

## SUHAKAM: Education, Promotion and Publicity\*

SUHAKAM

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**T**HE HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM) has come a long way since its founding. It has made huge strides in improving the human rights situation in Malaysia, always working with the Government, ministries, Civil Society Organizations and activists to further its goals. SUHAKAM will continue to carry out its work diligently and purposefully to achieve its vision of a “Malaysian society where human rights are fully respected, protected and enjoyed equally by all” in the not too distant future.

### Human Rights Education

The ultimate purpose of human rights education is to empower the people with human rights knowledge so as to ensure the protection, respect and fulfilment of human rights of every individual. Recognizing the importance of human rights education, SUHAKAM through its Education and Training Division conducted several human rights education and training programs. SUHAKAM collaborated with local and international organizations such as the Judicial and Legal Training Institute (ILKAP), Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to organize programs during the year. SUHAKAM also expanded its target group to include the Immigration Department, National Anti-Drug Agency, parliamentarians and private entities.

In 2018, University Utara Malaysia, signed a Memorandum of Understanding (MoU) with SUHAKAM to undertake several joint programs pertaining to human rights and education. To further realize SUHAKAM’s vision for human rights education to be taught in schools by 2020, SUHAKAM organized several strategic meetings with key actors in education. SUHAKAM met with Education Minister YB Dr. Maszlee Malik on 11 December 2018, Deputy Minister of Education YB Teo Nie Ching on 22 October and Director General of Education Datuk Dr. Amin Senin on 25

June. SUHAKAM briefed them on SUHAKAM's Human Rights Best Practices in School Programme (ATHAM) and Human Rights Modules for post-Primary School Achievement Test (UPSR) and post-Form 3 Assessment (PT3) students. SUHAKAM's idea to introduce human rights education in schools was well-received. SUHAKAM was requested to cooperate with the Ministry of Education (MOE) to develop a human rights training module for the Teachers Training Institute and to give its input on human rights education to MOE's Curriculum Division.

In order to gauge how well its training sessions were conducted and the level of knowledge the participants gained, SUHAKAM introduced a more structured evaluation using an online form as well as a pre- and post-tests approach.

### **Human rights modules for post-UPSR and PT3 students**

As highlighted in the 2017 Annual Report, SUHAKAM completed two human rights modules for post-UPSR and post-PT3 students in June 2018. Each module contains thirty activities. The objective was to educate students in primary and secondary schools on human rights through fun activities. Though the modules were developed for Standard 6 and Form 3 students, who would have had more free time in school after their UPSR and PT3 examinations and before the school break at the end of the year, the activities are suitable for all primary and secondary students irrespective of their standard and form. SUHAKAM appreciates the contributions of MOE officers as well as teachers from several schools in finalizing the modules during the two workshops which were held on 3 May and 28 June 2018, respectively.

Following the completion of the modules, SUHAKAM organized three Training of Trainers (TOT) sessions to ensure that the teachers from ATHAM schools could carry out the activities, as well as equip them with sufficient knowledge of human rights, particularly on the rights of the child. About sixty-two secondary school teachers and fifty-one primary school teachers attended the TOT, see Table 1.

Although the MOE did not make the modules compulsory, it was interesting to note that several schools, among others, Sekolah Menengah Kebangsaan (SMK) Sentul, SMK Gombak Setia and SMK Taman Seri Kluang, carried out the activities with their students this year. SUHAKAM also distributed compact discs of the modules to all ATHAM schools to encourage them to utilize the modules.

Table 1.

No.	Program	Date	Venue
1.	Training of Trainers on Human Rights Module Post-UPSR/PT3 for South zone	3 – 5 July	Port Dickson, Negeri Sembilan
	Training of Trainers on Human Rights Module Post-UPSR/PT3 for North zone	10 -12 July	Alor Setar, Kedah
	Training of Trainers on Human Rights Module Post-UPSR/PT3 for East zone	17 – 19 July	Kota Bharu, Kelantan



Training of Trainers on Human Rights Module Post UPSR and PT3 students for South zone held on 3- 5 July at Port Dickson.

Moving forward, SUHAKAM plans to publish and distribute the modules to all ATHAM schools in hardcopy; expand TOTS to other ATHAM and non-ATHAM schools; and develop a mechanism to monitor the implementation of the activities in schools in the next two years to ensure that the objective of introducing the modules has been met.

**Awareness program on a Child’s Right to Safety**

Due to the good feedback from twelve MARA Junior Science Colleges (MJSCs) on the Child’s Right to Safety Awareness Program last year, SUHAKAM organized a similar program at another ten MJSCs during the year,

which involved about 5,000 students, as well as follow-up programs at a few MJSCs that were visited in the previous years. During the year under review, programs were held in the following MJSCs:

**Table 2.**

No.	Location	Date
1.	Jeli MJSC, Kelantan	10 March
2.	Kota Putra MJSC, Terengganu	9 April
3.	Besut MJSC, Terengganu	9 April
4.	Batu Pahat MJSC, Johor	16 April
5.	Kubang Pasu MJSC, Kedah	29 April
6.	Tun Ghafar Baba (Jasin) MJSC, Melaka	9 May

Whereas, the follow-up programs were held at the following MJSCs:

**Table 3.**

No.	Location	Date
1.	Tumpat MJSC, Kelantan	1 January
2.	Pasir Salak MJSC, Perak	5 February
3.	Taiping MJSC, Perak	19 February
4.	Kuching MJSC, Sarawak	23 February
5.	Pontian MJSC, Johor	29 March
6.	Pengkalan Chepa MJSC, Kelantan	3 September

The follow-up program was basically a continuation of the introductory program in which the students were divided into small groups and asked to prepare a chart based on one of the following themes:

1. What has your school done (activities or programs) to educate the students on bullying?
2. Senior vs Junior, who normally does the bullying? And how to overcome bullying from always taking place?

As SUHAKAM has conducted the program at all MJSCs nationwide over the past three years, SUHAKAM plans to shift focus to ATHAM schools next year.

### **Roundtable with parliamentarians: Aligning national legislation with international standards on freedom of expression, access to information and press freedom**

In conjunction with International Day for Universal Access to Information which was celebrated on 28 September 2018, SUHAKAM, UNESCO and the Parliament of Malaysia co- organized a “Roundtable with Parliamentarians: Aligning National Legislations with International Standards on Freedom of Expression, Freedom of Information and Press Freedom” on the same day. Apart from raising the awareness of the newly elected Members of Parliament (MPs) on international standards with regards to freedom of expression, freedom of information and press freedom, the roundtable also served as an opportunity for lawmakers to have an in-depth discussion with local and international experts in order to identify the weaknesses of domestic laws with a view to narrowing the gap with international standards. About seventy participants attended the program. Apart from MPs and their officers, officers from the Attorney General’s Chambers, the Parliament of Malaysia and the media were also present.

There were four discussion panels:

- i. Session One on the interplay between international standards, national laws, and the Federal Constitution was moderated by Dr. Lim Ming Kuok. The panelists were Mr. Amos Toh, legal advisor



**Roundtable with Parliamentarians: Aligning National Legislation with International Standards on FOI Access to Information and Press Freedom.**

- to the Special Rapporteur on the Right to Freedom of Opinion and Expression; Ms. Jennifer Jokstad, Human Rights Officer at the Office of the High Commissioner for Human Rights (OHCHR) in Bangkok; and Emeritus Professor Datuk Dr. Shad Saleem Faruqi, the holder of the Tun Razak Chair in Universiti Malaya;
- ii. Session Two on access to information, a pre-requisite for a functioning democracy, was moderated by Ms. Masjaliza Hamzah. The three panelists were Ms. Kishali Pinto-Jayawardena, the Right to Information (RTI) Commissioner of Sri Lanka; Mr. Toby Mandel, the founder and Executive Director of the Centre for Law and Democracy, a Canadian-based international human rights NGO and Mr. Steven Sim Chee Keong, Malaysian Deputy Minister of Youth and Sports;
  - iii. Session Three on “Proportionate, Necessary, Legitimate, and Prescribed by Law: Considerations to Defamation and Hate Speech” moderated by Commissioner Mr. Jerald Joseph. The panelists were Ms. Barbora Bukovska, Legal Director of Article 19; and Mr. Edmund Bon, the Malaysian Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR);
  - iv. Session Four on collaboration between Parliament and other stakeholders was moderated by Dr. Lim Ming Kuok. The panelists were Mr. Bambang Harymurti, a former member of the Indonesian Press Council and CEO of TEMPO; Mr. Pieter Knapen, Secretary-General of the Belgium Press Council; and Datuk A. Kadir Jasin, Media and Communications Adviser to the Prime Minister.

### **Seminar on human rights and policing**

The police are the first line of defense for human rights. They are the guardians of the law, including human rights law. Cognizant of the important role played by the Royal Malaysia Police (RMP), SUHAKAM, with the collaboration of RMP, organized a “Seminar on Human Rights and Policing” for high-level police officials on 2 August 2018 at the Royal Malaysia Police College in Kuala Lumpur.

The seminar served as a platform for a discussion on how to balance public order and human rights, contemporary challenges, as well as the need to ensure that public and police rights are always prioritized. This includes the provision of enough facilities, as well as looking after police welfare and

security. The seminar also discussed steps that were needed to be taken to achieve a better balance between public order and human rights.

The seminar was officiated by Inspector General of Police Tan Sri Mohamad Fuzi Harun. Ministry of Home Affairs (MOHA) Deputy Secretary-General Dato' Indera Khairul Dzaimiee closed the event after reading out the speech of the ministry's secretary-general. About forty participants, which included all the directors and deputy directors of various departments in Bukit Aman, Chiefs of State Contingent and Commandants of RMP training institutions, attended the seminar. Four senior officers from MOHA also participated to ensure the matters discussed would be taken up to the ministry for consideration. Commissioner Professor Dato' Dr Aishah Bidin moderated the session. The speakers were Associate Professor Dr. Shamrahayu Ab Aziz from the International Islamic University Malaysia (IIUM) who spoke on the "International Human Rights Standards and Practices In Law Enforcement," Commissioner Dato' Mah Weng Kwai who discussed about "SUHAKAM's Observations and Recommendations on Human Rights for RMP" and ACP S. Shanmugamoorthy from Bukit Aman who spoke on "Human Rights in the Context of Policing in Malaysia."

### **Human rights workshop for district police officers in charge of criminal investigations**

Following the good response from participants of the "Human Rights Workshop for District Police Officers In charge of Criminal Investigations (OCCI)" in the central zone in 2017, SUHAKAM conducted a similar workshop in the northern zone covering the states of Perlis, Kedah, Pulau Pinang and Perak in 2018. The program, held from 23- 25 July in Penang, was attended by thirty-four OCCIS. The workshop helped SUHAKAM and RMP exchange views on human rights and policing. There was a marked difference between the participants' pre- and post-workshop scores when tested on their knowledge of human rights and its application in their work. The average pre-workshop score for correct answers was 36.3 percent. After the workshop, their scores averaged at 72.5 percent. One of the participants suggested to SUHAKAM to organize a similar workshop for community leaders to enhance their understanding of human rights. SUHAKAM plans to continue the training program for the police in the southern and eastern zones in the following year.



### Workshop on human rights and justice

On 7 July 2018, ILKAP jointly organized a workshop on “Human Rights and Justice” at its institute in Bangi for thirty Session Court judges and magistrates from the Klang Valley and ten legal officials from the Attorney General’s Chambers. It was aimed at raising greater awareness and understanding of human rights among members of the judiciary and their application domestically. It also provided participants with a platform to impart, receive and exchange views and knowledge of human rights.

The workshop had five sessions. While “Introduction to the Core United Nations International Human Rights Treaties” was delivered by SUHAKAM officer, Ms Rafi Yahya, and “Human Rights in the Federal Constitution” was dealt with by Emeritus Professor Datuk Dr Shad Saleem Faruqi, “Gender Issues and Women’s Rights in Malaysia” was delivered by Commissioner Associate Professor Dr Nik Salida Suhaila Nik Saleh and “The Application of Human Rights Standards/Principles in the Criminal Justice System” was discussed by Commissioner Dato’ Mah Weng Kwai. UNHCR’s Ms Caroline Samuel and Mr Devendiran Paramanantham dealt with “Refugee Protection: UNHCR Mandate and Operations in Malaysia.”

Several participants applauded the program and suggested that the workshop program be extended to run over a day and include lower court judges in other states as well. SUHAKAM plans to conduct similar training workshops in other states in the coming years.

### Human rights workshop for Record Officers and Medical Assistants in prisons

In 2018, SUHAKAM organized four human rights workshops with the cooperation of the Prisons Department, focusing on the “Right to Health in Prison and Effective Management of Prisoners’ Record” as shown in Table 4 below:

**Table 4.**

No.	Program	Date	Venue
1.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia	7 – 9 August	Kota Kinabalu, Sabah
2.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia	15 – 16 August	Correctional Academy of Malaysia, Langkawi, Kedah
3.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia	15 – 17 October	Correctional Institute Malaysia, Tanjung Kling, Melaka
4.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia	13 – 15 November	Ipoh, Perak



The two human rights workshops for medical assistants were a continuation of similar sessions conducted in 2017 for medical officers seconded to the Prisons Department. About sixty medical assistants who were working in prisons nationwide participated in the workshops. Apart from SUHAKAM officers who provided information on international human rights standards in relation to the right to health in prison, SUHAKAM also invited Dato' Dr Zahari Noor, Head of the Forensics Department at Penang Hospital, and Dr Mohd Nor Hayat Mamat, Head of the Medical Unit in the Prisons Department, to share their knowledge and expertise in medical treatment for prisoners as well as the role of MAs in providing health services in prison.

The two workshops for Record Officials focused on the effective management of prisoners' records and issues that may obstruct the practice of human rights in the officials' daily tasks. M. Masran Muhamad, Assistant Commissioner of Prison (ACP) from the Security & Intelligence Division of the Prisons Department was invited to share his knowledge on managing the records and violations of human rights that might occur because of a poor records management system. The workshops increased the participants' knowledge of human rights and this is reflected in their average pre- and post-test scores of correct answers:

**Table 5.**

No.	Program	Pre-Test Average Score	Post-Test Average Score
1.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia from 7 – 9 August	20%	67%
2.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia from 15 – 16 August	51.25%	69.93%
3.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia from 15 – 17 October	34.82%	79.48%
4.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia from 13 – 15 November	46%	79%

Both workshops were well received. Participants shared some of their challenges and made recommendations for improving prisons by taking a human rights-based approach (HRBA). Most of the suggestions called on SUHAKAM to continue providing capacity-building training programs for the Prisons Department.

### **Human rights workshop for Directors of National Anti-Drug Agency (NADA) rehabilitation centers**

During the year, SUHAKAM expanded its collaboration with another agency, namely NADA, following a working meeting with the Director General of NADA, Dato' Dr Abd Halim Mohd Hussin earlier this year. From 12 - 14 March 2018, SUHAKAM conducted a human rights workshop for thirty directors of NADA rehabilitation institutions. They included the directors of the Cure and Care Rehabilitation Centre (CCRC), Cure and Care Vocational Centre (CCVC) and Cure and Care Clinic (C&C) in Malaysia. The training workshop was conducted at the NADA Training Centre in Sungai Petani, Kedah. Officers from NADA's headquarters attended as well.

The participants were introduced to human rights, SUHAKAM, international human rights standards on the treatment of detainees, the right to health in places of detention and current human rights issues in Malaysia. Taking up the participants' recommendation, SUHAKAM plans to expand the workshop for NADA officers, including enforcement officers, officers-in-charge of treatment and rehabilitation at the institution as well as the auxiliary police in NADA, in the following years.



**SUHAKAM officer conducting a session during Human Rights Workshop for Directors of National Anti-Drug Agency Rehabilitation Centers.**

### **Joint workshop with the Office of the UN High Commissioner for Refugees for Immigration Officials**

Under a MoU between SUHAKAM and UNHCR last year, a workshop on the “Monitoring of Immigration Detention for Senior Immigration Officers” was conducted from 29 - 30 January 2018 in Putrajaya. The session was aimed at bringing about policy changes in the treatment of refugees and asylum seekers as well as improving the standard of treatment in detention centers. The lectures were attended by thirty-two senior officers from various departments at the Immigration Department headquarters. The participants were also taken to the UNHCR office to better understand the work carried out by this United Nations (UN) agency in Malaysia, especially in the documentation and determination of refugee status.

Several training workshops were also jointly conducted by SUHAKAM and UNHCR for ground officers and staff at eleven immigration depots in Peninsular Malaysia, with the aim of increasing their knowledge of international standards in relation to detention and refugee-related issues. The following were the sessions conducted:

**Table 6.**

<b>No.</b>	<b>Depot</b>	<b>Date</b>
1.	Bukit Jalil (Kuala Lumpur)	11 October
2.	Kuala Lumpur International Airport (KLIA)	11 October
3.	Semenyih (Selangor)	16 October
4.	Lenggeng (Selangor)	16 October
5.	Machap Umboo (Melaka)	24 October
6.	Pekan Nenas (Johor)	25 October
7.	Juru (Penang)	1 November
8.	Langkap (Perak)	8 November
9.	Belantik (Kedah)	21 November
10.	Ajil (Terengganu)	27 November
11.	Tanah Merah (Kelantan)	29 November

### **Training of trainers program and training module on business and human rights for Felda Global Ventures Officers**

In the MoU between SUHAKAM and Felda Global Ventures Holdings Bhd (FGV) signed last year, SUHAKAM made a commitment to develop

a training module and conduct a Training of Trainers (TOT) session on Business and Human Rights for FGV Operational Level Officers.

The module was divided into three sections, namely, “Introduction to Human Rights and SUHAKAM,” “Introduction to Business and Human Rights,” and “Human Rights Issues relating to Business and Human Rights.” Among the issues that were discussed were the rights of employees (minimum wages, contract, safety and health, right to be involved in a union, freedom to speak, passport storage and housing), sexual harassment, discrimination, human trafficking and forced labor, child labor, environment, indigenous peoples’ right to their native customary land and forced eviction as well as complaint mechanisms.

Following the development of the training module, SUHAKAM conducted a TOT workshop at the FGV Training Centre, Kuala Lumpur, from 4 - 6 December 2018 for thirty FGV officers who will then go on to conduct a one-day training session in 2019 for operational officers at all FGV estates.

### **Human rights workshop for administrators of *tahfiz*/religious schools in Kuala Lumpur**

Several incidents were reported to have occurred at *tahfiz* or religious schools in the country, including the death of twenty-one students in a fire in 2017. This prompted SUHAKAM to organize a program for the administrators of such schools to educate them on the right of a child to education and safety. With the collaboration of the Federal Territory Religious Department, SUHAKAM managed to organize a human rights workshop for administrators of thirty-eight *tahfiz* schools in Kuala Lumpur on 3 and 4 December 2018.

Besides educating the participants on the Convention on the Rights of Child (CRC), the workshop also enlightened the participants on the safety requirements for their buildings. The latter was provided by the Fire Department of Kuala Lumpur. The Federal Territory Health Department also taught them health aspects of living in boarding schools.

The workshop was well-received. The religious department suggested that another workshop be held next year for other *tahfiz* schools in the Federal Territory that were unable to participate this time.

### **MoU with Universiti Utara Malaysia (UUM)**

SUHAKAM and UUM signed a MoU on 16 January 2018 to enhance, encourage and develop mutual cooperation pertaining to human rights, in re-

spect of education, research and community service. Several collaborative programs have been planned for the three-year period of the MoU.

On 25 April 2018, SUHAKAM and UUM collaborated to deliver an introductory talk on the rights of the child, focusing on the issue of bullying, to students of Sekolah Kebangsaan Tunku Abdul Rahman Putra in Kedah. Several activities were conducted with the assistance of volunteers from UUM. Although it was challenging to keep the students (from standard 4 to 6) focused throughout, they participated earnestly in the activities as well as in the Q & A session. On 26 April 2018, the same program was conducted for the students of SMK Syed Ibrahim, Kedah.

During the talk, the students were asked about human rights and SUHAKAM. The spontaneous survey showed that less than 5 percent of them have a basic knowledge of human rights. This is perhaps because their homes and school were in a rural area. However, the program managed to enlighten the students on human rights and the rights of the child.

### **Invitations to deliver human rights talks and training**

In 2018, SUHAKAM received several invitations from government agencies and other organizations to deliver talks and conduct training workshops on specific and general human rights topics. They were:

**Table 7.**

<b>No.</b>	<b>Topic</b>	<b>Date</b>	<b>Venue</b>	<b>Organizer</b>
1.	Human Rights talk to RMP officers	29 January	RMP Training College, Cheras, Kuala Lumpur	Royal Malaysia Police (RMP)
2.	"Human Rights in Federal Constitution" talk to Administrative and Diplomatic Service trainee officers	5 February	Intan Bukit Kiara, Kuala Lumpur	National Institute of Public Administration (INTAN)
3.	Human Rights talk at "Ijtima' Pentadbir Pentadbir-Pentadbir Maahad Tahfiz dan Pondok Negeri Pahang 2018"	13 February	Raub, Pahang	Pahang Religious Department

No.	Topic	Date	Venue	Organizer
4.	Talk on "Death in Custody: Human Rights Perspective" for Prison Officials	20 March	Correctional Academy of Malaysia, Langkawi, Kedah	Prisons Department
5.	One-day Human Rights Training for Prison officials	24 March	Malaysian Prison College, Kajang, Selangor UNIMAP Perlis	Prisons Department
6.	Half-Day Human Rights Training for RELASIS UNIMAP	21 April	Malaysian Prison College, Kajang, Selangor UNIMAP Perlis	RELA Brigade of University Students (RELASIS)
7.	One-day Human Rights Training for Prison Officials	24 April	Prison Officers Training Centre, Taiping, Perak INTAN Bukit Kiara, Kuala Lumpur	Prisons Department
8.	"Human Rights in the Federal Constitution" talk to Administrative and Diplomatic Service trainee officers	30 April	Prison Officers Training Centre, Taiping, Perak INTAN Bukit Kiara, Kuala Lumpur	INTAN
9.	One-day Human Rights Training to Prison Officials	10 May	Seremban Prison, Negeri Sembilan	Prisons Department
10.	"Human Rights and the Rights of Migrant Workers" training for Penggerak Malaysia	15 May	SUHAKAM Office, Kuala Lumpur	Penggerak Malaysia
11.	Talk on "SUHAKAM's roles in Human Rights Issues" to the RMP	May	PULAPOL, Kuala Lumpur	RMP
12.	Talk on "Human Rights Issues in Malaysia" to the RMP	May	PULAPOL, Kuala Lumpur	RMP
13.	Talk on "Patients' Right to Health" to the Malaysian Nurses Association	28 July	Pulau Pinang General Hospital, Pulau Pinang	Malaysian Nurses Association
14.	Human Rights Talk to MACC officers	31 July	Kelantan MACC Office, Kelantan	Malaysian Anti-Corruption Commission (MACC)

No.	Topic	Date	Venue	Organizer
15.	Human Rights Training for Henry Gurney Telok Mas officials	13 September	Henry Gurney School, Telok Mas, Melaka	Prisons Department
16.	A series of three Human Rights talks on "Human Rights and SUHAKAM," "Current Issues on Human Rights," and "Human Trafficking from Human Rights Perspective" for RMP recruits during basic police training	20 & 21 September	PULAPOL, Kuala Lumpur	RMP
17.	Human Rights Training for prison officer recruits	21 September	PULAPEN, Taiping, Perak	Prisons Department
18.	Human Rights Training for the offi of Rumah Seri Kenangan, Johor Bharu	30 September	Rumah Seri Kenangan, Johor Bharu, Johor	Social Welfare Department
19.	Human Rights Training for enforcement officials of Kulai Municipal Council	7 November	Mersing, Johor	Kulai Municipal Council

SUHAKAM welcomes invitations to conduct training or deliver talks on human rights from any other stakeholders with the aim of promoting human rights in Malaysia.

### Promotion and Outreach

During the year, SUHAKAM continued to discharge its core mandate of raising awareness of human rights through a range of outreach programs and partnerships with various stakeholders in Malaysia.

1. Protection against torture and other cruel, inhuman, or degrading treatment or punishment

- a) UNCAT Programs with various stakeholders

As a follow-up to the dialogues on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) held from 5 - 7 July 2017, SUHAKAM organized another series of UNCAT pro-



grams from 2 - 5 July 2018 in Kuala Lumpur with Malaysian Islamic groups and religious authorities, MPs and officials of various government agencies, as well as Minister of Foreign Affairs Dato' Saifuddin Abdullah.

The programs sought to examine the obstacles surrounding Malaysia's non-accession to UNCAT, particularly the incompatibility of domestic, civil and *Syariah* laws with UNCAT, as well as to learn from other jurisdictions and to gain support from various key stakeholders advocating for Malaysia's accession to the convention.

Among the key issues and recommendations derived from the programs were:

i. The assumption that Islam and UNCAT are incompatible should not be an obstacle for Malaysia to ratify the convention and to advance the human rights agenda in the country;

ii. The *Syariah* law was not a hindrance to Malaysia's accession to the UNCAT as the provisions of *Syariah* offences and punishment under *Syariah* Courts (Criminal Jurisdiction) 1965 (Amendment) 1984 and *Syariah* Criminal Procedure (Federal Territories) Act 1997 fell outside of the definition of "torture" under the UNCAT;

iii. The education and awareness of UNCAT among the Muslim community in Malaysia should be based on the fundamental belief that Islam forbids torture and cruelty;

iv. There should be regular dialogues with Malaysian religious scholars and academics to look into the compatibility of UNCAT with the Federal Constitution of Malaysia and the Islamic principles upheld by the Muslim community;

v. Malaysia should emulate the best practices of other Islamic countries like Tunisia and Qatar, which have replaced corporal punishment with other forms of punishment such as imprisonment for criminal offences;

vi. There needs to be a constructive discussion among members of the public on Malaysia's accession to UNCAT despite their differing views with regard to the integration of universal values into a domestic context. It is vital for Malaysians to understand that the purpose of UNCAT is not to impose another set of values and culture with the aim of undermining existing religious beliefs and values in Malaysia;

vii. "Prevention" is the key element under UNCAT, which seeks to prohibit torture and ill-treatment and to uphold the State party's accountability in undertaking effective measures as underlined in the convention;

viii. Each State Party is allowed to make declarations and reservations to certain articles in UNCAT. However, this must be done based on solid justification so as not to undermine the objective of the convention;

ix. The implementation of caning in schools contradicts Article 16 of UNCAT which stipulates the obligation of the State Party to develop interventions to prevent cruel, inhuman or degrading treatment or punishment. There is a need for educators to review their disciplinary methods so as to respect the human dignity of all children in meeting the objectives of education;

x. Human rights should be taught to school children - as is implemented in Indonesia through a school program called "Student Community of Human Rights" - to tackle the problem of bullying as well as through the introduction of a subject on respecting the rights of the people in the school curriculum;

xi. The justice system should focus more on the rehabilitation and re-integration of ex-offenders into society as good citizens instead of retribution;

xii. The prevalence of corruption, including in law enforcement and the justice system, could have an adverse impact on the fight against torture and other forms of degrading treatment as enshrined in a resolution (A/HRC/37/L.32) adopted by the UN Human Rights Council on 23 March 2018;

xiii. The ratification of UNCAT could bring mutual confidence between UN Member States in the context of international cooperation relating to prosecution and/or extradition of individuals alleged to have committed acts of torture; and

xiv. The implementation of UNCAT is a crucial process and SUHAKAM should include the promotion of greater understanding among law enforcement agencies such as the RMP.

## 2. Public Outreach and Engagement

### a) SUHAKAM *Bersama Masyarakat* ("Meet-the-People") Program

SUHAKAM continued to raise public awareness of human rights through its "SUHAKAM Bersama Masyarakat" program in various parts of the country. During the year, SUHAKAM conducted a series of five such sessions in the Federal Territory and three other states with 1,848 people participating. The details of the sessions are as follows:

#### i. PPR Beringin Kepong, Kuala Lumpur (25 March 2018)



Workshop on UNCAT with the Malaysian Islamic Community on 2 July 2018

- ii. PPR Pantai Dalam, Kuala Lumpur (29 March 2018)
- iii. Kuala Kangsar, Perak (24 July 2018)
- iv. Hulu Terengganu, Terengganu (4 October 2018)
- v. Langkawi, Kedah (22 November 2018)

### Issues of concern

The following were the key issues raised by the participants:

#### *Education*

Concerns were raised regarding the need for MOE and the state religious authorities to look into religious schools, namely Sekolah Agama Rakyat (SAR) and *tahfiz* schools, in Malaysia to ensure that these schools comply with the required standards in terms of safety, content delivery, capacity development for the teachers as well as a quality learning system.

Some parents voiced their concern over heavy schoolbags and the possible health risks their children faced from carrying overweight schoolbags. They expressed hope that MOE would lift the burden off the students by reducing the number of textbooks they have to carry to and from school.

The matter of stateless children's basic right to education was also raised in one of the sessions by a concerned citizen who hoped that stateless children would be given an equal opportunity to receive proper education in Malaysia.

A representative from a Parent Teacher Association in Langkawi raised a concern about underperforming schools on the island. The representative flagged the need for SUHAKAM to study the matter and make the necessary recommendations to MOE.

### *Right to Vote*

Some participants expressed their concern about unequal voting rights. Registered voters in the Federal Territory of Kuala Lumpur can only vote for representation in Parliament unlike voters in other states who can vote for representatives in the state legislative assembly and in Parliament. While acknowledging that Kuala Lumpur is governed directly by the Federal government through the Ministry of Federal Territories together with a local authority, namely Kuala Lumpur City Hall, the participants expressed hope that the government would give due attention to this matter.

### *Freedom of expression*

The rise of racial and religious hate speech and fake news on social media platforms was a primary concern for several participants. They asked SUHAKAM and other key stakeholders to play their respective roles to mitigate the problem.

### *Employment*

A participant requested SUHAKAM to look into the termination of 1,200 civil servants from the Special Affairs Department (JASA), under the new government.

### *Freedom of religion*

There were repeated queries about the right to freedom of religion in the context of Malaysia and the role of SUHAKAM in this regard. Some participants saw Article 18 of the UDHR - on an individual's right to freedom of thought, conscience and religion - as a threat to Islamic teaching in Malaysia. Similarly, they also saw the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as a threat to the Muslim community in Malaysia.

## Perception Survey Findings

SUHAKAM continued to conduct perception surveys of participants at these sessions to assess their understanding of human rights as well as the work of SUHAKAM in general.

Based on the feedback of 1,001 respondents, the following key outcomes were identified:

i. That 87 percent of the respondents were of the opinion that human rights are basic rights and freedoms that belong inherently to all human beings while 12 percent perceived human rights as a basic right belonging to certain groups. The remaining 1 percent viewed human rights as foreign values or western ideology;

ii. That 85 percent of the respondents believed that human rights protect all people including detainees and inmates while 10 percent opined that human rights protect only children and women. There were 4 percent who confined human rights protection to only persons with disabilities and 1 percent confined it to only politicians;

iii. That 74 percent of the respondents indicated that they were concerned about human rights while 25 percent were concerned to a certain extent, and 1 percent were not concerned about human rights at all;

iv. That 49 percent of the respondents thought that SUHAKAM was an NGO that championed human rights as opposed to 42 percent who thought SUHAKAM was an independent statutory body that promoted and protected human rights. The remaining 9 percent thought that SUHAKAM was a government department;

v. That 95 percent of the respondents understood that SUHAKAM worked on all issues related to human rights in the country as opposed to 3 percent who thought that SUHAKAM worked on issues related to interests of particular political parties, and 2 percent who thought that SUHAKAM worked on issues related to the misconduct of government agencies;

vi. That 60 percent of the respondents opined that SUHAKAM did the best it could to fulfil its responsibility while 25 percent thought that it did not do well enough because of a lack of follow-up action by the government. The remaining 15 percent said SUHAKAM did not do well enough because of limitations on its powers.

The survey result shows that over 70 percent of the respondents were concerned about human rights and understood the basic concept of human

rights and subscribed to the notion that human rights protection extended to all people including detainees and inmates.

There was a marginal difference (7 percent) between the percentage of respondents who mis-perceived SUHAKAM as a human rights NGO (49 percent) and the percentage (42 percent) of respondents who understood that SUHAKAM was a statutory body that promotes and protects human rights. Nevertheless, it was encouraging to note that the majority (95 percent) knew that SUHAKAM worked on a whole range of human rights issues in the country.

The results also reflected that over 60 percent of the respondents were satisfied with SUHAKAM's performance while some 20 percent felt that SUHAKAM did not do enough and they attributed this to the lack of follow-up action by the government or its limited powers.

These results are indicative of the continued need for SUHAKAM to raise greater public awareness of its role and function as a National Human Rights Institution created by a statute of Parliament, and to eliminate the erroneous perception that it is an NGO.



“SUHAKAM Bersama Masyarakat” session in Langkawi, Kedah.

## Exhibitions

SUHAKAM held nineteen exhibitions at various events hosted by SUHAKAM and other organizations. They were:

Table 8.

Date	Organizer	Details
4 February	Kuala Lumpur City Hall (DBKL)	This was held in conjunction with a Federal Territory program titled "Kenduri" 1 Wilayah Persekutuan".
24 February	Kuala Lumpur City Hall (DBKL)	This was also held in conjunction with a Federal Territory program titled "Kenduri" 1 Wilayah Persekutuan".
17 – 18 March	Ministry of Finance (MOF)	This was held in conjunction with MOF's program series titled "Fiesta NBOS" at Segamat, Johor.
25 March	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Kepong, Kuala Lumpur.
29 March	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Lembah Pantai, Kuala Lumpur.
31 March	HELP University	This was held in conjunction with HELP University's "The Tan Sri Dato' Seri Dr Abdul Malek Law Students' Conference 2018."
15 April	MOF	This was held in conjunction with MOF's program titled "Fiesta NBOS" at Bentong, Pahang.
15 May	SBM Offshore	This was held in conjunction with SBM Offshore's program titled "SBM KL Life Day 2018" at Platinum Sentral, Kuala Lumpur.
2-3 June	Greenpeace Malaysia	This was held in conjunction with Greenpeace Malaysia's program "The Rainbow Warrior" at Pelabuhan Klang, Selangor.
16 – 18 July	Universiti Sultan Azlan Shah (USAS)	This was held in conjunction with USAS's program "World Conference on Islamic Thought and Civilization" at Ipoh, Perak.
24 July	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Kuala Kangsar, Perak.
14 August	Monash University Malaysia (MUM)	This was held in conjunction with the MUM program "Monash Internship and NGO Fair 2018" in Subang Jaya, Selangor
25 September	SUHAKAM and UNESCO	This was held in conjunction with SUHAKAM and UNESCO "Roundtable with Parliamentarians: Aligning National Legislation with International Standards on Freedom of Expression, Access to Information and Press Freedom" in Kuala Lumpur.
4 October	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Hulu Terengganu.
6-7 October	SUHAKAM	This was held to promote the UNCAT Campaign to members of the public in Kuching, Sarawak.
29-30 October	Asian Confederation of Institutes of Internal Auditors Conference (ACIIA)	This was held in conjunction with the 2018 ACIIA Conference in Kuala Lumpur.
3 November	Jawatankuasa Kawasan	This was held in conjunction with the Rukun Tetangga (KRT) program "Karnival Masyarakat Perumahan Awam Seri Negeri Penyayang" in Kuala Lumpur. Sembilan, Bandar Baru Sentul
22 November	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Langkawi Island, Kedah.
8 December	SUHAKAM	This was held in conjunction with the celebration of the 2018 Human Rights Day in Kuala Lumpur.



## Empowerment of Youth

SUHAKAM continued to educate and empower youths on human rights principles through its “Youth for Rights” program that was held in various local universities. During the year (2018), SUHAKAM conducted a total of seven workshops and reached out to 1,535 youths from various local universities and youth groups as follows:

- a. Universiti Selangor (UNISEL) and Members of Malaysian Youth Parliament, Shah Alam, Selangor, 31 March;
- b. University Kuala Lumpur (UniKL), Kuala Lumpur, 2 May;
- c. Universiti Sultan Azlan Shah (USAS), Kuala Kangsar, Perak, 27 June;
- d. INTI International University & Colleges, Nilai, Negeri Sembilan, 26 September;
- e. Universiti Sultan Zainal Abidin (UniSZA), Kuala Nerus, Terengganu, 3 October;
- f. Universiti Sains Malaysia (USM), Penang, 12 November; and
- g. Universiti Malaysia Pahang (UMP), Gambang, Pahang, 28 November.

As with the previous year, SUHAKAM continued to survey the perception of youths to gauge their understanding of human rights as well as the work and functions of SUHAKAM. This was the feedback from five hundred fifty-two young respondents:

- i. Almost all, 95 percent of the respondents, opined that human rights were basic rights and that freedoms belonged inherently to all human beings while 4 percent perceived human rights as basic rights belonging to certain groups. The remaining 1 percent viewed human rights as foreign values or western ideology;
- ii. A large majority, that is 79 percent, of them believed that human rights protect all people including detainees and inmates while 17 percent opined that human rights protect politicians. Of the remaining, 2 percent thought that human rights protect children and women and 2 percent confined human rights protection to persons with disabilities only;
- iii. More than half, 66 percent, of them indicated that they were concerned about human rights while 33 percent were concerned only to a certain extent. The remaining 1 percent were not concerned about human rights at all;

- iv. 44.4 percent of the respondents understood that SUHAKAM was an independent statutory body that promotes and protects human rights as opposed to 42.4 percent who thought that it was an NGO that championed human rights. The remaining 13.2 percent thought that SUHAKAM was a government department;
- v. That 66 percent of the respondents understood that SUHAKAM worked on all issues related to human rights in the country as opposed to 31 percent who thought that SUHAKAM worked on issues related to the misconduct of government agencies. The remaining 3 percent of the respondents thought that SUHAKAM worked on issues related to the interests of political parties;
- vi. While 57 percent thought SUHAKAM did the best it could in fulfilling its responsibility, 20 percent opined that SUHAKAM did not do well enough due to limitations of its powers. The remaining 23 percent felt that SUHAKAM did not do well enough due to the lack of follow-up action on the part of the government.



“Youth For Rights” programme held in Selangor on 31 March.

Although most of the youths opined that human rights protect all people including detainees and inmates, 17 percent believed that human rights protect a specific group, namely the politicians and only 4 percent of the respondents attributed human rights protection to vulnerable groups like children and women as well as persons with disabilities. In comparison, the percentage of “SUHAKAM Bersama Masyarakat” respondents who held the view that human rights protect politicians was relatively low.

Similar to the survey results of the “SUHAKAM Bersama Masyarakat” program, there was a marginal difference between those who misperceived

SUHAKAM as a human rights NGO and those who understood that SUHAKAM was a statutory body that promotes and protects human rights.

While 66 percent of the respondents understood that SUHAKAM worked on all issues relating to human rights, 30 percent thought that SUHAKAM worked on issues concerning the misconduct of government agencies. This seems to suggest that some youth tended to view SUHAKAM as a grievance-handling mechanism that deals with complaints and wrongdoings of government functionaries.

SUHAKAM was pleased to note that the overall evaluation for the Youth for Rights program was very encouraging. The participants also provided various constructive suggestions to enhance the delivery of the program.

## **Media**

### **Overview**

Throughout the year, SUHAKAM issued a total of fifty-two press statements on various human rights issues including children, the 14<sup>th</sup> General Election, women, education, death penalty, migrants, freedom of thought, conscience and religion or belief, unilateral conversion, human trafficking, freedom of movement, Sedition Act, Anti-Fake News Bill 2018, Anti-Discrimination Bill, National Harmony and Reconciliation Commission Bill and Racial and Religious Hatred Bill, Official Secrets Act 1972 (OSA), the smoking ban and police lock-up conditions.

It is noted that media coverage, including mainstream media, increased towards the end of the year. It can be concluded that while most media outlets covered accurately SUHAKAM's stance on various human rights issues through its press statements, some media institutions seem to provide erroneous reporting of it. This misleads readers, resulting in a lack of understanding of SUHAKAM's messages.

Media institutions play an enormously important role in the promotion and protection of human rights and SUHAKAM hopes that the media will continue to support, disseminate information and provide the public with full, fair and accurate information on human rights issues. SUHAKAM will continue to raise awareness of the importance of ethical journalism and human rights protection and how, together, they can contribute to a better society.

### *1. Social media engagement*

SUHAKAM actively disseminates information on its activities, releases press statements and promotes human rights understanding through Twitter, Facebook and Instagram. As of this year, SUHAKAM has 14,355 followers on Twitter, 10,572 likes on Facebook and four hundred ninety-eight followers on Instagram.

### *2. Human rights documentary*

In June, SUHAKAM collaborated with the United Nations Association of Malaysia (UNAM) Youth on a project to produce a documentary entitled, “Hak Yang Hilang.” The purpose of the documentary was to raise awareness, spark conversation and understanding among the public on the issue of child marriage, Orang Asli and migrant workers.

Over twenty interviews were conducted with experts, Members of Parliament (MPs), religious leaders, community leaders and members, among others. The twenty-minute documentary was screened during SUHAKAM’s Human Rights Day celebration on 9 December 2018 and will be made available on SUHAKAM’s YouTube channel at [www.youtube.com/user/SukahamVideo](http://www.youtube.com/user/SukahamVideo).<sup>1</sup>

## **Publication and Documentation**

The Publication and Documentation Division was established in 2018. The division comprises three units, namely, Publications, Libraries and Document Management. Its objective is to promote, empower and develop the community’s minds and disseminate information on human rights through printed or electronic materials in various fields and themes.

### **1. SUHAKAM Short Video Competition 2018**

In 2018 SUHAKAM organized a Short Video Competition to garner public views on their understanding of human rights. The competition was opened to the public from 15 August to 15 October 2018. With the theme of human rights in the context of Malaysian society, the Publication Unit received one hundred seventeen entries. The scoring and evaluation were based on content, storyline, creativity and technical aspects. The winning videos were showcased at SUHAKAM’s Human Rights Festival on 9 December 2018.

The 1<sup>st</sup> prize winner received cash worth RM 5,000, 2<sup>nd</sup> prize RM 3,000 and RM 1,000 for the 3<sup>rd</sup> prize. All winners and those who had submitted their short video received a certificate of participation. The winners are listed below:

Table 9.

No.	List of Winners	Title	Theme
1st Prize	Yuvan Raj Ganesan Mathan Amuthan Selvam Nanthakumaran Rajavijayan Deena Pravinah A/P Nagarathnam Dineshwaran Bole Ar Seng Mohanakumaran A/L Rajavijayan Kabilan A/L Shunmuganathan Jaygentaran Raj A/L Mahagentharan	Wheels (Roda)	Persons with Disabilities
2nd Prize	Albert Wong Tuong Chui Belinda Yii Sii Yung Joan Sim Jo Jo Dr. Ting Chuong Hock Emilia Ting Ing Chieh Yong Wan Rong Lau Buong Yan	Can you give us more love? (Bolehkah anda memberikan kasih sayang kepada kami?)	Persons with Disabilities
3rd Prize	Muhammad Zaim Aiman Bin Kamaruddin Izz Danial Bin Muhammad Hisham Dennis Vissa A/L Eh Run Muhammad Alif Ikhwani Bin Mohd Nawi	Chance (Peluang)	Education



The 1st prize was awarded to the short video entitled “Roda” which focuses on the rights of persons with disabilities. The team was represented by Nanthakumaran Rajavijayan, Deena Pravinah A/P Nagarathnam and Yuvan Raj Ganesan.



(Left) Dr. Ting Chuong Hock, representing his team to receive the 2nd prize award for the SUHAKAM Short Video Competition 2018. (Right) Muhammad Zaim Aiman bin Kamaruddin and Izz Danial bin Muhammad Hisham won the 3rd prize, representing their team from Sekolah Menengah Kebangsaan Tok Janggut, Kota Bharu, Kelantan

### The Way Forward

SUHAKAM is encouraged to note the increased interest from Parliament, government and enforcement agencies, schools, universities, the private sector and general public, to know more about human rights. This is evident from the increased number of invitations received by SUHAKAM in 2018 to deliver talks, conduct training as well as to hold public exhibitions and briefings on general or specific human rights themes. Joint training programs with government and UN agencies, the judiciary, and universities have also increased.

In order to satisfy its mandate to promote awareness and provide education on human rights, SUHAKAM – after a meeting with the Minister of Education on 11 December 2018 – will work on how to realize its organization-wide focus of having “Human Rights Education (Taught and Practised) in All Schools by 2020”. Towards this goal, SUHAKAM will expand its Human Rights Best Practices in Schools (ATHAM) Program to other schools. SUHAKAM has obtained an agreement from the MOE to expand the ATHAM Program to another two hundred schools in 2019, bringing the total number of schools involved to four hundred twenty-two.

With respect to the completed Human Rights Modules for post-PT3 and -UPSR students, next year, SUHAKAM will proceed with TOTS involving

MOE master trainers. MOE has agreed for SUHAKAM to train master trainers at the national level, who would then be tasked to train other trainers at the district level. These trainers would then conduct training sessions on implementing the modules for the relevant school teachers. In order to further strengthen the placement of human rights subject in school, SUHAKAM will also work with MOE to insert human rights issues in civics education.

\* This is an edited excerpt from the Annual Report 2018 of the Human Rights Commission of Malaysia (SUHAKAM) focusing on the institution's human rights education programs and activities.

## **Endnote**

<sup>1</sup> This is the url of the full documentary, three chapters in one video, [www.youtube.com/watch?v=OhAmxv7xaPc](http://www.youtube.com/watch?v=OhAmxv7xaPc).