A CRITICAL STUDY ON THE ROLE OF SUHAKAM IN PROMOTING HUMAN RIGHTS IN MALAYSIA

By

Sara Adila bt Idrose (2009404268) Wan Azira bt Wan Khairilanwar (2009417322) Alia Sumayyah bt Amran (2009400228)

Submitted in Partial Fulfillment of the Requirements for the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA Faculty of Law

December 2011

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ACKNOWLEDGEMENT

We would like to express our utmost gratitude to Ms Ummi Hani Maso'od for her contribution in providing assistance and for guiding us through every stage in completing this research. She is a person of high calibre and high intelligence. Albeit her hectic schedule she has managed to supervise us, day in and day out. It is unthinkable that this research will be completed without her help, and for that, we would like to thank her again.

Special thanks to the Malaysian Human Rights Commission (SUHAKAM) for making the SUHAKAM library completely at our disposal. The experience was one of the most enriching and the collection of books is wonderful.

ABSTRACT

The Malaysian Human Rights Commission or SUHAKAM, which is the famous term for this institution, is a national human rights institution, or rather, many would say, infamous. This is because, SUHAKAM is seen as "toothless tiger." To the public eye and other human rights bodies, the functions of SUHAKAM are merely the government's agenda to be seen as proactive in the human rights sphere. These claims are analysed in the progression of this research. This research aims at finding the underlying problem that caused such claims on SUHAKAM to surface. It is embodied within the research that the powers conferred by the Human Rights Commission Act 1999 and the method of appointment of SUHAKAM should be altered so to reflect that, "justice should not only be done, but should be seen to be done." On this basis, many articles, journals and papers written by professional academician and writers are used as reference to critically analyse the extent of the effectiveness of Human Rights Commission and the mode of appointment of the members of the Commission. Reference is also made to current reports by SUHAKAM including relevant international report that could contribute to the development of this research Public view are also been taken into consideration to evaluate the acceptance and effectiveness of the Commission from the eyes of the public. Each chapter is organized systematically providing issues and evidence of each claim. This research also comprises of comparison to Human Rights Commission in India.

TABLE OF CONTENTS

Acknowledgment					
Abstract					
Table of Contents					
List of Cases					
Appendices					
СНА	PTER 1	:INTRODUCTION			
1.0	Introd		1		
1.1	Back	ground of Study	1		
1.2	Problem Statement				
1.3	Objective of Study				
1.4	Research Methodology				
1.5	Scope and Limitations of Study				
1.6	Significance of Study				
СНА	PTER 2	:MALAYSIAN HUMAN RIGHTS COMMISSON (SUHAK	AM) AS		
		NATIONAL HUMAN RIGHTS INSTITUTION	,		
2.0	Introduction				
2.1	SUHAKAM as a national human rights institution (NHRI)				
	2.1.1	SUHAKAM After 7 Years: Stop Shedding Responsibilities	7		
	2.1.2	Does the law of Human Rights Pervade All Malaysian law in	-8		
		view of Part II of the Federal Constitution.			
•	2.1.3	The Malaysia Human Rights Report 2009: Civil & Political	8		
		Rights			
	2.1.4	Human Rights in Malaysia: The Last 10 Years	9		
	2.1.5	Panacea, Placebo, or Pawn? The Teething Problems of the	9		
		Human Rights Commission of Malaysia (SUHAKAM)			

	2.16	NHRIs: Good Governance Perspectives on Institutionalization	9		
		of Human Rights			
	2.1.7	Adaptive States: The Proliferation of NHRI	10		
	2.1.8	Suruhanjaya Hak-hak Asasi Manusia Malaysia (SUHAKAM)	10		
		dan Kesedaran Masyarakat: Satu Kajian Kes di Pulau Pinang			
i	2.1.9	Human Rights Commission of Malaysia Act 1999: A Critique	10		
	2.2.0	The Effectiveness of NHRIs	11		
CHAI	PTER 3	: INTRODUCTION TO HUMAN RIGHTS IN MALAYSIA			
3.1	Introd	uction	12		
3.2	Huma	n Rights in Malaysia from an International Perspective	12		
3.3	Huma	n Rights from Malaysian Perspective	12		
3.4	SUH	AKAM	15		
3.5	Concl	usion	18		
,					
CHAI	PTER 4	ESTABLISHMENT OF SUHAKAM IN MALAYSIA			
			d.		
4.0	Introd	uction	20		
4.1	Histor	y of SUHAKAM	20		
4.2	Appointment of SUHAKAM.				
	4.2.1	Mode of Appointment	21		
	4.2.2	Renewal and Reappointment of members.	25		
	4.2.3	Appointment of Chairman and Vice-Chairman	25		
	4.2.4	Manner of conducting meeting.	26		
	4.2.5	Remuneration	27		
	4.2.6	Ground of Removal	27		
4.3	Powers of SUHAKAM				
	4.3.1	Promote Awareness of Human Rights and Undertake Research	28		
	4.3.2	Advice the Government or Relevant Authorities	30		