

# Information, internet and transparency



**EGALITARIA**  
BY TRICIA YEOH

**T**OOK the government this long to figure out that people were genuinely concerned about the need for electoral reform – thanks mainly to Bersih 2.0. The prime minister first announced the formation of a parliamentary select committee to deal with electoral reform issues, and the Election Commission (EC) actually issued a statement in response to Bersih's demands.

Just this week, the commission also announced that Malaysians can now download the voter registration form on its website, with accompanying instructions on what to do. Previously, assistant registrars have often faced shortages of voter registration forms, since only a specific form was accepted, and not any photocopied version. To think that the EC could have solved this problem a long time ago by placing it online makes one wonder why this could not have been done earlier.

## ONLINE IS THE WAY TO GO

I had the privilege of judging the semi-finals of the Malaysian Public Policy Competition 2011 held at UCSI University last weekend. It is the first of its kind in Malaysia, organised jointly by the International Council of Malaysian Scholars and Associates and UCSI University, where Malaysians of both local and foreign universities competed to propose the best solution to a public policy problem.

Presentations were outstanding, where teams targeted government agencies in need of an overhaul on governance, transparency and accountability, such as the police (on bribery), judiciary (on the perception of biased proceedings), Road Transport Department (on

the issuing of driving licences), Public Service Department (on the awarding of scholarships), among others. A common theme from these young teams' solutions was the need to go online.

Proposals ranged from having an open source bribery self-reporting system online, to making available live video streaming of high-profile court cases on the web (as put forth by the winning team from UiTM), to ensuring social media tools would be used to engage the public and disseminate information. Impressive and innovative indeed, ideas of which one should hope to see emerge from within the ranks of policymakers.

## BUT IS ONLINE INFORMATION ENOUGH?

It is common for politicians to wax lyrical about the need for transparency and accountability, but we all know the devil is in the details. Under the Government Transformation Programme, one of its initiatives under corruption is to disclose details of government procurement contracts. A check of the site shows tender advertisements and the final awarded tender of all ministries. It provides the final agreed price but does not give breakdowns for projects with multiple vendors ("Pakej" A, B and C are lumped together). These outcomes should be separated for greater transparency.

The same thing goes for details of the annual budget. Although the estimated government expenditure document is available online, the problem lies within the document itself. Where, for example, "contingent liabilities" or the risk (current and expected) undertaken by government is general and vague without detailed descriptions. Information not only has to be publicly available, it also has to be sufficiently detailed for researchers to make sense of it.

Data must also be presented fairly well, such that it is accessible and easily understandable. A note to add that the government websites today could do with a design overhaul. Ploughing through the barrage of information can be a chore (some still have tacky and distracting Flash).

These efforts should be lauded as administrative improvements to the system. The more information is publicly available, the better. Data, reports, audio and video recordings, live reporting of real-time problems (police bribery, uncollected rubbish, pot-holes, evidence of corruption) should go online. Even without a Freedom of Information Act, the principle of maximum disclosure can be adhered to, breaking the culture of shadowy secrecy.

But this does not ultimately solve the

problem of the reality of shady dealings. No amount of published information online will tell you about surreptitious meetings and negotiations that take place before any tender is even advertised. Nor will it report the eventual escalation and inflation of project costs; just one example is the construction of the new palace, which ballooned from an original estimated cost of RM400 million to more than RM800 million (Bernama, June 15, 2010). There is no official site that would provide you with details of the original and eventual project cost, based on present navigation of the available government websites.

Information is the most powerful tool available to the public to keep their leaders in check. And using the internet is ideal – all departments at all levels of government should actively pursue this. Granted, not everything can be captured, but something is better than nothing. Perhaps there will be a way to tabulate and quantify cronyism, patronage and bribery in the future, which would also then be available online.

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## LETTER

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## Human rights for all

**THE** Human Rights Commission of Malaysia, Suhakam, mark its 12th anniversary today. Over the years, the commission has addressed numerous human rights issues and has recommended, among others, the repeal of all preventive detention laws including the Internal Security Act 1960 and the Emergency (Public Order and Prevention of Crime) Ordinance 1969, the review of the Printing Presses and Publications Act and S27 of the Police Act, and the abolition of the death penalty and natural life sentence. The commission takes the position that laws relating to detention without trial go against the spirit of the Federal Constitution and contravene Articles 9, 10 and 11 of the Universal Declaration of Human Rights, and therefore must be repealed and replaced with legislation that serves security needs of the country and complies with human rights principles.

The commission also firmly reiterates its stand that the people have a right to take part in peaceful assemblies and that inhumane and degrading forms of punishment which infringe human rights principles must be reviewed and replaced with those that are consistent with universally accepted human rights norms and values.

These recommendations have been put forward to the government through its annual reports. Though none of the 11 annual reports had been debated, the commission will continue to urge MPs to pick up the key rights issues and recommendations so that the public would have a better appreciation of the rights situation.

The commission monitored the public assembly in respect of free and fair elections, and in response to complaints, will conduct a public inquiry into the alleged excessive use of force, as well as other possible violations of human rights.

The commission wishes to reiterate its recommendations as contained in its public inquiry report into the KLCC incident on May 28, 2006, that sub-sections (2), (2A)-(2D), (4), (4A), (5), (5A)-(5C), (7) and (8) of S. 27, and also S. 27A of the Police Act should be repealed, thereby removing the need to apply for any licence to hold a peaceful assembly. The commission further recommended that in the event the police should find it necessary to control or disperse a crowd, proportionate and non-violent methods should be employed. To date, the recommendations remain unimplemented as the government believes

that the safety of public is of utmost importance to maintain public order and security.

In commending the move to establish the parliamentary select committee on electoral reforms, the commission wishes to also urge the government to consider the formation of another select committee to look into human rights matters.

The commission has also decided to conduct its first-ever national inquiry into the land rights of the indigenous peoples, which commenced last June with consultation sessions in Sabah and the peninsula, and later this month in Sarawak. The report of this national inquiry will be addressed to Parliament, state assemblies, as well as the federal and state governments.

The commission is also pursuing court cases involving human rights issues.

The commission encourages the government to implement its international obligations made in the Universal Periodic Review and will continue to monitor its implementation. The commission welcomes the government's decision to begin the process of drawing up a National Human Rights Action Plan which would provide a comprehensive roadmap towards improving the promotion and protection of human rights in Malaysia.

While also welcoming the government's ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and the removal of several reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child in 2010, the commission would urge the government to intensify its efforts towards the accession of all the core international human rights instruments and the withdrawal of the remaining reservations it has made to the CRC, CEDAW and CRPD.

As a member of the UN Human Rights Council, it is incumbent upon the government to uphold the highest standards in the promotion and protection of rights. The commission calls upon the government to extend their fullest cooperation and support in considering the recommendations that have not been fully implemented. The commission wishes to express its gratitude to all stakeholders for their support and sincere efforts.

**Tan Sri Hasmy Agam**  
Chairman  
Suhakam

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