

Sept 6, 2009, Sun - Suhakam may lack bite, but it has not stopped barking.

IN the 10 years since the Human Rights Commission of Malaysia (SUHAKAM) was established by Parliament on Sept 9, 1999, the nation has seen a number of political and social changes, which ensure an on-going challenge for its commissioners.

Initially led by ex-Deputy Prime Minister Tun Musa Hitam, who stepped down as chairman in 2002 and was replaced by former Attorney-General Tan Sri Abu Talib Othman, the group has had various distinguished personalities serve its cause. Among them are Tan Sri Lee Lam Thye, Prof Datuk Mohd Hamdan Adnan, Tan Sri Ramon Navaratnam, Tan Sri Hasmy Agam, Datuk Asiah Abu Samah, Datuk K.C. Vohrah, Zainah Anwar, the late Tan Sri Anuar Zainal Abidin, and the late Tan Sri Harun Hashim.

The commissioners of Suhakam have come under great pressure, from human rights advocates who think that it is not doing enough, and law enforcement officials, who feel that it is overstepping its authority. The general conclusion, however, is that Suhakam's powers are hemmed in by a government that is not compelled to act on its recommendations.

Below, Suhakam vice-chairman Tan Sri Datuk Seri Panglima Simon Sipaun, who has served on the commission since its inception, airs his personal views on its successes and failures and the problems he has encountered.

How has Malaysia's human rights situation fared since Suhakam was established?

There has hardly been any change in the last 10 years. Laws that are against human rights principles, such as the Internal Security Act (ISA) and the Emergency Ordinance, which give powers to the police and government to arrest a person without trial, have not been repealed or amended, despite Suhakam's recommendations. There are about eight core international human rights treaties. Since Suhakam became operational on April 24, 2000, the government has only ratified the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women, both with reservations. The Convention on the Rights of Persons with Disabilities has been signed by Malaysia but not been ratified. Suhakam has received numerous complaints of alleged human rights violations. Following investigation, we made specific and general recommendations but many were not acted upon by the government. One example is its recommendations on the rights of the indigenous peoples.

But the commission has made significant impact in creating awareness of human rights. Suhakam has also become a household name.

Where has Suhakam failed and what can be done to make it more efficient?

Under the Suhakam Act, the commission can only advise and recommend. It has no power to enforce its decisions. The term 'human rights' is narrowly defined. It refers to the fundamental liberties contained in Part II of the Federal Constitution. Citizenship is a human right but it does not come under Part

II.

To date, Suhakam has prepared and submitted nine annual reports to Parliament, none of which has been debated. I would like to see the Suhakam Act amended to make it obligatory for Parliament to debate the reports.

Are there any commissioners whom you feel have particularly distinguished themselves and helped shape Suhakam's direction?

It would not be fair for me to identify specific commissioners as we operate as a team. Every commissioner has contributed towards making Suhakam what it is today. They come from different backgrounds, with varied experience in their respective fields.

Should the selection of commissioners be more

transparent and should a wider range of individuals, perhaps representing more marginalised communities, be selected?

I agree that the selection of commissioners should be transparent and they should represent all levels of society. We should ensure that human rights NGOs, women's groups, trade unions, professional organisations, and marginalised and vulnerable groups have a voice.

The individuals considered for appointment should have a strong commitment to and passion for human rights. They should also have the courage and capacity to speak out on related issues.

Can you recount a significant event that you've been involved in?

I would say Suhakam's first ever public inquiry into the aborted public gathering along the Kemas Highway on Nov 5, 2000, when the police prevented the rally from taking place.

I think the police were taken by surprise by the inquiry. I was one of three commissioners on the Suhakam panel. It was an interesting and unique experience.

Suhakam even received a letter from the Attorney-General's chambers suggesting that it did not have the locus standi to conduct a public inquiry. But as far as we were concerned the law on that was clear.

The inquiry stretched over 20 days and 46 witnesses gave evidence under oath. It received a lot of publicity, an effective means of raising awareness of human rights. A comprehensive report containing recommendations, amongst others, was published by Suhakam.

Does Suhakam need to be more vocal on religious freedom in this country?

Suhakam had issued many statements regarding this issue but not many were published. We supported the formation of the inter-faith council, but it did not receive much publicity.

Not discussing religious freedom is not a solution to the problem. Suhakam made efforts to organise roundtable discussions among Muslim and non-Muslim religious leaders but the response was not very encouraging, especially from the former.

I subscribe to the views of the Suhakam chairman that religion is a personal matter between man and his Creator and that it should not be legislated.

Do you think Suhakam has been effective in addressing other issues like death while in custody and the continued use of laws such as the ISA, the Official Secrets Act (OSA) and the Printing Presses Act (PPA)?

It is Suhakam's policy to hold open inquiries into all custodial deaths if no inquest is conducted. Following a very comprehensive study in 2003, the commission recommended that the ISA be repealed. It is also not in favour of the OSA and the PPA. Press freedom is a human right.

I think Suhakam has performed this function quite well. But the government chooses to ignore its recommendations. This is where civil society organisations can assist by reminding the government to pay more heed to them.

The recent case of model Kartika Sari Dewi Shukarnor, who was sentenced to be whipped for drinking alcohol, has brought us negative global attention. How does Suhakam view the judgment handed out to her?

Suhakam considers caning an inhuman, cruel and degrading form of punishment. Unfortunately, Malaysia has not ratified the UN Convention Against Torture.

As a Sabahan, do you feel the human rights situation in East Malaysia differs vastly from that in the peninsula?

Alleged violation of human rights in Sabah and Sarawak is very much related to land matters and citizenship issues, especially in the former. Awareness of human rights and Suhakam in Sabah is high.

Our Sabah office has organised road shows in 27 districts since July 2002. We have also started a grassroots programme whereby we set up booths at tamu

grounds, markets, along shop pavements and other strategic places in rural towns. We organise meetings and hold dialogue sessions with the villagers.

Since 2007 we have co-organised many activities and programmes with the federal and state public complaints Bureaus.

Do we still need independent NGOs?

NGOs complement our efforts to promote and protect human rights. They can help prick the conscience of the government, especially when it and its agencies abuse their powers or violate human rights. I note that Suaram publishes annual reports which are very comprehensive, informative and interesting. To me the more human rights activists and NGOs in the country, the better.

What do you think our human rights situation will be like in the future?

The promotion and protection of human rights is a continuous process. I hope a day will come when we can create a Malaysian society that truly respects human rights. This can be achieved sooner than later if the government could be persuaded to adopt and implement a national human rights action plan.

I find that currently, the government and its agencies are rather human rights-unfriendly and this is possibly one of the reasons why Suhakam's recommendations do not get due attention.

Personally, why did you want to serve on Suhakam? Did anyone inspire you to do so?

I was appointed by the King and I consider it a great honour and privilege.

I come from a very poor family. I lost two elder sisters and a younger brother when they were very young. I was one of the few who survived the extreme poverty, which was made worse by the devastation of World War II.

With my background, I can feel for and relate to the unfortunate members of our community.

I always feel fortunate and grateful to have been awarded a Colombo Plan scholarship before the birth of Malaysia (Sept 16, 1963). I studied in New Zealand, which was very much an egalitarian society in the early 60s. There were no filthy rich people nor very poor people there. Its Prime Minister took the train to work! Meritocracy was observed and practised.

All that exposure influenced my thinking and behaviour. I dislike social snobbery. I believe in justice for all and equality before the law. All these are related to human rights values.