



# Should Suhakam be Given More Powers?

While the Human Rights Commission of Malaysia acts as advisor and investigator of complaints, it lacks enforcement and prosecution powers. Perhaps it is time for a rethink.

JUST what should the role of Suhakam or the Human Rights Commission of Malaysia be? How effective has it been in checking human rights abuses in the country?

These are the questions being asked after its nearly six years of existence. Expectations of the people towards the commission have increased, especially in the last couple of years, and given this scenario, it is perhaps time to evaluate the role of Suhakam.

No doubt, there has been plenty of debate, especially in Parliament, on the function, role and powers of Suhakam of late. There have been calls for it to be given more powers. Should it?

Currently, Suhakam can subpoena witnesses, give advice on human rights-related matters and investigate complaints from the public. But it does not possess enforcement or prosecution powers.

What this really means is that Suhakam, for all its bark, has no bite. But does it really need the teeth?

Yes, says Suhakam, and no says the government. So, is there a real danger that Suhakam will eventually be relegated to being mere window dressing that makes the government look good?

We hope not. Having set up such a body, we must ensure that it is given the opportunity to play the role expected of the people in checking human rights abuses.

Suhakam, which has been established under the Human Rights Commission of Malaysia Act 1999, must be able to carry out its duties without fear or favour. Why should the Executive (government) have the final say on Suhakam's powers? Should it not be the Legislature (Parliament)?

It is important that our Members of Parliament (MPs) realise this doctrine of the separation of powers. It is bad enough that we have a Minister (part of the Executive) overseeing Parliament, which further confuses the intended role of the august house.

Now that Suhakam has proposed that it be given quasi-judicial powers, it should be Parliament that

decides on this.

It is rather perplexing why certain quarters are averse to giving more powers to Suhakam in its fight against human rights abuses. It is illogical why anyone would not want such abuses to end, unless of course, they are the perpetrators themselves.

As one Suhakam commissioner was quoted as saying, 'At the end of the day, it is the people's judgment that matters, not that of politicians.' Sadly, many politicians tend to forget they are elected to serve and protect the people.

**There is no point in having a group of 'yes men' who are afraid to speak up on human rights issues and becoming a laughing stock in the process. We might as well disband Suhakam.**

One argument put forward by the government on why Suhakam does not need prosecution powers is that there are other enforcement agencies with such powers. While that may be true, none of them is solely dedicated to the prevention of human rights abuse. In fact, Suhakam acts as a check and balance since abuse by these agencies can always be brought to it.

But the reality is that the appointment of Suhakam's commissioners is at the pleasure of the government and not Parliament. Their appointment by the King is on the recommendation of the Prime Minister.

This, of course, gives rise to credibility issues. Already, there are allegations that commissioners are too outspoken and speak up for the people

Recently, four commissioners were replaced with new faces. We hope they were not dropped because they were too vocal on critical issues.

The commissioners must not be gagged. There is no point in having a group of 'yes men' who are afraid to speak up on human rights issues and becoming a laughing stock in the process. We might as well disband Suhakam.

Let Malaysia show its commitment to upholding human rights issues. And yes, talking about commitment, we can start by ratifying some international covenants relating to human rights. **mb**