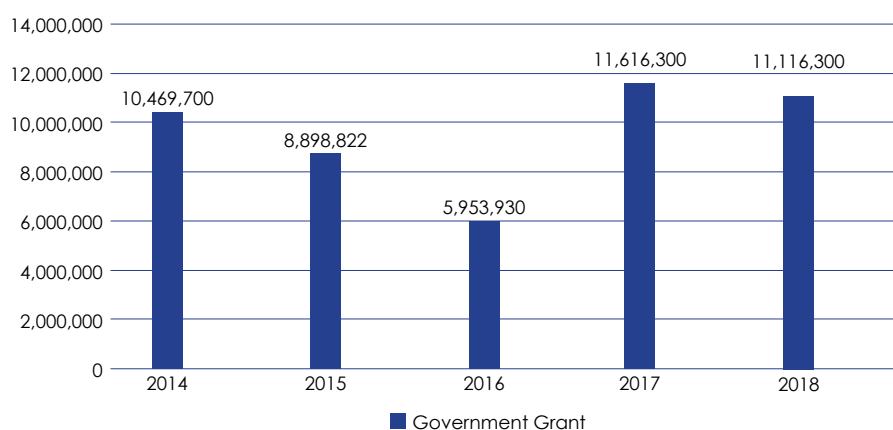


Figure 1 Operating Grant Allocation Received by SUHAKAM, 2014-2018

SUHAKAM's spending is in line with civil society demands on SUHAKAM to address human rights issues in Malaysia. For the year 2018, SUHAKAM's operating expenses came to RM12,141,788.

SUHAKAM's expenditure consists of spending on emoluments, procurement of supplies and services, and assets acquisition. Emolument includes the payment of wages and salaries, permanent allowances, statutory contributions for employees, overtime allowances and other financial benefits for 83 positions filled for the year 2018.

The expenditure for supplies and services covers travelling expenses, communications and utilities, rentals, supplies, repairs and maintenance, and professional services and hospitality. It included expenses for human rights programmes such as field studies and investigations, awareness-raising programmes, visits to places of detention and many others.

SUHAKAM's acquisition of assets in 2018 included the procurement of computers, equipment and reading materials.

Figure 2 shows the total expenditure of SUHAKAM from 2014 to 2018.

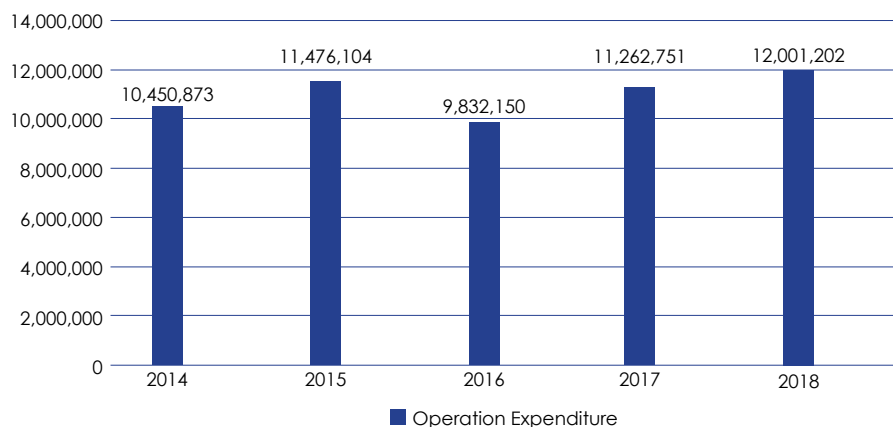


Figure 2 SUHAKAM Operation Expenditure, 2014-2018

SUHAKAM's expenses for 2018, not taking into account the depreciation of assets and write-offs, are as follows:

Table 1 SUHAKAM Expenditure, 2018

EXPENDITURE	TOTAL (RM)	PERCENTAGE EXPENDITURE
Emolument	5,420,848	45.17%
Supplies and services	6,379,285	53.16%
Asset	39,024	0.33%
Rewards other fixed payment	159,626	1.33%
Other expenses	2,419	0.02%
Total Amount	12,001,202	100%

Figure 3 shows the total expenditure of SUHAKAM after taking into account the depreciation of assets from the year 2014 up to 2018.

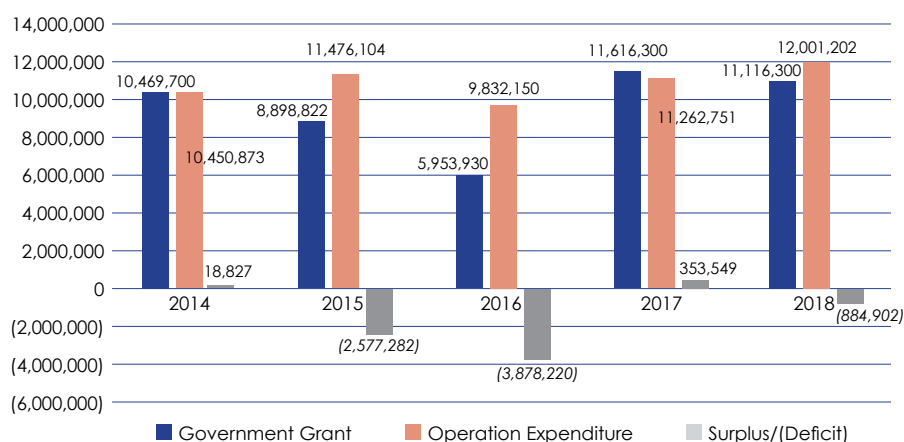


Figure 3 Comparison of Government Grant Allocation and the Commission's Operation Expenditure

4. SUHAKAM's financial statement, 2014-2018

Below are SUHAKAM's financial statements consisting of the Statement of Comprehensive Income and Statement of Financial Position from 2014 to 2018.

Table 2 Statement of Comprehensive Income for 2014-2018

STATEMENT OF COMPREHENSIVE INCOME	2014	2015	2016	2017	2018
INCOME					
Government Grant	10,469,700	8,898,822	5,953,930	11,616,300	11,116,300
Other Income	-	292,138	67,687	269,806	217,779
Operational Expenditure	(10,604,764)	(11,400,262)	(10,034,682)	(11,352,468)	(12,141,788)
Finance Income	166,242	170,478	87,832	14,211	11,817
SURPLUS/ (DEFICIT) FOR THE CURRENT YEAR	31,178	(2,038,824)	(3,925,233)	547,849	(795,892)

Table 3 Statement of Financial Position, 2014-2018

STATEMENT OF FINANCIAL POSITION	2014	2015	2016	2017	2018
NON-CURRENT ASSETS					
Property, Plant and Equipment	659,861	734,670	532,137	446,154	283,298
Total Non-Current Assets	659,861	734,670	532,137	446,154	283,298

STATEMENT OF FINANCIAL POSITION	2014	2015	2016	2017	2018
CURRENT ASSETS					
Accrued Interest	10,075	15,347	1,121	-	2,552
Deposits and Prepayment	625,229	792,943	636,246	631,607	628,704
Fixed Deposit	4,533,000	3,733,000	400,000	-	1,000,000
Cash and Bank Balances	2,434,363	1,126,100	590,712	1,659,062	2,943,268
Total Current Assets	7,602,667	5,667,390	1,628,079	2,290,669	4,574,524
Total Assets	8,262,528	6,402,060	2,160,216	2,736,823	4,857,822
EQUITY					
Accumulated Surplus/ (Deficit)	7,944,303	7,975,481	5,936,927	2,011,694	2,559,543
Accumulated Surplus/ (Deficit) for the current year brought forward	31,178	-2,038,554	-3,925,233	547,849	(795,892)
Total Equity	7,975,481	5,936,927	2,011,694	2,559,543	1,763,651
CURRENT LIABILITY					
Other Payables and Accrued Expenses	454,761	297,419	148,522	177,280	3,094,171
Total Current Liability	454,761	297,419	148,522	177,280	3,094,171
Total Equity and Liability	8,430,242	6,234,346	2,160,216	2,736,823	4,857,822

FINANCIAL RATIOS	2014	2015	2016	2017	2018
Current Ratio	16.72	19.06	10.96	12.92	1.47
Liquidity Ratio	15.34	16.39	6.68	9.36	1.26
Debt Ratio	0.06	0.05	0.07	0.07	1.79
Capital Ratio	15.54	19.96	13.54	14.44	0.56
Equity Ratio	0.97	0.93	0.93	0.94	0.36

The Way Forward

The main challenge SUHAKAM faced in carrying out its mandate this year was financial constraints. Nevertheless, SUHAKAM is optimistic that the government will increase its annual grant so SUHAKAM can effectively carry out its mandate.



APPENDICES

APPENDIX I

THE COMMISSION'S PRESS STATEMENT 2018

NO.	TITLE	DATE
1.	Establishment of Special Court on Human Trafficking	13 January
2.	Cease of Public Inquiry into the Disappearance of Pastor Raymond Koh	16 January
3.	Right to Education	24 January
4.	Conditions of Ayer Molek Lock Up	3 February
5.	Federal Court's Decision on Unilateral Conversion	6 February
6.	Malaysia's Review on the Elimination of Discrimination Against Women (CEDAW) during the 69 th CEDAW Session	27 February
7.	International Women's Day 2018	7 March
8.	The Session Court Decision on Datin Rozita's Case	20 March
9.	ANTI – FAKE News Bill 2018	28 March
10.	14 th General Election	11 April
11.	The Launch of the Conference Report on Democracy in Southeast Asia	23 April
12.	SUHAKAM will Monitor 14 th General Election	26 April
13.	Press Freedom Day 2018	4 May
14.	14 th General Election	8 May
15.	Celebrating the Joyous Conclusion of the 14 th General Election (GE14)	10 May
16.	Appointment of Malaysia's 7 th Prime Minister	10 May
17.	Right to Freedom of Movement	16 May
18.	Entry Ban to Sarawak	25 May
19.	SUHAKAM's Annual Report	1 June

NO.	TITLE	DATE
20.	Decision to Investigate Datuk A. Kadir Jasin and Hishamuddin Rais	8 June
21.	World Refugee Day	20 June
22.	Arrest of Siti Kasim	25 June
23.	International Day in Support of Victims of Torture	26 June
24.	Child Marriage	1 July
25.	SUHAKAM Joint Press Statement (with CENHRA) on UNCAT	2 July
26.	SUHAKAM's Response to Foreign Minister's Statement	3 July
27.	SOP for Child Marriage	6 July
28.	The resignation of the interim press secretary of the Youth and Sport Minister	10 July
29.	Every child born to unwed parents have the right to bear the name / surname of their biological parents and/or father	31 July
30.	International Day of the World's Indigenous Peoples	9 August
31.	The tabling of Anti-Discrimination Bill, National Harmony and Reconciliation Commission Bill and Racial and Religious Hatred Bill	10 August
32.	Caning for attempted lesbian relations	15 August
33.	Government's 100 Days Performance	17 August
34.	Official Secrets Act 1972 (OSA)	29 August
35.	Selamat Hari Merdeka	31 August
36.	Public Caning of Two Women in Terengganu	4 September
37.	Arrest of Shia Followers in Kelantan	6 September
38.	Child Marriage	19 September
39.	SUHAKAM does not support same sex marriage in Malaysia	22 September
40.	Tahfiz Education	23 September
41.	Appointment of the New Chairman of the Election Commission	5 October
42.	Commissioner Jerald Joseph travel ban to Sarawak	18 October
43.	Abolition of Death Penalty and Sedition Act 1948	19 October

NO.	TITLE	DATE
44.	Execution of Prabu Pathmanathan in Singapore	26 October
45.	Accession to ICERD	31 October
46.	Malaysia's 3 rd UPR	5 November
47.	Completion Malaysia's 3 rd UPR	14 November
48.	Smoking Ban	14 November
49.	Protecting the Sanctity of all places of Worship	27 November
50.	SUHAKAM's Disappointment on the Government's Decision not accede to ICERD	27 November
51.	SUHAKAM Regrets the Misreporting of Human Rights Day Celebration	6 December
52.	Postponement of SUHAKAM's Human Rights Day 2018	7 December

APPENDIX II

LIST OF ACTIVITIES 2018

CMG - Complaints and Monitoring Working Group	MRD - Media Relations Division
ETD - Education and Training Division	LITD - Law and International Treaties Division
POD - Promotion and Outreach Division	SABAH - Sabah Office
ICD - International Coordination Division	SARAWAK - Sarawak Office
ESCRD - Economic, Social and Cultural Rights Division	SUHAKAM - Human Rights Commission of Malaysia

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
1.	1 Jan	Follow up Awareness Programme on a Child's Right to Safety at MRSM Tumpat	Kelantan	ETD
2.	8 Jan	Seminar on Status of Tahfiz School in National Education – “ <i>Di mana dan Ke Mana Akhirnya</i> ”	UKM, Bangi, Selangor	ETD
3.	8-10 Jan	SUHAKAM workplan Retreat	Kuala Lumpur	SUHAKAM
4.	9 Jan	Visit and interview detainees - Janhangir Basharat and Ahmed Basharat	Central lock-up, IPD Shah Alam, Selangor	CMG
5.	11 Jan	Follow up visit to Ayer Molek Police lock-up	Johor	CMG
6.	15-16 Jan	MoU Signing Ceremony between SUHAKAM and UUM	Sintok, Kedah	ETD
7.	16 Jan	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – Session 12 (Pastor Raymond Koh case)	SUHAKAM Kuala Lumpur	CMG
8.	17 Jan	Case visit regarding complaints from 200 Sabah dan Sarawak's students at Master Weld Academy	Selangor	CMG
9.	18 Jan	Press Conference to Announce Findings on Custodial Deaths of Balamurugan and Soh Kai Chiok	EAIC, Putrajaya	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
10.	17 Jan	Lecture on The Realization of Human Rights in the Muslim World: Lessons from the Islamic Tradition at Kompleks Islam Putrajaya	Putrajaya	ETD
11.	18 Jan	Visit to Felda Trolak	Perak	ETD
12.	19-20 Jan	Invitation talk regarding “ <i>Pendidikan dan Hak Tanah Adat</i> ” for Orang Asli Kg. Nenasi, Pekan	Pahang	ETD
13.	22 Jan 24 Jan 25 Jan	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat Dan Joshua & Ruth Hilmy (Amri Che Mat Case) Session 1 Session 2 Session 3	SUHAKAM Kuala Lumpur	CMG
14.	23 Jan	Case visit to Sungai Buloh Prison regarding Sunil Singh a/l Udham Singh complaints	Sungai Buloh, Selangor	CMG
15.	23 Jan	Courtesy visit and human rights talk at Majlis Adat Istiadat Sarawak	Sarawak	SARAWAK
16.	26 Jan	Follow up meeting with Masjid Bandar Seri Putra	Bangi, Selangor	POD
17.	29 Jan	Courtesy visit to YB Senator Dato' Dr. Asyraf Wajdi, Deputy Minister in The Prime Minister's Department (JPM)	Kompleks Islam Putrajaya	SUHAKAM
18.	29 Jan	Human rights talk for RMP at Maktab Polis Cheras	Kuala Lumpur	ETD
19.	29 Jan	Visit to NADA lock-up at Hilir Perak	Perak	CMG
20.	29-30 Jan	Human rights workshop for Senior Officer, Immigration Department	Putrajaya	ETD
21.	30 Jan	Visit to Rumah Seri Kenangan	Taiping, Perak	CMG
22.	30 Jan	Visit to Sekolah Menengah Sains Kuching	Kuching, Sarawak	SARAWAK
23.	4 Feb	SUHAKAM's Exhibition in conjunction with the <i>Program Kenduri 1 Wilayah Persekutuan</i> organized by Ministry of Federal Territory and DBKL	Bandar Tun Razak, Kuala Lumpur	POD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
24.	5 Feb	Follow up Awareness Programme on a Child's Right to Safety at MRSM Pasir Salak	Perak	ETD
25.	5 Feb	Human rights talk for PTD recruits and INTAN's Officer at INTAN, Bukit Kiara	Kuala Lumpur	ETD
26.	6 Feb	Coordination meeting of <i>Program Kenduri 1 Wilayah Persekutuan Peringkat Parlimen Kepong Tahun 2018 Bil. 4/2018</i>	Kepong, Kuala Lumpur	POD
27.	7-8 Feb	Record statement with police officer regarding public investigation on disappearance of Amri Che Mat	Kangar, Perlis	CMG
28.	9 Feb	Follow-up meeting with AIM, SUARAM, Bar Council Malaysia and LFL on the Joint Campaign on UNCAT	SUHAKAM Kuala Lumpur	POD
29.	10-11 Feb	Mobile CTC Programme	Semporna, Sabah	SABAH
30.	11 Feb	Human rights talk on land rights for Kampung Orang Asli Sega community	Pekan, Pahang	CMG
31.	12-13 Feb	Case visit to Kampung Orang Asli Berangsang	Rompin, Pahang	CMG
32.	13 Feb	Coordination Meeting of <i>Program Kenduri 1 Wilayah Persekutuan Peringkat Parlimen Kepong Tahun 2018 Bil. 5/2018</i>	Kepong, Kuala Lumpur	POD
33.	13 Feb	Visit to Sekolah Kebangsaan Dato Mohd Musa, Samarahan	Sarawak	SARAWAK
34.	13 Feb	Human rights talk - " <i>Program Ijtimak Pentadbir Pentadbir-Pentadbir Maahad Tahfiz dan Pondok Negeri Pahang 2018 (Zon Pahang Barat)</i> "	Raub, Pahang	ETD
35.	14 Feb	Invitation talk for " <i>Langkah-Langkah Mempertahankan Hak Tanah</i> " at Kampung Tisong	Sungkai, Perak	CMG
36.	14 Feb	Case visit to Bukit Jalil Immigration Depot regarding Mohd Salim Majid's complaints	Kuala Lumpur	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
37.	19 Feb	Watching brief on judicial review case of redelineation of electoral boundaries	Federal Court, Putrajaya	LITD
38.	19 Feb	Follow up Awareness programme on a Child's Right to Safety at MRSM Taiping	Perak	ETD
39.	21 Feb	Visit to Sekolah Agama Maahad Muhammad (L) Kota Bharu	Kelantan	CMG
40.	22 Feb	Case visit to Kelantan Police Headquarters regarding the death of customs officers on 8 October 2016	Kelantan	CMG
41.	22 Feb	Visit to NADA, Kuala Selangor	Selangor	CMG
42.	23 Feb	Follow up Awareness programme on a Child's Right to Safety at MRSM Kuching	Sarawak	ETD
43.	24 Feb	Invitation to <i>Program Mengemaskini Undang-Undang Adat Dan Adat Masyarakat Orang Hulu (Asli) Puak Suku Jakun</i> and visit to Sekolah Agama with <i>Majlis Agama Islam Negeri Johor</i>	Johor	ETD
44.	24 Feb	SUHAKAM's Exhibition in conjunction with the <i>Program Kenduri 1 Wilayah Persekutuan Anjuran Kementerian Wilayah Persekutuan Dan Dewan Bandaraya Kuala Lumpur</i>	Kepong, Kuala Lumpur	POD
45.	27 Feb	"SUHAKAM Bersama Masyarakat" programme	Bintangor, Sarawak	SARAWAK
46.	27 Feb	Visit to IPD Kuala Selangor	Kuala Selangor, Selangor	CMG
47.	27 Feb	Visit to IPD Sabak Bernam	Sabak Bernam, Selangor	CMG
48.	28 Feb	Visit to Rumah Kebajikan Darul Islah Sabak Bernam	Kuala Selangor, Selangor	CMG
49.	28 Feb	Forum on the Implementation of the Convention on the Rights of Persons with Disabilities and the Persons with Disabilities Act 2008	Sibu, Sarawak	SARAWAK

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
50.	28 Feb	Monitoring of (accessibility) of Public Facilities - Buildings Compliance with CRPD (PWD) Standards and other Applicable Laws	Bandaraya Sibu, Sarawak	SARAWAK
51.	1 Mar	Visit to SMK Rosli Dhoby	Sibu, Sarawak	SARAWAK
52.	2 Mar	Follow-up meeting with AIM, SUARAM, Bar Council Malaysia and LFL on the Joint Campaign on UNCAT	Petaling Jaya, Selangor	POD
53.	2 Mar	Meeting with IM4U	Puchong, Selangor	POD
54.	3 Mar	Invitation to a Rountable Meeting on <i>Penyelarasan Tuntutan Tanah Adat Orang Asli</i>	Maran, Pahang	ETD
55.	5 Mar	Visit to Cure & Care Rehabilitation Centre, NADA, Serendah, Hulu Selangor	Selangor	CMG
56.	5 Mar	Case visit to Pusat Asuhan Tunas Islam (Pasti) Nurul Iman Jasin, Melaka	Melaka	CMG
57.	6 Mar	Public Inquiry on disappearance of Pastor Raymond Koh Keng Joo – Session 13	SUHAKAM Kuala Lumpur	CMG
58.	6 Mar	Meeting with Persatuan Penduduk Kondo Rakyat Desa Pantai, Pantai Dalam regarding <i>SUHAKAM Bersama Masyarakat</i> programme	Pantai Dalam, Kuala Lumpur	POD
59.	6 Mar	Watching brief on citizenship cases	Federal Court, Putrajaya	LITD
60.	7 Mar	Forum on The Roadmap and the Future of the Orang Asli in Malaysia at ILKAP	Bangi, Selangor	ETD
61.	7 Mar	Case visit to IPD Sepang regarding Sultan Ali Salleh Ahmed case	IPD Sepang, Selangor	CMG
62.	8 Mar	Visit to Penor Prison regarding Ahmad Faqis bin Ismail case	Kuantan, Pahang	CMG
63.	9 Mar	Follow up meeting with Masjid Bandar Seri Putra	Bangi, Selangor	POD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
64.	10 Mar	Meeting with Persatuan Penduduk PPR Beringin, Kepong regarding <i>SUHAKAM Bersama Masyarakat</i> programme	Kepong, Selangor	POD
65.	10 Mar	Follow up Awareness programme on a Child's Right to Safety at MRSM Jeli	Kelantan	ETD
66.	12 Mar	Dialogue session with Kelantan State Government Agencies and Orang Asli communities	Kota Bharu, Kelantan	ESCRD CMD
67.	12 Mar	Visit to Cure & Care Rehabilitation Centre, NADA, Perlop, Kuala Kangsar	Perak	CMG
68.	12 – 13 Mar	Invitation talk on education and land rights for Orang Asli Kg. Pisau Patah and Kg. Terubing Simpai Lama community	Pahang	ETD
69.	13 Mar	Visit to Sekolah Kebangsaan Tambay	Kota Samarahan, Sarawak	SARAWAK
70.	13 Mar	Visit to Sungai Buloh Prison regarding Uighur detainess	Sungai Buloh, Selangor	CMG
71.	13 Mar	Case visit to Taiping Prison regarding Tamilselfan A/L Letchumanan case	Taiping, Perak	CMG
72.	13 – 14 Mar	Human rights course to for NADA Officer	Sg. Petani, Kedah	ETD
73.	14 Mar	Meeting with the Malaysian Pharmaceutical Society on access to medicine	SUHAKAM Kuala Lumpur	ESCRD
74.	14 Mar	Meeting with MTAAG+ on the Proposed Collaboration to Conduct HEP C Screening in Prisons	SUHAKAM Kuala Lumpur	ESCRD
75.	15 Mar	Visit to Semenyih Immigration Depot	Selangor	CMG
76.	15 Mar	Visit to Lenggeng Immigration Depot	Selangor	CMG
77.	16 Mar	SUHAKAM's Dialogue with civil society organisations on SUHAKAM's Stakeholder Report for the Universal Periodic Review	SUHAKAM Kuala Lumpur	ICD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
78.	17-18 Mar	SUHAKAM's Exhibition in conjunction with the <i>Program Fiesta NBOS Mesra Rakyat Anjuran Kementerian Kewangan</i>	Segamat, Johor	POD
79.	19 Mar 20 Mar 21 Mar	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – (Amri Che Mat case) Session 4 Session 5 Session 6	SUHAKAM Kuala Lumpur	CMG
80.	20 Mar	Human Rights Workshop for Malaysian Prisons Department Series 1 at Akademi Koreksional Malaysia	Langkawi, Kedah	ETD
81.	21 Mar	Working visit to Bau District Office and Bau Police lock-up monitoring	Sarawak	SARAWAK
82.	24 Mar	Briefing for the Selangor Youth Symposium and Festival 2018 at UiTM	Shah Alam, Selangor	POD
83.	24 Mar	Human rights workshop for Prison Officer at Maktab Penjara Kajang	Selangor	ETD
84.	25 Mar	<i>SUHAKAM Bersama Masyarakat</i> programme at PPR Beringin	Kepong, Selangor	POD
85.	26 Mar	Watching brief for freedom of religion case	Federal Court Putrajaya	LITD
86.	27-28 Mar	Recorded statement on allegations of abuse and degrading treatment against Ahmad Zafwan bin Mohd Al-Zahari at NADA Kubang Pasu	Kedah	CMG
87.	28 Mar	Visit to Remand Detention Centre, NADA	Serdang, Kedah	CMG
88.	29 Mar	Meeting with NGO	SUHAKAM Sarawak Office	SARAWAK CMG
89.	29 Mar	<i>SUHAKAM Bersama Masyarakat</i> programme	Pantai Dalam, Kuala Lumpur	POD
90.	29 Mar	Follow up Awareness programme on a Child's Right to Safety at MRSM Pontian	Johor	ETD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
91.	29 – 30 Mar	Visit to ATHAM schools - SK Bukit Bangkong and SJK(T) Sepang, Kuala Selangor	Selangor	ETD
92.	31 Mar	'Youth for Rights' programme	Shah Alam, Selangor	POD
93.	31 Mar	SUHAKAM's Exhibition in conjunction with Law Society HELP University's programme titled "The Tan Sri Dato' Seri Dr Abdul Malek Law Student' Conference 2018"	Subang Bestari, Selangor	POD
94.	2 Apr 3 Apr 12 Apr	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – (Amri Che Mat Case) Session 7 Session 8 Session 9	SUHAKAM Kuala Lumpur	CMG
95.	4 Apr	Visit to Sungai Buloh Prison regarding Uighur detainees	Selangor	CMG
96.	5 Apr	Meeting with Ministry of Finance regarding <i>Program Fiesta NBOS Mesra Rakyat</i> organized by Ministry of Finance	Putrajaya	POD
97.	9 Apr	Follow up Awareness programme on a Child's Right to Safety at MRSM Kota Putra and Besut	Terengganu	ETD
98.	10 Apr	Case visit regarding Jaayendiran a/I Kumaresan case at IPD Kuala Selangor	Selangor	CMG
99.	10 Apr	Visit and record statement regarding SOSMA detainees at Taiping Prison	Perak	CMG
100.	11 Apr	Case visit to Juru Immigration Depot regarding detention of Hammad Ahmed Masroor	Pulau Pinang	CMG
101.	12 Apr	Vinod Raj a/I K. Ananthan's case visit at Sungai Buloh Prison	Selangor	CMG
102.	12 Apr	Case visit to IPD Subang Jaya and IPD Petaling Jaya	Selangor	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
103.	15 Apr	SUHAKAM's Exhibition in conjunction with the <i>Program Fiesta NBOS Mesra Rakyat</i> organized by Ministry of Finance	Bentong, Pahang	POD
104.	16 Apr	Follow up Awareness programme on a Child's Right to Safety at MRSB Batu Pahat	Johor	ETD
105.	16 Apr	Courtesy visit and lock up monitoring at IPD Padawan	Siburan, Sarawak	SARAWAK
106.	16 Apr	Working visit and human rights talk with Community Leaders and <i>Ketua Kampung</i> under the supervision of Padawan and Siburan District Office	Sarawak	SARAWAK
107.	16 – 17 Apr	Monitoring visit to ATHAM schools - SMK Dato' Harun, Tg. Karang and SMK Batu Unjur, Klang	Selangor	ETD
108.	16 Apr	Visit and record statement with Investigation Officer at IPD Kulai	Johor	CMG
109.	18 Apr	Visit to Bandar Laguna Merbok, Sungai Petani and Klinik Kesihatan Kota Kuala Muda	Kedah	CMG
110.	18 Apr	Visit to Rumah Seri Kenangan Johor Bahru	Johor	CMG
111.	18 Apr	Graphic Design and Human Rights Training" programme	INTAN, Kuala Lumpur	SUHAKAM POD
112.	18 – 19 Apr	Monitoring visit to ATHAM schools - SMK Engku Hussien, Semenyih and SMK Taman Desa 2, Rawang	Selangor	ETD
113.	20 Apr	Roundtable discussion on FGV's Social Compliance and Human Rights	Putrajaya	ETD
114.	20 Apr	Follow up meeting with Masjid Bandar Seri Putra	Bangi, Selangor	POD
115.	20 Apr	Visit to Rumah Seri Kenangan Kangar	Perlis	CMG
116.	20 Apr	Visit to Shah Alam Central Lock-Up regarding the death of Thanabalan a/I Subramaniam	Selangor	CMG
117.	21 Apr	Human rights talk with UNIMAP students	Perlis	ETD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
118.	21 Apr	Mobile CTC Programme	Penampang, Sabah	SABAH
119.	21-22 Apr	<i>Sejiwa Senada 2018</i> Programme	Saratok, Sarawak	SARAWAK
120.	23 Apr	Meeting with SBM Offshore regarding "Life Day" programme	Kuala Lumpur	POD
121.	23 Apr	Launch of The Conference Report On "Democracy in Southeast Asia: Achievements, Challenges, And Prospects"	Bar Council Kuala Lumpur	SUHAKAM MRD
122.	24 Apr	Closed door discussion on the importance of the media to free and fair elections	SUHAKAM Kuala Lumpur	MRD
123.	24-25 Apr	Seminar on Human Rights	UMS, Sabah	SABAH
124.	24 Apr	Visit to Shah Alam Central Lock-Up regarding the death of Thanabalan A/L Subramaniam	Shah Alam	CMG
125.	24 Apr	Human rights workshop for Malaysia Prisons Department Series 2 at PULAPEN	Taiping, Perak	ETD
126.	24 Apr	Monitoring visit to Sek. Agama Menengah Muhammadiyah, Pekan Sabak and Sek. Agama Menengah Bagan Terap	Selangor	ETD
127.	26 Apr	Follow up meeting with AIM, SUARAM, Bar Council Malaysia and LFL on the Joint Campaign on UNCAT at SUARAM	Petaling Jaya, Selangor	POD
128.	25 Apr	Visit to SK Melut and SK Sg. Judah, Kuala Selangor with researcher from England regarding Orang Asli children in Malaysia	Selangor	ETD
129.	25 – 26 Apr	Programme on "Say No to Bully Campaign" and Student Leadership (UUM-SUHAKAM) at SK Pokok Sena, Kota Setar and SMK Sungai Tiang, Pendang	Kedah	ETD
130.	26 Apr	Visit to Royal Malaysian Customs Department	Putrajaya	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
131.	26 Apr	Visit to Pulau Pinang Prison regarding Tamilselvan a/l Subramaniam case	Pulau Pinang	CMG
132.	27 Apr	Visit to Remand Detention Centre, NADA Kampung Selamat, Tasek Gelugor	Pulau Pinang	CMG
133.	27 Apr	Visit to Belantik Immigration Depot	Kedah	CMG
134.	28 Apr	14 th General Election Monitoring: <i>Hari Penamaan Calon</i>	Kuala Lumpur, Selangor dan Kedah	CMG
135.	28-29 Apr	Mobile CTC Sandakan programme	Sandakan	SABAH
136.	29 Apr	Follow up Awareness programme on a Child's Right to Safety at MRSM Kubang Pasu	Kedah	ETD
137.	30 Apr	Human rights talk for INTAN Officer at Bukit Kiara	Kuala Lumpur	ETD
138.	2 May	"Youth for Rights" programme at UniKL	Gombak, Kuala Lumpur	POD
139.	3 May	Watching brief for election case	Magistrate Court Kuala Lumpur	LITD
140.	3 May	Courtesy and case visit to Puncak Borneo Prison	Sarawak	SARAWAK
141.	3 May	Workshop on Human Rights Modules for Post-UPSR and PT3 students	SUHAKAM Kuala Lumpur	ETD
142.	9 May	Follow up Awareness programme on a Child's Right to Safety at MRSM Tun Ghafar Baba	Melaka	ETD
143.	6-10 May	14 th General Election Monitoring	Kuala Lumpur, Selangor, Kedah, Kelantan, Perak, Sabah, Sarawak, Perlis, Pahang dan Negeri Sembilan	SUHAKAM
144.	16 May	Panel decision regarding Public Inquiry on disappearance of Pastor Raymond Koh – Session 14 (Pastor Raymond Case)	SUHAKAM Kuala Lumpur	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
145.	16 May 17 May 30 May 31 May	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – (Amri Che Mat Case) Session 10 Session 11 Session 12 Session 13	SUHAKAM Kuala Lumpur	CMG
146.	10 May	Human rights talk for Prison Officer at Seremban Prison	Negeri Sembilan	ETD
147.	14 May	Meeting with researcher from UNICEF regarding Orang Asli education	Kuala Lumpur	ETD
148.	14 - 15 May	Program Induksi/Latihan Kepimpinan Penggerak Malaysia Untuk Jawatankuasa Majlis Antarabangsa Penggerak Malaysia (PMIC) anjuran Bersama PMIC di SUHAKAM	Kuala Lumpur	ETD
149.	15 May	SUHAKAM's Exhibition in conjunction with the "Life Day" programme	Kuala Lumpur	POD
150.	16 May	Follow-up meeting with AIM, SUARAM, Bar Council Malaysia and LFL on the Joint Campaign on UNCAT	Pejabat LFL, Petaling Jaya, Selangor	POD
151.	21-22 May	Record statement regarding abuse of Power	Sungai Petani, Kedah	CMG
152.	22 May	Programme on Sexual Abuse Prevention at school among Orang Asli children	Perak	ETD
153.	23 - 24 May	Human rights talk at PULAPOL	Kuala Lumpur	ETD
154.	24 May	Record statement with police regarding Amri Che Mat case	Kangar Perlis	CMG
155.	24 May	Case visit to Simpang Renggam Prison and Pusat Koreksional Ulu Choh	Johor	CMG
156.	24 May	Follow-up meeting with USAS regarding <i>SUHAKAM Bersama Masyarakat</i> programme	Kuala Kangsar, Perak	POD
157.	25 May	Case visit to Pekan Nenas Immigration Depot	Johor	CMG
158.	25 May	Case visit to Kajang Police Station	Selangor	CMG

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159.	28 May	SUHAKAM's National Conference on the Death penalty	Kuala Lumpur	SUHAKAM LITD
160.	2-3 Jun	SUHAKAM's Exhibition in conjunction with Greenpeace Malaysia's programme titled "The Rainbow Warrior"	Port Klang, Selangor	POD
161.	4 Jun	Forum on 'Sustainable Forest Management and a New Hope for Malaysia' in conjunction with World Environment Day, co-organised with Greenpeace	Klang, Selangor	ESCRD
162.	7 Jun 26 Jun	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – (Amri Che Mat Case) Session 14 Session 15	SUHAKAM Kuala Lumpur	CMG
163.	8 Jun	Visit to Malaysian Customs Department regarding the death of customs officer	Putrajaya	CMG
164.	11-12 Jun	Case visit regarding detention under SOSMA at Taiping Prison	Perak	CMG
165.	12 Jun	Meeting with Department of Islamic Development Malaysia (JAKIM)	Putrajaya	SUHAKAM
166.	21 Jun	Case visit to Pusat Koreksional Ulu Choh regarding 131 Sri Lanka' refugees and Pekan Nenas Immigration Depot	Johor	CMG
167.	25 Jun	Visit to Sri Lanka Embassy regarding 131 Sri Lanka' refugees	Sri Lanka Embassy, Kuala Lumpur	CMG
168.	27 Jun	'Youth for Rights' programme at USAS	Kuala Kangsar, Perak	POD
169.	27 Jun	Interviewing forensic experts on Thanabalan a/l Subramaniam death at Hospital Tengku Ampuan Rahimah	Klang, Selangor	CMG
170.	27 Jun	Visit to Taiping Prison regarding bucket system	Perak	CMG

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171.	28 Jun	Case visit to Sekolah Menengah Kebangsaan Seri Bintang Utara	Cheras, Kuala Lumpur	CMG
172.	28 Jun	Workshop on Human Rights Modules for Post-UPSR and PT3 students – Session 2	Kuala Lumpur	ETD
173.	28 Jun	Briefing at “ <i>Persidangan Ketua-Ketua Jabatan/Majlis Agama Islam Negeri Seluruh Malaysia (PKJ) Kali ke 106</i> ” at JAKIM’s office	Putrajaya	SUHAKAM
174.	29 Jun	Case visit to Sungai Buloh Prison	Selangor	CMG
175.	2-5 Jul	UNCAT programme	Kuala Lumpur	POD
176.	2 Jul 3 Jul 5 Jul 6 Jul 23 Jul 24 Jul	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – (Amri Che Mat Case) Session 16 Session 17 Session 18 Session 19 Session 20 Session 21	SUHAKAM Kuala Lumpur	CMG
177.	2 Jul	Press Conference on Malaysia’s Accession to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)	Kuala Lumpur	SUHAKAM MRD
178.	4 – 5 Jul	Workshop: “Training of Trainers” (TOT) on Human Rights Modules for Post-UPSR and PT3 students at Port Dickson	Negeri Sembilan	ETD
179.	5 Jul	Meeting with <i>Jabatan Integriti dan Pematuhan Standard (JIPS)</i> , RMP regarding human rights complaints	Bukit Aman, Kuala Lumpur	CMG
180.	6 Jul	Visit to Langkap Immigration Depot	Perak	CMG
181.	9 Jul	Rountable discussion on child’s rights in the plantations, collaboration with TFT	Kota Kinabalu Sabah	SABAH
182.	10 -12 Jul	Workshop: “Training of Trainers” (TOT) on Human Rights Modules for Post-UPSR and PT3 students at Alor Setar	Kedah	ETD

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183.	10 Jul	Case visit and interviewing forensic experts, Hospital Tengku Ampuan Afzan regarding the death in Bentong Prison	Kuantan, Pahang	CMG
184.	10 Jul	Routine visit to IPD Kuantan and Indera Mahkota Central Lock-Up	Kuantan, Pahang	CMG
185.	11 Jul	Record statement of Investigation Officer at IPD Bentong regarding death issue	Pahang	CMG
186.	11 Jul	Rountable discussion regarding stateless children	Kota Kinabalu Sabah	SABAH
187.	12 Jul	Courtesy visit to <i>Pusat Tahanan Sementara</i> Kota Kinabalu	Kota Kinabalu Sabah	SABAH
188.	12 Jul	Interview Medical Officer/ Assistant Medical officer regarding death case in Bentong Prison at Klinik Kesihatan Mempaga	Bentong, Pahang	CMG
189.	13 Jul	Case visit to Chempaka Assembly of God	Subang Jaya, Selangor	CMG
190.	16-18 Jul	SUHAKAM's Exhibition in conjunction with USAS's programme titled "World Conference on Islamic Thought and Civilization"	Hotel Casuarina @ Meru, Ipoh, Perak	POD
191.	17 Jul	Case visit to Kampung Orang Asli Sat RPS Jernang, Sungkai and Kampung Orang Asli Batu Berangkai, Kampar	Perak	CMG
192.	17 Jul	Workshop on Human Rights and Justice to Sessions Court Judges, Magistrates and Deputy Prosecutors at ILKAP Bangi	Bangi, Selangor	ETD
193.	17 – 19 Jul	Workshop: "Training of Trainers" (TOT) on Human Rights Modules for Post-UPSR and PT3 students at Kota Bharu	Kelantan	ETD
194.	18-19 Jul	Training for <i>Pemerhati Pilihan Raya Bagi Pilihan Raya Kecil (PRK) Dewan Undangan Negeri (DUN) N.49 Sungai Kandis</i>	SPR, Putrajaya	CMG
195.	18 Jul	Case visit to Kampung Orang Asli Pos Piah, Sungai Siput	Perak	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
196.	19 Jul	Case visit to Kampung Orang Asli Pawong, Simpang Pulai	Perak	CMG
197.	19 Jul	Case visit to Kampung Orang Asli Lojing	Kelantan	CMG
198.	19 Jul	Visit to Kluang Prison	Kluang, Johor	CMG
199.	19-20 Jul	Record statement: Wang Kelian Mass Grave Investigation	Pulau Pinang	CMG
200.	20 Jul	Case visit to Kampung Orang Asli Pos Terisu	Perak	CMG
201.	21 Jul	Observer for <i>Pilihan Raya Kecil (PRK) Dewan Undangan Negeri (DUN) N.49 Sungai Kandis, (Hari Penamaan Calon)</i>	Selangor	CMG
202.	23 – 25 Jul	Human rights training for <i>Ketua-Ketua Bahagian Siasatan Jenayah Daerah, Zon Utara Semenanjung Malaysia</i>	Pulau Pinang	ETD
203.	24 Jul	<i>SUHAKAM Bersama Masyarakat</i> programme	Kuala Kangsar, Perak	POD
204.	25 Jul	Case visit to IPD Kulai	Johor	CMG
205.	28 Jul	Talk on "Patients Right to Health" for Malaysia Nurses Association	Pulau Pinang	ETD
206.	30 Jul	Case visit to IPD Kajang	Selangor	CMG
207.	31 Jul	Human rights talk for MACC Officers at Kota Bharu	Kelantan	ETD
208.	31 Jul	Forum on the Implementation of the Convention on the Rights of Persons with Disabilities and the Persons with Disabilities Act 2008	Miri, Sarawak	SARAWAK
209.	31 Jul	Monitoring of (accessibility) of Public Facilities - Buildings Compliance with CRPD (PWD) Standards and other Applicable Laws	Bandaraya Miri Sarawak	SARAWAK
210.	1 Aug	Visit to Sekolah Kebangsaan Pujut	Miri, Sarawak	SARAWAK
211.	1-3 Aug	Record statement: Wang Kelian mass grave investigation	Kedah and Perlis	CMG
212.	2 Aug	Visit to <i>Pusat Pemulihan Dalam Komuniti (PDK Miri)</i>	Miri, Sarawak	SARAWAK

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213.	2 Aug	Seminar on <i>Hak Asasi Manusia dan Kepolisian</i>	Cheras, Kuala Lumpur	ETD
214.	3-4 Aug	Observer for <i>Pilihan Raya Kecil (PRK) Dewan Undangan Negeri (DUN) N.49 Sungai Kandis</i>	Selangor	CMG
215.	3 Aug	Case visit and interviewing forensic experts, Hospital Tengku Ampuan Afzan regarding the death in Bentong Prison	Kuantan, Pahang	CMG
216.	3 Aug	Follow up discussion on the gazetting of Orang Asli land in Selangor	SUHAKAM Kuala Lumpur	ESCRD
217.	6 Aug 27 Aug 28 Aug	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – (Amri Che Mat Case) Session 22 Session 23 Session 24	SUHAKAM Kuala Lumpur	CMG
218.	7 – 9 Aug	Human rights workshop for Record Officer, Prison Department	Kota Kinabalu Sabah	SABAH ETD
219.	9-12 Aug	Exhibition: <i>Pesta Benak Sri Aman</i>	Sarawak	SARAWAK
220.	12 Aug	Forum on Promoting Understanding and Application of the UN Guiding Principles on Business and Human Rights	Kuala Terengganu, Terengganu	ESCRD
221.	13-14 Aug	<i>SUHAKAM Bersama Masyarakat</i> programme at Pitas & Kota Marudu	Sabah	SABAH
222.	14 – 16 Aug	Human Rights Workshop for Medical Assistant Officer, Prison Department	Kedah	ETD
223.	16 Aug	Forum on Promoting Understanding and Application of the UN Guiding Principles on Business and Human Rights	The Everly, Putrajaya	ESCRD
224.	20 Aug	Forum on Promoting Understanding and Application of the UN Guiding Principles on Business and Human Rights	Johor Bahru, Johor	ESCRD
225.	20 Aug	Courtesy visit to The High Commission of Nigeria	Kuala Lumpur	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
226.	24 Aug	Record statement: Disappearance of Joshua & Ruth Hilmy	SUHAKAM Kuala Lumpur	CMG
227.	26 Aug	<i>SUHAKAM Bersama Masyarakat</i> programme at Kg. Kiandungo	Tongod	SABAH
228.	27 Aug	Record statement: Wang Kelian mass grave investigation at IPK Kangar	Perlis	CMG
229.	27 Aug	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – Session 15 (Pastor Raymond Case)	SUHAKAM Kuala Lumpur	CMG
230.	28 Aug	Meeting with Director, Perlis Immigration Department regarding Wang Kelian mass grave	Kangar, Perlis	CMG
231.	28 Aug	Record statement: Wang Kelian mass grave investigation at IPD Padang Besar	Perlis	CMG
232.	29 Aug	Lecture on 'The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment' at Monash University	Subang, Selangor	POD
233.	3 Sep	Follow up Awareness Programme on a Child's Right to Safety at MRSM Pengkalan Chepa	Kelantan	ETD
234.	3 Sept 7 Sept	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – (Pastor Raymond Case) Session 16 Session 17	SUHAKAM Kuala Lumpur	CMG
235.	4 Sept	Case visit to SRK Taman Nirwana regarding sexual harrassment complaints	Ampang Selangor	CMG
236.	4 Sept	Record statement: Disappearance of Joshua & Ruth Hilmy	SUHAKAM Kuala Lumpur	CMG
237.	5 Sept	Record statement: Disappearance of Joshua & Ruth Hilmy	IPD Ampang Jaya, Selangor	CMG
238.	11 – 12 Sep	Follow up Awareness Programme on a Child's Right to Safety at MRSM PDRM Kulim	Kedah	ETD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
239.	13 Sep	"Hak Asasi Warga Emas" programme at Pusat Aktiviti Warga Emas (PAWE)	Alor gajah, Melaka	POD
240.	14 Sep	SUHAKAM's Exhibition in conjunction with MUM's programme titled "Monash Internship and NGO Fair 2018" at Monash University	Subang Jaya, Selangor	POD
241.	18 Sept	Visit to Perlis Correctional Centre	Perlis	CMG
242.	18-20 Sept	Record statement: Wang Kelian mass grave investigation	Perlis and Perak	CMG
243.	20 Sept	Meeting with Menteri Besar Perak and State Government Agencies	Perak	CMG
244.	21 Sept	Case visit to Sungai Buloh Prison	Selangor	CMG
245.	21 Sept	Visit to detention place at Sungai Wangi, Lumut	Perak	CMG
246.	21 Sept	Case visit to Seri Manjung Hospital	Perak	CMG
247.	24 Sept	Visit and record statement regarding SOSMA detainees	SUHAKAM Kuala Lumpur	CMG
248.	24 Sept	Dialogue with Embassies on Malaysia's Third Universal Periodic Review (UPR)	SUHAKAM Kuala Lumpur	ICD
249.	25 Sep	Roundtable with Parliamentarians: Aligning National Legislation with International Standards on Freedom of Expression, Access to Information and Press Freedom" in Kuala Lumpur	Parliament of Malaysia, Kuala Lumpur	ETD
		SUHAKAM's Exhibition in conjunction with SUHAKAM and UNESCO programme		POD
250.	25-27 Sep	Workshop on Human Rights Best Practices in Schools (HRBPS) for teachers	Sibu, Sarawak	SARAWAK ETD
251.	26 Sep	"Youth for Rights" programme at INTI University	Nilai, Negeri Sembilan	POD
252.	26 Sep	Visit to <i>Rumah Perlindungan Zon Tengah Damansara</i>	Damansara, Selangor	CMG
253.	27 Sep	Visit to Pulau Pinang Remand Prison regarding SOSMA detainess on hunger strike	Pulau Pinang	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
254.	27 Sep	Visit to Pulau Pinang Remand Prison regarding bucket systems	Pulau Pinang	CMG
255.	29 Sep	Meeting with the Ministry of Health with MTAAG+ and Prison Department on the Proposed Collaboration to Conduct HEP C Screening in Prisons	Putrajaya	ESCRD
256.	30 Sept – 2 Oct	Record statement: Wang Kelian mass grave investigation	Perlis	CMG
257.	2 Oct	Record statement with prisoners at Correctional Centre Perlis	Perlis	CMG
258.	3 Oct	"Youth for Rights" programme at UniSZA	Kuala Terengganu, Terengganu	POD
259.	4 Oct	"SUHAKAM Bersama Masyarakat" programme	Hulu Terengganu, Terengganu	POD
260.	4 Oct	Visit Syrian detainees at IPD Sepang	Selangor	CMG
261.	5 Oct	Meeting regarding sexual harrassment complaints at Hulu Langat District Education Office	Selangor	CMG
262.	6-7 Oct	SUHAKAM's Exhibition in conjunction with UNCAT campaign	Kuching, Sarawak	SARAWAK POD
263.	10 Oct 15 Oct	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – (Pastor Raymond Case) Session 18 Session 19	SUHAKAM Kuala Lumpur	CMG
264.	11 Oct	Visit to Bentong Prison regarding death case	Pahang	CMG
265.	15 – 17 Oct	Human rights workshop for Assistant Medical Officer, Malaysian Prisons Department at Correctional Centre Tanjong Kling	Melaka	ETD
266.	16 Oct	Human Rights Workshop: Monitoring Immigration Detention collaboration with UNHCR at Semenyih Immigration Depot	Selangor	ETD
267.	16 Oct	Visit to IPD Batu Pahat regarding death in custody	Batu Pahat, Johor	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
268.	17 Oct	Case visit to Klinik Kesihatan Batu Pahat and Hospital Sultanah Nora Ismail, Batu Pahat regarding death in custody	Batu Pahat, Johor	CMG
269.	20 Oct	"Rumah Ibadah Mesra OKU" programme at Masjid Bandar Seri Putra	Bangi, Selangor	POD
270.	22 Oct	"SUHAKAM Bersama Masyarakat" Programme at Belawai, Tanjung Manis	Sarawak	SARAWAK
271.	23 – 24 Oct	Human Rights Best Practices in conjunction with the Student Affairs Symposium 2018 organized by the Ministry of Education	Terengganu	ETD
272.	24 Oct	Human Rights Workshop: Monitoring Immigration Detention collaboration with UNHCR at Machap Umboo Immigration Depot	Melaka	ETD
273.	25 Oct	Human Rights Workshop: Monitoring Immigration Detention collaboration with UNHCR at Pekan Nenas, Pontian Kecil Immigration Depot	Johor	ETD
274.	26 Oct	Visit to Kajang Women's Prison	Kajang, Selangor	CMG
275.	26 Oct	Case visit to detention room, Headquarters, Immigration Department	Putrajaya	CMG
276.	29-30 Oct	SUHAKAM's Exhibition in conjunction with Asian Confederation of Institutes of Internal Auditors ACIIA Conference 2018	KLCC, Kuala Lumpur	POD
277.	29 Oct	Record statement on death case at Bentong Hospital	Bentong Pahang	CMG
278.	31 Oct	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – Session 25 (Amri Che Mat Case)	SUHAKAM Kuala Lumpur	CMG
279.	1 Nov	SUHAKAM's Consultation on The Proposed National Children Commission	SUHAKAM Kuala Lumpur	LITD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
280.	1 Nov	Case visit to detention room, Headquarters, Immigration Department regarding Hassan Al-Kontar detention	Putrajaya	CMG
281.	1 Nov	Visit and meeting with administration of Sekolah Kebangsaan Menson, Cameron Highlands on the allegations of human rights violations involving the headmaster	Pahang	CMG
282.	2 Nov	Meeting with Cameron Highland District Education Officer	Cameron Highlands Pahang	CMG
283.	2 Nov	Case visit regarding detention of Ang Kian Kok at Pusat Koreksional Puncak Alam	Selangor	CMG
284.	3 Nov	SUHAKAM's Exhibition in conjunction with " <i>Karnival Masyarakat Penyayang</i> " programme	Bandar Baru Sentul, Kuala Lumpur	POD
285.	7 Nov	Meeting with Pusat KOMAS on Code of Conduct on Anti-Discrimination within Private Sectors	SUHAKAM Kuala Lumpur	ESCRD
286.	8 Nov	Routine visit to Machang Prison	Kelantan	CMG
287.	9 Nov	Meeting with BSN	Kuala Lumpur	CMG
288.	12 Nov	Study on Discrimination against Transgender: Closed-door discussion	SUHAKAM Kuala Lumpur	ESCRD
289.	12 Nov	"Youth for Rights" programme at USM	USM, Pulau Pinang	POD
290.	13 – 15 Nov	Human rights workshop for Record Officer, Malaysia Prison Department	Perak	ETD
291.	14-16 Nov	Case visit to Sekolah Kebangsaan Menson	Cameron Highland, Pahang	CMG
292.	15 Nov	Public Inquiry on disappearance of Pastor Raymond Koh, Amri Che Mat and Joshua & Ruth Hilmy – Chamber Meeting (Pastor Raymond Case)	SUHAKAM Kuala Lumpur	CMG
293.	16 Nov	Case visit regarding Ang Kian Kok	Banting, Selangor	CMG

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
294.	17 Nov	SUHAKAM Bersama Masyarakat programme at Kundasang	Kundasang Sabah	SABAH
295.	17 Nov	SUHAKAM's Exhibition in conjunction with "National Law Symposium: Protection of Children 2018" at UIAM	Gombak, Selangor	POD
296.	19 Nov	Meeting with Bukit Aman's Counter-Terrorism Division head, Datuk Ayob Khan Mydin Pitchay	Bukit Aman, Kuala Lumpur	CMG
297.	19 Nov	Record statement regarding wang kelian mass grave incident	SUHAKAM Kuala Lumpur	CMG
298.	21 Nov	Workshop and Implementation of Human Rights Modules for Post-UPSR and PT3 students at SMK Pulau Tuba, Langkawi	Kedah	ETD
299.	21 Nov	Human Rights Workshop: Monitoring Immigration Detention collaboration with UNHCR at Belantik Immigration Depot	Kedah	ETD
300.	21-22 Nov	Seminar on Death in Custody	Kuala Lumpur	SUHAKAM CMG
301.	22 Nov	"SUHAKAM Bersama Masyarakat"" programme	Langkawi, Kedah	POD
302.	12 Nov	Study on Discrimination against Transgender: Closed-door discussion	SUHAKAM Kuala Lumpur	ESCRD
303.	27 Nov	Human Rights Workshop: Monitoring Immigration Detention collaboration with UNHCR at Ajil Immigration Depot	Terengganu	ETD
304.	27 Nov	National Seminar on Islam and Human Rights co-organized with JAKIM	PWTC, Kuala Lumpur	POD
305.	28 – 30 Nov	Human rights workshop for Head of District Criminal Investigation Division and State Criminal Investigation Department Officers, RMP from Sabah and Sarawak	Kota Kinabalu, Sabah	SABAH ETD
306.	28-29 Nov	"Youth for Rights" programme at UMP	Gambang, Pahang	POD

NO.	DATE	ACTIVITY	VENUE	DIVISION/ UNIT/ BRANCH
307.	28 Nov	Visit to Seafeld Sri Mahamariamman temple	Subang Jaya	CMG
308.	30 Nov	Case visit to Cameron Highland regarding Sekolah Kebangsaan Menson case	Pahang	CMG
309.	29 Nov	Human rights workshop: Monitoring Immigration Detention collaboration with UNHCR at Tanah Merah Immigration Depot	Kelantan	ETD
310.	3 Dec	Follow-up meeting with AIM, SUARAM, Bar Council Malaysia and LFL on the Joint Campaign on UNCAT	SUHAKAM Kuala Lumpur	POD
311.	3 – 4 Dec	Human rights and child rights workshop for School Administration of Tahfiz Schools in Kuala Lumpur	Kuala Lumpur	ETD
312.	3 Dec	Case visit to Prison Complex in Sungai Udang	Melaka	CMG
313.	4 Dec	Case visit to Hospital Sultanah Nora Ismail, Batu Pahat	Johor	CMG
314.	4-5 Dec	Case visit to IPD Batu Pahat	Johor	CMG
315.	5 – 6 Dec	"Training of Trainers" for FGV Officials on Business and Human Rights at FGV Academy, Chulan Tower	Kuala Lumpur	ETD
316.	9 Dec	SUHAKAM's 2018 Human Rights Day Celebration	Petaling Jaya, Selangor	SUHAKAM
317.	24 Dec	Case visit on Kampung Chubadak Tambahan issues	Kuala Lumpur	CMG
318.	26 Dec	Case visit on SOSMA and POCA detainees at PRC Sentul	Sentul, Kuala Lumpur	CMG

APPENDIX III

LIST OF TALKS, MEETINGS, WORKSHOPS AND CONFERENCES – NATIONAL 2018

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
1.	4 Jan	Meeting with forensic experts regarding death of Ganeshwaran A/L Gunasigeren at Hospital Ampuan Rahimah	Klang, Selangor	- Nur Adlin Abd Ghaffar - Muhammad Faiz Abd Rahman - Aida Suraya Haron - Kevin Jason A/L James - Azian Juliana A/P Ng Kee Choo
2.	9 Jan	Meeting regarding Orang Asli at Menara Allianz, KL Sentral	Kuala Lumpur	Hasmah Abdul Manaf
3.	10 Jan	Preparatory Meeting for CEDAW Review	Petaling Jaya, Selangor	Prof. Madya Dr. Nik Salida Suhaila Nik Saleh
4.	10-11 Jan	Symposium on Constitutional Law: Rule of Law in Jeopardy?	Kuala Lumpur	Sarah Adibah Hamzah
5.	11 Jan	Panel CEDAW Committee Member for Mock Session	Putrajaya	Prof. Madya Dr. Nik Salida Suhaila Nik Saleh
6.	11 Jan	Meeting on Jawatankuasa Pemandu (NHRAP)	Putrajaya	Datuk Lok Yim Pheng
7.	11 Jan	Dialogue: Bishop Conference	Masai, Johor	- Mr. Jerald Joseph - Joshua Ericsson
8.	18 Jan	Visit to Ladang Felda Besout 6	Trolak, Perak	- Wan Kasim Wan Kadir - Helmi Fend Mohamad Idris - Rafidah Yahya - Shahizad Sulaiman - Wan Norhafizah Junid
9.	19 Jan	Meeting with Director General of NADA	Kajang, Selangor	- Datuk Lok Yim Pheng - Prof. Madya Dr. Nik Salida Suhaila Nik Saleh - Mr. Jerald Joseph - Abdul Rahman Abdullah - Kevin Jason A/L James - Shahizad Sulaiman - Wan Norhafizah Junid

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
10.	19 Jan	Meeting on Trafficking in Persons and Smuggling of Migrants Council (MAPO)	Putrajaya	• Simon Karunagaram • Muhammad Faiz Abd Rahman
11.	19 Jan	Meeting with Deputy Director of Management (Training), RMP, Dato 'I. Narenasgaran	Bukit Aman, Kuala Lumpur	• Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Mr. Jerald Joseph • Shahizad Sulaiman • Wan Norhafizah Junid
12.	22 Jan	Meeting on Mobile CTC	Sabah	• Heflin AK Dino
13.	23 Jan	Meeting with <i>Setiausaha Polis Malaysia (SUPM)</i>	Bukit Aman, Kuala Lumpur	• Mr. Jerald Joseph • Simon Karunagaram • Nurul Hasanah • Yustina Ishak • Joshua Ericsson
14.	23 Jan	Discussion on the Issues of Trafficking in Persons and Smuggling of Migrants	KDN, Putrajaya	• Datuk Lok Yim Pheng • Abdul Rahman Abdullah
15.	24 Jan	Roundtable discussion - Balancing Access to Affordable Medicines and Health Innovation	Kuala Lumpur	• Wan Kasim Wan Kadir • Siti Rahayu Mohamed Noor
16.	24-26 Jan	Alternatives to Detention Learning Programme Workshop	Kuala Lumpur	• Joshua Ericsson
17.	25 Jan	ATHAM Programme at SMK Bum-Bum Semporna	Sabah	• Jasmih Slamet
18.	25 Jan	20 th Malaysia Strategic Outlook Conference	Kuala Lumpur	• Mr. Jerald Joseph • Ameer Izyanif Hamzah
19.	25 Jan	Meeting with Anti-Death Penalty Asia Network (ADPAN)	Kuala Lumpur	• Chua Yen Sin • Nur Syamimi Amran
20.	26 Jan	Talk on Realising Human Rights in Emerging Democracies	Damansara, Kuala Lumpur	• Mr. Jerald Joseph
21.	26 Jan	Meeting with Ministry of Health (MOH) on the death of Mohamad Thaqif Amin Mohd Gaddafi	Putrajaya	• Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Simon Karunagaram • Aida Suraya Haron
22.	29 Jan	Meeting regarding the demolition of Hindu Temple at <i>Pusat Perlindungan Taiping</i>	Taiping, Perak	• Abdul Rahman Abdullah • Nur Adlin Abd Ghaffar • Kevin Jason A/L James

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
23.	30 Jan	Meeting with Amnesty International Malaysia	Petaling Jaya, Selangor	• Ameer Izyanif Hamzah • Chua Yen Sin • Nur Syamimi Amran
24.	5 Feb	CSO Consultation on Immigration Detention	Kuala Lumpur	• Datuk Lok Yim Pheng • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Prof. Dato' Dr. Aishah Bidin • Mr. Francis John Anak Adam • Datuk Godfrey Gregory Joitol • Mr. Jerald Joseph • Nurul Hasanah • Ameer Izyanif Hamzah • Chua Yen Sin • Nur Syamimi Amran • Joshua Ericsson • Kevin Jason A/L James
25.	6 Feb	Meeting with C4	SUHAKAM Kuala Lumpur	• Ameer Izyanif Hamzah • Chua Yen Sin • Joshua Ericsson
26.	7 Feb	Meeting with <i>Bahagian Daftar Kelahiran (Jabatan Pendaftaran Negara)</i> regarding Memoranda from Persatuan Kebajikan Urimai Selangor on citizenship issue	Putrajaya	• Muhammad Faiz Abd Rahman
27.	8 Feb	Meeting with UNDP Bangkok and <i>Jabatan Integriti dan Tadbir Urus</i>	Putrajaya	• Wan Kassim Wan Kadir • Helmi Fendy Mohamad Idris
28.	9 Feb	Meeting with KOMAS on ICERD Consultation with government agencies regarding proposal on National Harmony Act	SUHAKAM Kuala Lumpur	• Prof. Dato' Dr. Aishah Bidin • Mr. Jerald Joseph • Mr. Francis John Anak Adam • Datuk Lok Yim Pheng • Nurul Hasanah • Ameer Izyanif Hamzah • Chua Yen Sin • Joshua Ericsson • Sarah Adibah Hamzah
29.	9 Feb	Workshop with Warnath Group collaboration with the US Embassy	Putrajaya	• Mohd Tan'im Tajuddin

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
30.	13 Feb	Meeting on Jawatankuasa Khas Berkaitan Isu Penyiaran Berita/Maklumat yang tidak Benar	Kuala Lumpur	- Datuk Lok Yim Pheng - Prof. Dato' Dr. Aishah Bidin - Dato' Mah Weng Kwai - Dr. Nik Salida Suhaila Nik Saleh
31.	14 Feb	Meeting with Article 19	SUHAKAM Kuala Lumpur	- Datuk Lok Yim Pheng - Ameer Izyanif Hamzah - Joshua Ericsson
32.	14 Feb	Meeting with FGV	Menara FELDA Kuala Lumpur	- Prof. Dato' Dr. Aishah Bidin - Nurul Hasanah - Wan Kasim Wan Kadir - Helmi Fendy Mohamad Idris
33.	15 Feb	A Symposium on the Decision Court in Indira Gandhi's Case: Legal Implications	Gombak Selangor	- Nur Syamimi Amran - Elza Nadiyah Shaik Sulaiman
34.	20 Feb	Meeting with EU	SUHAKAM Kuala Lumpur	- Nurul Hasanah - Ameer Izyanif Hamzah - Sarah Adibah Hamzah
35.	20 Feb	Meeting with Pengarah Tanah dan Galian and Jabatan Perhutanan Negeri Kelantan regarding land issues in Kelantan	Kelantan	- Mr. Jerald Joseph - Simon Karunagaram - Aida Suraya Haron - Azian Juliana A/P Ng Kee Choo
36.	21 Feb	Perjumpaan Bersama Wakil Majlis Peguam Kelantan Berkenaan Pelbagai Isu di Kelantan	Kelantan	- Mr. Jerald Joseph - Simon Karunagaram - Aida Suraya Haron - Azian Juliana A/P Ng Kee Choo
37.	22 Feb	Responding to Hate Speech and National Action Plan	SUHAKAM	Sarah Adibah
38.	22 Feb	Amnesty International Report Launch	Petaling Jaya, Selangor	Ameer Izyanif Hamzah
39.	22 Feb	Discussion with JAKOA regarding land issue of Orang Asli in Kelantan	Kelantan	- Mr. Jerald Joseph - Simon Karunagaram - Aida Suraya Haron - Azian Juliana A/P Ng Kee Choo

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
40.	23 Feb	Meeting with Orang Asli community in Gua Musang	Kelantan	• Mr. Jerald Joseph • Simon Karunagaram • Aida Suraya Haron • Azian Juliana A/P Ng Kee Choo
41.	23 Feb	Meeting on Dewan Rakyat matters	Putrajaya	• Shahizad Sulaiman
42.	26 Feb	Meeting with Ministry of Energy, Technology, Environment & Climate Change	Putrajaya	• Mr. Jerald Joseph • Nurul Hasanah • Wan Kasim Wan Kadir • Simon Karunagaram • Abdul Rahman Abdullah
43.	26 Feb	Launching of Urban Poverty Studies by UNICEF & DM Analytical	KL Sentral Kuala Lumpur	• Ahmad Afifi Ramli
44.	27 Feb	Meeting of Director General of ILKAP	Bangi, Selangor	• Datuk Lok Yim Pheng • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Dato' Mah Weng Kwai • Shahizad Sulaiman • Wan Norhafizah Junid
45.	27-28 Feb	Theory of Change Workshop on ATD	Bangsar, Kuala Lumpur	• Nurul Hasanah • Joshua Ericsson
46.	1 Mar	Launching ceremony of NHRAP	Putrajaya	• Datuk Lok Yim Pheng • Nurul Hasanah • Wan Kasim Wan Kadir
47.	1 Mar	Meeting on the detention of migrant workers (Bangladesh) at the Immigration Detention Centre	Kuala Lumpur	• Mr. Jerald Joseph • Abdul Rahman Abdullah • Mohd Tan'im Tajuddin
48.	2 Mar	Meeting with FELDA	SUHAKAM Kuala Lumpur	• Rafidah Yahya • Shahizad Sulaiman • Wan Norhafizah Junid
49.	5 Mar	Discussions with Melaka Education Department regarding complaints made by a student from Sekolah Telok Mas, Melaka	Melaka	• Muhammad Faiz Abd Rahman
50.	5 Mar	Meeting with Bar Council	SUHAKAM Kuala Lumpur	• Ameer Izyanif Hamzah

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
51.	7 Mar	Meeting with LAIS	SUHAKAM Kuala Lumpur	• Ameer Izyanif Hamzah
52.	7 Mar	Forum on <i>Hala Tuju dan Masa Depan Orang Asli Di Malaysia</i>	Bangi, Selangor	• Azian Juliana A/P Ng Kee Choo • Mohd Safwan
53.	7 Mar	National Action Plan on Business and Human Rights	Kuala Lumpur	• Prof. Dato' Dr. Aishah Bidin • Nurul Hasanah • Wan Kasim Wan Kadir • Helmi Fendy Mohamad Idris
54.	9 Mar	Human Rights Programme Partnership with Sime Darby	Petaling Jaya, Selangor	• Prof. Dato' Dr. Aishah Bidin • Wan Kasim Wan Kadir
55.	9 Mar	Visit of Eric Alexander, Division Chief for Eastern Hemisphere Affairs in The Abduction Division of The Office of Children's Issues	SUHAKAM Kuala Lumpur	• Datuk Lok Yim Pheng • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Dato' Mah Weng Kwai • Prof. Dato' Dr. Aishah Bidin • Chua Yen Sin • Joshua Ericsson • Sarah Adibah Hamzah
56.	12 Mar	Dialogue session between Kelantan State Government and Orang Asli community regarding land issue	Kota Bharu, Kelantan	• Mr. Jerald Joseph • Simon Karunagaram • Azian Juliana A/P Ng Kee Choo
57.	13 Mar	Meeting with Deputy State Secretary	Sabah	• Datuk Godfrey Gregory Joitol • Jasmih Slamet • Heflin AK Dino
58.	13 Mar	Briefing between Deputy IGP and NGO regarding Wang Kelian issue	Bukit Aman Kuala Lumpur	• Datuk Lok Yim Pheng • Mr. Jerald Joseph • Yustina Ishak • Mohd Tan'im Tajuddin • Chua Yen Sin
589	14 Mar	UNICEF Consultation on Children Effected by Migration	UNICEF Kuala Lumpur	• Joshua Ericsson
60.	14 Mar	Interview with Researcher from UNICEF	SUHAKAM Kuala Lumpur	• Ameer Izyanif Hamzah

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
61.	16 Mar	Discussion with Zil Land Sdn Bhd regarding demolition of Rumah Jinjang Selatan Tambahan	SUHAKAM Kuala Lumpur	- Datuk Lok Yim Pheng - Nur Adlin Abd Ghaffar
62.	16 Mar	Complimentary Seminar: Insolvency Legislative Changes in Malaysia	Kuala Lumpur	- Prof. Dato' Dr. Aishah Bidin - Nurul Hasanah - Nur Syamimi Amran
63.	17 Mar	Roundtable Discussion: Women for TN50	Kuala Lumpur	Prof. Madya Dr. Nik Salida Suhaila Nik Saleh
64.	21 Mar	Forum on "Pemelukan Agama Islam Kanak-kanak: Aspek Perlembagaan Undang-undang Pentadbiran Agama Islam Negeri-negeri dan Hukum Syarak"	Cyberjaya	Sarah Adibah Hamzah
65.	27 Mar	Meeting on the Implementation of the NHRAP	Parliament of Malaysia, Kuala Lumpur	- Datuk Lok Yim Pheng - Dato' Mah Weng Kwai - Prof. Dato' Dr. Aishah Bidin - Prof. Madya Dr. Nik Salida Suhaila Nik Saleh - Wan Kasim Wan Kadir
66.	27 Mar	Meeting on Jawatankuasa Teknikal Bil. 1/2018 Kajian Pelan Tindakan Perpaduan Negara (PTPN)	Putrajaya	- Ameer Izyanif Hamzah - Sarah Adibah Hamzah
67.	28 Mar	Meeting with USAS	SUHAKAM Kuala Lumpur	Joshua Ericsson
68.	28 Mar	Meeting with FGV	SUHAKAM Kuala Lumpur	- Prof. Dato' Dr. Aishah Bidin - Wan Kasim Wan Kadir - Helmi Fendy Mohamad Idris
69.	28 Mar	Meeting on the proposed human rights training programme for JAKOA Officers	Kuala Lumpur	- Shahizad Sulaiman - Hasmah Abdul Manaf

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
70.	29 Mar	Meeting with the complainant and headmaster of Sekolah Kebangsaan Seri Perdana, Alor Setar	Kedah	• Muhammad Faiz bin Abd Rahman • Mohd Tan'im Tajuddin
71.	2 Apr	Meeting with Penang State Government on Code of Conduct on Anti-Discrimination	Penang Institute, Pulau Pinang	• Mr. Jerald Joseph • Wan Kasim Wan Kadir
72.	2 Apr	Meeting on Mobile APP Development on the Implementation of NHRAP	Putrajaya	• Abdul Rahman Abdullah • Muhammad Faiz Abd Rahman • Ahmad Zaidi Baharuddin
73.	3 Apr	Discussion regarding complaints on temple closure at Pusat Perlindungan Taiping	Petaling Jaya, Selangor	• Simon Karungaram • Abdul Rahman Abdullah • Kevin Jason James
74.	6 Apr	Forum on Socio, Legal and Political Landscape: Media Literacy and Fake News	Kuala Lumpur	• Datuk Lok Yim Pheng • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh
75.	9 Apr	Meeting with ATD Committee	UNICEF Kuala Lumpur	• Joshua Ericsson
76.	10 Apr	Meeting with Director, Bahagian Pengusiran Depo, Immigration Department	Putrajaya	• Datuk Lok Yim Pheng • Mr. Jerald Joseph • Simon Karunagaram • Nur Adlin Abd Ghaffar
77.	11 Apr	Validation Workshop on Training Module for Legal Aid Service Provider, Prosecutors and Judges on Handling Forced Labour Cases in Malaysia	Bangi, Selangor	• Ameer Izyanif Hamzah
78.	12 Apr	Launch of Amnesty International Global Report: Death Sentences and Executions 2017	Kuala Lumpur	• Datuk Lok Yim Pheng • Ameer Izyanif Hamzah
79.	13 Apr	Consultation on amendments to the ATIPSOM	Putrajaya	• Datuk Lok Yim Pheng • Prof. Dato' Dr. Aishah Bidin • Nurul Hasanah • Sarah Adibah Hamzah

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
80.	16 Apr	Meeting with <i>Majlis Perbandaran Sungai Petani</i> and <i>Jabatan Kesihatan Negeri Kedah</i> regarding operation of illegal clinic	Kedah	• Muhammad Faiz Abd Rahman
81.	17 Apr	Meeting with Kota Setar Education Office regarding allegation on discrimination	Kedah	• Muhammad Faiz Abd Rahman
82.	17 Apr	Discussion with <i>Pentadbiran Daerah dan Tanah Kota Setar</i> regarding <i>Pengusiran Penduduk Kampung Baru Jalan Padang Tembak</i>	Kedah	• Muhammad Faiz Abd Rahman
83.	17 Apr	Meeting with FGV	Kuala Lumpur	• Shahizad Sulaiman • Wan Norhafizah Junid
84.	19 Apr	Meeting with UNHCR	Kuala Lumpur	• Wan Norhafizah Junid
85.	19 Apr	Meeting regarding Master Weld Academy (MWA) issue	SUHAKAM Kuala Lumpur	• Mr. Jerald Joseph • Abdul Rahman Abdullah • Nur Adlin Abd Ghaffar
86.	19 Apr	Meeting with <i>Jabatan Integriti dan Tadbir Urus Negara (JITN)</i>	Putrajaya	• Simon Karungaram
87.	20 Apr	"Roundtable discussion on FGV'S Social Compliance and Human Rights Initiatives with SUHAKAM"	Putrajaya	• Prof. Dato' Dr. Aishah Bidin • Nurul Hasanah • Wan Kasim Wan Kadir • Helmi Fendy Mohamad Idris • Wan Norhafizah Junid
88.	23 Apr	Roundtable discussion on the Empowerment of Children's Rights at Prison Institutions in Malaysia	Bangi, Selangor	• Nurul Hasanah • Joshua Ericsson
89.	24 Apr	Meeting on <i>Penyelarasan Persidangan Kebangsaan Anti Pmerdagangan Orang Tahun 2018</i>	Putrajaya	• Abdul Rahman • Yustina Ishak
90.	3 May	Consultation on older Person Bill	Putrajaya	• Chua Yen Sin

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
91.	10 May	Human Rights talk for <i>Pelatih Penjara Negeri Sembilan Siri 2/2018</i> at Seremban Prison	Negeri Sembilan	• Wan Norhafizah Junid
92.	17 May	Visit by Delegation of Kenya	Kuala Lumpur	• Datuk Lok Yim Pheng • Chua Yen Sin
93.	23 May	Meeting with TFT	Sabah Office	• Jasmihi Slamati • Heflin AK Dino
94.	25 May	Meeting on <i>Persidangan Kebangsaan Anti Perdagangan Orang Bilangan 2 Tahun 2018</i>	Putrajaya	• Yustina Ishak
95.	25 – 27 May	Human Rights workshop for The New Line Up of JAKOA	Kuala Lumpur	• Hasmah Abdul Manaf
96.	28-31 May & 1 Jun	Facilitation of protection Learning Training (UNHCR)	Kuala Lumpur	• Joshua Ericsson
97.	31 May	Courtesy visit to YB Tan Sri Dato' Haji Muhyiddin Yassin	Putrajaya	• Tan Sri Razali Ismail • Dato' Mah Weng Kwai • Prof Dato' Dr. Aishah Bidin • Datuk Lok Yim Pheng • Mr. Jerald Joseph • Rafidah Yahya • Simon Karunagaram
98.	31 May	Courtesy visit to YB M. Kulasegaran A/L V. Murugeson	Putrajaya	• Tan Sri Razali Ismail • Dato' Mah Weng Kwai • Prof Dato' Dr. Aishah Bidin • Datuk Lok Yim Pheng • Mr. Jerald Joseph • Rafidah Yahya • Simon Karunagaram
99.	4 Jun	Forum on Sustainable Forest Management and A New Hope for Malaysia	Port Klang, Selangor	• Datuk Lok Yim Pheng
100.	6 Jun	Meeting on <i>Pelaksanaan Pusat Pendidikan Komuniti Masyarakat Orang Asli Negeri Perak Bil /2018</i>	Perak	• Hasmah Abdul Manaf

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
101.	6 Jun	Multi Stakeholder Meeting on Digital Rights in Malaysia: Communication and Multimedia Act	Kuala Lumpur	• Chua Yen Sin
102.	7 Jun	Meeting on <i>Jawatankuasa Tajaan dan Program Persidangan Kebangsaan Antipemerdagangan Orang Tahun 2018</i>	Putrajaya	• Mohd Tan'im Tajuddin
103.	11 Jun	Courtesy visit to YB Gobind Singh Deo	Putrajaya	• Ameer Izyanif Hamzah • Joshua Ericsson
104.	12 Jun	Meeting with JAKIM	Putrajaya	• Tan Sri Razali Ismail • Mr. Jerald Joseph • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Nur Syamimi Amran
105.	12 Jun	Meeting with YB Jannie Lasimbang, Sabah Law and Native Affairs Assistant Minister	Sabah	• Datuk Godfrey Gregory Joitol • Jasmih Slamet • Heflin AK Dino
106.	12 Jun	Programme on Supply Chain BHR	Kuala Lumpur	• Ameer Izyanif Hamzah • Sarah Adibah Hamzah
107.	12 Jun	Human rights talk at Sekolah Komuniti Cenway Penaney, Pos Tual, Kuala Lipis	Pahang	• Hasmah Abdul Manaf
108.	25 Jun	Technical Review Group for the "Situation and Gap Analysis on Alignment of Malaysian Legislations, Policies, and Programmes to the ILO Forced Labour Convention and Protocol	Pahang	• Datuk Lok Yim Pheng • Ameer Izyanif Hamzah
109.	26 Jun	Meeting with Gerard Vinluan, World Justice Project (WJP) Asia Pacific Regional Director	SUHAKAM Kuala Lumpur	• Mr. Jerald Joseph
110.	26 Jun	Discussion on amendments to the Section 20 and 9 of the Industrial Relations Act 167 (Act 177)	Putrajaya	• Sarah Adibah Hamzah

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
111.	27 Jun	Briefing by TFT: Report on Children in Plantations of Sabah	SUHAKAM Kuala Lumpur	• Prof. Dato' Dr. Aishah Bidin
112.	27 Jun	Meeting with Parti Sosialis Malaysia	Kuala Lumpur	• Prof. Dato' Dr. Aishah Bidin • Dato' Mah Weng Kwai • Datuk Lok Yim Pheng • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Mr. Jerald Joseph • Abdul Rahman Abdullah
113.	28 Jun	Meeting with Director, NRD	Putrajaya	• Jasmih Slamet • Heflin AK Dino
114.	6 Jul	Follow-up Meeting with Selangor State Government on the Demarcation on gazetting of Orang Asli land in Selangor	Selangor	• Hasmah Abdul Manaf
115.	7 Jul	Human rights talk in Kg. Kuala Siput Lanchang	Pahang	• Hasmah Abdul Manaf
116.	9 Jul	Immigration Detention Monitoring Strategy Meeting	Kuala Lumpur	• Simon Karunagaram • Abdul Rahman Abdullah • Nur Adlin Abd Ghaffar
117.	10 Jul	Meeting with NHRI Philippines and Indonesia	Kota Kinabalu, Sabah	• Prof. Dato' Dr. Aishah Bidin • Dato' Mah Weng Kwai • Datuk Lok Yim Pheng • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Mr. Jerald Joseph • Mr. Francis John Anak Adam • Datuk Godfrey Gregory Joitol • Ameer Izyanif Hamzah • Joshua Ericsson
118.	11 Jul	Meeting on Alternatives to Detention for Children with Deputy Minister of Women, Family and Community Development	Putrajaya	• Chua Yen Sin

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
119.	12 Jul	Workshop on <i>Klasifikasi Piawaian Minimum Antarabangsa Berkenaan Pengurusan Lokap di Seluruh Malaysia</i>	Nilai, Negeri Sembilan	• Simon Karunagaram
120.	13 Jul	Meeting on <i>Jawatankuasa Khas Kajian Undang-undang Berkaitan Keselamatan Bil 1</i>	Putrajaya	• Prof. Dato' Dr. Aishah Bidin • Dato' Mah Weng Kwai • Chua Yen Sin
121.	16 Jul	Meeting with Vice President, Malaysian Chinese Association (MCA) – Datuk Seri Wee Kar Siong	Wisma MCA, Kuala Lumpur	• Datuk Lok Yim Pheng • Prof Madya Dr. Nik Salida Suhaila Nik Saleh
122.	17 Jul	Workshop on Human Rights and Justice at ILKAP	Bangi, Selangor	• Tan Sri Razali Ismail • Mr. Francis John Anak Adam • Datuk Godfrey Gregory Joitol • Dato' Mah Weng Kwai • Datuk Lok Yim Pheng • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Mr. Jerald Joseph • Muhammad Faiz Abd Rahman • Nur Syamimi Amran • Sarah Adibah Hamzah • Elza Nadiyah Shaik Sulaiman
123.	19 Jul	Interview with research assistant on labour rights	SUHAKAM Kuala Lumpur	• Chua Yen Sin • Sarah Adibah Hamzah
124.	20 Jul	Meeting with SSM	Kuala Lumpur	• Prof. Dato' Dr. Aishah Bidin • Ameer Izyanif Hamzah • Sarah Adibah Hamzah
125.	21 Jul	Meeting with Orang Asli community in Negeri Sembilan and Melaka at Kg Tering	Negeri Sembilan	• Hasmah Abd Manaf • Azian Juliana A/L Ng Kee Choo
126.	23 Jul	Children 1 st Situation Analysis of Children in Malaysia	Kuala Lumpur	• Siti Rahayu Mohamed Noor • Chua Yen Sin • Joshua Ericsson

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
127.	23-25 Jul	Human Rights Workshop for Head of District Criminal Investigation Division (North Zone)	Penang	- Datuk Lok Yim Pheng - Rafidah Yahya - Shahizad Sulaiman - Wan Norhafizah Junid - Ameer Izyanif Hamzah
128.	24-25 Jul	Malaysia National Consultation on Achieving Equal Nationality Rights for Women and Men	Kuala Lumpur	Chua Yen Sin
129.	25 Jul	Capacity Building Workshop to Eliminate Forced & Bonded Labour in the Pulp and Paper Sector in Malaysia	Kuala Lumpur	Helmi Fendy Mohamad Idris
130.	27 Jul	2 nd National Forensic Congress Malaysian Borneo Medicolegal & Forensic Aspect in Clinical Practise Conferences in Conjunction with 1 st National Forensic Nurse Congress 2018	Kuching, Sarawak	Sophian Osman
131.	30 Jul	Meeting with Speaker of the House of Representative	Parliament of Malaysia, Kuala Lumpur	- Ameer Izyanif Hamzah - Joshua Ericsson
132.	30 Jul	2 nd Special Committee Meeting on Review of Security Lost	Putrajaya	- Prof. Dato' Dr. Aishah Bidin - Dato' Mah Weng Kwai - Ameer Izyanif Hamzah - Joshua Ericsson
133.	30 Jul	Programme on <i>Wacana Kontemporari Wanita dan Hak Asasi</i>	JAKIM Kuala Lumpur	- Sarah Adibah Hamzah - Elza Nadiyah Shaik Sulaiman
134.	30 Jul	'Stop Human Trafficking Campaign' in Conjunction with World Day Anti-Trafficking Day Celebration 2018	Kuala Lumpur	Abdul Rahman Abdullah
135.	31 Jul	Briefing on <i>Rang Daftar Pemilih Tambahan suku Tahun Pertama Tahun 2018</i>	Putrajaya	- Datuk Lok Yim Pheng - Aida Suraya Haron

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
136.	3 Aug	Meeting with MAPO	Putrajaya	• Prof. Dato' Dr. Aishah Bidin • Ameer Izyanif Hamzah • Joshua Ericsson
137.	3 Aug	Focus Group Discussion on Corporate Responsibility to Eliminate Slavery and Trafficking and gender aspects of migrants in the workplace	UNHCR	• Sarah Adibah Hamzah
138.	9 Aug	Interview between Prof. Dr. Najibah Binti Mohd Zin and SUHAKAM: Research on laws and policy regarding children in Malaysia	SUHAKAM Sarawak	• Sophian Osman
139.	14-15 Aug	Language Awareness for Communicative Success: Grammar Essentials Course	Kuala Lumpur	• Sarah Adibah Hamzah
140.	15 Aug	Meeting on Death Penalty	Kuala Lumpur	• Chua Yen Sin
141.	15-17 Aug	Workshop on <i>Jawatankuasa Teknikal Kajian Undang-undang Berkaitan Keselamatan Siri I</i>	Kuala Lumpur	• Nur Syamimi Amran • Joshua Ericsson
142.	16 Aug	Forum on 'Masa Depan Mahkamah Anak Negeri Sabah' at Native Court Training Institute (ILMAN)	Sabah	• Heflin AK Dino
143.	24 Aug	Invitation to Speak at Let's Talk: Child Marriage & PH's Promise on Human Rights	MCCHR, Kuala Lumpur	• Mr. Jerald Joseph
144.	25 Aug	Meeting with Tongod District Officer	Sabah	• Datuk Godfrey Gregory Joitol • Jasmih Slamet • Heflin AK Dino
145.	25 – 26 Aug	Human rights talk: "Safer Schools" at POS Balar	Kelantan	• Hasmah Abdul Manaf

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
146.	27 Aug	Meeting regarding Orang Asli land issue with NGO	Perak	• Mr. Jerald Joseph • Azian Juliana A/P Ng Kee Choo • Hasmah Abdul Manaf
147.	28 Aug	Meeting on <i>Jawatankuasa Khas Kajian Undang-undang Berkaitan Keselamatan Bil 3</i>	Putrajaya	• Dato' Mah Weng Kwai • Ameer Izyanif Hamzah • Joshua Ericsson
148.	28 Aug	Interview with law students on child labour	SUHAKAM Kuala Lumpur	• Joshua Ericsson
149.	28-29 Aug	Human Rights course on Child Marriage from Domestic and international Perspectives"	Bangi Kuala Lumpur	• Ameer Izyanif Hamzah • Sarah Adibah Hamzah
150.	29 Aug	Briefing for <i>Jawatankuasa Tertinggi Institusi Hal Ehwal Islam Peringkat Persekutuan</i>	Kuala Lumpur	• Nur Syamimi Amran
151.	29 Aug	Post-Mortem Meeting on <i>Program Pemerhati Bagi Pilihan Raya Kecil Dun N.49 Sungai Kandis</i>	Putrajaya	• Simon Karunagaram • Kevin Jason A/L James • Aida Suraya Haron
152.	29 Aug	2018 Regional Conference on Victims of Enforced Disappearance	Kuala Lumpur	• Dr. Cheah Swee Neo
153.	30 Aug	Meeting on <i>Kertas Pertimbangan untuk dibentangkan Dalam Mesyuarat JKKMAR Bil 4/2018</i>	Putrajaya	• Ameer Izyanif Hamzah • Nur Syamimi Amran
154.	30 Aug	Meeting on Child Commission	Putrajaya	• Dato' Mah Weng Kwai • Chua Yen Sin
155.	30 Aug	Meeting on <i>Persediaan Bagi Membincangkan Kertas Pertimbangan Yang Akan Dibentangkan Dalam Mesyuarat Jawatankuasa Khas Kabinet Mengenai Anti-Rasuah Siri 4</i>	Putrajaya	• Dr. Cheah Swee Neo • Simon Karunagaram

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
156.	4 Sep	Meeting on Migrant Workers Human Resources Consultative Council (NHRCC) No. 1/2018	Putrajaya	- Datuk Lok Yim Pheng - Sarah Adibah Hamzah
157.	4 Sep	Meeting on ATD in Malaysia with Mr. Edouard Delaplace, UNODC	SUHAKAM Kuala Lumpur	Joshua Ericsson
158.	4 Sep	Human rights talk: <i>Program Transformasi Minda Insan Masyarakat Orang Asli</i> with YB Minister of Rural Development at Sg. Siput	Perak	Hasmah Abdul Manaf
159.	4 Sep	Meeting: National Human Resources Consultative Council – NHRCC) – <i>Kumpulan Kerja 4: Pengurusan Pekerja Bukan Warganegara Bil.1/2018</i>	Putrajaya	Yustina Ishak
160.	4-5 Sept	"Kursus Panduan Dialog Antara Penganut Agama" at IKIM	Kuala Lumpur	Elza Nadiyah Shaik Sulaiman
161.	5-7 Sep	Workshop on <i>Kajian Undang-undang Berkaitan Keselamatan Bil. 2</i>	Bangi, Selangor	- Ameer Izyanif Hamzah - Joshua Ericsson
162.	6 Sep	Forum on Labour and Human Rights Related Issues	Kuala Lumpur	- Chua Yen Sin - Helmi Fendy Mohamad Idris
163.	7 Sep	Interview with UIA students on corporal punishment	SUHAKAM Kuala Lumpur	Sarah Adibah Hamzah
164.	13 Sep	Human rights talk at Telok Mas Henry Gurney School	Melaka	Wan Norhafizah Junid
165.	13 Sep	Forum on Child Labour	Putrajaya	- Mr. Jerald Joseph - Sarah Adibah Hamzah
166.	15 Sep	Plenary Forum on "Protection for Women in Malaysia"	Sunway City, Kuala Lumpur	Prof. Madya Dr. Nik Salida Suhaila Nik Saleh

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
167.	18 Sep	Occupational Safety and Health Malaysia Council Meeting, Ministry of Human Resource	Putrajaya	• Datuk Lok Yim Pheng
168.	18 Sep	Discussion on <i>Hala Tuju SUHAKAM</i>	Putrajaya	• Simon Karunagaram
169.	19 Sep	Meeting with Persatuan Pengguna Islam Malaysia	SUHAKAM Kuala Lumpur	• Datuk Lok Yim Pheng • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Mr. Jerald Joseph • Sarah Adibah Hamzah
170.	20 Sep	Meeting with Perak Menteri Besar	Ipoh, Perak	• Prof. Dato' Dr. Aishah Bidin • Datuk Lok Yim Pheng • Mr. Jerald Joseph
171.	20 – 21 Sep	Human rights talk: <i>Program Latihan Asas Kepolisan (PLAK) Kursus Asas Kadet Inspektor Bil 2 Siri 1/2018 di PULAPOL</i>	Kuala Lumpur	• Rafidah Yahya • Shahizad Sulaiman • Wan Norhafizah Junid
172.	21 Sep	Seminar on Theology Malaysia - "Challenges of Diaspora in Malaysia"	Kuala Lumpur	• Mr. Jerald Joseph
173.	21 Sep	Meeting on <i>Jawatankuasa Kabinet Mengenai Anti Rasuah (JKKMAR)</i>	Putrajaya	• Prof. Dato' Dr. Aishah Bidin • Mr. Jerald Joseph • Jesrina Kaur Grewal • Ameer Izyanif Hamzah • Nur Syamimi Amran
174.	21 Sep	Human rights talk: <i>Modul SUHAKAM kepada Pelatih Sijil Asas Pengurusan Penjara (KSAPP) Siri 2/2018 di PULAPEN Taiping</i>	Perak	• Rafidah Yahya • Wan Norhafizah Junid
175.	20-23 Sep	The 10 th National Orang Asli Conference - " <i>Hak Tanah dan Perlindungan Hutan Penting Bagi Orang Asli</i> "	Kuala Lumpur	• Datuk Lok Yim Pheng • Mr. Jerald Joseph • Azian Juliana A/P Ng Kee Choo
176.	24 Sep	Roundtable Discussion for the 11th ASEAN Forum on Migrant Labour (AFML)	JW Marriot, Kuala Lumpur	• Datuk Lok Yim Pheng

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177.	26 Sep	Meeting on Media Law	Bar Council	• Joshua Ericsson
178.	27 Sep	Launching: The Malaysian Judiciary Yearbook 2017 and the Journal of The Malaysian Judiciary July 2018	Putrajaya	• Dato' Mah Weng Kwai
179.	28 Sep	Meeting with Special Rapporteur on sale of Children	SUHAKAM Kuala Lumpur	• Datuk Lok Yim Pheng • Joshua Ericsson
180.	29 Sep	National Union of Flight Attendants Malaysia (NUFAM) Forum	Bukit Jelutong Shah Alam	• Datuk Lok Yim Pheng
181.	30 Sep	Human rights talk at Seri Kenangan Home	Johor	• Hasmah Abdul Manaf
182.	2 Oct	Amplifying the Voices of Orang Asli Girls and Women: An Oral Storytelling Workshop	Petaling Jaya, Selangor	• Azian Juliana A/P Ng Kee Choo
183.	2 Oct	Meeting with Federation of Reproductive Health Associations Malaysia (FRHAM): Introduction to speakers: Pre-session of Malaysia	SUHAKAM Kuala Lumpur	• Tan Sri Razali Ismail • Commissioners • Jesrina Kaur Grewal
184.	2 Oct	Invitation to talkshow on "Projek Inovasi Khidmat Awam (PIKA)"	RTM Kuching, Sarawak	• Sophian Bin Osman
185.	2 Oct	Meeting with YB Hannah Yeoh on Child Commission	Putrajaya	• Dato' Mah Weng Kwai • Mr. Jerald Joseph • Ameer Izyanif • Nur Syamimi Amran
186.	4 Oct	Review of the Communication and Multimedia Act 1998	Putrajaya	• Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Mr. Jerald Joseph • Abdul Rahman Abdullah • Nur Syamimi Amran
187.	4 – 5 Oct	Prioritisation Workshop on Situation Analysis of Children and Women in Malaysia	Kuala Lumpur	• Siti Rahayu Mohamed Noor • Joshua Ericsson
188.	5 Oct	Sarawak Teacher's Union 24 th Biennial Delegate's Conference	Kuching, Sarawak	• Sophian Bin Osman

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
189.	7 Oct	Human rights talk for Kg. Orang Asli Jenit, Pekan	Pahang	• Hasmah Abdul Manaf
190.	10 Oct	Meeting on <i>Laporan Pemantauan Pelaksanaan Keputusan Mesyuarat JKKMAR</i>	Putrajaya	• Datuk Lok Yim Pheng • Ameer Izyanif Hamzah • Nur Syamimi Amran
191.	15 Oct	High-Level Closed Door Dialogue on Religion and Human Rights in the New Malaysia	Pulse Grande, Kuala Lumpur	• Mr. Jerald Joseph
192.	15 Oct	Meeting with The National Autism Society of Malaysia	SUHAKAM Kuala Lumpur	• Datuk Lok Yim Pheng • Ameer Izyanif Hamzah
193.	16 Oct	National Consultation on Comprehensive Policy Framework for Migrant Workers	Putrajaya	• Datuk Lok Yim Pheng
194.	16 Oct	4 th Muzakarah Fiqh & International Fiqh Conference	Kuala Lumpur	• Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Nur Syamimi Amran • Elza Nadiyah Shaik Sulaiman
195.	16 Oct	Conduct Training on Refugees for Immigration Officers at Immigration Detention Centre	Semenyih, Selangor	• Mr. Jerald Joseph • Joshua Ericsson
196.	17 Oct	National Consultation on refugees by Bar Council Malaysia	Kuala Lumpur	• Mr. Jerald Joseph • Joshua Ericsson
197.	19 Oct	Meeting on sexual crime against children at KPM	Putrajaya	• Simon Karunagaram
198.	19-20 Oct	The Parliament of Malaysia: MP Advocacy Program	Parliament of Malaysia Kuala Lumpur	• Dato' Mah Weng Kwai • Abel Kumar • Mohd Safwan
199.	22 Oct	Meeting with International Justice Mission	Kuala Lumpur	• Datuk Lok Yim Pheng
200.	22 Oct	Meeting on <i>Peruntukan Penyingkiran di Bawah Undang-undang Persekutuan</i>	Putrajaya	• Ameer Izyanif Hamzah

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201.	23 Oct	8th National Conference on Non-Discrimination: "Malaysia Closer Towards ICERD Ratification"	Putrajaya	• Mr. Jerald Joseph • Mr. Francis John Anak Adam
202.	23 Oct	Meeting with Election Commission of Malaysia	Putrajaya	• Datuk Lok Yim Pheng • Muhammad Faiz bin Abdul Rahman
203.	30-31 Oct	Regional Parliamentary Seminar: Standing Against Death Penalty in Asia The Seminar	Parliament of Malaysia Kuala Lumpur	• Datuk Lok Yim Pheng • Dato' Mah Weng Kwai • Chua Yen Sin
204.	1 Nov	Visit from China Youth Delegation	SUHAKAM Kuala Lumpur	• Tan Sri Razali Ismail • Datuk Lok Yim Pheng • Jesrina Kaur Grewal • Sarah Adibah Hamzah
205.	7 Nov	Meeting with Solicitor General	Putrajaya	• Tan Sri Razali Ismail • Prof. Dato' Dr. Aishah Bidin • Dr. Cheah Swee Neo • Jesrina Kaur Grewal • Joshua Ericsson
206.	6 – 8 Nov	Human rights talk: <i>Pengenalan Fungsi SUHAKAM dan Hak Asasi Pegawai Penguatkuasa serta Hak Asasi Manusia ketika Menjalankan Operasi kepada Pegawai Majlis Perbandaran Kulai di Yayasan Pelajaran Johor</i>	Johor	• Shahizad Sulaiman • Wan Norhafizah Junid
207.	8 Nov	Live Screening of Malaysia's Third UPR	Kuala Lumpur	• Dr. Cheah Swee Neo • Abel Kumar • Kevin Jason A/L James • Norashikin Hamzah
208.	12 Nov	Meeting with Minister of Works	Kuala Lumpur	• Datuk Godfrey Gregory Joitol • Mr. Jerald Joseph • Mr. Francis John Anak Adam • Simon Karunagaram • Abdul Rahman Abdullah • Nur Adlin binti Abd Ghaffar

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209.	13 Nov	Meeting with Attorney General	Putrajaya	• Tan Sri Razali Ismail • Datuk Lok Yim Pheng • Datuk Godfrey Gregory Joitol • Mr. Jerald Joseph • Mr. Francis John Anak Adam • Jesrina Kaur Grewal • Ameer Izyanif Hamzah • Joshua Ericsson
210.	14 Nov	Meeting with transgender community	SUHAKAM Kuala Lumpur	• Prof. Dato' Dr. Aishah Bidin • Datuk Lok Yim Pheng • Joshua Ericsson
211.	16 Nov	Discussion: Committee Report on Migrant Worker Management	Cyberjaya	• Mr. Jerald Joseph
212.	16 Nov	Meetings with RTM on human rights videos and Human Rights Day celebrations	RTM, Kuala Lumpur	• Dr. Cheah Swee Neo • Norashikin Hamzah • Josefina Abdullah
213.	23 Nov	MWFCD's Consultation on Children's Commission	Putrajaya	• Tan Sri Razali Ismail • Prof. Dato' Dr. Aishah Bidin • Datuk Lok Yim Pheng • Dato' Mah Weng Kwai • Mr. Jerald Joseph • Dr. Cheah Swee Neo • Chua Yen Sin • Joshua Ericsson
214.	28 Nov	A follow up discussion on the Cooperation Between the Ministry of Education Malaysia (MOE) and SUHAKAM at SUHAKAM's office	Kuala Lumpur	• Datuk Lok Yim Pheng • Rafidah Yahya • Shahizad Sulaiman • Hasmah Abdul Manaf • Muhammad Syafiq Ikhwan
215.	29 Nov	RTD On Alternatives to Detention for Children (ATD)	Kuala Lumpur	• Joshua Ericsson • Sarah Adibah Hamzah
216.	30 Nov	Roundtable discussion on "IPCMC and The Way Forward"	Kuala Lumpur	• Yustina Ishak

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217.	30 Nov-1 Dec	Electoral Reform Roundtable Discussion	Parliament of Malaysia, Kuala Lumpur	- Datuk Lok Yim Pheng - Chua Yen Sin
218.	1 Dec	Malaysia Freedom Summit: ICERD Should We Ratify?	Parliament of Malaysia	Mr. Jerald Joseph
219.	3 Dec	Meeting regarding <i>Kajian Penglibatan Pegawai Awam dalam Politik</i>	Putrajaya	Sarah Adibah Hamzah
220.	4 Dec	Occupational Safety and Health Malaysia Council Meeting, Ministry of Human Resource	Parliament of Malaysia	Datuk Lok Yim Pheng
221.	4 Dec	Meeting with Law and Policy Reform Group on Refugees	Kuala Lumpur	Joshua Ericsson
222.	10 Dec	Seminar Anti-Corruption Champion: Sharing Session with Winners of the Sheikh Tamim Bin Hamad Al-Thani International Anti-Corruption Excellence Award 2018	Kuala Lumpur	Datuk Lok Yim Pheng
223.	11 Dec	Meeting with the UNICEF	SUHAKAM Sabah Office	- Datuk Godfrey Gregory Joitol - Jasmih Slamati - Hefli AK Dino - Rafidah Yahya - Shahizad Sulaiman - Hasmah Abdul Manaf - Muhammad Syafiq Ikhwan
224.	12 Dec	Speaker's Lecture Series – Parliament and Civil Society: The Voice of the Rakyat? By YAM Tunku Zain Al- 'Abidin Ibni Tuanku Muhriz	Parliament of Malaysia, Kuala Lumpur	Datuk Lok Yim Pheng
225.	17 Dec	MAPO Meeting No.3, 2018	Putrajaya	- Mohd Tan'im bin Tajuddin - Chua Yen Sin

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
226.	18 Dec	Meeting of The Technical Committee on The Study Regarding the National Unity Action Plan 2/2018	Putrajaya	• Chua Yen Sin
227.	19 Dec	Dialogue among Malaysian CSO and with Mr Yury Boychenko and Ms Gloria Nwabogu from the office of OHCHR department Anti-Racial Discrimination Section Rule of Law, Equality and Non-Discrimination	Kuala Lumpur	• Abdul Rahman Abdullah • Kevin Jason A/L James
228.	19 – 21 Dec	Visit to Orang Asli Community Development Project at Belum-Temenggor Area, Gerik.	Perak	• Hasmah Abdul Manaf
229.	20 – 21 Dec	OHCHR Workshop on Human Rights, Non-Discrimination and Promoting Tolerance in South-East Asia	Kuala Lumpur	• Mr. Jerald Joseph
230.	27 Dec	Meeting on the Establishment of Independent Social Compliance Audit Team	Putrajaya	• Sarah Adibah Hamzah

APPENDIX IV

LIST OF TALKS, MEETINGS, WORKSHOPS AND CONFERENCES – INTERNATIONAL

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
1.	5-6 Feb	UN High Commissioner for Human Rights Visit: Jakarta International Conversation and Business and Human Rights Regional Workshop	Jakarta, Indonesia	• Tan Sri Razali Ismail • Josefina Abdullah
2.	15-16 Feb	Southeast Asia NHRIs Forum (SEANF) Technical Working Group (TWG) Meeting 1/2018	Bangkok, Thailand	• Josefina Abdullah
3.	19-20 Feb	69 th Session of Committee on the Elimination of All Forms of Discriminations against Women (CEDAW) – informal meeting with NHRIs	Geneva, Switzerland	• Tan Sri Razali Ismail • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Jesrina Kaur Grewal
4.	19-23 Feb	UN Asia Consultation on Gender, Business & Human Rights	Ashoka University, India	• Wan Kasim Wan Kadir
5.	20-21 Feb	13 th Doha International Conference for Interfaith Dialogue 2018: Religions and Human Rights	Doha, Qatar	• Tan Sri Razali Ismail • Joshua Ericsson
6.	20-21 Feb	Multi-Stakeholder Asia Consultation on Applying a Gender Lens to the UN Guiding Principles on Business and Human Rights	Sonipat, India	• Wan Kasim Wan Kadir
7.	21-23 Feb	Annual Meeting of the Global Alliance of NHRIs (GANHRI) 2018	Geneva, Switzerland	• Tan Sri Razali Ismail • Prof. Madya Dr. Nik Salida Suhaila Nik Saleh • Jesrina Kaur Grewal

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
8.	15 -16 Mar	APT's Guide on Monitoring The Situation Of LGBTI Persons Deprived of Liberty Peer-Review Meeting	Geneva, Switzerland	• Simon Karunagaram
9.	4 - 6 Apr	Leading by Example: Thai State-Owned Enterprises Towards the Role Model of Responsible Business	Bangkok, Thailand	• Wan Kasim Wan Kadir
10.	9-11 Apr	International Conference on Human Rights	Kathmandu, Nepal	• Datuk Lok Yim Pheng
11.	16-18 Apr	2018 Biennial Meeting of the Commonwealth Forum of National Human Rights Institutions and Commonwealth Women's Forum	London, United Kingdom	• Tan Sri Razali Ismail • Jesrina Kaur Grewal
12.	16-21 Apr	17th Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)	New York, US	• Mr. Francis Johen Anak Adam • Heflin AK Dino
13.	30 Apr – 4 May	Immigration Detention Monitoring Workshop	Bangkok, Thailand	• Wan Norhafizah Junid • Nur Adlin Abd Ghaffar
14.	2-4 May	2018 ASEAN Conference on Juvenile Justice Reform "ASEAN for Children in Conflict with the Law: Implementation of Restorative Justice and Global Study on children Deprived of Liberty"	Bangkok, Thailand	• Nur Syamimi Amran
15.	4-7 Jun	AICHR Interregional Dialogue: Sharing good practices on Business and Human Rights and associated NHRI side Events	Bangkok, Thailand	• Prof. Dato' Dr. Aishah Bidin • Mr. Francis Johen Anak Adam • Wan Kasim Wan Kadir
16.	12-13 Jul	SEANF TWG Meeting 2/2018	Bangkok, Thailand	• Paresmeswari S.
17.	15-17 Aug	Undertaking Effective Investigations: APF National Workshop for National Human Rights Commission of Thailand	Bangkok, Thailand	• Simon Karunagaram

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE	REPRESENTATIVE
18.	16-17 Aug	Consultative Workshop on Human Rights Violations and its Cross Border Effects: Addressing the Protection Gap Through Extraterritorial Obligations	Bangkok, Thailand	- Datuk Godfrey Gregory Joitol - Dr. Cheah Swee Neo
19.	6-8 Sept	The 8th Regional Conference on Human Rights and Business in South East Asia	Chiang Rai, Thailand	Dr. Cheah Swee Neo
20.	13-14 Sept	15th Annual Meeting of The South East Asia National Human Rights Institutions Forum (SEANF)	Bangkok, Thailand	- Tan Sri Razali Ismail - Jesrina Kaur Grewal
21.	24-26 Sep	APF Facilitators Network (AFN) Workshop	Bangkok, Thailand	Siti Zaihan Zulkarnain
22.	9-10 Oct	UPR Pre-sessions of Malaysia, 31th Working Group	Geneva	- Tan Sri Razali Ismail - Jesrina Kaur Grewal
23.	10-12 Oct	13th International Conference of GANHRI – Role of NHRIs in Addressing Shrinking Democratic Space and Protecting Human Rights Defenders	Marrakesh, Morocco	- Tan Sri Razali Ismail - Jesrina Kaur Grewal
24.	15-16 Oct	Conference in Celebration of "70 Years Universal Declaration of Human Rights"	Berlin, Germany	- Tan Sri Razali Ismail - Jesrina Kaur Grewal
25.	1 Nov	International Conference on Sustainable Development Goals and Human Rights: Role of National Human Rights Institutions	Dhaka, Bangladesh	Abel Kumar
26.	6-9 Nov	Malaysia's 3rd Universal Periodic Review	Geneva, Switzerland	- Datuk Godfrey Gregory Joitol - Mr. Jerald Joseph - Lee Pei Hsi - Josefina Abdullah - Paremeswari S.
27.	20-21 Nov	Blended Learning Course on Human rights and the Environment in the Framework of Sustainable Development Goals – Component III Regional Meeting for National Human Rights Institutions	Bangkok, Thailand	- Siti Rahayu Mohamed Noor - Nur Syamimi Amran
28.	27-28 Nov	7th UN Forum on Business and Human Rights	Geneva, Switzerland	- Prof. Dato' Dr. Aishah Bidin - Dato' Mah Weng Kwai - Helmi Fendy Mohamad Idris

APPENDIX V

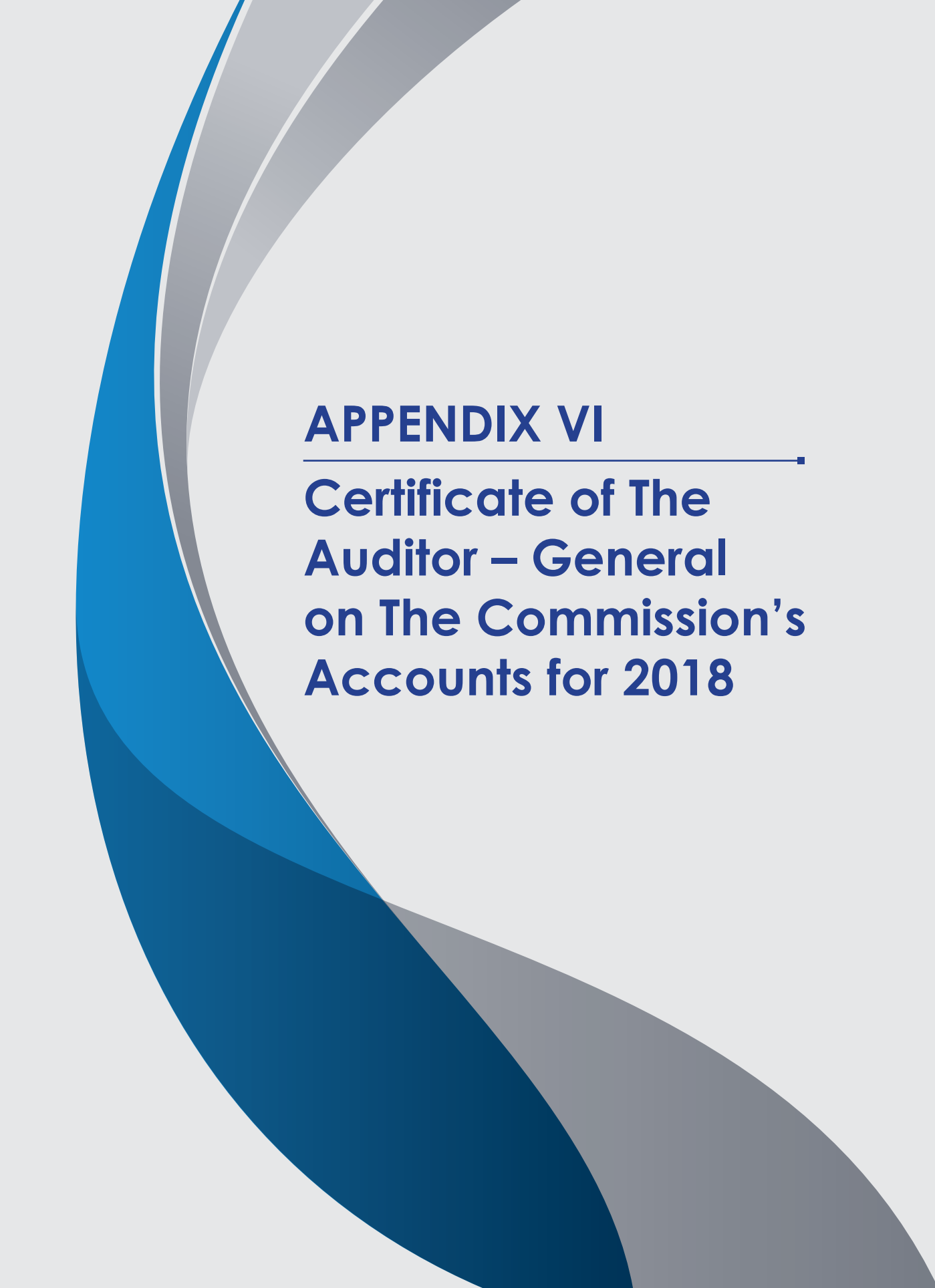
MONTHLY MEETINGS 2018 – ATTENDANCE OF MEMBERS OF THE COMMISSION

NO.	SERIAL NO. OF MEETING	DATE	MEMBERS OF THE COMMISSION PRESENT	MEMBERS OF THE COMMISSION ABSENT	WITH LEAVE	WITHOUT LEAVE
1.	1-2018	12/1/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. PROF. DATO' DR. AISHAH BIDIN 4. DATUK LOK YIM PHENG 5. MR. FRANCIS JOHEN ANAK ADAM 6. MR. JERALD JOSEPH 7. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 8. MR. DAWAMANI P.	DATO' MAH WENG KWAI	-	-
2.	2-2018	7/2/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. PROF. DATO' DR. AISHAH BIDIN 4. DATUK LOK YIM PHENG 5. MR. FRANCIS JOHEN ANAK ADAM 6. MR. JERALD JOSEPH 7. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 8. MR. DAWAMANI P.	DATO' MAH WENG KWAI	-	-

NO.	SERIAL NO. OF MEETING	DATE	MEMBERS OF THE COMMISSION PRESENT	MEMBERS OF THE COMMISSION ABSENT	WITH LEAVE	WITHOUT LEAVE
3.	3-2018	7/3/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. PROF. DATO' DR. AISHAH BIDIN 4. DATO' MAH WENG KWAI 5. DATUK LOK YIM PHENG 6. MR. FRANCIS JOHEN ANAK ADAM 7. MR. JERALD JOSEPH 8. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 9. MR. DAWAMANI P.	-	-	-
4.	4-2018	11/4/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. PROF. DATO' DR. AISHAH BIDIN 4. DATO' MAH WENG KWAI 5. MR. FRANCIS JOHEN ANAK ADAM 6. MR. JERALD JOSEPH 7. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 8. MR. DAWAMANI P.	DATUK LOK YIM PHENG	-	-
5.	5-2018	2/5/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. PROF. DATO' DR. AISHAH BIDIN 4. DATO' MAH WENG KWAI 5. DATUK LOK YIM PHENG 6. MR. FRANCIS JOHEN ANAK ADAM 7. MR. JERALD JOSEPH 8. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 9. MR. DAWAMANI P.	-	-	-
6.	6-2018	6/6/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. DATO' MAH WENG KWAI 4. DATUK LOK YIM PHENG 5. MR. JERALD JOSEPH 6. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 7. MR. DAWAMANI P.	PROF. DATO' DR. AISHAH BIDIN MR. FRANCIS JOHEN ANAK ADAM	-	-

NO.	SERIAL NO. OF MEETING	DATE	MEMBERS OF THE COMMISSION PRESENT	MEMBERS OF THE COMMISSION ABSENT	WITH LEAVE	WITHOUT LEAVE
7.	7-2018	7/7/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. PROF. DATO' DR. AISHAH BIDIN 4. DATUK LOK YIM PHENG 5. MR. FRANCIS JOHEN ANAK ADAM 6. MR. JERALD JOSEPH 7. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 8. DATO' MAH WENG KWAI 9. DR. CHEAH SWEE NEO	-	-	-
8.	8-2018	8/8/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. DATO' MAH WENG KWAI 4. DATUK LOK YIM PHENG 5. MR. FRANCIS JOHEN ANAK ADAM 6. MR. JERALD JOSEPH 7. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 8. PROF. DATO' DR. AISHAH BIDIN 9. DR. CHEAH SWEE NEO	-	-	-
9.	9-2018	5/9/2018	1. DATUK GODFREY GREGORY JOITOL 2. PROF. DATO' DR. AISHAH BIDIN 3. DATO' MAH WENG KWAI 4. DATUK LOK YIM PHENG 5. MR. FRANCIS JOHEN ANAK ADAM 6. MR. JERALD JOSEPH 7. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 8. DR. CHEAH SWEE NEO	TAN SRI RAZALI ISMAIL	-	-

NO.	SERIAL NO. OF MEETING	DATE	MEMBERS OF THE COMMISSION PRESENT	MEMBERS OF THE COMMISSION ABSENT	WITH LEAVE	WITHOUT LEAVE
10.	10-2018	18/10/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. PROF. DATO' DR. AISHAH BIDIN 4. DATO' MAH WENG KWAI 5. DATUK LOK YIM PHENG 6. MR. FRANCIS JOHEN ANAK ADAM 7. MR. JERALD JOSEPH 8. DR. CHEAH SWEE NEO	ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALLEH	-	-
11.	11-2018	14/11/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. PROF. DATO' DR. AISHAH BIDIN 4. DATO' MAH WENG KWAI 5. DATUK LOK YIM PHENG 6. MR. FRANCIS JOHEN ANAK ADAM 7. MR. JERALD JOSEPH 8. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 9. DR. CHEAH SWEE NEO	-	-	-
12.	12-2018	12/12/2018	1. TAN SRI RAZALI ISMAIL 2. DATUK GODFREY GREGORY JOITOL 3. PROF. DATO' DR. AISHAH BIDIN 4. DATO' MAH WENG KWAI 5. DATUK LOK YIM PHENG 6. MR. FRANCIS JOHEN ANAK ADAM 7. MR. JERALD JOSEPH 8. ASSOC. PROF. DR. NIK SALIDA SUHAILA NIK SALEH 9. DR. CHEAH SWEE NEO	-	-	-



APPENDIX VI

Certificate of The Auditor – General on The Commission's Accounts for 2018



**LAPORAN KETUA AUDIT NEGARA
MENGENAI PENYATA KEWANGAN
SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
BAGI TAHUN BERAKHIR 31 DISEMBER 2018**

Laporan Mengenai Penyata Kewangan

Pendapat

Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia telah diaudit oleh wakil saya yang merangkumi Penyata Kedudukan Kewangan pada 31 Disember 2018 dan Penyata Pendapatan, Penyata Perubahan Ekuiti serta Penyata Aliran Tunai bagi tahun berakhir pada tarikh tersebut, ringkasan polisi perakaunan yang signifikan dan nota kepada penyata kewangan seperti dinyatakan pada muka surat 1 hingga 14.

Pada pendapat saya, penyata kewangan ini memberikan gambaran yang benar dan saksama mengenai kedudukan kewangan Suruhanjaya Hak Asasi Manusia Malaysia pada 31 Disember 2018 dan prestasi kewangan serta aliran tunai bagi tahun berakhir pada tarikh tersebut selaras dengan piawaian pelaporan kewangan yang diluluskan di Malaysia dan Akta Suruhanjaya Hak Asasi Manusia Malaysia 1999.

Asas Kepada Pendapat

Saya telah melaksanakan pengauditan berdasarkan Akta Audit 1957 dan *The International Standards of Supreme Audit Institutions*. Tanggungjawab saya dihuraikan selanjutnya di perenggan Tanggungjawab Juruaudit Terhadap Pengauditan Penyata Kewangan dalam laporan ini. Saya percaya bahawa bukti audit yang diperoleh adalah mencukupi dan bersesuaian untuk dijadikan asas kepada pendapat saya.

Kebebasan dan Tanggungjawab Etika Lain

Saya adalah bebas daripada Suruhanjaya Hak Asasi Manusia Malaysia dan telah memenuhi tanggungjawab etika lain berdasarkan *The International Standards of Supreme Audit Institutions*.

Maklumat Lain Selain Daripada Penyata Kewangan dan Laporan Juruaudit Mengenainya

Ahli Suruhanjaya Hak Asasi Manusia Malaysia bertanggungjawab terhadap maklumat lain dalam Laporan Tahunan. Pendapat saya terhadap penyata kewangan Suruhanjaya Hak Asasi Manusia Malaysia tidak meliputi maklumat lain selain daripada Penyata Kewangan dan Laporan Juruaudit mengenainya dan saya tidak menyatakan sebarang bentuk kesimpulan jaminan mengenainya.

Tanggungjawab Ahli Suruhanjaya Terhadap Penyata Kewangan

Ahli Suruhanjaya bertanggungjawab terhadap penyediaan penyata kewangan Suruhanjaya Hak Asasi Manusia Malaysia yang memberi gambaran benar dan saksama selaras dengan piawaian pelaporan kewangan yang diluluskan di Malaysia dan Akta Suruhanjaya Hak Asasi Manusia Malaysia 1999. Ahli Suruhanjaya juga bertanggungjawab terhadap penetapan kawalan dalaman yang perlu bagi membolehkan penyediaan penyata kewangan Suruhanjaya Hak Asasi Manusia Malaysia adalah bebas daripada salah nyata yang ketara sama ada disebabkan fraud atau kesilapan.

Semasa penyediaan penyata kewangan Suruhanjaya Hak Asasi Manusia Malaysia, Ahli Suruhanjaya bertanggungjawab untuk menilai keupayaan Suruhanjaya Hak Asasi Manusia Malaysia untuk beroperasi sebagai satu usaha berterusan, mendedahkannya jika berkaitan serta menggunakannya sebagai asas perakaunan.

Tanggungjawab Juruaudit Terhadap Pengauditan Penyata Kewangan

Objektif saya adalah untuk memperoleh keyakinan yang munasabah sama ada penyata kewangan Suruhanjaya Hak Asasi Manusia Malaysia secara keseluruhannya adalah bebas daripada salah nyata yang ketara, sama ada disebabkan fraud atau kesilapan, dan mengeluarkan Laporan Juruaudit yang merangkumi pendapat saya. Jaminan yang munasabah adalah satu tahap jaminan yang tinggi, tetapi bukan satu jaminan bahawa audit yang dijalankan mengikut *The International Standards of Supreme Audit Institutions* akan sentiasa mengesan salah nyata yang ketara apabila ia wujud. Salah nyata boleh wujud daripada fraud atau kesilapan dan dianggap ketara sama ada secara individu atau agregat sekiranya boleh dijangkakan dengan munasabah untuk mempengaruhi keputusan ekonomi yang dibuat oleh pengguna berdasarkan penyata kewangan ini.

Sebagai sebahagian daripada pengauditan mengikut *The International Standards of Supreme Audit Institutions*, saya menggunakan pertimbangan profesional dan mengekalkan keraguan profesional sepanjang pengauditan. Saya juga:

- a. Mengetahui pasti dan menilai risiko salah nyata ketara dalam penyata kewangan Suruhanjaya Hak Asasi Manusia Malaysia, sama ada disebabkan fraud atau kesilapan, merangka dan melaksanakan prosedur audit yang responsif terhadap risiko berkenaan serta mendapatkan bukti audit yang mencukupi dan bersesuaian untuk memberikan asas kepada pendapat saya. Risiko untuk tidak mengesan salah nyata ketara akibat daripada fraud adalah lebih tinggi daripada kesilapan, kerana fraud mungkin melibatkan pakatan, pemalsuan, ketinggalan yang disengajakan, representasi yang salah, atau mengatasi kawalan dalaman.
- b. Memahami kawalan dalaman yang relevan untuk merangka prosedur audit yang bersesuaian tetapi bukan untuk menyatakan pendapat mengenai keberkesanan kawalan dalaman Suruhanjaya Hak Asasi Manusia Malaysia.
- c. Menilai kesesuaian dasar perakaunan yang diguna pakai, kemunasabahan anggaran perakaunan dan pendedahan yang berkaitan oleh Ahli Suruhanjaya.
- d. Membuat kesimpulan terhadap kesesuaian penggunaan asas perakaunan untuk usaha berterusan oleh Ahli Suruhanjaya dan berdasarkan bukti audit yang diperolehi, sama ada wujudnya ketidakpastian ketara yang berkaitan dengan peristiwa atau keadaan yang mungkin menimbulkan keraguan yang signifikan terhadap keupayaan Suruhanjaya Hak Asasi Manusia Malaysia sebagai satu usaha berterusan. Jika saya membuat kesimpulan bahawa ketidakpastian ketara wujud, saya perlu melaporkan dalam Laporan Juruaudit terhadap pendedahan yang berkaitan dalam penyata kewangan Suruhanjaya Hak Asasi Manusia Malaysia atau, jika pendedahan tersebut tidak mencukupi, pendapat saya akan diubah. Kesimpulan saya dibuat berdasarkan bukti audit yang diperolehi sehingga tarikh Laporan Juruaudit.
- e. Menilai sama ada keseluruhan persembahan termasuk pendedahan penyata kewangan Suruhanjaya Hak Asasi Manusia Malaysia memberi gambaran yang saksama.

Saya telah berkomunikasi dengan Ahli Suruhanjaya, antaranya mengenai skop dan tempoh pengauditan yang dirancang serta penemuan audit yang signifikan termasuk kelemahan kawalan dalaman yang dikenal pasti semasa pengauditan.

Laporan Mengenai Keperluan Perundangan dan Peraturan Lain

Berdasarkan keperluan Akta Suruhanjaya Hak Asasi Manusia Malaysia 1999, saya juga melaporkan bahawa pada pendapat saya, rekod perakaunan dan rekod lain yang dikehendaki Akta untuk disimpan oleh Suruhanjaya Hak Asasi Manusia Malaysia telah disimpan dengan sempurna menurut peruntukan Akta.

Hal-hal Lain

Laporan ini dibuat untuk Ahli Suruhanjaya dan bukan untuk tujuan lain. Saya tidak bertanggungjawab terhadap pihak lain bagi kandungan laporan ini.



(MONA BINTI OTHMAN CA (M), CPFA)
b.p. KETUA AUDIT NEGARA
MALAYSIA

PUTRAJAYA

21 MAC 2019



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

**PENGAKUAN OLEH PEGAWAI UTAMA YANG BERTANGGUNGJAWAB
KE ATAS PENGURUSAN KEWANGAN SURUHANJAYA**

Saya, Cheah Swee Neo , Pegawai Utama yang bertanggungjawab ke atas pengurusan kewangan SURUHANJAYA HAK ASASI MANUSIA MALAYSIA, dengan ikhlasnya mengakui bahawa Penyata Kedudukan Kewangan pada 31 Disember 2018, Penyata Pendapatan, Penyata Perubahan Ekuiti serta Penyata Aliran Tunai bagi tahun berakhir pada tarikh tersebut dan nota-nota kepada penyata kewangan 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,)
Cheah Swee Neo)
Di Kuala Lumpur pada **3 1 JAN 2019**)



Di hadapan saya,



Lot 1.08, Tingkat 1,
Bangunan KWSP, Jln Raja Laut
50350 Kuala Lumpur.
Tel: 019-6680745

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA OLEH PENERUSI DAN SALAH SEORANG AHLI SURUHANJAYA

Kami, TAN SRI RAZALI ISMAIL dan DATUK LOK YIM PHENG yang merupakan Pengerusi dan Pesuruhjaya SURUHANJAYA HAK ASASI MANUSIA MALAYSIA, dengan ini menyatakan bahawa, pada pendapat Suruhanjaya, Penyata Kedudukan Kewangan pada 31 Disember 2018, Penyata Pendapatan, Penyata Perubahan Ekuiti serta Penyata Aliran Tunai bagi tahun berakhir pada tarikh tersebut dan nota-nota kepada penyata kewangan yang disertakan, adalah disediakan mematuhi piawaian perakaunan Malaysian Private Entity Reporting Standard (MPERS) yang diterbitkan oleh Lembaga Piawaian Perakaunan Malaysia untuk menunjukkan gambaran yang benar dan saksama berkenaan kedudukan SURUHANJAYA HAK ASASI MANUSIA MALAYSIA pada 31 Disember 2018 dan hasil kendaliannya serta aliran tunai bagi tahun berakhir pada tarikh tersebut.

Bagi pihak Suruhanjaya,



TAN SRI RAZALI ISMAIL

Pengerusi

Kuala Lumpur

Tarikh: **3 1 JAN 2019**

Bagi pihak Suruhanjaya,



DATUK LOK YIM PHENG

Pesuruhjaya

Kuala Lumpur

Tarikh: **3 1 JAN 2019**

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA KEDUDUKAN KEWANGAN PADA 31 DISEMBER 2018

		2018	2017
	Nota	RM	RM
ASET BUKAN SEMASA			
Loji dan Peralatan	6	283,298	446,154
Jumlah Aset Bukan Semasa		<u>283,298</u>	<u>446,154</u>
ASET SEMASA			
Faedah Terakru		2,552	-
Deposit dan Pelbagai Penghutang	7	632,704	631,607
Simpanan Tetap	8	1,000,000	-
Tunai dan Baki di Bank	9	2,943,268	1,659,062
Jumlah Aset Semasa		<u>4,578,524</u>	<u>2,290,669</u>
Jumlah Aset		<u>4,861,822</u>	<u>2,736,823</u>
EKUITI			
Lebihan terkumpul		2,559,543	2,011,694
(Kurangan)/Lebihan tahun semasa bawa ke hadapan		(818,162)	547,849
Jumlah Ekuiti	11	<u>1,741,381</u>	<u>2,559,543</u>
LIABILITI SEMASA			
Pelbagai Pemiutang dan Akruan	10	3,120,441	177,280
Jumlah Liabiliti Semasa		<u>3,120,441</u>	<u>177,280</u>
Jumlah Ekuiti dan Liabiliti		<u>4,861,822</u>	<u>2,736,823</u>

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini.

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA PENDAPATAN BAGI TAHUN BERAKHIR 31 DISEMBER 2018

	Nota	2018 RM	2017 RM
PENDAPATAN			
Geran Kerajaan		11,116,300	11,616,300
Pendapatan Lain	12	217,779	269,806
Perbelanjaan Pengurusan	13	(12,164,058)	(11,352,468)
Pendapatan Kewangan		11,817	14,211
(Kurangan)/Lebihan pada tahun semasa		<u>(818,162)</u>	<u>547,849</u>

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini.

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA PERUBAHAN EKUITI BAGI TAHUN BERAKHIR 31 DISEMBER 2018

	Dana Terkumpul
	RM
Pada 1 Januari 2017	2,011,694
Lebihan bagi tahun	547,849
Pada 31 Disember 2017/1 Januari 2018	<u>2,559,543</u>
Kurangan bagi tahun	(818,162)
Pada 31 Disember 2018	<u><u>1,741,381</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 2018

	2018	2017
	RM	RM
ALIRAN TUNAI DARI AKTIVITI OPERASI		
(Kurangan)/Lebih sebelum cukai	(818,162)	547,849
Pelarasan kepada:		
Susut nilai Loji dan Peralatan	201,853	199,907
Hapuskira Loji dan Peralatan	27	-
Hapuskira deposit	-	3,734
(Kurangan)/Lebih sebelum perubahan modal kerja	(616,282)	751,490
(Kurangan)/Peningkatan Pelbagai Penghutang, Deposit dan Faedah terakru	(3,649)	2,026
Peningkatan Pelbagai Pemiutang dan Akruan	2,943,161	28,758
Aliran Tunai dari aktiviti operasi	<u>2,323,230</u>	<u>782,274</u>
ALIRAN TUNAI DARI AKTIVITI PELABURAN		
Pembelian Loji dan Peralatan	(39,024)	(113,924)
Aliran Tunai dari aktiviti pelaburan	<u>(39,024)</u>	<u>(113,924)</u>
Peningkatan bersih dalam tunai dan kesetaraan tunai	2,284,206	668,350
Tunai dan kesetaraan tunai pada awal tahun	1,659,062	990,712
Tunai dan kesetaraan tunai pada akhir tahun	<u>3,943,268</u>	<u>1,659,062</u>
<u>Tunai dan Kesetaraan Tunai</u>		
Simpanan Tetap	1,000,000	-
Tunai dan Baki di Bank	2,943,268	1,659,062
Tunai dan kesetaraan tunai pada akhir tahun	<u>3,943,268</u>	<u>1,659,062</u>

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini.

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

NOTA-NOTA KEPADA PENYATA KEWANGAN 31 DISEMBER 2018

1.0 OBJEKTIF-OBJEKTIF/FUNGSI-FUNGSI UTAMA

- 1.1 Suruhanjaya Hak Asasi Manusia Malaysia 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 Suruhanjaya 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 suratcara 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 2018 telah diluluskan oleh Suruhanjaya pada 31 Januari 2019.
- 1.4 Pejabat berdaftar Suruhanjaya dan tempat utama pengoperasiannya terletak di Tingkat 11 Menara TH Perdana Jalan Sultan Ismail.
- 1.5 Suruhanjaya menerima pakai piawaian perakaunan berdasarkan surat edaran Ketua Setiausaha Perbendaharaan berkenaan Pemakaian Piawaian Perakaunan Bagi Rangka Kerja Pelaporan Penyata Kewangan Oleh Badan Berkanun Persekutuan Bagi Tahun 2016 Dan Tahun-tahun Berikutnya bertarikh 9 Disember 2016.

2.0 PEMATUHAN KEPADA PIAWAIAN PERAKAUNAN

- 2.1 Penyata kewangan Suruhanjaya telah disediakan dengan mematuhi Piawaian Perakaunan Malaysian Private Entities Reporting Standard (MPERS) yang diterbitkan oleh Malaysian Accounting Standard Board (MASB).
- 2.2 Bagi tahun berakhir 31 Disember 2018, Suruhanjaya telah menggunakan rangkaian MPERS.
- 2.3 Kesemua piawaian dalam MPERS digunakan sepenuhnya dalam penyata kewangan untuk tahun semasa yang berakhir 31 Disember 2018, angka perbandingan untuk tahun semasa berakhir 31 Disember 2017.

3.0 ASAS PERAKAUNAN

- 3.1 Penyata kewangan ini telah disediakan menurut kelaziman kos sejarah dan mematuhi nilai saksama.
- 3.2 Penyata kewangan Suruhanjaya dibentangkan dalam Ringgit Malaysia.
- 3.3 Pihak pengurusan perlu menggunakan pertimbangan, anggapan dan anggaran untuk menilai dan melaporkan jumlah aset dan liabiliti pada akhir tahun semasa serta melaporkan jumlah pendapatan dan perbelanjaan pada tahun semasa.
- 3.4 Pertimbangan dan anggapan digunakan di dalam penilaian dan mungkin akan menyebabkan keputusan sebenar tidak selari dengan jumlah yang dilaporkan.

4.0 DASAR PERAKAUNAN PENTING

4.1 Loji dan Peralatan dan Susutnilai

Loji dan peralatan dinyatakan pada kos ditolak susutnilai terkumpul dan kerugian nilai kemerosotan terkumpul.

Susutnilai diperuntukkan berdasarkan kaedah garis lurus dikira untuk menghapus kira kos setiap aset sepanjang anggaran hayat kegunaannya.

Kadar susutnilai tahunan adalah 20%.

Loji dan peralatan disusutnilai dengan memperuntukkan jumlah susut nilai komponen atau item penting kepada lebihan baki hayat berguna. Pada akhir setiap tempoh pelaporan, nilai sisa, jangka hayat guna dan kaedah susut nilai bagi loji dan peralatan disemak semula untuk kewajaran. Sebarang perubahan dalam anggaran aset dilaraskan secara prospektif kepada jangka hayat yang tinggal, bermula dalam tempoh semasa.

4.2 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 tidak langsung di dalam penyediaan Penyata Aliran Tunai.

4.3 Faedah Kakitangan

Faedah Jangka Pendek

Upah, gaji dan bonus diiktiraf sebagai perbelanjaan pada tahun yang mana berkaitan 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.

Gantian Cuti Rehat

Peruntukan manfaat pekerja jangka pendek seperti cuti tahunan berbayar diiktiraf apabila anggota bersara wajib atau bersara pilihan sendiri ataupun bersara atas kepentingan perkhidmatan ataupun apabila mereka meninggal dunia berdasarkan kepada terma dan syarat perkhidmatan Suruhanjaya akan dibayar Award Gantian Wang Tunai.

Manfaat Pekerja Lain-lain

Kemudahan kakitangan lain-lain yang disediakan meliputi Skim Perlindungan Insurans berkelompok bagi kemasukan ke hospital dan surgery, perlindungan kemalangan, perlindungan nyawa kepada semua kakitangan tetap dan kakitangan kontrak berdasarkan ketentuan yang ditetapkan Suruhanjaya.

4.4 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.

4.5 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.

4.6 Pengiktirafan Pendapatan Hibah, Faedah Simpanan Tetap dan Mudharabah Insuran

Pendapatan Hibah, Faedah Simpanan Tetap dan Mudharabah Insuran diiktiraf berdasarkan asas tunai.

5.0 PERTIMBANGAN KRITIKAL DAN ANGGARAN KETIDAKPASTIAN

5.1 Suruhanjaya tidak mempunyai pertimbangan dan anggapan yang menyebabkan penyediaan penyata kewangan tidak munasabah.

5.2 Ketidakpastian anggaran

Pengukuran beberapa aset dan liabiliti memerlukan pihak pengurusan menggunakan anggaran berdasarkan pelbagai input yang boleh diperhatikan dan andaian lain. Perkara yang tertakluk kepada ketidakpastian anggaran penting adalah dalam mengukur: (a) peruntukan; dan (b) susut nilai hartanah, loji dan peralatan.

(a) Penilaian peruntukan

Suruhanjaya menggunakan anggaran terbaik sebagai dasar penilaian peruntukan. Pihak pengurusan menilai berdasarkan pengalaman, isu semasa dan isu akan datang dengan kemungkinan munasabah yang berlaku.

(b) Susutnilai

Setiap kos loji dan peralatan disusutnilai dengan kaedah garis lurus yang menunjukkan manfaat ekonomi hayat aset tersebut. Anggaran digunakan dalam pemilihan kaedah susut nilai, hayat berguna dan nilai sisa.

Penggunaan sebenar manfaat ekonomi bagi hartanah, loji dan peralatan mungkin berbeza daripada anggaran yang digunakan dan ini boleh membawa kepada keuntungan atau kerugian pada masa pelupusan.

6.0 LOJI DAN PERALATAN

2018	Buku, Peralatan dan Kelengkapan	Komputer	Kenderaan	Pengubahsuaian	Jumlah
	RM	RM	RM	RM	RM
Kos					
Pada 1 Januari	811,333	922,162	1,637,148	1,766,413	5,137,056
Tambahan	3,522	35,502	-	-	39,024
Hapuskira	-	-	-	(776,613)	(776,613)
Pada 31 Disember	814,855	957,664	1,637,148	989,800	4,399,467

Susutnilai Berkumpul

Pada 1 Januari	728,714	711,495	1,607,290	1,643,403	4,690,902
Caj untuk tahun	29,505	102,118	29,744	40,486	201,853
Hapuskira	-	-	-	(776,586)	(776,586)
Pada 31 Disember	758,219	813,613	1,637,034	907,303	4,116,169

Nilai Buku Bersih

Pada 1 Januari	82,619	210,667	29,858	123,010	446,154
Pada 31 Disember	56,636	144,051	114	82,497	283,298

2017	Buku, Peralatan dan Kelengkapan	Komputer	Kenderaan	Pengubahsuaian	Jumlah
	RM	RM	RM	RM	RM
Kos					
Pada 1 Januari	771,104	848,467	1,637,148	1,766,413	5,023,132
Tambahan	40,229	73,695	-	-	113,924
Hapuskira	-	-	-	-	-
Pada 31 Disember	811,333	922,162	1,637,148	1,766,413	5,137,056

Susutnilai Berkumpul

Pada 1 Januari	698,611	614,928	1,574,733	1,602,723	4,490,995
Caj untuk tahun	30,103	96,567	32,557	40,680	199,907
Hapuskira	-	-	-	-	-
Pada 31 Disember	728,714	711,495	1,607,290	1,643,403	4,690,902

Nilai Buku Bersih

Pada 1 Januari	72,493	233,539	62,415	163,690	532,137
Pada 31 Disember	82,619	210,667	29,858	123,010	446,154

7.0 DEPOSIT DAN PELBAGAI PENGHUTANG

	<u>2018</u> RM	<u>2017</u> RM
Deposit	628,360	624,655
Penghutang Lain-lain	<u>4,344</u>	<u>6,952</u>
Jumlah pada kos	<u>632,704</u>	<u>631,607</u>

8.0 SIMPANAN TETAP

Simpanan tetap dengan bank berlesen tidak dicagarkan untuk sebarang tujuan. Kadar faedah efektif bagi simpanan tetap dengan bank berlesen pada 3.45% setahun. Tempoh matang ialah antara 30 hari hingga 33 hari.

9.0 TUNAI DAN BAKI DI BANK

	<u>2018</u> RM	<u>2017</u> RM
Tunai di tangan	5,000	5,000
Tunai di bank	<u>2,938,268</u>	<u>1,654,062</u>
Jumlah	<u>2,943,268</u>	<u>1,659,062</u>

10.0 PELBAGAI PEMIUTANG DAN AKRUAN

	<u>2018</u> RM	<u>2017</u> RM
Pelbagai pemiutang	-	2,540
Operasi pemiutang	-	14,091
Lain-lain pemiutang	-	266
Akruan	<u>3,120,441</u>	<u>160,383</u>
Jumlah	<u>3,120,441</u>	<u>177,280</u>

Perbelanjaan akruan adalah termasuk penerimaan Geran Peruntukan Mengurus Tambahan bagi tahun 2019 yang diterima Suruhanjaya pada tahun 2018, dan obligasi Geran Kontrak kerjasama European Union bagi projek '*Promoting the Accession of Remaining International HR Treaties in Malaysia*'.

11.0 JUMLAH EKUITI

	<u>2018</u>	<u>2017</u>
	RM	RM
Baki pada 1 Januari	2,559,543	2,011,694
Lebihan/(Kurangan) Bagi Tahun Semasa	<u>(818,162)</u>	<u>547,849</u>
Baki pada 31 Disember	<u>1,741,381</u>	<u>2,559,543</u>

12.0 PENDAPATAN LAIN

Pendapatan lain adalah dana yang diterima Suruhanjaya bagi maksud memupuk kesedaran dan menyediakan pendidikan yang berhubungan dengan hak asasi manusia yang diluluskan Suruhanjaya.

	<u>2018</u>
	RM
Pendapatan Lain	
Asia Pacific Forum	22,388
National Human Rights of Nepal	3,162
United Nations Development Programme	98,589
United Nations High Commissioner for Refugees	20,178
Suruhanjaya Syarikat Malaysia	20,000
Allianz General Insurance Co. (M) Bhd	10,000
Cypark Resources Berhad	20,000
Petroleum Nasional Berhad	10,000
The United Nations Educational, Scientific and Cultural Organization (UNESCO)	<u>13,462</u>
	<u>217,779</u>
	<u>2017</u>
	RM
Pendapatan Lain	
Asian Forum For Human Rights and Development	4,402
Asia Pacific Forum	95,526
Article 19 – Identifying and Countering Hate Speech	1,575
SUARAM Convention Against Torture Campaign	2,030
Training of Trainers on ATHAM Teachers	5,000
Asia Europe Foundation Annual Human Rights Training	717
Koffi Annan Foundation Regional Conference in SEA	139,178
Child Rights Coalition Asia Learning Session	3,105
Positive Malaysian Treatment Access and Advocacy Group	8,801
ASEAN Intergovernmental Commission on Human Rights	1,023
Networking Programme on Implementation of United Nations	1,385
Jeju International Training Centre Enhancing a Victim Centered Approach	1,861
Democratic Control of Armed Force Asia Pacific	165
Raoul Wallenberg Institute Workshop	<u>5,038</u>
	<u>269,806</u>

13.0 PERBELANJAAN PENGURUSAN

Perbelanjaan Pengurusan adalah bagi membolehkan Suruhanjaya menjalankan fungsinya.

	<u>2018</u>	<u>2017</u>
	RM	RM
Emolumen	5,420,848	5,167,753
Perjalanan dan sara hidup	843,096	677,083
Pengangkutan	100	2,720
Perhubungan dan utiliti	222,450	225,629
Sewaan	2,379,993	2,203,265
Bekalan bahan mentah	80,629	70,042
Bekalan dan bahan-bahan lain	223,612	181,865
Penyelenggaraan dan pembaikan kecil	445,727	492,800
Perkhidmatan Ikhtisas dan hospitaliti	2,183,678	2,110,693
Susutnilai	201,853	199,907
Ganjaran	159,626	15,472
Hapuskira loji dan peralatan	27	-
Hapuskira deposit	-	3,734
Lain-lain Perbelanjaan	2,419	1,505
Jumlah Perbelanjaan Pengurusan	<u>12,164,058</u>	<u>11,352,468</u>

Perbelanjaan Ganjaran bagi tahun 2018 adalah termasuk Award Pemberian Wang Tunai yang terkumpul sehingga tahun 2017.

Pembayaran emolumen bagi Pegawai dan Kakitangan lantikan Suruhanjaya adalah seperti berikut:

	<u>2018</u>	<u>2017</u>
	RM	RM
Gaji	3,423,862	3,205,291
Imbuhan Khidmat Awam	147,320	134,775
Elaun Perumahan	376,548	366,055
Elaun Keraian	132,066	132,193
Lain-lain elaun	444,589	421,662
Sumbangan Badan Berkanun	733,619	691,258
Faedah Kewangan Lain	162,844	216,519
Jumlah	<u>5,420,848</u>	<u>5,167,753</u>

14.0 PENDEDAHAN KEPADA PIHAK BERKAITAN

Suruhanjaya dianggotai oleh 8 orang Pesuruhjaya yang dilantik oleh Yang di-Pertuan Agong dan terdiri daripada seorang Pengerusi dan 7 orang Pesuruhjaya. Pesuruhjaya bertanggungjawab untuk merancang, mengarah dan mengawal aktiviti Suruhanjaya secara terus atau sebaliknya. Pembayaran emolumen Pesuruhjaya dikelaskan di dalam perbelanjaan Perkhidmatan Ikhtisas. Jumlah manfaat Pesuruhjaya sepanjang tahun kewangan adalah seperti berikut:

	<u>2018</u>	<u>2017</u>
	RM	RM
Elaun Tetap Pesuruhjaya	775,800	777,300
Sumbangan Badan Berkanun	<u>122,290</u>	<u>122,585</u>
Jumlah	<u>898,090</u>	<u>899,885</u>

15.0 MAKLUMAT KAKITANGAN

Jumlah kakitangan Suruhanjaya pada akhir tahun adalah 83 (2017: 78).

16.0 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 kesetaraan tunai yang mencukupi bagi memenuhi keperluan modal kerja.

(b) Nilai Saksama

Nilai dibawa tunai dan kesetaraan tunai, pelbagai dan lain-lain belum terima, pelbagai dan lain-lain belum bayar menghampiri nilai saksama kerana sifat instrumen kewangan yang jangka pendek.

Education and Promotion Working Group





Policy and Law Working Group



Complaints and Monitoring Working Group





Communication Working Group





SUHAKAM Sabah Office





SUHAKAM Sarawak Office





Corporate Services Division



List of Abbreviations

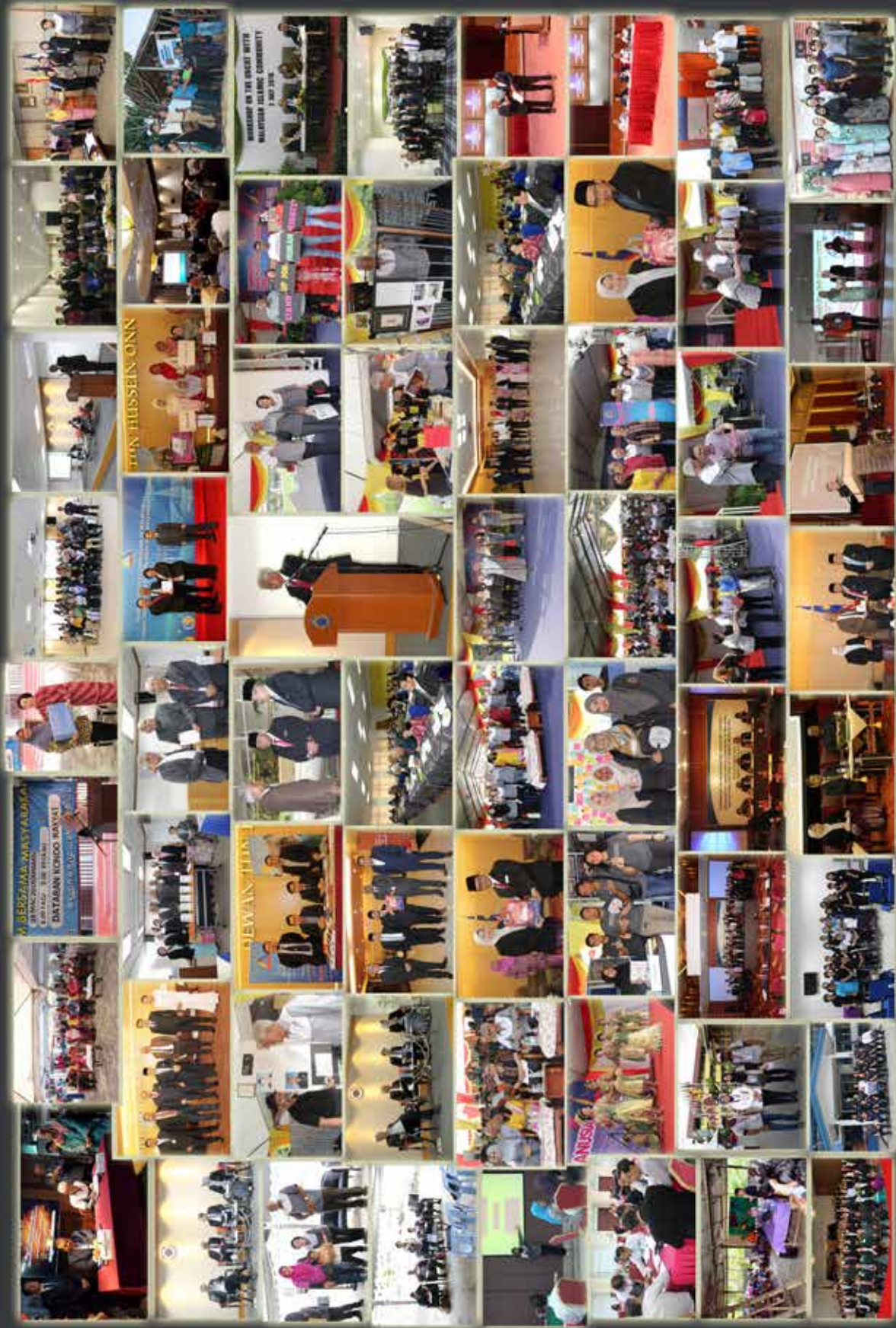
ACIIA	Asian Confederation of Institutes of Internal Auditors Conference
ACTIP	ASEAN Convention Against Trafficking in Persons, especially Women and Children
ADPP	Abolition of the Death Penalty Project
AICHR	ASEAN Intergovernmental Commission on Human Rights
ACT4CAT	Act for Convention Against Torture Campaign
AGC	Attorney General Chambers
ATD	Alternatives to Detention
ATIPSOM	Anti-Trafficking in Persons and Anti-Smuggling of Migrants
ASEAN	Association of Southeast Asian Nations
APF	Asia Pacific Forum of National Human Rights Institution
APT	Association for the Prevention of Torture
BN	Barisan Nasional (The National Front)
CAT/UNCAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCRC	Cure & Care Rehabilitation Centre
CCVC	Cure and Care Vocational Centre
C&C	Cure and Care Clinic
CCTV	Closed Circuit Television
CRPD	Convention on the Rights of Persons with Disabilities
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CEO	Chief Executive Officer
CEP	Council of Eminent Persons
CENTHRA	Centre for Human Rights Research & Advocacy
CFNHRI	Commonwealth Forum of National Human Rights Institutions
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisations
CTI	Convention Against Torture Initiative
CTC	Community Transformation Centres
CMU	Custodial Medical Unit
DBKL	Kuala Lumpur City Council
CHR	Commission on the Human Rights (Philippines)
EC	Election Commission

EAIC	Enforcement Agency Integrity Commission
ERC	Electoral Reform Committee
EPU	Economic Planning Unit
FGV	Felda Global Ventures Holdings Berhad
FGM	Female genital mutilation
FELDA	Federal Land Development Authority
GE14	14 th General Elections
GANHRI	Global Alliance of National Human Rights Institutions
GIACC	Governance, Integrity and Anti-Corruption Centre
HRBPS/ATHAM	Human Rights Best Practices in School
HRBA	Human rights-based approach
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearances
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
1951 Refugee Convention	Convention Relation to the status of Refugees
IACHR	Inter-American Commission on Human Rights
IRC	International Reforms Committee
IDC	International Detention Coalition
IIUM	International Islamic University Malaysia
IPD	Police District Headquarters
ILO	International Labour Organisation
IOM	International Organisation for Migration
IPCMC	Independent Police Complaints and Misconduct Commission
INTAN	National Institute of Public Administration
ILKAP	Judicial and Legal Training Institute
JAKIM	Department of Islamic Development Malaysia
JAWI	Federal Territories Islamic Religious Department
JAKOA	Department of Orang Asli Development
JPNIN	Department of National Unity and Integration
JASA	Special Affairs Department

JKKMAR	<i>Jawatankuasa Khas Mengenai Anti-Rasuah</i>
Komnas HAM	National Commission on Human Rights (Indonesia)
LGBT	Lesbian, Gay, Bisexual and Transgender
MAMPU	Malaysia Administrative Modernisation and Management Planning Unit
MAPO	Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants
MACC	Malaysian Anti-Corruption Commission
MERHOM	Myanmar Ethnic Rohingya Human Rights Organisation Malaysia
MOE	Ministry of Education
MOFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MOHA	Ministry of Home Affairs
MOHR	Ministry of Human Resources
MOF	Ministry of Finance
MoU	Memorandum of Understanding
MWFCD	Ministry of Women, Family and Community Development
MJSC	MARA Junior Science Colleges
MP	Member of Parliament
NADA	National Anti-Drug Agency
NAPBHR	National Action Plan on Business and Human Rights
NCR	Native Customary Rights
NGOs	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
NIM	Norwegian National Human Rights Institution
NKRAs	National Key Results Areas
NRD	National Registration Department
NAMFREL	National Citizens' Movement for Free Elections
NHRC	National Human Rights Commission of India
OHCHR	Office of the High Commissioner for Human Rights
OCCI	Officers In charge of Criminal Investigations
OIC	Organisation of Islamic Cooperation
OSA	Official Secrets Act 1972
PEMANDU	Performance Management and Delivery Unit
PWD/OKU	Persons with Disabilities

POCA	Prevention of Crime Act 1959
PULAPOL	Malaysian Police Training Centre
PPR	People's Housing Program
PT3	Malaysia Form 3 Assessment
UPSR	Malaysia Primary School Achievement Test
PSC	Parliamentary Select Committee
PPR	People Housing Project
PWD	Persons with Disabilities
RMP	Royal Malaysia Police
RELASIS	RELA Brigade of University Students
SAR	Sekolah Agama Rakyat
SDG	UN Sustainable Development Goals
SEANF	Southeast Asia National Human Rights Institutions Forum
SUARAM	Suara Rakyat Malaysia
SUHAKAM	Human Rights Commission of Malaysia
SOSMA	Security Offences (Special Measures) Act 2012
SOP	Standard Operating Procedure
SOGIE	Sexual orientation, gender identity and expression
SSM	Companies Commission of Malaysia
SME	Small and medium-sized enterprises
TIP	Trafficking in Persons
TOT	Training of Trainers
TVPA	US Trafficking Victims Protection Act 2000
TFT	The Forest Trust
UDHR	Universal Declaration of Human Rights
UKM	National University of Malaysia
USM	University Sains Malaysia
UMP	University Malaysia Pahang
UNISEL	University of Selangor
UniZA	University Sultan Zainal Abidin
UniKL	University Kuala Lumpur
UNIMAS	University Malaysia Sarawak
UNIMAP	University Malaysia Perlis
UUM	University Utara Malaysia
UMS	University Malaysia Sabah
UPSI	Sultan Idris University of Education

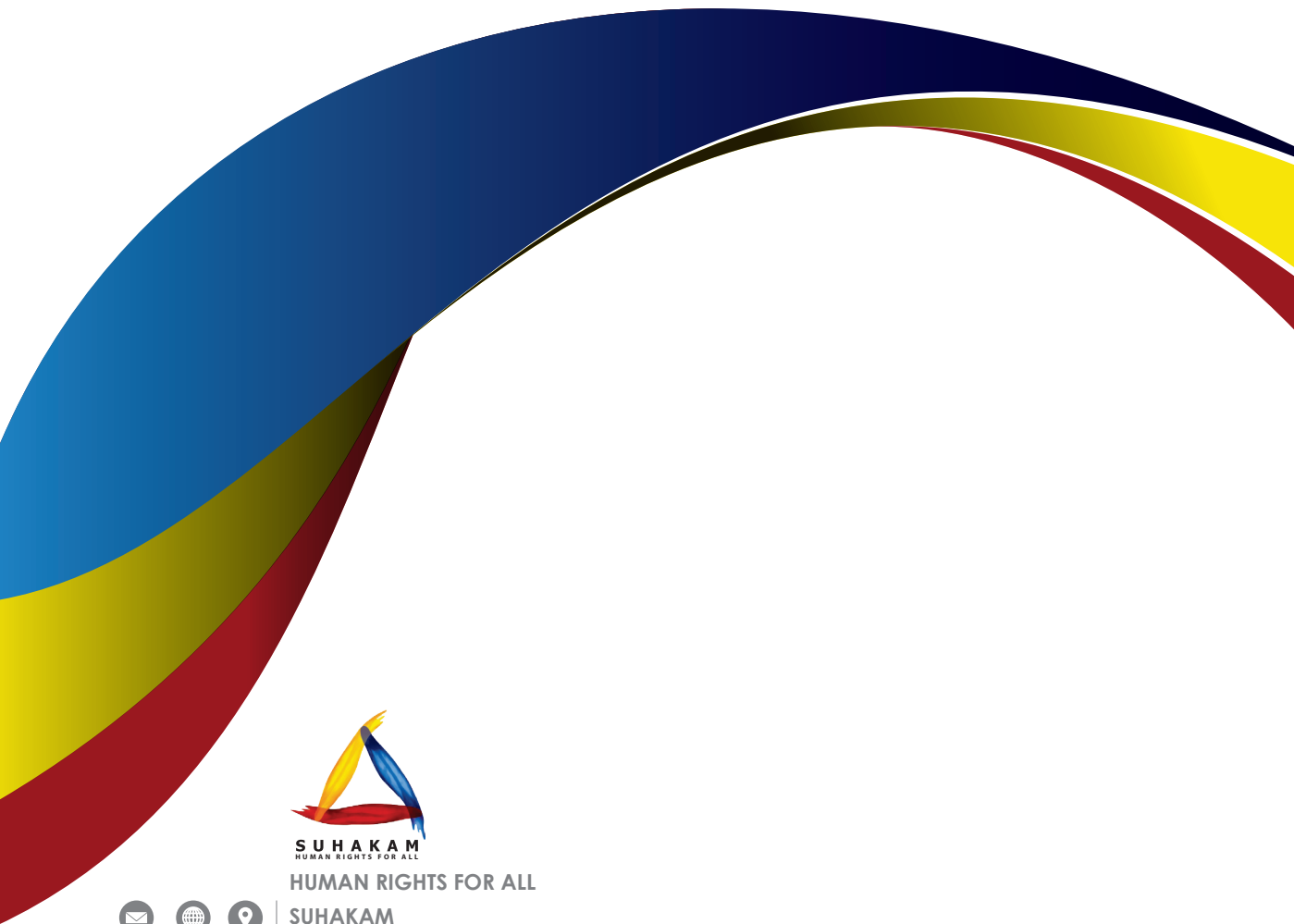
USAS	Sultan Azlan Shah University
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDP	United Nations Development Programme
UNGP	United Nations Guiding Principles on Business and Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNTOC	United Nations Convention against Transnational Organised Crime
UNISEL	University of Selangor
UPR	Universal Periodic Review
UPSI	University Pendidikan Sultan Idris
UPSR	Primary School Achievement Test
UNGA	UN General Assembly
UNESCO	United Nations Educational, Scientific and Culture Organisation
UNAM	United Nations Association of Malaysia
UNPFII	United Nations Permanent Forum on Indigenous Issues



SUHAKAM ACTIVITIES 2018



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SUHAKAM
HUMAN RIGHTS FOR ALL

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SUHAKAM

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