

A welcome move to improve Malaysia's human rights goals

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ACTION PLAN: Its development should involve all in society

THE Human Rights Commission of Malaysia (Suhakam) supports fully the government's decision to develop Malaysia's first national human rights action plan (NHRAP), pledging to further protect and improve the country's human rights conditions, and welcomes the appointment of the Legal Affairs Division of the Prime Minister's Department as the focal agency for its development.

From its inception, Suhakam has been advocating, through its various initiatives, the development of a national human rights action plan as part of its function to "advise and assist the government in formulating legislation, administrative directives and procedures and recommend the necessary measures to be taken".

In 2006, Suhakam submitted to the government a research paper outlining some salient features, issues and priorities that could be included in an NHRAP for Malaysia.

In 2010, Suhakam was greatly heartened when the Minister in the Prime Minister's Department Datuk Seri Mohamed Nazri Abdul Aziz agreed to appoint a focal agency to lead in the development of the first-ever Malaysian NHRAP.

The concept of NHRAPs was first developed as part of the World Conference on Human Rights in Vienna in 1993, which, among others, recommended that each state consider the desirability of drawing up a national action plan identifying steps whereby states would improve the promotion and protection of human rights.

The concept envisages a systematic approach in advancing human rights by placing desired human rights outcomes in the context of public policy.

The concept also envisages the involvement and commitment of the state and its people in the development of a NHRAP according to its specific circumstances.

Although there is no specific format for NHRAPs, the United Nations has identified certain core principles to guide the development of NHRAPs and their contents. These principles, among others, place importance on the NHRAPs as both a process and an outcome.

As a process, the development of an NHRAP should be as inclusive and participatory as possible involving all segments of society, including government agencies, national human rights institutions, human rights non-governmental organisations and other civil society organisations.

The plan should be considered a public document, accessible to all and should receive clear and unequivocal support from the highest echelons of government to preserve its status.

An NHRAP should use, as part of its building blocks, international human rights standards as contained in the Universal Declaration of Human Rights and accord equal attention to civil and political as well as economic, social and cultural rights and group rights to development.

Attention to vulnerable groups, including women, children, indigenous peoples, persons with disabilities, refugees and migrant workers should also be given. The core principles also envisage an action-oriented plan outlining measures and actions to be taken to address issues and concerns with specific timelines. Finally, there must be included in the plan a mechanism for monitoring and self-evaluation.

There are usually five stages involved in the process of developing an NHRAP, namely, the preparatory phase, the development phase, the implementation phase, the monitoring phase and the review phase.

A coordinating committee comprising the main government ministries, the national human rights institution, as well as representatives of NGOs, religious leaders, social workers, healthcare workers and business entities should oversee the various phases of development.

Suhakam hopes that the development of an NHRAP for Malaysia will present an opportunity to systematically consider Malaysia's strengths and address its shortcomings in human rights laws and practices. It should aim to achieve institutional and legislative reforms, aside from raising awareness and cultivating a stronger culture of human rights in the country.

Ideally, the NHRAP should outline ambitious yet achievable human rights goals through practical measures based on Malaysia's historical, social, political and legal circumstances.

It is in this context that Suhakam recommended to the focal agency in 2010 that the proposed NHRAP could focus on the realisation of one or all of the following matters: the fundamental liberties as enshrined in our Federal Constitution; Malaysia's accession to the remaining six international human rights treaties; or, the recommendations accepted by the government at the Universal Periodic Review and treaty bodies' sessions conducted on Malaysia in 2009.

The proposed NHRAP could outline the initiatives and actions to be taken, the issues and concerns likely to arise, the entity responsible for taking such initiatives and actions and the expected time-frame for implementation.

In the development of NHRAPs, the role of the national human rights institutions, such as Suhakam, is important and relevant at all stages of the process.

Indeed, having advocated the development of an NHRAP in Malaysia, it is incumbent upon Suhakam to ensure the successful preparation, development, implementation and ultimately the monitoring of the NHRAP. With the development of our own NHRAP, Malaysia can now join the ranks of our Asean neighbours -- Indonesia, the Philippines and Thailand -- and other countries which have also developed their NHRAPs.

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