

UCAP TAMA 1

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PENGERUSI, SURUHANJAYA HAK ASASI MANUSIA MALAYSIA (SUHAKAM)

BERSEMPENA

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BAKAWALI BALLROOM, HOTEL PURI PUJANGGA

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“PELAN TINDAKAN HAK ASASI MANUSIA KEBANGSAAN: ACUAN MALAYSIA”

1. Assalamualaikum and good morning to all. I am very happy to be given this opportunity to address you today in advocating for the more than timely development of National Human Rights Action Plan which has always been the agenda of SUHAKAM since 2002. As such, it gives me great pleasure to be invited on behalf of the Human Rights Commission of Malaysia (SUHAKAM) to this Seminar Hak Asasi Manusia Kebangsaan 2016 (SeHAM 2016).
2. The National Human Rights Action Plan (NHRAP) is a very belated response of our government to the recommendations of the Vienna Declaration and Programme of Action which was adopted by consensus of 171 states

including Malaysia at the World Conference on Human Rights in Vienna, Austria in 1993, 23 years ago.

3. The Vienna Declaration included many recommendations and suggestions to governments and other actors in the international community regarding actions that could be taken to advance the promotion and protection of human rights. These recommendations are not binding but they have a strong persuasive character owing to the significance of the occasion and the fact that they were unanimously supported and supported virtually all of our population.

4. Part II, paragraph 71 of the Declaration states that:

“The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights.”

5. The concept of NHRAP revolves around the view that long-term improvement of human rights promotion and protection at the national

level ultimately relies upon the commitment of the government and the populace, to affect positive change. NHRAP enplace desired human rights outcomes within the context of public policy, to enable government and civil society to mutually envisage a coherent strategy to improve the level of promotion and protection of human rights within the nation. Ultimately, achievement of the objectives of a NHRAP will be enable the government to simultaneously achieve other national objectives, including social harmony and economic development, since these areas inevitably overlap with human rights.

6. SUHAKAM was informed by the Government of its agreement to develop a NHRAP in October 2010, 17 years after the World Conference on Human Rights in Vienna, Austria in 1993. While SUHAKAM commends the effort of the government to develop a NHRAP for Malaysia, SUHAKAM is of the view that such plan should been developed much sooner as since 2002, SUHAKAM has been advocating for the development of such a Plan. The Philippines developed its first NHRAP in 1996 while even Indonesia and Thailand had developed theirs in 1998 and 2009 respectively.

7. SUHAKAM strongly urges the Government to show true commitment, to be on the same ranks as 38 other countries that have developed NHRAP and among the ASEAN members, would be the 4th after Indonesia, Thailand and Philippines. As Malaysia is moving towards achieving the status of a developed country, economic growth and prosperity indeed are vital in order to become a high-income nation by 2020. But a nation can only be truly proud and consolidated when its people can freely embrace their human rights and dignity.

8. In 2013, SUHAKAM was invited to be a member of the NHRAP Steering Committee. The First Steering Committee Meeting was held on 2 December 2013 and was attended by representatives of various Government agencies, SUHAKAM and the academia. Based on the term of reference, the Steering Committee would meet twice a year and usually be chaired by the Minister in the Prime Minister's Department.

9. Since the government's announcement that it would develop Malaysia's NHRAP, SUHAKAM has been active in urging for this process to be expedited, in addition to making several submissions to propose the parameters and substance of the upcoming NHRAP. However, noting the

sluggish pace, the Steering Committee and SUHAKAM as a member must take responsibility for the glacial pace.

10. Originally, the development of the NHRAP was expected to begin in 2013 and conclude in 2016, followed by the NHRAP's implementation in the year after. However, it was only in November 2015, during the biennial meeting of the NHRAP Steering Committee, it was announced that an external consultant, Hazizah & Co. had been commissioned by the Legal Affairs of the Prime Minister's Department (BHEUU) to develop the NHRAP, with the complete draft to be presented to the BHEUU in April 2017, which would therefore require a deferment of the NHRAP's implementation date.

11. Bearing in mind that at the first Steering Committee Meeting of the NHRAP in December 2013, it was agreed that the development of the NHRAP would be completed in 2016 and the implementation phase of the NHRAP would begin from 2017 to 2021, SUHAKAM therefore urges the government to ensure that the development of the NHRAP by the Consultant strictly adheres to the timeline given, which is within 18 months (November 2015 to April 2017), so as to avoid further delay. SUHAKAM and other interested groups do not know how through has the consultant,

Hazizah & Co. conducted its public and group consultations. This is something this Seminar today can question.

12. The next question that arises is what will happen after the completion of the draft NHRAP by the Consultant? Whether the draft need to go through certain processes before it could be finalised and obtain approval of the cabinet. And how long would this process take? SUHAKAM was made to understand that a Special Committee consisting of representative of the ministries and government agencies would be established by the Steering Committee to go through the draft NHRAP before it would be finalised. SUHAKAM hopes that such process to be carried out expeditiously and does not cause further delay in developing the NHRAP.

13. I must admit that until today, SUHAKAM is not certain about the outcome of the proposed NHRAP and how it would be operationalized? A successful NHRAP will not be judged by what it looks like on paper but rather whether its goals and objectives are met through concrete measures and actually strengthen the enjoyment of human rights in the country. Nevertheless, it is important for the NHRAP to receive clear and unequivocal support from

the highest level of government as to avoid NHRAP running the danger of remaining unimplemented.

14. NHRAP must be action-oriented. While the NHRAP may be considered as an instrument of policy to chart the direction of human rights, it should nonetheless clearly outline the current situation of human rights, while proposing a clear line of action to address issues and concerns. Thus, the Plan should stipulate the nature of the action to be taken, the authority/entity responsible for taking such an action, and also clarify the expected time-frame for implementation of the stated action.
15. Furthermore, the Plan should include a mechanism for monitoring and self-evaluation. To ensure continuous human rights protection following expiration of the Plan, there should also include a mechanism for internal review as practised by other national plans. This review mechanism will help in the formulation of priorities for the next Plan, which should begin immediately upon conclusion of its predecessor.
16. SUHAKAM being one of the Steering Committee members of NHRAP since 2013, has submitted several proposals to the government for

consideration. For instance, in 2006, SUHAKAM submitted a proposal paper on the NHRAP, outlining its research on the standard preparatory processes of developing a NHRAP based on recommendations from the United Nations, to provide an indication on the salient features and main issues which could be included in a NHRAP for Malaysia, along with examples of Plans adopted by other countries in the Asia-Pacific region.

17. SUHAKAM also submitted a proposal paper to map out NHRAP with the Universal Periodic Review (UPR) by outlining the recommendations adopted by the Government during the Second UPR process in 2014 and mapping them with the core thrusts of the proposed NHRAP which had been agreed upon by the Steering Committee.
18. SUHAKAM believes that if the government were to respond to and prioritise the 113 UPR recommendations accepted in full at the Second UPR, it would essentially reflect the five core thrusts of the NHRAP, namely, Civil and Political Rights; Economic, Social, Religion and Cultural Rights; Rights of Vulnerable Groups; Rights of Indigenous Peoples; and International Obligations, as well as a newly-incorporated special chapter on Sabah and Sarawak in the proposed NHRAP.

19. While NHRAPs should be tailored according to the specific circumstances of the country or '*acuan Malaysia*', ultimately, certain international human rights principles must remain applicable to NHRAP. A credible NHRAP must be built on a commitment to universal human rights standards. An important element of any national action plan should be a commitment to the Universal Declaration of Human Rights (UDHR) as well as other human rights treaties that Malaysia has acceded to including Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Right of the Child (CRC) and Convention on the Right of Persons with Disabilities (CRPD).

20. NHRAP would provide the government with an invaluable mechanism for evaluating the extent of implementation of its obligations under treaties to which it is Party, while enabling the development of a coherent strategy to implement remaining obligations under these treaties. SUHAKAM also hopes that there would be a possibility for the Government to ratify the remaining six human rights treaties.

21. This NHRAP need not reinvent the wheel but build on existing institutions, mechanisms, processes, regulatory tools and etc. NHRAP should

complement other national efforts and plans such as Eleventh Malaysia Plan, UPR Action Plan, national policies with regard to women, protection of children as well as person with disabilities and not to forget the recent Sustainable Development Goals (SDGs) which agreed upon by 193 countries including Malaysia in September 2015.

22. A successful NHRAP supported by all sectors and groups would essentially highlight Malaysia's ability and right to a bigger voice in the international arena, due to fact that it would imply the Malaysian government has successfully managed to strike a balance in protecting the rights of its peoples in multi-ethnic mix as the country advances towards a developed status.

23. While acknowledging that the government, as the duty bearer, has the leading role in developing the NHRAP, all stakeholders including Civil Society Organisations (CSOs) must play their part in the process for a truly collective effort. Based on the information received during the last Steering Committee Meeting in May 2016, at least 10 consultation sessions with stakeholders were held by the Consultant throughout Malaysia from May

to July 2016. We need to know at this Seminar how comprehensive and through were these consultations.

24. CSOs must play the role of activist during consultation processes. SUHAKAM continue to recommend for the CSOs to be part of the NHRAP Steering Committee. It is crucial that the Government recognise the important role of the CSOs especially when many of these organisations are involved at the grass roots level and are very aware of the realities on the ground. CSOs are expected to play their role in monitoring of the implementation on NHRAP and provide an independent evaluation to the government.
25. SUHAKAM is also looking forward to participating in a roundtable discussion which is targeted to be held in October this year by the Consultant to discuss issues and findings based on the consultation sessions with the stakeholders.
26. And today's Seminar is an example of deliberations that need to take place in ensuring that the NHRAP which going to be implemented is effective and meaningful with a view to bringing about positive change in advancing the rights of the peoples of our nations. Strengthening human rights protection

and turning aspirations into reality requires continued commitment and hard work by all.

Thank you.