



The central focus of the cover is a large, dark blue circle with a white border. Inside this circle, the text 'ANNUAL REPORT' is written in white, uppercase letters. Below it, the year '2020' is written in a very large, white, sans-serif font. Underneath the year, the text 'HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)' is written in white, uppercase letters. The background of the cover features several other blue circles of different sizes and shades, some with white borders, and a faint, light blue map of Malaysia.

ANNUAL REPORT
2020
HUMAN RIGHTS COMMISSION
OF MALAYSIA
(SUHAKAM)

FIRST PRINTING, 2021

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From left: Prof. Dato' Noor Aziah Mohd. Awal (Children's Commissioner), Datuk Godfrey Gregory Joitai, Dato' Mah Weng Kwai, Dato Dr. Madeline Berma, Tan Sri Othman Hashim (Chairman), Datuk Lok Yim Pheng, Mr. Jerald Joseph, Dato' Seri Mohd Hishamudin Md Yunus, Associate Prof. Dr. Nik Salida Suhaila Nik Saleh, Dr. Cheah Swee Neo (Secretary)

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**CHAIRMAN'S
MESSAGE**

CHAIRMAN'S MESSAGE

The year 2020 was a challenging year for many worldwide, including Malaysia. The COVID-19 pandemic dominated the headlines every day since the coronavirus swept through countries around the world. The pandemic and its devastating economic and social impacts have tested Malaysia and its people's resilience. Even before the pandemic, Malaysia was already facing many human rights issues which have yet to be addressed fully. These include, among others, poverty, access to basic needs for vulnerable communities, broad laws which disproportionately restrict human rights like freedom of expression and media freedom, and other pending human rights reforms recommended by SUHAKAM. The pandemic just added fuel to the fire.

The COVID-19 pandemic has not only taken lives - it has led to other negative impacts such as the closure of businesses, loss of jobs and lack of access to basic rights such as healthcare and education. The pandemic was also a wake-up call. It emphasised the existing inequalities and vulnerability faced by the Indigenous Peoples, urban poor, rural communities, stateless persons, refugees and asylum seekers, and migrant and undocumented workers. Simultaneously, the change of government in February 2020 and the political turmoil which followed further aggravated the situation.

The government implemented various drastic and extraordinary measures to contain the pandemic, including border closures and movement control orders. Health screening is now compulsory at all points of entry and public spaces. The government has also offered free testing and treatment for non-citizens with COVID-19 symptoms. It has also allocated additional funds to improve its response to the pandemic, such as the procurement of medical equipment and services to cater to rising healthcare demands from the pandemic.

During the earlier movement control period, SUHAKAM was unable to operate as usual since the Human Rights Commission of Malaysia was not regarded as "essential services" under the Prevention and Control of Infectious Diseases (Measures within the Infected Local Areas) Regulations 2020. While SUHAKAM notes that the government's measures were critical for protecting public health, human rights should not be sidelined in a pandemic.

Due to the pandemic and the government's response and recovery measures, many scheduled activities were either postponed or cancelled. Nevertheless, SUHAKAM remained steadfast in carrying out our statutory mandate and functions by adapting to the "new normal" and employing alternative working methods and approaches.

SUHAKAM utilised technology to ensure the continuity of our activities where possible. We conducted numerous online consultations with stakeholders and webinars on various human rights issues throughout the year since the government implemented movement control orders in March 2020. During the talks, SUHAKAM discussed matters relating to the indigenous peoples, refugees and asylum seekers, urban poor, migrant and undocumented workers, stateless persons, women and children.

From the consultations, it was evident that the pandemic impacted vulnerable groups such as women and children, Indigenous Peoples, migrant and undocumented workers, refugees, asylum seekers, and stateless persons.

It is essential to note that the COVID-19 virus does not discriminate – it affects everyone, citizens and non-citizens. Based on our consultations, SUHAKAM developed important recommendations on the challenges facing the aforementioned vulnerable groups and forwarded them to the government for their consideration. In general, the government noted SUHAKAM's recommendations and said the relevant agencies would look into them.

Despite the movement control orders, as a National Human Rights Institution (NHRI), SUHAKAM continued to uphold and promote human rights in Malaysia. That included monitoring visits where possible, and highlighting pressing human rights issues through online press conferences, media interviews and issuance of press statements. SUHAKAM conducted online press conferences to launch our 2019 Annual Report and share findings on pressing human rights matters such as the impact of COVID-19 on places of detention. However,

From the consultations, it was evident that the pandemic impacted vulnerable groups such as women and children, Indigenous Peoples, migrant and undocumented workers, refugees, asylum seekers, and stateless persons.

SUHAKAM also continued the public inquiry into the disappearance of Joshua Hilmy and Ruth Sitepu.

SUHAKAM embarked on a new approach to promote human rights. We used public transit advertisements featuring photographs and information on human rights to broadcast on local television and radio stations. After the transit advertisements were launched we observed that public attention towards SUHAKAM and its work gradually grew; the number of followers and 'likes' on SUHAKAM's social media pages increased.

At the international level, we continued our participation in the international and regional human rights networks, which include the Southeast Asia NHRI Forum (SEANF), Asia Pacific Forum of NHRIs (APF) and the Global Alliance of NHRIs (GANHRI), but virtually. At the annual meetings of these networks, discussions on statelessness, torture, and business and human rights continued. But the main focus of the thematic human rights discussions revolved around the COVID-19 pandemic and its impact on countries, the people, and NHRIs. SUHAKAM foresees that public health emergencies and human rights may still be one of the main focus areas for next year, considering that countries worldwide are still grappling with recovery from the pandemic.

On 10 December 2020, the Ministry of Foreign Affairs, Legal Affairs Division in the Prime Minister's Department (PM's Department), SUHAKAM and the United Nations co-organised a forum titled "**Recover Better – Stand Up for Human Rights**". The theme was apt as it reflected the current situation in Malaysia. The meeting discussed, among

But the main focus of the thematic human rights discussions revolved around the COVID-19 pandemic and its impact on countries, the people, and NHRIs. SUHAKAM foresees that public health emergencies and human rights may still be one of the main focus areas for next year, considering that countries worldwide are still grappling with recovery from the pandemic.

others, the COVID-19 pandemic, the challenges faced by various communities, and best practices in terms of recovery and rebuilding lives impacted by the pandemic. The Foreign Minister also announced Malaysia's bid for a seat on the United Nations Human Rights Council for the 2022-2024 term. Given the announcement, SUHAKAM hopes the government will undertake concrete actions to effectively address the longstanding human rights issues in Malaysia, as highlighted in its Annual Reports.

Looking back, 2020 was a challenging year for all. However, the fight against COVID-19 has yet to end. It continues to hang over Malaysia. There has to be full cooperation and discipline from everyone to stop the virus from spreading further.

SUHAKAM observed that the pandemic dramatically impacted the economic, social and cultural rights of vulnerable groups. They lost income and jobs and faced challenges in accessing basic healthcare and education services. In this regard, SUHAKAM welcomed the government's economic stimulus packages and the 2021 National Budget, which aims to mitigate the impact of COVID-19 on the people.

The pandemic has also fuelled racism and xenophobia around the world, especially towards refugees and migrants. In Malaysia, we saw an increase in racist and xenophobic remarks from the public towards refugees and migrant workers. It is crucial to note that migrants and refugees, regardless of their immigration status, are human beings and should be accorded equal respect and rights.

In this regard, in November 2020, SUHAKAM adopted a Strategic Plan 2021-2025. The Strategic Plan charts SUHAKAM's goals for the next five years, including strengthening our organisational capacity and role as an NHRI, advancing economic, social and cultural rights of vulnerable groups in Malaysia, combating racism, racial discrimination and xenophobia, and enhancing the realisation of children's rights.

We hope the Strategic Plan will navigate SUHAKAM in fulfilling our statutory mandate and functions, including advocacy, promotion and education, investigation, and contribute towards the betterment of human rights in Malaysia. **Together, we can fight the pandemic and guide Malaysia back to the path of recovery and realise human rights for all.**

Tan Sri Othman Hashim



The background is a light blue gradient with darker blue splatters and spots. Several overlapping circles in various shades of blue are scattered across the bottom half of the page. The central circle is the largest and contains the text.

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

We were not prepared for what turned out to be a deadly pandemic and strict Movement Control Order (MCO) in March. However, SUHAKAM Commissioners and officers quickly recovered to re-strategise and review our approach to ensure we could continue carrying out our operations throughout the year.

In terms of our **education mandate**, SUHAKAM drafted training modules for the Prisons Department, Royal Malaysia Police (PDRM) and Teachers' Education Institute, to help institutionalise and improve human rights training in several government agencies. SUHAKAM held two online training sessions in June for Universiti Utara Malaysia (UUM) students focusing on issues related to the refugee community, and with Universiti Sains Islam Malaysia (USIM) on torture and United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT) on 5 December.

SUHAKAM continued to raise public awareness of UNCAT by developing an animated educational tool. SUHAKAM also undertook to translate the full text of UNCAT into the Malay language. We subsequently published a bi-lingual (Malay-English) UNCAT booklet with funding from the European Union (EU). SUHAKAM conducted two *SUHAKAM Bersama Masyarakat* (SBM - 'Meet the People) sessions - one was via Facebook Live on 22 July, and the second was a face-to-face event with plantation workers in Batang Padang, Perak, on 15 September. In general, EU Funding of SUHAKAM's work relate to the promotion of human rights and for educational purposes.

We continued to review various legislation affecting human rights in Malaysia. They include the Security Offences (Special Measures) Act 2012, Lock-Up Rules 1953, anti-hopping legislation from human rights perspectives, Whistleblower Protection Act 2010 and an amendment to the SUHAKAM Act 1999 (Act 597).

We engaged seven research consultants under the 'Promoting the Accession of Remaining International Human Rights Treaties in Malaysia' project, to analyse the compatibility of the remaining treaties and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) with domestic laws. They undertook both primary and secondary research. Apart from a literature review, they conducted public polls and surveys to obtain public opinion and perspective on each treaty.

On 11 June, SUHAKAM organised a dialogue on 'Human Rights and Statelessness in Malaysia' online. The meeting discussed, sought to understand and looked for solutions to the problems faced by **stateless persons** in Malaysia, in terms of economic, social, and cultural rights. Subsequently, SUHAKAM reiterated our call for the Government to accede to the Convention Relating to the Status of Stateless Persons 1954, Convention on the Reduction of Statelessness 1961 and Convention Relating to the Status of Refugees 1951. SUHAKAM also organised an online dialogue on 'Human Rights and Poverty' on 22 September to further discuss issues highlighted in the Report of Special Rapporteur on Extreme Poverty and Human Rights, Mr. Philip Alston, released in 2020, and the impact of COVID-19 on various vulnerable groups.

Throughout 2020, SUHAKAM received a total of 756 **complaints**, with 375 complaints at our Kuala Lumpur office, and 311 and 70 through the Sabah and Sarawak offices, respectively. During the MCO from March to May, and subsequent Controlled MCO (CMCO) at selected areas, including Kuala Lumpur, Selangor and Putrajaya in October and November, complainants were encouraged to submit complaints through the telephone, email, online complaint system to avoid the need for face-to-face engagements.

Of the 517 complaints SUHAKAM investigated, 142 cases were completed, and investigations are continuing for the remainder. The highest number of complaints related to nationality, arbitrary arrests, detentions or exiles, liberty and security of persons, cruel, inhuman or degrading treatment or punishment, and death in custody.

SUHAKAM conducted nine visits to detention centres throughout the country. We observed that most of them lacked basic amenities and infrastructure, and some were overcrowded. During these **periodic visits**, SUHAKAM called on PDRM to improve or amend their standard operating procedure (SOP) on the detention of individuals in police lock-ups.

SUHAKAM investigated 12 cases of **death in custody**. Six deaths occurred in prisons, four in police lockups, and two at the immigration depot. SUHAKAM reiterates our previous calls for the placement of medical personnel in detention centres, as well as proper management and updating of prisoner's medical records, amongst others.

SUHAKAM organised an online Roundtable Table Discussion on Addressing **Scabies at Detention Centres** on 22 October. As a result, SUHAKAM recommends the setting-up of a Special Committee to look into implementing the recommended solutions to address the problem.

In February, SUHAKAM began our third **public inquiry** into the disappearance of Joshua Hilmy and Ruth Sitepu. As of October, a total of 19 witnesses testified before the panel. The hearing was postponed several times due to the pandemic and will continue in early 2021.

SUHAKAM was scheduled to undergo the fourth **re-accreditation process** in October. This was postponed to June 2021 because of COVID-19. SUHAKAM organised a consultation on 4 August to share with and invite stakeholders to participate in the upcoming re-accreditation. Participants noted SUHAKAM's efforts to promote and protect human rights over the years but added there was an urgent need to review the SUHAKAM Act to strengthen our mandate and functions.

SUHAKAM notes that the Ministry of Foreign Affairs (MoFA) agreed to use the National Recommendations Tracking Database (NRTD) to facilitate the monitoring and coordination of implementing Universal Periodic Review (UPR) recommendations among the relevant agencies. SUHAKAM hopes the development and utilisation of the monitoring tools will be expedited for effective monitoring of the implementation of UPR recommendations.

In conjunction with the SEANF Annual Meeting, SUHAKAM, the National Commission on Human Rights in Indonesia (Komnas HAM) and Commission of Human Rights of the Philippines (CHRP) co-hosted an Online Dialogue on **Statelessness** on 25 November. Nationality laws and immigration laws are among the political barriers perpetuating statelessness in Sabah. SUHAKAM, Komnas HAM and CHRP will continue to work closely with relevant stakeholders to mitigate statelessness in Sabah.

SUHAKAM issued 47 **press statements** throughout the year. They addressed various human rights issues related to the impact of COVID-19 on vulnerable groups, racism and xenophobic remarks directed at migrant workers and refugees during the COVID-19 pandemic, and children's rights. They also addressed racist and offensive comments by Members of Parliament, SUHAKAM's position on the Independent Police Conduct Commission (IPCC) Bill 2020 and the Penal Code amendment to decriminalise attempted suicide.

As of 31 December, SUHAKAM has 14,540 likes on Facebook, 17,814 followers on Twitter and 951 followers on Instagram, which are higher than 13,360 likes on Facebook, 15,900 followers on Twitter and 685 followers on Instagram in 2019.

SUHAKAM's **2019 Annual Report was tabled** in Parliament on 4 November. However, Minister in the Prime Minister's Department (Parliament and Law), YB Dato' Takiyuddin Hassan, announced on 1 December that it would not be debated in Parliament, given competing priorities. SUHAKAM hopes that future reports will be debated.

SUHAKAM's Sabah Office held an SBM event on 5 February in Pitas District. The main objective was for SUHAKAM to disseminate and create awareness of our roles and functions and provide an avenue for the public to lodge complaints on human rights infringement.

The Sabah Office received 192 human rights cases and 119 non-human rights complaints. The majority related to the right to a nationality (116 complaints), followed by the right to native customary land (NCR) with 37 complaints. The Sabah Office records indicate an increasing number of complaints concerning undocumented persons due to issues related to birth registration and identity card among Indigenous Peoples and the children of migrants.

Sabah State Legislative Assembly was dissolved on 30 July. **The state election** took place on 26 September to elect 73 members of the 16th Sabah State Legislative Assembly. SUHAKAM accepted the invitation to oversee and monitor the election process to protect the people's rights. A team of 31 people, comprising SUHAKAM Commissioners, staff and volunteers, was involved in the monitoring at 19 selected constituencies. The monitoring, from 21 to 26 September, covered campaigning activities and the polling process.

SUHAKAM's Sarawak Office received 46 human rights complaints. Of them, three were successfully resolved, and 43 are still pending, awaiting appropriate action by the relevant parties. Citizenship issues formed the bulk of complaints lodged there. They related to nationality, children's citizenship, late registration of birth certificates or identification cards for residents in rural areas, as well as children whose mothers are foreigners.

There were eight complaints concerning conversion from Islam to Christianity. Five of them involve Sarawakian Muslim converts wanting to revert to their former faith after their exogamous marriage to Muslim spouses failed. The other

three relate to administrative omissions. The complainants' religion is indicated as Muslim on their Identification Card (MyKad) based purely on the word 'bin' and 'binti' in their names.

Sarawak Office and the Office of the Children's Commission met with YB Dato' Seri Fatimah Abdullah, the state Welfare, Community Wellbeing, Women, Family and Childhood Development minister, and discussed stateless children in Sarawak and children's rights to education.

The **Office of the Children's Commissioner (OCC)** began functioning in May 2020, with three full-time officers and a clerk. In July, the OCC held three online Consultations on Statelessness – one each for Sabah, Sarawak and Peninsular Malaysia. For Sabah and Sarawak, there are additional issues because the large land areas make it difficult for rural communities to reach the registration office in the city. The recommendations to resolve the issues are outlined in Chapter 4.

In June and September, the OCC organised several dialogues with stakeholders and ministries, awareness programmes with villagers, and met with relevant offices to ensure access to education for more children. The OCC followed up by issuing a press statement to remind the Ministry of Education (MOE) not to overlook children's right to education in under-developed districts in Malaysia, particularly those living in rural Sabah and Sarawak.

Due to the increasing numbers of child marriage among Muslims and non-Muslims in Malaysia, the OCC has advocated for government intervention by amending the related laws. The OCC opines that Malaysia is ready to withdraw all the reservations to the Convention on the Rights of the Child (CRC). The Federal Constitution (FC) has sufficient safeguards to address any conflict of provisions in the CRC vis-à-vis the FC. Thus, removing the reservations would not prejudice the state, but will place Malaysia in a better position as a state party to the CRC.

Malaysia's Child Act 2001 (Act 611) provides the legal framework for the government's response to children in need of care and protection and children in conflict with the law. The OCC advocates the Child Act be further amended to achieve its objectives, and for the government to seek Alternatives To Detention (ATD) of children. This includes supporting the pilot project, which can uphold children, as a long-term effort. The OCC is committed to advising the government to execute the National Strategic Plan to End Child Marriage by 2030 and for amending the Education Act 1996 by ensuring a mandatory registration for Tahfiz schools.

The OCC established a Children's Consultative Council (CCC) Malaysia, consisting of twenty (20) members, ranging from 10 to 17 years old from various backgrounds across Malaysia. The OCC received 51 complaints related to the rights of children nationwide. The OCC visited six detention centres and four children's homes, and held a watching brief over three cases involving children. OCC issued seven statements in 2020 in relation to issues and challenges faced by children during the MCO, children's right to education during COVID-19, the death of a four-year-old girl in a car, and in conjunction with International Children's Day celebrations.

Beginning 18 March, the government enforced a nationwide MCO under the Prevention and Control of Infectious Diseases Act 1988 (Act 342) and Police Act 1967 (Act 344) in response to the **COVID-19** pandemic. Extensive lockdowns and social distancing measures, while well-intended, have resulted in far-reaching consequences to the economic and social lives of society.

Many individuals lost their jobs and livelihood as the nation's economy was forced to pause during the MCO imposed. This raised concerns over households being pushed into the B40 group, or worse, below the poverty line income (PLI) threshold. Access to relevant devices and internet connection is not entirely universal in the country, especially for the poor and those living in rural and isolated villages, thereby disrupting children' access to education in varying degrees.

Various communities are disproportionately impacted by the pandemic depending on their living arrangement, financial stability and access to specific safeguards affecting their risk of infection. This is especially so for frontline workers, persons with disabilities, the poor, homeless, refugees, migrants and prisoners. The pandemic also fuelled racism and xenophobia in Malaysia, just like around the world. Hate speech and finger-pointing caused stigma and distress among some groups. There was a reported increase in domestic violence and of children being abused during the pandemic.

SUHAKAM initiated discussions with the **European Union Delegation** and reached an agreement for SUHAKAM to undertake a 19-month project entitled 'Responding to COVID-19 by Meeting the Needs of Vulnerable Communities in Malaysia'. The general aim was to enable information sharing, improve the capacity of Malaysian civil society organisations (CSOs), and facilitate aid in direct response to alleviating human rights at this time. The project also includes a capacity building/upskilling workshops component, focusing on vocational training such as agri-entrepreneurship for those who lost their means of livelihood during the pandemic.

SUHAKAM developed and presented several policy briefs highlighting the human rights areas of concern and key consideration given Malaysia's COVID-19 response. The briefs related to civil and political rights, freedom of speech and information and women's rights in Malaysia.

SUHAKAM also gave input for the Temporary Measures for Reducing the Impact of Coronavirus Disease 2019 (COVID-19) Bill 2020. The recommendations comprised information gathered through consultations with stakeholders in April and SUHAKAM's examination of various laws related to human rights protection during COVID-19 and MCO.

Indigenous Peoples (IP) continue to be affected by the consequences of mainstream development and are often deprived of a land and resource base. SUHAKAM received 17 complaints from the indigenous community – nine in Peninsular Malaysia, seven in Sabah and one in Sarawak. Complaints on land rights remain the most common and highest number received. Most of the complaints in Peninsular Malaysia were connected to infrastructure, basic necessities, and dam construction. SUHAKAM continued engaging with the Legal Affairs Department (BHEUU) in the Prime Minister's Department (PM's Department) and Department for Orang Asli Advancement (JAKOA) to address matters related to Orang Asli.

On 15 January, SUHAKAM met the JAKOA Director General to discuss the development and progress of the Orang Asli community, the National Inquiry into the Land Rights of Indigenous Peoples (NI), and issues in relation to the Forestry Department and Department of Wildlife and National Parks in Peninsular Malaysia. We also discussed the Orang Asli in Kuala Koh, Kelantan and other Orang Asli complaints. The Director General proposed A Joint Committee comprising SUHAKAM and JAKOA to improve the complaints management process.

SUHAKAM welcomes BHEUU's invitation to a '*Mesyuarat Penyelarasan Status Terkini Pelaksanaan Enam Rumusan Tindakan dan Hala Tuju Jawatankuasa Khas Kabinet Mengenai Hak Tanah Orang Asal/Asli (JKKHTOA)*', to discuss and to provide the latest updates of the six recommendations made by the Special Cabinet Committee on Orang Asli/Asal Land Rights.

In Sabah and Sarawak, land matters and Native Customary Rights (NCR) involving Indigenous Peoples continue to be among the most critical issues. Complaints received from the indigenous communities in Sarawak mainly relate to nationality, especially on children's citizenship, and the late registration of birth certificates or identification cards.

SUHAKAM continued to participate in the National Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrant (MAPO) and visited shelters for **victims of human trafficking**. Malaysia's Tier-2 Watchlist ranking by the US State Department for the second consecutive year, is of concern. SUHAKAM received nine complaints related to employment, recruitment agencies' involvement in human trafficking, non-payment of domestic worker salaries, being forced to work 18 hours daily, employers withholding workers' passports, and preventing them from undergoing medical check-ups including COVID-19 tests. We noted an international NGO's allegations about forced labour and human trafficking involving FGV Holdings Berhad (FGV) and Sime Darby Plantation Berhad. Investigations into the matter will take place in 2021.

SUHAKAM gave our input for the National Action Plan on Anti-Trafficking in Persons (NAPTIP) 2021-2025. SUHAKAM highlighted the importance of human rights approaches and the state's obligations to combat human trafficking in Malaysia; efforts to prevent human trafficking and addressing root causes and risk factors. Malaysia must ensure that victims of human trafficking have adequate protection, care and support; and strengthen the judicial and prosecution processes. The government must also strengthen and ensure law enforcement agencies can execute their duties effectively; implement measures to address labour exploitation and child trafficking.

As of October, there are 178,450 **refugees and asylum-seekers** registered with UNHCR in Malaysia. Two major issues were highlighted: (i) the arrival of the boat people in Malaysia and (ii) the backlash from Malaysians towards refugees and asylum seekers especially during the COVID-19 pandemic lockdown from March to June. SUHAKAM investigated the landings of about 752 refugees comprising women and minors in Kedah/Perlis waters on four different occasions. SUHAKAM observed that the Wawasan Immigration Camp lacked proper facilities as it was a temporary set up. The camp was not conducive for refugees and the personnel working there alike.

The Malaysian Government announced its commitment to develop a National Action Plan on **Business and Human Rights** (NAPBHR) for Malaysia in June 2019, followed by a commitment by Cabinet in December 2019. SUHAKAM worked closely with BHEUU in spearheading the development of the country's first NAPBHR. BHEUU, together with SUHAKAM and the United Nations Development Programme (UNDP), organised a fact-finding consultation themed 'Towards Malaysia's National Action Plan on Business and Human Rights' on 7, 8 and 14 December. It was to justify the proposed thematic areas, namely labour, environment and good governance.

On 14 September, SUHAKAM organised a 'Stakeholder Consultation on Forced Labour Issues in the Medical Supply Industry' following allegations of forced labour practices by Malaysian rubber glove manufacturers. Industry leaders shared their concerns in dealing with migrant workers whose contracts were expiring, and unable to return to their home countries due to border closures. SUHAKAM urged the government to take adequate measures to eradicate forced labour, protect labour rights, and promote a safe and conducive working environment for all workers, including migrant workers.

On 8 October, SUHAKAM collaborated with the International Labour Organisation (ILO) to organise a webinar on 'Preventing Forced Labour in Malaysia through Responsible Business Practices'. The event, which specifically targeted businesses from various sectors, provided employers with practical tips on how to mitigate risks of forced labour in recruitment and employment practices, and remediation.

SUHAKAM continued to promote greater understanding among the Islamic community on the compatibility between **human rights principles** grounded in the UDHR **and Islamic teachings**. The compatibility extends to human rights knowledge in Islam, namely the Quran and Sunnah, the Medina Charter and the Cairo Declaration of Human Rights. SUHAKAM also engaged with key stakeholders, including the Conference of Rulers, Islamic religious authorities and the Independent Permanent Human Rights Commission (IPHRC) on matters surrounding the Islamic community's human rights. These rights include education, worship, development, human dignity and justice.

SUHAKAM was granted the opportunity to submit an opinion paper to the Conference of Rulers that highlighted three issues - the registration of Tahfiz schools, child marriage and disabled-friendly mosques in Malaysia. The 256th Meeting of the Conference of Rulers on 20 February discussed SUHAKAM's submission.

SUHAKAM actively supports the **elimination of racism, racial discrimination and xenophobia**. SUHAKAM developed a policy paper on hate speech (xenophobia) against minorities, especially the refugees and migrants in Malaysia. The government should step up efforts to implement positive policy measures to counter hate speech and intolerance, especially by political leaders. And law enforcement officers should unequivocally, and publicly condemn all forms of hate directed toward migrants and refugees.

In light of these, SUHAKAM recently adopted the 2021-2025 Strategic Plan. With this five-year plan, SUHAKAM emphasises the formulation of concrete, tangible strategies and activities through research, position papers, roundtable discussions, and other activities to address racism, racial discrimination and xenophobia, within the next five years.

SUHAKAM hopes that one day soon, there will be a culture of understanding and respect for human rights, regardless of race, religion, background, or status throughout the country, amongst all people, young and old, or those who are privileged or marginalised.

Finally, SUHAKAM acknowledges and records our appreciation to the late Datuk Liew Vui Keong for his dedication and effort. Some progress was made on the human rights front during his tenure as Law Minister in PM's Department from 2018 to 2019.



CHAPTER 1

PURSUING THE HUMAN RIGHTS MANDATE



1.1 EDUCATION AND PROMOTION

A. EDUCATION AND TRAINING

OVERVIEW

The COVID-19 outbreak early this year has to a certain extent affected the implementation of SUHAKAM's training and education programmes. The Education and Training Division (ETD) had to revise its Workplan in June to ensure that the planned programme were doable during the pandemic. Several face-to-face programmes and activities for the year had to be postponed and replaced with online training sessions. Only a few face-to-face programmes managed to be held before the Movement Control Order (MCO) in March and during the implementation of Recovery Movement Control Order (RMCO). Those programmes were conducted with strict adherence to the standard operating procedures (SOP) issued by the National Security Council (NSC) such as physical distancing, the wearing of face mask and the use of MySejahtera apps for registration. On the other hand, the reduction of face-to-face workshops and training programmes this year enable the ETD officers to focus on the ongoing development of training modules.

1. HUMAN RIGHTS BEST PRACTICES (ATHAM) IN SCHOOL PROGRAMME

After more than 10 years ATHAM programme being implemented in several selected schools, SUHAKAM believes that it is timely to assess the effectiveness of the programme and to introduce some improvements. Thus, SUHAKAM has allocated a grant to conduct a study on the ATHAM programme during the year. In addition, SUHAKAM also developed a Proposed List of Activities under ATHAM programme for distribution to ATHAM schools.

a) Study on the Effectiveness of Human Rights Best Practices (ATHAM) in School Programme at Selected Schools in Malaysia in Improving the Understanding of Human Rights among Schools Community

SUHAKAM appointed two teams of researchers led by Assoc. Professor Dr. Rohaida Nordin, Senior Lecturer of Faculty of Law of the Universiti

Kebangsaan Malaysia (UKM) and Dr. Mangaleswaran Annamalai, Senior Academic Lecturer at Dato' Razali Ismail Teachers Education Institute to conduct a joint study on the effectiveness of ATHAM programme after 10 years of its implementation.



Meeting with the Director General of Education, Datuk Dr. Habibah Abdul Rahim on 8 September in which the DG of Education indicated her support for the implementation of ATHAM programme and the study.

The main objectives of the study are:

- i. To study the effectiveness of the implementation of ATHAM programme in schools between 2009-2018;
- ii. To study the level of awareness and understanding of teachers and students in ATHAM schools in relation to human rights and the rights of children;
- iii. To identify issues and challenges faced by schools involved with the ATHAM programme; and,
- iv. To recommend steps for improvement and plan of action which includes comprehensive approach and strategy towards the effective delivery of human rights education in all schools in Malaysia.

A research panel comprising of Commissioners Datuk Lok Yim Pheng, Associate Professor Dr. Nik Salida Suhaila Nik Saleh and Mr. Jerald Joseph was established to monitor the development of the study. This study would take 9 months to be completed and is expected to start in early 2021.

b) Draft Proposed Activities for the Human Rights Best Practices (ATHAM) Programme in Schools

SUHAKAM had organised a series of workshops on ATHAM in six different zones throughout Malaysia in 2019. Among the feedback received from the participants was that they needed some guidance on activities that could be implemented in schools to fulfil the objectives of ATHAM programme.

Hence, SUHAKAM developed a list of proposed activities based on the articles in the Convention on the Rights of the Child (CRC) to serve as a guide to the teachers on possible activities that can be done in schools under the ATHAM programme.



Datuk Lok Yim Pheng delivered the opening address at an online focus group discussion (FGD) on the Draft Proposed Activities for the ATHAM Programme in Schools attended by officials from Ministry of Education and teachers from ATHAM schools which was held on 7 October in Kuala Lumpur.

The development of the proposed activities also involved the Ministry of Education (MOE) and several selected teachers from ATHAM schools. A discussion was held on 7 October with the involvement of MOE's School Management Division, Educational Planning and Research Division, Technical and Vocational Education Division, Special Education Division, Private Education Division, Curriculum Development Division, Sport, Art and Co-Curricular Division, Fully Residential School Management Division, Examination

Syndicates, Inspectorate of Schools and three teachers from ATHAM schools. Several recommendations to improve the draft were given by the participants during the discussion.

The draft would be printed in booklet form with other information on ATHAM and would be distributed to all ATHAM schools in 2021.

2. DEVELOPMENT OF HUMAN RIGHTS TRAINING MODULES

As a step toward institutionalising and improving the human rights training in government agencies, SUHAKAM has taken the initiative to develop human rights training modules to be utilised by the specific agencies in their internal training. SUHAKAM undertook drafting of training modules for the Prisons Department, Royal Malaysia Police and Teachers' Education Institute.

a) Human Rights and Detention: Human Rights Training Module for Prisons Department of Malaysia

SUHAKAM and the Prisons Department organised several joint-programmes to increase the understanding of prison officials on human rights. This year SUHAKAM started to develop a training manual to assist the prison trainers to conduct training on 'Human Rights and Detention' as part of the Prisons' internal training.

The outline of the training manual that was being developed is as follows :

Module 1: Introduction to SUHAKAM and Malaysian Prisons Department

Module 2: Knowing the Rights and Challenges of Prison officials

Module 3: Human Rights and Prison

Module 4: Between Human Rights and Use of Force

Module 5: Thematic Issues on Human Rights related to Prison and Detention

SUHAKAM would involve the Prisons Department in finalising the module next year. It is our hope that with the publication of the manual next year, it would further improve the training quality of the Prisons Department, in particular the training on human rights principles and rules in prison work.

b) Human Rights Module for the Police

In the past, SUHAKAM had conducted training of trainers (TOT) for the police and as a result of a series of sessions, the Police has internalised the human rights training as a compulsory component in the police basic training.

Nonetheless, delivering training on a subject matter which is frequently misunderstood as a contradiction with police function is not an easy task for the police trainers. Thus, SUHAKAM has taken the step to develop a human rights module for the police as a guide for police trainers delivering the human rights course and to ensure the content of the training delivered is standardised. The module would include the following contents:

Module 1: Introduction to the Human Rights Concept

Module 2: Human Rights of the Police Personnel

Module 3: Human Rights and Policing

Module 4: The Application of Human Rights Principles in Police Investigation

Module 5: The Prohibition of Torture and Inhuman and Degrading Treatment or Punishment

Module 6: Human Rights Issues Relevant to the Police

SUHAKAM would organise a workshop next year to involve the police in finalising the module.

c) Human Rights Module for Educators

SUHAKAM established strong collaboration with the Institute of Teacher Education Malaysia (IPGM) since 2018. In 2019, IPGM proposed to SUHAKAM to develop a human rights module for the students of Institute of Teacher Education (IPG) throughout Malaysia. The main objective of the said module is to equip the IPG students with adequate human rights knowledge and later to apply the knowledge while carrying out their duties as teachers, once they have graduated from IPG.

SUHAKAM was assisted by five lecturers appointed by IPGM to ensure the content of the module serves the needs of IPG students and relates to their responsibility as a future-teacher. The module is expected to be completed by end of 2021. The draft outline of the module is as follows:

Chapter 1: Introduction to Human Rights

Chapter 2: Human Rights in the context of Malaysia

Chapter 3: The Rights of the Child

Chapter 4: Introduction to the Human Rights Best Practices (ATHAM) in School Programme

Apart from the module, SUHAKAM was also invited to the Workshop on the Review of IPG's syllabus on 3 March at the International Languages Campus, Institute of Teacher Education. At the workshop, SUHAKAM had proposed several human rights topics to be included in the IPG's syllabus.

SUHAKAM is excited to note that the proposal had been accepted by IPG and has been inserted in the Post-Graduate Diploma in Teaching Programme and Diploma in Teaching Programme since June 2020.

3. ONLINE LECTURES

As part of SUHAKAM's effort to adopt the new norms following the outbreak of COVID-19 pandemic, SUHAKAM offered several government agencies and public universities online lectures on human rights. The government agencies were disinclined to have the online training sessions on grounds they were unable to provide the necessary facilities to enable their officials to attend the online training sessions.

In September, SUHAKAM approached several public universities with the proposal to co-organise online lecture sessions for their students. SUHAKAM's objectives of offering such sessions were:

- i. To enlighten the students on the human rights issues in Malaysia;
- ii. To share information on SUHAKAM's work pertaining to human rights in Malaysia.

For this year, two online sessions were held for Universiti Utara Malaysia (UUM) and Universiti Sains Islam Malaysia (USIM).

a) Online Lecture for Universiti Utara Malaysia (UUM)

The online session with UUM students was held on 30 June and attended by 70 participants. The session was co-organised with UUM's School of International Studies (SOIS). Commissioner Datuk Lok Yim Pheng delivered a talk on 'The Dilemma of Refugees in Malaysia'. The participants took the opportunity to raise their views on the topic, which included, among others:

- i. the need for Malaysia to have a legal and administrative framework for refugee protection, along with practical mechanisms to register and process asylum seekers and refugees.
- ii. the need for ASEAN countries to develop a refugee and asylum policy that includes guidance for action to be taken when a Member State's internal issues cause their people to flee to neighbouring states.

b) Online Lecture for Universiti Sains Islam Malaysia (USIM)

On 5 December, SUHAKAM held an interactive online session on the issue of torture from a human rights perspective to students of USIM. A total of 35 students participated in the session.

The students showed their interest on the topic by raising several interesting questions and opinions during the session, among others, on the factors that hinder Malaysia from ratifying UNCAT, alternative punishment to the death penalty and corporal punishment, the limit of force that the enforcement official could use during arrest and whether the International Criminal Court has jurisdiction over UNCAT state parties.

4. INVITATION TO DELIVER HUMAN RIGHTS TALKS AND TRAINING

Despite the prevalence of COVID-19 infections, SUHAKAM did received and fulfilled several invitations to deliver human rights talks. Compliance with the NSC's SOP was strictly observed during the face-to-face sessions. The details of the sessions are as in the Table 1.

Table 1: List of ad-hoc human rights talks and trainings in 2020

No.	Topic	Date	Venue / Platform	Number of Participants
1.	'Talk on Human Rights and Right to Education' at Orang Asli Activists Camp 2020 organised by Jaringan Orang Asli Semenanjung (JOAS)	18 Feb.	Kuala Rompin, Pahang	17 persons
2.	'Talk on United Nations Declaration on the Rights of Indigenous Peoples and Rights to Native Customary Land' at the Malaysian Care Awareness Programme for Orang Asli	15 Aug.	Pos Musuh, Tapah, Perak	36 persons

No.	Topic	Date	Venue / Platform	Number of Participants
3.	Online lecture on "Contemporary Human Rights Issues in Malaysia" to the UNISEL students	1 Jul.	Online	137 persons
4.	Online lecture for UMS students on "The International Convention on the Elimination of Racial Discrimination and What it Means to Malaysians"	30 Nov.	Online	80 persons

THE WAY FORWARD

With COVID-19 predicted to be around until next year, the ETD would have to adjust its programme and activities to suit the new norms. Focusing on online programmes is an alternative for the ETD to ensure that human rights education continues to be disseminated during this challenging time. Additionally, the completion of the drafting of training modules would be a high priority for the division for next year.

B. PROMOTION AND OUTREACH

OVERVIEW

During the year, SUHAKAM continued to raise human rights awareness in Malaysia through community dialogues, advocacy campaigns and empowerment workshops involving members of the public, plantation communities, Islamic religious authorities and youths. SUHAKAM also embarked on an advertising project through broadcast media and public transit.

1. PROTECTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

SUHAKAM continued to raise public awareness of United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) through the development of an educational animation. The aim was to promote greater public understanding of the convention and the benefits for Malaysia to become a State Party in preventing acts of torture and other forms of ill-treatment against any individual. This animation, produced in Bahasa Malaysia and supported with English subtitles, is available on SUHAKAM's YouTube Channel and social media sites, namely Facebook and Twitter.

SUHAKAM also undertook the initiative to translate the full text of UNCAT into Malay and subsequently published a bilingual (Malay-English) UNCAT booklet with funding from the European Union (EU). SUHAKAM will use this booklet as a resource to help promote understanding of UNCAT and its principal obligations to policymakers prior to Malaysia's ratification of the convention.

Following the launch of the 'Cartoonists against Torture' art exhibition, which was funded by the EU in July 2019, SUHAKAM and the Sarawak State Library organised a similar cartoon exhibition at the Sarawak State Library from 1-30 September. The exhibition featured a collection of artworks by local and international cartoonists.

While the ACT4CAT Coalition, in which SUHAKAM is a campaign partner, deferred a series of campaign activities due to the pandemic, the coalition employed artwork and social media platform as mediums to create public conversation on the arrests of MCO offenders and undocumented migrants in the country. These issues included, among others, overcrowding

and measures to prevent the spread of COVID-19 in places of detention, particularly police lock-ups, prisons and immigration detention centres.

2. PUBLIC OUTREACH AND ENGAGEMENT

a) **SUHAKAM Bersama Masyarakat (SBM - “Meet-the-People”) Programme**

The SBM programme remained a vital platform to raise public awareness on human rights and the work of SUHAKAM. It also continued to serve as a medium for community members to interact with SUHAKAM on various human rights issues affecting their lives.

Due to the pandemic and MCO, SUHAKAM only managed to conduct two sessions:

- i. SBM through Facebook Live (22 July).
- ii. SBM with plantation workers in Batang Padang, Perak. This was jointly organised with the National Association of Smallholders Malaysia on 15 September.

Issues of concern

The following were the key issues raised by the SBM participants:

i. **Malaysia’s Federal Land Development Authority (FELDA) settlers**

The settlers highlighted their financial burden under FELDA’s replanting programme as repayment would only be made to them four years after the replanting programme. During this period, the settlers have no choice but to rely on the loan given by FELDA as a source of income, resulting in a greater financial burden on them.

The settlers also were concerned that there was no protection or compensation if they encountered any injury or accident while working.

There was also concern about FELDA’s New Generation Housing project which was scheduled to be completed by 2017. This project was introduced to help the second generation of FELDA settlers own their first home. Nonetheless, the project has not been delivered and the second-generation settlers who have their own families now are still living with their parents.

Some settlers also expressed their unhappiness with the lack of a FELDA office at the district level. As such, they can only channel their concerns to FELDA headquarters.

ii. Lack of basic facilities in rural areas

SBM participants were concerned over the lack of basic facilities in rural areas like Sungkai, Perak, in terms of internet connection. They were also upset that there was no recreational park which is vital for children's development, and that government agencies have not delivered on the allocation for developing a fishpond and a cow farming project.

iii. Welfare of military veterans and senior citizens from Orang Asli community

One veteran claimed that he did not receive his pension despite his service to the country.

A concern for senior citizens was that the Department of Orang Asli Development (JAKOA) was supposed to channel monthly aid to the senior citizens in Kampung Orang Asli Menderang 2, Perak, but they had not received it.

iv. Access to Housing

One participant was worried that the rising house prices in Malaysia made it difficult for certain groups of citizens to buy or own a house.

v. Challenges faced by children with learning disabilities

Some participants were concerned over children with learning disabilities not being able to attend school or get therapy during the MCO. This has caused many of them continue to lag behind their peers in the mainstream education system.

vi. Refugees and undocumented migrants

The participants were concerned about authorities arresting refugees and asylum seekers, as well as undocumented migrant workers in Malaysia, during the MCO period. They asked whether such arrests amounted to a violation of human rights.



SBM session with plantation workers in Batang Padang, Perak on 15 September.

b) Exhibitions

Contrary to previous years, SUHAKAM only managed to hold two exhibitions at these events hosted by other organisations during the COVID-19 pandemic. The details are in Table 2.

Table 2: List of exhibitions SUHAKAM participated in 2020

NO.	DATE	ORGANISER	DETAILS
1.	18-19 Jan.	Malaysian Centre for Constitutionalism and Human Rights (MCCHR)	This was held in conjunction with MCCHR's 'Second Strategic Litigation Conference' at Kuala Lumpur.
2.	13 Feb.	BHEUU	This was held in conjunction with the programme 'Majlis Amanat Tahun Baharu Menteri' at the BHEUU Office in Putrajaya.

3. EMPOWERMENT OF YOUTH

SUHAKAM continued to conduct its “Youth for Rights” programme aimed at raising awareness among the youths on human rights and their important role in promoting and protecting human rights in the country.

SUHAKAM reached out to 235 youths from different local universities and colleges which was held in the forms of awareness talks, lectures and camps.

We conducted the sessions for students of three colleges, namely Jelebu Community College, Kompas International College and MARA Poly-Tech University College in Kuala Lumpur. SUHAKAM also delivered an online lecture on 22 August. Details of these sessions are summarised in Table 3:

Table 3: Universities/Colleges taking part in SUHAKAM's “Youth for Rights” sessions

NO.	DATE	COLLEGES	VENUE/PLATFORM
1.	21 Feb.	Jelebu Community College	Jelebu, Negeri Sembilan
2.	27 Jul.	Kompas International College	Online
3.	22 Aug.	Monash University Malaysia	Online
4.	10 Oct.	Kolej Universiti Poly-Tech MARA (KUPTM) Kuala Lumpur	Online



SUHAKAM facilitating a “Youth for Rights” session at Jelebu Community College on 21 February.

SUHAKAM also collaborated with UNISEL to hold a “Youth for Rights” online camp for student leaders from universities and colleges in Kuala Lumpur, Selangor and Perak. The details of this camp are presented in Table 4.

Table 4: Details of “Youth for Rights” camp held in 2020

NO.	DATE	DETAILS
1.	19-20 Sept.	<p>This programme was participated by 36 student leaders from the following universities/colleges in Kuala Lumpur, Selangor and Perak as follows:</p> <ul style="list-style-type: none"> ▪ Universiti Selangor (UNISEL) ▪ International Islamic University Malaysia (IIUM) ▪ Universiti Tenaga Nasional (UNITEN) ▪ Universiti Teknologi MARA (UiTM) ▪ Kolej Universiti Poly-Tech MARA (KUPTM) ▪ Tanjung Karang Community College ▪ Hulu Selangor Community College ▪ Sultan Azlan Shah Polytechnic, Perak



"Youth for Rights" online camp held from 19-20 December.

4. ADVERTISEMENTS ON SUHAKAM AND HUMAN RIGHTS

SUHAKAM stepped outside the box and promoted human rights and SUHAKAM by advertising on television, radio, and public transit. Our two main objectives were:

- i. To improve SUHAKAM's visibility as an NHRI in Malaysia, as well as our services to the public at large.
- ii. To better connect with members of the public through human rights messages that are delivered innovatively.

As an entry point, SUHAKAM opted for broadcast media and public transit as our advertising platform. The broadcast advertisements were aired on television and radio over Radio Television Malaysia (RTM) as well as Cats FM, a Sarawak-based private radio channel. The in-train advertisement was featured on the Mass Rapid Transit (MRT) and KTM Komuter.

a) Broadcast media advertisement

This 20-second long animated advertisement explained the concept of human rights and the basic rights every individual is entitled to regardless

of their nationality, gender, race, religions and status. It appeared on RTM's TV channels namely TV1, TV2 and TV Okey from 11 August – 31 October.

The radio advertisement was delivered through two 30-second scripts featuring discrimination during a job interview, as well as the basic concept of human rights versus misconceptions about rights. The radio advertisement was aired in two different phases and in different local languages. The first phase was aired in the Malay language through RTM radio stations in Peninsular Malaysia from 7 September – 11 October. The second phase was advertisements in six other indigenous languages, namely Semai, Jakun, Kadazan, Dusun, Iban and Bidayuh over RTM radio channels and Cats FM. These were aired from 27 November to 31 December.



A screenshot of SUHAKAM's advertisement on an RTM TV channel.

b) Transit advertisement

SUHAKAM's transit advertisement comprised visuals and short messages on a range of rights that were featured on wall panels, window panels, doors, gangways, glass panels, and backseats of one MRT line and one KTM Komuter route. The advertisement commenced on 1 September 2020 and will be in place until 31 August 2021.



SUHAKAM's transit advertisement on MRT train.



SUHAKAM's transit advertisements on KTM Komuter train.

To encourage the spread of these messages from public transit to social media platforms, SUHAKAM organised a competition on social media titled “#RIDE4RIGHTS” Contest on 7 September.

The contest, which will close on 31 August 2021, sought to attract the public, particularly train riders, to help spread the human rights messages advertised on the MRT and KTM Komuter trains to others.



SUHAKAM's delegation at the official launch of the #RIDE4RIGHTS Contest at MRT Sungai Buloh station on 7 September.

Table 5: Summary of SUHAKAM's advertisements

NO.	TYPE	ADVERTISING PLATFORM
1.	Animation on human rights and SUHAKAM	RTM TV channels (TV1, TV2, TV Okey) Duration: 11 Aug. – 31 Oct. 2020
2.	Script on human rights and SUHAKAM	RTM radio stations in Peninsular Malaysia Duration: Phase 1: 7 Sept. – 11 Oct. 2020 RTM Asyik FM in Peninsular Malaysia, RTM V FM in Sabah, RTM Wai FM in Sarawak, Cats FM in Sarawak Duration: Phase 2: 27 Nov. – 31 Dec. 2020
3.	Transit advertisement on human rights and SUHAKAM	MRT and KTM Komuter Duration: 1 Sept. 2020 – 31 Aug. 2021

THE WAY FORWARD

SUHAKAM will continue to educate and promote human rights awareness among all groups in Malaysia through its human rights education and training programmes, outreach activities, advocacy campaign, as well as engagement with both state and non-state actors.

1.2 LEGAL AND POLICY ADVISORY

A. LAW ADVISORY

OVERVIEW

SUHAKAM continues to advise the government and relevant authorities and remains hopeful that the government will emphasise human rights approaches in its policies and law reforms in accordance with international human rights standards. The Law and International Treaties Division (LITD) will continue its work within the national human rights institution (NHRI) to review various legislations in assessing their impact on human rights in Malaysia.

1. REVIEW OF LAWS

1.1 SECURITY OFFENCES (SPECIAL MEASURES) ACT 2012 (SOSMA)

SUHAKAM is of the general view that any detention without trial goes against human rights' core principles. UN General Assembly Resolution 68/178 on human rights protection and counter-terrorism emphasises that a criminal justice system should be based on respect for human rights and the rule of law. Ensuring due process and a fair trial to guarantee accountability is the most effective means of countering terrorism. SUHAKAM urges the Government to adopt this view in amending and enforcing SOSMA, as well as in designing and implementing effective counter-terrorism measures in Malaysia.

SUHAKAM recommends that preventive laws should be safeguarded against the abuse of powers by the executive. Judicial and parliamentary oversight should be included to provide a check and balance in the legislation. While the detention of an individual is vital during an investigation, it must be demonstrated to the court that there are reasonable grounds to believe the detainee is a threat to national security. It is also within the court's discretion to review the merits of the application rather than basing it on the general standard of "public security".

Section 13 of SOSMA 2012 should be repealed to reflect the decision in *Saminathan Ganesan v PP*¹ in which the High Court held that the provision was unconstitutional as it infringes judicial power to grant or refuse bail, which is enshrined in Article 121(1) of the Federal Constitution. Sections 18 and 18B of SOSMA should be amended to be consistent with the Evidence Act 1950. Firstly, to the right to a fair trial and not compelling spouses to testify against their partner. Furthermore, in respect of child witnesses, Section 19 of SOSMA must be brought in line with the Evidence of Child Witness Act 2007 which spells out the procedure for questioning a child witness. SUHAKAM reiterates its stand that there must be an appropriate balance between security laws to protect the nation from threats and upholding human rights and fundamental freedoms.

1.2 REVIEW OF LOCK-UP RULES 1953

The Lock-up Rules 1953 (Rules) were enacted under Section 8 of the Prisons Ordinance 1952. The Ordinance has since been repealed and replaced by the Prison Act 1995. SUHAKAM is concerned that the Rules are inconsistent with the Prison Act 1995, and falls short of international standards, namely the Mandela Rules and Bangkok Rules. SUHAKAM further recommends that the Rules be amended in the light of human rights standards in Malaysia and to be consistent with the Prison Act 1995. The rules should ensure detainees have access to legal representation regardless of their identity or status.

Among the concerns raised about lock-ups was the poor conditions that are not within human rights standards will significantly impact the psychological state of the detainees. Well-maintained cells will dramatically reduce custodial death cases. Female detainees should be provided with sanitary products and a proper disposal facility, as this is essential to menstrual hygiene.

SUHAKAM recommends that adequate food with proper nutrition and safe and clean drinking water should be made available to detainees at all times.² Public finance allocation should also be increased to improve procurement, hygiene, delivery, preparation and service of food and water to lock-up detainees.

Therefore, SUHAKAM recommends compulsory medical screening upon admission, which is vital to assess a detainee's health risk. Healthcare for

¹ [2020] 7 MLJ 681

² Rule 22(2) Mandela Rule.

detainees should be made available without any discrimination. Family members must be made aware of any serious illness, injury or death without any delay, as soon as healthcare providers verify them. An independent body (other than the Royal Malaysia Police) must investigate injuries or deaths, with remedies for victims, especially in cases of alleged torture.

1.3 WHISTLEBLOWER PROTECTION ACT 2010

SUHAKAM was invited by the Legal Affairs Division, Prime Minister's Department (BHEUU) to participate in a focus group discussion on a revision of the Whistleblower Protection Act 2010. SUHAKAM reiterated its position which supports the legal recognition of internal whistleblowing to the employer, that is, where an employee can disclose the information to the employer or other responsible person such as the legal advisor. SUHAKAM also supported the proposal to remove the proviso to Section 6³ of the Act to allow a broader scope of information to be disclosed. This would help enhance and protect the right to freedom of expression and information under Article 10 of the Federal Constitution and Article 19 of the Universal Declaration of Human Rights (UDHR).

To enable wider protection for whistleblowers, the scope of wrongdoing that may be disclosed should not be limited to those that warrant disciplinary action or in respect of employers registered as companies under the Companies Act 2016. At the same time, protection of the whistleblower's identity must be distinguished from protection of confidential information where both must be expressed and specifically protected. Also the scope of protection for persons associated with the whistleblower should not be limited to detrimental action (adverse treatment in relation to employment, career, profession, business). The whistleblower may have come into contact with information that is not related to his work. In this situation, the person associated with the said information may not be protected under the Act.

2. AMENDMENT TO SUHAKAM ACT 1999 [ACT 597]

SUHAKAM has consistently advocated for amendments to the Human Rights Commission of Malaysia Act 1999 [Act 597] to strengthen its

³ **Disclosure of improper conduct**

Section 6. (1) A person may make a disclosure of improper conduct to any enforcement agency based on his reasonable belief that any person has engaged, is engaging or is preparing to engage in improper conduct.

mandate to protect and promote human rights in Malaysia. These proposed amendments follow the Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA) General Observation that the enabling law of NHRIs should be legislatively mandated with specific functions. This will promote and protect a progressive definition of human rights which includes international, regional and domestic instruments including economic, social and cultural rights. In August, BHEUU held a meeting with SUHAKAM and agencies such as Ministry of Home Affairs (MOHA), Attorney General's Chambers (AGC) and the Office of the Chief Registrar of the Federal Court of Malaysia to discuss the proposed amendments to the Act. We hope the government will consider the proposed amendments as they will improve and enhance human rights in Malaysia.

3. SUHAKAM'S ROLE IN COURT

SUHAKAM reiterates our position that the judicial system is a vital organ of the State to protect and provide check and balances in accordance with the fundamental human rights of individuals. Since 2011, SUHAKAM has been actively holding watching briefs in cases involving various human rights issues. SUHAKAM is thankful to the courts for accepting our request to continue participating in watching briefs. **Throughout 2020, SUHAKAM held watching briefs in the following cases:**

- i. Attorney-General v Mohd Kassim bin Mohd Hamid;
- ii. Inquest into the Death of Soosaimanickam a/l Joseph;
- iii. PP v Hazrul Hizham Ghazali;
- iv. Mohd Huson & 32 lagi v Pendakwa Raya;
- v. Mohd Alif Anas bin Md Noor v Menteri Pendidikan Malaysia & Ors;
- vi. Nalvin Dhillon Narangan Singh v Director-General of National Registration Department & 2 ors;
- vii. Rosliza binti Ibrahim v Government of Selangor & Anor;
- viii. Peguam Negara v Mkini Dotcom Sdn Bhd & 1 Lagi (Contempt of Court by MalaysiaKini and Steven Gan);
- ix. Muhammad Adam Yusoff Abdul Hafiz & Another v Sekolah Menengah Pendidikan Khas Vokasional Seksyen 17 Shah Alam & 3 Others;
- x. Noreeda bt Mohd Nor v Kerajaan Malaysia & Ors
- xi. Iki Putra bin Mubarrak v Kerajaan Negeri Selangor & Majlis Agama Islam Selangor (Judicial Review of Sec. 28 Selangor Syariah Offences Enactment 1995);
- xii. Datuk Dr Haji Hamid Sultan bin Abu Backer v Chairman of the Judges' Ethics Committee & Judges Ethics Committee.; and
- xiii. PP v Muhammad Haziq Rahimi.

SUHAKAM also played the role of *amicus curiae* in the appeal of Rosliza binti Ibrahim v Government of Selangor & Anor. SUHAKAM provided a comprehensive perspective of fundamental liberties and human rights to assist the court in answering two questions of public interest: (a) whether a person has the liberty to profess his religion and to thereby determine his religious status; and (b) where there is a legitimate question as to a person's religious status and which adjudicatory body has the authority to decide the final outcome. The case is still ongoing in the Federal Court and SUHAKAM hopes to play a more active role as *amicus curiae* to create awareness of human rights within the judiciary.

SUHAKAM record our appreciation to Counsel for their pro bono representation in these cases. The lawyers are Mr. Mahajoth Singh, Mr. Louis Liaw, Mr. Cheang Lek Choy, Mr. Mansoor Saat, Ms. Nor Herdawati Harun, Mr. Lim Heng Seng, Mr. Collin Andrew, Datuk Joy Wilson Appukuttan, Mr. Amrick Singh and Mr. Nizam Bashir Abdul Kariem Bashir.

4. MIGRANT WORKERS

On 13 April, SUHAKAM organised an online dialogue on "*The Needs of and Challenges faced by Migrant Workers and Undocumented Workers amid COVID-19 Pandemic*". The dialogue identified multiple challenges encountered by the migrant workers, including access to food, government aid, healthcare services and information on COVID-19, non-payment of wages by employers, risk of retrenchment, detention of migrant workers and overcrowding at the Immigration Detention Centres. In the case of detention centres, SUHAKAM repeatedly alerted the government on the conditions as well as the risk of COVID-19 infections and called for the National Security Council, Immigration Department and Royal Malaysia Police to have clear and proper standard operating procedures (SOP) in line with the Ministry of Health (MOH).

SUHAKAM calls on the Ministry of Human Resource and Department of Labour namely the Department of Labour Peninsular Malaysia, Department of Labour Sabah and Department of Labour Sarawak to investigate complaints of non-payment of wages by employers and to monitor the situation of unavoidable retrenchments where migrant workers should be well-informed and properly terminated. More importantly, SUHAKAM has recommended the government extends its assistance to this group by including comprehensive strategies in the PRIHATIN Economic Stimulus Package to enhance the recovery and give assistance to migrant workers.

Embassies and High Commission at the same time should be committed to assist their citizens by way of consular services, financial assistance, and food supplies.

5. ROUNDTABLE DISCUSSION (RTD) ON THE INDEPENDENT POLICE CONDUCT COMMISSION (IPCC)

On 26 November, SUHAKAM and Suara Rakyat Malaysia (SUARAM) organised an RTD to discuss the IPCC and compile recommendations from civil society organisations (CSOs) and relevant government agencies on the current Bill. Commissioners Dato' Mah Weng Kwai and Dato' Seri Mohd Hishamudin Md Yunus were among the panellists.

This RTD was held in light of the IPCC Bill 2020 tabled in the Dewan Rakyat in August 2020. The Bill did not capture the substantive essence of its predecessor, the Independent Police Complaints and Misconduct Commission (IPCMC) Bill 2019, and the recommendations from the 2005 Royal Commission of Inquiry (RCI). The IPCC Bill lacks independence and weakens the functions of the IPCC. It does not accord any disciplinary power to deal with police misconduct.⁴ There are various provisions that hinder the conduct of investigations, and any matters that fall under the Inspector General's Standing Orders (IGSO) will be excluded from the investigation. The Bill also lacks disciplinary powers and does not promote public confidence in the police nor is it independent, accountable or transparent.

Furthermore, the Bill does not reflect diversity in the appointment of its Commissioners nor assures protection for whistleblowers. Various stakeholders including SUHAKAM and CSOs have made numerous recommendations to the Government in the past to enhance police accountability and promote good governance. However, this was not realised in the IPCC Bill.

The RTD recommends that SUHAKAM and CSOs intensify public awareness of the Bill through social media, mainstream TV, radio, and newspapers. Information on the Bill should be made in Bahasa Malaysia and disseminated to the public. The RTD also acknowledged and thanked the late Datuk Liew Vui Keong for his dedication and time to realisation of the then IPCMC Bill.

⁴ SUHAKAM's Press Statement on 27 August 2020.

6. RESEARCH AND ANALYSIS ON THE COMPATIBILITY OF MALAYSIAN LAW (CIVIL AND SYARIAH) WITH SIX INTERNATIONAL TREATIES AND ONE DECLARATION

In 2018, SUHAKAM received a grant from the European Union to undertake a project entitled 'Promoting the Accession of Remaining International Human Rights Treaties in Malaysia'. Its overall objective was to promote and advocate for the accession of remaining international human rights treaties in Malaysia.

SUHAKAM deemed it necessary to undertake a thorough research and analysis of their provisions with domestic laws. The aim is to create and make available an evidence-based body of work that SUHAKAM may use as a basis to increase its efforts in promoting future accession to these treaties. SUHAKAM also found it appropriate to study and analyse the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to incorporate the spirit of its provisions into Malaysian laws and policies, where relevant. SUHAKAM intends to utilise these research reports to promote broader societal and governmental awareness. These research reports can promote understanding and acceptance of the need and importance of their accession and incorporation into domestic laws and policies.

Seven Research Consultants were engaged in October 2019, comprising legal experts and academics, to conduct research and analysis on compatibility with Malaysian civil and Syariah law as well as draft a legal roadmap for Malaysia's accession to:

- i) United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)**
- ii) International Covenant on Civil and Political Rights (ICCPR)**
- iii) International Covenant on Economic, Social and Cultural Rights (ICESCR);**
- iv) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);**
- v) International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED); and**
- vi) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW).**

In 2020, the research consultants, in accordance with their respective Terms of References (TORs) undertook both primary and secondary research

such as literature review and conducting public polls and surveys for public opinion and perspective on each treaty. The researchers conducted interviews and circulated written questionnaires, as well as held virtual consultations and roundtable discussions with subject matter experts, relevant government agencies and CSOs.

In the 13-month research period, which included a three-month extension because of COVID-19 and subsequent MCO, CMCO and Recovery Movement Control Order (RMCO), each consultant submitted three progress reports, a draft research report and their final submission for review and feedback by SUHAKAM's Research Committee.

This research project is expected to be completed in 2021.

7. FREEDOM OF ASSOCIATION AND ANTI-HOPPING LEGISLATION FROM HUMAN RIGHTS PERSPECTIVE

In recent times, Malaysia has experienced a never-ending occurrence of Members of Parliament (MPs) and State Legislative Assembly Members (ADUNs) switching parties to suit their personal and political agendas. The right to vote, as stated under Article 119(1) of the Federal Constitution, forms the basis for the elected representative's authority to be part of the governing apparatus. It is the Rakyat's choice that legitimises those who make up the Government. Hence, if an elected representative decides to switch to a new party as he/she exercises the right to association, citizens should be allowed to automatically exercise their right to vote and choose a representative again.

Freedom of association is well recognised under Article 20(1) of the UDHR and Article 22(1) of the ICCPR. In this regard, the Government has the obligation not to unduly obstruct the freedom of association and the members of the association should be free to determine their status and to make decisions without the Government's interference. Political parties are central to the exercise of citizens' right to vote and conduct of public affairs; and the proper functioning of a democracy. At the same time, practices of switching of political loyalties by elected representatives have significantly undermined the confidence of the voters.

In numerous countries, including India, Singapore, South Africa and New Zealand, have introduced mechanisms in the law to overcome the practices of switching political parties. For example, the Constitution of the Republic of Singapore provides that the seat of the member of the house

shall become vacant if he ceases to be a member of or is expelled or resigns from the political party which he stood for in the election. The Singaporean Parliament shall decide the disqualification and such determination is final. The vacant seat of the MP disqualified by these provisions shall be filled by fresh elections.

SUHAKAM is of the view that political parties should be regulated by legislation and rules separate from other kinds of associations. An “Anti-Hopping” law should be enacted in Malaysia in order to ensure political stability and end the impunity of fraud on the electorate, whilst strengthening democracy and protecting the rights of its citizens. MPs and ADUNs are elected to represent the voice of their voters, therefore should manifest the needs and views of the Rakyat and not of their own. Together, we should make conscious, determined effort to build people’s trust in the election and democratic process, failing which, will be to the nation’s detriment.

THE WAY FORWARD

The year 2020 has shown how the pandemic affected countries worldwide. Despite the uncertainty of the world situation, SUHAKAM has been persistent and committed to its mandate under the SUHAKAM Act 1999 (Act 597) on advising the government in devising policies and laws related to human rights. Although LITD faced some obstacles throughout the year, LITD managed to materialise some of these activities and its core activities. The division managed to publish position papers and extend its role as an amicus curiae in the court. The ultimate goal is to see through the amendments to the SUHAKAM Act next year. LITD also managed to prepare several policy papers during COVID-19 on migrant workers, women, and civil liberties affected.

In the upcoming year, SUHAKAM plans to prepare several activities related to CRPD and CEDAW. The planning is in line with our preparation to submit the parallel report to the United Nations Committee on CEDAW and CRPD before March 2022.

LITD notes Parliament’s announcement to establish a Parliamentary Select Committee on Fundamental Liberties and Constitutional Rights in November 2020. SUHAKAM is also looking forward to engaging with the Select Committee to enhance the protections and advance the status of human rights in Malaysia.

B. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

OVERVIEW

The Economic, Social and Cultural Rights Division (ESCRD) supports SUHAKAM in advising the government to ensure that policies, particularly relating to economic, social, and cultural rights, align with applicable human rights standards. However, the spread of the COVID-19 pandemic has, to some extent, affected the implementation of the division's activities. Some activities were postponed and some were revised to adapt the new norms. For this year, ESCRD intensified its work and advocacy on business and human rights, the follow-up to the National Inquiry into the Land Rights of Indigenous People, statelessness, as well as human rights and poverty.

1. HUMAN RIGHTS AND STATELESSNESS

On 11 June, SUHAKAM organised an online dialogue on 'Human Rights and Statelessness in Malaysia'. More than 70 participants, namely lawyers, academics, CSOs, and interested individuals. The objectives of the dialogue were to explore the concerns of stateless persons in Malaysia. They discussed economic, social, and cultural rights and understanding the challenges and barriers stateless persons face in obtaining nationality in Malaysia. They also shared best practices and challenges in policy development on statelessness, reviewed existing laws and regulations on statelessness and proposed relevant recommendations.

Stateless persons face many challenges in fully accessing their fundamental rights to education, healthcare, employment, housing, social security, freedom of movement, political participation, and voting rights that other citizens enjoy despite being born and having lived in the country all their lives. Some are also at high risk of becoming victims of exploitation, arrest and arbitrary detention and deportation.

SUHAKAM observed that among the reasons for statelessness in Malaysia was a lack of knowledge of the importance of legal documents, lack of access to registration services, inconsistent administrative or procedural issues in obtaining the documents, non-registration of the parents' marriages, no proof of birth or abandonment of the child without identification documents and information about their background, and gaps in nationality laws.

Participants also raised concerns on the discriminatory provisions in the Federal Constitution concerning nationality, that Malaysian women

married to foreigners are unable to confer their nationality to their children born abroad on an equal basis with Malaysian men. Children born in such situations may be stateless or at risk of statelessness if they are unable to acquire their father's nationality.

There were concerns over the lack of regulation in overseeing surrogacy arrangements, the absence of a national adoption law as well as different procedures for adoption.

In addressing stateless issues, SUHAKAM reiterates its call for the government to accede to the relevant international human rights instruments such as the Convention Relating to the Status of Stateless Persons 1954, Convention on the Reduction of Statelessness 1961, and Convention Relating to the Status of Refugees 1951. As a minimum, accession would ensure that stateless persons, especially children, will not arbitrarily be deprived of nationality. Accession would ensure that they will be granted a nationality under certain circumstances in which they might otherwise be stateless; and that children who remain or become stateless will have protection.

2. HUMAN RIGHTS AND POVERTY

The Report of the Special Rapporteur on Extreme Poverty and Human Rights Prof. Philip Alston was released on 7 July. Subsequently, SUHAKAM organised an online dialogue on 'Human Rights and Poverty' on 22 September to discuss further issues that were highlighted, as well as to identify the impact of COVID-19 on various vulnerable groups. A total of 65 participants from CSOs, academics, research institutes, UN agencies, and individuals participated in the dialogue session.

SUHAKAM observed that poverty persists among those who are economically and socially vulnerable. They include single mothers, older persons, persons with disabilities (PWD), plantation workers and indigenous communities, as well as rural and urban poor households. The absence of social protection systems makes these vulnerable groups more insecure and unable to participate economically and socially in society.

For instance, many senior citizens have savings of less than RM50,000 in their Employees Provident Fund (EPF) account for their retirement.⁵ Many

⁵ <https://www.malaymail.com/news/malaysia/2020/09/25/epf-over-50pc-contributors-above-54-have-savings-of-below-rm50000/1906759>

withdraw their savings at 55, and it could probably last for less than three years. Meanwhile, the majority of single mothers and PWD depend on daily wages for their income. The delay in the court process, and the reluctance of former husbands to pay alimony have also caused hardships for single mothers who have custody of children.

On the other hand, the indigenous communities who are the most vulnerable group still rely on the jungle for food sources and maintain their way of life. Restriction of access to such areas has affected their wellbeing and survival. Some have also been arrested for entering the jungle without a permit and licence. Participants also highlighted that a large number of Orang Asal in Sarawak do not have birth certificates and identity cards due to various reasons, namely, failure in fulfilling the requirements of the National Registration Department (NRD), insufficient access to registration offices and facilities, inability to pay the processing fee and transportation cost. The requirement for parents to produce identification cards and marriage certificates in registering their children's births is difficult because most do not have these documents. Additionally, they have limited access to education, healthcare services and are also excluded from poverty eradication programs.

Concerns were also raised about the lack of infrastructure and development facilities, particularly internet connection and basic amenities such as electricity, clean water, healthcare, access to roads in the rural areas in Sabah and Sarawak.

SUHAKAM recommends that the definition of poverty and the poverty line income take into account human rights aspects that significantly affect poverty. SUHAKAM recommends using the Multidimensional Poverty Index (MPI) to calculate Malaysia's poverty rate. A more accurate calculation of poverty will enable policy-makers to identify and target poverty-alleviation programmes to households, groups, and individuals who require assistance and support.

3. NATIONAL UNITY ACTION PLAN 2021-2025

The government is developing a National Unity Action Plan 2021-2025. SUHAKAM provided its inputs for the action plan and participated in the discussion held on 11 August. SUHAKAM believes that meaningful enjoyment of human rights must be based on the participation of holders of human rights in any processes that may impact their well-being. SUHAKAM

hopes that the government will be committed to engaging and working with stakeholders to seek their feedbacks/inputs on the action plan.

THE WAY FORWARD

The division will continue to engage and work closely with government agencies, NGOs and CSOs, businesses and other stakeholders to address various economic, social and cultural rights issues in Malaysia.

1.3 COMPLAINTS AND MONITORING

OVERVIEW

In 2020, SUHAKAM received 756 complaints. Of these, 375 were lodged at the headquarters in Kuala Lumpur, 311 complaints at Sabah Office and 70 at the Sarawak Office. Some of the complaints were in the form of memoranda, e-mail, correspondence, telephone calls, walk-ins, e-complaint system and submissions during SUHAKAM's roadshows. During the Movement Control Order (MCO) in March until May, and the subsequent Conditional Movement Control Order in selected areas (Kuala Lumpur, Selangor and Putrajaya) in October and November, complainants were encouraged to use the telephone, e-mail, and online complaint system to lodge their complaints.

1. INVESTIGATING COMPLAINTS

After thorough consideration, SUHAKAM decided that 239 of the complaints were beyond its jurisdiction. We completed investigations into 142 cases of the 517 complaints. The remaining are still pending. The highest number of complaints were related to nationality, followed by arbitrary arrests, detentions or exiles, liberty and security of persons, cruel, inhuman or degrading treatment or punishment, and death in custody.

Figure 1: Human Rights Complaints Received, 2016 – 2020

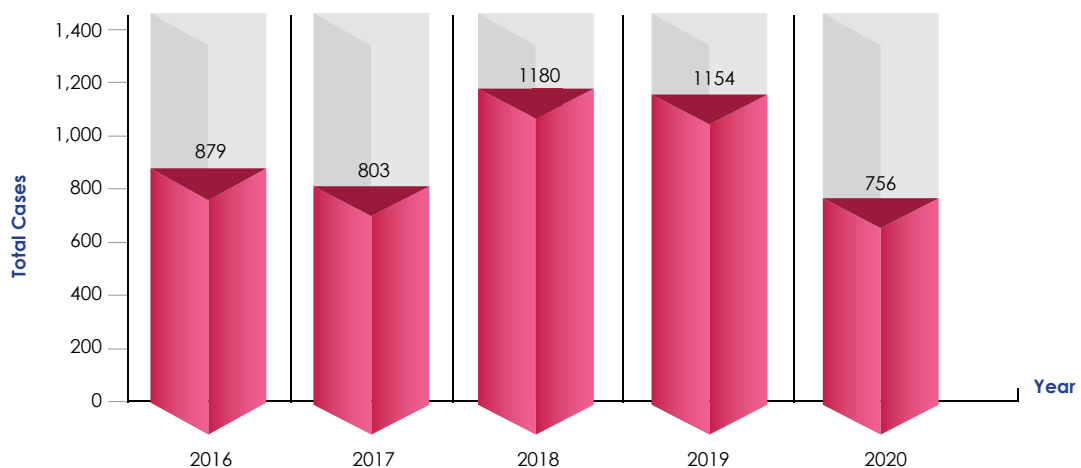


Figure 2: No. of Cases Resolved and Pending in 2020

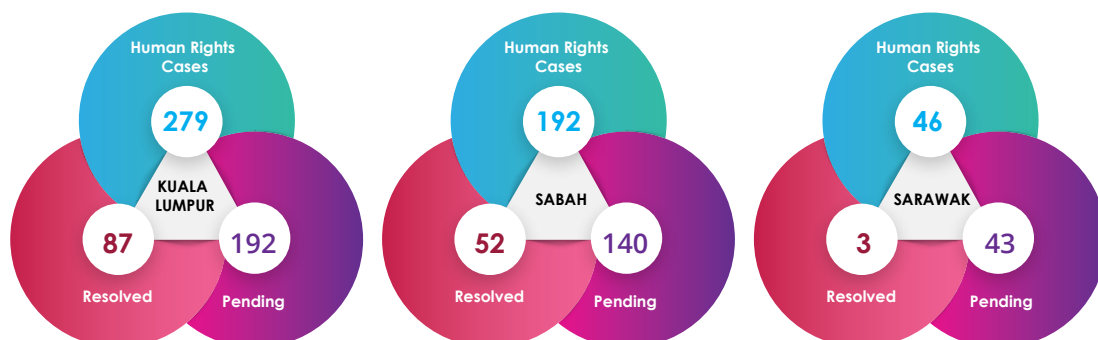


Table 6: Breakdown of Human Rights Complaints, 2020

NO.	SUBJECT MATTER	PENINSULAR	SABAH	SARAWAK
1.	Human dignity	2	0	1
2.	Equality/discrimination (on the basis of race, religion, gender, disability, political affiliation etc.)	12	1	2
3.	Right to life	19	2	1
4.	Liberty and security of person	28	1	1
5.	Human trafficking/smuggling	9	0	0
6.	Cruel, inhuman or degrading treatment or punishment	28	0	2
7.	Arbitrary arrest, detention, or exile	34	3	0
8.	Equality before the law/right to a fair and public hearing	13	0	0
9.	Right to privacy	1	1	0
10.	Freedom of movement	8	0	0
11.	Right to seek asylum and refugee status	5	0	0
12.	Right to nationality	6	116	9
13.	Right to own property	6	30	5
14.	Freedom of thought, conscience and religion	5	0	7

NO.	SUBJECT MATTER	PENINSULAR	SABAH	SARAWAK
15.	Freedom of opinion and expression	4	0	0
16.	Right to peaceful assembly	1	0	0
17.	Freedom of association	1	1	0
18.	Right to work/employment and migrant workers' rights	9	14	6
19.	Right to adequate standard of living (food, clothing, housing, healthcare)	25	6	3
20.	Right to education	1	3	2
21.	Environmental rights	1	1	0
22.	Right to native customary land	9	7	1
23.	Child's rights	25	1	1
24.	Right to family life	25	0	0
25.	Hate speech	1	0	0
26.	Forced labour	1	0	0
27.	Others	-	5	5
TOTAL		279	192	46

2. VISITS TO DETENTION CENTRES

This year, the Complaints and Monitoring Division (CMD) **conducted nine periodic visits to detention centres** (up to September 2020). The number of visits was fewer than past years because of the COVID-19 pandemic. However, case-based visits were still carried out, except when COVID-19 cases peaked from March to May and October. During the year, SUHAKAM visited the following prisons and lock-ups/remand centre - Pengkalan Chepa Prison in Kelantan, Dusun Dato' Murad Prison in Melaka, Kajang Prison in Selangor, Kota Bharu District Police Headquarters (IPD), Melaka Tengah IPD and National Anti-Drug Agency (AADK) Pasir Mas Remand Centre in Kelantan. We also visited the Temporary Detention Centre for MCO offenders in Kajang, the shelter for human trafficking victims in Tanjung Kling Melaka, and Camp Wawasan, a temporary detention centre for refugees and asylum seekers who arrived by boats in Langkawi, Kedah.

During the visits, SUHAKAM observed that most of the detention centres lacked basic amenities and infrastructure. **Pengkalan Chepa Prison** was overcrowded. The full capacity is 1,500 but there were almost 3,000 prisoners on the day of our visit. Overall, the prison looked dilapidated. There are frequent disruptions to the water and electricity supply. MOH ordered the kitchen to be closed because it was not hygienic but this was not done because it was the only space to prepare food for the inmates. At **Dusun Dato' Murad Prison**, the vehicles used by prison staff to transport prisoners were in poor condition. Besides that, there were no CCTV cameras at the detention blocks to monitor the staff and prisoners' safety.

At the **Kota Bharu IPD**, SUHAKAM came across several issues. The main one was that lock-up detainees did not get basic necessities such as soap, toothpaste, toothbrush and clean towels. This oversight could lead to various diseases caused by unhygienic conditions. Additionally, there were major maintenance issues - the CCTV was not working and the roof was leaking. We found the facilities at three police lock-ups, namely **Bandar Hilir Police Station, Batu Berendam Police Station and Malim Police Station in Melaka**, requiring serious upgrades/repairs, especially the lock-up for juveniles. SUHAKAM also observed that all three lock-ups, which are under the supervision of Melaka District Police Headquarters, failed to provide basic facilities such as soap, toothbrush, toothpaste and a clean towel, which is important for the well-being of the detainees. Besides vaccinating sentry personnel, CCTV maintenance must also be addressed.

SUHAKAM's visit to the **AADK Pasir Mas Remand Centre** found no significant problems. As it is a new building there were no hygiene or overcrowding issues. SUHAKAM was informed that individuals with chronic diseases or physically challenged persons who were picked up during raids, are released on bail to avoid any unnecessary medical problems later if they are detained.

SUHAKAM's visit to the **Human Trafficking Shelter in Melaka** found it in need of improvements, as well as staff who are responsible for healthcare. SUHAKAM recommends that health screening be carried out for all the detainees upon their admission.

3. COVID-19 IN DETENTION CENTRES

Detention centres in Malaysia were severely affected due to the COVID-19 pandemic. In March and April, SUHAKAM wrote to detention centres,

requesting that they take preventive measures during the pandemic. Subsequently, after studying the guidelines released by international organisations like WHO, UNDOC and Penal Reform International, SUHAKAM sent them a list of recommendations for their consideration and implementation.

Besides detention centres, SUHAKAM also **submitted the recommendations to the Judiciary and Attorney General's Chambers (AGC), communicating SUHAKAM's main concern regarding overcrowding at detention centres**, especially prisons. We highlighted that overcrowding places detention centres at higher risk. We recommended three ways to reduce the prison population. They could introduce a non-cash bailing system to reduce the number of remand prisoners; release vulnerable prisoners like senior citizens and persons with disabilities who are harmless; impose alternative sentencing for immigration offences and MCO violators.

SUHAKAM appreciates measures taken by the Malaysian Prisons Department to prevent the spread of COVID-19 among the inmates by establishing satellite prisons. This prison will act as a 14 days quarantine centre for remand and convicted inmates before sending them to prison. There are five satellite prisons, and they are in Kuala Kubu Bharu and Beranang, Selangor; Kuala Kangsar, Perak; A Famosa Malacca; and Bukit Mertajam, Penang.

4. IMPROVING THE CONDITION OF DETENTION CENTRES

4.1 Custodial Medical Unit in Lock-ups

SUHAKAM remains committed to working closely with PDRM and MOH to ensure the implementation of a Custodial Medical Unit (CMU) at police lock-ups. SUHAKAM's hopes the establishment of CMUs would address healthcare problems and deaths in police custody. Hence, SUHAKAM continues to engage PDRM and MOH to establish CMUs at the five centralised lock-ups in the first phase:

- i. Jinjang Lock-up in Kuala Lumpur
- ii. Shah Alam Lock-up in Selangor
- iii. Bayan Baru Lock-up in Penang
- iv. Indera Mahkota Lock-up in Pahang
- v. Kepyayan Lock-up in Sabah

In August, SUHAKAM organised a workshop to draft SOPs for a CMU before the official launch in November. However, due to COVID-19, the official launch was postponed to the first quarter of 2021. SUHAKAM hopes that this effort can be expanded to police lock-ups in all districts in stages, beginning from 2021. Meanwhile, PDRM should improve or amend their SOP on the detention of individuals in police lock-ups. Upon arrest, Police must bring the individual to the nearest clinic to assess the detainee's health and fitness and whether they are fit to be detained. In case the detainee is not fit to be detained, he or she should be immediately released after the inquiry, or alternative arrangements for further questioning later are made. However, if the inquiry will take more than 24 hours, unhealthy detainees should be released on police bail.

4.2 Medical treatment for prisoners in Prison Clinic

Based on statistics provided by the Prisons Department, the number of deaths in prison are as below:

Table 7: Death in Prison

NO.	YEAR	NUMBERS
1.	2018	345
2.	2019	405
3.	2020	188 (as of June 2020)

According to the information provided to SUHAKAM, all the deaths were due to health issues. There are currently 73,000 prisoners housed in prisons with a total capacity of 52,000 inmates.⁶ Overcrowding has hampered the healthcare of prisoners. Considering the high population of prisoners, SUHAKAM observed that the number of healthcare personnel in prisons is insufficient to treat inmates. Through MOH, the government should increase the number of healthcare personnel, especially doctors, to ensure adequate treatment.

⁶ Prisons Department of Malaysia at Roundtable Discussion in Addressing Scabies at Detention Centre, October 2020

4.3 Medical treatment for detainees in Immigration Depots

The Deputy Minister of Home Affairs, Dato' Sri Dr. Hj Ismail Mohamed Said told Parliament in July⁷ that the total number of detainees in immigration detention centres was 15,163 (as of 1 July) compared to the depot capacity of 12,530 detainees at a time. Parliament was also informed that from January to June, 23 people died at immigration depots nationwide⁸. They were 18 adult males, three adult females and two children.

During our visits to immigration depots throughout Malaysia, SUHAKAM observed that only medical assistants (MA) were placed in depots to provide healthcare to the detainees. The MAs are assisted by immigration staff in the clinic. SUHAKAM also took note of the nearest mobile clinic services to the immigration depots. These mobile clinics have a doctor to treat unhealthy detainees and to provide further treatment for the detainees. However, SUHAKAM believes that government, through MOH, should place a medical officer in every immigration detention centre to treat detainees.

5. DEATH IN CUSTODY

In the year of review, SUHAKAM investigated 12 cases pertaining to death in custody. Besides receiving complaints from family members and NGOs, SUHAKAM also took its own initiative to conduct investigations into deaths in custody which came to our attention. Of the 12 cases, six occurred in prisons, four in police lock-ups and two cases were at immigration depots. As death in detention is an important human rights issue, SUHAKAM can investigate without complaints from any party. The investigation involves convening meetings, conducting interviews, and recording statements of witnesses, family members, inmates and medical personnel including pathologists who performed the autopsies. In addition, SUHAKAM visits the detention centres where the death occurred, requests for the relevant documents, obtains CCTV footage and other matters related to the case. SUHAKAM has completed investigations into five cases and seven are still pending.

⁷ <https://www.parlimen.gov.my/files/hindex/pdf/KKDR-20072020.pdf>

⁸ <https://www.thestar.com.my/news/nation/2020/08/07/214-died-during-detention-in-first-six-months>

Table 8 : Custodial Deaths Investigated by SUHAKAM

PRISON	IMMIGRATION DEPOT	POLICE LOCK-UP
i. Sg. Buloh Prison (2 cases)	i. Bukit Jalil	i. Dang Wangi IPD
ii. Kajang Prison (2 cases)	ii. Machap	ii. Jinjang IPD
iii. Pengkalan Chepa Prison (1 case)	Umboo	iii. Segamat IPD
iv. Bentong Prison (1 case)		iv. Bentong IPD

5.1 Death in Prison

SUHAKAM investigated six cases of death in prison, namely at Sungai Buloh and Kajang Prison in Selangor, Bentong Prison in Pahang and Pengkalan Chepa Prison Kelantan. Two cases (Sungai Buloh and Kajang Prison) have been completed, whereas four are still under investigation.

The detainee who died in Sungai Buloh Prison was pronounced dead at the Sungai Buloh Hospital on 2 July. He was in prison since 2019, awaiting trial in the High Court. Our investigation confirmed that the detainee died of a heart attack. This was based on the testimonies of the pathologist who performed the autopsy and the doctor who treated the detainee while he was in prison. SUHAKAM was satisfied there was no element of violence or any other factors that could have contributed to the detainee's death. SUHAKAM then made **several recommendations to improve medical treatment for detainees in Sungai Buloh Prison:**

- i. More medical personnel need to be stationed in Sungai Buloh Prison. The number should be adequate for the prisoners being held;
- ii. Prisoners' medical records and treatment they have received should be updated and shared with the family gradually. This is to refute accusations or counter the negative perception of the family members that the prison administration does not provide medical aid to prisoners; and
- iii. To address the overcrowding in Sungai Buloh Prison.

The second case was a detainee in Kajang Prison. He was a Syrian citizen who was in prison for four months. He died of “cerebral abcess” on 2 January. SUHAKAM’S investigation – interviews of doctors and other detainees in the cell – showed it was a case of sudden death. The next of kin was satisfied and agreed there was no need for an autopsy.

5.2 Death in Police Custody (DIC)

SUHAKAM had investigated four DIC cases in police lock-ups, which occurred in Jinjang, Dang Wangi, Segamat and Bentong Lock-ups. At the time of writing, investigations into two cases have been completed, whereas two cases are still under investigation.

SUHAKAM took the initiative to investigate a DIC involving a Nepalese citizen on 31 May at the Jinjang Central Lock-up in Kuala Lumpur. SUHAKAM was informed that detainee died after he had seizures and our investigation found the same.

SUHAKAM also investigated another DIC case on 25 June at the Dang Wangi IPD Lock-up, Kuala Lumpur. According to his family, the 46-year-old was arrested on 24 June and was taken to the Dang Wangi lock-up. The deceased died the next day at about 12.38pm. He was supposed to have had a heart attack. The results of the autopsy showed the cause of death was heart disease.

For both cases, SUHAKAM recommended that PDRM ensure a medical officer examines every detainee to confirm whether the detainee is fit to be placed in a cell or would require treatment at a hospital.

5.3 Death in Immigration Depots

SUHAKAM investigated two deaths which took place at Bukit Jalil Immigration Depot, Kuala Lumpur, and Machap Umboo Immigration Depot in Melaka. One case has been investigated whereas the other is still under investigation.

SUHAKAM received a complaint that a Pakistani citizen died on 29 July at the Machap Umboo Immigration Depot from an infection in his chest. The deceased had also been in Sungai Udang Prison from 22 November 2019 until 11 July 2020.

SUHAKAM's investigation found that the deceased's cause of death was as above. The autopsy did not show any signs of injury that could have contributed to the death. SUHAKAM recommended several actions to improve the treatment of detainees at the depot. The recommendations are as follows:

- i. It is challenging to maintain physical distancing between detainees when there is overcrowding in prisons and the immigration depots. If this is not resolved immediately, it will contribute to the spread of the COVID-19 virus and cause other health-related issues that may lead to death.
- ii. The Prisons and Immigration Depot management should ensure that there is adequate water supply for detainees to clean themselves, and sufficient soap, toothbrushes and toothpaste are provided for each detainee to ensure that they can practice good hygiene and cleanliness.

6. CHAIN REMAND

Following the roundtable discussion on chain remand arrests organised by SUHAKAM in 2019 and the recommendations submitted, SUHAKAM met the Malaysian Bar Council, the National Legal Aid Foundation and academics to streamline and strengthen the recommendations. Subsequently, SUHAKAM submitted the recommendations to the Judiciary, PDRM and the Bar Council's Legal Aid Centre. SUHAKAM hopes the government will consider these comprehensive recommendations and amend the relevant legislation relating to arrests and investigations procedures.

7. ROUNDTABLE DISCUSSION ON ADDRESSING SCABIES AT DETENTION CENTRES

During our periodic visits, SUHAKAM found most detention centres in Malaysia have a severe scabies problem. It appears that this highly infectious skin disease is difficult to treat and may affect the routine activities of detainees and the staff at the detention centres. In line with international standards such as the Nelson Mandela Rules, the provision of healthcare for detainees is the state's responsibility and the same ethical and professional standards govern the relationship between healthcare professionals and detainees as that applicable in the community.

SUHAKAM organised an online Roundtable Table Discussion on Addressing Scabies at Detention Centres on 22 October by inviting all the relevant government agencies, management of the detention centres as well as several relevant NGOs to discuss the problems, challenges and measures for addressing scabies. This discussion was a follow-up to the Prison Reform Programme implemented in September and November 2019, a collaboration between SUHAKAM and the Malaysian Prisons Department.

During the RTD, it was explained that scabies could spread through skin contact, infested clothing or bedding and lack of personal hygiene. Detainees who are malnourished or have low immunity such as detainees with HIV/AIDS could cause the spread of crusted scabies.

The symptoms of scabies are;

- i. severe itchy skin;
- ii. red spots on the interstices of the fingers, palms, inside of the wrists, genitals, back, around the navel, elbows and armpits; and
- iii. itching is worse at night and after bathing with hot water. Severe itching will cause the individual to scratch constantly causing wounds and a potential kidney infection.

The main challenges in dealing with scabies in detention centres are:

- i. Overcrowding, resulting in close contact among detainees;
- ii. High rate of movement of detainees in and out of prisons;
- iii. Complicated scabies treatment procedures may interfere with other activities for detainees;
- iv. Failure to treat detainees who share a cell but are not symptomatic;
- v. Inadequate facilities to wash clothes in hot water so that the itch mites can be killed and the need to change clothes regularly;
- vi. Sharing of personal items;
- vii. Laws that result in overcrowding at detention centres;
- viii. Lack of proper ventilation, hygiene, limited health facilities and treatments, medical officers, medicine and treatment equipment at the detention places; and
- ix. Lack of education for detainees and training for staff as well as poor communication between them and the public health centre.

The RTD concluded that the lack of a budget allocation could not justify the prolongation of this health problem. Instead, all relevant agencies should work together and formulate short, medium, and long-term solutions to address the problem effectively.

Hence, SUHAKAM recommends the setting-up of a special committee to discuss all the recommendations proposed at the discussion. The committee shall review and plan the implementation of the recommendations in stages to reduce the problem of scabies in detention centres and its prevention in the long run.

8. ROUNDTABLE DISCUSSION ON ACCESS TO HEPATITIS C VIRUS (HCV) TREATMENT IN PRISON SETTING

SUHAKAM, Positive Malaysian Treatment Access and Advocacy Group (MTAAG+) organised an RTD on access to Hepatitis C treatment in a prison setting on 3 December. This was a follow-up to MTAAG+'s findings from its random research/survey on three prisons, namely Pengkalan Chepa Prison, Bentong Prison and Seremban Prison which revealed that HCV is highly prevalent – an average of 41% - among prisoners, especially those with a history of intravenous drug abuse. The findings from the 180 prisoners who volunteered for the survey from the three prisons (60 per prison) fit the high-risk HCV criteria.

The RTD was an opportunity to raise awareness of HCV in Malaysian prisons and what needs to be done. A total of 96 participants from MOH, Malaysian Prisons Department, National Anti-Drugs Agency, SUHAKAM, and various NGOs working with '*People Who Inject Drugs*'⁹ attended the discussion

During the discussion, it was explained that Malaysia's current practice is to screen for HCV only if there are symptoms or signs of the virus. This contrasts with international standard policy where the screening is done proactively. Another potential problem in Malaysian prisons is that, even if screening is done properly, there are high chances the treatment will not be available because of limited supply or the high cost of treatment. The Prisons Department's role in giving access to Hepatitis C treatment in prison settings is limited to its capacity, based on the existing policy guidelines.

⁹ <https://www.who.int/teams/global-hiv-hepatitis-and-stis-programmes/populations/people-who-inject-drugs>

Dato' Dr. Muhammad Radzi, who represented MOH, said the ministry had launched a national strategic plan. A pilot project was conducted in Pokok Sena Prison in January 2020, where all 1,797 (100%) newly admitted inmates between January and March 2020 were screened for HCV. The result of the pilot project showed the following:

- i. Full scale, pre-admission HCV screening in prison is indeed feasible;
- ii. Prevalence of HCV infection in Malaysian prison matches the global trend;
- iii. Few weak links need to be improved - the logistics factor concerning the specimens and lab results, coordination between the prisons and healthcare providers, and simplifying the workflow for the HCV screening.

Moreover, the RTD was told that MOH has allocated a considerable budget for HCV management in prisons and with such an allocation, medicine supply, in theory, is not an issue. MOH has also developed a comprehensive guideline for HIV, HCV and tuberculosis in prisons, which the Prisons Department Director has agreed in principle to follow in Malaysian jails. A pilot project has been planned for Kajang Prison, where resident doctors will be trained with experts' supervision. The pilot will test the success of the guideline.

The discussion noted the government's acknowledgement that HCV treatment in a prison setting should be given due attention, and necessary steps have to be taken by all the relevant agencies to formulate short-term, medium, and long-term solutions together. SUHAKAM recommends that there be follow-up discussions regularly for updates from the relevant government agencies on the progress of the MOH and Prisons Department's plans to provide HVC treatment in prisons.

9. PUBLIC INQUIRY INTO THE DISAPPEARANCE OF JOSHUA HILMY AND RUTH SITEPU

SUHAKAM conducted two public inquiries into the disappearances of individuals. The inquiries into Pastor Raymond Koh and activist Amri Che Mat's disappearance concluded in 2019. In February this year, SUHAKAM began its third public inquiry into the disappearance of Joshua Hilmy and his wife Ruth Sitepu. As of October, a total of 19 witnesses have been called to testify. The hearing was postponed several times due to the COVID-19 pandemic.

10. ISSUES INVOLVING WORKERS IN MEDICAL SUPPLY AND PLANTATION SECTOR

SUHAKAM received a complaint from North South Initiative (NSI), an NGO, that about 2000 migrant workers from Nepal and Bangladesh went on strike after their employer, WRP Asia Pacific Sdn Bhd (manufacturers of surgical examination, high risk and multipurposes gloves company) decided to withhold their salaries. The migrant workers claimed that salaries had not been paid since November 2019. NSI was concerned these migrant workers would be sent home without receiving payment. SUHAKAM also came to know that Top Glove Corporation Bhd, a global supplier of medical and rubber gloves, has been accused of mistreating migrant workers, allegedly subjecting them to forced labour and forced overtime.

With regard to workers in the plantation sector, SUHAKAM noted the allegations of human rights violation made by the US Customs and Border Protection (CBP) agency against FGV and Sime Darby Plantation, the world's largest crude palm oil producers. The US agency claimed its investigation into human rights abuse allegations revealed signs of forced labour, such as deception, physical and sexual violence, intimidation and threats, and retention of identity documents. Further, the agency raised concerns that forced child labour was potentially being employed in the production processes. It urged the US government to immediately ban the import of FGV and Sime Darby Plantation products.

As part of its investigation, SUHAKAM met the management of both the companies, the NGO who submitted the report to the US agency and the plantation union in Malaysia. SUHAKAM also conducted a discussion with unions representing plantation workers, NGOs and a body called Roundtable on Sustainable Palm Oil (RSPO) to discuss about forced labour and child labour issues in plantation sector.

11. MEETING WITH EMBASSIES IN MALAYSIA

As a collective process to investigate and resolve human rights violation issues related to migrants in Malaysia, SUHAKAM met with the embassies of Indonesia, Philippines, Nepal and India. Some of the issues discussed relate to deportation procedures during the COVID-19 pandemic for migrant workers in Malaysia, the death of migrants in places of detention and the treatment of employers towards migrant workers.

SUHAKAM recommends embassies to work closely with the Immigration Department to expedite the documentation process, such as citizenship verification and issuance of emergency travel documents or passports, to facilitate the deportation process. Additionally, embassies should also visit and contact their citizens who are in detention. SUHAKAM has found some migrant inmates, without financial means, unable to reach their family to inform them of their status or appoint a lawyer to act for them.

THE WAY FORWARD

To increase the effectiveness of monitoring places of detention, SUHAKAM plans to conduct a human rights workshop for the Board of Visiting Justices. SUHAKAM will be visiting and investigating human rights issues involving workers in the oil palm plantations in the coming year.

1.4 COMMUNICATION AND INTERNATIONAL ENGAGEMENT

A. INTERNATIONAL COORDINATION AND MEDIA RELATIONS

OVERVIEW

In response to the COVID-19 pandemic, countries worldwide have undertaken emergency measures, including the closure of international borders and the implementation of lockdowns. Hence, international meetings were either postponed indefinitely or cancelled altogether because of travel restrictions and health and safety measures to limit the spread of the virus. Nevertheless, SUHAKAM continued to engage actively with the Human Rights Council, UN bodies and various NHRI networks, including via online platforms.

Media relations play a vital part in maintaining and improving SUHAKAM's public profile. As such, SUHAKAM increased its presence via various approaches, including issuing statements on pressing human rights issues, sharing of information on its activities via social media platform and media interviews.

1. SUHAKAM's RE-ACCREDITATION

SUHAKAM is going through its fourth re-accreditation process, which occurs every five years. The review process was scheduled for October 2020. However, this was postponed to June 2021 due to the pandemic.

In preparation for its re-accreditation, SUHAKAM participated in the Asia Pacific Forum of NHRIs (APF) Workshop on Accreditation from 20 – 22 January in Doha, Qatar. The workshop's objective was to increase APF Members' knowledge on the accreditation process and GANHRI Sub Committee on Accreditations' (SCA) procedures and improve the accreditation outcomes for prospective and existing APF members.

On 4 August, SUHAKAM organised a consultation in Kuala Lumpur to share with stakeholders, build their understanding of SUHAKAM's upcoming re-accreditation and its impact on the promotion and protection of human



SUHAKAM conducted a consultation with stakeholders on 4 August on its upcoming re-accreditation.

rights. The consultation was held in person and virtually to facilitate representatives who were unable to travel. Representatives from CSOs, NGOs, former SUHAKAM Commissioners, Malaysian Bar Council and the ASEAN Intergovernmental Commission on Human Rights (AICHR) Malaysia attended the consultation.

During the consultation, participants' comments centred on SUHAKAM's work and the lack of progress on human rights reform in the country. While participants noted SUHAKAM's efforts to promote and protect human rights over the years, they highlighted the urgent need for a review of SUHAKAM Act to strengthen the NHRI's mandate and functions.

2. UNIVERSAL PERIODIC REVIEW (UPR)

As a follow-up to Malaysia's third Universal Periodic Review (UPR) in 2018, MOFA held its first UPR Consultation on 22 July to discuss the development of the UPR Monitoring Matrix and National Recommendations Tracking Database (NRTD). SUHAKAM, relevant government agencies, CSOs and the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office, attended the consultation.

SUHAKAM gave comments on the draft UPR monitoring matrix developed by the consultant appointed by the United Nations Country Team (UNCT) in Malaysia. While noting the monitoring matrix will be a useful tool, SUHAKAM is of the view its development process was protracted. It is reaching/ approaching mid-term since Malaysia's review in 2018 and the adoption of the UPR report for Malaysia's review in March 2019.

On 10 December, MOFA announced that they have agreed to use the NRTD to facilitate the monitoring and coordination among the relevant agencies on the implementation of UPR recommendations. SUHAKAM hopes that the development process and utilisation of the monitoring tools will be expedited to contribute towards effective monitoring.

3. INTERNATIONAL PARTICIPATION/ MEETING

SUHAKAM continued to participate actively in the activities organised by the four NHRI networks, of which SUHAKAM is a member.

i. Southeast Asia NHRIs Forum (SEANF)

The Southeast Asia NHRIs Forum (SEANF) is a sub-regional network comprising six NHRI member, including the National Commission on Human Rights of Indonesia (Komnas HAM), SUHAKAM, Myanmar National Human Rights Commission (MNHRC), Commission on Human Rights of the Philippines (CHRP), National Human Rights Commission of Thailand (NHRCT) and the Provedoria for Human Rights and Justice of Timor-Leste (PDHJ).

Komnas HAM, as the current Chair of SEANF, hosted two Technical Working Group (TWG) Meetings and SEANF's 17th Annual Meeting online, all of which SUHAKAM attended.

In conjunction with the SEANF Annual Meeting, SUHAKAM, Komnas HAM, and CHRP co-hosted the Online Dialogue on Statelessness on 25 November. The session was attended by 118 participants comprising SEANF members, relevant government agencies, CSOs, UN agencies and academics. During the dialogue, it was highlighted that nationality laws and immigration laws are among the political barriers which perpetuate statelessness in Sabah. To improve the situation in Sabah, NHRIs, relevant stakeholders including CSOs and government agencies must collaborate to find a solution. In this regard, SUHAKAM,

Komnas HAM and CHRP will continue to work closely with the relevant stakeholders to mitigate the situation in Sabah.

The chairmanship of SEANF is rotated among its members on an annual basis. SUHAKAM assumes the position in 2021. As the Chairperson of SEANF, SUHAKAM will continue to host the regular meetings of SEANF, including TWG meetings and the Annual Meeting. Aside from that, SUHAKAM will also look into the possibility of conducting capacity building workshops on common areas of interests of SEANF and AICHR and include human rights organisations from other ASEAN member countries for awareness-raising purposes.



Virtual handover-ceremony of the SEANF chairmanship from Komnas HAM to SUHAKAM.

ii. Asia Pacific Forum of NHRI (APF)

The Asia Pacific Forum of NHRIs (APF) is a regional NHRI network that currently comprises 25 NHRIs from the Asia Pacific Region.

In June, the APF wrote to Senior Executive Officers of member NHRIs on developing a Regional Action Plan (RAP) for the promotion and protection of Human Rights Defenders. Secretary Dr. Cheah Swee Neo represented SUHAKAM in the drafting group of the RAP.

The 25th Annual Meeting of the APF was held virtually on 9 September, which SUHAKAM participated in. Among the agenda items discussed were the election of members for the APF Governance Committee and APF Representatives (including alternate Bureau member) to the GANHRI Bureau, and the hosting of APF's 26th Annual Meeting and Biennial Conference. SUHAKAM nominated itself for a position on the APF Governance Committee. On behalf of Chairman Tan Sri Othman Hashim, Vice Chairman Datuk Lok Yim Pheng delivered a 2-minute statement for SUHAKAM's nomination to the APF Governance Committee.

The outcome of the elections for APF Governance Committee members are as follows:

- **Chairperson** : **Rosalind Croucher**,
Australian Human Rights Commission
- **Deputy Chairperson** : **Choi Young-ae**,
National Human Rights Commission of Korea
- **Member 1** : **Tan Sri Othman Hashim**,
Human Right Commision of Malaysia
- **Member 2** : **Mohammed Al-Kuwari**,
Qatar National Human Rights Committee
- **Member 3** : **Handyala Lakshmi Dattu**,
National Human Rights Commission of India

As for the election of APF representatives to the GANHRI Bureau, the APF Secretariat did not receive any nominations for this position from members. This will be further discussed by the APF Governance Committee. The National Human Rights Commission of India will host the 26th APF AGM and Biennial Conference in 2021, subject to travel restrictions due to the COVID-19 pandemic.

During the Annual Meeting, the APF's achievements in 2020 were highlighted: advising the governments of the Cook Islands, Nauru and Taiwan on the establishment of NHRIs; and providing advice on the international accreditation process for 11 NHRIs in the Asia Pacific region, including through a workshop in Doha, Qatar. SUHAKAM also benefited from the APF workshop from 20 -22 January and advice on the accreditation process as it is due for re-accreditation, tentatively in 2021, subject to further information from GANHRI.

APF Members also discussed areas of common concern in the region which could be addressed collectively, such as business and human rights, cross-border trafficking and violence against women and children. In this regard, the APF Secretariat welcomed members' suggestion to conduct more webinars to share best practices, adding that APF was developing a training programme on a complaint handling management system for NHRI staff.

iii. **Commonwealth Forum of NHRIs (CFNHRI)**

Earlier in October 2019, the Equality and Human Rights Commission of Great Britain, as the current Chair of CFNHRI, proposed establishing a Permanent Secretariat to ensure the sustainability of the Forum. The Permanent Secretariat would also support the delivery of CFNHRI's activities on behalf of the Chair and its members. This would include providing administrative support and enabling continuity of CFNHRI's service during the handover of the CFNHRI's Chairmanship.

CFNHRI members agreed with the proposal. In March 2020, the election for hosting the Permanent Secretariat was held online. The Northern Ireland Human Rights Commission and Rwanda National Commission for Human Rights were elected to jointly host CFNHRI's first Permanent Secretariat for an initial two-year period.

iv. **Global Alliance of NHRIs (GANHRI)**

In August, Mr. Carlos Alfonso Negret Mosquera ended his term as the Ombudsman of Colombia and his position as GANHRI Chairperson. GANHRI conducted the Extraordinary General Assembly (EGM) virtually on 19-26 October to formally elect the new GANHRI Chairperson, Dr. Freddy Carrión Intriago, Ombudsman of Ecuador. The EGM also ratified the new GANHRI Bureau members appointed by the Asia Pacific and African regional NHRI networks in 2019.

GANHRI'S 2020 Annual Meeting of GANHRI, originally scheduled to be held from 10-13 March in Geneva, Switzerland was postponed to 30 November - 4 December due to the COVID-19 pandemic. The Annual Meeting was not a live event. The A-status NHRI member voted on the adoption and approval of the following documents:

- Record of Decisions from the last General Assembly on 5 March 2019 and the Extraordinary General Assembly on 19-26 October 2020
- GANHRI 2019 Annual Report
- 2019 Financial and Audit Report of GANHRI
- GANHRI's 2020 - 2022 Strategic Plan
- GANHRI's draft 2021 budget

SUHAKAM voted to adopt all the documents mentioned.

Despite the limitations posed by the pandemic, GANHRI was able to continue its work by conducting its meetings and events virtually and encouraged the sharing of experiences and knowledge on human rights promotion and protection amid the health crisis. For example, two events were held on 3-4 December in conjunction with the 2020 Annual Meeting of GANHRI:

- Knowledge Exchange of Good Practices: Implementation of NHRI mandate and functions in the COVID-19 contexts
- 2020 Annual Conference of GANHRI on Climate Change: The Role of National Human Rights Institutions

In December, the GANHRI-SCA resumed its operations by conducting the accreditation reviews for NHRIs remotely. This means SUHAKAM's re-accreditation may be conducted remotely next year, subject to the developments of the COVID-19 pandemic.

4. CONTRIBUTIONS AND SUBMISSIONS

SUHAKAM delivered an oral statement on the situation of Rohingyas in Malaysia during the Interactive Dialogue on the Report of the High Commissioner on the Situation of Human Rights of Rohingya Muslim Minority and other Minorities in Myanmar at the 43rd session of the Human Rights Council on 27 February.

5. INTERNATIONAL COOPERATION

i. MoU on Statelessness Issue in Sabah

The virtual signing ceremony of a Memorandum of Understanding (MoU) on Statelessness Issues in Sabah between SUHAKAM, CHRP and Komnas HAM as official parties was held on 24 July and live-streamed

on SUHAKAM's Facebook page. The MoU will remain in force until December 2021.

An essential feature of the MoU is an action plan developed and adopted by the three parties. The action plan outlines activities such as discussions with the relevant government agencies, site visits to affected areas, organisation of thematic workshops, and submission of joint statements to international human rights mechanisms such as the Human Rights Council. However, most of the activities planned were postponed mainly due to COVID-19 and political turmoil in Sabah.

ii. **MoU with the National Centre of the Republic of Uzbekistan for Human Rights**

SUHAKAM entered into an MoU with the National Centre of the Republic of Uzbekistan for Human Rights on 10 December to formalise its cooperation with the Centre on joint programmes relating to promoting and protecting human rights.



Virtual signing ceremony for the MoU between the National Centre of the Republic of Uzbekistan for Human Rights and SUHAKAM on 10 December 2020.

6. PRESS STATEMENTS AND PRESS CONFERENCES

This year, SUHAKAM issued 47 press statements addressing various human rights issues in Malaysia. They touched, among others, on the impact of COVID-19 on vulnerable groups in Malaysia, racist and xenophobic remarks regarding migrant workers and refugees during the pandemic, children's rights, racist and offensive remarks by members of parliament, SUHAKAM's position on the IPCC Bill 2020 and the amendment to the Penal Code to decriminalise attempted suicide.

SUHAKAM also issued statements to commemorate the relevant international days observed by the United Nations and to publicise its events for the year.

Based on SUHAKAM's observation, the level of coverage depends on the issues covered in the statements and media editors' decision. In general, media coverage for this year was higher for press statements on civil and political rights, such as the call for the speedy establishment of a Royal Commission of Inquiry to look into allegations of judicial misconduct, the call for stiffer penalties for perpetrators of water pollution, and the statement on the commemoration of the World Press Freedom Day.

Due to the pandemic, SUHAKAM held its press conferences online. On 12 November, SUHAKAM organised a press conference to share its findings on COVID-19 in detention centres and other issues like deaths in custody.

Later, on 23 November, SUHAKAM released the 2019 Annual Report, which was tabled in Parliament on 4 November, at a press conference online. The event saw 92 representatives from the relevant government agencies, NGOs, embassies and the media. During the event, participants focused more on the number of complaints received by SUHAKAM's Sabah Office, human rights issues relating to the vulnerable communities and places of detention, and the debate of SUHAKAM's Annual Report in Parliament. Conducting online press conferences has proven to be useful in highlighting pressing human rights issues to the public, especially when physical events are not possible.

7. MEDIA INTERVIEWS AND OTHER COVERAGE

SUHAKAM spoke on radio, newspapers, and other broadcast interviews on various human rights issues, including:

- Children's vaccination
- Indigenous People
- Child Marriages
- Human Rights and the way forward
- Movement Control Order violators not to be treated as criminals
- Children's rights during MCO
- Treatment of migrant workers and undocumented migrants during MCO
- New normal and human rights
- Conditions at prisons and detention centres during COVID-19
- *Hantar Pulang PATI, tindakan tepat atau tidak?* (Deportation of Illegal Immigrants, right action or not?)
- Children's Rights and Welfare
- COVID-19: Where have all the students gone?
- Black Lives Matter – related to SUHAKAM's Press Statement on 8 June about racism
- ASEAN Must Start Playing a More Effective Role
- Racism State of the Nation
- *Kebanjiran warga asing cacat wajah Malaysia?* (The influx of foreigners is disfiguring the face of Malaysia?)

Aside from issues on children's rights and racism, most of the media interviews this year focused on the COVID-19 pandemic. It has affected the lives of many around the world, including Malaysia, causing numerous changes to livelihoods. Various media agencies also interviewed SUHAKAM on the general state of human rights in Malaysia. SUHAKAM was also interviewed by various media agencies on the general state of human rights in the country.

8. COLLABORATION WITH THE INTERNATIONAL FEDERATION OF JOURNALISTS (IFJ) AND NATIONAL UNION OF JOURNALISTS MALAYSIA (NUJ)

The National Union of Journalists Malaysia (NUJ), the International Federation of Journalists (IFJ) and several media organisations such as the Sabah Journalists Association, Federation of Sarawak Journalists Association, Malaysiakini and CSOs in Malaysia worked together on a project entitled

'Strengthening Malaysia's Media for Change'. This project is fully funded by the European Union. This five-year project aims to strengthen media CSOs to trigger and lead sustainable development in Malaysia by taking a strategic role in promoting and advancing a strong, independent, and diverse media.

SUHAKAM was invited to engage in the project and accepted in principle to collaborate with NUJ and IFJ, to be part of a coordinated and larger voice to promote and defend media freedom and the role of the free media in the democratic process.

9. MULTIMEDIA AND CREATIVE CONTENT

In 2020, one of SUHAKAM's priority areas of focus was to create more social media content. One of the projects was the in-house production of introductory videos on SUHAKAM's functions and mandates. For the year under review, SUHAKAM had produced videos on the general introduction of SUHAKAM and the mechanism and process of lodging complaints with the Complaints and Monitoring Division.

Apart from that, MRD (Media Relations Division) also produced other short videos - the launch of SUHAKAM's public transport advertisement in KTM Komuter and MRT and SUHAKAM's Meet-the-People session. SUHAKAM also published infographics relating to Human Rights and COVID-19 and CEDAW on its social media accounts. The production of the videos contributed to SUHAKAM's active social media presence. The increase in the number of likes and followers on our social media accounts somewhat reflects this.

10. SOCIAL MEDIA

Social media has significantly increased SUHAKAM's ability to build our image and share our work with the public. SUHAKAM has also shared press statements, infographics and posters on our work relating to pressing human rights issues on SUHAKAM's social media accounts, including Facebook, Twitter, Instagram account and Youtube Channel.

The web-based platform has drawn public attention and interest in SUHAKAM. As of 31 December, SUHAKAM has 14,540 likes on Facebook, 17,814 followers on Twitter and 951 followers on Instagram, which are higher

than 13,360 likes on Facebook, 15,900 followers on Twitter and 685 followers on Instagram in 2019.

THE WAY FORWARD

SUHAKAM will continue to highlight pressing human rights issues through its engagement with the NHRI networks and the UN human rights mechanisms. It will advocate for Malaysia's urgent actions on the economic, social and cultural rights of vulnerable groups and racial discrimination, racism and xenophobia in Malaysia in its engagement with the international and regional human rights bodies, including, among others, the Human Rights Council, UPR and AICHR.

SUHAKAM will continue to develop creative content to increase awareness of human rights among the public. In line with its 2021-2025 Strategic Plan, SUHAKAM will create more content to raise public awareness of economic, social and cultural rights and racial discrimination, racism, and xenophobia.

B. PUBLICATION AND DOCUMENTATION

Publication and Documentation Division (PDD) continued the promotion and protection of human rights through printed and electronic materials.

1. ANNUAL REPORT

Following the successful debate of Annual Report 2018 in Parliament, in 2019, SUHAKAM hopes the government will continue to submit a motion to debate the annual report in Parliament in subsequent years.

SUHAKAM's 2019 Annual Report was tabled in Parliament on 4 November. BHEUU handled the submission of motion for debate. A series of discussions were held on 17 and 18 September with Parliament and BHEUU, respectively, on the proposed debates. BHEUU was also responsible for obtaining feedback from various ministries and agencies to be submitted together with the Annual Report for the debate.

On 1 December, Minister in the Prime Minister's Department (Parliament and Law), Dato' Seri Takiyuddin Hassan told Parliament that SUHAKAM's 2019 Annual Report would not be debated in Parliament this year.

This was disappointing news for SUHAKAM because Parliament is the best platform to highlight human rights issues that require urgent action by the government.

The Annual Report also contains SUHAKAM's recommendations with regard to the vulnerable communities like indigenous peoples, women, children, victims of human trafficking, refugees and asylum seekers and migrant workers.

We note that Section 21 of the Human Rights Commission of Malaysia Act 1999 does not specifically state that Parliament has to debate the Annual Report.

Nevertheless, SUHAKAM is of the view that it is crucial for Parliament to debate it so that members of parliament could critically discuss issues of public interest and propose possible solutions. SUHAKAM hopes that this debate would be continued in future years.

2. THE HUMAN RIGHTS ARTICLE WRITING COMPETITION FROM A RELIGIOUS PERSPECTIVES

Since 2018, SUHAKAM has actively conducted programmes and activities related to human rights and religion by strengthening cooperation with the Department of Islamic Development Malaysia (JAKIM), state Islamic religious authorities, other religious bodies, NGOs and public. Among the programmes and activities were the Seminar on Disabled-Friendly Mosques (20 October 2018)¹⁰, National Seminar on Islam and Human Rights (27 November 2018)¹¹, Seminar on the Disabled-Friendly Places of Worship in Malaysia (18 March 2019)¹², collaboration with federal and state religious departments to include human rights topics in Friday sermons¹³ and human rights training programmes for federal and state religious department staff.¹⁴

To further strengthen the cooperation, SUHAKAM organised a Human Rights Article Writing Competition from a Religious Perspective from 1 July - 31 December 2020. The main objective was to raise awareness and educate Malaysians. However, the competition also aimed to add to SUHAKAM's publication collection whereby the best 20 articles would be published in 2021. This competition limited its scope to the four main religions/beliefs in Malaysia namely Islam, Christianity, Buddhism and Hinduism and focused on two thematic areas, namely women and children's rights. All Malaysians could participate in either of the two categories - Category A (below 18 years old) and Category B (public).

SUHAKAM received 69 entries and will announce the 20 best articles in June 2021. All participants will receive a certificate, while the writers of the 20 best articles will receive RM500.00 (Category A) and RM1,000 (Category B).

¹⁰ SUHAKAM Annual Report 2018, p.131.

¹¹ SUHAKAM Annual Report 2018, p.162.

¹² SUHAKAM Annual Report 2019, p.169.

¹³ SUHAKAM Annual Report 2018, p.161 and Annual Report 2019, p. 196.

¹⁴ SUHAKAM Annual Report 2019, p. 197

3. HUMAN RIGHTS CORNER

SUHAKAM's activities to raise public awareness through the Human Rights Corner (HR Corner) programme focused on the setting up of human rights corners in various locations and agencies. In addition to the two HR Corners set up last year, another HR Corner was established this year at the Malaysian Fire and Rescue Department Library, Putrajaya HQ.

We also received requests from several other agencies to set up a Human Rights Corner for them but were unable to do so due to the CMCO. This effort will continue in 2021.



Human Rights Corner at the Fire and Rescue Department of Malaysia Headquarters.

THE WAY FORWARD

SUHAKAM urges the government to recognise the importance of human rights issues as part of the government's regular affairs, especially in parliamentary debates.

It is also hoped that a good number of agreements to set up Human Rights Corner can be implemented next year.

1.5 INTERNATIONAL HUMAN RIGHTS DAY

2020 HUMAN RIGHTS DAY VIRTUAL FORUM ON 10 DECEMBER: RECOVER BETTER: STAND UP FOR HUMAN RIGHTS

The Human Rights Day Virtual Forum 2020 focused on the various challenges faced by different actors. The theme was “Recover Better”. Discussions examined the several challenges faced during the pandemic, weighing the protection of human rights versus measures for recovery and preserving life. Participants also explored best practices for moving ahead and rebuilding together.

The forum was jointly organised by SUHAKAM, MOFA, BHEUU and the United Nations in Malaysia (United Nations Country Team).

SUHAKAM Chairman Tan Sri Othman Hashim opened the forum and H.E. Stefan Priesner, United Nations Resident Coordinator for Malaysia, Singapore and Brunei Darussalam, gave the opening address. MOFA Minister Dato' Seri Hishammuddin Hussein officiated the virtual event. The speakers re-emphasised the importance of global solidarity in promoting, protecting, and advocating for the economic, social and cultural rights of vulnerable communities. International solidarity is especially crucial in addressing racism, racial discrimination, and xenophobia towards creating a more sustainable planet and just society.

Three videos were shared after the speeches. The first was a presentation of Malaysia's bid for a seat at the Human Rights Council for the term 2022-2024. The second was a special video message by António Guterres, the UN Secretary General, who stressed the importance of promoting human rights to build a better future for all. The third was about the people. Titled “Community Voices: The COVID-19 Effect”, it was a compilation of personal testimonies of community representatives from Peninsular Malaysia, Sabah and Sarawak.

The virtual forum consisted of two sessions. Dato' Mah Weng Kwai moderated **Session 1** on “**COVID-19 and Human Rights**”. Datuk Dr. Hartini

Zainudin, Yayasan Chow Kit Co-Founder and Vice President of Voice of the Children, shared the harrowing difficulties of parents and marginalised children, mainly stateless, refugee and migrant children during the pandemic. She emphasised the importance of building alternatives to detention for children and stressed the need to reform policies and legislations in Malaysia to leave no child behind.

Dr. Lo Ying-Ru, Head of Mission and WHO Representative to Malaysia, Brunei Darussalam and Singapore, discussed the UN and WHO's role in responding to the pandemic. She touched on how human rights principles can support public health priorities in COVID-19 and access to vaccines, medicines, and treatment. She was confident of Malaysia's capacity to deliver and administer the COVID-19 vaccines.

Dr. Asiah Ayob, Deputy Director, Disease Control Division (Surveillance) in MOH, delivered a speech on behalf of Dato' Dr. Chong Chee Kheong, Deputy Director General of Health (Public Health). While drawing attention to the serious challenge of combatting fake news, she also shared how MOH was working with the NSC and other stakeholders to manage the pandemic without discrimination, prejudice or stigma.

Session 2 continued the conversation by discussing the topic “**Recover Better, Rebuild Together**”, moderated by SUHAKAM's Children's Commissioner Prof. Dato' Noor Aziah Mohd. Awal. Mr. Kolony Anak Gunting, Deputy Undersecretary, Policy & Strategic Planning Division, of Ministry of Women, Family and Community Development (KPWKM) began by presenting the challenges the government faced because of the MCO.

Ms. Shivani Verma, Human Rights Officer at OHCHR Southeast Asia Regional Office, followed by highlighting these two lessons: the profound value of a human rights-based approach rooted in non-discrimination, inclusion and participation. She presented an existing vaccine to hunger, poverty and inequality, and possibly climate change and other ills faced by humanity – Human Rights. Only when this vaccine is accepted can lessons from this pandemic be fully understood and applied in the future.

Allison Low, who is Protem Petaling Jaya Child Council (PPJCC) president and president of the Child Consultative Council under OCC in SUHAKAM, shared that children are increasingly stressed from online education. Noting the many dangers lurking online, she called for better communication between children and parents.

Mr. Jufitri Joha, Malaysian Youth Council (MBM) President and National Federation of Youth Workers (FKPB) Chairman, offered insights into MBM's work in creating platforms so that all youth may be heard at the various levels of decision-making and policymaking.

Finally, in closing the virtual forum, Minister in PM's Department (Parliament and Law) Dato' Seri Takiyuddin Hassan, reiterated the importance of the UDHR in recognising that all humans are born free and equal in dignity and rights, regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.



CHAPTER 2

SABAH OFFICE



SABAH OFFICE

OVERVIEW

The SUHAKAM Act envisages a society in which human rights are fully respected and protected, and enjoyed by all. In taking cognisance of this and the financial and human resources available for the year 2020, Sabah Office's activities mainly focused on the following:

- a) Increasing public awareness of human rights - targeting political leaders, civil servants, grassroots community leaders such as district chiefs, native chiefs and village heads, students and the general public;
- b) Receiving and investigating public complaints of human rights infringements;
- c) Engaging with federal and state agencies, representatives of foreign governments, CSOs, etc. on the advancement and safeguard of human rights; and
- d) Participating in other activities related to human rights promotion and protection.

The Sabah Office would like to acknowledge that we received good co-operation and assistance from the relevant federal government agencies, Sabah State Government and its agencies, CSOs and others.

Sabah Office's programmes received enthusiastic response from the target groups throughout the year, particularly from the rural communities. The programmes succeeded in raising awareness of human rights and the roles and functions of SUHAKAM.

1. AWARENESS PROGRAMMES

In line with Section 4 (1) of the Human Rights Commission of Malaysia Act (Act 597), Sabah Office focused on awareness-raising. We organised '*SUHAKAM Bersama Masyarakat*' (SBM - "Meet-the-People") Programme on 5 February in Pitas District. This programme's primary objectives were to

disseminate and create awareness of its roles and functions and provide the public with an avenue to lodge complaints of human rights infringements. Other federal and state government agencies were also invited to enable the public to raise issues related to the government's delivery system.

A total of 300 people from the target groups attended the programme, including school principals, teachers, students, and members of the public residing in Pitas District and the surrounding areas.

SUHAKAM received 35 complaints during the event. Among the issues raised were citizenship and the related documentation, land rights, the price of goods, access to clean water and medical facilities.

Based on the interaction between SUHAKAM's officers and the public, it would appear the people are more aware of their rights now.

2. RESOLUTION OF COMPLAINTS

Sabah Office received 192 human rights cases and 119 non-human rights complaints in 2020. We referred the non-human rights complaints to the agencies concerned. Complaints related to nationality tops the list with 116 complaints, followed by 37 complaints on NCR land. (Refer Table 9).

Table 9: Complaints Received by Sabah Office, 2020

NO.	SUBJECT OF COMPLAINT	NO. OF CASES
1.	Right to nationality (Birth Cert./IC/MyKas ¹⁵ /MyPR ¹⁶ / Sijil Banci ¹⁷ /Sijil Burung-Burung ¹⁸)	116
2.	Right to native customary land	37

¹⁵ **MyKAS** (renewed every five years) has been issued since 1990 to people who are born in Malaysia, but their nationality is not known or cannot be established. It is issued under Rule 5(3)(c) of the National Registration Regulations 1990.

¹⁶ **MyPR** is an identity card or personal identification issued to those with permanent resident status.

¹⁷ **Sijil Banci** is a census certificate issued by Special Task Force (Sabah and Sarawak)/Pasukan Petugas Khas Persekutuan (PPKP). The function of this census certificate is to regulate the activities of refugees and to ascertain the number of refugees in Sabah – this certificate is issued merely for monitoring / census purposes.

¹⁸ **Sijil Burung-Burung** is a type of 'Settlement Certificate' which does not confer any status. It is not a valid document to indicate valid immigration status and/or status as citizen or otherwise. This certificate is issued by the Sabah Chief Minister's Department.

NO.	SUBJECT OF COMPLAINT	NO. OF CASES
3.	Right to work/employment and migrant workers' rights	14
4.	Right to an adequate standard of living (food, clothing, housing, healthcare)	6
5.	Right to association	1
6.	Child's rights	1
7.	Right to education	3
8.	Environmental rights	1
9.	Discrimination / Equality	1
10.	Right to freedom	1
11.	Detention	3
12.	Right to privacy	1
13.	Others	7
	Total	192

Of the 192 human rights cases, Sabah Office only managed to resolve 52 complaints. The low number is due to the following factors:

- a) The issues complained of could only be resolved through longer-term policy changes and amendments to the relevant laws.
- b) They involved multiple agencies and agencies of a third country, as in the case of repatriations.
- c) The government agencies were overstretched, resulting in a severe backlog of cases.

3. RESOLUTION OF COMPLAINTS RELATED TO NATIONALITY

Since its inception, SUHAKAM has consistently monitored undocumented persons in Malaysia. According to data captured by Sabah Office, the number of complaints related to the registration of births and identity cards among indigenous peoples and the children of migrants is increasing from year to year.

SUHAKAM was requested to hold a watching brief in court cases involving citizenship applications for children born out of wedlock from mixed parentage (Malaysian father and non-Malaysian mother). It is important to note that under the Federal Constitution, such children's nationality is based on the mother's citizenship status.

The highest number of complaints concerned birth certificates, especially from those living in Sabah's rural areas. Every child should be registered at birth as that is the first legal recognition of a child's existence. It is a prerequisite for acquiring a birth certificate. This document provides permanent, official and visible evidence of the state's legal recognition of a child as a member of society. Late registration of birth has repercussions when the child reaches schooling age. Under the Registration of Births and Deaths Ordinance (Sabah CAP 123, Sections 22 (3)), late registration of a birth must be endorsed by a First-Class Magistrate in court before NRD can accept it for issuing an identification card to a child in Sabah. Articles relating to citizenship are found in Part III of the Federal Constitution.

The problem of being stateless is entangled with the broader issues of being 'illegal'. Even if one could separate 'stateless children' from 'undocumented children', their practical experience is very similar. Despite their different ethnicities and family histories and the differing degrees of assistance offered by their 'home' countries, Indonesian and Filipino migrants' children share many common experiences. Children who lack legal documents live in fear of being picked up by the police on buses, shopping centres or in their squatter settlements during raids aimed at 'checking' documents. We need to analyse the complexity of legally establishing an individual as 'stateless' in Sabah (as has been argued for other contexts) alongside the kind of 'effective statelessness' created by irregular migration. Given that IMM13 pass holders are potentially stateless but legally documented, it remains to be explored whether, in this specific context, there might be some advantage to being 'stateless' over being 'undocumented'.

3.1 Signing Memorandum of Understanding (MoU) - International Commitments on Stateless Problem

SUHAKAM spearheaded the project on statelessness as one way to address the thorny issue of nationality in Sabah. SUHAKAM has been working with CHRP and Komnas HAM on this. SUHAKAM has signed a Memorandum of Understanding (MoU) with both these NHRIs to address statelessness in Sabah from a human rights perspective.

SUHAKAM, Komnas HAM and CHRP agreed to the following joint actions:

- Conduct research into the geopolitical nature and historical impetus of the problem, that is, root causes and push and pull

factors of migration.

- Work with the Malaysian Anti-Corruption Commission (MACC) to ensure no corruption in the registration and documentation processes of stateless persons and those of Indonesian and Filipino origin in Sabah.
- Cooperate and collaborate with the Indonesian and Philippines embassies.
- Propose recommendations and increase efforts to discuss statelessness collectively at the ASEAN level.
- Use the Sustainable Development Goals (SDGs) and the Universal Periodic Review (UPR) process to raise the issue of statelessness jointly with their respective governments.
- Initiate bilateral dialogues between Indonesia and Malaysia or between the Philippines and Malaysia on statelessness.

3.2 Recommendations

- i. SUHAKAM recommends the government accede to the Convention Relating to the Status of Stateless Persons 1954 and Convention on the Reduction of Statelessness and Convention Relating to the Status of Refugees 1951 (Refugee Convention 1951). Securing accession to these international human rights instruments will ensure, as a minimum, that children will not arbitrarily be deprived of nationality. That they will be granted nationality under certain circumstances in which they might otherwise be stateless and adequate protection will be available to children who remain or become stateless.
- ii. Accession provides stateless individuals with many of the rights necessary to live a stable life. An increase in the accession and ratification of international instruments would act as an impetus for all States to reduce and eventually eliminate 'stateless' children. The prevention and reduction of statelessness is a contribution to the promotion of human rights and fundamental freedoms.
- iii. It is also vital to note the United Nations Committee's recommendation on the Rights of the Child in its concluding observations on Malaysia at its 44th session. The Committee recommended that Malaysia implement an efficient and free-of-charge birth registration system, which covers its territory fully and undertake awareness-raising campaigns to reach the most

remote areas of its territory. The Committee recommended that the State party improve the birth registration system of non-Malaysian children born in Malaysia, children of single mothers and children born in remote areas. Meanwhile, children without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered.

Among the other **recommendations** that SUHAKAM made concerning this issue:

- That the right of all children to have a nationality is respected. A mechanism should be developed to address statelessness within the national borders and ensure that every child is registered at birth and granted nationality.
- Birth registration¹⁹
 - Extend the period of registration of births from the present 14 days to at least three months to assist those who live in remote areas.
 - It should be mandatory for NRD to register all applications for birth certificates, including late registration, without unnecessary delay.
 - Carry out more campaigns to inform parents of the necessity to register their children's birth.
 - Make a greater effort to encourage unmarried parents to register their child's birth to prevent problems when enrolling the child for primary school.²⁰

SUHAKAM will be engaging with the NRD and MOHA to solve this long-overdue problem, which hampers a child's fundamental right to citizenship later in life. The new government must exercise its political will to resolve this problem.

¹⁹ SUHAKAM Annual Report 2001, p. 40.

²⁰ SUHAKAM Annual Report 2018, p. 86.

4. SABAH 16th STATE ELECTION

A. Introduction

The Sabah State Election took place on 26 September to elect 73 members of the 16th Sabah State Legislative Assembly. The previous Assembly was dissolved on 30 July.

The snap election was called after a political crisis. Both YB Datuk Seri Panglima Hj. Shafie Apdal, the incumbent Chief Minister and leader of Sabah Heritage Party (WARISAN) and Pakatan Harapan (PH) coalition government, and YB Tan Sri Musa Aman, leader of Perikatan Nasional (PN) and the Barisan Nasional (BN) coalition opposition, claimed to have the majority to form the state government. However, Governor Tun Johar Mahiruddin decided to dissolve the State Legislative Assembly on YB Datuk Seri Panglima Hj. Shafie's advice.

After the dissolution, the Election Commission (EC) announced that nomination would be held on 12 September and polling on 26 September. The state election was conducted under special SOPs imposed by the EC in line with Malaysia's new normal. The country was under a Recovery Movement Control Order (RMCO) due to the COVID-19 pandemic.

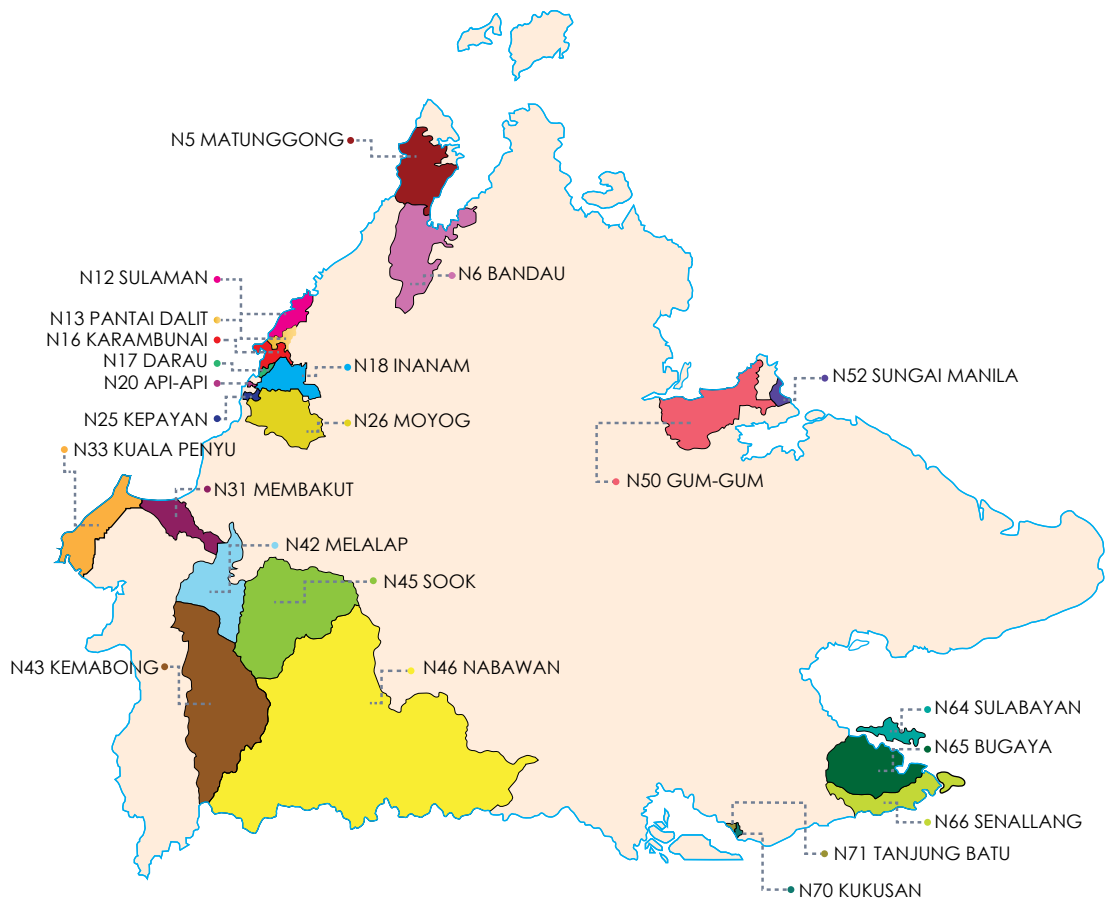
Article 21(3) of the UDHR and Article 25(b) of the International Covenant on Civil and Political Rights (ICCPR), guarantee the right to vote freely and to be elected fairly through universal and equal suffrage. The election is by secret balloting or equivalent free voting procedures, where the results are to be accurately counted, announced and respected.

As the right to participate in the democratic process is a human rights concern, SUHAKAM decided to oversee and monitor the election process to protect the people's rights. Moreover, EC invited SUHAKAM to observe the election. The EC also invited observers from various government agencies. SUHAKAM conducted the monitoring exercise as an independent body and an observer recognised by the EC.

In its history, SUHAKAM monitored the by-elections in the state seats of Galas, Kelantan in 2010, Sg. Kandis, Selangor in 2018, and the historic 14th General Election in 2018. For the 2020 Sabah state election, SUHAKAM monitored the following:

- Nomination process (12 September),
- Early voting (22 September),
- Campaigning process (21 to 25 September)
- Polling process (26 September)

A team comprising SUHAKAM commissioners, staff, and volunteers monitored 23 selected constituencies:



The constituencies were selected based on the locality; North Coast, West Coast, rural areas and interiors, and the East Coast. The selection was intended to cover almost all the strategic constituencies.

Before the monitoring exercise, briefing and training sessions were held for all observers. Based on experience, SUHAKAM developed a checklist that served as the reporting guidelines.

SUHAKAM attended the EC's briefing at its headquarters in Putrajaya on 4 September and in Kota Kinabalu on 8 September for all agencies observing the election.

All observers were required to monitor the following processes:

- Nomination of candidates;
- Election campaign;
- Checking the contents of the ballot boxes;
- Early Voting and Polling Process;
- Counting of votes;
- Opening the envelope and counting of postal votes; and
- Official summation of votes/declaration of election results

SUHAKAM was involved in the following activities:

- i. Monitoring of the nomination process in several constituencies around Kota Kinabalu,
- ii. Monitoring of election campaign including ceramah walk-about, and campaign materials;
- iii. Monitoring of early voting process;
- iv. Inspection of polling centres and preparations made;
- v. Inspection of ballot boxes
- vi. Monitoring of polling process;
- vii. Monitoring of the closing and counting process.

SUHAKAM could not carry out all the activities stated above at all constituencies. Changes were made to the list of constituencies because of COVID-19. Hence, SUHAKAM was unable to obtain full accreditation for monitoring from the EC. The restricted monitoring accreditation meant the team was unable to access all polling centres and observe the closing and counting processes.

B. Findings

i. Nomination Day

Nomination day in N5 Matunggong, N6 Bandau, N16 Karambunai, N25 Kepayan and N26 Moyog ran smoothly. All EC officers and candidates were punctual at the constituencies monitored by SUHAKAM. Supporters gathered at the designated locations. There were approximately 100-200 people for each party showing their support. The police and representatives of RELA, the District Office and Local Council, kept the situation under control. Observers were given the freedom to move around and monitor the process from start to finish. The media were given good access and all announcements made were clear and could be heard by the supporters.

ii. Voting process during COVID-19

The SOPs set by the Health Ministry (MOH) and National Security Council (NSC) were observed throughout the campaigning and polling periods. There were special rooms for those who were symptomatic.

Donning face masks, voters practised social distancing while queuing up to enter the polling channels from as early as 7 am. EC workers checked voters' body temperature and asked them to use hand sanitisers. EC personnel in full personal protective equipment (PPE) were on hand to help the elderly in wheelchairs to cast their ballots.

However, problems did arise during the campaign period and ceramah as there were candidates, supporters and audience who did not observe physical distancing. For example, in Sandakan, SUHAKAM observed that most of the political parties that organised huge crowds breached the SOP for social distancing. In Sungai Manila, 2,000 people attended the campaign rally; most failed to adhere to the election SOPs.

iii. Vote Buying (Money Politics)

Political parties from both sides of the divide have been known to organise programmes to reward voters during elections. The most common are lunches and dinners to "treat" voters. They also gave cash to voters:

- RM100 – RM550 in Kota Marudu by Perikatan Nasional
- RM100 cash in N6 Bandau by WARISAN
- RM100 cash in N65 Senallang by Perikatan Nasional
- RM100 cash in N31 Membakut by WARISAN

- RM100 cash in N50 Gum-Gum by WARISAN
- RM100 cash in N17 Darau by Perikatan Nasional
- RM100 – RM300 cash in Karambunai by Perikatan Nasional

iv. Accessibility to Polling Centres

SUHAKAM observers noted that several polling stations were not disabled-friendly and lacked the facilities to ensure vulnerable groups' safety and well-being, especially for persons with disabilities (PWD) and the elderly. There was only a limited number of wheelchairs at the polling station, and the polling stations were not located on the ground floor. While voters in wheelchairs had to be carried up the stairs, senior citizen voters complained that they had to cast their ballot on the third floor. At one of the polling centres, there was only one wheelchair available.

v. Media Freedom

SUHAKAM was concerned over media reports that the EC was barring non-official media from entering all nomination centres. According to news reports, only those from RTM, Bernama, Information Department and the National Film Development Corporation (Finas) were allowed to enter. This restriction was reportedly part of the EC's COVID-19 preventative measures. SUHAKAM notes with alarm that since the change in government in March, COVID-19 is increasingly being used as a reason to sideline journalists and media practitioners attached with non-state-owned agencies from covering important, public-interest events. Restricting and allowing access to just government media creates a situation where only one-sided news or perceptions are available for public consumption.

vi. Political Funding

The incumbent party employed a massive marketing strategy. There were large numbers of flags, newspapers and LCD screens publicising the party, as mentioned earlier, and this was in full swing one month before the election. The issue here stems from the fact that the funding for each party/candidate is unknown.

vii. Election Process

a) Campaign period

There were no restrictions on any candidate during the campaign period. Campaigning ran smoothly without any incidents of fighting between

supporters. All parties were free to hang their flags and banners in the contested area. However, there was some provocative behaviour when supporters removed the opposing candidate's flags or banners in certain remote areas.

b) Checking the contents of the ballot box

The EC chose a suitable location to check the contents of the ballot boxes. All the equipment for reviewing the votes was working, functioning and placed well before the appointed time. The review process, however, did not occur at the designated time. EC officers guarded the doors to the hall and made everyone show an EC pass before they could enter. Some observers were denied entry, but they were allowed in after some discussion.

c) Polling day

Voting ran smoothly, and all voters could cast their ballots without any restrictions. The EC also set up a special camp for any voters with COVID-19 symptom to cast their ballots. The polling centres chosen were easily accessible to the public. EC allowed cars transporting senior citizens and persons with disabilities to drive close to the polling stations for polling centres located far from the main entrance or on a hill.

According to the EC's new layout, the tables for voters to mark their ballot papers were placed near the entrance and exit. This meant that anyone passing by the windows could see the ballot papers if the voter was not careful. So, the windows in the rooms were then covered up, but this meant that the rooms became stifling hot.

d) Closing and counting of votes process

As a whole, the vote-counting process went smoothly and in an organised manner.

e) Declaration of results

The hall was guarded by the police. Only individuals with passes were allowed to enter. When the ballot boxes arrived at the area where the votes would be officially summed-up, the ballot boxes were closely guarded by the enforcement authorities. Several Heads of Polling Centres were present during the review of the ballot boxes. The process of checking the ballot boxes, tallying the votes and displaying the results on the screen for the media, EC officers and observers went smoothly.

viii. Monitoring Elections

Monitoring/observing elections helps promote and protect the civil and political rights of voters. If voters can freely exercise their electoral choice without discrimination based on race, gender, age and social status, then the integrity of elections has been safeguarded.

Election observers and monitors must enjoy the freedom to carry out their task. Under the Code of Conduct for Non-Partisan Citizen Election Observers and Monitors endorsed by the Venice Commission at its 91st Plenary Session²¹, observers should report impartially, accurately and timely all observations and findings, both positive and negative. There must be sufficient documentation of all serious problems to permit verification of the events and provide an impartial and accurate picture of what took place.

SUHAKAM is concerned about prohibitions on speaking to the media and releasing information to a third party before reporting to the EC. There must be no hurdles put in the way of the observation groups' "rights to move and observe freely as well as issue reports and address the press and public as they wish".

C. Recommendations

i. Political Funding

All political funding should be made public. Specific laws are needed to manage political financing.

ii. Accessibility to Polling Stations

- a) All polling centres must be accessible and disabled-friendly.
- b) Channels 1 and 2 must be located on the ground, and senior citizens and PWD must be assigned to these channels.
- c) The EC, in collaboration with healthcare centres, should ensure there are sufficient numbers of wheelchairs throughout election day.

²¹ The Declaration is the product of a process initiated through the Global Network of Domestic Elections Monitors and facilitated by the National Democratic Institute, and is the key document for global standards on domestic election observation and monitoring

iii. Freedom of Media

The media must provide balanced reporting without fear or favour. The National Press Council must manage these practices.

iv. Lack of Preparation and Coordination by the Election Commission

- a) The EC must provide proper training for the officers assisting in the polling process to ensure that the process is done efficiently and smoothly.
- b) The EC must ensure uniformity in its rules and regulations and that the officers are briefed accordingly to avoid variations in their conduct.

v. Checking ballot boxes

The EC should ensure that all election officers follow the time set to check the contents of the ballot boxes.

vi. Polling day

- a) Clerks carrying out tasks in each channel should be on a rotation system so that those working the morning session and the evening session are different persons. This is to avoid the clerks from experiencing fatigue. Having started the day so early, they could get careless or forget the SOP to examine the voters' fingers and compare their faces with their identification card photograph.
- b) The feedback that EC officers received indicated a possibility the Clerks may be fatigued from being overworked and want to complete the task as quickly as possible.
- c) Besides Clerks, members of the police guarding the polling centres, too, should take turns to be posted in the morning or evening sessions to prevent fatigue. They commenced their watch as early as 3 am and have to stay at the same spot until the process ends.
- d) Heads of Polling Centres, Clerks and other election workers should be given training in following the SOPs.

vii. Closing and counting of votes process

- a) Heads of Polling Centres and EC officers need to inform and explain the presence of observers to the Vote Counting Agents during the counting process to avoid any doubts or uncertainty.
- b) A task rotation system should be implemented to avoid Clerks suffering from fatigue and human errors being committed, such as putting ballot papers in the wrong party's box.

viii. Monitoring elections

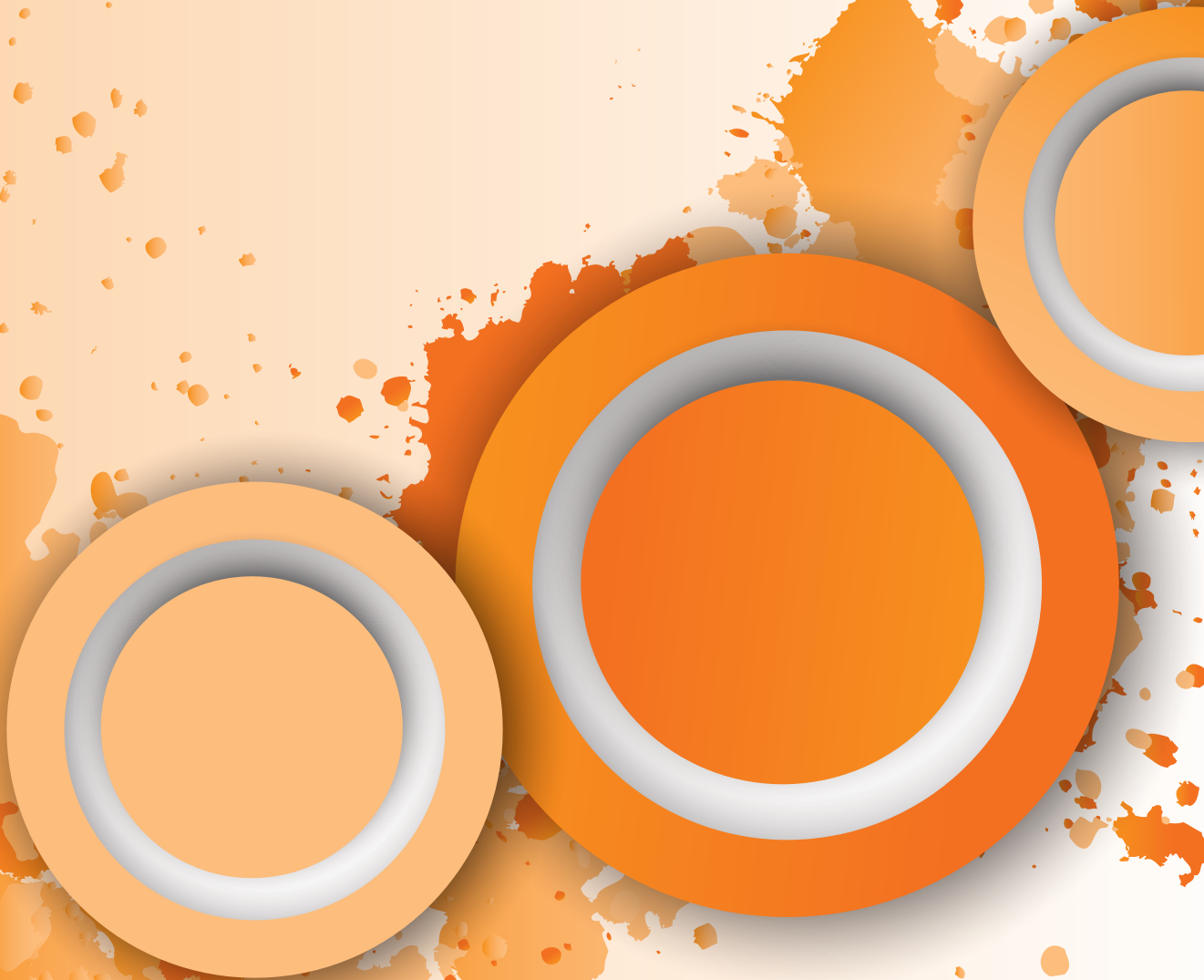
- a) SUHAKAM recommends that monitoring should be without prior notice of the locations it will be observing.
- b) Photography ought to be allowed.
- c) It is suggested that the EC and Observers have a spokesperson to whom the media can refer for accurate reporting.

THE WAY FORWARD

Respect for human rights and the rule of law must be the bedrock of a thriving and working democracy. This requires respect for pluralism of ideas, vibrant civil societies, independent CSOs and free media, a robust private sector and effective checks and balances to power. In this regard, SUHAKAM will continue with its mandate to advise, monitor and work alongside the government to act in a human rights compliant manner. Towards this end, the Sabah Office will continue to find ways to enhance cooperation with the public sector, the private sector, CSOs and all members of the society, including the media, to promote and protect human rights in the state.

CHAPTER 3

SARAWAK OFFICE



SARAWAK OFFICE

OVERVIEW

In 2020, the Sarawak Office focused on raising human rights awareness and engaging with NGOs. During the MCO, due to the COVID-19 pandemic, Sarawak Office carried out its activities online. Sarawak Office also investigated alleged violations of human rights in the state. The question of citizenship was a primary concern in the complaints.

1. RESOLUTION OF COMPLAINTS

In 2020, the Sarawak Office received 46 human rights complaints. We resolved three complaints. The remaining 43 are awaiting appropriate action by the relevant parties. The breakdown of complaints is shown in Table 10.

Table 10: Human Rights Complaints Received by the Sarawak Office

NO.	SUBJECT OF COMPLAINT	NO. OF CASES
1.	Human dignity	1
2.	Equality/discrimination (based on race, religion, gender, disability, political affiliation etc.)	2
3.	Right to life	1
4.	Liberty and security of person	1
5.	Cruel, inhuman, or degrading treatment or punishment	2
6.	Right to nationality	9
7.	Right to own property	5
8.	Freedom of thought, conscience, and religion	7
9.	Right to work/employment and migrant workers' rights	6
10.	Right to an adequate standard of living (food, clothing, housing, healthcare)	3

NO.	SUBJECT OF COMPLAINT	NO. OF CASES
11.	Right to education	2
12.	Right to native customary land	1
13.	Child's rights	1
14.	Others	5
	Total	46

1.1 Issues Arising from Complaints

a. Citizenship

In 2020, citizenship was the chief concern among the Sarawak Office's complaints. It is tied to nationality, late registration of ID such as birth certificates or identification cards for rural residents, and children with foreign mothers (i.e., unmarried mothers, or where local men did not register their marriage to foreign women with the NRD). We referred complaints regarding citizenship to the relevant agencies for appropriate action.

b. Conversion to another religion from Islam

During the year under review, the Sarawak Office received eight complaints regarding conversion from Islam to Christianity. Of the eight, five related to Sarawakian Muslim converts who wanted to return to their former faith after their exogamous marriage with Muslim spouses failed. The state NRD requires a letter of release from the state Islamic Religious Department to change their religious status. However, the complainants claimed their application for release was rejected and or never entertained. The remaining three related to administrative practices, where the NRD mistakenly recorded the complainants' religion as Muslim on their MyKad just because there was a 'bin' or 'binti' in their name.

Nevertheless, in March 2018, Sarawak Chief Minister Datuk Patinggi Abang Johari Tun Openg said the state would amend its religious law to provide an administrative solution for such situations. His statement came after three Sarawakians asked the civil court to reverse their conversion to Islam.²² On 27 February 2018, the Federal Court dismissed

²² <https://www.straitstimes.com/asia/se-asia/sarawak-could-allow-converts-to-renounce-islam>

the appeal by three Muslim converts and a Christian who was a Muslim at birth to have their case heard by the civil court. The applicants wanted their identity cards and official records to reflect that they are now Christians.

2. ENGAGEMENTS

Due to the MCO, Sarawak Office was unable to maximise its offline outreach strategy at the grassroots level, especially in remote areas, with the public, NGOs and CSOs. Instead, the Sarawak Office had conducted more outreach programmes (talks, lectures, training) online.

The objectives of the online programmes were as follows:

- i. To build a productive networking relationship with CSOs;
- ii. To provide a space for CSOs and committee members to express their opinions and respond to relevant issues; and
- iii. To increase the number of complaints received.

Table 11: Outreach Sessions 2020

NO.	DATE	ITEM	VENUE / PLATFORM
1.	23 Apr.	Discussion of challenges faced by the Indigenous People during the MCO and recommendations to the Government	Online
2.	12 Jun.	Children's Right to Education during COVID-19 pandemic in Sarawak	Online
3.	16 Jun.	Discussion with Lawyer Kamek for Change (LK4C) on statelessness in Sarawak	Sarawak Office
4.	18 Jun.	Human Rights talk for UCSI students	Online
5.	8 Jul.	Visit to Sarawak Children's Welfare Council (PERYATIM)	Kuching, Sarawak
6.	8 Jul.	Visit to D'Wira Education Association	Kuching, Sarawak
7.	3 - 30 Sept.	"Cartoonists Against Torture" Exhibition at Sarawak State Library	Kuching, Sarawak

NO.	DATE	ITEM	VENUE / PLATFORM
8.	12 Oct.	Meeting with Pusat KOMAS on a possible collaboration to organise the "Non-Discrimination State Engagement in Sarawak" programme	Online
9.	13 Nov.	Meeting with Prof. Dr. Salfarina Abdul Gapor, Director of Centre for Research and Development University Technology Sarawak (UCTS) on possible collaborations	Online
10.	16 Nov.	Meeting with Sarawak Single Mothers Association (PITSA) on the challenges faced during the pandemic	Online
11.	23 Nov.	Follow-up discussion with University College Technology Sarawak (UCTS) on possible collaborations	Online
12.	24 Nov.	Discussion with NGO on conversion from Islam to other faiths	Online

3. MEETING WITH GOVERNMENT AGENCIES

Sarawak Office and OCC conducted a meeting with YB Dato' Seri Fatimah Abdullah, the Welfare, Community Wellbeing, Women, Family and Childhood Development Minister. Commissioners Dr. Madeline Berma and Prof. Dato' Noor Aziah Mohd. Awal attended the meeting at the Baitul Makmur Building, in Petra Jaya, Kuching on 8 July. Also in attendance were OCC Principal Assistant Secretary Ms. Izyan Hazwani Ahmad; Mr. Sophian Osman, Head of Sarawak Office; Assistant Secretary Mr. Alfonso Min; OCC Assistant Secretary Ms. Sara Ibrahim Warda; and representatives from the Home Ministry.

Among the critical issues discussed were:

- i. Stateless children in Sarawak; and
- ii. Rights to education for children.

As part of Malaysia, the Sarawak State Government must implement the human rights obligations incurred through Malaysia's signing of the three core human rights conventions, CEDAW, CRC and CRPD.

Table 12: Meeting with Government Agencies, 2020

NO.	DATE	ITEM	VENUE / PLATFORM
1.	13 Oct.	Meeting with Medical Forensic Socio-Academic Club of Hospital Umum Sarawak (HUS) on the Forensic Week-CPR Basic Course Webinar 2020	Kuching, Sarawak
2.	24 Nov.	Meeting with Unit Head, Identity Card Division NRD, Putrajaya	Online

THE WAY FORWARD

The Sarawak Office continued to face two significant ongoing challenges during the year. The first was the MCO and the second challenge was COVID-19. The pandemic affected our activities, making the protection, promotion, reformation, and strengthening of human rights within civil society in 2021 a more significant task.

CHAPTER 4

OFFICE OF THE CHILDREN'S COMMISSIONER



OFFICE OF THE CHILDREN'S COMMISSIONER

OVERVIEW

The Office of the Children's Commissioner (OCC) was created in September 2019 following the appointment of the first Children's Commissioner (CC). The OCC, which has been fully functional since May 2020, has three full-time officers (one Grade N48 and two Grade N41) and a clerk (Grade N19). The OCC mirrors SUHAKAM's organisational structure and division of work. There are three portfolios: advocacy and advisory; education and promotion; and complaints and monitoring.

Although the portfolio is divided into three divisions, its functions are carried out based on thematic issues instead of the divisions. The OCC's nine focus areas are stateless children, education, child marriage, removal of reservations in the CRC, the reformation of the Child Act, alternatives to detention (ATD), sexual and reproductive health education and safety at Tahfiz schools, and the establishment of a Children's Consultative Council. The last area is complaints and monitoring.

1. STATELESSNESS AMONG CHILDREN

Statelessness is a delicate and complicated issue in Malaysia. Many are confused by the different categories of statelessness. Stateless children should be dealt with according to their own category, that is, genuine cases of stateless children, refugees, migrants and undocumented immigrants.

Based on three online consultations organised by OCC with government bodies and NGOs on 16 June (Sabah), 7 July (Sarawak) and 28 July (Peninsular Malaysia), there are three main reasons for stateless children in Malaysia. They are:

- i. Unregistered births from irregular marriages (discrimination against children born out of wedlock);
- ii. Inconsistent NRD procedures at the district and state level;

- iii. Inconsistencies in relevant laws, that is the Federal Constitution, Adoption Act 1952, and the Births and Deaths Registration Act 1957.

Sabah and Sarawak have additional causal factors – the extensive geographical land areas have made it difficult for rural people from both states to access the registration office in the cities. Furthermore, for Sarawak, the Special Committee (JKK) established before 2018 to review the citizenship applications and recommend those qualified application to be considered by the Minister of Home Affairs has been dissolved.

The **consultations made the followings recommendations:**

- (i) There should be more programmes to raise awareness amongst society on the importance of registering marriages, including customary marriages;
- (ii) MOHA must execute the SOP that was established on 1 January 2020 to expedite processing of citizenship applications;
- (iii) All NRD branches whether at federal or state level must standardise their administrative procedures to avoid inconsistencies in their system for the registration of birth of children without documents;
- (iv) Article 14(1)(b) and Second Schedule, Part II, Section 1 (b) and Section 17 in the Federal Constitution must be reformed to prevent statelessness among children whose mothers are citizens; and
- (v) The Adoption Act 1952 must be reviewed to allow adopted children to have the same rights as children born of lawful wedlock. Currently, stateless children who are adopted by Malaysian parents are not conferred citizenship automatically by their adoptive parents. The adoptive parents must apply for citizenship under Article 15A of Federal Constitution, and there is no guarantee the application will be granted.

a) Visits to Three Children's Homes Related to Stateless Children

On 8 July and 13 July, the OCC visited three children's shelter homes that house stateless children - Kompleks Kebajikan Laila Taib (PERYATIM) and Persatuan Pendidikan D'Wira in Kuching, Sarawak, and OrphanCare Foundation in Petaling Jaya, Selangor. PERYATIM and OrphanCare are not shelter homes for stateless children but during the visit stateless children were found there. From these visits, OCC collated a list of stateless children cases to be followed up with the relevant ministers.

b) Complaints on Stateless Children

The OCC received complaints mainly from Foreign Spouses Support Group (FSSG) where the main issue relates to children who are denied the right to citizenship because they were born abroad. The members of this group are Malaysian women married to foreigners or foreign wives whose husbands are Malaysian. FSSG complained of the discrimination against Malaysian women married to foreign men and whose children were born overseas. This is because a Malaysian man married to a foreign woman can confer citizenship on his child even if his child were born abroad but it is otherwise for the Malaysian women. According to NGO Yayasan Kasih Sayang Negeri Sembilan the children living in their institution are stateless due to irregularities in parents' marriage, the children are foundlings, or parents' whose status is unknown.

c) Meeting with Representatives from Development of Human Resources in Rural Areas (DHRRA) Malaysia

The Development of Human Resources in Rural Areas (DHRRA) Malaysia is a local NGO that focusses on issues related to statelessness for more than a decade. DHRRA was keen to work with OCC to ensure a child's right to citizenship is not denied, especially in cases of genuine stateless children. OCC welcomed the idea and looks forward to working with DHRRA.

After the three consultations, visits, gathering of complaints, sharing of data and findings with DHRRA, CC viewed it as pertinent to meet MOHA to discuss these issues. OCC wrote to MOHA and the Immigration Department of Malaysia on 27 April 2020, 17 May, 28 May, and 22 June, highlighting all the issues raised. Another letter dated 7 October requested a courtesy visit. However, MOHA did not respond to the OCC's request for a meeting. The OCC also wanted to hand over a list of stateless children who had applied for citizenship.

2. CHILDREN'S RIGHT TO EDUCATION

The effect of COVID-19 on children's educational rights is severe. Even without COVID-19, education is still not available in some parts of Malaysia especially in Sabah and Sarawak. OCC organised several dialogues with relevant stakeholders and ministries, and awareness programmes with villagers, and met with relevant agencies to discuss the current situation and seek solutions to the crisis:

Table 13: List of education programmes

NO.	DATE	PROGRAMMES	DETAILS
1.	12 Jun.	Online Dialogue on Children's Right to Education During the COVID-19 Pandemic in Sarawak.	The dialogue highlighted the large numbers of Sarawak students living in rural areas who did not have access to online learning during the MCO.
2.	16 Jun.	Online Dialogue with Stakeholders on Children's Issues in Sabah.	It was shown that stateless children are among the majority who are denied access to education.
3.	15 Sept.	Dialogue with villagers in Kampung Marak Parak, Kota Marudu, Sabah	The dialogue discussed children's rights, including the right to education
4.	15 – 17 Sept.	Meeting with Headmaster of SK Marak Parak, Kota Marudu's District Education Officers, Sabah Welfare Department Officers and visit to SK Langkon, Kota Marudu Sabah	Further investigations and meetings were held to inform authorities of the outcome of the dialogue with the villagers of Kampung Marak Parak, and the visit at SK Langkon, and how to find ways to overcome the issues.
5.	26 Nov.	Online Webinar on Bullying, Corporal Punishment and Expulsion from School	Among the topics presented during the webinar were: <ul style="list-style-type: none"> i) Bullying & Caning: provisions under Malaysian laws and CRC; ii) Current policies and Acts in force for whipping and expulsion from school; and iii) Psychology and mental effect on children of being bullied and whipped

Recommendations to resolve children's educational rights issues include:

- (i) Online learning was not applicable to Sarawak - due to the non-availability of internet access, relevant gadgets and electricity supply, and difficulty of getting reliable internet coverage over vast areas;
- (ii) The Government must explore other methods of teaching and learning. Alternatively, the Government should invest in internet facilities and provide financial assistance for all students, especially the underprivileged students. Companies are encouraged to practise corporate social responsibility (CSR) by taking up the Sarawak government's proposal to build towers for internet connection;
- (iii) Teachers and students may conduct learning and teaching through radio, telegram, and WhatsApp. During the 1950s, radio was used to deliver lessons to students in Malaysia and Tibet.
- (iv) RTM should explore other options, including expanding TV and Radio Pendidikan coverage to remote areas in Malaysia;
- (v) There is a need for new policy and guidelines for Alternative Learning Centres and Community Learning Centres to operate effectively. This includes the government's recognition and acknowledgement of the system to enable stateless children to gain proper education;
- (vi) The Kampung Marak Parak villagers reported that there was no secondary school in Marak Parak. The closest secondary schools are SMK Kota Marudu I and SMK Kota Marudu II, which are approximately 40km from their village. The children have to live in hostels or travel a distance to reach the secondary school, and have to bear the additional cost incurred;
- (vii) There are insufficient secondary schools in Kota Marudu. For example, SK Langkon has to share a school with SMK Langkon;
- (viii) Research the implications of caning and assess its damage in correcting children's misconduct;
- (ix) The culture normalising caning within our education system should not be prolonged as children will not understand and learn through violence;
- (x) Corporal punishment is not the best solution to overcome bullying as 'violence begets violence';
- (xi) Victims may be traumatised and suffer the effects of bullying and caning. Everyone should empathise with the victims, understand the implications of bullying and find ways to overcome the issue.

Actions

Following the online dialogue on Children's Rights to Education during the COVID-19 Pandemic in Sarawak on 12 June, CC issued a press statement entitled "Children's Rights to Education: MOE Urged to Explore New Methods of Teaching". The statement reminded the MOE not to overlook children's rights to education in under-developed districts in Malaysia, especially during the COVID-19 pandemic.

The CC also wrote to MOE on 27 August and 5 October, forwarding all the findings, and sought the Minister's audience for further discussion. The OCC received positive response from MOE for the meeting and hopes it could be arranged soon.



The OCC with Sabah Women's Action Resource Group (SAWO) and women of Kampung Marak Parak.



Meeting with Headmaster of SK Marak Parak and Kota Marudu's District Education Officers.



Visit to SK Langkon, Kota Marudu, Sabah.

3. CHILD MARRIAGE

According to statistics from KPWKM, from 2007 until 2017, there were 14,999 cases of child marriages, out of which 10,000 involve Muslims²³.

Meanwhile, NRD statistics showed 930 nuptials in 2018 among non-Muslims below the age of 18, up from 436 in 2015. This means the number of child marriages among non-Muslims doubled between 2015 and 2018²⁴.

In light of the above, the OCC views that government intervention, mainly by amending the laws, is crucial in solving the issue. The government launched its five-year National Strategic Plan in Handling the Causes of Child Marriage on 16 January.²⁵

OCC planned a consultation and dialogue with the state religious officers and Syariah Court judges to learn their stand on the issue and discuss possible ways to reach an understanding and agreement on ways to solve the issue. However, due to restrictions under the CMCO, the consultation and dialogue scheduled for December 2020 was postponed to January 2021.

Apart from the consultation, OCC held several discussions on the following issues:

Table 14: List of meetings discussing child marriage

NO.	DATE	MEETINGS
1.	10 Mar.	The CC was a resource person at a RTD on the Development of an Advocacy and Training Module to Curb Child Marriage, organised by a research group from UKM.
2.	24 Aug.	CC was appointed as a member of the Steering Committee of the National Strategic Plan to Address the Causes of Child Marriage. The first meeting of the Steering Committee was on 24 August at KPWKM.

²³ Khaw Chia Hui, Child marriage: Why it is still a problem in 2018, 2018. (<https://www.malaymail.com/news/malaysia/2018/11/10/child-marriage-why-it-is-still-a-problem-in-2018/1691899#:~:text=While%20data%20is%20scant%2C%20Deputy,number%20of%20registered%20child%20marriages.>)

²⁴ Ashley Tang, Non-Muslim child marriages on the rise, 2019. (<https://www.thestar.com.my/news/nation/2019/07/15/nonmuslim-child-marriages-on-the-rise>)

²⁵ <https://www.kpwkm.gov.my/kpwkm/uploads/files/Dokumen/Pelan%20Strategi%20Perkahwinan%20Bawah%20Umur/EXECUTIVE%20SUMMARY.pdf>

NO.	DATE	MEETINGS
3.	28 Aug.	CC was invited to give a lecture on Child Rights at Child Marriage Programme held by Pahang Islamic Religion Department.
4.	5 Nov.	Meeting with UNICEF on child marriage. This was a meeting to launch the Advocacy Work on Child marriage.
5.	12 Nov.	The CC was invited to a workshop for her input on a study entitled "Developing a Training Module for Religious Officers on Child Marriage Based on Human Rights and <i>Siyasah Al Syariyyah</i> " organised by UKM researchers under project name "FRGS/1/2019/SSI10/UKM/02/4".

4. WITHDRAWAL OF RESERVATIONS TO CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

Malaysia became a signatory to the CRC in 1995. Initially there were twelve reservations but four were later withdrawn. On 6 July 2010, the government withdrew reservations to Articles 1, 13 and 15. The reservations that remain are Article 2 on non-discrimination; Article 7 on name and nationality; Article 14 on freedom of thought, conscience and Religion; Article 28(1) (a) on free and compulsory education at primary level; and Article 37 on torture and deprivation of liberty.

OCC is of the view that Malaysia is ready to withdraw all the above reservations to the CRC. Under Article 42 of the CRC, it is the responsibility of a State Party to uphold the four guiding principles of the CRC, that is, non-discrimination, devotion to the best interests of the child, the right to life, survival and development, and respect for the views of the child. If the above reservations are to be retained, the objectives of the four guiding principles will never materialise. Furthermore, the Government has sustained a good momentum of fulfilling its obligations under the CRC. Malaysia's Federal Constitution is the supreme law in the country and overrides any conflict with provisions in the CRC. Removing the reservations to the CRC would not prejudice Malaysia but would place the country in a better position, as a state party to the Convention.

During a courtesy visit to YB Datuk Seri Rina Mohd Harun, KPWK Minister at her office on 5 June, the OCC advocated for the withdrawal of the above

reservations. The CC further stressed the importance of the government submitting its status report to the UN's CRC Committee by the end of the year. YB Datuk Seri Rina acknowledged the request but no report was sent by the end of 2020. On 19 September, the Secretariat of Child Rights Coalition Malaysia 2020 launched its 2019 Status Report on Child Rights in Malaysia. **The CC reiterated her concerns and called on the government to send its reports to update Malaysia's various achievements in upholding children's rights under the CRC.**

5. AMENDMENTS TO CHILD ACT 2001

Malaysia's Child Act 2001 (Act 611) provides the legal framework for the government's response to children in need of care and protection and children in conflict with the law. The Act has undergone a number of revisions since it was first introduced, and the last amendment was in 2016. However, there are a number of issues that could still be improved to ensure that the Act achieves its objective.

The OCC would like the Child Act and related legislation to be amended with respect to the following:

- i. Introduce specific provisions regulating child marriage in domestic laws, that is, requiring all the domestic laws to state that legal age of marriage for all children should be 18 years old and above;
- ii. Repeal the provision on "children out of control";
- iii. Strengthen the power of the "Protector" following the practices in the United Kingdom;
- iv. Establish a Department of Children;
- v. Empower the National Children's Council by increasing the number of representatives from children;
- vi. Review sections on children in conflict with the law; and
- vii. Include diversion as an alternative measure for children in conflict with the law.

During the same meeting on 5 June, the CC advocated the above actions to the KPWKM Minister, and it is hoped that the Minister would support the proposed changes.

In the meantime, OCC is working with the United Nations International Children's Emergency Fund (UNICEF) to organise several consultations for reforming the Child Act 2001.

6. IMPLEMENTATION OF ALTERNATIVES TO DETENTION (ATD)

Following the joint campaign by SUHAKAM and CSOs in 2014 to advocate ATD for children held in immigration depots, there have been several discussions on it with the government where positive responses and support were articulated. However, the ATD pilot project has yet to be implemented.

The pilot project was planned for the second half of 2020. However, it was delayed because of the COVID-19 pandemic and has been moved to 2021. It is the OCC's belief that a child refugee, migrant and undocumented should not be detained at all costs. There is a dire need for the government to provide an alternative to detention for these children as they are victims of circumstance. These children are in Malaysia because they followed their parents or another relative, some of them were probably smuggled. What is clear is that they did not enter of their own volition. Therefore, these children should not be treated as criminals and their rights as a child must be respected. The OCC is of the view that our country should treat these children pursuant to the CRC, as we share the same responsibility as other state parties to the CRC, that is, to protect and uphold the rights of every child.

6.1 Complaints about children detained during COVID-19

In early May, during the CMCO, the OCC received a complaint on the arrest and detention of migrant and undocumented children at the Kuala Lumpur Wholesale Market and Selayang Wholesale Market by Immigration officers. On 17 May, the CC wrote to the Immigration Director General stressing that the arrest was inappropriate during the pandemic and CMCO. Furthermore, by virtue of Article 37(b) of the CRC, it is very clear that any person under the age of 18 (children) is prohibited from being detained in immigration depots even though he or she is undocumented.

The OCC's visit to a temporary immigration depot centre at Kem Bina Negara Wawasan in Pulau Langkawi highlighted the worrisome situation of children in immigration depots. Children below the age of 12 and those between 12 and 18 were treated as young adults. This is against the Child Act 2001 as well as the CRC since both instruments recognise individuals below 18 years of age as children. As such, these child detainees need to be given the opportunity to live in a family environment rather than at a temporary camp.

Another case involving a refugee child was a 15-year old boy who was detained by the Immigration Department. The OCC was informed of it on 28 October. He was living with a foster family prior to his arrest and was identified as a valid UNHCR-pass holder. Although the boy was granted refugee status, the Immigration Department decided to deport him to his home country after he had a fall out with his foster family. The CC wrote to the Director General about his decision to deport the boy. After much negotiation led by UNHCR Malaysia, it was decided that the boy would be sent to a third country.

OCC is of the view that the government must actively participate in ATD by starting its pilot project soonest to ensure the rights of these vulnerable children are protected. This pilot project is part of long-term efforts to uphold child rights in Malaysia. In the short-term, UNHCR representatives should be given access to all Immigration depots to screen the detainees, as well as rescue these children.

7. SEXUAL AND REPRODUCTIVE HEALTH EDUCATION AND SAFETY AT TAHFIZ SCHOOLS

SUHAKAM has been concerned about safety at *tahfiz* schools after the fire at *Darul Quran Ittifaqiyah* on 14 September 2017. The OCC has also received complaints of physical and sexual abuse in *tahfiz* schools. During the OCC's consultation with NGOs, the chairperson of the Women's Alliance for Family Institution and Quality Education (WAFIQ) approached the CC to collaborate in programmes for *tahfiz* schools. We collaborated on the following programmes:

(i) Collaboration with Women's Alliance for Family Institution and Quality Education (WAFIQ) on Children's Rights and Sexual Reproductive Health Talk.

On 18 August, OCC and WAFIQ organised a programme at Maahad Tahfiz Darul Ulum Az - Zahra, Sungai Buloh.

The CC presented on the importance of education and safety and the right to be protected from bullies to *tahfiz* school children and educators. Associate Prof. Dr. Rafidah Hanim Mokhtar, president of WAFIQ, spoke on sexual reproductive health, which was explained further by medical practitioners from WAFIQ.

The *tahfiz* school management welcomed the programme, thanked the organisers and welcomed future collaborations.

(ii) Forum on Children's Rights and Sexual Reproductive Health for Tahfiz Schools Educators

On 25 August, the OCC held an online forum aimed at owners, teachers, or educators of tahfiz schools in Malaysia. It was attended by more than 80 participants. They discussed children's rights to a proper and certified education (such as the conventional education system), basic safety standards for buildings, and that punishment by physical abuse or caning is not allowed under the CRC. The invited speaker, Dr. Rafidah Hanim, spoke on Sexual Reproductive Health. The forum's recommendations include:

- a) Have future collaborations with WAFIQ on Sexual Reproductive Health and for the OCC to conduct a Children's Rights Lecture Series for *tahfiz* school educators according to region (Central, North, South and East Region).
- b) The OCC agreed to continue to advise the government to execute the National Strategic Plan to End Child Marriage by 2030.
- c) The OCC agreed to continue to advocate for amending the Education Act 1996 to include *tahfiz* schools so they will have to be registered and can be monitored.

There was a further request that OCC collaborate with the NGO i-Medik and *Gabungan Persatuan Institusi Tahfiz Al-Quran Kebangsaan* (PINTA) on *Tahfiz* school issues. On 28 October 2020, the OCC organised an online meeting with the ETD of SUHAKAM, Malaysian Alliance of Civil Society Organisations (MACSA), i-Medik and PINTA. They agreed on the following:

- a) Safety concerns stem from irregularity, and non-specific guidelines on registering *Tahfiz* schools;
- b) To hold a special awareness programme from December 2020 until mid- 2021 for parents, children, operators, teachers and educators of *Tahfiz* schools;
- c) MACSA, i- Medik and PINTA will assist OCC by providing the relevant speakers, contacts, and inputs; and
- d) The State Religious Department, State Fire Department and State Land Registry Office will also be invited.

(iii) Children's Rights Lecture Series for Tahfiz Schools – Central Region

OCC, together with SUHAKAM's ETD, MACSA, i-Medik and PINTA, organised the first lecture in the Children's Rights Lecture Series for *Tahfiz*

Schools in the Central Region via online on 29 December 2020. Among the other speakers were representatives from the Selangor State Religious Department, Selangor State Fire Department and Selangor Land Registry Office. The lecture covered:

- a) Educating *tahfiz* schools' teachers on the Rights of Children based on the CRC, Child Act 2001 and other related laws;
- b) Encouraging them to achieve safe building standards;
- c) Campaigning them to ban whipping in schools; and
- d) Creating awareness amongst them on the importance of sexual and reproductive health education.

OCC and SUHAKAM will continue the lecture series in 2021 for all the other regions.

8. ESTABLISHMENT OF CHILDREN'S CONSULTATIVE COUNCIL (CCC)

One of the core principles in the CRC is that children's views²⁶ must be heard. It is only logical that children come forward and have a say on issues that need to be highlighted for their betterment. Their involvement can be in the form of consultations at national, regional, and international level.

A series of consultations will provide ways in which children can be more actively included as responsible citizens²⁷. In addition, children, are most knowledgeable in terms of their everyday living environment, hence, would be able to analyse their problems and find solutions to the same. Their participation should not be a single activity but a continuing process to uphold their right to participation.

Following this, the OCC will establish a Children's Consultative Council (CCC) Malaysia, which will consist of 20 members, ranging from age 10 to 17 years old from various background across Malaysia. Of them, 15 members will be appointed from CCC Peninsular, while the remaining five will be from CCC Sabah and Sarawak.

²⁶ Participation from children is included in six UNCRC Articles (Articles 12, 13, 13, 15, 17 and 31) whereby their involvement is laid as one of the guiding principles to practise children's rights. This inclusiveness shows the importance of giving opportunity for children to express their own views and thus, will directly influence any decision-making that will affect their lives.

²⁷ In 2020, the Department of Statistics Malaysia recorded that children comprise 28.3% (9.32 million) of Malaysia's population of 32.7 million.

The main responsibility of CCC Malaysia is to act as a child-consultative body for the OCC. It will help OCC provide children's voices and make known their needs. Based on the input the OCC can take appropriate actions to address the issue. OCC organised the following consultations with children to hear their views and concerns, and as a step to select 20 children to be appointed a member of CCC Malaysia.

Table 15: List of Consultations with Children in 2020

NO.	DATE	PROGRAMMES	DETAILS
1.	21-22 Feb.	Consultation with children from the peninsular	<p>Their feedback was:</p> <ul style="list-style-type: none"> a) They felt safe and their voices were heard throughout the programme, everyone was friendly; b) They were glad to have met many new friends despite coming from different backgrounds; and c) They would like to know more on sexual and reproductive health issues as they were not given enough information about the subject.
2.	21 Sept.	Consultation with CCC Malaysia (member not yet finalised)	It was agreed that CCC Malaysia should focus on the mental well-being of children, and minority groups (children with special needs, aboriginal children, and child refugees).
3.	7 Nov.	Consultation with Children from Sabah	<p>During the consultation, the following issues were raised:</p> <ul style="list-style-type: none"> a) Mental stress due to excessive homework; b) Non-accessibility to online learning; c) Caning by teachers when students do not complete their homework; d) Child marriage; and e) Gadgets for online learning were not given to the targeted group.

NO.	DATE	PROGRAMMES	DETAILS
4.	21 Nov.	Consultation with Children from Sarawak	During the consultation, the following issues were raised: a) Bullying by teachers and schoolmates; b) Insignificant role of school counsellors; c) Non-accessibility to online learning; and d) Ineffective learning system during COVID-19

The feedback was forwarded to MOE. The OCC will follow up with the ministry.



Consultation with children from 21 - 22 February at Kuala Lumpur.

9. COMPLAINTS AND MONITORING

OCC received **52** complaints on issues related to children's rights across Malaysia. These complaints were received via letter, phone calls, e-mail, walk-in, e-complaint system, collected during monitoring visits and some were from SUHAKAM or/and OCC's initiatives.

9.1 Investigating complaints

After consideration, OCC decided that of the 51 complaints received, one was beyond its jurisdiction. OCC resolved 16 complaints and the rest are still under investigation. The classification of cases is as follows:

Table 16: Classification of Complaints

NO.	SUBJECT MATTER	TOTAL
1.	Right to Protection	12
2.	Right to Education	3
3.	Right to Document / Citizenship	2
4.	Right to Custody	4
5.	Right of Children to a Family	4
6.	Entrance of Foreign Spouse / Children into Malaysia	26
TOTAL		51

9.2 Special investigation at Kampung Marak Parak, Kota Marudu, Sabah

A special investigation was conducted after a complaint was made by an NGO during the online consultation with stakeholders discussing children's issues in Sabah. An NGO representative received a complaint that several students from SK Marak Parak were raped and sexually abused by their close family members. It was reported that action was not taken against the perpetrators as their actions were regarded as the "norm" and could be settled by paying "wang sogit" according to their adat or custom.

During the OCC's investigation, a woman complained that police did not take any action although a report was lodged. A further complaint was made that the doctor in charge of the case refused to make a police report that the girl was raped. The OCC held an online meeting with the police officer in charge from Kota Marudu IPD and Kota Marudu Hospital to verify the complaint.

Based on the two online meetings, the OCC discovered:

- a) There is a need for the Sabah Deputy Public Prosecutor to explain his decision to release the suspect on police bail;
- b) That the police took a year to complete the investigation paper to charge the suspect;
- c) There was a high number of rape/incest cases in Kota Marudu district, approximately about 10 cases from January 2019 until present;
- d) There was a misunderstanding with regard to the doctor in charge refusing to make a police report; and
- e) The Kota Marudu Hospital did not have a specialist doctor to conduct a proper medical examination on sexual abuse cases. Therefore, they transferred the victims to the Likas Hospital.

The OCC views that child rape/incest cases occurring in Kota Marudu as a grave violation of children and must not be taken lightly. As a result, OCC set up a special investigation on the complaint and will continue to follow up on the progress of the case, until the suspects are charged and adjudged in court.

9.3 Monitoring places of detention and children's homes

The OCC visited several places of detention and children's homes. Detention centres for children include prison, Henry Gurney School and Tunas Bakti / Tunas Puteri Schools. As for children's homes, these include various shelters, welfare homes, alternative schools, and places with baby hatches. The places visited are as follows:

Table 17: List of Children's Detention/Welfare Centres visited in 2020

NO.	DATE	PLACES OF DETENTION/WELFARE CENTRES
1.	11 Mar.	<p>Venue: Alternative School in Teluk Layang, Kota Kinabalu, Sabah</p> <p><u>RECOMMENDATIONS</u></p> <ul style="list-style-type: none"> • Children should be able to attend school with or without documents. • Awareness on importance of birth certificates should be increased. • MOE should legalise and recognise all Alternative Learning Centres (ALCs).

NO.	DATE	PLACES OF DETENTION/WELFARE CENTRES
2.	13 Jul.	<p>Venue: OrphanCare Foundation, Kuala Lumpur</p> <p><u>RECOMMENDATIONS</u></p> <ul style="list-style-type: none"> • KPWKM to transform current children's services in institutions or institutionalised systems into a family-based care. • The Public Services Commission (PSC) to appoint and train more social workers / protectors to ensure best interests of all children are protected due to the lack of protectors and its broad job scopes. • All processes in relation to adoption should be made legal and in accordance with guidelines provided by JKM. There shall be no payment and monetary gain involved.
3.	17 Aug.	<p>Venue: Maahad Integrasi Tahfiz Sains dan Teknologi Istana Bandar (MITS)</p> <p><u>RECOMMENDATIONS</u></p> <ul style="list-style-type: none"> • MITS should always be in contact with the Ministry of Works (JKR) and the Fire and Rescue Department for maintenance and regular check-ups on the school buildings. There must be fire drills so students, teachers, and staff will know what to do during an emergency. • JAIS to work closely with MITS and other Tahfiz schools to ensure online learning is available for students.
4.	26 Aug.	<p>Venue: Asrama Akhlak Rusila Marang, Terengganu</p> <p><u>RECOMMENDATIONS</u></p> <ul style="list-style-type: none"> • Immediate care measures must be taken regarding the children's complaints of scabies. • KPWKM together with the MOE should create a system that allows these children to get a formal education. • <i>The salary for the workers under 'Elaun Latihan Belia' (ELB) should be revised as RM600 per month is too low in comparison with the standard minimum salary of RM1,200.</i> • There was a complaint of children being beaten with a pipe by one of the wardens and based on Commission's investigation, the allegation made was valid. The Commission believes the incident took place at night and no supervision from principals and other JKM officers. JKM should further investigate this complaint.

NO.	DATE	PLACES OF DETENTION/WELFARE CENTRES
5.	9 Sept.	<p>Venue: Sekolah Tunas Bakti, Marang, Terengganu (STBMT)</p> <p><u>RECOMMENDATIONS</u></p> <ul style="list-style-type: none"> • STBMT should establish a complaint mechanism which is more child-friendly and properly implemented. • A rotation system should be implemented for employees to encourage their development and to cope with challenges throughout their service. More permanent positions should also be opened and training for teachers are needed to enable them to instil interest and passion among the students. • STBMT should have at least a trained nurse or medical officer to monitor the health of pregnant teenagers and their babies once delivered. There were also complaints of minor scabies among the students. Thus, regular check-ups are also strongly suggested. • Proper guidelines for Family Visiting Hours should be established and implemented to eliminate discrimination against students. • The school requires proper maintenance. The toilet doors were missing, compromising the children's right to safety and privacy.
6.	10 Sept.	<p>Venue: Sekolah Tunas Bakti Jerantut, Pahang (STBJ)</p> <p><u>RECOMMENDATIONS</u></p> <ul style="list-style-type: none"> • Most of the students opted for non-formal education such as craftsmanship rather than formal education • The students should be encouraged to choose formal education, sit for the Sijil Pelajaran Malaysia (Malaysian Certificate of Education) examination, and obtain the certificate. • If the students are unable to face the stigma when attending schools outside STBJ, they should be given good schooling facilities in STBJ. MOE is urged to allocate more trained teachers to teach at STBJ.

NO.	DATE	PLACES OF DETENTION/WELFARE CENTRES
7.	17 Sept.	<p>Venue: Sekolah Tunas Bakti, Kota Kinabalu, Sabah (STBKK)</p> <p><u>RECOMMENDATIONS</u></p> <ul style="list-style-type: none"> • A child-friendly complaint system should be established. • Most students were receiving non-formal education rather than formal education. • STBKK students should be persuaded to enrol for a proper academic education, sit for the Malaysian Certificate of Education and obtain that certificate. STBKK should improve its learning facilities by adding more trained teachers from MOE. Otherwise, STBKK should ensure the children receive their education from other schools. • The teachers should have training on how to teach children who have been in conflict with the law. The teaching materials should suit the students' needs and interests so that they instil a passion for learning.
8.	22 Sept.	<p>Venue: Rumah Budak Laki-laki (RBL) Tun Abdul Aziz, Durian Daun, Melaka</p> <p><u>RECOMMENDATIONS</u></p> <ul style="list-style-type: none"> • Periodic inspections should continue but must be conducted at suitable hours and with child-friendly SOP to avoid any harm to the children. • Stigmatisation against children in institutions as "problematic children" is apparent. It is recommended that JKM protectors and social workers undergo relevant courses to correct the stigma. • RBL is urged to establish a child-friendly complaint box that children can use to make complaints anonymously.

10. WATCHING BRIEF AND PRESS STATEMENTS

By virtue of Section 4 (2)(f) of the SUHAKAM Act, the CC has authority to hold watching briefs for children in court cases. There were three cases in which the OCC held watching brief. The CC issued seven press statements in 2020, among others, on the issues and challenges faced by children during the MCO; children's right to education during COVID-19 wherein MOE was urged to explore new methods of teaching; the death of a four-year-old girl in a car; and in conjunction with International Children's Day celebration.

THE WAY FORWARD

There is so much work to do for children's rights. With a small staff of four, the OCC will do its best to handle all issues, especially complaints of violation of children's rights. In going forward, the OCC views that children's issues should be dealt with based on priority. Through its five-year strategic plan, the OCC will focus on the four core principles of the CRC, namely non-discrimination²⁸; devotion to the best interests of the child²⁹; the right to life, survival and development³⁰; and respect for the views of the child.³¹ This is because the OCC believes that the correct approach to enhance children's rights is by way of upholding the four core principles.

The OCC has four strategies to achieve with the theme "Enhancing the Realisation of Children's Rights". First, by ending discrimination against children.³² Under this strategy, by 2025, more children will be able to realise their rights without regard to distinction of any kind, such as race, colour, sex, language, religion, social origin or physical, disabilities or any other status. To

²⁸ Article 2 of the CRC, the first paragraph of which reads: "States parties shall respect and ensure the rights set forth in the present convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's parents or legal guardian, race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, poverty, disability, birth or other status."

²⁹ Article 3 (1) of the CRC which states, "In all actions concerning children whether undertaken by public or private social welfare institution, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration"

³⁰ Article 6 (2) of the CRC, which states "State parties shall ensure to the maximum extent possible the survival and development of the child"

³¹ Article 12(1) of the CRC which states that "States parties shall assure to the child who is capable of forming his or her own views the rights to express those views freely in all matters affecting the child, the view of the child being given due weight in accordance with the age and maturity of the child"

³² Non-Discrimination as outlined in the Preamble to the Child Act, read together with Article 8 of the Federal Constitution

achieve that, it is a hope that by 2023, law enforcement officers are better aware of children's rights. Few activities have been planned for this first strategy such as increasing awareness of children's right to non-discrimination and preparing and presenting policy recommendations on non-discrimination and equality amongst children in Malaysia to government and key stakeholders.

Second, by ensuring the best interests of children are taken into consideration at all levels of society, especially by decision-makers. For this second strategy, OCC envisions that by 2025, the best interests of children are considered in most decisions involving children by policy-makers, and the monitoring and reporting on children's rights is strengthened. To attain that, by 2024 most decision-making mechanisms should have a framework to assess children's best interests and take them as a primary consideration. The OCC has planned a number of activities to realise this strategy such as raising awareness and knowledge on the principle of the best interests of children.

Third, by promoting the protection of children's right to life, survival, and development. The parameter in achieving this third strategy is that by 2025, life expectancy for children in Malaysia is increased and the amount of violence against children is reduced. Therefore, it is a must by 2024, the percentage of children, including the most vulnerable, having access to quality health care services is increased and more laws on child protection are strengthened. Among the programmes that have been planned for this strategy are to strengthen the understanding of the principle of children's right to life, survival, and development amongst key stakeholders and to develop and present recommendations for amendments to all existing domestic and Syariah laws that the age of marriage to be 18 years for both males and females.

Fourth and finally, the OCC wishes that by 2025 children's views are increasingly heard at most levels of society. For that to occur, platforms for children to express their views in most decisions that affect their lives should have increased and more children's views are heard in policy-making decisions on topics affecting their lives. Among the activities designed to realise this fourth strategy is establishing a child-consultative body under OCC. This body will enable OCC to consider children's views for future OCC programmes, and identify and recommend the development of tools for facilitating child participation in the decision-making process affecting children.

The OCC hopes that the government would allocate a proper budget for all the above to be executed.

CHAPTER 5

COVID-19 AND HUMAN RIGHTS



COVID-19 AND HUMAN RIGHTS

OVERVIEW

The world faced an unprecedented health crisis during the year with the spread of the novel coronavirus (COVID-19). WHO declared a pandemic on 11 March.³³ By year end, the virus had infected over 83 million³⁴ people and claimed nearly two million³⁵ lives worldwide. In Malaysia, there were 113,010³⁶ infections and 471³⁷ deaths by 31 December.

The pandemic poses an immense threat to human rights. First and foremost is the danger it poses to the right to life and health. The Federal Constitution of Malaysia³⁸ guarantees the right to life. Public international law classifies the right to life as a supreme and non-derogable right. Hence it cannot be suspended, even in armed conflict or public emergencies.³⁹ It also dictates that the State has to protect individuals against threats and life-threatening situations resulting in life loss.⁴⁰

The right to health is linked intrinsically to the right to life. Apart from the UDHR and ICESCR, the right to health is also guaranteed in Article 29(1) of the ASEAN Human Rights Declaration (AHRD). Among others, international human rights law obligates governments to prevent public health threats and provide

³³ World Health Organisation (WHO), 'WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020' (11 March 2020, WHO) <<https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-COVID-19---11-march-2020>>

³⁴ Johns Hopkins University & Medicine, 'COVID-19 Dashboard by the Center for Systems Science and Engineering (CSSE) at Johns Hopkins University & Medicine' (31 Dec 2020) <<https://coronavirus.jhu.edu/map.html>>

³⁵ Ibid.

³⁶ Ministry of Health (MOH), 'Situasi Semasa Pandemik COVID-19 Di Malaysia' (31 Dec. 2020) <<http://COVID-19.moh.gov.my/>>

³⁷ Ibid.

³⁸ Federal Constitution of Malaysia, Art. 5

³⁹ UN Human Rights Committee (HRC), 'General comment No. 36. Article 6: Right to Life', (3 Sept. 2019) CCPR/C/GC/35, <<https://undocs.org/CCPR/C/GC/36>>

⁴⁰ Ibid.

medical care to those who need it.⁴¹ Moreover, the State is bound to take necessary steps for the “prevention, treatment and control of epidemic, endemic, occupational and other diseases”.⁴² The Committee on Economic, Social and Cultural Rights (CESCR) categorises this responsibility as a core and non-derogable obligation of the right to health.⁴³

When WHO declared the pandemic, there was no vaccine for COVID-19 as yet.⁴⁴ As a result, governments all over were forced to institute exceptional measures that restricted other rights – such as freedom of movement and assembly, the right to privacy, to manifest one's religion, to work and education – with the priority to save lives.

In Malaysia, the national response to COVID-19 is led by Ministry of Health (MOH) and National Security Council (NSC). Beginning 18 March, the government enforced a nationwide Movement Control Order (MCO) under the Prevention and Control of Infectious Diseases Act 1988 (Act 342) and Police Act 1967 (Act 344).⁴⁵ The MCO was extended in multiple phases. Areas experiencing a larger number of infections were placed under tighter security control through an Enhanced MCO.⁴⁶ The MCO ordered the public to stay home and domestic and overseas travel, mass movements and gatherings were either restricted or prohibited entirely for the period. Among the areas affected were religious, sports, education, social and cultural, and government and business activities. A handful of activities deemed essential services were granted exceptions to operations such as food supply, health, telecommunications and banking.⁴⁷ On 18 March, a federal gazette stated that MCO violators could be fined up to RM1,000 and or jailed up to six months. There were PDRM patrols and

⁴¹ Committee on Economic, Social and Cultural Rights (CESCR), ‘General Comment No. 14. Article 12: The right to the highest attainable standard of health’, (11 Aug 2000) <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2000%2f4&Lang=en>

⁴² International Covenant on Economic, Social and Cultural Rights (ICESCR), Art.12(2)(c)

⁴³ Ibid.; Professor John Tasioulas, ‘The Minimum Core of the Human Right to Health’ (Oct 2007, Nordic Trust Fund and WHO), <<http://documents1.worldbank.org/curated/en/194751515587192833/pdf/122561-WP-Tasioulas-PUBLIC.pdf>>

⁴⁴ The first vaccine for the COVID-19 was successfully developed by Pfizer in November 2020; Michael Erman, Julie Steenhuisen, ‘Pfizer vaccine trial success signals breakthrough in pandemic battle’ (9 Nov 2020, Reuters) <Pfizer vaccine trial success signals breakthrough in pandemic battle>

⁴⁵ Prime Minister's Office of Malaysia Official Website, ‘Perutusan Khas YAB PM mengenai COVID-19’ (16 March 2020) <https://www.pmo.gov.my/aiovg_videos/perutusan-khas-yab-pm-mengenai-COVID-19-16-mac-2020/>

⁴⁶ National Security Council, ‘SOP Perintah Kawalan Pergerakan’ <<https://www.mkn.gov.my/web/ms/sop-pkp-pemulihan/>>; EMCO is not gazetted nor specifically provided under the Prevention and Control of Diseases Act 1988 [Act 342]

⁴⁷ Ibid.

roadblocks all over the country to ensure public compliance.⁴⁸ The MCO was later relaxed to a conditional MCO beginning mid-May with nearly all economic and social sectors allowed to resume, subject to strict SOPs.⁴⁹

Following the measures undertaken between March and September 2020 Malaysia recorded between 1 to 300 daily infections, with the second half recording mostly double digits.⁵⁰ WHO Representative in Malaysia, Brunei and Singapore Dr Ying-Ru Jacqueline Lo attributed Malaysia's effectiveness in handling the pandemic to the country's "strong capacity in outbreak preparedness and response, as well as the infrastructure and *well-trained workforce, to provide high-quality healthcare*"⁵¹. These included, among others, early efforts to increase access to quality testing, the number of critical care beds and available ventilators, enforcement of the "Search, Test, Isolate, Treat and Quarantine" strategy, as well as measures to curtail transmission through the MCO.⁵² Nevertheless, we note that the number of COVID-19 daily infections and deaths have risen since the end of September 2020, after the MCO was relaxed.⁵³

A. IDENTIFYING SOCIAL VULNERABILITIES IN MALAYSIA AMID COVID-19

The extensive lockdowns and social distancing measures, while well-intended, resulted in far-reaching consequences to the economic and social lives of society. The UN has warned that COVID-19 is beyond a health crisis as it affects the global community and economies at their core and will most likely increase worldwide poverty and inequality. It will also affect countries' achievements on the Sustainable Development Goals (SDGs).⁵⁴

In Malaysia, many individuals lost their jobs and livelihoods when the MCO forced the economy to pause. The government gave heavy financial assistance through economic stimulus packages, including the Prihatin Rakyat Economic Stimulus Package (PRIHATIN) and Short-Term Economic Recovery

⁴⁸ Ahmad, Azyyati, 'Perintah Kawalan Pergerakan digazet, hukuman 6 bulan penjara, tambahan sektor penting' (18 March 2020, Astro Awani), <<https://www.astroawani.com/berita-malaysia/perintah-kawalan-pergerakan-digazet-hukuman-6-bulan-penjara-tambahan-sektor-penting-234108>>

⁴⁹ Ibid.

⁵⁰ Ministry of Health (MOH) Malaysia, 'Status Terkini COVID-19 Malaysia' <<http://COVID-19.moh.gov.my/>>

⁵¹ WHO, 'A country united in the face of a pandemic' (13 Oct 2020, WHO) <<https://www.who.int/malaysia/news/commentaries/detail/a-country-united-in-the-face-of-the-pandemic>>

⁵² Ibid.

⁵³ Ibid.

⁵⁴ UN, 'A UN Framework for the Immediate Socio-Economic Response to the COVID 19 Crisis' (April 2020, UN) <<https://unsdg.un.org/sites/default/files/2020-04/UN-framework-for-the-immediate-socio-economic-response-to-COVID-19.pdf>>

Plan (PENJANA). They were to support impacted individuals and households, especially from the B40⁵⁵ category, and to assist industries stay afloat while retaining the workforce during the pandemic. However, by the middle of the year, numerous businesses, including those in tourism, retail and restaurant industries were forced to either downsize or close down permanently. Simultaneously, poor cashflow led to retrenchments. Department of Statistics Malaysia (DOSM) data released on 11 December showed that unemployment rate rose from 3.2% to 5.2% between January and May 2020.⁵⁶ In October 2020, the unemployment rate was 4.7% equivalent to 748.2 thousand unemployed persons.⁵⁷ This figure has further raised concerns over households being pushed into the B40 group, or worse, below the poverty line income (PLI) threshold.⁵⁸

Another example is children's access to education. Schools and universities utilised online platforms to conduct classes after the MCO commenced. However, access to relevant devices and internet connection is not universal in Malaysia, especially for low-income families and those living in rural and isolated villages. Access to online education that meets the requirement of children with disabilities is also a matter for concern.

The pandemic, which has interfered with human rights enjoyment, has also revealed the pre-existing social, economic, financial weaknesses, and systemic inequalities. While the pandemic poses a higher risk to the older generation and those with prior health issues, people of any age may still be disproportionately impacted by it. The risk depends on their living arrangement, financial stability and access to specific safeguards impacting their risk of infection, such as whether they are frontline workers, PWD, the poor, the homeless, refugees, migrants and prisoners.⁵⁹

⁵⁵ B40 represents the bottom 40% of income earners, M40 the middle 40% and T20 the top 20%; Economic Planning Unit (EPU), 'Eleventh Malaysia Plan 2016-2020' (21 MY 2015, EPU), chap. 3

⁵⁶ DOSM, 'Labour Force Malaysia October 2020 (11 Dec 2020, DOSM) <https://www.dosm.gov.my/v1/index.php?r=column/cthemeByCat&cat=124&bul_id=WVJTeniQKzdzUDRYNFJqUE1BWWVIZz09&menu_id=Tm8zcnRjdVRNWWlpWjRlbnRlDk1UT09>

⁵⁷ Ibid.

⁵⁸ Malaysia Parliamentary Debate, House of Representatives 14 Nov 2020, <<https://www.parlimen.gov.my/files/hindex/pdf/DR-19112020.pdf>>; Ida Lim, 'MPs: More to become poor under COVID-19, Malaysia's B40 and M40 classifications need rethink' (19 Nov 2020, Malay Mail) <<https://www.malaymail.com/news/malaysia/2020/11/19/mps-more-to-become-poor-under-COVID-19-malaysias-b40-and-m40-classification/1924197>>; Nur Hanani Azman, 'COVID-19 pushes more Malaysians into poverty' (10 Aug 2020, The Malaysian Reserve) <<https://themalaysianreserve.com/2020/08/10/COVID-19-pushes-more-malaysians-into-poverty/>>;

⁵⁹ Office of the High Commissioner for Human Rights (OHCHR), 'COVID-19 Guidance', <<https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx>>

COVID-19 is also fuelling racism and xenophobia in Malaysia, as is happening around the world.⁶⁰ Hate speech and pointing fingers at tabligh goers, refugees and undocumented migrants for the emergence of new COVID-19 clusters have resulted in stigma and distress among these groups.⁶¹ It is worse for refugees and undocumented migrants who are not protected by domestic law, coupled with official responses by federal and certain local authority that target them further. For example, the Federal Government promised that no action would be taken against refugees and undocumented workers while taking COVID-19 tests, but then it arrested and detained them for immigration offences.⁶² Later, refugees were evicted from their rental units after the Immigration Department threatened landlords with punitive action for renting to undocumented migrants, including refugees.⁶³ In another instance, Kuala Lumpur City Hall banned foreigners and refugees from entering and patronising the Kuala Lumpur Wholesale Market.⁶⁴ The authorities' actions increased fear among these groups. Such actions have resulted in multiple other issues, namely undetected COVID-19 cases and overcrowding of lock-ups and detention centres, which later became COVID-19 hotspots.

If these issues are not properly addressed, the economic and social crisis resulting from the pandemic may increase inequality, discrimination, and displacement within society for a long time. As the pandemic and its impact do not discriminate, responses should also be universal and protect everyone irrespective of their economic, social, cultural, civil and political background, in line with human rights principles of equality and non-discrimination.

Prime Minister of Malaysia YAB Tan Sri Muhyiddin Mohd Yassin, while announcing the stimulus package on 27 March, and again during his address at WHO's global collaboration to accelerate new COVID-19 health technologies

⁶⁰ Jia Vern Tham, 'Like a Virus: How Racial Hate Speech Looks Like in Malaysia During the COVID-19 Pandemic' (2 April 2020, The Centre) <<https://www.centre.my/post/how-COVID-19-influencing-racial-hate-speech-malaysia>>;

⁶¹ Ibid.

⁶² D Kanyakumari, 'Putrajaya defends detention of illegal immigrants during COVID-19 pandemic' (27 May 2020, Channel News Asia) <<https://www.channelnewsasia.com/news/asia/malaysia-COVID-19-defend-detention-illegal-immigrants-12774700>>

⁶³ Radzi Razak, 'Over 100 UN cardholder refugees in KL facing eviction amid Immigration crackdown on undocumented migrants' (11 July 2020, The Malay Mail) <<https://www.malaymail.com/news/malaysia/2020/07/11/over-100-un-cardholder-refugees-in-kl-facing-eviction-amid-immigration-crack/1883580>>

⁶⁴ Emmanuel Santa Maria Chin, 'DBKL claims market ban on foreigners, refugees to curb 'illegal' resales to Rohingya, Myanmar communities' (23 June 2020, The Malay Mail) <<https://www.malaymail.com/news/malaysia/2020/06/23/dbkl-claims-market-ban-on-foreigners-refugees-to-curb-illegal-resales-to-ro/1878154>>;

conference on 24 April, underscored that “no one is left behind” in efforts to fight the pandemic. Towards this, SUHAKAM emphasises that assessing the impact of COVID-19 on society and vulnerable groups is fundamental to inform and tailor the government’s responses to combat the pandemic and the nation’s recovery.

In support of the government’s efforts, SUHAKAM conducted a ‘Dialogue with NGOs and CSOs: An Assessment of Vulnerable Communities Needs and Next Steps amid the COVID-19 Pandemic’. The dialogue entailed seven sessions and was conducted virtually in April to identify the susceptibilities and needs of vulnerable communities in Malaysia in the face of the pandemic.

Table 18: Dialogue with vulnerable communities

No.	Date	Community in Focus
1.	9 Apr.	Refugees and asylum seekers
2.	13 Apr.	Migrant and undocumented workers
3.	16 Apr.	Urban poor and the homeless
4.	20 Apr.	Indigenous Peoples (Peninsular Malaysia) Urban poor, migrants, refugees (Sabah)
5.	21 Apr.	Children
6.	23 Apr.	Indigenous Peoples (Sabah & Sarawak)

Input gathered from the sessions were immediately forwarded to the NSC to serve as data and a guide to develop the national COVID-19 responses.

The following were among the key findings from the sessions:

(i) Refugees and Asylum Seekers

(a) No access to government aid

Malaysia is not a signatory to the Refugee Convention 1951. Currently, refugees and asylum seekers in the country are officially categorised as undocumented migrants, meaning they can be arrested and detained for contravening Malaysia’s immigration law. On the other hand, in March 2017, the government introduced a scheme which allowed Rohingya UNHCR cardholders to work in the plantation and manufacturing sectors.

Given the limitations, most of them work in the informal sector and were among the first to bear the brunt of COVID-19. Many of them lost their jobs during the MCO without any social safety net to fall back on. Besides,

they were also not eligible for the PRIHATIN stimulus package. NGOs and CSOs took the initiative to identify and deliver food supplies. However, they could not reach everyone in the community due to NGOs and CSOs' limited funds and lack of data on their whereabouts. As a result, pregnant women and children in the community were in dire straits

(b) Undetected COVID-19 cases amongst refugees and asylum seekers

Refugees and asylum seekers in Malaysia are in constant fear of being arrested for immigration offences which has discouraged them from coming forward to undergo COVID-19 screening. Even with the government's assurance that they would not be arrested, they fear that the authorities might raid to their settlements once the MCO is over. While their fear increases undetected infections within the community, it also creates risks for others whom they have contact with.

(c) Tight living conditions

Refugees and asylum seekers in Malaysia live in crowded places. Each living quarter houses three to four family units in some places, while in other areas, the housing units are very close to each other. Aside from the cleanliness issue, it becomes impossible for them to abide by the SOP to keep a safe physical distance to avoid COVID-19 infections.

(d) Overcrowding in detention centres

Constant overcrowding in Malaysia's immigration detention centres presents the ideal environment for spreading infectious diseases. To make matters worse, detainees who include refugees and asylum seekers, are not provided with enough sanitizers and personal hygiene supplies.

(e) Risk of Eviction

In the absence of secure employment and social security, many refugees and asylum seekers who lost their income source during the MCO were unable to maintain payments towards housing rentals and utilities. Therefore, they faced the risk of being evicted by their landlords.

(f) Need for the realisation of commitment under the SDGs

Participants underscored that Prime Minister Tan Sri Muhyiddin Yassin, during his announcement of the PRIHATIN Stimulus Package said "no one is left behind" in the fight against the pandemic, which echoed the principle of the SDGs. As such, Malaysia must take cognisance of the refugees and asylum seekers' plight since COVID-19 disproportionately impacts them.

(ii) Urban Poor (B40) and the Homeless

(a) The Homeless

Participants were concerned about the health and wellbeing of the homeless during the MCO. Many of them have never gone for health check-ups and generally live in unsanitary conditions, which may heighten health risks, including exposure to the COVID-19.

Apart from the above, CSOs who run soup kitchens revealed that more homeless and laid-off foreign workers visited their centres during the MCO.

(b) Impacted livelihood of poor households

A participant estimated that about 60% of jobs in Malaysia were dominated by low- to medium-skilled workers. During the MCO period, many were either laid-off or not paid salaries. Similarly, small-scale traders who were unable to operate during the MCO lost their source of income. Without sustainable income, it was difficult for the B40 community to secure an adequate living standard, including their access to basic needs.

(c) Rental Payment Relief

The Government announced six months rental relief for People's Housing Project (Projek Perumahan Rakyat [PPR]) tenants. Nonetheless, this exemption was only applicable to housing projects under the federal government and excluded those administered by state governments. Participants believed that the facility should be extended to the latter as well.

(d) Undocumented Poor Communities

Among the B40 communities were those who do not have identity cards and whose personal details are not registered with government programmes such as eKasih. As a result, the government would not be able to identify them to deliver the necessary assistance during the pandemic. In addition, those who do not have identity cards cannot open bank accounts and therefore donations could not be transmitted to affected individuals and families through telegraphic transfer or online banking.

(e) Needs of Pregnant Women, Nursing Mothers, and Infants

Food donations by the public to impacted communities were helpful to them. However, it was observed that some of the food items included in parcels may not be suitable for certain groups of people. Then again, almost all of the food parcels lacked items suitable for pregnant women, nursing mothers, and infants such as baby formula, sanitary pads and diapers.

(f) Access to Education for Children from the B40 Group and Rural Areas

During the MCO, all schools and higher learning institutions were closed. Instead, MOE directed the use of online platforms to conduct classes. While this was a good alternative, many pupils from B40 households as well as those living in rural areas do not have access to either the necessary devices or internet service.

(g) Children's Nursery

A majority of nurseries and day-care centres in Malaysia are run by independent proprietors, many of whom are from the B40 community. During the MCO, these centres suspended their services. As a result, owners could not pay their rental, utilities, and wages of workers who were also from the B40 category. Some participants feared that the owners would not be able to resume their services once the MCO is lifted if they cannot secure new capital.

In addition, it was also highlighted that many parents who were frontline officers during the MCO were unable to send their young children to day-care centres as nurseries were not open. They opined that frontline officers who were either single parents or parents with young children should be exempted from duty during the MCO.

(h) Domestic Violence

Worsening financial situations, coupled with families being cooped-up at home during the MCO period, have caused mental and emotional distress for many families. In turn, this has contributed to the increase in domestic violence cases being reported to the authorities and NGOs. Participants felt that both the government and NGOs should cooperate to offer emotional support and counselling to affected families.

(i) Insufficient Safety Equipment for Frontline Officers

During rounds made by NGOs and CSOs to deliver aid to affected communities, they encountered enforcement officers who disclosed that

they did not have sufficient masks and other PPE. In some instances, CSOs handed to the officers masks which they planned to deliver to needy communities. Participants said the government should ensure enough PPE is provided for the safety and wellbeing of frontline workers.

(j) Coordination of NGOs and CSOs

When the MCO was enforced, numerous NGOs and CSOs delivered food to families in need. Faced with the urgency to reach out, NGOs and CSOs did not coordinate their deliveries. As a result, some communities received extra supplies, while some others did not receive any aid at all.

Participants of the dialogue proposed that the Department of Social Welfare maintain an updated contact list and coordinate all NGOs and CSOs in Malaysia to assist communities in times of crises like the COVID-19 pandemic. That way, all vulnerable populations can be treated equally irrespective of their origin, immigration status and other backgrounds.

(iii) Persons with Disabilities (PWD)

(a) The impact of MCO to self-employed PWD

Around 70% of PWD in Malaysia are self-employed or work in the informal sector as masseurs and street performers. They lost their source of income during the MCO. In addition, many of them were not SOCSO contributors and so were not eligible to receive aid provided by SOCSO during the MCO.

(b) PWD-Friendly public transport during the MCO

Public transport services were restricted during the MCO period. As a result, PWD who depended on public transport to acquire basic goods and services were impacted. It included accessing healthcare at hospitals and withdrawing government financial aid from banks. The government should consider PWD mobility during an MCO and permit NGOs and CSOs to provide such services to the affected PWD.

(c) Access critical information

The information delivered by the government about COVID-19 was not disabled-friendly. For instance, the daily updates on COVID-19 were not accompanied by sign language interpretation for the hearing impaired. And demonstrations on television on the correct way to wear a mask do not benefit the visually impaired.

(d) Application for aid online

Many PWD could not access the government aid provided during the MCO because the online application system was not PWD-friendly.

(iv) Indigenous Peoples (IP)

(a) Impact of the pandemic and MCO on poor IP

Many indigenous community members, especially in Peninsular Malaysia, take up casual labour and irregular employment. Others are self-employed, with some gathering and trading forest products and handicrafts. The pandemic and MCO have threatened their livelihood as they struggle to maintain a sustainable income that was already very small to begin with. Many have lost their jobs and others are restricted from going into towns to sell forest produce or their handicraft.

Some IP members returned to the forest to sustain themselves by hunting and gathering. However, their source of food from the forest is also limited because of deforestation.

(b) PRIHATIN application forms unfriendly to IP

A dialogue participant estimated that more than 90% of the Orang Asli were in the B40 category, and therefore, should be entitled to the PRIHATIN aid. However, many of them either did not know how to fill the registration form online or did not have internet access. NGOs have tried to assist by collecting their background information. However, due to the lack of supporting documents such as personal identity cards, marriage certificates, and bank account details, NGO help is also curtailed.

(c) Access to PRIHATIN Cash Aid

Some IP need to travel far into towns to withdraw cash from their bank's ATM. However, the MCO curtailed their travelling and they could not withdraw the PRIHATIN cash aid. Also, there were those in the B40 group and eligible for PRIHATIN cash aid who did not have a bank account.

(d) Access to aid for undocumented Indigenous Peoples

There are still Malaysian IP who do not have an identity card. This may be attributed to their isolated location or lack of awareness of the importance of identity documents. As a result, their data is absent from the government's system and they are not identified as recipients of government aid during the pandemic.

(e) Unregistered IP villages

In Peninsular Malaysia, JAKOA only delivered food to villages listed in its registry. It is very possible that nomadic Orang Asli tribes who set up new villages whenever their existing villages became overcrowded may have missed out on the food aid.

(f) Aid by NGOs

Support from NGOs was also interrupted as travels between districts were restricted.

Participants had questions about the transparency in the distribution of aid by the authorities in Peninsular Malaysia. While NGOs are not allowed to enter Orang Asli villages, a participant alleged that JAKOA approached some NGOs to deliver aid to the Orang Asli.

(g) Education for IP children during the pandemic

The issue of access to online education during the pandemic for IP children from economically disadvantaged families, or who live in rural or isolated locations with no internet service was raised repeatedly.

Also, because of the economic loss experienced by many IP, parents will struggle to pay for their children's expenses when school hostels are eventually reopened.

(h) Delivery of COVID-19 Information and SOP

Many indigenous communities practise a communal social system which makes social distancing difficult. Information on the danger of COVID-19 and relevant SOP must reach them, so they can make temporary social adjustments. During the MCO, the challenge was that information on the pandemic and SOP depended heavily on mainstream media for raising awareness. Unfortunately, many IP do not have access to the internet or television, and a significant number do not understand the national language. As a result, their vulnerability to COVID-19 was heightened. The government should ensure relevant information of the disease and the necessary SOP are translated into IP dialects and dispersed expeditiously in suitable forms and channels to the various communities.

(v) Migrant and Undocumented Workers

(a) Role of Embassies to ensure the wellbeing of their nationals in Malaysia

Participants claimed that other than forwarding name and location lists of their nationals in Malaysia, some foreign embassies in Malaysia did not provide any aid to be channelled to their citizens.

(b) Delivery of information on COVID-19

Many migrant workers and refugees have either not received or could not understand public health information on COVID-19. Information on the disease has mostly been in Malay and English through mainstream media. Many migrant workers do not have a good command of either language, while others do not have access to televisions or smartphones. As a result, many were unaware of the danger of COVID-19 infections and the preventive measures and steps to be taken if they become symptomatic.

(c) Basic needs of migrant workers

Migrant workers in Malaysia were not eligible to receive direct government aid through the various stimulus packages. As a result, many who lost their jobs during the MCO faced difficulty securing daily essentials, including food. Further, some foreign workers still employed were abandoned at their hostels by their employers without an adequate supply of food.

(d) Plantation Workers

It was alleged that some migrant workers in the plantation sector had to work long hours during the MCO. As a result, they had less time to shop for their daily necessities. Worse, towns were far from the plantations where they worked, and public transport was restricted.

Some plantation managers allowed market stalls to operate onsite and delivery services. However, the items were more expensive, and as a result, some workers could only eat once a day to ration their food supply.

(e) Food aid for migrants in Enhanced MCO areas

CSOs could not distribute food to impoverished migrant workers and their families in Enhanced MCO areas. CSOs could only channel the aid through the village head who would distribute them to the locals.

(f) Living conditions

Most migrant workers live in shanty living quarters with around 40 – 80 other occupants. Such crowded living conditions put migrant workers at a higher risk of COVID-19 infections.

(g) Healthcare access among undocumented migrants

Undocumented migrants fear arrest and are reluctant to come forward for COVID-19 screening or treatment despite having severe symptoms.

Some expectant migrant mothers whose spouses lost their jobs during the MCO faced difficulty accessing medical care as they were now unable to pay the hospital fees. Some participants feared healthcare costs might further contribute to baby-selling in the country.

(h) Unpaid wages

Some claimed that several employers withheld wages when the MCO was imposed. As a result, migrant workers were not able to sustain a decent living.

Whilst the government had announced stimulus packages including wage subsidies, migrant workers were excluded.

(i) Expiry of work permit during the MCO

Documented migrant workers have been concerned about their employment and permit status since the MCO was imposed. They claimed some employers and agents have kept silent since the MCO started. They feared that if the situation continues beyond the expiration date of their work permits, they would become undocumented workers through no fault of their own.

(j) Safety of detained migrants in immigration detention centres

As undocumented migrants and refugees continue to be hauled-up during the MCO for immigration offences, overcrowding in immigration detention centres has become more acute. The centres risk becoming breeding grounds for COVID-19, jeopardising the lives of detainees and immigration officers.

(k) COVID-19 screening for undocumented migrants

In the West Coast of Sabah, namely Sandakan, Lahad Datu and Semporna, a large number of undocumented migrants declined to undergo health screening fearing they would be arrested for an immigration offence.

(vi) Women

(a) Increase in domestic violence cases

The Women's Aid Organisation (WAO) informed that they received 898⁶⁵ calls in April 2020 concerning domestic violence. This was more than a threefold increase from the 250⁶⁶ calls they received in February 2020. A participant revealed the Department of Social Welfare issued 17 Emergency Protection Orders (EPOs) between March and May 2020. The increase in domestic violence was attributed to the "stay at home" order.

There are insufficient shelters in Malaysia, especially in the rural areas, and in Sabah and Sarawak.

(b) Increased unpaid care work

The COVID-19 and MCO increased unpaid care work, especially for women. Those, who already perform the majority of household chores and childcare, found their responsibilities increased when schools and nurseries were closed during the MCO. According to a 2019 study by the Khazanah Research Institute,⁶⁷ women take up 3.6 hours a day for unpaid care work at home compared to men who only take up 2.2 hours a day. And women take 6.6 hours a day to attend to paid employment which is only 0.3 hours less than men. As a result, women's mental and physical wellbeing were greatly affected during the MCO.

(c) Access to information concerning the COVID-19 and government aid

A few participants asserted that some women in Malaysia do not have telecommunication devices, internet access and even bank accounts. Among them were those indifferent to the importance of such facilities. They are largely older women, indigenous women, women in rural areas and women with disabilities. As such, many of them were unaware of the government's aid during the pandemic, such as PRIHATIN.

⁶⁵ WAO received 350 in March, 898 (April) and 848 (May), respective increases of 3.6 and 3.4 times the pre-MCO levels. The total number of calls received from March to September via the WAO Hotline is 2,412 and 2,976 through the TINA-WAO WhatsApp; Frankie D'Cruz, 'Domestic violence at crisis level months after lockdown' (25 Nov 2020, Free Malaysia Today) <<https://www.freemalaysiatoday.com/category/leisure/2020/11/25/domestic-violence-at-crisis-level-months-after-lockdown/>>

⁶⁶ Ibid.

⁶⁷ Khazanah Research Institute, "Time to Care: Gender Inequality, Unpaid Care Work and Time use Survey" (2019) p.29-32 <http://www.krinstitute.org/assets/contentMS/img/template/editor/Publications_Time%20to%20Care_Full%20report.pdf>

(d) Access to sexual and reproductive healthcare service

There were concerns over the temporary closure of the National Population and Family Development Board Malaysia (NPFDB) clinics that provide sexual and reproductive healthcare service. In particular, they highlighted that family planning services were interrupted and may cause many unplanned pregnancies during the MCO, and possibly illegal abortions. This may have long term implications since many families have fallen into the B40 category during the MCO, including nationals and migrant workers in Malaysia.⁶⁸

(e) Interruption in proceedings of court cases

There were many reports of divorced women in Malaysia who encountered difficulty securing child maintenance from their former spouses and so applied for a court order. The MCO interrupted these proceedings as the court was not classified an essential service to continue operations during the MCO. As a result, divorced mothers who have custody of children may encounter difficulty securing child support from their former spouses and have to cover all their children's expenses.

(f) Denial of visitation rights

With the travel restrictions imposed during the MCO, many divorced parents could not visit their children whose custody they share with their former spouse.

(g) Family separation

Malaysian women whose foreign spouses and children live abroad could not travel to meet their families as national borders were shut during the MCO.

In other cases, some Malaysian mothers were concerned that they would not be able to renew their children's visas to enable them to extend their stay in Malaysia during the MCO. This concern was attributed to the immigration requirement for foreign fathers staying abroad to be physically present for the visa renewal process.

(h) Economic hardship among Single Mothers

Many single mothers who were living hand-to-mouth even before the pandemic have been put into further hardship since the enforcement

⁶⁸ Ibid. (n.26)

of the MCO. Government assistance through PRIHATIN and PENJANA provided some relief. While some who ran small businesses were able to go online to market and sell their products, there were others, especially the older generation, who were technologically unskilled.

(vii) Children

(a) Increased child abuse cases

It was reported that the volume of calls concerning child abuse received through NGO hotlines increased drastically during the first two weeks of the MCO. The *Talian Kasih* 15999 hotline was said to be overloaded by not only calls to report child abuse but also domestic violence incidents and even requests for food assistance.

As such, it was recommended that the MWFC establish and promote a child-centred 24-hour helpline with child-friendly operators whose services are accessible to all children without discrimination.

(b) Identifying children most at risk

Participants underscored the role of the government to identify children from groups who are most at risk during the pandemic to deliver assistance tailored to their needs. Among them are:

- Children needing medical care at home (especially those with rare disorders or suffering a critical illness)
- Children in remote interiors and rural villages, especially in Sabah and Sarawak
- Children of refugees and foreign migrants, documented and otherwise
- Children from urban poor families
- Orang Asal/Asli children
- Children in prisons and detention centres
- Children with disabilities

Towards this, it was suggested that the government, UN agencies and NGOs conduct a nation wide situational analysis on vulnerable children.

(c) Support system for children's mental wellbeing

Based on a survey conducted by the Family Association for Mental Health Everywhere (FAME), children were concerned about their parents' job security, their education and their future.

Some of the child participants said that they felt stressed with the change in approach to teaching and learning during the lockdown and that they felt trapped at home. Many of them expressed a need for support in terms of counselling and motivation.

It was suggested that the child helpline should also be equipped with experts to receive and handle calls from children dealing with mental health issues.

(d) Children in conflict with the law

It was highlighted that some children were arrested and charged in court for flouting the MCO, this could have been traumatising for them. There should be a separate guideline for the enforcement in dealing with minors who breach the SOPs.

With respect to existing child offenders in detention, it was highlighted that the overcrowding in detention centres made social distancing difficult to achieve. In addition, the lack of facilities to safely isolate sick detainees creates an ideal condition for COVID-19 to spread easily.

Whilst the parents' role to advise their children to comply with the MCO regulations were emphasised, the government should also consider releasing detained children found contravening the MCO regulation. In addition, arrests of undocumented children should also be suspended. While awaiting release, the authorities should ensure that places where children were being detained adhere to MOH and International Committee of the Red Cross (ICRC) guidelines in terms of hygiene, screening, and isolation practices.

(e) Internet safety for children

As outdoor activities including sports were not allowed during the MCO, many children opted to surf the web during their leisure time. This highlights the importance of parents teaching their children responsibility and monitoring their internet activities so that they do not fall prey to scammers, paedophiles and groomers.

(f) Access to education

Whilst shifting to the virtual platform to ensure children continue to learn was a positive move, online learning was not accessible to all children, especially those from poor families, rural areas and areas without internet

service. As a result, there were children who could not access their right to education during the MCO.

There is the need to ensure that all children across Malaysia have access to online education which includes having access to internet services and devices. The delivery of online education should also take into account the requirements of children from certain community groups, for example, online syllabus in languages understood by IP children.

(g) Travel restrictions ignore single parent situation

Single parents, especially those who care for small children, found it impractical for the government to restrict the number of people traveling in a vehicle to one person per car. Sending children to nurseries was not an option as these centres were closed during the MCO. It was impossible for single parents to go out and buy necessities like food and groceries since they could not leave their young children unattended at home or even have them in the car with them.

In such instances, discretion and leniency by authorities are important so that those affected can leave their homes to buy daily necessities whilst ensuring the safety of their children.

The situation also created a challenge for parents who work at the frontline during the pandemic. Many were forced to hire the services of an unregistered child minder for their children so that they can go to work.

B. RESPONDING TO COVID-19 BY MEETING THE NEEDS OF VULNERABLE COMMUNITIES IN MALAYSIA

SUHAKAM's consultations with various community groups drew attention to the economic and social desperation faced by some vulnerable communities in Malaysia during the pandemic and MCO. They also highlighted efforts by NGOs and CSOs to supplement the government's measures by delivering aid to affected community members. As such, SUHAKAM initiated discussions with the European Delegation Office on a funding opportunity to further assist affected communities in June this year.

In September, the two parties reached an agreement for SUHAKAM to undertake a **19-month project entitled 'Responding to COVID-19 by Meeting the Needs of Vulnerable Communities in Malaysia'** with the general aim of **improving advocacy on human rights issues in Malaysia based on increased**

information sharing and improving the capacity of Malaysian CSOs during the COVID-19 pandemic.

The main activities include the development of an online platform to facilitate information sharing on human rights issues. SUHAKAM as well as CSOs/NGOs can use the information garnered from the platform to advocate for issues faced by affected communities collectively. This would also help SUHAKAM in developing advocacy briefs.

The project entails the distribution of aid to vulnerable communities. This would ensure that they are not left behind and able to survive in a dignified manner amid the crisis. This action resonates with the spirit of the SDGs. Conscious that aid distribution is an immediate albeit short-term relief, this undertaking will be supplemented with capacity building/upskilling workshops with a focus on vocational training like agri-entrepreneurship. As such, the short-term benefit of aid distribution will be linked to a more sustainable intervention in the lives of these communities.

From the stakeholders' consultations in April, SUHAKAM identified three subgrantees comprising local CSOs namely Borneo Komrad, Persatuan Komuniti Berdikari (PKB) and SAVE Rivers as project execution partners for aid distribution and capacity building. The project beneficiaries would comprise the indigenous community and refugees in Peninsular Malaysia, the indigenous community living in urban areas in Sarawak and stateless and undocumented communities in Sabah.

In line with SDG 10, which is to reduce inequality and leaving no one behind, this project endeavours to reach those furthest behind by upholding and realising their basic social and economic rights such as health and a minimum standard of living.

C. COVID-19 HUMAN RIGHTS IMPACT SERIES POLICY BRIEF

The outbreak of COVID-19 in the absence of a suitable vaccine has forced countries to take exceptional measures that entail the restriction of other human rights. While such restrictions may be warranted, there is the risk that the current health crisis may be used as pretext for heavy-handed security measures that unjustifiably repress civic space and media freedom.⁶⁹ In many

⁶⁹ UN Secretary-General António Guterres, 'UN Secretary-General message' Human Rights Day 2020 (10 Dec 2020) <<http://webtv.un.org/watch/player/6215000678001>>

parts of the world, it has been reported that some governments have engaged in abuses of power, silencing critics and weakening important institutions that serve as check-and-balance to governments.⁷⁰

It is therefore imperative to highlight that while international human rights law may allow restrictions of human rights in certain situations of emergency, the government must ensure that actions do not go beyond the scope of the restriction and derogation permitted by international human rights law.

The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (Siracusa Principles)⁷¹, that interprets the limitation and derogation of provisions in the ICCPR, underscore that the rule of law shall still prevail in public health emergencies and in the exercise of extraordinary powers by the State. **In responding to situations that threaten the life of a nation, the government remains under obligation not to violate non-derogable rights and basic labour rights and to ensure respect for the protection of human rights, including by restricting rights only where the restrictions are:**

- i. Established and enforced in accordance with law**
- ii. Based on scientific evidence**
- iii. Directed towards a legitimate objective**
- iv. Strictly necessary in a democratic society**
- v. Neither arbitrary nor discriminatory in application**
- vi. In force within a limited duration**
- vii. Subject to review**

While Malaysia is not a State Party to the ICCPR, the customary international law embodied in the Siracusa Principles remains applicable in Malaysia and is not subject to dualism.⁷²

⁷⁰ UN News, 'Toxic lockdown culture' of repressive coronavirus measures hits most vulnerable' (27 April 2020, UN) <<https://news.un.org/en/story/2020/04/1062632>>; Sarah Repucci and Amy Slipowitz, 'The Impact of COVID-19 on the Global Struggle for Freedom', Democracy under Lockdown, (Freedom House) <<https://freedomhouse.org/report/special-report/2020/democracy-under-lockdown>>

⁷¹ Siracusa Principles <<https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf>>; The Siracusa Principles were drafted by 31 distinguished international law experts and adopted by representatives from 17 UN Member States including India, Kuwait, Turkey, Egypt, Poland, Hungary and United Kingdom; and UN agencies including the International Labour Organisation (ILO).

⁷² SUHAKAM, 'COVID-19 and Civil Rights in Malaysia', COVID-19 Human rights Impact Series Policy Brief No. 1/2020 (June 2020, SUHAKAM)

Aside from the Siracusa Principles, there are other customary international law principles that Malaysia must adhere to, including the principles of non-refoulement and the prohibition against torture. Moreover, the Government is obligated to respect and protect civil rights of all persons in Malaysia regardless of their identity as stipulated under the Federal Constitution, including the right to life and personal liberty, freedom from arbitrary arrest and detention, as well as ensuring equality before the law and equal protection of the law.

In light of the above, and in accordance with SUHAKAM's statutory mandate to advise and assist the Government in formulating legislations and procedures,⁷³ SUHAKAM developed and presented several policy briefs which served to highlight the human rights areas of concern and key consideration to be regarded in the COVID-19 response in Malaysia. The key issues in SUHAKAM's recommendations on civil and political rights, freedom of speech and information, and women's rights in Malaysia, are summarised as follows:

1. COVID-19 and Civil Rights in Malaysia

The following **observations were made by SUHAKAM** on the civil rights impacts and considerations to be respected in MCO Regulations:

(a) Arrest and Detention of MCO Offenders and Migrants

- i. On-the-spot arrests of MCO offenders during roadblocks and patrols are not lawful because the offence is not an arrestable offence. This raises the legitimacy of bail imposed. The action to be taken against offenders should be by way of summons.
- ii. Although offences under the MCO Regulations are compoundable by virtue of Act 342,⁷⁴ its legality may still be subject to judicial oversight. Issuing an excessive compound to more vulnerable MCO offenders may also raise questions of equality. Only the courts have the inherent power to hear criminal matters and review executive action in these circumstances.⁷⁵
- iii. Significant gaps remain in the implementation of community service as an alternative to custodial punishment in Malaysia. In addition to law reforms, more detailed mechanisms and strategic framework are needed to incentivise and mainstream community service and restorative justice.⁷⁶

⁷³ Human Rights Commission of Malaysia Act 1999 (Act 597), s.4(1)(b)

⁷⁴ Prevention and Control of Infectious Diseases Act 1988, section 25

⁷⁵ *Semenyih Jaya Sdn Bhd v Pentadbir Tanah Daerah Hulu Langat* [2017] 5 CLJ 526 (Federal Court)

⁷⁶ Matt Pollard et al, "COVID-19 Symposium: The Courts and Coronavirus (Part II)" (3 April 2020), 3-4 <<http://opiniojuris.org/2020/04/03/COVID-19-symposium-the-courts-and-coronavirus-part-ii/>>

- iv. Using criminal law to enforce public health measures is generally counterproductive.⁷⁷ This is because overzealous enforcement of criminal laws forces individuals already fearing arrests and stigma such as undocumented migrants to hide from seeking health testing and treatment.⁷⁸

(b) Access to Justice and Effective Remedies

- i. Administration of justice, legislature and human rights protection were not listed as essential services under the MCO Regulations. This saw access to justice and legal remedies for victims and survivors of rights violations suffering delays and backlogs.
- ii. The judiciary plays an important role in upholding the rule of law, addressing human rights abuses and providing access to remedies, especially amid executive government exercise of emergency or extraordinary powers.⁷⁹
- iii. Domestic violence cases surged to more than 25% during the MCO.⁸⁰ Legal and judicial services have had to shift priorities with the MCO and the already limited number of temporary shelters compounded the problem⁸¹ because the protection framework of the Domestic Violence Act 1994 (Act 521) pivots on criminal investigations and court-issued protection orders.⁸²

The following **recommendations** were made by SUHAKAM to the government:

(i) Accountability for rights violations in the enforcement of the MCO

Coordinated measures, including those involving the Malaysian Bar, National Legal Aid Foundation (YBGK) and other CSOs should be taken to ensure that persons aggrieved because of constitutional rights violations from MCO arrests, compounds and police bail releases, have equal access

⁷⁷ Nina Sun and Livio Zili, "COVID-19 Symposium: The Use of Criminal Sanctions on COVID-19 Responses – Exposure and Transmission (Part I) and Enforcement of Public Health Measures (Part II)" (3 April 2020) <<http://opiniojuris.org/2020/04/03/COVID-19-symposium-the-use-of-criminal-sanctions-in-COVID-19-responses-exposure-and-transmission-part-i/>>; <<http://opiniojuris.org/2020/04/03/COVID-19-symposium-the-use-of-criminal-sanctions-in-COVID-19-responses-enforcement-of-public-health-measures-part-ii/>>

⁷⁸ Ibid.

⁷⁹ Matt Pollard et al, "COVID-19 Symposium: The Courts and Coronavirus (Part I)" (3 April 2020), 2 <<http://opiniojuris.org/2020/04/03/COVID-19-symposium-the-courts-and-coronavirus-part-i/>>

⁸⁰ Tharanya Arumugam, "MCO-linked domestic violence rises" (News Straits Times, 4 April 2020) <<https://www.nst.com.my/news/exclusive/2020/04/581233/mco-linked-domestic-violence-rises>>

⁸¹ UN Secretariat and UN Women, Policy Brief: The Impact of COVID-19 on Women (9 April 2020), 17-19. <https://www.un.org/sites/un2.un.org/files/policy_brief_on_COVID_impact_on_women_9_apr_2020.pdf>

⁸² Domestic Violence Act, Parts IA and II

to courts, lawyers and effective redress, and that persons responsible for these violations are held accountable.

(ii) Judicial review of the NSC's role in managing COVID-19 responses

The National Security Council's constitutionally challenged exercise of extraordinary powers to enforce Act 342 and COVID-19 official responses in Malaysia cannot be normalised and should stand judicial scrutiny. Many individual rights have been affected, with substantial losses, following the enforcement of the MCO.

(iii) Multi-disciplinary policy review and reform on the use of criminal law and custodial punishment as public health response

The effectiveness and efficiency of criminal law and custodial punishment in preventing and controlling infectious diseases in Malaysia and migrant workers and undocumented migrants, should be reassessed. This evaluation should inform the development of a holistic and more inclusive measures to respond to future outbreaks, with minimum impact on civil rights.

(iv) Multi-stakeholder policy and programmes to assist prison reforms

Collaborative and inclusive policies/programmes between government actors, academia, think tanks, NGOs, social enterprises and businesses (e.g. tech and media) should be developed to systematically plan, implement, and promote community service, non-custodial sentences and restorative justice.

(v) Coordinate legal aid to improve access to justice and remedies

Government actors and CSOs including YBGK, Malaysian Bar and the Committee of Syariah Lawyers should collaborate and streamline the various legal aid programmes at local, state and federal levels to ensure more meaningful, efficient and sustainable distribution of legal aid in Malaysia. This is crucial because vulnerable individuals and individuals specially impacted by the MCO and COVID-19 need access to legal representation and remedies.

2. COVID-19 and Freedom of Speech and Information in Malaysia

During health crises, reliable, accurate and widely accessible information are critical for the protection of right to life and health, particularly in the prevention, treatment and control of disease. Thus far, MOH has been transparent in disseminating the latest public health information on COVID-19, but mostly through mainstream and social media.

WHO warned that the “infodemic” of misinformation and disinformation was spreading faster than the disease and has contributed to stigmatisation and discrimination of certain people.⁸³ Malaysia also grappled with this amid COVID-19 with reports of bogus cures and distribution of government aid.⁸⁴ To deal with this issue, the Quick Response Team established under the Malaysian Communications and Multimedia Commission (MCMC) was tasked to monitor and verify “news” that has gone viral.⁸⁵ By November this year, PDRM and MCMC reported that they had opened a total of 274 investigation papers on alleged fake news in relation to the COVID-19.⁸⁶

In the effort to suppress the creation and spread of fake news, it is important for the government to ensure that measures do not trample on the legitimate exercise of the right to freedom of expression that is protected by both Article 10 of the Federal Constitution of Malaysia and Article 19 of the UDHR. As such, SUHAKAM underscores that the right to freedom of expression may be restricted but only as provided by law and strictly necessary and proportionate to achieve legitimate aims, including public health, public order and morality.⁸⁷

With respect to COVID-19 and freedom of speech and information in Malaysia, SUHAKAM observed the following:

- (i) Accessibility of information provided by MOH remains a problem for some vulnerable groups, such as language barrier and access to media electronics and internet.

⁸³ WHO, UNICEF and IFRC, ‘Social Stigma associated with COVID-19: A guide to preventing and addressing social stigma’ (24 Feb 2020), <<https://www.who.int/publications/m/item/a-guide-to-preventing-and-addressing-social-stigma-associated-with-COVID-19>>

⁸⁴ Trinna Leong, ‘False information goes viral as Malaysia tackles coronavirus outbreak’ (3 Apr 2020, The Straits Times) <<https://www.straitstimes.com/asia/se-asia/coronavirus-false-information-goes-viral-as-malaysia-tackles-outbreak>>

⁸⁵ Bernama, ‘KKMM Quick Response Team takes 30 mins to 3 hours to verify viral news – Suriani’ (15 Apr 2020, Bernama), <<https://www.bernama.com/en/news.php?id=1832402>>; <<https://www.kkmm.gov.my/index.php/en/public/latest-news/16862-bernama-15-april-2020-kkmm-quick-response-team-takes-30-mins-to-3-hours-to-verify-viral-news-suriani>>

⁸⁶ Mohd Nasaruddin Parzi dan Fahmy A Rosli, ‘274 kes berita palsu berkaitan COVID-19 disiasat’ (10 Nov 2020, Berita Harian Online) <<https://www.bharian.com.my/berita/nasional/2020/11/752654/274-kes-berita-palsu-berkaitan-COVID-19-disiasat>>

⁸⁷ *Sivarasa Rasiah v Badan Peguam Malaysia* [2010] 2 MLJ 333, 343-344; Human Rights Council Res. 26/13, “The Promotion, Protection and Enjoyment of Human Rights on the Internet” (14 July 2014); Human Rights Council Res. 32/13, “The Promotion, Protection and Enjoyment of Human Rights on the Internet” (27 June 2016); General Assembly Res. 68/167, “The Right to Privacy in a Digital Age” (18 December 2013); *Datuk Seri Anwar bin Ibrahim v Utusan Melayu (M) Bhd & Anor* [2013] 3 MLJ 534, para 86; UN Secretary-General, COVID-19 and Human Rights: We are all in this together (Policy Brief, April 2020), 13-14 <https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_COVID_23_april_2020.pdf>

- (ii) Even before COVID-19, free speech and access to information in Malaysia were often subject to censorship and criminal sanctions through Section 233 of the Communications and Multimedia Act (CMA) 1998 (Act 588) and Section 505(b) of the Penal Code. Section 233 of the CMA has been under legal scrutiny because it criminalises online speech even with the mere intent to “annoy” and this provision has been used to target human rights defenders.⁸⁸ And Section 505(b) of the Penal Code criminalises any statement, report or rumour with intent or likely to cause public fear or alarm, or offend “public tranquillity”.⁸⁹ Under this provision, the truth of the expression is irrelevant; meaning, even accurate reporting may be offensive if it affects “public tranquillity”.
- (iii) Censorship and criminal sanctions have heightened the fear among the media, journalists and the public in enabling free flow of COVID-19 critical information.

SUHAKAM made the following **recommendations** for the government's consideration:

(i) Lead by example

Senior political leaders and key social influencers should refrain from engaging in disinformation campaigns; perpetuating misinformation; gender stereotyping; and spreading messages of intolerance and hatred against any national, racial or religious groups, including migrants and refugees. Influential figures responsible for the most dangerous forms of these expressions should be held accountable.

(ii) Make reliable information on COVID-19 more accessible

The Government should engage social influencers and community leaders to increase the accessibility of clear, transparent and reliable information on COVID-19. This information is important for vulnerable groups, for example, PWD, indigenous peoples, rural communities and migrant workers and refugees. Such information should address the

⁸⁸ ARTICLE19 Malaysia, “The Communications and Multimedia Act 1998: Legal Analysis” (February 2017) <<https://www.article19.org/data/files/medialibrary/38689/Malaysia-analysis-Final-December.pdf>>; Mohd Fahmi Reza Mohd Zarin v PP [2019] 1 LNS 120; Mohd Fahmi Reza Mohd Zarin v PP [2017] 1 LNS 683

⁸⁹ Penal Code, S.505(b)

specific needs of each community according to their native language, internet accessibility and literacy levels.

(iii) Restore the balance through legislative reforms

The Government should undertake overdue reforms to laws that disproportionately restrict freedom of speech and the media. It should amend the Communications and Multimedia Act 1998 and repeal the Sedition Act 1948 (Act 15). The key to these reforms is not to enact more laws but for clearly defined and proportionate laws regulating expression. Restrictions should always apply only in limited and exceptional circumstances to achieve legitimate aims.

(iv) Adopt freedom of information federal legislation

The Government should adopt a freedom of information legislation at the federal level, following the same state laws in Penang and Selangor, to ensure access to public information in Malaysia. To this end, the Official Secrets Act 1972 (Act 88) and the Whistleblower Protection Act 2010 (Act 711) should also be amended and calls to reinstate the repealed Anti-Fake News Act 2018 (Act 803) should be resisted.

(v) Leverage on business and human rights

Following the development of the National Action Plan on Business and Human Rights, the Government should work with private social media and tech companies to promote digital and media literacy; disseminate reliable information on COVID-19 and messages of tolerance; and combat hate speech and misinformation (e.g. through content moderating and self-regulated content). In turn, these private companies should work with the Government to respect human rights under the UN Guiding Principles on Business and Human Rights.

3. COVID-19 and Women's Rights in Malaysia

It has been 25 years since Malaysia became a State Party to CEDAW, which marks its commitment to end discrimination, violence and harmful practices against women and girls in the country. Article 8(2) of the Federal Constitution was later amended to expressly prohibit gender-based discrimination. Through Goal 5 of the 2030 Agenda for Sustainable Development, Malaysia committed to achieving gender equality and empowering women and girls in economic, social, cultural, civil and political aspects. Malaysia has made some progress in education and workforce participation but gaps in protecting women's human rights and failure to address systemic gender discrimination remain. COVID-19 responses such as the MCO have exacerbated these protection gaps and Malaysia is at risk of regression in gender equality.

Based on SUHAKAM's observations and consultations with stakeholders, the following were among **the issues affecting women's rights during the MCO**:

- (i) The government's response by way of the MCO appears to be gender insensitive; for instance, the closure of public clinics providing affordable reproductive healthcare services and childcare centres, and immigration policies concerning non-Malaysian husbands and children of Malaysian women and non-Malaysian wives and mothers of Malaysians.
- (ii) While domestic violence rose to an alarming rate since the implementation of the MCO⁹⁰, the number and capacity of shelters to protect victims are insufficient.⁹¹ In addition, the exclusion of judicial and legal services from the list of essential services has curtailed women's access to justice.
- (iii) The closure of all National Population and Family Planning Board clinics during the MCO curtailed women's access to affordable reproductive healthcare, which in turn raised legitimate concerns of unplanned pregnancies during the lockdown and illegal abortions during the MCO.
- (iv) The increased burden of unpaid care and domestic work mostly fall on women during the MCO. In addition, shifted priorities of healthcare services to deal with COVID-19 meant that women's caregiving responsibilities of elderly, ill spouses and disabled persons at home are intensified.⁹² Accumulatively, these have impacted the physical and mental health of women.

⁹⁰ Penal Code, Exception to s.375

⁹¹ SUHAKAM, 'COVID-19 Human Rights Impact Series Policy Brief No. 3/2020- COVID-19 and Women's Human Rights in Malaysia' (July 2020, SUHAKAM)

⁹² CodeBlue, "Malaysian Patients in Pain, But Can't Get Care Amid COVID-19" (7 April 2020) <<https://bit.ly/38jlRLu>>; Soo Wern Jun, "Service and Untold Sacrifices: Women on the COVID-19 Frontline in Malaysia" (Malay Mail, 13 April 2020) <https://bit.ly/2VzH1zW>

Based on the issues observed, SUHAKAM forwarded the following **recommendations** to the government:

(i) Increase gender representation and sensitivity in public policymaking and public service.

The disproportionate impacts of gender insensitive responses to COVID-19 on women's civil and political rights and socioeconomic rights in Malaysia demonstrate why women's representation in public policymaking and gender sensitisation is crucial. At the moment, the Minister of Women, Family and Community Development is not a regular member of, nor is there any female member in the NSC who is tasked with managing the COVID-19 measures.⁹³

(ii) Close the gender data gap and digital divide

Big data technology should be harnessed to improve the effectiveness and efficiency of public policymaking and programmes to empower women and accelerate gender equality. All socio-economic data should also be sex-disaggregated and made as widely accessible as possible - across language, disability, geographical, class and age barriers. Civil society, including universities and think tanks, and the media and tech industry play a vital role and should also be incentivised to assist the Government in this regard.

(iii) Adopt zero-tolerance policy against gender-based violence

At the minimum, government, political and social influencers and public service messages should refrain from sexism and gender stereotyping against women and men, including in their private spheres. Public and private sector employers and organisations, regardless of size, capacity and core activity, should also adopt and implement zero-tolerance policies and measures in order to eliminate and prevent gender-based violence and harassment in all public spaces – online and offline, regardless of identity (i.e. nationality, race, ethnicity, religion, age and disability).

(iv) Unpaid care work is valuable work

Public and private sector employers should continuously implement flexible work arrangements and provide childcare facilities for their employees to support working parents and to recognise unpaid care work. Civil society,

⁹³ National Security Council Act 2016, s.6; Rafidah Mat Ruzki dan Ahmad Suhael Adnan, 'COVID-19: Majlis Keselamatan Negara ambil alih pengurusan' (16 Mar 2020, Berita Harian Online) <<https://www.bharian.com.my/berita/nasional/2020/03/665908/COVID-19-majlis-keselamatan-negara-ambil-alih-pengurusan>>

NGOs, social enterprises and the media could also contribute to this cause, including by raising public awareness and promoting initiatives to increase the value of unpaid care work.

(v) Leverage on business and human rights

Following the development of the National Action Plan on Business and Human Rights for Malaysia, government actors should work with media and tech companies to combat sexism and gender stereotyping; close gender data gaps and digital divide; and improve accessibility of information to more vulnerable women. In line with their responsibility to respect human rights throughout supply chains under the UN Guiding Principles on Business and Human Rights, companies and businesses in all sectors could also help to achieve gender equality in Malaysia by eliminating discriminatory policies and practices; addressing gender-based violence and harassment; and promoting shared parenting and care work responsibilities in respect of their employees, contractors and clients.

D. TEMPORARY MEASURES FOR REDUCING THE IMPACT OF CORONAVIRUS DISEASE 2019 (COVID-19) BILL 2020

Besides the policy briefs above, on 5 June, SUHAKAM also submitted input for the government to consider in developing the Temporary Measures for Reducing the Impact of Coronavirus Disease 2019 (COVID-19) Bill 2020.

SUHAKAM's input took into consideration the consultations with stakeholders in April and SUHAKAM's own examination of various existing laws relevant to the protection of human rights during the COVID-19 and MCO. Among the key inputs SUHAKAM submitted are as follows:

- (i) The list of "essential service" allowed to continue operations during future MCO period should include the judiciary, legislation, human rights protection and childcare centres.
- (ii) The scope of exemptions to travel restriction for the control of infectious diseases should be extended to include parents with shared custody orders of their children.
- (iii) The Bill should expressly provide for the continuous application of the Child Act 2001 (Act 611) in the enforcement of laws relating to children during MCO.
- (iv) Abolish imprisonment as a penalty for offences under Regulation 11 of the MCO Regulation and, instead, prescribe fines and community service to

avoid overcrowding in lockups, prisons and detention centres, as well as to reduce the burden on state resources.

- (v) Abolish the criminalisation of violations of the MCO and other related laws as this may stigmatise and discriminate against persons with criminal records in the future.
- (vi) Abolish, or at the very least, suspend the implementation of the Destitute Persons Act 1977 (Act 183), which is a criminalisation of homeless people during the MCO period.
- (vii) Abolish the offence of attempted suicide and strengthen access to mental healthcare services through the Mental Health Act 2001 (Act 615) in view of the fact that cases of depression and tendency to suicide appear to be on the rise because of the MCO.
- (viii) Suspend the enforcement of Section 5 of the Distress Act 1951 (Act 255) and Section 7 of the Specific Relief Act 1950 (Act 137) to reduce the risks of individual and business tenants from losing homes and businesses and, at the same time, expedite the tabling and enforcement of the Residential Tenancy Bill.
- (ix) Expand the definition and scope of workers protected under the Employment Act 1955 (Act 265) to include workers in the informal and gig sectors who have no fixed income, on daily income and self-employed.
- (x) Moratorium on the enforcement of Section 14(1)(a) of the Employment Act 1955 on retrenchment of workers for at least one year from the date of the MCO.
- (xi) Allow working children in accordance with the Children and Young Persons (Employment) Act 1966 (Act 350) to join trade unions. The COVID-19 Bill should also have express provisions to protect the rights of working children with respect to termination, payment of wages and against exploitation.
- (xii) Moratorium on the enforcement of Section 5 of the Fees Act 1951 (Act 209) which allows medical officer to deny access to healthcare services due to failure to pay medical and healthcare fees at hospitals, clinics and public healthcare centres.
- (xiii) Revoke the exemption under Section 375 of the Penal Code (Act 574) concerning marital rape and amend Section 2 of the Domestic Violence Act 1994 (Act 521) to expand the definition of “domestic violence” to include intimate partner violence.
- (xiv) Moratorium with a view to reform the immigration law against refugees and asylum seekers, in particular Section 8 of the Immigration Act 1959/1963 (Act 155).
- (xv) Exemption of undocumented migrant children from the enforcement of Section 15(4) of the Immigration Act 1959/1963, and instead, alternatives to detention should be applied.

THE WAY FORWARD

The COVID-19 pandemic threatens the right to life and health while exacerbating vulnerability of the least protected in society. The fight against this global health crisis must be based on solidarity and cooperation, anchored by human rights. Divisive approaches, authoritarianism and vaccine nationalism would be counterproductive.

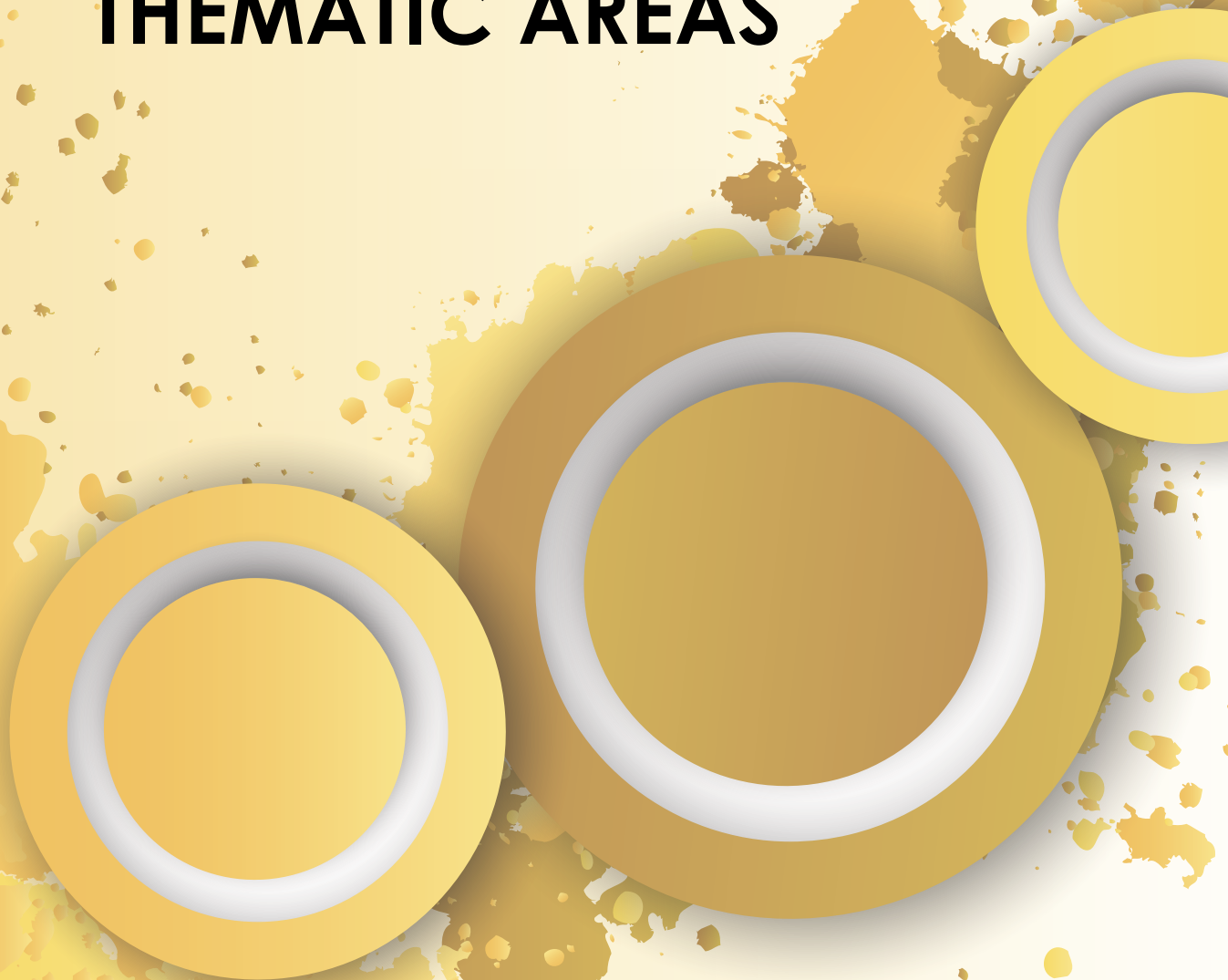
SUHAKAM strongly supports the government's commitment to ensure that "no one is left behind" and that a 'whole-of-government and whole-of-society' approach is needed for long-term recovery.⁹⁴ In this context, SUHAKAM will continue to provide advice to the government by, among others, highlighting the lived realities of communities on the ground. SUHAKAM will also draw attention to existing gaps and provide recommendations for the development of new policies, as well as for the improvement of existing laws and policies to ensure they respect human rights in line with the Federal Constitution, international customary law, the governments existing commitments on the SDG and other international human rights mechanisms. Furthermore, SUHAKAM's five-year Strategic Plan 2021-2025 has identified 'Advancing the Economic, Social and Cultural Rights of Vulnerable Groups in Malaysia' as one of its Strategic Objectives which will specifically address the impact of COVID-19 and MCO on society, especially vulnerable groups. SUHAKAM will also address the persisting issues of racism, racial discrimination and xenophobia in Malaysia through the Plan.

⁹⁴ Ibid. (n.33); Tan Sri Noor Hisham Abdullah (@DGHisham) "Our whole government and whole community approach should work together to fight the virus" (24 May 2020) <<https://twitter.com/DGHisham/status/1264541424717983744>> accessed 17 Jan 2021



CHAPTER 6

THEMATIC AREAS



6.1 INDIGENOUS PEOPLES

OVERVIEW

Indigenous Peoples have a distinct spiritual and material relationship with their customary land; it is a part of their identity. The recognition, promotion and protection of rights of Indigenous Peoples' customary lands and resources are vital for their development and cultural survival. Indigenous Peoples continue to be affected by the repercussions of mainstream development and conservation, and are often deprived of a land and resource base.

SUHAKAM received 17 complaints from the indigenous community – nine in Peninsular Malaysia, seven in Sabah and one in Sarawak. Land rights remain the commonest and highest number of complaints received.

6.1.1 ORANG ASLI ISSUES IN PENINSULAR MALAYSIA

The majority of the complaints in the Peninsula were about infrastructure, basic necessities and construction of a dam. Apart from addressing the complaints, SUHAKAM continued its engagement with BHEUU and JAKOA.

i. MEETING WITH DIRECTOR GENERAL OF JAKOA

On 15 Jan, SUHAKAM met the Director General of JAKOA to discuss the development and progress of the Orang Asli community, the National Inquiry into the Land Rights of Indigenous Peoples (NI) and issues in relation to the Forestry Department and Department of Wildlife and National Parks Peninsular Malaysia (PERHILITAN). Besides that, Orang Asli issues in Kuala Koh⁹⁵, Kelantan, and other

⁹⁵ In June 2019, a total of 14 Orang Asli from Bateq tribe were reported to have died from unknown causes. However, later it was confirmed by the Minister of Health that the cause of death was measles. See SUHAKAM Annual Report 2019 pp. 144 - 146

complaints from the Orang Asli were also discussed at the meeting. SUHAKAM was informed that the implementation of the NI recommendations was under BHEUU's purview. It was reported that BHEUU was in the process of drafting a working paper for financial support to carry out studies on native customary land rights of the Indigenous Peoples in Malaysia.

Based on the complaints received, SUHAKAM highlighted that the Wildlife Conservation Act 2010 has greatly affected the Orang Asli community who are dependent on forest products and hunting activities. The requirements and conditions under the Act make it difficult for the Orang Asli community to gather forest products or to hunt animals, which are their main sources of living. According to JAKOA, after a meeting with PERHILITAN to discuss issues related to the Orang Asli, the Wildlife Department plans to provide explanations to the Orang Asli community.

In relation to the community in Kuala Koh, JAKOA said the water source at the settlement was polluted because of mining activities near the settlement. The water source is now dirty and unsafe for consumption. JAKOA and the government made arrangements for a clean water source to be provided for the community. Since the settlement in Kuala Koh is surrounded by FGV oil palm plantations, JAKOA held discussions with FGV Holdings Bhd and suggested the Orang Asli there be allowed to participate in the plantation scheme. However, FGV Holdings rejected the proposal.

JAKOA proposed a joint committee be set up between them and SUHAKAM to help smooth out the complaints management process.

ii. FOLLOW-UP TO THE NATIONAL INQUIRY INTO THE LAND RIGHTS OF INDIGENOUS PEOPLES (NI)

On 14 October, SUHAKAM was invited by BHEUU to a coordination meeting on the implementation of recommendations by the Cabinet Special Committee on Land Rights of Indigenous Peoples (*Mesyuarat Penyelarasan Status Terkini Pelaksanaan Enam Rumusan Tindakan dan Hala Tuju Jawatankuasa Khas Kabinet Mengenai Hak Tanah Orang Asal/Asli (JKKHTOA)*), to discuss and to provide the latest updates on the six recommendations made by JKKHTOA.

BHEUU informed us that they would be responsible for coordinating, monitoring and implementing JKKHTOA's recommendations. While SUHAKAM welcomed BHEUU's coordination of the JKKHTOA recommendations, we are concerned with the slow progress in implementing the NI recommendations by relevant agencies. SUHAKAM stressed the importance of effective implementation of the NI recommendations, given the long-standing nature of the problems of Indigenous Peoples.

Following were the updates and observations made at the meeting:

- a) Relevant agencies, including state governments, are requested to report periodically on the status of gazetting of aboriginal areas/reserves under Sections 6 and 7 of the Aboriginal Peoples Act 1954 (Act 134). As of 12 October 2020, 30,474.22 hectares has been gazetted; which includes - 19,222.81 hectares comprising 117 Orang Asli villages under Section 7; 8,425.08 hectares comprising 29 Orang Asli villages under Section 6, and 2,821.33 hectares comprising 26 Orang Asli villages under Sections 6 and 7. SUHAKAM commended the improvement in the gazetting of land, especially in Perak. Relevant agencies such as the Survey Department must be enabled and effective in carrying out with the mapping exercise of Orang Asli areas.
- b) As for the participation of Indigenous Peoples in the country's/ state's development agenda, the agencies (including Sabah and Sarawak state governments) gave their assurance that engagement with indigenous communities are being held. JAKOA, in collaboration with UKM, is currently developing guidelines pertaining to the involvement of Orang Asli in the development agenda. It is important to include Indigenous Peoples in any development that affects the community, and that the development of such guidelines should be guided by UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and principles of free, prior and informed consent (FPIC).
- c) In view of the apparent weaknesses of JAKOA, it was recommended (NI recommendation 14) that there be an independent and comprehensive review of JAKOA to strengthen and enable it to resolve matters relating to Orang Asli. This includes the staffing and administration of JAKOA. As of 28 July 2020, only 160 or 17% out of the 966 positions in JAKOA were filled by Orang Asli. Meanwhile, 90% of Orang Asli have been

employed by JAKOA (on contract basis) as general helper in the Orang Asli kindergartens.

- d) The National Institute of Land Survey (INSTUN) updated that in 2020, there were three training sessions on land administration relating to Orang Asli. Around 69 people participated. SUHAKAM highlighted that such training should not be limited to basic technical and administration level but also focus on the UNDRIP as well as a legal understanding of indigenous customary rights.
- e) BHEUU updated that it held several discussions with the Ministry of Rural Development and JAKOA regarding research into the concept of native land rights.
- f) BHEUU will be discussing with the Legal Aid Department, YBGK and AGC to look into providing legal assistance to Orang Asli in relation to land disputes.

Further to this, on 10 November, BHEUU organised a meeting on Preparation of Social Studies and Definition of Indigenous Customary Land (*Penyediaan Kajian Sosial dan Definisi Tanah Pegangan Adat Orang Asli*) to obtain views from relevant stakeholders as well as experts on the scope, mechanism, timeline and matters pertaining to the study of the concept and definition of Native Land Rights.

iii. COMPLAINTS

Orang Asli Issues in Perak

SUHAKAM continued its inquiry into complaints received from the Orang Asli community in Perak. The complaints relate to:

- a. Land encroachment for logging, mining and agricultural activities without FPIC as stated in UNDRIP;
- b. Lack of basic infrastructure like electricity and clean water; and
- c. Lack of infrastructure and development such as tarred roads and low-cost housing.

SUHAKAM organised a meeting with the JAKOA Director for Perak and Kedah on 6 July. The Director was very cooperative and provided SUHAKAM updates and feedback on the complaints and problems faced by the Orang Asli community in Perak. During the discussion,

JAKOA raised some of the problems and challenges that they faced:

- a. The lack of infrastructure and basic necessities was due to lack of budget allocation;
- b. Land claimed by Orang Asli community overlap with Forestry Department's jurisdiction, hence JAKOA is unable to gazette the land claimed by the Orang Asli;
- c. The approval of licences for logging, mining activities and individual land title come under the jurisdiction of the state government;
- d. There are concerns that the elephants that were found in other areas and released into the Gerik forest could endanger the local Orang Asli and damage their crops.

JAKOA Perak invited SUHAKAM for a joint visit to the Orang Asli settlements to look into problems faced by the Orang Asli community.

SUHAKAM also requested for a meeting with the Perak State Government to discuss issues relating to the Orang Asli community but have not received any feedback from the State Government.

Orang Asli Issues in Kelantan

Construction of Nenggiri Dam

On 9 January, SUHAKAM received a complaint from Orang Asli Network Kelantan (*Jaringan Orang Asli Kelantan*) objecting to the construction of a dam at Sungai Nenggiri. The dam, a project by Tenaga Nasional Berhad (TNB), was approved by the State Government. Their reasons for objecting were:

- i. Failure of the authorities to observe FPIC principles;
- ii. Inaccurate information provided to the Orang Asli community;
- iii. Insufficient explanation on the effect of the dam, such as the loss of important places and evidence of the ancestral land in the area;
- iv. Findings of the Environment Impact Assessment (EIA) study were not presented to the Orang Asli community involved;
- v. The facts derived from the study by UKM Consultant were inaccurate as only Orang Asli from three settlements consented to the project.

The Orang Asli Network asked SUHAKAM to inquire into the matter and to mediate a discussion between them and Tenaga Nasional Berhad (TNB).

The Nenggiri Dam first came to SUHAKAM'S attention in 2017. SUHAKAM began its investigations then, obtaining feedback from JAKOA, UKM Consultant, TNB and the Kelantan state government.

This year, upon receiving the complaint, SUHAKAM met with the JAKOA Director General on 15 January and TNB on 10 February, respectively. The Director General said that the compensation in the form of 0.5 acres of land for housing, 2 acres of land for farming and 5.5 acres for rubber cultivation was not sustainable and would not benefit the Orang Asli community. Hence, JAKOA was not supportive of such a project.

On the other hand, TNB said they were open to discuss, hear and understand the Orang Asli's needs and concerns. They agreed to a meeting with the Orang Asli community and for SUHAKAM to play the role of mediator. At the time of writing, the dam construction was on hold. The dialogue between the Orang Asli and TNB was delayed due to the COVID-19 pandemic.

Orang Asli Issues in Pahang

SUHAKAM also received complaints from the Orang Asli community in Pahang. The complaints ranged from land issues to basic amenities. SUHAKAM plans to meet the state government and JAKOA Pahang to discuss resolving Orang Asli issues which have been delayed because of COVID-19.

SUHAKAM received feedback from the JAKOA District Office in Rompin regarding the application for water and electricity supply in Kampung Gayong Kedaik Lama in Rompin. According to JAKOA, this Orang Asli settlement, which has a population of 24 from the JAKUN sub-ethnic group, is located about 0.5km from the main water pipe and is 1.5km from the electric substation. Their application was brought to the attention of the authorities in 2015 and is still pending due to a lack of budget allocation.

As for the land rights, Kampung Gayong Kedaik Lama has not been recognised as an Orang Asli settlement and the villagers have been

occupying approximately 26.62 hectares of state land. JAKOA Rompin recommends that the Orang Asli carry out a preliminary survey first because the community knows the boundaries. This will then be submitted to JAKOA which will then commission an authorised surveyor to conduct the official land survey.

iv. RECOMMENDATIONS

- a. The federal and state governments should expedite the implementation of the NI recommendations, especially the recognition of native customary land rights of Indigenous Peoples.
- b. All agencies should observe FPIC principles and Indigenous Peoples must be consulted and provided accurate information in relation to any development programmes involving them and their land.
- c. Government should allocate sufficient budget for JAKOA and other relevant agencies to provide basic amenities to the Orang Asli, especially clean water, electricity and tarred roads. An increase in budget is also crucial for the requisite land survey work before any Orang Asli settlement can be recognised as customary land.

6.1.2 INDIGENOUS PEOPLE IN SABAH

The “natives” of Sabah are accorded special rights and privileges under Article 153 of the Federal Constitution. Article 161(A) allows for state laws in Sabah and Sarawak to provide for the reservation of land for Indigenous People or for giving preferential treatment in regards to the appropriation of land by the State.

a) Customary Land in Sabah

Based on complaints received by Sabah Office, and published in recent newspaper articles, it is apparent that land matters involving Indigenous Peoples continue to be one of the more serious issues.

The main issues brought up are:

- i. The Land and Survey Department is extremely slow in surveying and processing land applications, including gazetting of native reserves. Applications were submitted as early as 1950s but most of them were from the 70's and 80's. Many also had difficulties with procedures and making land inquiries.

- ii. Native Customary Right (NCR) land that was claimed or applied for has been alienated as Forest Reserves. The natives also face threats and demolition of properties and crops by the Forestry Department's enforcement officers.
- iii. NCR land claimed or land that was applied for was allocated or alienated to various companies, including foreign companies. The Indigenous Peoples' applications were rejected without their knowledge. Approval instead went to a more recent applicant, resulting in disputes between different groups within a community, or with outsiders.
- iv. NCR land claimed or land applied for included areas alienated to government-linked companies (GLCs) and government agencies, in particular Mini Estet Sejahtera (MESEJ), FELCRA and FELDA. In some cases, the opening up of land for oil palm plantations was done without compensating those with land titles.
- v. NCR land claimed or applied for was alienated to Sabah Forest Industries (SFI). Indigenous Peoples occupied/cultivated the land since the 1960's, but because of slow processing of applications, it was easy for the government to allocate the said land to SFI, supposedly for "public purpose" but communities did not benefit from this project. Much of these areas were re-gazetted in 1984 as the Kuala Tomani Forest Reserve.
- vi. NCR land claimed or applied for are included in areas alienated to the Sabah Forestry Development Authority (SAFODA). Claimants are now seeking to take back that land from SAFODA.
- vii. NCR land claimed or land by communities taken or being taken for the construction of dams (Babagon, Kaiduan and Tambotuon), reservoir and water treatment (including Telibong) and pumping plants have affected a number of villages. No prior consultations were made, and the peoples' land applications were frozen or rejected by Land and Survey Department.
- viii. NCR land claimed or land application by communities was alienated as parks, including village water catchment areas.

- ix. Land was taken for Agricultural Planting Project by the Rural Development Co-operative.
- x. Land taken by the government or companies for construction, plantations and other development projects were inadequately compensated (not based on market price) or no compensation was given for the land that was taken.

b) Laws and Gap Analysis

i) Forest Enactment, 1968

There is no provision in the Forest Enactment 1968 for the recognition of indigenous land rights. However, the enactment allows Indigenous Peoples to use forest resources for their livelihood, including for the benefit of the individual and the community and their traditional way of life (Section 41).

Prior to the declaration of a Forest Reserve, Sections 8 and 9 require an enquiry to be held to ensure that 'local inhabitants' are aware of the intention to declare it as a Forest Reserve, and to settle any existing claims. These two provisions represent the two biggest areas of contention for indigenous communities today, in particular, the process followed in the 'enquiries' and settlement of claims. Enquiries and subsequent settlements are rarely carried out in accordance with the requirement. Several communities claimed their objections were not recorded and they experienced repression as a consequence of their objections.

ii) Parks Enactment, 1984

The objectives and functions of (the Department of) Sabah Parks, among others, are to control, manage and maintain all areas legislated under the Parks Enactment 1984. This includes both inland and marine parks. However, Section 20 of the Parks (Amendment) Enactment 2002 empowers the Parks Board of Trustees to also carry out bioprospecting and tree plantations, as well as developing commercial and industrial enterprises.

An example is Kg. Sayap in Kota Belud whereby a dispute arose when the farmers were still cultivating the land inside Kinabalu Park

that were planted by Sabah Park. The villagers claimed that the land had long been left abandoned. Such activities are in violation of the Sabah Parks Enactment 1984 (Amendment 1996).

iii) Sabah Forestry Development Authority (SAFODA) Enactment, 1981

This enactment can result in the loss of untitled NCR land. Under Section 47, SAFODA is deemed a 'native' entity for any law relating to land. This could be interpreted as having priority over even the natives occupying the NCR land. Furthermore, in a dispute between the natives and SAFODA, there is no mechanism that says the natives have to be notified when the title for the said land is issued to SAFODA, or informed on the grounds for that decision.

A case in point that came to Sabah Office involved settlers who were allocated 15 acres of land in 1971. This was in keeping with the state government's plan then to persuade the complainant and his people (the Rungus indigenous people), to give up their nomadic culture and clear the forest for agriculture. The Government even conducted surveys and marked each plot with stones on the ground a few years after they had resettled in the area.

However, towards the end of the 1970s, a SAFODA officer came to see them and said the Government wished to 'borrow' the land for an acacia plantation project. There was no proper documentation but they agreed. The officer was from the government so they trusted him, especially when he said they could continue to plant rice and other crops. Unfortunately, the villagers did not know that SAFODA was eventually given charge of settlement projects, not only in the complainants' village but the whole of Bengkoka. The land now is part of SAFODA's vast reforestation and resettlement project which, according to SAFODA's website, started in early 1979. This project is SAFODA's only large-scale farm dedicated for commercial purposes.

iv) Sabah Rubber Industry Board Enactment, 1981

Section 40 of this enactment has been used to acquire land for the Sabah Rubber Industry Board (LIGS). This was allegedly NCR land but it was first alienated to the Sabah Rubber Fund Board and then transferred to LIGS.

RECOMMENDATIONS

Necessary Internal Transformation

1. The procedures for the recognition of NCR should provide for effective representation and informed participation of Indigenous People as equals in any process. Equal participation of indigenous women needs to be reflected in all aspects of negotiation and implementation of land agreements.
2. Land rights settlements should be freely negotiated, in good faith and not imposed unilaterally by legislation or negotiated under duress or threat. Where possible, mediation could be adopted between parties to avoid costly legal processes and settlements. Governments, together with Indigenous Peoples, should establish fair procedures for reviewing situations and for taking corrective action in situations in which indigenous land or resources have been taken or extinguished through processes which are fundamentally unfair or discriminatory.

The existence of a fair constitutional and legal system, including a fair judicial system, are crucial for the success and implementation of land settlement processes. Governments have a responsibility to ensure Indigenous Peoples have access to adequate resources to research and negotiate their claims so that settlements are equitable, just and enduring.

6.1.3 INDIGENOUS PEOPLES IN SARAWAK

a) Citizenship

In 2020, citizenship became one of the main concerns in the complaints lodged with Sarawak Office. The issue mainly relates to nationality, especially children's citizenship, and the late registration of identification documents (ID) among the Indigenous Peoples such as the nomadic Penan and the Iban in the rural areas. Some are related to children born out of wedlock to foreign mothers who are unmarried to their biological indigenous father, or of unregistered customary marriages between foreign women and the men from indigenous community.

b) Conversion of religion from Islam to other religion

During the year under review, Sarawak Office received eight complaints from Iban and Bidayuh converts who wanted to return to their former faith after their exogamous marriage with Muslims failed. However, when they renounced Islam and applied for a letter of release from Islam, which the state NRD requires to amend their records, their applications were rejected. The other three complaints on conversion relate to administrative matters in which the NRD wrongly classified the complainants' religion as Muslim on their MyKad just because their name has the word 'bin' (son of) and 'binti' (daughter of) in it. In Sarawak, apart from the Muslims, Melanau also use 'bin' and 'binti', regardless of their religion. Unlike Muslims, the usage of the 'bin' and 'binti' among the Melanau does not have religious connotations. Also, some non-Muslim Melanau have names similar to Muslim names.

Nevertheless, as reported in Chapter 3 (refer to page 85), SUHAKAM welcomes the statement by the Sarawak Chief Minister that the relevant state law would be amended to address this problem in order to provide administrative solution for apostates.⁹⁶

c) National Customary Rights Land

In 2020, Sarawak Office recorded nine complaints related to NCR Land. The complaints were mostly from Indigenous Peoples from rural areas who alleged that their NCR land applications had not been considered, delayed, ignored, or rejected. In some cases, complainants claimed their NCR Land was encroached by private companies without their consent, a breach of contract between the IP and the private firms.

RECOMMENDATIONS

1. The NRD should increase its outreach programmes, especially in the remote rural areas.
2. The relevant authorities should conduct more awareness raising programmes on the importance of registering their marriage, especially customary marriage among the IP.

⁹⁶ <https://www.straitstimes.com/asia/se-asia/sarawak-could-allow-converts-to-renounce-islam>

3. NRD should exercise care in issuing and registering IP, especially the Melanau, because of the usage of 'bin' and 'binti' in their names even though they are not Muslim.
4. The Land Survey Department of Sarawak should expedite the NCR land application from IP.

THE WAY FORWARD

The plight of Indigenous Peoples will continue to be SUHAKAM's focus as the community needs support and protection in defending their rights. Competing priorities between respecting the right of Indigenous Peoples and fulfilling the economic and development plan by the government has always made them vulnerable. It is SUHAKAM's hope that the rights of Indigenous Peoples will be respected and their customary land rights is accorded recognition.

6.2 HUMAN TRAFFICKING

OVERVIEW

Human trafficking was one of the focus areas for SUHAKAM in 2020. Apart from handling complaints, SUHAKAM continued to participate in the National Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) and visited shelters for victims of human trafficking. SUHAKAM is concerned about Malaysia's place on the US State Department's Tier 2 Watch List for the second consecutive year.

In the year of review, SUHAKAM received nine complaints and most of them were related to employment:

- i. Recruitment agencies were involved in human trafficking;
- ii. Retention of domestic workers' salary and forced to work 18 hours a day without any rest day; and
- iii. Employers withholding workers' passports and preventing them from undergoing medical check-ups, including for COVID-19.

SUHAKAM also received complaints about syndicates involved in human trafficking and prostitution activities in Kuala Lumpur. SUHAKAM also proactively initiated investigations into the allegations by an international NGO about forced labour and human trafficking involving FGV Holdings Bhd and Sime Darby Plantation Bhd.

A. VISIT TO SHELTER OF VICTIMS OF HUMAN TRAFFICKING

On 24 February, SUHAKAM visited one of the shelters for victims of human trafficking in Melaka. The shelter houses victims under protection orders and interim protection orders while investigations are carried out by the enforcement agencies.

SUHAKAM submitted recommendations to the authorities based on our observations and interviews. One of the issues raised that there was no

health screening before the victims were placed in the shelter. SUHAKAM is of the opinion that health screening is of utmost importance, especially during public health crisis like COVID-19.

SUHAKAM was unable to visit more shelters given the limitations and safety restrictions because of the pandemic.

B. PARTICIPATION IN NATIONAL COUNCIL ON ANTI-TRAFFICKING IN PERSONS AND ANTI-SMUGGLING OF MIGRANTS (MAPO)

SUHAKAM was invited to participate in MAPO meetings. During one meeting, government initiatives in combating human trafficking and smuggling of migrant were reported. They also discussed the US State Department Report which ranked Malaysia at Tier-2 Watchlist.

SUHAKAM shared about our visits to the Human Trafficking Shelter in Melaka (refer to page 36) and the complaints and actions taken. MAPO is an important partner in addressing some of the complaints received. There were instances when MAPO took immediate action after receipt of complaints from SUHAKAM. One pending matter we raised was the status of the Royal Commission of Inquiry into the Wang Kelian human trafficking camps. In April 2019, SUHAKAM published 'Sold Like Fish' a joint publication with Fortify Rights, a human rights NGO based in Bangkok. The report highlighted the human trafficking of Rohingya refugees by sea and human trafficking camps in Malaysia and Thailand. The Royal Commission has not announced any of its findings yet.

C. NATIONAL ACTION PLAN ON ANTI-TRAFFICKING IN PERSONS (NAPTIP) 2021-2025

The National Strategic Office of the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (NSO-MAPO) has been developing a National Action Plan on Anti-Trafficking in Persons (NAPTIP 2021-2025). It has organised discussions and consultations with various stakeholders including SUHAKAM. In giving our input for NAPTIP 2021-2025, we highlighted the importance of human rights approaches and the state's obligations in combating human trafficking and forced labour in Malaysia. This includes efforts to prevent human trafficking and address the root causes and risk factors; ensure that victims of human trafficking are accorded adequate protection, care and support; strengthen the judicial and prosecutorial processes; strengthen and ensure law enforcement agencies are

equipped with knowledge and skills for effective execution of their duties and measures to address labour exploitation as well as child trafficking.

RECOMMENDATIONS

Besides the input and recommendations to NAPTIP as mentioned above, SUHAKAM also calls for the following:

- i. Make public the findings of Royal Commission of Inquiry on Wang Kelian and bring the perpetrators to justice.
- ii. Place healthcare personnel at the shelter for victims of human trafficking.
- iii. There must be continuous training for law enforcement agencies, especially for identifying human traffickers and victims.
- iv. Amend the Anti-Trafficking in Persons and Anti-Smuggling of Migrants (APTISOM) Act to include forced Labour in the legislation in line with the definition of forced labour in the International Labour Organisation (ILO) Convention.

THE WAY FORWARD

SUHAKAM will work closely with government to address human trafficking issues in Malaysia.

6.3 REFUGEES AND ASYLUM SEEKERS

OVERVIEW

According to the United Nations High Commission for Refugees (UNHCR) as of October 2020, there are 178,450 refugees and asylum-seekers registered with UNHCR in Malaysia. There were 153,800 from Myanmar comprising 102,020 Rohingyas, 22,440 Chins, and 29,340 other ethnic groups from conflict areas in Myanmar.

The two major issues in 2020 were: (i) the arrival of boat people arrival in Malaysia, and (ii) the backlash from Malaysians towards refugees and asylum seekers, especially during the COVID-19 lockdown from March to June.

A. COMPLAINTS

SUHAKAM received five complaints from refugees and asylum seekers. Of this figure, a substantial number of complaints was related to the arrest and detention of refugees and asylum seekers. SUHAKAM also received numerous complaints which were not within our jurisdiction as they related to UNHCR's processing and determination of refugee status.

B. "BOAT PEOPLE" INCIDENTS

SUHAKAM received several cases in relation to the series of refugees landing in Kedah/Perlis waters. There were about 752 refugees including women and minors who landed in Malaysia on four different occasions. All of them were Rohingyas who had fled from the Cox Bazar Refugee Camp in Bangladesh by paying an illegal syndicate operating at the camp.

Table 19: Date of arrival and number of boat refugees

Arrival	Adult Males	Adult Females	Boys	Girls	Total
8 March	143	84	6	11	244
13 March	10	14	12	0	36
5 April	152	45	4	1	202
8 June	82	138	26	23	269

Source: Royal Malaysia Police

Refugees from the first two boats were handed over to Immigration depots whereas the minors from the third boat and refugees from the last boat were detained at a temporary camp known as Wawasan Immigration Camp Langkawi, Kedah. SUHAKAM visited the camp on 20 July and interviewed the refugees and officials there. During the interviews, the refugees told SUHAKAM they fled from Cox Bazar Camp for economic reasons, with the hope of finding a better future. Several of the girls interviewed said their family members sent them away in order for them to get married to Rohingya men who are already in Malaysia. Almost all of them paid a tidy sum to the agent before sailing for more than a month with limited food supply.

As for the condition of Wawasan Immigration Camp, SUHAKAM observed that it was lacking in facilities because it was a 'temporary' set up and was not conducive to either the refugees or personnel working at the Camp.

C. BACKLASH TOWARDS REFUGEES AND ASYLUM SEEKERS

During the year of review, there were several incidents of xenophobia reported to SUHAKAM and in the media. These incident cropped up mainly during the first phase of the CMCO. Among the cases reported were the eviction of 12 Rohingya refugee families in Bagan Serai, Perak, by their landlord. SUHAKAM discussed the matter with the Kerian District Council (KDC), police officials from Kerian District Police Headquarters, Head of the village (HOV), and the Rohingya community.

Below are the **findings** from the investigation:

- i. The Local Government Act 1978 (Act 171) does not have any discriminatory clause on tenancies in relation to citizens and non-citizens.
- ii. The incident occurred due to misconceptions and confusion between

refugees/asylum seekers and undocumented migrants. This is the result of mixed messages from the authorities on the raids and arrests of undocumented migrants.

- iii. Landlords fear that action will be taken against them for renting to refugees/asylum and so asked them to vacate the premises.

SUHAKAM took the opportunity to explain the plight of refugees and asylum seekers and the various challenges faced by them. The Village Head requested SUHAKAM organise a community programme in the village to raise awareness among the villagers about refugees and other human rights issues.

Another incident was reported in Masai, Johor, where an anti-Rohingya banner was hung outside a surau. This was in the wake of the government's announcement that only Malaysians would be allowed to attend congregational and Friday prayers once restrictions during the MCO were loosened. This prompted negative reactions at mosques in the areas. Fortunately, a quick intervention by the DYMM Sultan Ibrahim Sultan Iskandar, Sultan of Johor, religious leaders and the elected representative in the constituency resolved the problem.

D. UNHCR ACCESS TO REFUGEES AND ASYLUM SEEKERS

UNHCR has been denied access to all asylum-seekers and refugees detained in Immigration Detention Centres since August 2019. Consequently, many asylum-seekers and refugees remain without access to register in line with international protection standards. Reportedly, over 1,000 potential unregistered UNHCR persons of concern are currently being detained.

SUHAKAM is greatly concerned because their rights have been denied. The Rohingya, in particular, are expected to be continuously held at the immigration detention centres. Detention without any prospect of removal or deportation is against international human rights law. Furthermore, immigration detentions centres have been facing problems of overcrowding. Denying UNHCR access further compounds the situation, especially during the COVID-19 pandemic where most borders are closed and deportation is delayed.

RECOMMENDATIONS

- i. Refugees and asylum seekers should not be detained at Immigration depots. Instead, UNHCR should be granted access to enable them to process and register those eligible.
- ii. All efforts must be taken to stop xenophobia towards refugees and asylum seekers. Government agencies and political party leaders should avoid giving statements detrimental to the community.
- iii. The government should accede to the Convention Relating to the Status of Refugees 1951.

THE WAY FORWARD

SUHAKAM will continue to advocate for the rights of refugees and asylum seekers. It will work with the government to recognise their rights and work towards granting them access to education, healthcare and employment.

6.4 BUSINESS AND HUMAN RIGHTS

OVERVIEW

The business and human rights agenda has evolved significantly in recent years, and there is global recognition that businesses can be a tool for the promotion and realisation of human rights. A key milestone was achieved when the UN Human Rights Council unanimously adopted the United Nations Guiding Principles on Business and Human Rights (UNGPs) in 2011. The UNGPs affirmed that businesses have a responsibility to respect human rights, while governments have the primary duty to protect and promote human rights. It also recognised the importance of access to effective remedies, by both judicial and non-judicial methods, whenever human rights violations occur. Since then, many businesses have come forward and publicly committed to respecting human rights consistent with the UNGPs.

A. TOWARDS MALAYSIA'S NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

In order to disseminate and implement the UNGPs, the UN Human Rights Council called on States to develop a National Action Plan on Business and Human Rights (NAPBHR). So far, 24 states across Europe, the Americas, Africa and Asia have launched NAPBHRs. In Asia, Thailand was the first country to publish a NAPBHR in December 2019, while Japan emerged second in October 2020.

Similarly, the Malaysian Government announced its commitment to develop a NAPBHR for Malaysia in June 2019. BHEUU was given the mandate to develop the NAPBHR. In December 2019, the Cabinet also gave its approval for the development of NAPBHR. This includes the governance structure, institutional mechanisms, budget, timeline and monitoring of the NAPBHR. SUHAKAM is working closely with BHEUU in spearheading the development of Malaysia's first NAPBHR.

BHEUU, together with SUHAKAM and UNDP, organised a three-day Fact-Finding Consultation: Towards Malaysia's National Action Plan on Business

and Human Rights (NAPBHR) on 7, 8 and 14 December. The objective of the consultation was to identify the justification for the proposed thematic areas under Malaysia's NAPBHR, namely labour, environment and good governance. Various stakeholders such as government agencies, regulatory and enforcement bodies and CSOs participated in the consultation.

The development of the NAPBHR would demonstrate Malaysia's leadership in advancing sustainable socio-economic development and protecting and promoting human rights and fundamental freedoms in the region. While SUHAKAM acknowledges the urgency for such a plan, it must be developed through an elaborate process of consultation and engagement involving the whole range of stakeholders, including corporations and businesses, business associations, relevant government agencies, CSOs, academics, think-tanks and the public. These steps are important to ensure that the views of all stakeholders are taken into consideration by the government towards accomplishing a plan that is suitable and workable within the Malaysian context. SUHAKAM fully supports the government's commitment and would continuously provide support and assistance towards the successful development of the NAPBHR for Malaysia.

B. STAKEHOLDER CONSULTATION ON FORCED LABOUR ISSUES IN THE MEDICAL SUPPLY INDUSTRY

On 14 September, SUHAKAM organised a "Stakeholder Consultation on Forced Labour Issues in the Medical Supply Industry" following allegations of forced labour practices by Malaysian rubber glove manufacturers. They have been accused of mistreating workers, subjecting migrant workers to forced labour, excessive overtime, debt bondage and confiscating passports, as reported by the media.

The objectives of the consultation were to discuss and obtain views on forced labour issues in the medical supply industry in Malaysia; provide a platform for businesses to share concerns and challenges in addressing forced labour issues; examine the efficacy of existing laws, policies, and practices as well as other applicable mechanisms; as well as to share good practices and recommendations.

A total of 60 participants attended the consultation, including representatives from embassies, government agencies, rubber glove manufacturers, industry regulators and CSOs.



Participants of the Stakeholder Consultation on Forced Labour Issues in Medical Supply Industry on 14 September.

Key issues discussed during the consultation were as follows:

i. Challenges during the COVID-19 Pandemic

Control measures, especially border closures and restrictions of movement, to prevent the spread of COVID-19 have had a significant impact on both migrant workers and employers. Industry leaders have to deal with migrant workers whose contracts are expiring but are unable to return home due to border closures. Meanwhile, migrant workers who are not renewing or extending their contract will be stuck here without a work permit and no longer under the protection of an employer. It was recommended that industry leaders engage with the relevant government agencies to formulate a solution for workers who are not renewing/extending their contracts but have to remain in Malaysia while the borders remain closed.

ii. Recruitment Fees and Sub-Agents

Migrant labour recruitment is dominated by recruitment agencies playing intermediaries who link employers in countries of destination with potential migrant recruits in countries of origin. Recruitment agencies often charge fees that are exploitative for workers. The fees vary for each country of origin; it can range between RM18,000 and RM22,000. The overall governance of migrant labour and recruitment fees needs to be scrutinised, specifically the governance structures in

the countries of origin, the management of labour in Malaysia, and tackling the issue of unauthorised sub-agents.

iii. The Risk of Forced Labour in Supply Chains

The issue of forced labour in supply chains is a cross-border problem and the use of intermediaries, such as recruitment agencies and sub-agents, has blurred the line of responsibility. It is difficult to establish accountability for violations related to exploitation and forced labour. Poor migration management and enforcement in countries of origin also contribute to migrant workers' vulnerability to abuse. There should be measures to improve labour standards in supply chains, particularly in countries of origin, where labour regulations are less stringent with limited enforcement.

iv. Governance Gaps and Enforcement of the Law

Malaysia does not have a specific law on forced labour and while the ATIPSOM Act 2007 recognises that forced labour exists as a subset or as a form of exploitation under trafficking, the Act does not explicitly provide for instances of forced labour that occur independently from human trafficking or address the issue of forced labour in supply chains. Also, existing labour laws are outdated and need an overhaul. Enforcement of the relevant laws is absolutely critical for the protection of workers, as well as better coordination between different enforcement agencies to tackle forced labour issues.

v. Address Forced Labour through a Multi-Stakeholder Collaboration

A lack of effective coordination and collaboration between stakeholders creates an environment in which forced labour can emerge and go undetected. Weaknesses in coordination, for instance, internally between government bodies, or between government and CSOs, cause gaps in enforcement and regulation. The elimination of forced labour is heavily dependent on the cooperation of all stakeholders.

vi. Cross-Border Engagement

The complex, global, and multi-dimensional nature of forced labour means that many of its forms cannot be resolved by national governments and national actors alone. Vulnerabilities attributed to forced labour are often created in countries of origin. A bilateral engagement between source countries is essential to facilitate cooperation in cross-border cases and to identify the root causes of forced labour.

vii. Strengthening Labour Inspection Systems

Labour inspectors have a key role to play in preventing forced labour and trafficking but, in many instances, they lack adequate human and financial resources. In addition, the multiple responsibilities assigned to labour officers further constraints their ability to carry out their primary inspection functions. Labour offices in Malaysia perform a range of tasks including conciliation, mediation and prosecution of cases. Such work is time consuming and would normally require specialised legal training and skills. There is a need to develop a comprehensive approach, involving both the criminal and labour justice systems. This requires national labour administrations and labour inspectors to have a clear mandate, training and adequate resources to play their full role in combating forced labour.

Forced labour is a criminal offence and a violation of fundamental human rights. The UNGPs state that businesses, regardless of their size of operation, has equal responsibility in upholding and respecting human rights. Significant steps must be taken by the medical supply industry to address and eradicate forced labour in their operations. SUHAKAM urges the Government to take effective measures to eradicate forced labour, protect labour rights and promote a safe and conducive working environment for all workers, including migrant workers.

C. WEBINAR ON PREVENTING FORCED LABOUR IN MALAYSIA THROUGH RESPONSIBLE BUSINESS PRACTICES

The COVID-19 pandemic affected the world of work in an unprecedented manner. Vulnerable workers are more likely to get tricked and trapped in forced labour situations. On 8 October, SUHAKAM in collaboration with the ILO organised a webinar on "Preventing Forced Labour in Malaysia through Responsible Business Practices". It specifically targeted businesses, giving practical tips to employers from different sectors on how to mitigate risks of forced labour in recruitment and employment practices, including the concept of remediation.

The objective of the webinar was to improve and strengthen participants' knowledge of how forced labour can be prevented through fair recruitment practices.



Panellists of the Webinar on Preventing Forced Labour in Malaysia Through Responsible Business Practices on 8 October.

A total of 360 participants from the government, workers, employers, CSOs, students and other organisations joined the webinar. The panel of speakers included representatives from MOHR, MEF, the ILO Global Business Network on Forced Labour, Responsible Business Alliance and the Malaysian Bar Council.

Among the key issues discussed were:

i. Restriction of Movement and Change of Employment

The restriction of movement of migrant workers has always been a serious issue. However, this has been exacerbated by the pandemic. Many employers arbitrarily limit workers' movements. They disallow workers to leave, either because of their labour demands or due to the border closures. Employers should consider adopting international standards and best practices relating to the freedom of movement of workers. On the other hand, the Government is responsible to ensure that labour laws and policies, as well as the recruitment process are aligned with international standards and implement a robust inspection regime to weed out any forced labour cases.

ii. Recruitment Agencies and Fees

Recruitment fees paid by migrant workers benefit recruitment agents in the source country and their local counterparts in

the country of destination. Third-party agents and subagents often charge exploitative fees. Stakeholders should adopt the international standard of zero recruitment fees.

iii. Right to Work of Refugees and Asylum Seekers

Refugees and asylum seekers are among the most vulnerable groups. Those without documentation have difficulty in finding decent work. They are often concentrated in low-skilled informal employment or under-regulated sectors. It was recommended that the government look into the possibility of giving refugees and asylum seekers the right to work because it provides a layer of protection and reduces their vulnerability. This in turn enhances resilience and secures their dignity.

D. CODE OF CONDUCT TOWARDS COMPLIANCE OF NON-DISCRIMINATION STANDARDS FOR THE PRIVATE SECTOR

SUHAKAM, together with Pusat KOMAS and Penang Institute, formulated a Code of Conduct for the Promotion of Equal Opportunities through the Elimination of Racial Discrimination (Code of Conduct). The Code of Conduct will function as a regulatory document and a guide to promote inclusivity and equal opportunities in employment practices in the workplace. It will also be a catalyst to address racial discrimination during recruitment and in the workplace. The Code comprehensively covers the following key points:

- **Preamble** – focusing and integrating the principles of UN Guiding Principles on Business and Human Rights
- **Purpose and Status of the Code** – highlighting the importance of business entities in building an inclusive foundation for society at large;
- **Responsibilities of Employers** – A guideline for employers in maintaining a harmonised working environment that is free from discrimination and promote equal opportunities;
- **Responsibilities of Employees** – highlighting the responsibility of individual employees in preventing racially provocative behaviour; and
- **Responsibilities of Employment Agencies** – A guideline for employment agencies on their responsibilities as suppliers of job applicants to other employers



Launch of Code of Conduct for the Promotion of Equal Opportunities through the Elimination of Racial Discrimination on 2 February.

On 2 February, YB Prof. Dr. P. Ramasamy, Penang's Deputy Chief Minister 2, launched the Code of Conduct. The Penang State Government is the first state to introduce the Code within state-owned and state-linked enterprises as well as the private sector. SUHAKAM commends the Penang State Government for its support and commitment to make the Code a reality. We hope other states will follow suit.

Discrimination during the recruitment process is a violation of human rights. It leads to a waste of human talents, with detrimental effects on productivity and economic growth, and generates socioeconomic inequalities that undermine social cohesion and solidarity. While the State has a primary duty to combat discrimination, businesses also have a role to play in combating discrimination by providing and maintaining equal opportunity at work.

THE WAY FORWARD

SUHAKAM will continue to advocate business and human rights agenda in Malaysia. SUHAKAM hopes businesses will be more responsible and responsive in respecting and upholding human rights principles such as non-discrimination and equality, the right to freedom of association, fair and equitable working conditions and the right to be free from slavery and forced labour practices.

6.5 ISLAM AND HUMAN RIGHTS

OVERVIEW

There is a misperception that human rights is incompatible with Islam. As articulated by many scholars, such perception developed due to the historical background of the human rights development in the modern era and the past colonisation of Muslim countries by the Western. While the relationship between Islam and human rights continues to be a topic of discourse in the country, SUHAKAM takes a firm stance that Islam encompasses human rights principles in its teaching as Islam places human dignity as one of the five elements of the Maqasid Syariah to be protected and preserved as rooted in the Quranic verse:

Verily we have honoured the Children of Adam. We carry them on the land and the sea, and have made provision of good things for them, and have preferred them above many of those whom We created with a marked preferment.⁹⁷

During the year, SUHAKAM continued to promote greater understanding among the Islamic community on the compatibility between human rights principles and Islamic teachings as grounded in the UDHR as well as the Quran and Sunnah, the Medina Charter and the Cairo Declaration of Human Rights In Islam (CDHRI). We also engaged with key stakeholders including the Conference of Rulers, Islamic religious authorities and the Independent Permanent Human Rights Commission (IPHRC) on human rights of the Islamic community which included the rights to education, worship, development, human dignity and justice. Nevertheless, SUHAKAM's work in this area was significantly affected by the COVID-19 pandemic.

⁹⁷ The Quran 17: 70 (Translated by Marmaduke William Pickthall)

A. THE IMPACT OF COVID-19 ON ISLAMIC RELIGIOUS PRACTICES

During the MCO, several religious ritual practices were restricted by the government. For the Muslims, the Friday and congregational prayers were suspended, mosques were closed for the usual ritual activities and pilgrimage travel was withheld. The restrictions are to prevent the spread of COVID-19. However, this had undeniably interfered with an individual's right to practise his or her religion publicly, as protected under Article 11 of Federal Constitution and Article 18 of the Universal Declaration of Human Rights (UDHR).

From an Islamic viewpoint, there are many religious texts which indicate that some religious practices can be suspended for a greater purpose. There is concession for not attending Friday prayers during heavy rain, as reported in reliable prophet traditions.⁹⁸ In other words, the temporary banning of certain public rituals is permissible from the Islamic perspective to achieve the first Maqasid Syariah, which is to protect human life.

From the human rights perspective, a government cannot restrict manifestations of freedom of religion except if the limitation is prescribed by law. The exceptions are to protect public order, health, or morals or the fundamental rights and freedoms of others. Moreover, the rights to life and access to health care are absolute rights which cannot be derogated at all. As such, the current method of restricting several public religious practices to protect the life of everyone from the threat of COVID-19, by the government, is in line with human rights approach. Thus, it illustrates the complementary stance of Islam and human rights in addressing COVID-19.

SUHAKAM noted that the outbreak created anxious reaction among Malaysians and resulted in stigmatisation and discrimination towards those infected, including a Muslim religious group. In March, MOH identified a new cluster of COVID-19 after a mass-gathering of Muslim religious group, the Tabligh, in Seri Petaling. The stigma, discrimination and social isolation against the group was immense and unnecessary. In this regard, SUHAKAM applauds the MOH for calling on the public to stop blaming, discriminating and stigmatising the Muslim group and to assist them to obtain treatment instead as that would help contain the spread of the disease.

⁹⁸ Chapter: Not to attend the Jumu'ah (prayer) if it is raining. Jumu'ah Book. Sahih Bukhari, Hadith 901

SUHAKAM has always stressed that the human rights approach is important in addressing the pandemic issue. Without better understanding and respect for human rights, people would resort to discrimination and stigmatisation, which would further hamper efforts to beat the pandemic. We must always be reminded that the virus does not discriminate; and discrimination must have no place in our response to the threat it poses.

B. ENGAGEMENT WITH CONFERENCE OF RULERS

Following the courtesy meeting with the Keeper of the Rulers' Seal Tan Sri Syed Danial bin Syed Ahmad on 1 October 2019, SUHAKAM was granted the opportunity to submit an opinion paper for the Conference of Rulers on three issues, namely the registration of Tahfiz schools, child marriage and disabled-friendly mosques in Malaysia. SUHAKAM's submission was discussed at the 256th Meeting of the Conference of Rulers on 20 February.

C. HUMAN RIGHTS LITERACY PROGRAMME

SUHAKAM also continued with our Human Rights Literacy Programme for officials of state Islamic religious departments. This is to promote better understanding among them about human rights while demonstrating how these principles are in line with the Islamic teachings as enshrined in the CDHRI and the Medina Charter. During the year, SUHAKAM conducted three Human Rights Literacy programmes involving 124 officials from the following state religious departments:

- i. Pahang Islamic Religious Department (12 February)
- ii. Perak Islamic Religious Department (24 June)
- iii. Kelantan Islamic Religious Department (8 July)

Due to the MCO, the sessions for Perak and Kelantan were held using the online format.

The salient points derived from these sessions are summarised as follows:

i. Human dignity of an accused person

Recognising that protection of an individual's human dignity is at the core of Islamic teaching, SUHAKAM received requests to look into the dignity of an accused person who is directed to wear specific uniform to court. Such a practice seems to suggest that the individual had

committed an offence although an accused person is presumed innocent until proven guilty in court. One such example is the directive by MACC for accused persons to wear the orange T-shirt, which the workshop participants viewed as incompatible with Islamic teaching.

ii. Human rights violations faced by the Muslim community globally and the role of the UN

The UN is an intergovernmental organisation made up of countries around the world including Malaysia. It serves to guarantee and protect human rights globally. As a UN Member State, Malaysia has often voiced its opinions on human rights violations and humanitarian crises involving the Muslim community in Palestine, Syria, Kashmir, Yemen and the plight of the Rohingya and Uighur. However, the UN has a limited mandate to intervene in respect of each member country's sovereignty.

iii. SUHAKAM's stance on the enforcement of Syariah law in Malaysia

While agreeing that state Syariah Criminal Enactments should be respected, SUHAKAM expressed concerns over the manner in which state Islamic religious officials adhere to SOP in 'close proximity' cases. SUHAKAM opined that the dignity of every individual should be respected and emphasised that everyone has the right to a fair trial as recognised by law.



Human Rights Literacy Programme for Pahang Islamic Religious Department officials on 12 February.

D. ENGAGEMENT WITH INDEPENDENT PERMANENT HUMAN RIGHTS COMMISSION (IPHRC)

On 1 September, a SUHAKAM delegation led by its Vice Chairman Datuk Lok Yim Pheng, Associate Prof. Dr. Nik Salida Suhaila Nik Saleh and Prof. Dato' Noor Aziah Mohd. Awal paid a courtesy meeting on YBhg Tuan Haji Ahmad Azam Ab Rahman, Malaysia's Representative to the Independent Permanent Human Rights Commission (IPHRC) of the Organisation of Islamic Cooperation (OIC). The main objectives of this courtesy call were to:

- i. To better understand the roles of the Organisation of Islamic Cooperation's (OIC's) IPHRC and SUHAKAM as a NHRI.
- ii. To explore areas of cooperation between IPHRC and SUHAKAM through joint programmes in the field of human rights.
- iii. To exchange views on several human rights issues including Islam and human rights, refugee rights, lesbian, gay, bisexual and transgender (LGBT).

The salient points of the meeting between SUHAKAM and Malaysia's Representative to the IPHRC were:

- i. The meeting recognised that the CDHRI adopted by the OIC complements the UDHR and reconciles the concept of human rights and Islamic principles. Both SUHAKAM and Malaysia's Representative to IPHRC YBhg Tuan Haji Ahmad Azam Ab Rahman agreed on the need to jointly conduct public awareness programmes on the compatibility of human rights and Islamic principles. Both parties also agreed to jointly conduct a consultation and an in-depth study on the compatibility of the UDHR and CDHRI with expert members of the IPHRC.
- ii. SUHAKAM highlighted the 'Study on Discrimination against Transgender Persons based in Kuala Lumpur and Selangor (Right to Education, Employment, Healthcare, Housing and Dignity)' and cited a complaint we received involving a bank that denied the application of a transgender person for a loan. We were in agreement that trans people should be treated as human beings and should not be discriminated against when they apply for bank loans.

It was noted that IPHRC has conducted a study titled 'OIC-IPHRC Study on Sexual Orientation and Gender Identity in the light of Islamic interpretations and the International Human Rights Framework'. The IPHRC's stance on LGBT has yet to be finalised. Nevertheless, Tuan Haji Ahmad Azam expressed his concern over the efforts by some groups in blowing the LGBT issue out of proportion in the name of human rights with the intention to tarnish the image of Islam. He shared the concern of the Muslim community on the impact of normalising the LGBT which, in their view, would destroy the family institution and the concept of family.

- iii. The meeting noted that Malaysia's image in the eyes of the OIC was affected because of the heightened xenophobia toward undocumented migrants and refugees who were arrested by the authorities for alleged violations of COVID-19 containment measures. SUHAKAM also observed similar xenophobic response to refugees during its dialogue with the Malaysian grassroots community who fear that refugees and undocumented migrants would undermine the safety, business opportunities as well as culture of the local communities in Malaysia. The meeting recognised the need for SUHAKAM and IPHRC to work hand in hand to overcome xenophobia in Malaysia.
- iv. The meeting discussed refugee children's access to formal education in Malaysian public schools and public examinations, particularly the Sijil Pelajaran Malaysia (Malaysian Certificate of Education). While there have been five alternative learning centres set up by the office of Malaysia's Representative to IPHRC in collaboration with UNHCR in Malaysia for Rohingya and Syrian children, the major challenge faced by the centres' operators was insufficient funds to support the high operating costs and the examination fee for students sitting for General Certificate of Education or GCE O-Level. The meeting reckoned the Malaysian government needs to review its policy and allow these children to sit for the SPM examination even if they are not allowed to enrol in public schools in Malaysia.
- v. The meeting also deliberated on issues concerning the registration and curriculum of Tahfiz schools in Malaysia. SUHAKAM flagged the importance for registering all Tahfiz schools with the MOE or the state Islamic Religious Departments in Malaysia so they could be monitored. SUHAKAM also expressed concern about the academic curriculum of

Tahfiz schools that focuses on recitation, and the poor prospects of the students pursuing higher studies in local universities. The lack of academic certification causing most of them to further study in South Africa or Egypt which makes it difficult for them to secure a job in either the public or private sector upon their return to Malaysia. There have been efforts by some Islamic NGOs to assist Tahfiz students who have graduated from overseas to register for the SPM examination as private candidates.

The courtesy call enabled both SUHAKAM and Malaysia's Representative to the IPHRC to better understand the role and functions of each other's organisation. It also opened the door to future collaboration between two organisations.



Courtesy call on YBhg Tuan Haji Ahmad Azam Ab Rahman, Malaysia's Representative to the IPHRC on 1 September.

E. PROPOSED HUMAN RIGHTS TEXTS FOR FRIDAY SERMONS

Due to COVID-19, Friday Prayers was suspended for eight weeks during the MCO period and was limited to 10 minutes by several state Islamic Religious Departments during the RMCO period.

This year, SUHAKAM continued to submit scripts for proposed sermons to all Islamic Religious Departments in Malaysia, focusing on the right to healthcare,

Persons with Disabilities (PWD), Islam and human rights as well as the prevention of torture. Three out of four proposed sermon texts SUHAKAM submitted were incorporated in part or in full by the federal or state religious departments:

Table 20: List of proposed Friday sermon scripts submitted to all Islamic Religious Departments in Malaysia

No.	Script Submitted by SUHAKAM	Friday Sermon Incorporating SUHAKAM's Submission (In Part or Full)	Date Read
1.	<i>Hak Terhadap Penjagaan Kesihatan (Right to Healthcare)</i> (Submitted on 6 March)	<i>Hak Terhadap Penjagaan Kesihatan (Right to Healthcare)</i> prepared by Penang Islamic Religious Department (JAIPP)	25 Sept.
2.	<i>Meningkatkan perlindungan hak Orang Kurang Upaya (Enhance the rights of PWD)</i> (Submitted on 14 July)	-	-
3.	<i>Hak asasi manusia dalam Islam (Human rights in Islam)</i> (Submitted on 7 January and 14 July)	<ul style="list-style-type: none"> <i>Pelihara Hak dalam Islam (Protection of Rights in Islam)</i> prepared by Negeri Sembilan Islamic Religious Department (JHEAINS) <i>Hak Asasi dalam Islam (Human rights in Islam)</i> prepared by Perak Islamic Religious Department (JAIPK) 	17 Jan. 11 Dec.
4.	<i>Perlindungan daripada penyeksaan (Protection from torture)</i> (Submitted on 6 November)	<i>Akhlaq Diperbaiki, Keadilan Dikecapi (Restore moral to ensure justice)</i> prepared by Federal Territory Islamic Religious Department (JAWI)	18 Dec.

THE WAY FORWARD

SUHAKAM recognises the need to reconcile the gaps between the principles of international human rights and Islam within the context of the Federal Constitution. To achieve this, SUHAKAM seeks to engage closely with the Conference of Rulers, IPHRC and Islamic religious departments to promote better understanding among Islamic community in Malaysia and the nexus between Islam and human rights as in the CDHRI and UDHR.

6.6 RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

OVERVIEW

Malaysia is a multiracial, multicultural, and multireligious nation where Malays, Indians, Chinese and people of various ethnicities live together in peace and harmony. In 1963, Sabah and Sarawak merged with the Federation of Malaya to form the Federation of Malaysia (Singapore left Malaysia in 1965), complementing further the plurality of Malaysian society.

Currently, the Department of Statistics Malaysia data shows that Malaysia's estimated population in 2020 is 29.7 million citizens and 2.9 million non-citizens. Out of 29.7 million, 69.6% are Bumiputera. The Chinese and Indian population declined to 22.6% and 6.9%, respectively. At the same time, others remained at 1.0%.⁹⁹ Even though the data showed the total Malaysian population is increasing, racial unity is still hotly debated after 63 years of independence.

The Federal Constitution is the supreme law of Malaysia and a tool to maintain harmonisation among all races in Malaysia. Article 8 of the Constitution is the cornerstone of constitutional protection of equality and non-discrimination in Malaysia. Article 8(1) stipulates that all persons are equal before the law. Clause (2) states that there shall be no discrimination against citizens on the ground of religion, race, descent, place of birth or gender in law or the appointment to any office or employment under a public authority or businesses. Clause (2) allows for positive discrimination on the grounds legally recognised under the Constitution.

The Constitution's fundamental liberties provisions guarantee the same treatment for all citizens regardless of colour, religion, and culture. But in Article 153, particular preference is given to the Malays, including the natives of Sabah and Sarawak. Article 153(2) further safeguards the Malay's position among others, in education, services and businesses.

⁹⁹ Major Ethnic Group Composition, Department of Statistics Malaysia, https://www.dosm.gov.my/v1/index.php?r=column/cthemByCat&cat=155&bul_id=OVByWjg5YkQ3MWFZRTN5bDJiaEVhZz09&menu_id=L0pheU43NWJwRWVVSZkIWdzQ4TihUUT09 (Date of access: 31st December 2020)

While the equality provision protects rights, it does not give similar protection to the Orang Asli, per “special status” for the Malays and natives of Sabah and Sarawak. They are only given protection under Clause (5) with regards to land reservation and appointment in the public services. It is high time the government gives similar protection to the Orang Asli.

The Constitution does not contain guarantees on the fundamental right not to be discriminated against on the grounds of race. The rights and liberties under the Constitution are qualified rights.

As the supreme law of Malaysia under which the society operates, the amendment to the Constitution has not dealt with its fundamental problems of racial inequality but has instead sought to entrench the status quo.

SUHAKAM'S ACTIVITIES TO COMBAT RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

SUHAKAM actively supports the elimination of racism, racial discrimination and xenophobia. With constant support from PUSAT KOMAS, SUHAKAM is working together to support Malaysians to live in peace without any racism and racial discrimination.

Since 2017, SUHAKAM has worked with PUSAT KOMAS and other CSOs to develop the Code of Conduct for the Promotion of Equal Opportunities through the Elimination of Racial Discrimination, a RTD to identify the views and reservations to Malaysia acceding to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and other activities.

In 2020, SUHAKAM developed a position paper on hate speech (xenophobia) against minorities, relating to refugees and migrants in Malaysia especially. The COVID-19 pandemic has deteriorated the situation in Malaysia; it has exacerbated the culture of shaming and blaming migrant workers and undocumented migrants in Malaysia, including refugees, asylum seekers and stateless migrants as the disease spreader.

SUHAKAM's view is harmonious with the Rabat Plan of Action, as hate speech and violent threats against refugees and migrants in Malaysia should be called out and acted upon. The government should step up efforts to implement positive policy measures to encounter hate speech and intolerance. Political leaders and law enforcement officers should consistently, unequivocally, and publicly condemn all forms of hate directed against migrants' and refugees. Harmful narratives and negative stereotypes such as undocumented

immigrants being a threat to national security or Malaysians, spreading COVID-19, etc. particularly from security actors such as the Immigration Department, PDRM, MINDEF and MOHA cannot be normalised. No human being with dignity should be deemed as “illegal”.

SUHAKAM reiterates its call for the repeal the Sedition Act 1948 and reforms to other disproportionate laws restricting freedom of expression in Malaysia, such as the Communications and Multimedia Act 1998, to address hate speech against migrants and refugees in Malaysia.

THE WAY FORWARD

The COVID-19 pandemic continues to spread across the world, affecting all human beings equally. It takes the combined effort of every member of society to overcome this challenge. Racism and COVID-19 are both harmful to human.

SUHAKAM looks forward to strengthening relationships in our communities and supporting each other, so everyone may be safe. It is time to move beyond the surface of unity and dive deep to undo decades of systematic racial discrimination. SUHAKAM calls for everyone to stand up against racial prejudice and intolerant attitudes as racism is morally wrong, in principle.

In light of these, SUHAKAM recently adopted its 2021-2025 Strategic Plan and one of the strategic objectives is to combat racism, racial discrimination, and xenophobia. SUHAKAM would like to formulate five years of concrete tangible strategies and activities through research, position papers, roundtable discussions, and other activities to address racism, racial discrimination and xenophobia.

Furthermore, SUHAKAM aspires to lead in the development and implementation of an internal policy against racism and racial discrimination to create awareness in our team, and to be an example for other organisations. SUHAKAM would like to collaborate with strategic partners in tackling this long-overdue human rights issue.

SUHAKAM hopes that one day soon, there will be a culture of understanding and respect for human rights, regardless of race, religion, background, or status throughout the country, amongst all people, young and old, or those who are privileged or marginalised.



CHAPTER 7

ADMINISTRATIVE AND FINANCE



ADMINISTRATIVE AND FINANCE

OVERVIEW

The Corporate Services Division provides administrative services (inclusive of ICT), finance and human resources management, and functions to ensure that SUHAKAM's mandates and core functions, as stipulated in the Human Rights Commission of Malaysia Act 1999, would be carried out efficiently and effectively by the Secretariat. For this year, the division successfully played its supportive role, conducted several programmes and activities including the development of capacity and skills of the officers and staff despite the challenges brought on by the COVID-19 pandemic situation.

A. CAPACITY DEVELOPMENT AND KNOWLEDGE ENHANCEMENT

The Human Resources Management Unit continues to provide a variety of training and courses as part of its efforts to enhance the technical and human rights skills of officers and staff of SUHAKAM. To this end, SUHAKAM consistently emphasises the importance of continuous knowledge improvement and the development of skills in human rights, to enable and support the officers' and staff career development and advancement. Human Resources also oversaw the implementation and provision of welfare benefits for SUHAKAM's officers and staff. In addition, ICT-related knowledge was also extended to the officers as value-added skills.

However, following the outbreak of COVID-19, most training courses could not be organised the traditional way, such as face-to-face or in-person training. Instead training courses were held online to abide by the SOPs and new norms set by the authorities. The pandemic has inevitably changed SUHAKAM's approach in training its staff. Training sessions were instead organised via online methods and using video conference applications.

SUHAKAM, in collaboration with OHCHR and UNICEF, organised two in-house training sessions for all its staff and Commissioners on international human rights treaties, particularly ICPPED and Disability Equality Training.

Such partnerships are beneficial and go a long way to increase the capacity and skills of both experienced and new officers and staff in SUHAKAM. We will continue to collaborate with relevant stakeholders, including international human rights bodies, to organise more of such training, given the importance of enhancing and building practical human rights knowledge within SUHAKAM.

The Human Resource Management Unit also took the initiative to organise in-house training for SUHAKAM staff as follows:

Table 21: In-house Training

NO.	COURSES/TRAINING	DATE	VENUE / PLATFORM
1.	Briefing on Sexual Harassment in Workplace by Ms. Siti Aisya Abdul Rahman, Law and International Treaties Division	14, 26 and 28 Feb.	SUHAKAM Kuala Lumpur
2.	Information Sharing Sessions: Using the Canva Application by Mr. Ahmad Afifi Ramli, Promotion and Outreach Division	25 May	Online
3.	Disability Equality Training (DET) 2020 by Peter Tan and Zoe Elizabeth from UNICEF, jointly organised by the OCC	30 Sept. - 2 Oct.	Online
4.	Introduction to International Human Rights Mechanisms and ICPPED, jointly organised by the EU and OHCHR	27 & 28 Oct.	Online
5.	Awareness Training on Understanding Transgender/Sexual Orientation & Gender Identity (SOGI) by Nisha Ayub, jointly organised by the Economic, Social and Cultural Rights Division	30 Oct.	Online

In addition, the Human Resources Management Unit also made the effort to source for other relevant training and courses provided by third parties, such as government training institutions and private training providers as listed in Table 22.

Table 22: External Training

NO.	ORGANISER	NO. OF COURSES
1.	National Institute of Public Administration (INTAN)	3
2.	<i>E-Pembelajaran Sektor Awam (EPSA)</i> (Public Sector e-Learning)	5
3.	<i>Dewan Bahasa & Pustaka</i> (Institute of Language & Literature)	1
4.	Universiti Malaya	1

Staff members were also provided with the opportunity to participate in various human rights training and courses organised by our stakeholders and partners abroad. However, because of COVID-19, all the courses in 2020 were held online as listed below:

Table 23: International Training

NO.	COURSES/TRAINING	DATE	VENUE/ PLATFORM
1.	Blended Learning Course on Gender Mainstreaming by Asia Pacific Forum (APF)	2 - 29 Feb.	Online
2.	Short online course on Understanding NHRIs and the Paris Principles by APF	30 Nov. - 18 Dec.	Online
3.	Blended Learning Course on Human Rights, Gender and the Environment / Climate Change by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law	2 - 3 Dec.	Online
4.	The Essentials of Human Rights Due Diligence in Business - A Training for Regional Institutions in Asia by AICHR, UNDP and Ministry of Justice of the Kingdom of Thailand	1 - 2 Dec.	Online

B. ANNUAL GRANT BY THE GOVERNMENT

The government is required to allocate sufficient funds on an annual basis to allow us to perform our mandate and functions effectively, in line with Section 19(1) of the SUHAKAM Act. For the year 2020, SUHAKAM received a grant of RM12.45 million (and additional RM500,000 in April 2020 for the OCC) despite making a request for RM15 million. This allocation covers operational expenditure which includes allowances for Commissioners, emolument for officers and staff, office rentals, programmes and activities for each year. The grant was channelled on a quarterly basis, as per the table below:

Table 24: Annual Grant

NO.	ALLOCATION APPORTIONMENT	TOTAL RECEIVED (RM)
1.	First Quarter (Jan. – Mar.)	3,112,500.00
2.	Second Quarter (Apr. – Jun.)	3,112,500.00
3.	Third Quarter (Jul. – Sept.)	3,112,500.00
4.	Fourth Quarter (Oct. – Dec.)	3,112,500.00
5.	Additional Funding (For the OCC in April)	500,000.00
TOTAL GRANT RECEIVED		12,950,000.00

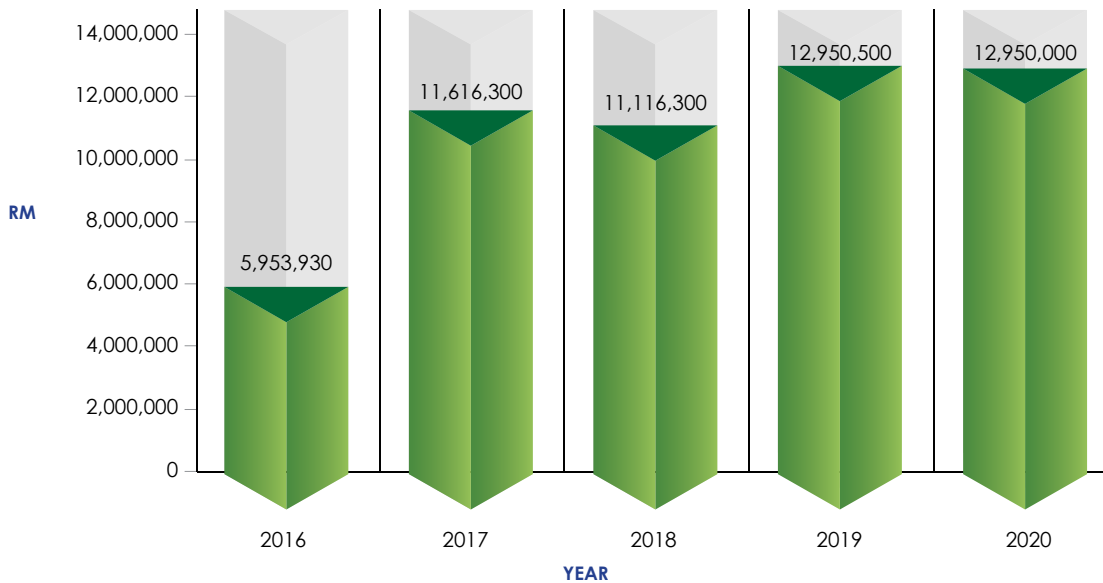
When the government decided to set up the Office of the Children's Commissioner in 2019, bringing the total number of the Commissioners to nine, SUHAKAM received an additional RM 500,000.00 grant from KPWK in September 2019 and, again, in April 2020, to support the operations of the OCC.

SUHAKAM also received funds on an ad-hoc basis from certain organisations for specific projects as applicable under Sections 19(2) and 19(3) of the SUHAKAM Act, which provide that SUHAKAM may receive funds without any conditions from individual or organisation only for the purpose of promoting awareness of and providing education in relation to human rights, as may be approved by SUHAKAM.

SUHAKAM is of the view that the annual grant from the government should be increased in line with the increasing demands upon SUHAKAM from the government, civil society and the public as a whole. In addition, the Paris Principles state that SUHAKAM as the NHRI, should be provided with sufficient allocations, to enable it to appoint its own officers and be

located at its own premises. This is so it may be independent and not be subject to financial controls by the government that may adversely affect SUHAKAM's independence.

Figure 3 shows the total Operating Grant Allocation channelled to SUHAKAM by the government between 2016 and 2020.



C. FINANCIAL POSITION AND PERFORMANCE

SUHAKAM's income consists of an Operating Grant Allocation disbursed annually by the government to SUHAKAM, *hibah* (voluntary gift), and interest received from a fixed deposit. These, as well as project funds received by SUHAKAM, are utilised to promote awareness, provide education and address issues related to human rights. The Operating Grant Allocation distributed annually by the government via the Prime Minister's Office is the primary source of funding used to carry out our operations.

SUHAKAM's spending requirements are in line with society's demands for SUHAKAM to address more human rights issues in Malaysia. For the year 2020, SUHAKAM's operating expenses amounted to RM12,745,410.00.

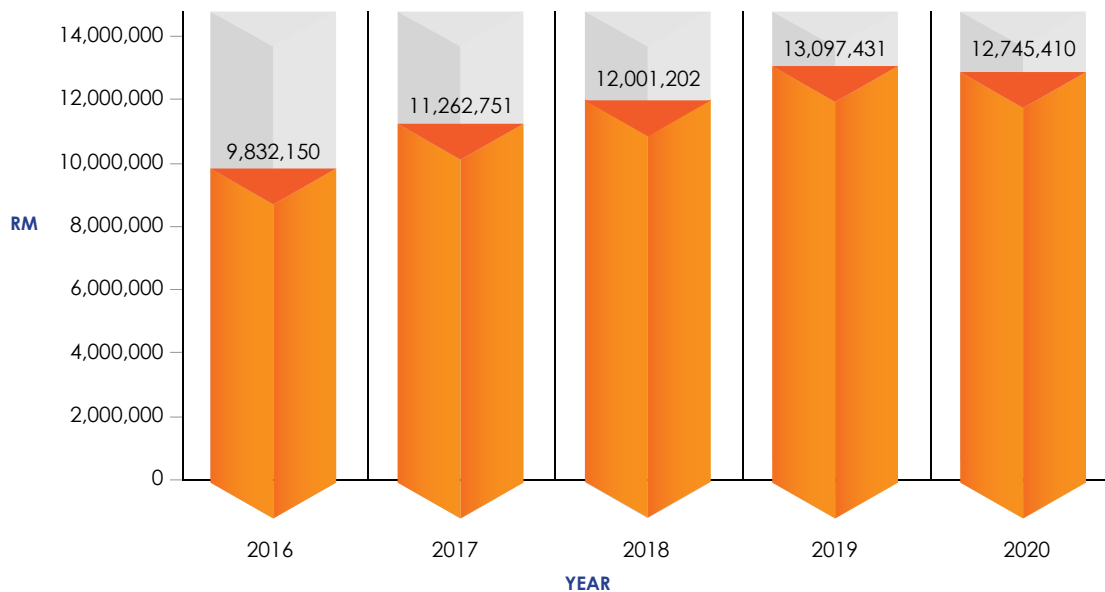
SUHAKAM's expenditures mainly comprises of emoluments, procurement of supplies and services and assets acquisition. Emolument expenses

include payment of wages and salaries, permanent allowances, statutory contributions for employees, overtime allowances and other financial benefits for 87 positions filled for the year 2020.

The expenditure for supplies and services consists of travelling expenses, communications and utilities, rentals, supplies, repairs and maintenance, professional services and hospitality. These costs include expenses to run the various human rights programmes such as field studies and investigations, awareness-raising programmes, visits to places of detention and others.

SUHAKAM's acquisition of assets for 2020 included the procurement of computers, equipment and reading materials.

Figure 4 shows the total expenditure of SUHAKAM from 2016 to 2020.

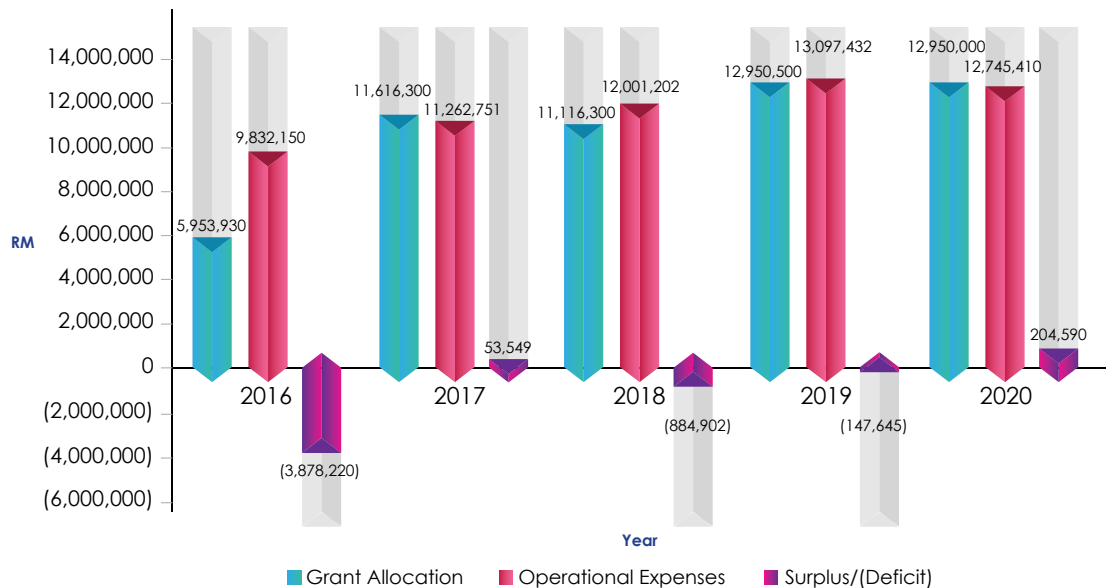


SUHAKAM's expenses for 2020, not taking into account the depreciation of assets and write-offs, are as follows:

Table 25: SUHAKAM's Expenditure, 2020

EXPENDITURE	TOTAL (RM)	PERCENTAGE EXPENDITURE
Emolument	5,849,109	45.89%
Supplies and services	6,653,473	52.2%
Asset	152,827	1.2%
Rewards other fixed payment	89,305	0.7%
Other expenses	696	0.01%
Total Amount	12,745,410	100.00%

Figure 5 shows the comparison of the amount of Grant Allocations received and SUHAKAM's annual operating expenses between 2016 and 2020.



D. SUHAKAM'S FINANCIAL STATEMENT, 2016-2020

SUHAKAM's financial statements consisting of the Statement of Comprehensive Income and Statement of Financial Position from 2016 to 2020, are as follows:

Table 26: Statement of Comprehensive Income for 2016-2020

STATEMENT OF COMPREHENSIVE INCOME	2016	2017	2018	2019	2020
INCOME					
Government Grant	5,953,930	11,616,300	11,116,300	12,950,500	12,950,000
Other Income	67,687	269,806	217,779	623,750	854,777
Operational Expenditure	(10,034,682)	(11,352,468)	(12,164,058)	(13,107,428)	(12,923,483)
Finance Income	87,832	14,211	11,817	43,289	21,627
SURPLUS/ (DEFICIT) FOR THE CURRENT YEAR	(3,925,233)	547,849	(818,162)	510,111	1,101,837

Table 27: Statement of Financial Position, 2016-2020

STATEMENT OF FINANCIAL POSITION	2016	2017	2018	2019	2020
NON-CURRENT ASSETS					
Property, Plant and Equipment	532,137	446,154	283,298	274,015	294,858
Total Non-Current Assets	532,137	446,154	283,298	274,015	294,858
CURRENT ASSETS					
Deposits and Pre-payment	637,367	631,607	631,256	659,566	665,439
Fixed Deposit	400,000	-	1,000,000	1,000,000	-
Cash and Bank Balances	590,712	1,659,062	2,943,268	966,405	3,810,319
Total Current Assets	1,628,079	2,290,669	4,574,524	2,625,971	4,475,758
Total Assets	2,160,216	2,736,823	4,857,822	2,899,986	4,770,616

STATEMENT OF FINANCIAL POSITION	2016	2017	2018	2019	2020
EQUITY					
Accumulated Surplus/ (Deficit)	5,936,927	2,011,694	2,559,543	1,741,381	2,202,717
Current Year Adjustment	-	-	-	(49,488)	-
Accumulated Surplus/ (Deficit) for the current year brought forward	(3,925,233)	547,849	(818,162)	510,824	1,101,837
Total Equity	2,011,694	2,559,543	1,741,381	2,202,717	3,304,554
LIABILITY					
Other Payables and Accrued Expenses	148,522	177,280	3,120,441	441,966	1,126,067
Non-Current Liability	-	-	-	255,303	339,995
Total Liability	148,522	177,280	3,120,441	697,269	1,466,062
Total Equity and Liability	2,160,216	2,736,823	4,861,822	2,899,986	4,770,616

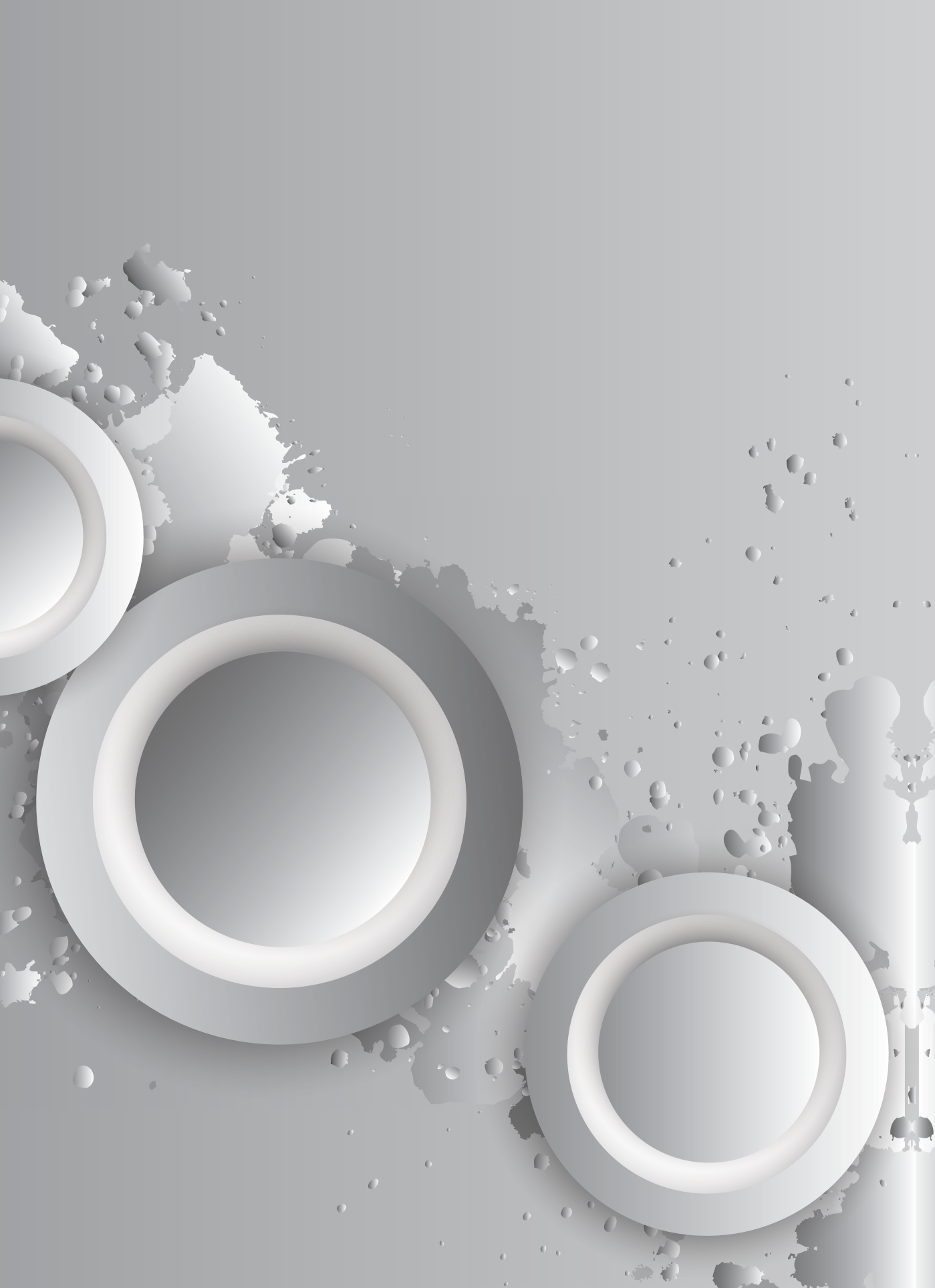
THE WAY FORWARD

Following the lessons learnt as a result of the COVID-19 pandemic, SUHAKAM will invest in upgrading its technological equipment in all its offices and internal know-how to be better prepared. SUHAKAM fully acknowledges the importance for the management and overall operations to be flexible and responsive to externalities and unforeseen changes in the environment it operates, without compromising on delivering our commitment and mandate to the country and community.

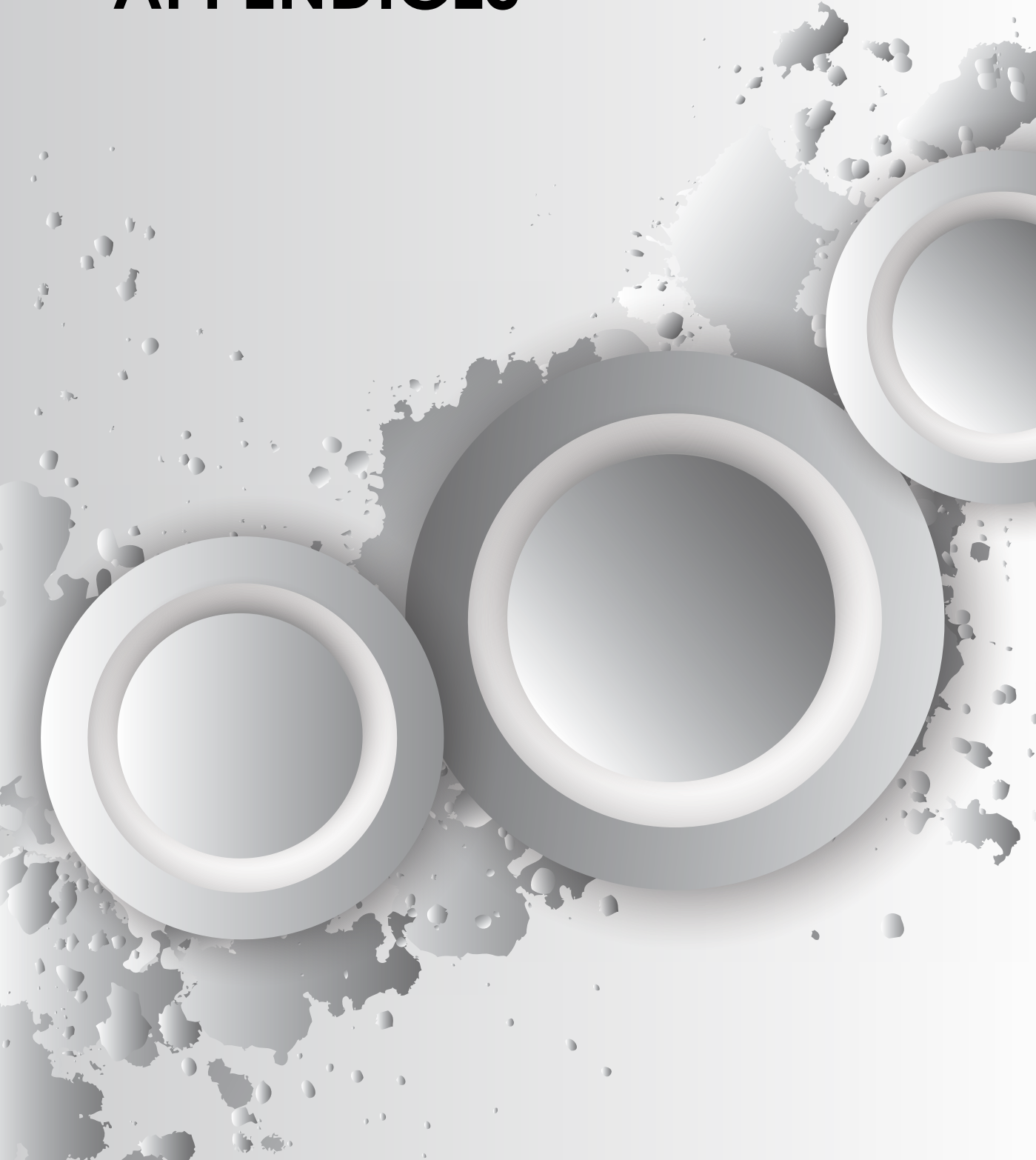
The increasing demand and expectation, from both the government and the community, as a result of population growth and increasing awareness

of human rights, would require SUHAKAM to perform better and better every year. Despite the financial limitations, SUHAKAM will continue to promote and protect human rights in Malaysia and fulfil its mandate and functions as provided in the SUHAKAM Act.

SUHAKAM remains optimistic that the government would see the value and importance of allocating sufficient annual grants for the coming years, to enable SUHAKAM to continue carrying out its mandate more broadly and efficiently, as well as to respond to the increasing demand and expectation by all stakeholders, especially the public as the whole.



APPENDICES



APPENDIX I

PRESS STATEMENTS

NO.	TITLE	DATE
1.	Announcement of the Public Inquiry into the Disappearance of Pastor Joshua Hilmy and Ruth Sitepu	26 Jan.
2.	Decriminalise Suicide Attempt by Amending the Penal Code	5 Feb.
3.	Right to Free Speech and Expression	3 Mar.
4.	International Women's Day 2020	8 Mar.
5.	COVID-19 Case in SUHAKAM	11 Mar.
6.	Managing COVID-19 Pandemic	16 Mar.
7.	International Day for the Elimination of Racial Discrimination	21 Mar.
8.	Steps Taken by SUHAKAM Following COVID-19 Cases	27 Mar.
9.	Conduct of Arrests and Detention of Alleged Offenders during the MCO	3 Apr.
10.	Virtual Meeting with NGOs/CSOs on Refugees & Asylum Seekers	15 Apr.
11.	Virtual Meeting with NGOs/CSOs on Migrants & Undocumented Foreign Workers	17 Apr.
12.	Virtual Meeting with NGOs/CSOs Working with Urban Poor, B40, Homeless	23 Apr.
13.	SUHAKAM Discussion on Orang Asli Issues during MCO	1 May
14.	SUHAKAM Commemorates World Press Freedom Day	3 May
15.	SUHAKAM Urges Authorities to Cease Arrests of Undocumented Migrants during COVID-19 Crisis	3 May
16.	SUHAKAM Calls for Malaysians to Stop Racism and Racial Prejudice	8 Jun.
17.	Every Action Counts on World Refugee Day	20 Jun.
18.	SUHAKAM Calls for Protection of Freedom of Speech and Expression	23 Jun.

NO.	TITLE	DATE
19.	UN International Day in Support of Victims of Torture	26 Jun.
20.	Racist, Sexist and Offensive Slurs By Parliamentarians Are Unacceptable And Should Not Be Condoned	23 Jul.
21.	World Day Against Trafficking in Persons	30 Jul.
22.	Time for an Anti-Hopping Law to be made a Reality	6 Aug.
23.	2020 International Day of the World's Indigenous Peoples	9 Aug.
24.	SUHAKAM expresses its concerns about the IPCC Bill 2020	27 Aug.
25.	International Day of Victims of Enforced Disappearances	30 Aug.
26.	SUHAKAM Calls for Effective Enforcement of Laws including Stiffer Penalties	6 Sept.
27.	#RIDE4RIGHTS: SUHAKAM Launches a Contest to Promote its Human Rights Advertisements	7 Sept.
28.	SUHAKAM Calls for the Speedy Establishment of An RCI to Look into the Allegations of Judicial Misconduct	14 Sept.
29.	SUHAKAM Will Monitor the 16th State Election in Sabah	21 Sept.
30.	SUHAKAM's Initial Findings from Sabah State Election Monitoring	27 Sept.
31.	The passing of Datuk Liew Vui Keong	3 Oct.
32.	SUHAKAM Reiterates its Call for Effective Enforcement of the Law including Stiffer Penalties for Perpetrators of Water Pollution	7 Oct.
33.	SUHAKAM is Deeply Concerned with the Proposed Declaration of an Emergency by the Government to Contain the COVID-19 Pandemic	24 Oct.
34.	SUHAKAM Welcomes and Thanks His Majesty SPB The YDP Agong for the decision not to declare an Emergency	26 Oct.

NO.	TITLE	DATE
35.	SUHAKAM Welcomes the Malaysian Government's Support for a Moratorium on the Death Penalty	20 Nov.
36.	SUHAKAM is Disappointed that its 2019 Annual Report will not be Debated in Parliament this Year	1 Dec.
37.	International Day of Persons with Disabilities 2020	3 Dec.
38.	International Migrants Day	18 Dec.

JOINT PRESS STATEMENT

NO.	TITLE	DATE
1.	Joint Press Statement by SUHAKAM, Pusat KOMAS and Penang Institute on the Code of Conduct for the Promotion of Equal Opportunities through the Elimination of Racial Discrimination	10 Feb.
2.	Joint Press Release by MOFA, BHEUU, SUHAKAM and UN Malaysia – 'Malaysia Celebrates Human Rights Day: Recover Better – Stand Up for Human Rights'	8 Dec.

PRESS STATEMENTS OF THE OFFICE OF THE CHILD COMMISSIONER

NO.	TITLE	DATE
1.	Consultation with Children	4 Mar.
2.	Concerned Over COVID-19 Spread Among Children (Tahfiz Students)	31 Mar.
3.	Virtual Meeting with NGOs/CSOs: Challenges Faced by Children during MCO	22 Apr.
4.	World Day Against Child labour 2020	12 Jun.
5.	Children's Rights to Education - MOE Urged to Explore New Methods of Teaching	24 Jun.
6.	4-Year-Old Child Died in a Car	16 Aug.
7.	World Children's Day 2020	19 Nov.

APPENDIX II

LIST OF ACTIVITIES

CMG	- Complaints and Monitoring Group
MRD	- Media Relations Division
ETD	- Education and Training Division
LITD	- Law and International Treaties Division
POD	- Promotion and Outreach Division
ICD	- International Coordination Division
SABAH	- Sabah Office
SARAWAK	- Sarawak Office
ESCRD	- Economic, Social and Cultural Rights Division
SUHAKAM	- Human Rights Commission of Malaysia

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
1.	6 Jan.	Memorandum by Kelantan Indigenous Community: i. Suggestion on building a dam at Sungai Nenggiri by TNB ii. Pollution due to logging at Bihai Indigenous community's land	SUHAKAM Kuala Lumpur	CMG
2.	9 Jan.	Case visit to Department of Welfare (JKM) Seremban	Seremban, Negeri Sembilan	OCC CMG
3.	13 Jan.	Visit to Kajang Prison on death in custody case	Kajang, Selangor	CMG
4.	15 Jan.	Meeting with the Director General of the Department of Orang Asli Development (JAKOA) on issues involving the Orang Asli Community	Kuala Lumpur	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
5.	16 Jan.	Memorandum by Suaram and 39 NGOs on the issue of sea embankment in Pulau Pinang	SUHAKAM Kuala Lumpur	CMG
6.	17 Jan.	Case visit to Bentong Prison	Bentong, Pahang	CMG
7.	18 Jan.	Watching Brief: Right to life and freedom from torture in Inquest into the Death of Soosaimanickkam s/o Joseph	Ipoh, Perak	LITD
8.	18 -19 Jan.	Exhibition in conjunction with 'Second Strategic Litigation Conference 2020' organised by MCCHR	Kuala Lumpur	POD
9.	20 Jan.	Watching brief: Freedom to choose religion in Rosliza Ibrahim v State of Selangor	Putrajaya	LITD
10.	21 Jan.	Routine visit to Pengkalan Chepa Prison	Pengkalan Chepa, Kelantan	CMG
11.	21 Jan.	Visit to AADK Pasir Mas	Pasir Mas, Kelantan	CMG
12.	22 Jan.	Periodic visit to Kota Bharu IPD Lockup	Pengkalan Chepa, Kelantan	CMG
13.	22 Jan.	Rawang Shooting Case Inquest Hearing at Mahkamah Shah Alam	Shah Alam, Selangor	CMG
14.	24 Jan.	Case visit to WRP Asia Pacific Sdn. Bhd. regarding the issue of human rights violation	Sepang, Selangor	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
15.	25 Jan.	Meeting with the Residents Association of PPR Krubong during a SBM programme	Krubong, Melaka	POD
16.	28 Jan.	Case visit to South Klang IPD related to complaints received	Klang, Selangor	CMG
17.	29 Jan.	Visit to Ipoh Hospital and investigation into allegations of child sexual abuse	Ipoh, Perak	CMG
18.	30 Jan.	Visit to Bayan Baru Central Lockup to monitor the establishment of Custodial Medical Unit	Bayan Baru, Pulau Pinang	CMG
19.	3 Feb.	Meeting with a UNISEL representative on the 'Youth for Rights' camp	Bestari Jaya, Selangor	POD
20.	5 Feb.	Visit to Ulu Kinta Bahagia Hospital and investigation on allegations of sexual abuse on children	Ulu Kinta, Perak	CMG
21.	6 Feb.	Meeting with Chief Registrar of the Federal Court of Malaysia for Judicial Colloquium 2020	Putrajaya	LITD
22.	9 Feb.	Mobile Community Service by Ministry of Finance	Kudat, Sabah	SABAH
23.	11 Feb.	Meeting with the National Association of Smallholders Malaysia Perak branch during a SBM programme	Batang Padang, Perak	POD

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
24.	11 - 28 Feb.	Watching Brief: Right to life and freedom from torture in Inquest into the Death of Soosaimanickam s/o Joseph	Ipoh, Perak	LITD
25.	12 Feb.	Human Rights Literacy programme for officers in Pahang's Department of Islamic Religious Affairs	Pekan, Pahang	POD
26.	12 Feb.	Mobile Community Service by Ministry of Finance	Kota Marudu	OCC
27.	12 Feb.	Case visit to Kuantan IPD related to the death of a Syrian Citizen	Kuantan, Pahang	CMG
28.	12 Feb.	Visit to Indera Mahkota Central Lockup to Monitor the establishment of Custodial Medical Unit	Kuantan, Pahang	CMG
29.	13 Feb.	Case visit to Kajang Prison related to alleged human rights violation	Kajang, Selangor	CMG
30.	13 Feb.	Exhibition in conjunction with the 'Minister in the Prime Minister's Department's (Parliament and Laws) New Year 2020 Mandate Ceremony' organised by BHEUU	Putrajaya	POD
31.	13 Feb.	Meeting with the Federal Territory Mufti	Putrajaya	LITD

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
32.	14 Feb.	ACT4CAT Coalition meeting	Kuala Lumpur	POD
33.	18 – 19 Feb.	Course on the Importance of Human Rights in Enforcement at the Kuala Lumpur City Hall Training Institute	Kuala Lumpur	ETD
34.	18 Feb.	Public Inquiry into the Disappearance of Joshua Hilmy & Ruth Sitepu (Hearing 1)	SUHAKAM Kuala Lumpur	CMG
35.	19 Feb.	Exhibition in conjunction with Seminar on the National Action Plan on Business and Human Rights (NAPBHR)	Putrajaya	POD ESCRD
36.	20 Feb.	Case visit to Temerloh IPD and Temerloh Social Welfare Department related to complaint on children	Temerloh, Pahang	CMG
37.	20 Feb.	Meeting with Lawyers in Relation to children	Raub, Pahang	CMG
38.	20 Feb.	Case visit to Lubuk Antu IPD and Engkili Police Station related to death in lockup	Sarawak	CMG
39.	21 Feb.	Youth for Rights programme with students of Jelebu Community College	Jelebu, Negeri Sembilan	POD
40.	24 Feb.	Case visit to Kuala Lumpur Hospital related to violence by prison warden	Kuala Lumpur	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
41.	24 Feb.	Visit to Dusun Dato' Murad Prison and Rumah Perlindungan Tanjung	Melaka	CMG
42.	25 Feb.	Discussion with the Federal Territory Islamic Religious Department (JAWI) regarding SUHAKAM's study on discrimination against transgender	Shah Alam	ESCRD
43.	26 Feb.	Case visit to Tengku Ampuan Hafzan Hospital related to the death of a Syrian citizen	Kuantan, Pahang	CMG
44.	27 Feb.	Exhibition in conjunction with the Launch of Persons with Disabilities' Right to Worship Awareness Campaign organised by Malaysian Alliance of Civil Society Organisations in the UPR Process and <i>Persatuan Orang Cacat Penglihatan Islam</i> (Islamic Association for the Visually Impaired)	Shah Alam, Selangor	POD
45.	2 - 4 Mar.	Public Inquiry into the Disappearance of Joshua Hilmy & Ruth Sitepu (Hearing 2, 3 and 4)	SUHAKAM Kuala Lumpur	CMG
46.	3 Mar.	Workshop to review the syllabus for teachers' education at the Institute of Teacher Education in Lembah Pantai	Kuala Lumpur	ETD
47.	6 Mar.	Meeting with UNDP Malaysia to discuss the Judicial Colloquium 2020	Putrajaya	LITD

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
48.	6 Mar.	Memorandum by Parti Rakyat Malaysia on human rights violations	SUHAKAM Kuala Lumpur	CMG
49.	8 Mar.	Observers for the Women's March in Conjunction with The International Women's Day	Kuala Lumpur	CMG
50.	9 Mar.	Visit to SK Gopeng related to the case of special education children	Gopeng, Perak	CMG
51.	9 Mar.	Follow up meeting with transgender representative on the Study on Discrimination Against Transgender Persons	SUHAKAM Kuala Lumpur	ESCRD
52.	11 Mar.	Visit to Shah Alam Central Lockup to monitor the establishment of Custodial Medical Unit	Shah Alam, Selangor	CMG
53.	12 Mar.	Watching Brief: Right to Citizenship in Nalvin Dhillon s/o Narangan Singh v Director-General of National Registration Department & 2 ors	Kuala Lumpur	LITD
54.	9 Apr.	Dialogue with Refugee Community and UNHCR	Online	CMG
55.	13 Apr.	Dialogue on Migrant Workers and Undocumented	Online	CMG
56.	16 Apr.	Dialogue Session on Assessing the Needs of Vulnerable Urban Poor Communities and Homeless	Online	CMG
57.	16 Apr.	Dialogue on the Impact of COVID-19 on Group B40	Online	ETD

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
58.	20 Apr.	Dialogue with NGOs/ CSOs and Individuals on Assessing the Needs of Indigenous Communities and Next Steps in Facing the COVID-19 Pandemic	Online	CMG
59.	23 Apr.	Dialogue on Indigenous People in Sabah and Sarawak	Online	CMG
60.	20 May	ACT4CAT Coalition meeting	Online	POD
61.	28 May	Meeting with the Head of AADK Health Division regarding preventive measures taken to prevent the transmission of COVID-19 in AADK detention centres	Online	CMG
62.	5 Jun.	Visit to the Temporary Detention Centre at Kajang Prison College	Kajang, Selangor	CMG
63.	16 Jun.	Death in custody case visit to IPD Bentong	Bentong, Pahang	CMG
64.	17 Jun.	SUHAKAM Consultation on COVID-19 Impact on Women in Malaysia	Online	LITD
65.	25 Jun.	Meeting the Rohingya Community	Bagan Serai, Perak	CMG
66.	25 Jun.	Meeting with Kerian District Council, Perak	Kerian, Perak	CMG
67.	25 Jun.	Meeting with Ketua Kampung Jalan Taiping and Kampung Masjid Tinggi	Bagan Serai, Perak	CMG
68.	30 Jun.	UUM Lecture on The Dilemma of Refugees in Malaysia	Online	ETD

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
69.	30 Jun.	Watching Brief: Elimination of all forms of discrimination against women and gender-based violence in PP v Hazrul Hizham Ghazali	Petaling Jaya, Selangor	LITD
70.	30 Jun.	Working visit to the Ministry of Human Resources	Putrajaya	CMG
71.	1 Jul.	Guest Lecture on "Human Rights Issues in Malaysia" for UNISEL Students	Online	ETD
72.	6 Jul.	Meeting with the Bukit Kledang Exploration Protest Community	Perak	CMG
73.	8 Jul.	Case visit to Dang Wangi IPD	Kuala Lumpur	CMG
74.	8 Jul.	Watching Brief: Elimination of all forms of discrimination against women and gender-based violence in PP v Hazrul Hizham Ghazali	Petaling Jaya, Selangor	LITD
75.	8 Jul.	Watching Brief: Regarding the best interests of the child in the case of the two tahfiz students who were detained over the death of a seven-year-old schoolmate	Temerloh, Pahang	OCC
76.	8 Jul.	Case visit to Jinjang Central Lockup	Kuala Lumpur	CMG
77.	8 Jul.	Human Rights Literacy programme for officers of Kelantan's Department of Islamic Religious Affairs	Online	POD

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
78.	15 Jul.	Watching Brief: Protection of refugees and asylum seekers in Mohammad Huson & 32 Ors v PP	Alor Star, Kedah	LITD
79.	15 Jul.	Death in custody case visit to Sungai Buloh Prison	Sungai Buloh, Selangor	CMG
80.	19 Jul.	Case visit to Kem Wawasan Negara,	Langkawi, Kedah	CMG
81.	20 Jul.	Meeting with Langkawi's Officer in Charge of Police District, Malaysian Maritime Enforcement Agency and Magistrate of Langkawi Magistrate's Court on the current developments relating to the Rohingya Refugees in Langkawi	Langkawi, Kedah	CMG
82.	22 Jul.	Watching Brief: Protection of refugees and asylum seekers in Mohammad Huson & 32 Ors v PP	Alor Star, Kedah	LITD
83.	23 Jul.	Memorandum by Suaram on the Issue of 'The harassment of human rights defenders, activists and political opponents'	SUHAKAM Kuala Lumpur	CMG
84.	23 Jul.	Memorandum by the National Union of Workers in Hospital Support and Allied Services on Complaints of Wrong Arrest of Union Activists During Legal Picket Actions	SUHAKAM Kuala Lumpur	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
85.	24 Jul.	Memorandum of Understanding Signing Ceremony between SUHAKAM, Komnas HAM and CHRP on the statelessness issue in Sabah	Online	ICMRD
86.	27 Jul.	OCC Meeting with Dr. Maalini Ramalo from DHRRA on the issue of Stateless/Undocumented Children	Kuala Lumpur	OCC
87.	28 Jul.	Online Consultation and Dialogue on Stateless Children issue in the Peninsular	Online	OCC
88.	4, 7, 16, 18, 21 Aug.	Watching Brief: Elimination of all forms of discrimination against women and gender-based violence in PP v Hazrul Hizham Ghazali	Klang, Selangor	LITD
89.	6 Aug.	Meeting with FGV regarding the migrant worker in Peninsular Malaysia and Sabah	SUHAKAM Kuala Lumpur	CMG
90.	9 Aug.	Meeting with family regarding a death	Segamat, Johor	CMG
91.	10 Aug.	Meeting with the investigation officer of a death case	Segamat, Johor	CMG
92.	10 Aug.	Case visit to Putrajaya Detention Depot	Putrajaya	CMG
93.	12 Aug.	Public Inquiry into the Disappearance of Joshua Hilmy & Ruth Sitepu (Hearing 5)	SUHAKAM Kuala Lumpur	CMG
94.	17 Aug.	Periodic visit to Jalan Patani Police Station Lockup	Pulau Pinang	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
95.	18 Aug.	Custodial Medical Unit (CMU) Standard Operating Procedures (SOP) Preparation Workshop Program	Pulau Pinang	CMG
96.	18 Aug.	Discussion with YB Senator Datuk Dr. Zulkifli Mohamad Al-Bakri, Minister in the PM's Department (Religious Affairs), to further discuss the outcome of SUHAKAM's study on discrimination against transgender	Putrajaya	ESCRD
97.	24 Aug.	Public Inquiry into the Disappearance of Joshua Hilmy & Ruth Sitepu (Hearing 6)	SUHAKAM Kuala Lumpur	CMG
98.	25 Aug.	OCC and MACSA co-organised Forum on Children Rights for Tahfiz Schools	Online	OCC
99.	25 Aug.	Interviewing a forensic consultant for the investigation of a death in detention involving a prisoner in Sungai Buloh Prison	Sungai Buloh, Selangor	CMG
100.	26 Aug.	OCC case visit to Asrama Akhlak Rusila	Marang, Terengganu	OCC CMG
101.	27 Aug.	Case visit to IPD Ipoh and Pekan Baru Police Station	Ipoh, Perak	CMG
102.	27 Aug.	Memorandum by Parti Sosialis Malaysia (Semenyih Branch) related to the issue of master scam sentenced, independent scam victim	SUHAKAM Kuala Lumpur	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
103.	1 Sept.	Courtesy call on Malaysia's Representative to the IPHRC of the Organisation of Islamic Cooperation	Bandar Baru Bangi, Selangor	POD
104.	1-2 Sept.	Public Inquiry into the Disappearance of Joshua Hilmy & Ruth Sitepu (Hearing 7 and 8)	SUHAKAM Kuala Lumpur	CMG
105.	3 Sept.	Case visit to Kajang Prison regarding the death of a detainee in lockup at Dang Wangi IPD	Kajang, Selangor	CMG
106.	3 Sept.	Watching Brief: Elimination of all forms of discrimination against women and gender-based violence in PP v Hazrul Hizham Ghazali	Klang, Selangor	LITD
107.	4 Sept.	Invitation to the Election Observer Briefing for the 16th Sabah State Assembly General Election	Putrajaya	CMG
108.	4 Sept.	Watching Brief: Right to life and freedom from torture in Inquest into the Death of Soosaimanickkam s/o Joseph	Ipoh, Perak	LITD
109.	9 Sept.	Official Launch of the #Ride4Rights Contest	Sungai Buloh, Selangor	POD
110.	10 Sept.	Public Inquiry into the Disappearance of Joshua Hilmy & Ruth Sitepu (Hearing 9)	SUHAKAM Kuala Lumpur	CMG
111.	11 Sept.	Case Visit to Lenggeng Immigration Depot	Lenggeng, Negeri Sembilan	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
112.	11 Sept.	Watching brief: Regarding the Right to Education in Mohd Alif Anas Bin Md Noor (GPMS) v Minister of Education & Ors	Kuala Lumpur	LITD
113.	14 Sept.	Visit to the Embassy of Nepal	Kuala Lumpur	CMG
114.	14 -18 Sept.	Case visit, dialogue and meetings at Kampung Marak Parak	Kota Marudu, Sabah	OCC SABAH
115.	15 Sept.	SBM programme with plantation community	Batang Padang, Perak	POD
116.	15 Sept.	Case Visit to Sungai Udang Prison related to a death	Sungai Udang, Melaka	CMG
117.	17 Sept.	Public Inquiry into the Disappearance of Joshua Hilmy & Ruth Sitepu (Hearing 10)	SUHAKAM Kuala Lumpur	CMG
118.	18 Sept.	Case visit to Kajang Prison related to a death	Kajang, Selangor	CMG
119.	21 Sept.	Public Inquiry into the Disappearance of Joshua Hilmy & Ruth Sitepu (Hearing 11)	SUHAKAM Kuala Lumpur	CMG
120.	21-27 Sept.	Sabah State Election Monitoring Sabah	Sabah	CMG
121.	23 Sept.	Case visit to Ulu Choh Correctional Center related to complaints of human rights violations	Johor	CMG
122.	24 Sept.	Case Visit to Kemayan Triang Immigration Depot	Temerloh Pahang	CMG
123.	1 Oct.	Case visit to Alor Gajah Hospital related to Death Case	Alor Gajah, Melaka	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
124.	1 Oct.	Case Visit to Sungai Udang Prison related to death case	Sungai Udang, Melaka	CMG
125.	19 Oct.	Watching Brief: Right to life and freedom from torture in Inquest into the Death of Soosaimanickkam s/o Joseph	Ipoh, Perak	LITD
126.	19 Oct.	Meeting with KOMNAS HAM regarding the treatment against PATI in Sabah	Online	CMG
127.	21 Oct.	Watching Brief: Right to Citizenship in Nalvin Dhillon s/o Narangan Singh v Director-General of National Registration Department & 2 ors.	Kuala Lumpur	LITD
128.	22 Oct.	Discussion on Problems, Challenges and Measures to be taken to deal with scabies in detention centers	Online	CMG
129.	23 Oct.	ACT4CAT Coalition meeting	Online	POD
130.	23 Oct.	Memorandum by NGO (Malaysian Support Group of Democracy in Thailand) on the Issue of Rally in Thailand	Online	CMG
131.	26 Oct.	Watching Brief: Right to life and freedom from torture in Inquest into the Death of Soosaimanickkam s/o Joseph	Ipoh, Perak	LITD
132.	28 Oct.	Meeting with Sabah NGOs regarding COVID-19 Cases in Semporna, Sabah	Online	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
133.	5 Nov.	Study Session on APT Guidance: Monitoring Places of Detention through the Covid-19 Pademic	Online	CMG
134.	7 Nov.	Consultation with Sabah Children	Online	OCC SABAH
135.	11 Nov.	Meeting with the Embassy of the Philippines	Online	CMG
136.	12 Nov.	Press Conference regarding situation in prison during COVID-19	Online	CMG
137.	13, 16, 19, 20, 23 & 24 Nov.	Watching Brief: Elimination of all forms of discrimination against women and gender-based violence in PP v Hazrul Hizham Ghazali	Klang, Selangor	LITD
138.	16 Nov.	Online Discussion with Single Mothers Association of Sarawak	Online	OCC SARAWAK
139.	26 Nov.	Roundtable Discussion on the Independent Police Conduct Commission (IPCC) Bill 2020	Online	LITD
140.	26 Nov.	Online Webinar on Bullying, Corporal Punishment, and Expulsion from School	Online	LITD OCC
141.	30 Nov.	Meeting with IPD Kota Marudu	Online	OCC
142.	30 Nov.	Lecture on ICERD to UMS students	Online	ETD
143.	30 Nov.	Meeting with Hospital Kota Marudu	Online	OCC

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
144.	3 Dec.	Roundtable Discussion on access to Treatment for Hepatitis C Virus in Prisons	Online	CMG
145.	5 Dec.	Lecture on UNCAT to USIM students	Online	ETD
146.	9 Dec.	Discussion on Issues involving farm workers with the Roundtable on Sustainable Palm Oil (RSPO) team	Online	CMG
147.	10 Dec.	Watching Brief: in the matter of the Constitutional Oath of Office of Datuk Dr Haji Hamid Sultan bin Abu Backer, judge, Court of Appeal pursuant to Article 124 & Sixth Schedule of the Federal Constitution and others.	Kuala Lumpur	LITD
148.	10 Dec.	Mou signing ceremony between SUHAKAM and National Center for Human Rights of the Republic of Uzbekistan	Online	ICMRD
149.	14 Dec.	Watching Brief: Judicial Review of Section 28 of Selangor Syariah Criminal Offences Enactment 1995 in Iki Putra v State of Selangor	Putrajaya	LITD
150.	14 Dec.	Visit to FGV Oil Palm Plantation (Felda Besout 6 & 8)	Slim River, Perak	CMG

NO.	DATE	ACTIVITY	VENUE/ PLATFORM	DIVISION/ UNIT/ BRANCH
151.	15 Dec.	Watching Brief: Regarding the right of children. PP v Muhammad Aiman Bin Abdul Razzaq & 3 others. The case involves four boys from Rumah Budak Laki-laki (RBL) Tun Abdul Aziz.	Melaka Tengah, Melaka	OCC
152.	15 Dec.	Meeting Between SUHAKAM, NHRC Nepal and NGOs	Online	CMG
153.	16 Dec.	Amicus Curiae: Freedom to choose religion in Rosliza Ibrahim v State of Selangor	Putrajaya	LITD
154.	18 Dec.	Meeting with Forensic Doctor from Melaka Hospital	Online	CMG
155.	18 Dec.	Joint Meeting of MMC Gamuda regarding complaints relating to the treatment of employees	Online	CMG
156.	22 Dec.	Meeting with Ms. Mary Shanthi Dairiam former Executive Director of IWRAW Asia Pacific	Online	LITD
157.	23 Dec.	Meeting with Forensic Department at Sungai Buloh Hospital	Online	CMG
158.	29 Dec.	Children's Rights Programme for Tahfiz Schools – Central Zone	Online	OCC ETD
159.	30 Dec.	Interview with the Assistant Medical Officer of the Sungai Buloh Prison Clinic, Selangor	Online	CMG

APPENDIX III

LIST OF TALKS, MEETINGS, WORKSHOPS AND CONFERENCES – NATIONAL

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
1.	7 Jan. BHEUU, Putrajaya	Research Officers invited by BHEUU Secretariat for Study on Alternative Sentences to the Mandatory Death Penalty	<ul style="list-style-type: none"> Jesrina Grewal
2.	9 Jan. SUHAKAM, Kuala Lumpur	Meeting with BHRRRC on Malaysia's NAP process	<ul style="list-style-type: none"> Dato' Mah Weng Kwai Dr. Cheah Swee Neo Jesrina Grewal Paremeswari Subramaniam Helmi Fendy Mohammad Idris
3.	9 Jan. Kuala Lumpur	Workshop on Streaming the Victim Identification and Approvals Process	<ul style="list-style-type: none"> Datuk Lok Yim Pheng
4.	10 -11 Jan. Kuala Lumpur	Training Workshop on Empowering Refugee Women organised by UNHCR	<ul style="list-style-type: none"> Chua Yen Sin
5.	13 Jan. Bangi, Selangor	Discussion on the Development of the NAPBHR	<ul style="list-style-type: none"> Dr. Cheah Swee Neo Paremeswari Subramaniam
6.	14 Jan. Putrajaya	Focus Group Discussion of Victims' Family with the Special Committee for the Study of Alternative Sentences to the Mandatory Death Penalty	<ul style="list-style-type: none"> Jesrina Grewal
7.	14 Jan. Kuala Lumpur	Validation Workshop on the assessment of the existing reporting and referral system on forced labour and related offenses	<ul style="list-style-type: none"> Abdul Rahman Abdullah Muhammad Faiz Abd Rahman

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
8.	15 Jan. Putrajaya	Meeting with Linda Lakhdir from Human Rights Watch	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Paremeswari Subramaniam
9.	15 Jan. Ampang, Selangor	Meeting with JAKOA	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Dr. Cheah Swee Neo
10.	15 -16 Jan. Kuala Lumpur	Ungku Aziz Development Forum on Inequality	<ul style="list-style-type: none"> • Abel Athi Kumar
11.	17-18 Jan. Kuala Lumpur	Follow-up Workshop on Empowering Refugee Women organised by UNHCR Malaysia	<ul style="list-style-type: none"> • Chua Yen Sin
12.	18-19 Jan. Kuala Lumpur	Strategic Litigation Conference organised by BCHRC-MCCHR	<ul style="list-style-type: none"> • Dato' Mah Weng Kwai
13.	19-21 Jan. Putrajaya	Final Report on the Study of Alternative Sentences to the Mandatory Death Penalty	<ul style="list-style-type: none"> • Jesrina Grewal
14.	20 Jan. SUHAKAM, Kuala Lumpur	Meeting with MTAAG+ on the Right to Health in Prison	<ul style="list-style-type: none"> • Paremeswari Subramaniam • Siti Rahayu Mohamed Noor • Simon Karunagaram • Aida Suraya Haron
15.	20-21 Jan. Putrajaya	Meeting on Death Penalty	<ul style="list-style-type: none"> • Dato' Mah Weng Kwai
16.	21 Jan. Kuala Lumpur	MOFA's Stakeholders Consultation on Malaysia's Commitment to Beijing+25	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng
17.	24 Jan. Putrajaya	MAPO's meeting	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
18.	28 Jan. Kuala Lumpur	Courtesy visit by a delegation from Ministry of Law, Justice and Parliamentary Affairs of the People's Republic of Bangladesh	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Dr. Madeline Berma • Datuk Lok Yim Pheng • Josefina Abdullah
19.	29-31 Jan. Kuala Lumpur	Workshop on Islamic Law and Children's Rights	<ul style="list-style-type: none"> • Jasmih Slamet • Nur Shahmimie Yusof
20.	30 Jan. Kuala Lumpur	Conference on Rethinking the Drug Policy in Malaysia with the Global Commission on Drug Policy	<ul style="list-style-type: none"> • Jesrina Grewal
21.	3 Feb. SUHAKAM	Visit from <i>Persatuan Pengasuh Berdaftar Malaysia</i>	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal • Dr. Cheah Swee Neo
22.	3-21 Feb Online	APF Gender Network Workshop organised by APF	<ul style="list-style-type: none"> • Aisya Abdul Rahman • Yustina Ishak
23.	4 Feb. SUHAKAM Kuala Lumpur	Meeting with IDEAS: Project on National Unity and Inter-Racial Harmony	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Lee Pei Hsi • Paresmeswari Subramaniam • Nicole Kimberly Tan
24.	6 Feb. SUHAKAM Kuala Lumpur	Meeting with KOMAS on the Code of Conduct	<ul style="list-style-type: none"> • Paresmeswari Subramaniam • Helmi Fendy • Abel Athi Kumar
25.	10 Feb. Putrajaya	Special Meeting on Death Penalty	<ul style="list-style-type: none"> • Dato' Mah Weng Kwai

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
26.	10 Feb. Putrajaya	Meeting: Consultation on proposed amendments to ATIPSOM organised by UNICEF	<ul style="list-style-type: none"> • Sarah Adibah Hamzah
27.	13 Feb. Putrajaya	"Majlis Amanat Tahun Baharu 2020" by Minister at Prime Minister's Department (Parliament and Laws)	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
28.	17 Feb. Online	Meeting on "Strategic Communication Plan for Immunisation" by the Ministry of Health	<ul style="list-style-type: none"> • Datuk Godfrey Gregory Joitol • Jasmih Slamet • Heflin Dino • Nur Shahmimie Yusof • Daisy Masiram • Archimedes Chua
29.	17 Feb. Putrajaya	Discussion on the Role of SUHAKAM in NAPBHR's Development	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Pareswari Subramaniam
30.	17-18 Feb. Kuala Rompin, Pahang	Invitation as Speaker for JOAS Leadership Training and Youth Community Development Session	<ul style="list-style-type: none"> • Azian Juliana Ng Kee Choo
31.	18-19 Feb. Kuala Lumpur	Invitation as Speaker on the Importance of Human Rights in Enforcement Action Course at Kuala Lumpur City Hall Training Institute	<ul style="list-style-type: none"> • Abdul Rahman Abdullah
32.	18 Feb. Kuala Lumpur	Talk: Alleviating Old-Age Poverty in Ageing Malaysia organised by ISIS	<ul style="list-style-type: none"> • Sarah Adibah Hamzah

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
33.	19 Feb. Putrajaya	Seminar on the National Action Plan on Business and Human Rights (NAPBHR)	<ul style="list-style-type: none"> • Dato' Mah Weng Kwai • Dr. Cheah Swee Neo • Pareswari Subramaniam • Abel Athi Kumar
34.	19 Feb. Online	Interview with TV Al-Hijrah on illegitimate children	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal
35.	20 Feb. Online	Meeting to come up with a follow-up report on FGM (after the country report) to be submitted to the CEDAW Committee for its Concluding Observations	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal
36.	21 Feb. Kuala Lumpur	Presentation of the Legal Research Paper on Non-Discrimination	<ul style="list-style-type: none"> • Abel Athi Kumar
37.	25 Feb. Putrajaya	Seminar on the National Action Plan on Business and Human Rights (NAPBHR)	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Pareswari Subramaniam • Noor Fatinullah Othman
38.	25 Feb. Putrajaya	Integrating Human Rights into The Twelfth Malaysia Plan (2021-2025)	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Abel Athi Kumar
39.	26 Feb. Kuala Lumpur	Coordination Meeting of Anti-Trafficking activities organised by UNICEF and IOM	<ul style="list-style-type: none"> • Sarah Adibah Hamzah
40.	2 Mar. Online	Meeting with the ICRC	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal

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41.	2 Mar. Kuala Lumpur	Launch of The Malaysian Parliamentary Procedure: A Guide to the Standing Orders of The Dewan Rakyat	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng • Datuk Godfrey Gregory Joitol • Dato' Mah Weng Kwai • Prof. Dato' Noor Aziah Mohd. Awal • Dr. Madeline Berma • Mr. Jerald Joseph • Dr. Cheah Swee Neo
42.	2 Mar. Kuala Lumpur	She Decides Day & Launch of the Gender Equality Initiative in Malaysia	<ul style="list-style-type: none"> • Noor Fatinullah Othman • Abel Athi Kumar
43.	3 Mar. Putrajaya	Meeting: NAPTIP organised by the National Strategic Office (NSO)-MAPO	<ul style="list-style-type: none"> • Sarah Adibah Hamzah
44.	6 Mar. Putrajaya	Meeting with UNDP on Judicial Colloquium	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
45.	6 Mar. Putrajaya	Preparation meeting for the Implementation of the National Conference on Business and Human Rights in April 2020	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Paremewari Subramaniam • Nurisha Hanizam
46.	10 - 11 Mar. Online	Roundtable Discussion on "The Development of a Training Advocacy Module against Child Marriage"	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal • Nur Liyana Adlin Mohd Nasarudin
47.	2 Apr. Online	Meeting with UNICEF	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo

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48.	3 Apr. Online	Meeting with OHCHR	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
49.	20 Apr. Online	Meeting to Discuss the problems faced by the Migrant Community and Undocumented Persons in Sabah during the MCO and to make recommendations to the government	<ul style="list-style-type: none"> • Datuk Godfrey Gregory Jaitol • Jasmih Slamet • Heflin Dino • Nur Shahmimie Yusof • Daisy Masiram • Archimedes Chua
50.	23 Apr. Online	Meeting with MAPO and JHAMS-work on ATIP	<ul style="list-style-type: none"> • Parneswari Subramaniam
51.	5 May Online	Speaker: Law Awareness Series	<ul style="list-style-type: none"> • Mr. Jerald Joseph
52.	6 May Online	Strategic Meeting on Action Plan for MoU on Statelessness Issues in Sabah	<ul style="list-style-type: none"> • Mr. Jerald Joseph
53.	14 May Online	HR Dimensions of the COVID-19 Pandemic	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
54.	21 May Online	Impacts of COVID-19 on Jobs Businesses In Supply Chains	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
55.	28 May Online	Meeting regarding BHR in Times of COVID-19	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
56.	29 May Online	Coordination Meeting at PM's Department: Development of Temporary Measures for Reducing the Impact of COVID-19 Bill organised by BHEUU	<ul style="list-style-type: none"> • Aisya Abdul Rahman

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
57.	9 Jun. Online	Weekly Talkshow: Urgent Spotlight 'COVID-19: Where Have All the Students Gone?' organised by CSO Platform for Reform	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng • Mohd Shafik Md Sharif • Ahmad Afifi Ramli
58.	9 -11 Jun. Online	United Nations Virtual Forum on Responsible Business and Human Rights, Asia-Pacific	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
59.	10 Jun. Online	Meeting on the Development of the Temporary Measures for Reducing the Impact of Coronavirus Disease COVID-19 Bill organised by BHEUU	<ul style="list-style-type: none"> • Aisya Abdul Rahman • Izyan Hazwani Ahmad • Chua Yen Sin
60.	11 Jun. Online	Discussion with Uzbekistan Human Rights Institution	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
61.	15 Jun. Putrajaya	Meeting with YB Minister Datuk Takiyuddin Hassan	<ul style="list-style-type: none"> • Tan Sri Othman Hashim
62.	18 Jun. Online	Talk: Awareness of Human Rights Education organised by the UCSI University	<ul style="list-style-type: none"> • Sophian Osman • Mohd Shafik Md Sharif
63.	18 Jun. Online	Human Rights Defenders Regional Action Plan - Drafting Group First Meeting	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
64.	19 Jun. Online	Advancing Cooperation between Government and CSOs in the Rehabilitation and Reintegration of Violent Extremist Prisoners and Returning FTFs	<ul style="list-style-type: none"> • Mr. Jerald Joseph

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65.	23 Jun. Putrajaya	Meeting with National Council of Occupational Safety and Health (NCOSH)	<ul style="list-style-type: none"> Datuk Lok Yim Pheng
66.	24 Jun. Online	Interview on a project with Liberty Shared, commissioned by the IOM on developing operational guidelines for business on remediation of human rights violations of migrant workers in international supply chains	<ul style="list-style-type: none"> Dr. Cheah Swee Neo Paremeswari Subramaniam
67.	24 Jun. Online	Meeting with Serne Terence: Introduction - New Second Secretary Political Affairs NL Embassy	<ul style="list-style-type: none"> Dr. Cheah Swee Neo Nicole Kimberly Tan
68.	26 Jun. Online	Webinar with Asian Productive Organization: Quality Education during Covid-19	<ul style="list-style-type: none"> Datuk Lok Yim Pheng
69.	29 Jun. Online	Meeting with NUJ	<ul style="list-style-type: none"> Dr. Cheah Swee Neo Shahizad Sulaiman Aisya Abdul Rahman Norashikin Hamzah
70.	29 Jun. Kuala Lumpur	Meeting with Embassy of India	<ul style="list-style-type: none"> Mr. Jerald Joseph
71.	30 Jun. Online	ISIS Webinar	<ul style="list-style-type: none"> Prof. Dato' Noor Aziah Mohd. Awal
72.	30 Jun. Putrajaya	<i>Majlis Amanat Negara</i>	<ul style="list-style-type: none"> Dato' Mah Weng Kwai Dr. Cheah Swee Neo

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73.	30 Jun. Putrajaya	Meeting YB Datuk Seri M. Saravanan, The Human Resources Minister	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Dato' Mah Weng Kwai • Datuk Lok Yim Pheng • Mr. Jerald Joseph • Dr. Cheah Swee Neo
74.	3 Jul. Kuala Lumpur	Panel Speaker: UN75 National Conversation	<ul style="list-style-type: none"> • Mr. Jerald Joseph
75.	8 Jul. SUHAKAM	Meeting with EU Ambassador-H.E. Mrs Maria Castillo Fernández farewell courtesy call	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Mr. Jerald Joseph • Dr. Cheah Swee Neo
76.	8 Jul. Sarawak	Meeting with Minister of Welfare, Community Well Being, Women, Family and Childhood Development (Sarawak) Dato Sri Fatimah Abdullah and Sarawak Women and Family Council (MWKS)	<ul style="list-style-type: none"> • Dato' Dr Madeline Berma
77.	9 Jul. Online	Refugee Maritime Movements Coordination Meeting	<ul style="list-style-type: none"> • Kevin Jason James
78.	21 Jul. Online	Talk: Working Local, Thinking Global Webinar organised by IOM	<ul style="list-style-type: none"> • Sarah Adibah Hamzah

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79.	22 Jul. Putrajaya	Meeting with BHEUU Director General	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Datuk Lok Yim Pheng • Associate Prof. Dr. Nik Salida Suhaila Nik Saleh • Mr. Jerald Joseph • Prof. Dato' Noor Aziah Mohd. Awal • Izyan Hazwani Ahmad
80.	22 Jul. Putrajaya	Discussion on The Development Period of The Third Periodic Review of Malaysia's Third Universal Periodic Review, Series 1/2020	<ul style="list-style-type: none"> • Paremewari Subramaniam
81.	23 Jul. Putrajaya	Focus Group Discussion on Migrant Workers' Rights organised by USIM	<ul style="list-style-type: none"> • Siti Rahayu Mohamed Noor • Sarah Adibah Hamzah
82.	23 Jul. Online	Webinar on COVID-19 and Ombudsman Institutions - DCAF	<ul style="list-style-type: none"> • Mr. Jerald Joseph
83.	23 Jul. Bangsar, Selangor	Invitation: CIJ Malaysia Expert Group Meeting on the Right to Information Legislation	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
84.	23 Jul. Online	UNICEF-UNEP-UN OHCHR Virtual Expert Group Meeting on "Policy guidance for promoting and protecting children's rights in a healthy environment in the ASEAN region".	<ul style="list-style-type: none"> • Nur Liyana Adlin Mohd Nasarudin

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85.	27 Jul. Kuala Lumpur	Meeting with Dr. Mazra Sahani on Children's Right to a Healthy Environment	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal • Izyan Hazwani Ahmad
86.	27 Jul. SUHAKAM Kuala Lumpur	Courtesy visit by the Acting New Zealand High Commissioner to Malaysia and New Zealand Ambassador to ASEAN	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Josefina Abdullah
87.	27 Jul. SUHAKAM	Meeting with IFJ	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
88.	28 Jul. Kuala Lumpur	Lunch Meeting with Ambassador of France	<ul style="list-style-type: none"> • Tan Sri Othman Hashim
89.	28 Jul. Online	Virtual Webinar: The End of Certainty: Australia and the Rise of Xi's China by Prof. John Blaxland	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng
90.	30 Jul. Online	Children's Commissioner invited as speaker on "Stop Violence Against Children! A Reflection and Action Post-MCO" by CSO Platform for Reform	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal
91.	30 Jul. Online	Rights of Migrants and Refugees - Equal before the Law	<ul style="list-style-type: none"> • Mr Jerald Joseph
92.	30 Jul. Online	KPUM's #StayAtHome Series	<ul style="list-style-type: none"> • Mr Jerald Joseph
93.	4 Aug. Kuala Lumpur	Statement Compliance with CSOs	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Datuk Lok Yim Pheng • Dato' Mah Weng Kwai • Mr. Jerald Joseph • Dr. Cheah Swee Neo

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94.	10 Aug. Online	Human Rights Defenders Regional Action Plan - Drafting Group Second Meeting	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
95.	10 Aug. Parlimen	Meeting with Datuk Azhar bin Azizan @ Harun Speaker of Dewan Rakyat	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Dr. Cheah Swee Neo • Datuk Lok Yim Pheng • Dato' Mah Weng Kwai • Mr. Jerald Joseph
96.	11 Aug. Online	Roundtable Discussion on Enforced Disappearances organised by IIUM	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal • Izyan Hazwani Ahmad • Sarah Adibah Hamzah
97.	11 Aug. Putrajaya	Consultation with Government Agencies on <i>Draf Pelan Tindakan Perpaduan Negara (PTPN) 2021-2025</i>	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Paresmeswari Subramaniam
98.	12 Aug. Kuala Lumpur	Meeting with Taylor's University on the Proposal to Collaborate as Industry Partner	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng • Associate Prof. Dr Nik Salida Suhaila Nik Saleh • Rafidah Yahya • Wan Norhafizah Junid
99.	13 Aug. SUHAKAM	Courtesy call between SUHAKAM and IDEAS	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Mr. Jerald Joseph

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100.	14 Aug. Putrajaya	Meeting with BHEUU on NAPBHR	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Paremeswari Subramaniam • Nurisha Hanizam
101.	14 Aug. Bangi, Selangor	Workshop on the Index Development on the Empowerment of Children's Right in Detention Centre in Malaysia	<ul style="list-style-type: none"> • Mohd Tan'im Tajuddin
102.	18 Aug. Putrajaya	Meeting with Dr. Zulkifli Mohamad Al-Bakri, Minister in the Prime Minister's Department (Religious Affairs)	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Datuk Lok Yim Pheng • Associate Prof. Dr. Nik Salida Suhaila Nik Saleh • Dr. Cheah Swee Neo • Dr. Madeline Berma
103.	19 Aug. Kuala Lumpur	Speaker: Protecting rights of detainees in Malaysia: Problems and Challenge	<ul style="list-style-type: none"> • Mr. Jerald Joseph
104.	21 Aug. Kuala Lumpur	Meeting with US Embassy	<ul style="list-style-type: none"> • Mr. Jerald Joseph
105.	21 Aug. SUHAKAM	Centre for Independent Journalism (CIJ) Malaysia briefing with SUHAKAM Commissioners on the Right to Information Legislation	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Dato' Mah Weng Kwai • Mr. Jerald Joseph
106.	25 – 26 Aug. Kuala Lumpur	Maritime Security Operation (MASO) "COVID-19: Securing Border And Humanitarian Concern	<ul style="list-style-type: none"> • Mr. Jerald Joseph

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107.	25 Aug. Kuala Lumpur	IDFR Lecture Series 2/2020 oleh YBhg. Tan Sri Dato' Seri Mohamed Jawhar Hassan	<ul style="list-style-type: none"> • Tan Sri Othman Hashim
108.	26 Aug. Putrajaya	Meeting with Schools Management Division, MOE on Proposed Draft of HRBP Activities	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng • Rafidah Yahya • Shahzad Sulaiman • Wan Norhafizah Junid • Muhammad Syafiq Ikhwan Ghazali
109.	26 Aug. Online	Talk: Constitutional Position of Public Services organised by Institute of Strategic & International Studies	<ul style="list-style-type: none"> • Sarah Adibah Hamzah
110.	27 Aug. Putrajaya	Meeting on Engaging with Experts Regarding the Development of NAPTIP organised by NSO-MAPO	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng • Dr. Cheah Swee Neo • Sarah Adibah Hamzah • Parneswari Subramaniam
111.	27 Aug. Kuala Lumpur	Meeting with MoFA	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
112.	28 Aug. Putrajaya	Meeting with BHEUU on Proposed Amendments to the Malaysian Human Rights Commission Act 1999	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo

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113.	3 Sept. Putrajaya	Courtesy visit to Director General of Education Malaysia, MOE	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng • Associate Prof. Dr Nik Salida Suhaila Nik Saleh • Shahizad Sulaiman • Wan Norhafizah Junid • Nur Adlin Abdul Ghaffar
114.	3-5 Sept. Kota Kinabalu, Sabah	Official visit to Sabah Chief Minister's Office, Sabah National Security Council and Sabah Election Commission Office by SUHAKAM	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Datuk Godfrey Gregory Joitol • Mr. Jerald Joseph • Heflin Dino • Nur Shahmimie Yusof • Daisy Masiram • Archimedes Chua
115.	8 Sept. Kota Kinabalu, Sabah	Election Commission's briefing for observers	<ul style="list-style-type: none"> • Heflin Dino • Jonima Ligon • Nur Shahmimie Yusop • Daisy Masiram • Levina Sigisimon • Archimedes Chua
116.	9 Sept. Online	25th Annual General Meeting (AGM) of the Asia Pacific Forum on National Human Rights Institution (APF)	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng • Mr. Jerald Joseph
117.	9 Sept. Online	Webinar: Impacts of COVID-19 on Media Workers and Press Freedom in Malaysia organised by IFJ Asia Pacific and NUJ	<ul style="list-style-type: none"> • Chua Yen Sin • Norashikin Hamzah

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118.	15 Sept. Petaling Jaya, Selangor	Workshop on SOGIESC and LGBTIQ Laws and Human Rights jointly organised by Justice for Sisters, Pelangi Campaign, Queer Lapis, People Like Us Hang Out, and Legal Dignity.	<ul style="list-style-type: none"> Nur Dhaniah Aqilah Ahmad Jelani
119.	23 Sep. Online	Access to Education and Human Rights Education in Times of COVID-19	<ul style="list-style-type: none"> Noor Fatinullah
120.	23 Sep. Online	Webinar on Unpacking Malaysia's New Poverty Line Income (PLI) and MPI Findings organised by UNDP	<ul style="list-style-type: none"> Noor Fatinullah Othman Nurisha Hanizam
121.	23-25 Sept. Online	Invitation as a Co-Opted Member of Working Group MSPO Part 1	<ul style="list-style-type: none"> Dr. Cheah Swee Neo
122.	24 Sept. Petaling Jaya, Selangor	1st Meeting on Amendments to Section 8(2) Civil Law Act 1956 organised by EDICT Malaysia.	<ul style="list-style-type: none"> Nur Dhaniah Aqilah Ahmad Jelani
123.	25 Sept. Online	Talk on Gender Equality: The Constitution and the Law organised by Institute of Strategic & International Studies	<ul style="list-style-type: none"> Yustina Ishak Sarah Adibah Hamzah Nur Dhaniah Aqilah Ahmad Jelani
124.	25 Sept. Online	Meeting with ILO on Forced Labour	<ul style="list-style-type: none"> Dr. Cheah Swee Neo
125.	29 Sept. Online	AGN Meeting - Gender Audits	<ul style="list-style-type: none"> Dr. Cheah Swee Neo

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126.	29 Sept. - 2 Oct. Online	Disability Equality Training organised by UNICEF	<ul style="list-style-type: none"> • Idzuafi Hadi Kamilan • Yustina Ishak • Sarah Adibah Hamzah • Nur Dhanial Aqilah Ahmad Jelani • Noor Fatinullah Othman • Nurisha Hanizam
127.	1 Oct. Online	Human Rights Defenders Regional Action Plan - Drafting Group Third Meeting, 1 October 2020	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
128.	2 Oct. Online	Meeting with BHEUU on NAP workshop	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Paremewari Subramaniam • Nurisha Hanizam
129.	5 Oct. Putrajaya	Meeting Co-Organising Human Rights Day 2020	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
130.	5 Oct. Shah Alam, Selangor	Meeting on <i>Mesyuarat Kluster Pembinaan Bangsa dan Jaringan Antarabangsa</i>	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Paremewari Subramaniam
131.	6 Oct. Online	Meeting with Danish Institute	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Paremewari Subramaniam
132.	14 Oct. SUHAKAM Kuala Lumpur	Courtesy Call by Mr. Carl Henrik Hall	<ul style="list-style-type: none"> • Tan Sri Othman Hashim

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133.	14 Oct. Putrajaya	Coordination Meeting on the Latest Status regarding the Implementation of Six Summary of Actions and Direction of JKKHTOA on the Outcome of the National Inquiry on Indigenous Peoples Land Rights Report	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Dr. Cheah Swee Neo • Simon Karunagaram • Paremewari Subramaniam
134.	15 Oct. Online	Meeting with Justice for Sisters	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
135.	16 Oct. Putrajaya	Meeting with Dato' Saifuddin Abdullah, Minister of Communications and Multimedia	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Jerald Joseph • Dato' Mah Weng Kwai • Datuk Lok Yim Pheng
136.	19-20 Oct. Online	Asia-Pacific Regional Forum on Minority Issues 2020	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
137.	21 Oct. Online	Roundtable Discussion for the 13th AFML	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng
138.	21 Oct. Online	Roundtable Discussion on Security Sector Governance & Reform in Malaysia	<ul style="list-style-type: none"> • Mr. Jerald Joseph
139.	23 Oct. Online	IDEAS Webinar "Indigenous Children's Access to Education: Before & during COVID-19"	<ul style="list-style-type: none"> • Abdul Rahman Abdullah • Azian Juliana Ng Kee Choo • Mohd Tan'im Tajuddin

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140.	27 Oct. Online	Meeting with Ambassador of Indonesia to address issues related to human rights in Malaysia	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Simon Karunagaram • Abdul Rahman Abdullah • Muhammad Faiz Abd Rahman
141.	27 Oct. Online	Moderate Session 2 of 12ICOAF: "Impact of Covid-19 measures on the freedoms and rights of citizens, including those in uniform"	<ul style="list-style-type: none"> • Mr. Jerald Joseph
142.	3 Nov. Online	Webinar: International Day for the Eradication of Poverty (IDEP) hosted by UNDP	<ul style="list-style-type: none"> • Nurisha Hanizam
143.	3 Nov. Online	Joint Consultation with Semporna District Disaster Management Committee and NGO Semporna, Sabah	<ul style="list-style-type: none"> • Siti Rahayu Mohamed Noor • Noor Fatinullah Othman
144.	4 Nov. Online	Webinar on the principles and importance of measuring public services productivity organised by Public Service Department	<ul style="list-style-type: none"> • Ahmad Afifi Ramli
145.	5 Nov. Online	Meeting with UNICEF on the Launch of Child Marriage Report	<ul style="list-style-type: none"> • Noor Fatinullah Othman
146.	5 Nov. Online	Interview with UNICEF Consultants	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo

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147.	6 Nov. Online	Virtual Training on Business and Human Rights Training for Government Stakeholders hosted by BHEUU and UNDP	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Paremeswari Subramaniam • Nurisha Hanizam • Noor Fatinullah Othman
148.	9 Nov. Online	Regional Dialogue Invitation - NHRIs in addressing displacement in the context of adverse effects of climate change	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
149.	9 Nov. - 3 Dec. Online	Blended Learning Course on Human Rights, Gender, and the Environment/Climate Change	<ul style="list-style-type: none"> • Nurisha Hanizam
150.	10 Nov. Putrajaya	Meeting for the Preparation of Social Studies and the Definition of Indigenous Customary Land	<ul style="list-style-type: none"> • Paremeswari Subramaniam
151.	11 Nov. Online	Dialogue and Discussion on the Strategy to Reduce Overcrowding in Prisons & Detention Centre in Malaysia to Curb the Increase and Transmission of COVID-19 outbreak cases	<ul style="list-style-type: none"> • Simon Karunagaram • Aida Suraya Haron
152.	11 Nov. Online	Meeting: Committee for the Care and Protection of Victims of Trafficking in Persons	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng
153.	13 Nov. Online	Webinar on the Protection of Natural Environment during Armed Conflict	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo

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154.	13 Nov. Online	Meeting with EU Save Rivers	• Mr. Jerald Joseph
155.	13 Nov. Online	Discussion Session Focus Group Discussion (FGD) for the Safety Perception Index (PSI) Year 2020	• Muhammad Faiz Abd Rahman
156.	13 Nov. Online	Meeting with EU Borneo Comrad Office	• Mr. Jerald Joseph
157.	16-18 Nov. Online	United Nations Virtual Forum on Business and Human Rights	• Noor Fatinullah Othman
158.	18 Nov. Online	Webinar with EU HR Ambassadors	• Dr. Cheah Swee Neo
159.	19 Nov. Online	Webinar in conjunction with Transgender Day of Remembrance	• Siti Rahayu Mohamed Noor
160.	19-20 Nov. Online	UN Minority Forum	• Mr. Jerald Joseph
161.	20 Nov. Kuala Lumpur	Programme on "Law & Rights"	• Jerald Joseph • Dato' Seri Mohd Hishamudin Md Yunus
162.	20 Nov. Online	Forum the State Freedom in Malaysia	• Datuk Lok Yim Pheng
163.	23 Nov. Online	United Nations - Malaysia policy dialogue on protecting the rights of migrant workers during and post COVID-19	• Datuk Lok Yim Pheng • Paremewari Subramaniam • Ahmad Afifi • Nyak Baqi • Siti Zaihan • Mohd Tan'im Tajuddin

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
164.	24 Nov. Online	SUHAKAM Discussion with Non-Governmental Organizations (NGOs) on the Issue of Conversion and Apostacy in Islam in Sarawak	<ul style="list-style-type: none"> Noor Fatinullah Othman
165.	24 - 26 Nov. Online	Regional Virtual Webinar on Media's Role in Addressing Social Stigma Towards Refugees and Migrants organised by AIBD and IOM Malaysia	<ul style="list-style-type: none"> Mr. Jerald Joseph
166.	26 Nov. Online	Malaysia Policy Dialogue on Protecting the Rights of Migrant Workers During and Post COVID-19	<ul style="list-style-type: none"> Datuk Lok Yim Pheng
167.	26 Nov. Online	Panel: Media's role in addressing social stigma and xenophobia towards refugees and migrants	<ul style="list-style-type: none"> Mr. Jerald Joseph
168.	26 Nov. Online	United Nations-Malaysia Policy Dialogue on protecting the Rights of Migrant Workers During and post COVID-19 Confirmation	<ul style="list-style-type: none"> Noor Fatinullah Othman
169.	26 Nov. Online	Roundtable Discussion on Malaysia, "Garbage Dump" for plastic waste? Citizens against corruption, complacency, crime, and climate crisis organised by C4 in collaboration with Bar Council Environment and Climate Change Committee (ECCC)	<ul style="list-style-type: none"> Nurisha Hanizam

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
170.	27 Nov. Online	Roundtable Discussion: Issues on Unity and Anti- discrimination in Selangor Darul Ehsan organised by Institut Darul Ehsan (IDE) and Pusat KOMAS	<ul style="list-style-type: none"> Nurisha Hanizam
171.	30 Nov. Online	Seychelles Induction Course Sharing of Experience	<ul style="list-style-type: none"> Dr. Cheah Swee Neo
172.	30 Nov. Kuala Lumpur	Meeting with UNHCR	<ul style="list-style-type: none"> Mr. Jerald Joseph
173.	30 Nov. Online	UN SR Religion Consultation	<ul style="list-style-type: none"> Mr. Jerald Joseph
174.	30 Nov. Online	Online lecture on "The International Convention on the Elimination of Racial Discrimination and what it Means to Malaysian	<ul style="list-style-type: none"> Siti Rahayu Mohamed Noor Noor Fatinullah Othman
175.	1 Dec. Online	Consultation Meeting On The Development Of The National Action Plan On Anti-Trafficking In Persons (Naptip) 2021-2025	<ul style="list-style-type: none"> Paremeswari Subramaniam Sarah Adibah
176.	1 Dec. Online	Roundtable Virtual Meeting - Utilization of Indigenous Land Diversity - Sustaining the Indigenous Economy by Pusat Komas	<ul style="list-style-type: none"> Siti Rahayu Mohamed Noor
177.	2 Dec. Online	Meeting with Voice of Children (VoC)	<ul style="list-style-type: none"> Prof. Dato' Noor Aziah Mohd. Awal Izyan Hazwani Ahmad Sara Ibrahim Warda Nur Liyana Adlin Mohd Nasarudin

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
178.	2 Dec. Online	Meeting with the Institute of Teacher Education Malaysia on the Proposed Development of a Human Rights Training Module for Educators	<ul style="list-style-type: none"> Datuk Lok Yim Pheng Rafidah Yahya Muhammad Syafiq ikhwan Ghazali Nur Adlin Abdul Ghaffar
179.	3 Dec. Online	Online Roundtable Discussion on Access to Hepatitis C Treatment in Prison Setting	<ul style="list-style-type: none"> Siti Rahayu Mohamed Noor Noor Fatinullah Othman
180.	4 Dec. Online	Gender Lens Budget 2021 Roundtable	<ul style="list-style-type: none"> Noor Fatinullah Othman
181.	3-4 Dec. Online	AICHR Consultation on the Implementation of Article 14 of the ASEAN Human Rights Declaration (AHRD): Preventing and Countering Torture	<ul style="list-style-type: none"> Mr. Jerald Joseph
182.	4 Dec. Online	Lecture on Children's Rights for police officers at Police College Kuala Lumpur	<ul style="list-style-type: none"> Prof. Dato' Noor Aziah Mohd. Awal Sara Ibrahim Warda
183.	4 Dec. Online	AYAN Forum at UITM- Stop Violence Against Women and Children	<ul style="list-style-type: none"> Prof. Dato' Noor Aziah Mohd. Awal
184.	5 Dec. Online	Keynote Speaker for "Be a Child Advocate!" Bootcamp by Monsters Among Us	<ul style="list-style-type: none"> Prof. Dato' Noor Aziah Mohd. Awal
185.	7-8 Dec. Online	Fact-Finding Consultation: Towards Malaysia's National Action Plan on Business and Human Rights (NAPBHR)	<ul style="list-style-type: none"> Dr. Cheah Swee Neo

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
186.	8 Dec. Online	The Implementation of International Human Rights Standards through National Human Rights Systems	<ul style="list-style-type: none"> • Heflin Dino
187.	9 Dec. Online	Meeting with Roundtable of Sustainable Palm Oil (RSPO) Team	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Jasmih Slamet • Heflin Dino
188.	9 Dec. Online	World Journalism Day -UNESCO	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
189.	9 Dec. Selangor	Lecture on Women's Rights to Royal Malaysia Police at PDRM's College Kuala Lumpur	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal • Sara Ibrahim Warda
190.	11 Dec. Putrajaya	Meeting with the Director of Children's Unit, Social Welfare Department	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal • Izyan Hazwani Ahmad
191.	11 Dec. Online	Uzbekistan Conference: COVID19 and NHRI's Good Practices	<ul style="list-style-type: none"> • Mr. Jerald Joseph
192.	14 Dec. Online	Fact-Finding Consultation: Towards Malaysia's National Action Plan on Business and Human Rights (NAPBHR)	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo
193.	15 Dec. Online	Meeting with UNICEF on the Launch of Child Marriage Report	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal • Izyan Hazwani Ahmad • Sara Ibrahim Warda • Nur Liyana Adlin Mohd Nasarudin

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
194.	15 Dec. Negeri Sembilan	Meeting with the Negeri Sembilan's Islamic Religious Council	<ul style="list-style-type: none"> Prof. Dato' Noor Aziah Mohd. Awal
195.	15 Dec. Online	Courtesy Meeting with Embassy of Denmark	<ul style="list-style-type: none"> Tan Sri Othman Hashim
196.	15 Dec. Online	Meeting between SUHAKAM and NHRI's Nepal	<ul style="list-style-type: none"> Dato' Dr Madeline Mr. Jerald Joseph
197.	15-16 Dec. Online	The 27th PECC General Meeting: Optimizing Human Potential Towards a Future of Shared Prosperity and Sustainability	<ul style="list-style-type: none"> Noor Fatinullah Othman
198.	16 Dec. Online	Launch of the Human Development Report 2020	<ul style="list-style-type: none"> Jasmih Slammat Heflin Dino Nur Shahmimie Yusof Archimedes Chua
199.	16 Dec. Online	Rights of Media Professionals in Malaysia organised by IFJ Asia Pacific and the NUJ	<ul style="list-style-type: none"> Mr. Jerald Joseph
200.	17 Dec. Online	Webinar on Forced Labour: The US, UK and Australian Perspective organised by Ministry of International Trade & Industry, in collaboration with the United Nations agency, International Organisation for Migration; the Malaysian External Trade Development Corporation (MATRADE) and The Star Media Group	<ul style="list-style-type: none"> Mohd Tan'im Tajuddin

NO.	DATE VENUE / PLATFORM	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	REPRESENTATIVE
201.	22 Dec. Online	Meeting with UNICEF on the Child Trafficking Report	<ul style="list-style-type: none"> • Sara Ibrahim Warda
202.	22 Dec. Putrajaya	National Children's Council Meeting with MWFCDC	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal
203.	23 Dec. Parlimen	Courtesy to YDP Dewan Negara, Tan Sri Dato' Seri Utama Dr. Rais Yatim	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Associate Prof. Dr Nik Salida Suhaila Nik Saleh • Mr. Jerald Joseph • Datuk Lok Yim Pheng
204.	31 Dec. Online	Invitation to Speak for Malaysian Students Global Alliance's Podcast on Child Marriage and Marital Rape	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal

APPENDIX IV

LIST OF TALKS, MEETINGS, WORKSHOPS AND CONFERENCES - INTERNATIONAL

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE / PLATFORM	REPRESENTATIVE
1.	20 -22 Jan.	2020 NHRI Accreditation Workshop	Doha, Qatar	<ul style="list-style-type: none"> Tan Sri Othman Hashim Mohamad Azizi Azmi Josefina Abdullah
2.	8 -16 Feb.	Visit to Morocco with Negeri Sembilan Islamic Religious Council	Morocco	<ul style="list-style-type: none"> Prof. Dato' Noor Aziah Mohd. Awal
3.	16 -17 Feb.	International Conference on Social Media: Challenges and Ways to Promote Freedoms and Protect Activists	Doha, Qatar	<ul style="list-style-type: none"> Mr. Jerald Joseph
4.	24-28 Feb.	Dialogue on the Human Rights Developments in Malaysia and Ways Forward	Geneva, Switzerland	<ul style="list-style-type: none"> Mr. Jerald Joseph Helmi Fendy Mohammad Idris
5.	25 - 27 Feb.	ASEAN Regional Conference on Child Online Protection	Manila, Philippines	<ul style="list-style-type: none"> Prof. Dato' Noor Aziah Mohd. Awal

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE / PLATFORM	REPRESENTATIVE
6.	12 -14 May	SEANF Technical Working Group Meeting 1/2020	Online	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Dr. Cheah Swee Neo • Paremewari Subramaniam • Helmi Fendy Mohammad Idris • Josefina Abdullah • Mohd. Shafik Md Sharif
7.	5 Jun.	Webinar on Women at Work: Business and Human Rights amid COVID-19	Online	<ul style="list-style-type: none"> • Dato' Mah Weng Kwai • Paremewari Subramaniam
8.	9 - 12 Jun.	UN Virtual Forum on Responsible Business and Human Rights, Asia and The Pacific	Online	<ul style="list-style-type: none"> • Paremewari Subramaniam
9.	15 Jun.	First Selection Committee Meeting JDR3 Scholars Program organised by USAID Asia Counter Trafficking in Persons (Asia CTIP)	Online	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng
10.	12 -13 Aug.	Samarkand Web-Forum on Human Rights	Online	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE / PLATFORM	REPRESENTATIVE
11.	25 - 27 Aug.	SEANF Technical Working Group Meeting 2/2020	Online	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Dr. Cheah Swee Neo • Lee Pei Hsi • Abdul Rahman Abdullah • Helmi Fendy Mohammad Idris • Josefina Abdullah • Kumeraintharen Murugiah
12.	9 Sept.	25 th Annual General Meeting of the APF	Online	<ul style="list-style-type: none"> • Datuk Lok Yim Pheng • Mr. Jerald Joseph • Dr. Cheah Swee Neo • Chua Yen Sin • Josefina Abdullah
13.	17 Sept.	2020 Conference on Combating Hate and Discrimination	Online	<ul style="list-style-type: none"> • Sarah Adibah Hamzah • Norashikin Hamzah
14.	23 Sept.	Access to Education and Human Rights Education in Times of COVID-19	Online	<ul style="list-style-type: none"> • Noor Fatinullah Othman
15.	28 - 29 Sept.	Regional Webinars: How NHRIs Work with the 2030 Agenda	Online	<ul style="list-style-type: none"> • Nurisha Hanizam • Kumeraintharen Murugiah

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE / PLATFORM	REPRESENTATIVE
16.	7 Oct.	The Launch of the Fact-Finding Mission Report on the Condition of Deported Indonesian migrants during COVID-19 from Sabah, Malaysia to Indonesia	Online	<ul style="list-style-type: none"> • Datuk Godfrey Gregory Joitol • Mr. Jerald Joseph • Jasmih Slamet • Heflin Dino • Nur Shahmimie Yusof • Daisy Masiram • Archimedes Chua
17.	15 Oct.	GANHRI Working Group on Business and Human Rights Meeting	Online	<ul style="list-style-type: none"> • Chua Yen Sin • Helmi Fendy Mohammad Idris
18.	21 Oct.	Referral System and Mechanisms for Human Rights in Southeast Asia: Challenges and Opportunities in Protecting the Rights of Victims (Part 1)	Online	<ul style="list-style-type: none"> • Mr. Jerald Joseph
19.	9 Nov.	Asia Pacific Virtual Regional Dialogue on the Role of NHRIs in Addressing Displacement in the context of adverse effects of climate change, organised by the UN Human Rights Regional Offices for South-East Asia and the Pacific and APF	Online	<ul style="list-style-type: none"> • Lee Pei Hsi

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE / PLATFORM	REPRESENTATIVE
20.	12 Nov.	A Review of the Raoul Wallenberg Institute Learning Study: Interview on Blended Learning Study	Online	<ul style="list-style-type: none"> Siti Rahayu Mohamed Noor
21.	16 -18 Nov.	United Nations Virtual Forum on Business and Human Rights	Online	<ul style="list-style-type: none"> Noor Fatinullah Othman Nurisha Hanizam
22.	19 Nov.	International Web Forum: Chil Dr.en's Right to Education: Relevance, Continuity, and Innovation in a Pandemic, organised by The Government of Uzbekistan with the UN and UNICEF	Online	<ul style="list-style-type: none"> Prof. Dato' Noor Aziah Mohd. Awal Izyan Hazwani Ahmad Sara Ibrahim Warda Nur Liyana Adlin
23.	19 - 20 Nov.	13th session of the UN Forum on Minority Issues	Online	<ul style="list-style-type: none"> Mr. Jerald Joseph
24.	23 Nov. – 7 Dec.	Induction Workshop for the National Human Rights Commission of Seychelles	Online	<ul style="list-style-type: none"> Dr. Cheah Swee Neo Simon Karunagaram Paremeswari Subramaniam

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE / PLATFORM	REPRESENTATIVE
25.	24 Nov.	International Seminar on National and International Initiatives in Torture Prevention organised by Komnas HAM in collaboration with SEANF	Online	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Mr. Jerald Joseph • Helmi Fendy Mohammad Idris • Josefina Abdullah Kumeraintharen Murugiah • Siti Zaihan Zulkarnain • Ahmad Afifi Ramli • Nyak Baqi Kamaruddin • Lee Pei Hsi
26.	24 – 26 Nov.	17 th Annual Conference of SEANF	Online	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Mr. Jerald Joseph • Helmi Fendy Mohammad Idris • Josefina Abdullah Kumeraintharen Murugiah
27.	25 Nov.	SEANF Dialogue on Statelessness in Sabah	Online	<ul style="list-style-type: none"> • Datuk Godfrey Gregory Joitol • Jasmih Slamet • Heflin Dino • Nur Shahmimie Yusof • Daisy Masiram • Archimedes Chua

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE / PLATFORM	REPRESENTATIVE
28.	30 Nov.- 5 Dec.	GANHRI Annual General Assembly 2020	Online	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Chua Yen Sin • Helmi Fendy Mohammad Idris
29.	1 Dec.	EMRIP : Pacific and Asia Regional Meeting	Online	<ul style="list-style-type: none"> • Dato Dr. Madeline Berma • Helmi Fendy Mohammad Idris
30.	2-3 Dec.	Blended Learning Course on Human Rights, Gender and the Environment hosted by Raoul Wallenberg Institute of Human Rights and Humanitarian Law	Online	<ul style="list-style-type: none"> • Dr. Cheah Swee Neo • Kumeraintharen Murugiah • Nur Dhaniah Aqilah Ahmad Jelani • Nurisha Hanizam
31.	3 Dec.	GANHRI Annual Meeting 2020: Knowledge exchange of good practices on Implementation of NHRI mandate and functions in the COVID- 19 contexts	Online	<ul style="list-style-type: none"> • Tan Sri Othman Hashim • Chua Yen Sin • Helmi Fendy Mohammad Idris • Josefina Abdullah • Kumeraintharen Murugiah
32.	3 - 4 Dec.	AICHR Consultation on the Implementation of Article 14 of the ASEAN Human Rights Declaration (AHRD): Preventing and Countering Torture	Online	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Lee Pei Hsi • Abdul Rahman Abdullah

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE / PLATFORM	REPRESENTATIVE
33.	8 Dec.	Virtual Forum by The United Nations High Commissioner for Refugees & Women's Aid Organisation	Online	<ul style="list-style-type: none"> • Mohd. Tan'im Tajuddin • Azian Juliana Ng Kee Choo
34.	8 - 9 Dec.	Expert Seminar on The Implementation of International Human Rights Standards through National Human Rights Systems	Online	<ul style="list-style-type: none"> • Mr. Jerald Joseph • Chua Yen Sin • Helmi Fendy Mohammad Idris • Josefina Abdullah • Kumeraintharen Murugiah
35.	9 Dec.	UNFPA Geneva Launch of Primer on NHRIs conducting public inquiries on FGM organised by United Nations Population Fund (UNFPA) Office	Online	<ul style="list-style-type: none"> • Prof. Dato' Noor Aziah Mohd. Awal • Izyan Hazwani Ahmad
36.	9 Dec.	Expert Seminar on the Implementation of International Human Rights Standards through National Human Rights Systems organised by the Geneva Academy	Online	<ul style="list-style-type: none"> • Siti Zaihan Zulkarnain • Mohd. Ariff Saifullah Abd Rahman

NO.	DATE	TALKS, MEETINGS, WORKSHOPS AND CONFERENCES	VENUE / PLATFORM	REPRESENTATIVE
37.	11 Dec.	Ombudspersons Conference in Uzbekistan - The National Human Rights Institutions during the COVID-19 Pandemic: Experience of Interacting with Rights - Holders and the Public	Online	<ul style="list-style-type: none"> Mr. Jerald Joseph
38.	16 Dec.	Launch of The Human Development Report 2020 The Next Frontier Human Development and The Anthropocene Malaysia	Online	<ul style="list-style-type: none"> Mohd. Tan'im Tajuddin

APPENDIX V

MONTHLY MEETINGS 2020 – ATTENDANCE OF SUHAKAM COMMISSIONERS


No.	Serial No. of Meeting / Date	Commissioners Present	Commissioners Absent
1.	1-2020 14 Jan.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Godfrey Gregory Joitol 3. Datuk Lok Yim Pheng 4. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 5. Mr. Jerald Joseph 6. Dato' Mah Weng Kwai 7. Dr. Madeline Berma 8. Dr. Cheah Swee Neo 	<ol style="list-style-type: none"> 1. Prof. Dato' Noor Aziah Mohd. Awal 2. Dato' Seri Mohd. Hishamudin Md Yunus
2.	2-2020 11 Feb.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Godfrey Gregory Joitol 3. Datuk Lok Yim Pheng 4. Dato' Seri Mohd. Hishamudin Md Yunus 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Mr. Jerald Joseph 7. Dr. Madeline Berma 8. Dr. Cheah Swee Neo 	<ol style="list-style-type: none"> 1. Prof. Dato' Noor Aziah Mohd. Awal 2. Dato' Mah Weng Kwai
3.	3-2020 3 Mar.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Godfrey Gregory Joitol 3. Datuk Lok Yim Pheng 4. Dato' Seri Mohd. Hishamudin Md Yunus 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Dato' Mah Weng Kwai 7. Mr. Jerald Joseph 8. Dr. Madeline Berma 9. Dr. Cheah Swee Neo 	<ol style="list-style-type: none"> 1. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh
4.	-	No Meeting in April 2020	-

No.	Serial No. of Meeting / Date	Commissioners Present	Commissioners Absent
5.	4-2020 5 May	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Godfrey Gregory Joitol 3. Datuk Lok Yim Pheng 4. Dato' Seri Mohd. Hishamudin Md Yunus 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Dato' Mah Weng Kwai 7. Mr. Jerald Joseph 8. Prof. Dato' Noor Aziah Mohd. Awal 9. Dr. Madeline Berma 10. Dr. Cheah Swee Neo 	-
6.	5-2020 9 Jun.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Godfrey Gregory Joitol 3. Datuk Lok Yim Pheng 4. Dato' Seri Mohd. Hishamudin Md Yunus 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Dato' Mah Weng Kwai 7. Mr. Jerald Joseph 8. Prof. Dato' Noor Aziah Mohd. Awal 9. Dr. Madeline Berma 10. Dr. Cheah Swee Neo 	-
7.	6-2020 14 Jul.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Lok Yim Pheng 3. Datuk Godfrey Gregory Joitol 4. Dato' Seri Mohd. Hishamudin Md Yunus 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Dato' Mah Weng Kwai 7. Mr. Jerald Joseph 8. Prof. Dato' Noor Aziah Mohd. Awal 9. Dr. Madeline Berma 10. Dr. Cheah Swee Neo 	-

No.	Serial No. of Meeting / Date	Commissioners Present	Commissioners Absent
8.	7-2020 11 Aug.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Lok Yim Pheng 3. Datuk Godfrey Gregory Joitol 4. Dato' Seri Mohd. Hishamudin Md Yunus 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Dato' Mah Weng Kwai 7. Mr. Jerald Joseph 8. Prof. Dato' Noor Aziah Mohd. Awal 9. Dr. Madeline Berma 10. Dr. Cheah Swee Neo 	-
9.	8-2020 8 Sept.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Lok Yim Pheng 3. Datuk Godfrey Gregory Joitol 4. Dato' Seri Mohd. Hishamudin Md Yunus 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Dato' Mah Weng Kwai 7. Mr. Jerald Joseph 8. Prof. Dato' Noor Aziah Mohd. Awal 9. Dr. Madeline Berma 10. Dr. Cheah Swee Neo 	-
10.	9-2020 13 Oct.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Godfrey Gregory Joitol 3. Datuk Lok Yim Pheng 4. Dato' Seri Mohd. Hishamudin Md Yunus 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Dato' Mah Weng Kwai 7. Mr. Jerald Joseph 8. Prof. Dato' Noor Aziah Mohd. Awal 9. Dr. Cheah Swee Neo 	1. Dato Dr. Madeline Berma

No.	Serial No. of Meeting / Date	Commissioners Present	Commissioners Absent
11.	10-2020 10 Nov.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Godfrey Gregory Joitol 3. Dato' Seri Mohd. Hishamudin Md Yunus 4. Datuk Lok Yim Pheng 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Dato' Mah Weng Kwai 7. Mr. Jerald Joseph 8. Prof. Dato' Noor Aziah Mohd. Awal 9. Dato Dr. Madeline Berma 10. Dr. Cheah Swee Neo 	-
12.	11-2020 8 Dec.	<ol style="list-style-type: none"> 1. Tan Sri Othman Hashim 2. Datuk Godfrey Gregory Joitol 3. Dato' Seri Mohd. Hishamudin Md Yunus 4. Datuk Lok Yim Pheng 5. Associate Prof. Dr. Nik Salida Suhaila Nik Saleh 6. Dato' Mah Weng Kwai 7. Mr. Jerald Joseph 8. Prof. Dato' Noor Aziah Mohd. Awal 9. Dato Dr. Madeline Berma 10. Dr. Cheah Swee Neo 	-



The background features three overlapping circles in shades of gray, with a white splatter effect on the right side. The central circle contains the title text.

**APPENDIX VI
AUDITOR-GENERAL'S
CERTIFICATE ON
SUHAKAM'S
ACCOUNTS**



**SIJIL KETUA AUDIT NEGARA
MENGENAI PENYATA KEWANGAN
SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
BAGI TAHUN BERAKHIR 31 DISEMBER 2020**

Sijil Mengenai Pengauditan Penyata Kewangan

Pendapat

Saya telah mewakilkan sebuah firma audit swasta untuk mengaudit Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia. Penyata kewangan tersebut merangkumi Penyata Kedudukan Kewangan pada 31 Disember 2020 Suruhanjaya Hak Asasi Manusia Malaysia dan Penyata Prestasi Kewangan, Penyata Perubahan Dalam Ekuiti, Penyata Aliran Tunai serta Penyata Perbandingan Bajet dan Sebenar bagi tahun berakhir pada tarikh tersebut dan nota kepada penyata kewangan termasuklah ringkasan polisi perakaunan yang signifikan seperti yang dinyatakan pada muka surat 1 hingga 21.

Pada pendapat saya, penyata kewangan ini memberikan gambaran yang benar dan saksama mengenai kedudukan kewangan Suruhanjaya Hak Asasi Manusia Malaysia pada 31 Disember 2020 dan prestasi kewangan serta aliran tunai bagi tahun berakhir pada tarikh tersebut selaras dengan Piawaian Perakaunan Sektor Awam Malaysia (MPSAS) dan keperluan Akta Suruhanjaya Hak Asasi Manusia Malaysia 1999 [Akta 597].

Asas Kepada Pendapat

Pengauditan telah dilaksanakan berdasarkan Akta Audit 1957 dan *International Standards of Supreme Audit Institutions*. Tanggungjawab saya dihuraikan selanjutnya di perenggan Tanggungjawab Juruaudit Terhadap Pengauditan Penyata Kewangan dalam sijil ini. Saya percaya bahawa bukti audit yang diperoleh adalah mencukupi dan bersesuaian untuk dijadikan asas kepada pendapat saya.

Kebebasan dan Tanggungjawab Etika Lain

Saya adalah bebas daripada Suruhanjaya Hak Asasi Manusia Malaysia dan telah memenuhi tanggungjawab etika lain berdasarkan *International Standards of Supreme Audit Institutions*.

Maklumat Lain Selain Daripada Penyata Kewangan dan Sijil Juruaudit Mengenaunya

Anggota Suruhanjaya, Suruhanjaya Hak Asasi Manusia Malaysia bertanggungjawab terhadap maklumat lain dalam Laporan Tahunan. Pendapat saya terhadap Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia tidak meliputi maklumat lain selain daripada Penyata Kewangan dan Sijil Juruaudit mengenaunya dan saya tidak menyatakan sebarang bentuk kesimpulan jaminan mengenaunya.

Tanggungjawab Anggota Suruhanjaya Terhadap Penyata Kewangan

Anggota Suruhanjaya bertanggungjawab terhadap penyediaan Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia yang memberi gambaran benar dan saksama selaras dengan Piawaian Perakaunan Sektor Awam Malaysia (MPSAS) dan keperluan Akta Suruhanjaya Hak Asasi Manusia Malaysia 1999 [Akta 597]. Anggota Suruhanjaya juga bertanggungjawab terhadap penetapan kawalan dalaman yang perlu bagi membolehkan penyediaan Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia yang bebas daripada salah nyata yang ketara sama ada disebabkan fraud atau kesilapan.

Semasa penyediaan Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia, Anggota Suruhanjaya bertanggungjawab untuk menilai keupayaan Suruhanjaya Hak Asasi Manusia Malaysia untuk beroperasi sebagai satu usaha berterusan, mendedahkannya jika berkaitan serta menggunakannya sebagai asas perakaunan.

Tanggungjawab Juruaudit Terhadap Pengauditan Penyata Kewangan

Objektif saya adalah untuk memperoleh keyakinan yang munasabah sama ada Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia secara keseluruhannya adalah bebas daripada salah nyata yang ketara, sama ada disebabkan fraud atau kesilapan, dan mengeluarkan Sijil Juruaudit yang merangkumi pendapat saya. Jaminan yang munasabah adalah satu tahap jaminan yang tinggi, tetapi bukan satu jaminan bahawa audit yang dijalankan mengikut *International Standards of Supreme Audit Institutions* akan sentiasa mengesan salah nyata yang ketara apabila ia wujud. Salah nyata boleh wujud daripada fraud atau kesilapan dan dianggap ketara sama ada secara individu atau agregat sekiranya boleh dijangkakan dengan munasabah untuk mempengaruhi keputusan ekonomi yang dibuat oleh pengguna berdasarkan penyata kewangan ini.

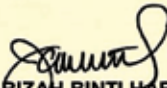
Sebagai sebahagian daripada pengauditan mengikut *International Standards of Supreme Audit Institutions*, saya menggunakan pertimbangan profesional dan mengekalkan keraguan profesional sepanjang pengauditan. Saya juga:

- a. Mengetahui pasti dan menilai risiko salah nyata ketara dalam Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia, sama ada disebabkan fraud atau kesilapan, merangka dan melaksanakan prosedur audit yang responsif terhadap risiko berkenaan serta mendapatkan bukti audit yang mencukupi dan bersesuaian untuk memberikan asas kepada pendapat saya. Risiko untuk tidak mengesan salah nyata ketara akibat daripada fraud adalah lebih tinggi daripada kesilapan kerana fraud mungkin melibatkan pakatan, pemalsuan, ketinggalan yang disengajakan, representasi yang salah, atau mengatasi kawalan dalaman.
- b. Memahami kawalan dalaman yang relevan untuk merangka prosedur audit yang bersesuaian tetapi bukan untuk menyatakan pendapat mengenai keberkesanan kawalan dalaman Suruhanjaya Hak Asasi Manusia Malaysia.
- c. Menilai kesesuaian dasar perakaunan yang diguna pakai dan kemunasabahan anggaran perakaunan dan pendedahan yang berkaitan oleh Anggota Suruhanjaya.
- d. Membuat kesimpulan terhadap kesesuaian penggunaan asas perakaunan untuk usaha berterusan oleh Anggota Suruhanjaya dan berdasarkan bukti audit yang diperolehi, sama ada wujudnya ketidakpastian ketara yang berkaitan dengan peristiwa atau keadaan yang mungkin menimbulkan keraguan yang signifikan terhadap keupayaan Suruhanjaya Hak Asasi Manusia Malaysia sebagai satu usaha berterusan. Jika saya membuat kesimpulan bahawa ketidakpastian ketara wujud, saya perlu melaporkan dalam Sijil Juruaudit terhadap pendedahan yang berkaitan dalam Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia atau, jika pendedahan tersebut tidak mencukupi, pendapat saya akan diubah. Kesimpulan saya dibuat berdasarkan bukti audit yang diperolehi sehingga tarikh Sijil Juruaudit.
- e. Menilai persembahan secara keseluruhan, struktur dan kandungan Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia termasuk pendedahannya dan sama ada Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia telah melaporkan asas-asas urus niaga dan peristiwa-peristiwa yang memberikan gambaran saksama.

Saya telah berkomunikasi dengan Anggota Suruhanjaya, antaranya mengenai skop dan tempoh pengauditan yang dirancang serta penemuan audit yang signifikan, termasuk kelemahan kawalan dalaman yang dikenal pasti semasa pengauditan.

Hal-hal Lain

- a. Seperti yang dinyatakan pada Nota 1.5 kepada penyata kewangan, Suruhanjaya Hak Asasi Manusia Malaysia telah menerima pakai Piawaian Perakaunan Sektor Awam Malaysia (MPSAS) mulai 1 Januari 2020, dengan tarikh peralihan pada 1 Januari 2019. Piawaian ini diterima pakai secara retrospektif oleh Anggota Suruhanjaya terhadap angka perbandingan dalam penyata kewangan ini, termasuk Penyata Kedudukan Kewangan Suruhanjaya Hak Asasi Manusia Malaysia pada 31 Disember 2019 dan 1 January 2019 dan Penyata Pendapatan, Penyata Perubahan Dalam Ekuiti serta Penyata Aliran Tunai Suruhanjaya Hak Asasi Manusia Malaysia bagi tahun berakhir pada 31 Disember 2019 dan pendedahan berkaitan. Saya tidak terlibat untuk melaporkan maklumat perbandingan yang dinyatakan semula dan yang tidak diaudit. Tanggungjawab saya sebagai sebahagian daripada pengauditan Penyata Kewangan Suruhanjaya Hak Asasi Manusia Malaysia bagi tahun berakhir 31 Disember 2020, dalam keadaan ini, termasuk mendapatkan bukti audit yang mencukupi dan bersesuaian yang baki awal pada 1 Januari 2020 tidak mengandungi salah nyata yang boleh memberi kesan ketara terhadap kedudukan kewangan pada 31 Disember 2020 dan prestasi kewangan dan aliran tunai bagi tahun berakhir pada tarikh tersebut.
- b. Pihak Audit mendapati Suruhanjaya Hak Asasi Manusia Malaysia perlu menambah baik kawalan dalaman yang melibatkan aspek perekodan penyata kewangan. Penambahbaikan perlu dilaksanakan dengan menyediakan sistem dan tatacara kerja yang jelas serta pewujudan Standard Operasi Prosedur (SOP) yang dikemas kini. Kelemahan yang diperhatikan adalah kaedah perekodan liabiliti dengan mengiktiraf butiran dalam Pesanan Tempatan yang belum menunjukkan bahawa obligasi tersebut telah timbul/wujud dan pengkelasan perbelanjaan mengikut maksud sebenar ia dibuat. Oleh itu Suruhanjaya perlu mengkaji semula polisi serta SOP dalam pengiktirafan liabiliti dan pengkelasan perbelanjaan sebenar supaya tepat dan selari dengan kehendak piawaian perakaunan yang diterima pakai. Kawalan dalaman yang efektif dapat meningkatkan kebolehpercayaan dan persembahan penyata kewangan yang benar dan saksama.
- c. Sijil ini dibuat untuk Anggota Suruhanjaya berdasarkan keperluan Akta Suruhanjaya Hak Asasi Manusia Malaysia 1999 [Akta 597] dan bukan untuk tujuan lain. Saya tidak bertanggungjawab terhadap pihak lain bagi kandungan sijil ini.


(FARIZAH BINTI HARMAN)
b.p. KETUA AUDIT NEGARA

PUTRAJAYA
20 JULAI 2021



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA
PENGAKUAN OLEH PEGAWAI UTAMA YANG BERTANGGUNGJAWAB
KE ATAS PENGURUSAN KEWANGAN SURUHANJAYA

Saya, Cheah Swee Neo, bernombor kad pengenalan 740313-01-5208, Pegawai Utama yang bertanggungjawab ke atas pengurusan kewangan SURUHANJAYA HAK ASASI MANUSIA MALAYSIA, dengan ikhlasnya mengakui bahawa Penyata Kedudukan Kewangan pada 31 Disember 2020, Penyata Prestasi Kewangan, Penyata Perubahan Dalam Ekuiti, Penyata Aliran Tunai dan Penyata Perbandingan Bajet dan Sebenar bagi tahun berakhir pada tarikh tersebut dan nota-nota kepada penyata kewangan yang disertakan, mengikut sebaik-baik pengetahuan dan kepercayaan saya, adalah betul dan saya membuat ikrar ini dengan sebenarnya mempercayai bahawa ia adalah benar dan atas kehendak-kehendak Akta Akuan Berkanun, 1960.

Sebenarnya dan sesungguhnya diakui)
Oleh penama di atas,)
Cheah Swee Neo)
Di Kuala Lumpur pada - 1 JUL 2021)



Di hadapan saya,



SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA OLEH PENERUSI DAN SALAH SEORANG AHLI SURUHANJAYA

Kami, TAN SRI OTHMAN HASHIM dan DATUK LOK YIM PHENG yang merupakan Pengerusi dan Pesuruhjaya SURUHANJAYA HAK ASASI MANUSIA MALAYSIA, dengan ini menyatakan bahawa, pada pendapat Suruhanjaya, Penyata Kedudukan Kewangan pada 31 Disember 2020, Penyata Prestasi Kewangan, Penyata Perubahan Dalam Ekuiti, Penyata Aliran Tunai dan Penyata Perbandingan Bajet dan Sebenar bagi tahun berakhir pada tarikh tersebut dan nota-nota kepada penyata kewangan yang disertakan, adalah disediakan mematuhi Piawaian Perakaunan Sektor Awam Malaysia (MPSAS) yang diterbitkan oleh Jabatan Akauntan Negara untuk menunjukkan gambaran yang benar dan saksama berkenaan kedudukan SURUHANJAYA HAK ASASI MANUSIA MALAYSIA pada 31 Disember 2020 dan hasil kendaliannya serta aliran tunainya bagi tahun berakhir pada tarikh tersebut.

Bagi pihak Suruhanjaya,



TAN SRI OTHMAN HASHIM

Pengerusi

Kuala Lumpur

Tarikh: 1 JUL 2021

Bagi pihak Suruhanjaya,



DATUK LOK YIM PHENG

Pesuruhjaya

Kuala Lumpur

Tarikh: 1 JUL 2021

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA KEDUDUKAN KEWANGAN PADA 31 DISEMBER 2020

	NOTA	31.12.2020	(MPSAS) Dinyatakan semula 31.12.2019	(MPERS) Seperti dilaporkan terdahulu 31.12.2019	(MPSAS) Dinyatakan semula 1.1.2019
		RM	RM	RM	RM
ASET BUKAN SEMASA					
Loji dan Peralatan	3	294,858	274,015	274,015	283,298
Jumlah Aset Bukan Semasa		294,858	274,015	274,015	283,298
ASET SEMASA					
Deposit dan Pelbagai Penghutang	4	665,439	659,566	659,566	635,256
Simpanan Tetap	5	-	1,000,000	1,000,000	1,000,000
Tunai dan Baki di Bank	6	3,810,319	966,405	966,405	2,943,268
Jumlah Aset Semasa		4,475,758	2,625,971	2,625,971	4,578,524
JUMLAH ASET		4,770,616	2,899,986	2,899,986	4,861,822
EKUITI					
Lebihan terkumpul		-	-	1,741,381	-
Lebihan tahun semasa bawa hadapan		-	-	510,111	-
Kumpulan Wang Suruhanjaya	7	3,304,554	2,202,717	-	1,691,893
Jumlah Ekuiti		3,304,554	2,202,717	2,251,492	1,691,893
LIABILITI SEMASA					
Pelbagai Pemiutang dan Akruan	8	1,126,067	441,966	648,494	2,970,140
Jumlah Liabiliti Semasa		1,126,067	441,966	648,494	2,970,140
LIABILITI BUKAN SEMASA					
Peruntukan manfaat kakitangan	9	339,995	255,303	-	199,789
Jumlah Liabiliti Bukan Semasa		339,995	255,303	-	199,789
Jumlah Liabiliti		1,466,062	697,269	648,494	3,169,929
JUMLAH EKUITI DAN LIABILITI		4,770,616	2,899,986	2,899,986	4,861,822

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini.

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA PRESTASI KEWANGAN BAGI TAHUN BERAKHIR 31 DISEMBER 2020

			Dinyatakan semula (MPSAS)	Seperti dinyatakan dahulu
	Nota	2020 RM	2019 RM	2019 RM
PENDAPATAN				
Pendapatan urusniaga bukan pertukaran	10	13,804,777	13,574,250	-
Pendapatan urusniaga pertukaran	11	21,627	43,289	-
Geran Kerajaan		-	-	12,950,500
Pendapatan Lain		-	-	623,750
Perbelanjaan Pengurusan	12	(12,724,567)	(13,106,715)	(13,107,428)
Pendapatan Kewangan		-	-	43,289
Lebihan pada tahun semasa		<u>1,101,837</u>	<u>510,824</u>	<u>510,111</u>

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini.

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA PERUBAHAN DALAM EKUITI BAGI TAHUN BERAKHIR 31 DISEMBER 2020

	Kumpulan Wang Suruhanjaya
	RM
Pada 1 Januari 2019	1,741,381
Pelarasan tahun lalu	(49,488)
Lebihan bagi tahun	510,824
Pada 31 Disember 2019/1 Januari 2020	<u>2,202,717</u>
Lebihan bagi tahun	1,101,837
Pada 31 Disember 2020	<u>3,304,554</u>

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini.

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA ALIRAN TUNAI BAGI TAHUN BERAKHIR 31 DISEMBER 2020

	2020 RM	2019 RM <i>(dinyatakan semula)</i>
ALIRAN TUNAI DARI AKTIVITI OPERASI		
Lebihan sebelum cukai	1,101,837	510,824
Pelarasan perkara-perkara yang tidak melibatkan aliran tunai: Susut nilai loji dan peralatan	131,984	138,531
Lebihan sebelum perubahan modal kerja	1,233,821	649,355
Peningkatan pelbagai penghutang, deposit dan faedah terakru	(5,873)	(24,310)
Peningkatan/(Kurangan) pelbagai pemiutang dan akruan	684,101	(2,258,174)
Peningkatan dalam peruntukan manfaat pekerja	84,692	55,514
Aliran Tunai bersih dihasilkan/(digunakan) dalam aktiviti operasi	1,996,741	(1,847,615)
ALIRAN TUNAI DARI AKTIVITI PELABURAN		
Pembelian loji dan peralatan	(152,827)	(129,248)
Aliran tunai bersih digunakan dalam aktiviti pelaburan	(152,827)	(129,248)
Peningkatan/(Kurangan) bersih dalam tunai dan kesetaraan tunai	1,843,914	(1,976,863)
Tunai dan kesetaraan tunai pada awal tahun	1,966,405	3,943,268
Tunai dan kesetaraan tunai pada akhir tahun	3,810,319	1,966,405
<u>Tunai dan kesetaraan tunai</u>		
Simpanan Tetap	-	1,000,000
Tunai dan baki di Bank	3,810,319	966,405
Tunai dan kesetaraan tunai pada akhir tahun	3,810,319	1,966,405

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini.

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

PENYATA PERBANDINGAN BAJET DAN SEBENAR BAGI TAHUN BERAKHIR 31 DISEMBER 2020

	JUMLAH DILULUSKAN RM	BAJET PINDAAN RM	JUMLAH SEBENAR RM	*VARIAN BAJET RM
PENERIMAAN				
Pemberian Kerajaan	12,450,000	12,450,000	12,950,000	(500,000)
Pendapatan Lain	340,331	340,331	854,777	(514,446)
Pendapatan Kewangan	-	-	21,627	(21,627)
JUMLAH PENERIMAAN	12,790,331	12,790,331	13,826,404	(1,036,073)
PEMBAYARAN				
Gaji dan Upahan	3,835,000	3,835,000	3,700,337	134,663
Elaun Tetap	1,070,600	1,070,600	1,120,367	(49,767)
Sumbangan Berkanun Untuk Kakitangan	810,000	810,000	791,288	18,712
Elaun Lebih Masa	98,000	98,000	21,789	76,211
Faedah-Faedah Kewangan yang Lain	436,400	436,400	215,328	221,072
Perbelanjaan Perjalanan dan Sara Hidup	1,114,825	779,890	364,087	415,803
Perhubungan dan Utiliti	204,000	204,000	212,773	(8,773)
Sewaan	2,318,000	2,295,000	2,352,858	(57,858)
Bekalan Bahan Mentah dan Bahan untuk Penyelenggaraan dan Pembaikan	90,000	90,000	78,454	11,546
Bekalan dan Bahan-bahan lain	148,300	140,000	129,186	10,814
Penyelenggaraan dan Pembaikan Kecil yang Dibeli	545,000	545,000	674,667	(129,667)
Perkhidmatan Iktis dan Perkhidmatan Lain yang Dibeli dan Hospitaliti	2,804,127	2,400,594	2,841,448	(440,854)
Aset	-	-	152,827	(152,827)
Pemberian dan Kenaan Bayaran Tetap	10,000	10,000	89,305	(79,305)
Perbelanjaan-Perbelanjaan Lain	1,000	1,000	697	303
JUMLAH PEMBAYARAN	13,485,252	12,715,484	12,745,411	(29,927)
PENERIMAAN BERSIH	(694,921)	74,847	1,080,993	(1,006,146)

*Merujuk kepada varian di antara Bajet Pindaan dan Jumlah Sebenar

Nota-nota yang disertakan merupakan sebahagian asas penyata kewangan ini.

SURUHANJAYA HAK ASASI MANUSIA MALAYSIA

NOTA-NOTA KEPADA PENYATA KEWANGAN BAGI TAHUN BERAKHIR 31 DISEMBER 2020

1.0 LATAR BELAKANG DAN AKTIVITI UTAMA

- 1.1 Suruhanjaya Hak Asasi Manusia Malaysia ditubuhkan oleh Parlimen Malaysia di bawah Akta Suruhanjaya Hak Asasi Manusia Malaysia 1999, Akta 597 dengan objektif untuk melindungi dan memajukan hak asasi manusia di Malaysia. Akta ini diwartakan pada 9 September 1999.
- 1.2 Fungsi utama Suruhanjaya adalah untuk:
 - 1.2.1 memupuk kesedaran dan menyediakan pendidikan yang berhubungan dengan hak asasi manusia;
 - 1.2.2 menasihati dan membantu Kerajaan dalam merumuskan perundangan dan arahan dan tatacara pentadbiran dan mengesyorkan langkah-langkah yang perlu diambil;
 - 1.2.3 mengesyorkan kepada Kerajaan berkenaan dengan penandatanganan atau penyertaan dalam perjanjian triti dan suratcara antarabangsa yang lain dalam bidang hak asasi manusia; dan
 - 1.2.4 menyiasat aduan berkenaan dengan pelanggaran hak asasi manusia.
- 1.3 Penyata Kewangan Bagi Tahun Berakhir 31 Disember 2020 telah diluluskan oleh Suruhanjaya pada 7 Julai 2021.
- 1.4 Pejabat berdaftar Suruhanjaya dan tempat utama pengoperasiannya terletak di Tingkat 11 Menara TH Perdana Jalan Sultan Ismail.
- 1.5 Suruhanjaya menerima pakai piawaian perakaunan berdasarkan surat edaran Ketua Setiausaha Perbendaharaan berkenaan Pemakaian Piawaian Perakaunan Bagi Rangka Kerja Pelaporan Penyata Kewangan Oleh Badan Berkanun Persekutuan Bagi Tahun 2016 Dan Tahun-tahun Berikutnya bertarikh 9 Disember 2016, dan Surat Pekeliling Akauntan Negara Bilangan 9 Tahun 2017.

Pemakaian Piawaian Perakaunan Sektor Awam Malaysia (MPSAS) di Suruhanjaya telah diluluskan dan disahkan Suruhanjaya pada 7 Julai 2021.

Penyata kewangan ini adalah merupakan penyata kewangan pertama yang disediakan menggunakan MPSAS. Sebelum ini penyata kewangan telah disediakan mengikut Piawaian Laporan Entiti Persendirian Malaysia (MPERS).

2.0 DASAR-DASAR PERAKAUNAN

2.1 Asas Penyediaan Penyata Kewangan

Penyata kewangan Suruhanjaya ini telah disediakan menurut kelaziman kos sejarah dan mematuhi nilai saksama.

Penyata kewangan Suruhanjaya dibentangkan dalam Ringgit Malaysia.

Pihak pengurusan perlu menggunakan pertimbangan, anggapan dan anggaran untuk menilai dan melaporkan jumlah aset dan liabiliti pada akhir tahun semasa serta melaporkan jumlah pendapatan dan perbelanjaan pada tahun semasa.

Pertimbangan dan anggapan digunakan di dalam penilaian dan mungkin akan menyebabkan keputusan sebenar tidak selari dengan jumlah yang dilaporkan.

2.2 Tempoh Laporan Entiti

Penyediaan penyata kewangan Suruhanjaya adalah tertakluk Akta Badan Berkanun (Akaun dan Laporan Tahunan) 1960 [Akta 240], dan tahun kewangan Suruhanjaya ialah tahun kalendar.

2.3 Penyata Pematuhan

Penyata kewangan Suruhanjaya telah disediakan dengan mematuhi Piawaian Perakaunan Sektor Awam Malaysia (MPSAS) Asas Akruan. MPSAS 33 membenarkan pengguna kali pertama untuk mengiktiraf dan/atau mengukur aset dan/atau liabiliti tertentu dalam tempoh satu (1) sehingga tiga (3) tahun.

2.4 Asas Perakaunan Berterusan

Suruhanjaya menggunakan dasar perakaunan yang sesuai dan relevan secara konsisten serta membuat pertimbangan dan anggaran yang munasabah dan berhemat. Suruhanjaya menyediakan laporan kewangan beraudit berdasarkan perakaunan berterusan.

2.5 Pengiktirafan Hasil dan Perbelanjaan

2.5.1 Hasil daripada Urusniaga Bukan Pertukaran

Geran Peruntukan Kerajaan

Geran Mengurus yang diterima daripada Kerajaan untuk pembiayaan belanja operasi diakaunkan dalam Penyata Prestasi Kewangan pada tahun ia dimaksudkan diiktiraf pada nilai saksamanya di mana terdapat jaminan munasabah bahawa geran akan diterima dan Suruhanjaya akan mematuhi semua syarat yang ada padanya.

Geran kerajaan berkaitan dengan pembelian loji dan peralatan dimasukkan dalam liabiliti bukan semasa sebagai pendapatan tertunda dan dikreditkan kepada penyata pendapatan sepanjang hayat dijangka ke atas loji dan peralatan berkaitan, asas-asas yang seimbang dengan susut nilai loji dan peralatan yang berkaitan.

2.5.2 Hasil daripada Urusniaga Pertukaran

Faedah Simpanan Tetap

Faedah Simpanan Tetap diiktiraf menurut konsep akruan atas dasar perkadaran masa yang mengambilkira kadar pulangan hasil efektif ke atas aset ialah kadar keuntungan yang diperlukan untuk mendiskaun jangka aliran penerimaan tunai masa hadapan hayat aset tersebut untuk disamakan dengan amaun bawaan awal aset.

Bagi pelaburan daripada Simpanan Tetap, pendapatan diambil kira dalam Penyata Prestasi Kewangan.

Pendapatan Hibah dan Mudharabah Insuran diiktiraf berdasarkan asas tunai.

Pendapatan lain adalah dana yang diterima Suruhanjaya bagi maksud memupuk kesedaran dan menyediakan pendidikan yang berhubungan dengan hak asasi manusia yang diluluskan Suruhanjaya.

Belanja diiktiraf dalam tempoh ia berlaku atau dikenakan.

Perbelanjaan Ubahsuai bagi bangunan yang disewa diiktiraf sebagai perbelanjaan dalam Penyata Prestasi Kewangan.

2.6 Instrumen Kewangan

2.6.1 Aset Kewangan

Aset kewangan diiktiraf dalam Penyata Kedudukan Kewangan apabila Suruhanjaya menjadi pihak kepada peruntukan kontrak instrumen.

Aset kewangan terdiri daripada tunai dan kesetaraan tunai, pendahuluan kakitangan dan deposit. Aset Kewangan diukur berdasarkan nilai dan kos yang dilunaskan.

Pembelian atau penjualan aset kewangan yang memerlukan penyerahan aset dalam tempoh masa yang ditetapkan oleh peraturan atau konvensyen di dalam pasaran akan diiktiraf pada tarikh transaksi itu dibuat, iaitu tarikh di mana Suruhanjaya membuat komitmen untuk membeli atau menjual aset tersebut.

2.6.2 Liabiliti Kewangan

Liabiliti kewangan diiktiraf dalam Penyata Kedudukan Kewangan apabila Suruhanjaya menjadi pihak kepada peruntukan kontrak instrumen.

Liabiliti kewangan terdiri daripada akaun belum bayar, dan liabiliti lain.

Liabiliti kewangan diukur berdasarkan nilai dan kos yang dilunaskan.

Liabiliti kewangan dinyahiktiraf apabila obligasi yang dinyatakan dalam kontrak telah dilepaskan, dibatalkan atau tamat hayat.

Sebarang perbezaan antara nilai dibawa liabiliti kewangan yang dinyahiktirafkan dari pertimbangan dibayar adalah diiktiraf di dalam lebih atau kurang dalam tempoh penyahiktirafan.

2.6.3 Tunai dan Kesetaraan Tunai

Tunai merangkumi wang tunai di tangan, di bank, dan simpanan. Kesetaraan tunai merangkumi pelaburan mudah tunai yang boleh ditukarkan kepada amaun tunai yang diketahui yang tertakluk kepada risiko pertukaran nilai yang tidak signifikan. Suruhanjaya telah menggunakan kaedah tidak langsung di dalam penyediaan Penyata Aliran Tunai.

2.7 Peruntukan

Peruntukan dibuat apabila Suruhanjaya mempunyai obligasi sah atau konstruktif pada masa kini berikutan peristiwa lepas, di mana kemungkinan aliran keluar sumber akan diiktirafkan untuk menjelaskan obligasi, dan bila anggaran yang boleh diyakini boleh dibuat bagi amaun tersebut.

Suruhanjaya menggunakan anggaran terbaik sebagai dasar penilaian peruntukan. Pihak pengurusan menilai berdasarkan pengalaman, isu semasa dan isu akan datang dengan kemungkinan munasabah yang berlaku.

2.8 Nilai Saksama

Nilai dibawa tunai dan kesetaraan tunai, pelbagai dan lain-lain belum terima, pelbagai dan lain-lain belum bayar menghampiri nilai saksama kerana sifat instrumen kewangan yang jangka pendek.

2.9 Objektif dan Polisi Pengurusan Risiko Kewangan

Polisi pengurusan risiko kewangan Suruhanjaya bertujuan memastikan sumber kewangan mencukupi untuk menjalankan operasi-operasinya dengan lancar.

2.10 Risiko Mudah Tunai

Pihak Suruhanjaya mengamalkan pengurusan risiko mudah tunai yang hemat untuk meminimumkan ketidakpadanan aset dan liabiliti kewangan dan untuk mewujudkan tahap tunai dan kesetaraan tunai yang mencukupi bagi memenuhi keperluan modal kerja.

2.11 Manfaat pekerja

Termasuk di dalam Manfaat Pekerja Jangka Pendek adalah upah, gaji, cuti tahunan berbayar dan cuti sakit, Bantuan Khas Kewangan dan manfaat bukan kewangan yang dijangka akan diselesaikan sepenuhnya dalam tempoh 12 bulan selepas akhir tempoh pelaporan di mana kakitangan memberi perkhidmatan yang berkaitan diiktiraf berkenaan dengan perkhidmatan pekerja dan diukur pada jumlah yang dijangka akan dibayar apabila liabiliti diselesaikan.

Liabiliti dibentangkan sebagai tanggungan manfaat pekerja dalam Penyata Kedudukan Kewangan. Suruhanjaya mengiktiraf liabiliti dan belanja Bantuan Khas Kewangan, berdasarkan pekeliling yang dikeluarkan selepas pembentangan bajet Kerajaan Persekutuan

Jika terdapat peruntukan bagi Bantuan Khas Kewangan, Suruhanjaya mengiktiraf peruntukan di mana adanya obligasi kontraktual atau jika terdapat amalan terdahulu yang telah mewujudkan suatu obligasi kontraktual.

Suruhanjaya membayar caruman tetap kepada sebuah entiti Kumpulan Wang Simpanan Pekerja (KWSP) dan Pertubuhan Keselamatan Sosial (PERKESO) bagi kakitangannya. Caruman sedemikian diiktiraf sebagai perbelanjaan dalam Penyata Prestasi Kewangan seperti yang ditanggung. Apabila caruman telah dibayar, Suruhanjaya tiada obligasi bayaran lagi.

Gantian Cuti Rehat

Peruntukan manfaat pekerja jangka pendek seperti cuti tahunan berbayar diiktiraf apabila anggota bersara wajib atau bersara pilihan sendiri ataupun bersara atas kepentingan perkhidmatan ataupun apabila mereka meninggal dunia berdasarkan kepada terma dan syarat perkhidmatan Suruhanjaya akan dibayar Award Gantian Wang Tunai.

Suruhanjaya mengambil kira peruntukan gantian cuti rehat bagi kesemua kakitangannya yang layak dalam tempoh Kewangan berakhir di mana ia dikira berdasarkan formula berikut:

$$\frac{1}{30} \text{ Gaji akhir diterima} \times \text{jumlah hari cuti rehat yang di kumpulkan} \\ \text{(tertakluk kepada had maksimum 150 hari)}$$

Pihak Suruhanjaya juga akan memberi ganjaran kepada kakitangan kontrak yang telah tamat tempoh perkhidmatan mereka berdasarkan formula berikut:

$$[17.5\% - 15\% \text{ (caruman KWSP majikan)} \times \text{gaji pokok terakhir} \times \text{jumlah bulan perkhidmatan}] \\ \text{(-) faedah syer ke atas caruman KWSP majikan.}$$

Manfaat Pekerja Lain-lain

Kemudahan kakitangan lain-lain yang disediakan meliputi Skim Perlindungan Insuran berkelompok bagi kemasukan ke hospital dan operasi, perlindungan kemalangan, perlindungan nyawa kepada semua kakitangan tetap dan kakitangan kontrak berdasarkan ketentuan yang ditetapkan Suruhanjaya.

2.12 Maklumat Bajet

Bajet Tahunan disediakan menurut kepada asas tunai. Memandangkan penyata kewangan disediakan menggunakan asas akrual, maka satu Penyata Perbandingan Bajet dan Sebenar didedahkan secara berasingan. Penyata ini telah disediakan menggunakan asas penyediaan bajet tahunan dan hanya merujuk kepada bajet mengurus. Jumlah bajet tahunan Suruhanjaya telah diluluskan oleh Kementerian Kewangan.

2.13 Loji dan Peralatan serta Susutnilai

Hartanah, loji dan peralatan diiktiraf pada nilai kos yang melebihi RM1,000.00 setiap satu. Loji dan peralatan dinyatakan pada kos ditolak susutnilai terkumpul dan kerugian nilai kemerosotan terkumpul.

Susutnilai diperuntukkan berdasarkan kaedah garis lurus dikira untuk menghapus kira kos setiap aset sepanjang anggaran hayat kegunaannya.

Kadar susutnilai tahunan adalah 20%.

Loji dan peralatan disusutnilai dengan memperuntukkan jumlah susut nilai komponen atau item penting kepada lebih baki hayat berguna. Pada akhir setiap tempoh pelaporan, nilai sisa, jangka hayat guna dan kaedah susut nilai bagi loji dan peralatan disemak semula untuk kewajaran. Sebarang perubahan dalam anggaran aset diarahkan secara prospektif kepada jangka hayat yang tinggal, bermula dalam tempoh semasa.

2.14 Pendedahan Pihak Berkaitan

Suruhanjaya menganggap pihak berkaitan sebagai orang entiti dengan keupayaan untuk mengenakan kawalan secara individu atau bersama, atau melaksanakan pengaruh penting ke atas Suruhanjaya atau sebaliknya. Pihak berkaitan Suruhanjaya adalah barisan Pesuruhjaya SUHAKAM.

2.15 Pertimbangan Perakaunan Penting dan Sumber Utama Ketidakpastian Anggaran.

Suruhanjaya tidak mempunyai pertimbangan dan anggapan yang menyebabkan penyediaan penyata kewangan tidak munasabah.

Ketidakpastian Anggaran

Pengukuran beberapa aset dan liabiliti memerlukan pihak pengurusan menggunakan anggaran berdasarkan pelbagai input yang boleh diperhatikan dan andaian lain. Perkara yang tertakluk kepada ketidakpastian anggaran penting adalah dalam mengukur: (a) peruntukan; dan (b) susut nilai hartanah, loji dan peralatan.

2.16 Angka-Angka Bandingan

Sebahagian daripada angka-angka bandingan telah diklasifikasikan semula kerana mengambil kira pemakaian awal MPSAS.

2.17 Rosot Nilai Aset Bukan Kewangan.

Pada setiap tarikh Penyata Kedudukan Kewangan, Suruhanjaya mengkaji semula nilai dibawa bagi aset-asetnya untuk menentukan sama ada terdapat sebarang petunjuk kemerosotan nilai. Jika sebarang petunjuk wujud, rosot nilai dikira dengan membandingkan nilai dibawa aset dengan amaun boleh pulih. Amaun boleh pulih adalah nilai tertinggi di antara nilai saksama ditolak kos untuk dijual dan nilai dalam penggunaan.

Dalam menentukan nilai dalam penggunaan, aliran tunai masa hadapan akan didiskaun kepada nilai semasanya menggunakan kadar diskaun sebelum cukai yang menggambarkan nilai pasaran semasa nilai masa wang dan risiko khusus kepada aset tersebut. Di dalam menentukan nilai saksama ditolak kos untuk dijual pula, urusan niaga pasaran terkini akan diambil kira jika ada. Jika tiada urusan niaga pasaran terkini berlaku, model penilaian yang sesuai hendaklah digunakan.

Kerugian kemerosotan diiktiraf sebagai perbelanjaan dalam Penyata Prestasi Kewangan serta merta apabila nilai dibawa aset melebihi amaun boleh pulihnya, melainkan aset tersebut dibawa pada jumlah penilaian semula. Sebarang kerugian kemerosotan aset yang dinilai

semula akan dikurangkan setakat lebih penilaian semula yang masih belum digunakan bagi aset yang sama.

2.18 Kesan Pemakaian MPSAS

Kesan Pemakaian MPSAS ke atas penyata kewangan SUHAKAM pada 1 Januari 2019 selepas mengambil kira penggunaan pengecualian dan pertukaran dasar-dasar perakaunan adalah seperti berikut:

(a) Kesan ke atas Penyata Kedudukan Kewangan pada 1 Januari 2019:

	MPERS (Dinyatakan Semula)	Kesan MPSAS/ Pelarasan terdahulu	MPSAS
	RM	RM	RM
ASET BUKAN SEMASA			
Loji dan Peralatan	283,298	-	283,298
Jumlah Aset Bukan Semasa	<u>283,298</u>		<u>283,298</u>
ASET SEMASA			
Deposit dan Pelbagai Penghutang	635,256	-	635,256
Simpanan Tetap	1,000,000	-	1,000,000
Tunai dan Baki di Bank	2,943,268	-	2,943,268
Jumlah Aset Semasa	<u>4,578,524</u>		<u>4,578,524</u>
JUMLAH ASET	<u>4,861,822</u>		<u>4,861,822</u>
EKUITI			
Lebihan terkumpul	2,559,543	(2,559,543)	-
Kurangan tahun semasa bawa hadapan	(818,162)	818,162	-
Kumpulan Wang Suruhanjaya	-	1,691,893	1,691,893
Jumlah Ekuiti	<u>1,741,381</u>		<u>1,691,893</u>
LIABILITI SEMASA			
Pelbagai Pemiutang dan Akruan	3,120,441	(150,301)	2,970,140
Jumlah Liabiliti Semasa	<u>3,120,441</u>		<u>2,970,140</u>
LIABILITI BUKAN SEMASA			
Peruntukan manfaat kakitangan	-	199,789	199,789
Jumlah Liabiliti Bukan Semasa	<u>-</u>		<u>199,789</u>
Jumlah Liabiliti	<u>3,120,441</u>		<u>3,169,929</u>
JUMLAH EKUITI DAN LIABILITI	<u>4,861,822</u>	-	<u>4,861,822</u>

(b) Kesan ke atas Penyata Kedudukan Kewangan pada 31 Disember 2019:

	MPERS (Dinyatakan Semula)	Kesan MPSAS/ Pelarasan terdahulu	MPSAS
	RM	RM	RM
ASET BUKAN SEMASA			
Loji dan Peralatan	274,015	-	274,015
Jumlah Aset Bukan Semasa	<u>274,015</u>		<u>274,015</u>
ASET SEMASA			
Deposit dan Pelbagai Penghutang	659,566	-	659,566
Simpanan Tetap	1,000,000	-	1,000,000
Tunai dan Baki di Bank	966,405	-	966,405
Jumlah Aset Semasa	<u>2,625,971</u>		<u>2,625,971</u>
JUMLAH ASET	<u>2,899,986</u>		<u>2,899,986</u>
EKUITI			
Lebihan terkumpul	1,741,381	(1,741,381)	-
Lebihan tahun semasa bawa hadapan	510,111	(510,111)	-
Kumpulan Wang Suruhanjaya	-	2,202,717	2,202,717
Jumlah Ekuiti	<u>2,251,492</u>		<u>2,202,717</u>
LIABILITI SEMASA			
Pelbagai Pemiutang dan Akruan	648,494	(206,528)	441,966
Jumlah Liabiliti Semasa	<u>648,494</u>		<u>441,966</u>
LIABILITI BUKAN SEMASA			
Peruntukan manfaat kakitangan	-	255,303	255,303
Jumlah Liabiliti Bukan Semasa	<u>-</u>		<u>255,303</u>
Jumlah Liabiliti	<u>648,494</u>		<u>697,269</u>
JUMLAH EKUITI DAN LIABILITI	<u>2,899,986</u>	-	<u>2,899,986</u>

(c) Kesan ke atas Penyata Prestasi Kewangan bagi tahun berakhir 31 Disember 2019:

	MPERS (Dinyatakan Semula)	Kesan MPSAS/ Pelarasan terdahulu	MPSAS
	RM	RM	RM
PENDAPATAN			
Pendapatan urusniaga bukan pertukaran	-	13,574,250	13,574,250
Pendapatan urusniaga pertukaran	-	43,289	43,289
Geran Kerajaan	12,950,500	(12,950,500)	-
Pendapatan Lain	623,750	(623,750)	-
Perbelanjaan Pengurusan	(13,107,428)	713	(13,106,715)
Pendapatan Kewangan	43,289	(43,289)	-
Lebihan pada tahun semasa	510,111		510,824

2.19 Perkara Penting Semasa Tempoh Kewangan

Pertubuhan Kesihatan Sedunia mengisytiharkan Jangkitan Novel Coronavirus 2019 (COVID-19) sebagai wabak pada 11 Mac 2020. Hal ini diikuti oleh Kerajaan Malaysia mengeluarkan Warta Kerajaan Persekutuan pada 18 Mac 2020, dengan mengenakan Perintah Kawalan Pergerakan (PKP) berkuatkuasa dari 18 Mac 2020 hingga 31 Disember 2020. Namun pada 11 Januari 2021, Kerajaan Malaysia sekali lagi mengisytiharkan untuk melaksanakan Perintah Kawalan Pergerakan 2.0 (PKP 2.0) bermula 13 Januari 2021 hingga 31 Mac 2021 serta Perintah Kawalan Pergerakan 3.0 (PKP 3.0) bermula 25 Mei 2021 hingga 28 Jun 2021.

Berikutan perintah kerajaan, SUHAKAM telah mengambil langkah-langkah pencegahan dengan menutup premis pejabat dan cawangan bermula dari Mac 2020, menunda program-program dan aktiviti hak asasi SUHAKAM, melakukan pembasmian kuman di ibu pejabat dan cawangan serta mengarahkan pekerja berkerja dari rumah (WFH).

Oleh kerana hal ini berlaku dalam tempoh pelaporan, wabak COVID-19 dianggap sebagai peristiwa penting. Walau bagaimanapun, penyata kewangan untuk tahun kewangan berakhir 31 Disember 2020 tidak menimbulkan kesan yang ketara terhadap penyata kewangan Suruhanjaya.

Suruhanjaya masih meneruskan proses menilai kesan wabak COVID-19 ke atas laporan kewangan kerana perkembangan yang sedang berlangsung masih belum dapat dipastikan dan tidak dapat diramalkan secara munasabah para tarikh penyata kewangan diluluskan.

3.0 LOJI DAN PERALATAN

<u>2020</u>	Buku, Peralatan dan Kelengkapan				Jumlah RM
	RM	Komputer RM	Kenderaan RM	Pengubahsuaian RM	
Kos					
Pada 1 Januari	832,099	992,088	1,714,728	989,800	4,528,715
Tambahan	43,628	109,199	-	-	152,827
Pada 31 Disember	875,727	1,101,287	1,714,728	989,800	4,681,542
Susutnilai Berkumpul					
Pada 1 Januari	783,546	880,802	1,643,499	946,853	4,254,700
Caj untuk tahun	18,409	58,509	15,516	39,550	131,984
Pada 31 Disember	801,955	939,311	1,659,015	986,403	4,386,684
Nilai Buku Bersih					
Pada 1 Januari	48,553	111,286	71,229	42,947	274,015
Pada 31 Disember	73,772	161,976	55,713	3,397	294,858

<u>2019</u>	Buku, Peralatan dan Kelengkapan				Jumlah RM
	RM	Komputer RM	Kenderaan RM	Pengubahsuaian RM	
Kos					
Pada 1 Januari	814,855	957,664	1,637,148	989,800	4,399,467
Tambahan	17,244	34,424	77,580	-	129,248
Pada 31 Disember	832,099	992,088	1,714,728	989,800	4,528,715
Susutnilai Berkumpul					
Pada 1 Januari	758,219	813,613	1,637,034	907,303	4,116,169
Caj untuk tahun	25,327	67,189	6,465	39,550	138,531
Pada 31 Disember	783,546	880,802	1,643,499	946,853	4,254,700
Nilai Buku Bersih					
Pada 1 Januari	56,636	144,051	114	82,497	283,298
Pada 31 Disember	48,553	111,286	71,229	42,947	274,015

4.0 DEPOSIT DAN PELBAGAI PENGHUTANG

	<u>2020</u>	<u>2019</u>
	RM	RM
Faedah terakru	-	1,403
Deposit	648,058	648,192
Perbelanjaan Terdahulu	6,450	5,575
Penghutang Lain-lain	10,931	4,396
Jumlah pada kos	<u>665,439</u>	<u>659,566</u>

5.0 SIMPANAN TETAP

Simpanan tetap dengan bank berlesen tidak dicagarkan untuk sebarang tujuan. Kadar faedah efektif bagi simpanan tetap dengan bank berlesen pada 1.80% hingga 3.20% setahun. Tempoh matang ialah antara 29 hari hingga 32 hari. Suruhanjaya telah mencairkan baki pelaburan simpanan tetap Suruhanjaya pada 16 Oktober 2020 bagi tujuan menampung perbelanjaan operasinya.

6.0 TUNAI DAN KESETARAAN TUNAI

	<u>2020</u>	<u>2019</u>
	RM	RM
Tunai Di Tangan	5,000	5,000
Tunai Di Bank	3,805,319	961,405
Jumlah	<u>3,810,319</u>	<u>966,405</u>

7.0 KUMPULAN WANG SURUHANJAYA

	31.12.2020	(MPSAS) Dinyatakan semula	(MPERS) Seperti dilaporkan terdahulu	(MPSAS) Dinyatakan semula
	RM	31.12.2019 RM	31.12.2019 RM	1.1.2019 RM
Baki pada 1 Januari	2,202,717	1,741,381	2,251,492	2,559,543
Pelarasan tahun lalu Lebihan/(Kurangan) bagi tahun semasa	-	(49,488)	-	-
	<u>1,101,837</u>	<u>510,824</u>	<u>902,921</u>	<u>(818,162)</u>
Baki pada 31 Disember	<u>3,304,554</u>	<u>2,202,717</u>	<u>3,154,413</u>	<u>1,741,381</u>

8.0 PELBAGAI PEMIUTANG DAN AKRUAN

	<u>2020</u>	<u>2019</u>
	RM	RM (dinyatakan semula)
Operasi pemiutang	540	215
Akruan	1,125,527	441,751
Jumlah	<u>1,126,067</u>	<u>441,966</u>

Perbelanjaan akruan adalah termasuk obligasi Geran Kontrak kerjasama European Union bagi projek 'Promoting the Accession of Remaining International HR Treaties in Malaysia' dan projek 'Responding to Covid19 by Meeting the Human Rights Needs of Vulnerable Communities in Malaysia' dan perbelanjaan komited kepada pembekal.

9.0 PERUNTUKAN MANFAAT KAKITANGAN

Suruhanjaya melalui Terma dan Syarat Perkhidmatan SUHAKAM Fasal 3.18 memperuntukkan pembayaran Wang Tunai Sebagai Gantian Cuti Rehat (GCR), iaitu bagi cuti rehat terkumpul yang tidak dihabiskan mengikut syarat-syarat pengumpulan sehingga maksimum 150 hari disebabkan kepentingan perkhidmatan. Anugerah wang tunai dibayar pada hari terakhir bekerja selepas bersara dan ia dikira berdasarkan gaji kakitangan pada tarikh Penyata Kedudukan Kewangan. Kriteria-kriteria penetapan pengiraan Peruntukan Tahunan SUHAKAM, tertakluk kepada jumlah cuti rehat yang terkumpul sehingga jumlah maksimum 15 hari setahun mengikut tahun semasa, seperti peraturan tersebut.

	(MPSAS)	(MPERS)	(MPSAS)
	Dinyatakan semula	Seperti dilaporkan terdahulu	Dinyatakan semula
	31.12.2020	31.12.2019	1.1.2019
	RM	RM	RM
Baki pada 1 Januari	255,303	199,789	165,087
Peruntukan tahun semasa	78,352	48,326	34,702
Pelaras ganjaran tahun semasa	6,340	7,188	-
Baki pada 31 Disember	<u>339,995</u>	<u>255,303</u>	<u>199,789</u>

10.0 PENDAPATAN URUSNIAGA BUKAN PERTUKARAN

10.1 GERAN KERAJAAN

	<u>2020</u> <u>RM</u>
Peruntukan Disalurkan	
Suku Tahun Pertama	3,112,500
Suku Tahun Kedua	3,112,500
Suku Tahun Ketiga dan Keempat	6,225,000
Peruntukan Pejabat Pesuruhjaya Kanak-Kanak	500,000
Jumlah	<u>12,950,000</u>
	<u>2019</u> <u>RM</u>
Peruntukan Disalurkan	
Suku Tahun Pertama	2,612,625
Suku Tahun Kedua	2,612,625
Suku Tahun Ketiga	2,612,625
Suku Tahun Keempat	2,612,625
Peruntukan Tambahan	2,000,000
Peruntukan Pejabat Pesuruhjaya Kanak-Kanak	500,000
Jumlah	<u>12,950,500</u>

10.2 PENDAPATAN LAIN

Pendapatan lain adalah dana yang diterima Suruhanjaya bagi maksud memupuk kesedaran dan menyediakan pendidikan yang berhubungan dengan hak asasi manusia yang diluluskan Suruhanjaya.

	<u>2020</u>
Pendapatan Lain	<u>RM</u>
Penerimaan sumbangan	
UNICEF	1,352
National Human Rights of APF Sub Regional Office in West Asia	12,148
European Union	<u>841,277</u>
	<u>854,777</u>

	<u>2019</u>
Pendapatan Lain	<u>RM</u>
Penerimaan sumbangan	
United Nations High Commissioner for Refugees	23,392
Asia Pacific Forum	5,823
Fortify Rights:Fortify Inc Human Rights Specialist	5,100
Digi Telecommunication Sdn Bhd	10,000
The United Nations Educational, Scientific and Cultural Organization	17,314
United Nations Association of Malaysia Youth	20,000
Commonwealth Forum of National Human Rights Institutions	6,432
The United Nations Children's Fund	18,139
Forest Peoples Programme	1,401
The ASEAN Intergovernmental Commission on Human Rights	2,565
The National Human Rights Commission of Nepal	4,109
European Union	507,323
Convention Against Torture Initiative	<u>2,152</u>
	<u>623,750</u>

11.0 PENDAPATAN URUSNIAGA PERTUKARAN

	<u>2020</u>	<u>2019</u>
	<u>RM</u>	<u>RM</u>
Hibah bank	4,044	7,677
Faedah simpanan tetap	17,578	32,870
Lain - lain	5	2,742
	<u>21,627</u>	<u>43,289</u>

12.0 PERBELANJAAN PENGURUSAN

Perbelanjaan Pengurusan adalah bagi membolehkan Suruhanjaya menjalankan fungsinya.

	<u>2020</u>	<u>2019</u>
	RM	RM
Emolumen	5,849,109	5,611,871
Perjalanan dan sara hidup	364,087	1,089,843
Pengangkutan	-	1,193
Perhubungan dan utiliti	212,773	223,398
Sewaan	2,352,858	2,375,115
Bekalan bahan mentah	78,454	86,146
Bekalan dan bahan-bahan lain	129,186	219,716
Penyelenggaraan dan pembaikan kecil	674,667	609,012
Perkhidmatan Ikhtisas dan hospitaliti	2,841,448	2,691,167
Susutnilai	131,984	138,531
Ganjaran	89,305	58,156
Lain-lain Perbelanjaan	696	2,567
Jumlah Perbelanjaan Pengurusan	<u>12,724,567</u>	<u>13,106,715</u>

Pembayaran emolumen bagi Pegawai dan Kakitangan Iantikan Suruhanjaya adalah seperti berikut:

	<u>2020</u>	<u>2019</u>
	RM	RM
Gaji	3,700,337	3,521,896
Imbuan Khidmat Awam	150,987	141,817
Elaun Perumahan	395,568	381,992
Elaun Keraian	142,953	140,238
Lain-lain elaun	452,648	441,100
Sumbangan Badan Berkanun	791,288	749,160
Faedah Kewangan Lain	215,328	235,668
Jumlah	<u>5,849,109</u>	<u>5,611,871</u>

13.0 PENDEDAHAN KEPADA PIHAK BERKAITAN

Suruhanjaya dianggotai oleh 9 orang Pesuruhjaya yang dilantik oleh Yang di-Pertuan Agong dan terdiri daripada seorang Pengerusi dan 8 orang Pesuruhjaya. Pesuruhjaya bertanggungjawab untuk merancang, mengarah dan mengawal aktiviti Suruhanjaya secara terus atau sebaliknya. Pembayaran emolumen Pesuruhjaya dikelaskan di dalam perbelanjaan Perkhidmatan Iktisas. Jumlah manfaat Pesuruhjaya sepanjang tahun kewangan adalah seperti berikut:

	<u>2020</u>	<u>2019</u>
	RM	RM
Elaun Tetap Pesuruhjaya	867,000	799,111
Sumbangan Badan Berkanun	148,993	131,705
Jumlah	<u>1,015,993</u>	<u>930,816</u>

14.0 MAKLUMAT KAKITANGAN

Jumlah kakitangan Suruhanjaya pada akhir tahun adalah 89 (2019: 83).

15.0 PERUNTUKAN CUKAI

Suruhanjaya telah mendapat kelulusan pengecualian cukai bagi semua pendapatan kepada SUHAKAM untuk tempoh tiga tahun mulai tahun taksiran 2018 hingga 2020. SUHAKAM kini sedang dalam proses untuk mendapat kelulusan Suruhanjaya untuk melantik Ejen Cukai.

16.0 KOMITMEN MODAL

	<u>2020</u>	<u>2019</u>
	RM	RM
Komitmen perbelanjaan modal :		
Diluluskan tapi tidak diperuntukkan:		
Pembelian hartanah, loji dan peralatan-kenderaan	<u>190,074</u>	-

Komitmen pajakan operasi:

Pembayaran minimum pajak di bawah pajakan operasi Suruhanjaya yang tidak dapat dibatalkan untuk penyewaan premis pejabat, dengan jangka masa sewa rata-rata 2 tahun, adalah seperti berikut:

	<u>2020</u>	<u>2019</u>
	RM	RM
Dalam masa setahun	1,553,171	2,087,468
Lebih dari setahun tapi kurang 2 tahun	<u>64,800</u>	<u>1,455,971</u>
	<u>1,617,971</u>	<u>3,543,439</u>

The image features three overlapping circles of varying shades of grey and white. The circles are arranged in a triangular pattern, with one in the center and two on the sides. The background is white with a large, irregular grey splatter or ink blot effect that covers the lower and right portions of the page. The text is centered within the middle circle.

**APPENDIX VII
PHOTOS OF
SUHAKAM
OFFICERS
AND STAFF**

MANAGEMENT & HEAD OF DIVISIONS



From left: Paremewari Subramaniam (Principal Assistant Secretary, Economic, Social and Cultural Rights Division), Sophian b. Osman (Head of Sarawak Office), Lee Pei Hsi (Principal Assistant Secretary, Promotion and Outreach Division), Chua Yen Sin (Principal Assistant Secretary, International Coordination and Media Relations Division), Simon Karunagaram (Deputy Secretary, Complaints and Monitoring Working Group), Idris Hafid b. Kamilan (Principal Assistant Secretary, Law and International Treaties Division), Mohamad Azizi b. Azmi (Principal Assistant Secretary, Corporate Services Working Group), Dr. Cheah Swee Neo (Secretary), Syamsul Azhar b. Zamani (Principal Assistant Secretary, Publication and Documentation Division), Abdul Rahman b. Abdullah (Principal Assistant Secretary, Complaints and Monitoring Division), Shahzad b. Sulaiman (Principal Assistant Secretary, Education and Training Division) Jasmih b. Slamet (Head of Sabah Office), Rafidah bt. Yahya (Deputy Secretary, Education and Promotion Working Group) Izyan Hazwani bt. Ahmad (Principal Assistant Secretary, Office of the Children's Commissioner), Nicole Kimberly Tan (Principal Assistant Secretary, Special Project, European Union Grant)

EDUCATION AND PROMOTION WORKING GROUP (EPWG)



From left : Nur Adlin bt. Abd Ghaffar, Nyak Baqi b. Kamaruddin, Mohamad Taufiq b. Nadzri, Wan Norhafizah bt. Junid, Mohd Ariff Saifullah b. Abd Rahman, Siti Zaihan bt. Zulkarnain, Rafidah bt. Yahya, Associate Prof. Dr. Nik Salida Suhaila Nik Saleh (Commissioner), Datuk Lok Yim Pheng (Commissioner), Lee Pei Hsi, Syahrizal b. Bakar, Shahzod b. Sulaiman, Ahmad Afifi b. Ramli, Muhammad Syaafiq Ikhwani b. Ghazali, Syairin Adirah bt. Abd Rahman

POLICY AND LAW WORKING GROUP (PLWG)



Seated from left :
Standing from left :

Nur Dhania Aqilah bt. Ahmad Jelani, Paremewari Subramaniam, Sarah Adibah bt. Hamzah
 Noor Fatinullah bt. Othman, Nur Hariza bt. Abd Aziz, Idzuali Hadi b. Kamilan, Dato' Mah Weng Kwai
 (Commissioner), Dato' Seri Mohd Hishamudin Md Yunus (Commissioner), Siti Rahayu bt. Mohamed
 Noor, Yustina bt. Ishak, Nurisha bt. Harizam
 Mariani bt. Che Hussin

COMPLAINTS AND MONITORING WORKING GROUP (CMG)



From left (back): Puvethra Raja Segaran, Kevin Jason James, Mohd Tan'im b. Tajuddin, Sheril Aina bt. Ahmad Salihin, Muhammad Faiz b. Abd. Rahman, Ahmad Zaidi b. Baharuddin
From left (front): Azlan Juliana Ng Kee Choo, Aida Suraya bt. Haron, Simon Karunagaram, Mr. Jerald Joseph (Commissioner), Dato Dr. Madeline Berma (Commissioner), Abdul Rahman b. Abdullah, Abdul Saat b. Hamid

COMMUNICATION WORKING GROUP (CG)



From left : Helmi Fendy b. Mohammad Idris, Fatimah bt. Abd Wahab, Elza Nadiah bt. Shaik Sulaiman, Norashikin bt. Hamzah, Syamsul Azhar b. Zamani, Datuk Godfrey Gregory Joitol (Commissioner), Tan Sri Othman Hashim (Chairman), Chua Yen Sin, Josefina bt. Abdullah, Maznah bt. Munjaini, Noor Azlina bt. Abdul Jalil, Mohd Shafik b. Md Sharif

SABAH OFFICE



Seated from left :
Standing from left :

Jasmih b. Slamet, Datuk Godfrey Gregory Joitol (Commissioner), Heflin Dino
Nur Shahmie bt. Yusop, Daisy bt. Masitam, Sofyan b. Md Kussin @ Mohd Kasim, Archimedes Anak Chua,
Levina Sigisimon, Jonima bt. Ligon

SARAWAK OFFICE



From left: Vivien Anak Marcus, Linya Anak Subah, Dato Dr. Madeline Berma (Commissioner), Mohamad b. Mail, Alfonso Min, Sophian b. Osman

CORPORATE SERVICES GROUP (CS)



Seated from left: Nur 'Atiqah bt. Hashim, Nurulhuda bt. Rahim, Nurulhidayati bt. Masdim, Mohamad Azizi b. Azmi, Nor Atikah bt. Norwi, Fara Suhaida bt. Shariff, Awaatif bt. Ahmad

Standing from left: Mohd Hafriz b. Abdul Latif, Khairul Fadli b. Rosli, Nursuhaida bt. Norwi, Mohd Nizam b. Jaafar, Nur Mariyah bt. Abdullah, Nor Hafizah bt. Aziz, Cik Wan Noraini Mastura Nadiyah bt. Jusof, Syazli b. Md. Nor, Muhammad Razif b. Abdul Aziz, Ahmad Firdaus b. Abd Shukor, Mohd Norismadi b. Ismail, Zharif b. Mohamed Zaabab, Myzatul Akmanizam bt. Abd. Kadir, Roslan b. Mohd Ali, Wan Nurul Ain bt. Junid, Muhammad Arif b. Tajudin, Nur Afieza bt. Abd Manap, Mohd Zamrie b. Mohammad Aziz, Solomon S. Anthony

SPECIAL PROJECT - EUROPEAN UNION GRANT



From left: Sukhvinder Singh Hardeep Singh, Nicole Kimberly Tan, Noor Eliza bt. Mohd Radi

OFFICE OF THE CHILDREN'S COMMISSIONER (OCC)



From left : Mohammad Noor Shazwan b. Azman, Izyan Hazwani bt. Ahmad, Prof. Dato' Noor Aziah Mohd. Awal (Children's Commissioner), Sara Ibrahim Warda, Nur Liyana Adlin bt. Mohd Nasarudin

LIST OF ABBREVIATIONS

AADK	National Anti-Drug Agency
AGC	Attorney General's Chambers
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission on Human Rights
ALC	Alternative Learning Centres
APF	Asia Pacific Forum of National Human Rights Institutions
ASEAN	Association of Southeast Asian Nations
ATD	Alternatives to Detention
BCHRC	Bar Council's Human Rights Committee
BHEUU	Legal Affairs Division of the Prime Minister's Department
BHR	Business and Human Rights
BHRRC	Business and Human Rights Resource Centre
BN	Barisan Nasional
CC	Children's Commissioner
CCC	Children's Consultative Council
CCTV	Closed Circuit Television
CDHRI	Cairo Declaration of Human Rights in Islam
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CFNHRI	Commonwealth Forum of National Human Rights Institutions
CHRP	Commission on Human Rights of the Philippines
CMCO	Controlled MCO
CMD	Complaints and Monitoring Division
CMU	Custodial Medical Unit
COVID-19	Coronavirus Disease 2019
CRC	Convention on the Rights of the Child
CS	Corporate Services Division
CSO	Civil Society Organisations
CSR	Corporate social responsibility
DHRRA	Development of Human Resources in Rural Areas

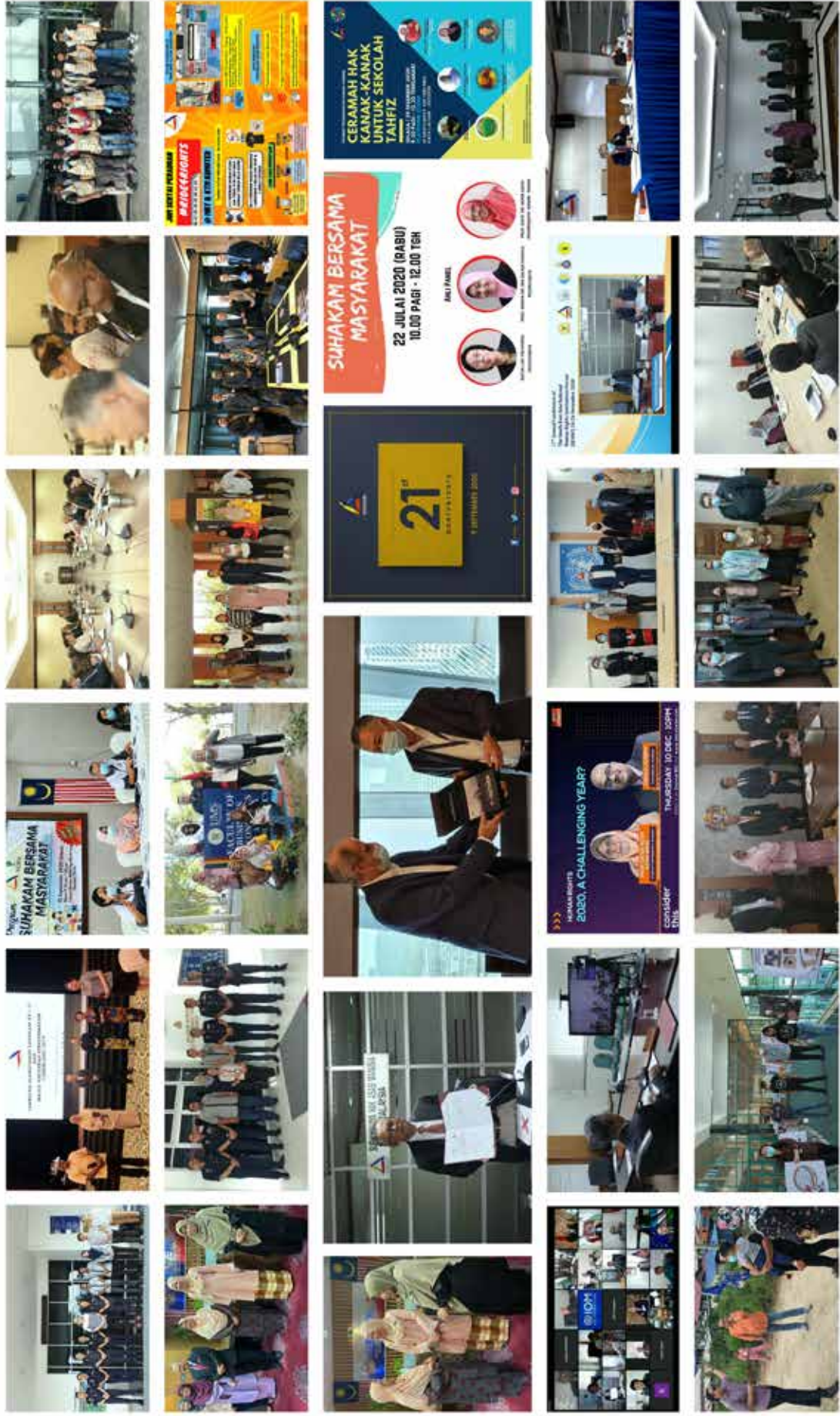
DIC	Death in Police Custody
DOSM	Department of Statistics Malaysia
EC	Election Commission
EDICT MALAYSIA	Eliminating Deaths in Custody Together Malaysia
EPF	Employees Provident Fund
EPO	Emergency Protection Orders
ESCRD	Economic, Social and Cultural Rights Division
ETD	Education and Training Division
EU	European Union
FAME	Family Association for Mental Health Everywhere
FC	Federal Constitution
FELCRA	Federal Land Consolidation and Rehabilitation Authority
FELDA	Federal Land Development Authority
FFSG	Foreign Spouses Support Group
FGM	Female Genital Mutilation
FKPB	National Federation of Youth Workers
FPIC	Principles of free, prior and informed consent
GANHRI	Global Alliance of National Human Rights Institutions
GLC	Government-linked company
GPMS	Federation of Peninsula Malay Students
HCV	Hepatitis C Virus
HRBP	Human Rights Best Practices in School
HRC	UN Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICD	International Coordination Division
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearances
ICRC	International Committee of the Red Cross Malaysia
IDB	Training Institute of Kuala Lumpur City Hall
IFJ	International Federation of Journalists
IGSO	Inspector General's Standing Orders
IUM	International Islamic University Malaysia
IKIM	Institute of Islamic Understanding Malaysia

ILO	International Labour Organization
INSTUN	National Institute of Land Survey
IP	Indigenous Peoples
IPCC	Independent Police Conduct Commission
IPG	Institute of Teacher Education
IPHRC	Independent Permanent Human Rights Commission
ISIS	Institute of Strategic & International Studies Malaysia
JAKIM	Department of Islamic Development Malaysia
JAKOA	Department of Orang Asli Development
JAWI	Federal Territories Islamic Religious Department
JHEAINS	Sabah Islamic Religious Affairs Department
JKKHTOA	Cabinet Special Committee on Land Rights of Indigenous Peoples
JKM	Department of Social Welfare Malaysia
JOAS	Indigenous Peoples Network
Komnas HAM	National Commission on Human Rights Indonesia
KPD	Rural Development Co-operative
KPWKM	Ministry of Women, Family and Community Development
KTM	Keretapi Tanah Melayu
LGBT	Lesbian, Gay, Bisexual and Transgender
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex & Queer/ Questioning
LIGS	Sabah Rubber Industry Board
LITD	Law and International Treaties Division
LK4C	Lawyer Kamek for Change
MACC	Malaysian Anti-Corruption Commission
MAPO	National Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants
MARA	Majlis Amanah Rakyat
MBM	Malaysian Youth Council
MCCHR	Malaysian Centre for Constitutionalism and Human Rights
MCMC	Malaysian Communications and Multimedia Commission
MCO	Movement Control Order
MESEJ	Mini Estet Sejahtera
MINDEF	Ministry of Defence
MITS	<i>Maahad Integrasi Tahfiz Sains dan Teknologi Istana Bandar</i>
MNHRC	Myanmar National Human Rights Commission

MOE	Ministry of Education
MOFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MOHA	Ministry of Home Affairs
MoU	Memorandum of Understanding
MPI	Multidimensional Poverty Index
MRD	Media Relations Division
MRT	Mass Rapid Transit
MTAAG+	Positive Malaysian Treatment Access and Advocacy Group
NAPBHR	National Action Plan on Business and Human Rights
NAPTIP	National Action Plan on Anti-Trafficking in Persons 2021-2025
NCR	Native Customary Rights
NGO	Non-Governmental Organisation
NHRAP	National Human Rights Action Plan
NHRCN	National Human Rights Commission of Nepal
NHRCT	National Human Rights Commission of Thailand
NHRI	National Human Rights Institutions
NI	National Inquiry into the Land Rights of Indigenous Peoples in Malaysia
NPFDB	National Population and Family Development Board Malaysia
NRD	National Registration Department
NRTD	National Recommendations Tracking Database
NSC	National Security Council
NSI	North South Initiative
NSO-MAPO	National Strategic Office of the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants
NTC	National Tahfiz Council
NUJ	National Union of Journalists Malaysia
OCC	Office of the Children's Commissioner
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OKT	Accused person
PDD	Publication and Documentation Division
PDRM	Royal Malaysia Police
PENJANA	Short-Term Economic Recovery Plan

PERHILITAN	Department of Wildlife and National Parks Peninsular Malaysia
PERYATIM	Sarawak Children's Welfare Council
PH	Pakatan Harapan
PI	Public Inquiry
PINTA	<i>Gabungan Persatuan Institusi Tahfiz Al-Quran Kebangsaan</i>
PLI	Poverty Line Income
PM's Department	Prime Minister's Department
PN	Perikatan Nasional
POD	Promotion and Outreach Division
PPE	Personal Protective Equipment
PPR	People's Housing Project
PRIHATIN	Prihatin Rakyat Economic Stimulus Package
PWD	Persons with Disabilities
RMCO	Recovery Movement Control Order
RSPO	Roundtable on Sustainable Palm Oil
RTM	Malaysia Department of Broadcasting
SAFODA	Sabah Forestry Development Authority
SAWO	Sabah Women's Action Resource Group
SBM	SUHAKAM'S Meet the People Session
SDG	Sustainable Development Goals
SEANF	Southeast Asia National Human Rights Institutions Forum
SFI	Sabah Forest Industries
SOGIESC	Sexual Orientation, Gender Identity and Expression, and Sex Characteristics
SOIS	School of International Studies
SOP	Standard Operating Procedure
SOSMA	Security Offences (Special Measures) Act 2012
STBJ	Sekolah Tunas Bakti Jerantut, Pahang
STBKK	Sekolah Tunas Bakti, Kota Kinabalu, Sabah
STBMT	Sekolah Tunas Bakti, Marang, Terengganu
SUARAM	Suara Rakyat Malaysia
SUHAKAM	Human Rights Commission of Malaysia
TNB	Tenaga Nasional Berhad
ToR	Terms of Reference
ToT	Training of Trainers
TWG	Technical Working Group
UDHR	Universal Declaration of Human Rights

UITM	Universiti Teknologi MARA
UKM	National University of Malaysia
UMS	Universiti Malaysia Sabah
UN	United Nations
UNCAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNISEL	Universiti Selangor
UNITEN	Universiti Tenaga Nasional
UPR	Universal Periodic Review
USIM	Islamic Science University Malaysia
UUM	Universiti Utara Malaysia
WAFIQ	Women's Alliance for Family Institution and Quality Education
WAO	Women Aid's Organisation
WARISAN	Sabah Heritage Party
WHO	World Health Organisation
YBGK	National Legal Aid Foundation



SUHAKAM'S Activities 2020

