

JOINT COMMEMORATION OF THE 2015 HUMAN RIGHTS DAY IN MALAYSIA

10 DECEMBER 2015

RENAISSANCE KUALA LUMPUR

WELCOMING REMARKS BY TAN SRI HASMY AGAM,

CHAIRMAN OF SUHAKAM

Yang Berhormat Senator Datuk Paul Low Seng Kuan, Minister in the Prime Minister's Department responsible for Governance, Human Rights and Integrity,

Ms Michelle Gyles-McDonnough from the UNCT, United Nations Resident Coordinator and UNDP Representative for Malaysia, Singapore & Brunei Darussalam, UNFPA Representative for Malaysia,

Distinguished Moderator and Panellists,

Honourable guests,

Excellencies,

Ladies and Gentlemen,

1. Good morning. It gives me great pleasure to welcome all of you to this important event today, which is held in conjunction with the International Human Rights Day, which actually falls on 10 December, but is being held a few days earlier to flag off or launch the Human Rights Week in commemoration of the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly in 1948 – one of the great accomplishments in the history of human rights, indeed, of the United Nations, of the last century.

2. On behalf of the Human Rights Commission of Malaysia (SUHAKAM), I would like to express my deep thanks and appreciation to the United Nations Country Team (UNCT) in Malaysia, the Bar Council, the Global Movement of Moderates Foundation (GMMF), and the Society for the Promotion of Human Rights (PROHAM), for co-organising this important event together with SUHAKAM. The Commission is very delighted and honoured to be part of this joint initiative and we look forward to continuing this partnership as we move towards advancing human rights in this country.

3. I learned that the Office of the High Commissioner for Human Rights (OHCHR) has released a global theme “**Our Rights. Our Freedoms. Always**”, to promote and raise awareness of two International Human Rights Covenants, namely the International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), on their 50th anniversary.

4. In support of the OHCHR’s global theme, the UN Country Team has identified a sub-theme, ‘**Human Rights and Freedoms as a Foundation for an Inclusive Future**’, to commemorate this year’s Human Rights Day in Malaysia.

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5. The term ‘**human rights and fundamental freedoms**’ reminds us that human rights are the basic rights and freedoms that belong to all women and men, everywhere in the world, without any discrimination.

6. Articles 29 and 30 of the UDHR further affirm that the exercise of a person's rights and freedoms may be subject to certain limitations, which must be determined by law, solely for the purpose of securing due recognition of the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. These rights may

not be exercised contrary to the purposes and principles of the United Nations, or if they are aimed at destroying any of the rights set forth in the Declaration.

7. In the past 67 years, the Declaration has demonstrated a profound influence on the establishment of international human rights standards and norms, as well as on the realisation of human rights and fundamental freedoms by Governments and individuals across the world. In essence, it has set forth the standard of achievement for all people and all nations.

8. As a Member State to the United Nations since September 1957, our country has maintained its active engagement with the United Nations and its various organs, such as the General Assembly, the Security Council, the Economic and Social Council and the Human Rights Council, among others. Indeed, Malaysia's continued commitment to promote international peace and security has also led to the country's successful bid for a non-permanent membership of the UNSC on 16 October 2014, for the term 2015-2016 and for the fourth time.

9. In celebrating this milestone, let us not forget the pledge Malaysia had made in lobbying for the UNSC Membership, that is to work together with other Council members, the wider UN membership, as well as with other partners and stakeholders in fulfilling the mandate of the Council, which also considers issues relating to human rights in the context of human security, and of course in upholding the Charter of the United Nations for the common good of all.

10. Paragraph 2 of the Preamble of the UN Charter has set the tone for all Member States to reaffirm their faith in fundamental human rights, in the dignity and worth of the human person, as well as in the equal rights of men and women and of nations large and small. There are two core principles which run through this paragraph: **i) All human beings are born free and equal in dignity and in right; ii) Preservation of peace and international security requires the respect of human rights.**

11. As a responsible UN Member State, Malaysia should fulfil its solemn obligation to promote and protect human rights and fundamental freedoms of

all people in accordance with the UN Charter and the UDHR, as well as human rights treaties to which Malaysia is a State Party, in line with an important rule of the international law '**pacta sunt servanda**' (Latin) which in English means, '**agreements or treaties must be upheld in good faith**' or even more simply in layman term: "**agreements must be kept**".

12. In the spirit of these aspirational human rights instruments, let us work hand in hand to fulfil our treaty obligations and to honour the commitments and pledges our country had made at various UN fora, towards becoming an exemplary nation that fully upholds human rights in all aspects including economic, social, cultural and political development.

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13. When we discuss the term '**development**', we must realise the fact that human rights and development are mutually reinforcing, complementary and inseparable. Article 3 of the United Nations Declaration on the Right to Development has affirmed the duty of the State to formulate appropriate national development policies aiming at improving the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the resulting benefits.

14. In essence, a rights-based approach to development is a comprehensive process guided by the principles of **non-discrimination, equality, participation, accountability and transparency**. It promotes good governance and the rule of law, as well as assures for a sustainable and inclusive development for all, particularly the vulnerable groups.

15. In Malaysia's pursuit of its "Vision 2020" of becoming a high income and developed nation, as well as the goals and targets set in the 11th Malaysia Plan and the newly adopted 2030 Agenda for Sustainable Development or better known as '**SDGs**', there is a compelling reason for us to adopt a rights-based

approach to development towards achieving an inclusive and equitable development.

16. The SDGs, in particular, affirms the need for all countries to integrate human rights-based approach to development in their implementation of the goals targets by 2030.

17. I share the notion of the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, an old friend of mine, that SDGs need to aim not only for **freedom from want** – including the rights to health, education, decent work, food, water and sanitation – but equally, **freedom from fear** such as rights relating to access to justice, personal security and an equal voice and right to participate in public affairs.

18. Hence, it is essential for the Government to ensure that national development agendas are founded on a solid framework with a view to protect the basic rights and freedoms of its people.

19. We must also aim to address the obstacles that often arise in development, such as the disparities between the vulnerable groups and the general population; poverty, corruption; incitement to racial or religious hatred; restrictions to the exercise of the freedom of expression, human trafficking and smuggling of migrants and other forms of human rights abuses we are facing in this country.

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20. I am glad to note that we will also be exploring how human rights and fundamental freedoms lay the foundation for an inclusive future in today's Panel Discussion.

21. I strongly encourage you to participate and to engage fully with our distinguished panellists and fellow participants. Make your voices heard and contribute actively towards making the panel discussion an interactive and productive exchange of views on matters that are pivotal to a fully-functioning and vibrant democracy.

22. It is also my pleasure to introduce to you another highlight of today's agenda - the Human Library, a special event brought to you by Scope Group with the aim to create dialogue and understanding between people.

23. You will have the opportunity to interact with individuals who volunteer as human 'books'. They are volunteers from all walks of life who have experienced discrimination based on race, religion, sexual preference, class, gender identity, sex, age, lifestyle choices, disability and other aspects of their life. Through the Human Library, you will be able to share and to understand the experiences of others in your community.

24. You are also invited to visit the exhibition booths hosted by UNICEF, SUHAKAM and its partners namely Bar Council, SUARAM, Lawyers for Liberty and Amnesty International Malaysia in conjunction with this year's Human Rights Day celebration.

25. The exhibition jointly hosted by SUHAKAM and its partners aims at promoting zero torture and advocating for Malaysia's accession to the UN Convention Against Torture (CAT), the most comprehensive international treaty established by the UN to deal with torture and its prevention.

26. The CAT has been ratified by more than 150 Member States. In the Southeast Asian region, most countries have acceded to this Convention except for Malaysia, Singapore, Brunei Darussalam and Myanmar. Brunei Darussalam, however, has recently signed the Convention and I am optimistic that it will ratify the Convention in the near future.

27. To avoid any negative impression the international community might have on Malaysia's seriousness to combat torture and ill-treatment, particularly in light of the custodial death cases in our country, it is our hope that the Government will undertake expeditious steps to accede to the CAT towards safeguarding the basic right of people to protection against torture or any forms of ill-treatment.

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28. Let me conclude by expressing my thanks to all of those in the Organising Committee for their commendable contributions in preparing this important event. I also wish to thank everyone present here today for your time and support.

29. Finally, and very importantly, I would like to express our deep thanks and appreciation to the Hon'ble Minister, YB Datuk Paul Low, and his Office, for the support rendered to us in making today's event a success.

Thank you.