



[Joint Statement] Malaysia: The government and SUHAKAM must explain the delay of the release of SUHAKAM's Annual Reports

(Bangkok/Kuala Lumpur, 20 June 2022) – We, the undersigned organisations, demand clarity on the supposed delay of the release of 2020 and 2021 Annual Reports of Malaysia's national human rights institution (NHRI), Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM). The long-delayed publication of the 2020 and 2021 Annual Reports could derail the important work that SUHAKAM has conducted to be accredited as an A-status institution.

The government of Malaysia and SUHAKAM must offer transparency on the delayed publication of SUHAKAM's Annual Reports, which has undermined its commitment to protect and promote human rights in accordance with international human rights standards.

According to section 21(1) of the Human Rights Commission of Malaysia Act 1999, Act 597 ('HRCMA' or 'SUHAKAM Act'), SUHAKAM shall submit an Annual Report to the Parliament no later than the first meeting of the Parliament of the following year. Therefore, according to the letter of the law, the 2020 Annual Report should have been submitted to the Parliament during the 2021 first parliamentary session at the latest. Similarly, the 2021 Annual Report should have been tabled in the 2022 first parliamentary session, which ended on 24 March 2022. To date, civil society in Malaysia has not received any explanation regarding the release of the 2020 and 2021 Annual Reports. Equally, there have been no formal announcements and indication either by SUHAKAM or the Government of Malaysia that both the 2020 and 2021 Annual Reports of SUHAKAM would be tabled during the next parliamentary session, which is scheduled in July 2022.

The failure of SUHAKAM to follow the provisions of its own founding act is worrying and raises concerns about how SUHAKAM is operating and fulfilling its mandate. The government of Malaysia should also be held accountable for the delay of the release of the reports as it ought to be assisting SUHAKAM in offering time and space for the report to be tabled and subsequently debated in the Parliament.

We also express concern that the present Perikatan Nasional/Barisan Nasional government of Malaysia has become more confrontational and unsupportive of SUHAKAM fulfilling its mandate as opposed to its predecessor, the Pakatan Harapan government. In June 2021, the Deputy Minister for Religious Affairs criticised SUHAKAM in a post on its social media channels announcing a call for researchers to study the feasibility of recognising a third gender in Malaysia through legislation.¹ The Islamic Development Department (JAKIM) - another statutory body like SUHAKAM - also weighed in the criticism and demanded

¹ <https://www.malaysiakini.com/news/579371>

an explanation from SUHAKAM over the study. The present government has also paid little attention to SUHAKAM's role in advising and assisting in legislation pertaining to human rights issues. The policy to amend the SUHAKAM Act to strengthen SUHAKAM's capacity to receive and investigate complaints and allow parliamentary oversight by the previous government² has appeared to have slowed down under the present administration. Recommendations made by SUHAKAM to ensure greater police accountability and good governance were also not realised in the government's hastily-tabled Independent Police Conduct Commission (IPCC) bill.

In addition, civil society organisations have noted that SUHAKAM has been operating without commissioners for more than a month, which would have a serious impact in fulfilling their mandates to protect and defend human rights in Malaysia.³ All these recent developments hint at an increasingly strained relationship between SUHAKAM and the government, which may serve as one of the reasons for the delay of the Annual Reports.

The 2018 Annual Report was a good example where the report was tabled in Parliament on 11 April 2019 and debated on 5 December 2019. However, the practice was not continued the following year, as the 2019 Annual Report was belatedly tabled in November 2020. The law minister defended the government's move to not table a parliamentary motion to debate the report by saying there was insufficient time in the Parliament and that the content of the report is not a prioritised government affair.⁴ The situation has only taken a turn for the worse since then, where the 2021 and 2022 Annual Reports are not even tabled in the Parliament and therefore remain embargoed from the public.

The consistent publication of the Annual Report is one of the major key indicators of the performance of a NHRI in protecting and promoting human rights in the country. In June 2021, SUHAKAM was re-accredited as an A-Status institution by the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institution (GANHRI), in which the SCA has recommended SUHAKAM to advocate for greater transparency on the publication of its Annual Report and a legislation whereby the Annual Reports are required to be publicly circulated, discussed and considered by the legislature.

We, therefore, urge the Government of Malaysia and SUHAKAM to provide an explanation of the delay and ensure both the 2020 and 2021 Annual Reports are tabled and debated in the Parliament as soon as possible.

List of signatories:

1. Asian Forum for Human Rights and Development (FORUM-ASIA);
2. Suara Rakyat Malaysia (SUARAM), Malaysia;

² <https://www.thestar.com.my/news/nation/2022/05/27/suhakam-in-limbo-with-no-new-chairman-commissioners-say-ngos>

³ <https://www.malaymail.com/news/malaysia/2019/09/12/minister-amendments-to-suhakam-act-will-give-commission-more-independence-a/1789770>

⁴ <https://www.malaymail.com/news/malaysia/2020/12/01/minister-suhakam-report-will-not-be-debated-in-parliament-this-year/1927694>

3. Korean House for International Solidarity (KHIS), South Korea;
4. People's Empowerment Foundation (PEF), Thailand
5. Bytes for All, Pakistan
6. Progressive Voice, Myanmar
7. Law and Society Trust (LST), Sri Lanka
8. Odhikar, Bangladesh
9. Potohar Organization for Development Advocacy (PODA), Pakistan
10. All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI), India
11. Joint Action for NHRI and Optional Protocols in Japan (JANOP), Japan

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The Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional network of 85 member organisations across 23 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org

The Asian NGO Network on National Human Rights Institutions (ANNI) was established in December 2006 as a network working on issues related to National Human Rights Institutions (NHRIs). ANNI has members whose work focuses on strengthening the work and functioning of Asian NHRIs to better promote and protect human rights, as well as to advocate for their improved compliance with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI). The Asian Forum for Human Rights and Development (FORUM-ASIA) has served as the Secretariat of ANNI since its establishment. <http://www.forum-asia.org/ANNI>

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