

A Review of Two Decades of the Appointment of Commissioners and the Performance of a National Human Rights Institution: SUHAKAM

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Abstract

This article analyses the evolution of appointment process of commissioners for the National Human Rights Commission of Malaysia (SUHAKAM) over a period of more than two decades, from 1999 – 2022. It seeks to examine the impacts the appointment process to the performance of the commission, including the changes advocated by civil society through interventions made with the Global Alliance of National Human Rights Institutions (GANHRI), which were partly incorporated in the amendments made to the enabling law of SUHAKAM by the government of Malaysia in 2009. It found that the appointment process plays a crucial role in influencing the performance of the commission and that the changes made to the enabling law in 2009, while some were positive but overall left much to be desired. It concluded that the enabling law will need more amendments to truly ensure the independence and effectiveness of the commission.

Keywords

National Human Rights Commission of Malaysia (SUHAKAM), Malaysia, national human rights commission (NHRI), appointment process

Introduction

It has been more than two decades since Malaysia established its national human rights institution (NHRI) — The National Human Rights Commission of Malaysia (SUHAKAM) in 2000. There was a lot of public expectation that the Commission would play an important role and improve the human rights situation in the country, however, its independence, effectiveness and performance have been constantly questioned. While there are many factors that may influence the performance of a national human rights institution (NHRI), many attributed the weak performance of SUHAKAM to the questionable candidates appointed to the commission as the main contributing factor.

Controversial appointments have raised questions regarding the appointment process of SUHAKAM commissioners and how they impact the performance of the Commission — an issue that has plagued it since its establishment in 2000. The issue continues to linger despite the fact that the enabling law of SUHAKAM was twice amended by the government in 2009 to address the concerns raised by the International Coordinating Committee of Institutions for the Promotion and Protection of Human Rights (ICC, currently known as the Global Alliance of National Human Rights Institutions, GANHRI) in relation to the tenure and the appointment process of SUHAKAM commissioners.

This article aims to review the appointment process of SUHAKAM commissioners over the past two decades (1999-2019). It seeks to examine the appointment process in the original enabling law of SUHAKAM in 1999 and the civil society interventions that led to the amendments made in 2009 by the government. It will also analyse the impact of the appointment process before and after the amendments to the enabling law. Finally, it will conclude with some observations and recommendations.

Historical background to the establishment of the commission

The idea of NHRIs comes from the Vienna Declaration and Programme of Action, adopted by the United Nations World Conference on Human Rights in 1993, which encourages the establishment and strengthening of national institutions.¹ Malaysia was a member of the UN Commission on Human Rights

1 Article 36, Vienna Declaration and Programme of Action, <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>.

(UNCHR) in 1993-95 and the head of delegation, Musa Hitam, was elected as the Chairman of the 52nd session of the UNCHR in 1995, followed by a second term and third term in 1996-98 and 2001-2003 respectively. In 1994, Musa Hitam suggested to the government of Malaysia to establish a NHRI.²

However, Malaysians only heard about the intention of the government to establish a NHRI for the first time on 25 April 1999 when the Foreign Minister, Syed Hamid Syed Jaafar Albar, announced it. The National Human Rights Commission of Malaysia Act 1999 (here after SUHAKAM Act 1999) was passed by the Parliament of Malaysia in its July 1999 sitting. There was no consultation with civil society despite a memorandum submitted by 34 non-governmental organizations (NGOs) and political parties to the government. The Act received the Royal Assent on 27 August 1999 and was gazetted on 9 September 1999.³

Mahathir Mohamad, then Prime Minister of Malaysia, was one of the main leaders from developing countries that advocated “Asian values” against human rights on the global stage while imposing his authoritarian rule in Malaysia. It was therefore a surprise for many that his government would agree to establish a NHRI. Analysts attributed Mahathir’s decision to a combination of several considerations. First, he may have sought to appease domestic civil society following weeks of street demonstrations and international criticism of his government after the dismissal and imprisonment of his deputy prime minister, Anwar Ibrahim in 1998. Second, he may have hoped to placate international criticism of human rights violations in Malaysia. Third, he was following in the footsteps of three ASEAN countries: the Philippines, Thailand and Indonesia that had established NHRIs. Finally, there was the personal influence of Musa Hitam as former deputy prime minister to Mahathir Mohamad.⁴

However, since there was little or no progress for several years after Musa Hitam first mooted the suggestion with the government in 1994, it would be reasonable to assume that the first and second considerations were actually the main consideration for the government to rush through the

2 SUHAKAM. “About us.” SUHAKAM official website. in <https://suhakam.org.my/about-us/>.

3 National human rights commission – too little too late, <https://m.aliran.com/archives/hr/js13.html>.

4 Catherine Renshaw, Andrew Byrnes and Andrea Durbach. 2010. “Testing the Mettle of National Human Rights Institutions: A Case Study of the Human Rights Commission of Malaysia.” *Asian Journal of International Law* 1: 165-198.

SUHAKAM Act 1999 in Parliament. These were the real intentions of the government of Mahathir Mohamad at that critical juncture of time.

The National Human Rights Commission of Malaysia Act 1999

The Act stipulates that the functions of the Commission are to promote human rights awareness and education, advise and assist the government in formulating legislation, procedures and measures, inquire into complaints of infringement of human rights besides advising the government on ratification of international treaties as mentioned above.⁵ The Act, however, provides no power of sanctions or power to compel other state agencies to take necessary actions based on its recommendations.

Furthermore, Section 4(4) stipulates that “for the purpose of this Act, regard shall be had to the Universal Declaration of Human Rights 1948 to the extent that it is not inconsistent with the Federal Constitution.”⁶ As there are few human rights protected under the Federal Constitution of Malaysia where restrictions may be imposed by law, this definition further limits the work of SUHAKAM.

Clearly, these clauses were crafted with the intention of ensuring the Commission would not be a powerful or effective institution to promote and protect human rights.

However, the main control mechanism of the government over the Commission lies in the power to appoint commissioners. Section 5 of the Act states that the Yang di-Pertuan Agong (the King) appoints commissioners based on advice of the prime minister. To make matter worse, Section 5(3) of the Act stipulates that the commissioners “shall be appointed from amongst prominent personalities including those from various religious and racial backgrounds.” Section 5(4) stipulates the term of commissioners to be two years and they are eligible for reappointment.⁷ There was no mention of integrity, competence, expertise or experience in human rights as the criteria, giving the government a free hand to appoint whoever they may want. The

5 Section 4(1) of the National Human Rights Commission of Malaysia. in http://www.suhakam.org.my/wp-content/uploads/2013/11/Act-597-Human-Rights-Commission-of-Malaysia-Act-1999_as-at-1-Dec-2011.pdf

6 Ibid.

7 SUARAM. 1999. *Malaysian Human Rights Report 1999*: 37. in https://www.suaram.net/_files/ugd/359d16_a4bf8fb76a9c4483a80e5f3bbb5447bc.pdf.

term was rather short. It was also not mandatory for the commissioners to work full time for the Commission either.

The appointment process of the first set of commissioners in 2000 and the Paris Principles

The Commission was officially established in April 2000 with Musa Hitam appointed as the first chairman together with 12 other commissioners for a two-year term. The commissioners were Harun Hashim as vice-chairperson, Hamdan Adnan, Anuar Zainal Abidin, Mehrun Siraj, Lee Lam Thye, Dr Salleh Mohd Nor, Mahadev Shankar, Prof Chiam Heng Keng, Simon Sipaun, Dr Muhammad Hirman Ritom Abdullah, Zainah Anwar and K. Pathmanadan.⁸ They included three former judges, some NGO personalities, ex-politicians and civil servants.⁹

Besides the fact that there were only three women and no representatives from human rights organizations,¹⁰ the line-up of the commissioners was not disputed much by civil society. Nevertheless, there was no consultation by the prime minister on the candidates for commissioners nor was there a transparent process instituted with public participation.

The Commission was granted status A by the ICC in 2002,¹¹ which meant that it was in compliance with the Paris Principles — an international standard adopted by the United Nations General Assembly in 1993 to frame and guide the work of NHRIs. The Paris Principles require:

“The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

8 Pathmanaban passed away on 9 June 2001. in <https://suhakam.org.my/ms/about-us/>.

9 Steven Gan. 2008. “Don’t take Suhakam job as a source of income, commissioners told.” *Malaysiakini* 29 January 2008. in <https://www.malaysiakini.com/news/2275>.

10 Suaram. 2000. *Malaysian Human Rights Report – Civil and Political Rights in 2000*: 67. in <https://www.suaram.net/human-rights-reports?pgid=kvex92wb-b47605f4-376f-4035-a6a2-58b1ef13d370>.

11 SUHAKAM. 2008. *Annual Report of SUHAKAM 2008*: 7. in <http://www.suhakam.org.my/wp-content/uploads/2013/11/pdf>.

- (a) *Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;*
- (b) *Trends in philosophical or religious thought;*
- (c) *Universities and qualified experts;*
- (d) *Parliament;*
- (e) *Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity)."*¹²

While welcoming the establishment of the Commission, some NGOs remained sceptical about the intention of the government given the non-transparent process and the many flaws in the enabling law of SUHAKAM that might hamper the functioning and effectiveness of the Commission.¹³

Impact on the performance of SUHAKAM 2000-2002

Under the leadership of Musa Hitam, SUHAKAM set out its direction and agenda of work. It identified freedom of assembly, freedom of expression, freedom of religion, detention without trial, the continuous of state of emergency, discrimination against women, native customary rights and ratification of international treaties as issues of priority for its work.¹⁴

The performance of SUHAKAM received mixed responses during this period. It was criticized by civil society for failing to take up sensitive issues, such as the rights of Shia followers who were detained under the Internal Security Act, challenges faced by non-Muslims who converted to Islam due to marriage but were not able to convert back to their former religion and the associated problems with national registration, marriage, death and burial rites, divorce, custody of children and the Kampung Medan racial attack incident, which resulted in six deaths and about a hundred injured.¹⁵

12 Paris Principles, Composition and guarantees of independence and pluralism. in https://ganhri.org/wp-content/uploads/2019/10/Paris-Principles_ENG.docx.

13 SUARAM. 1999. Malaysian Human Rights Report 1999: 34. in https://www.suaram.net/_files/ugd/359d16_a4bf8fb76a9c4483a80e5f3bbb5447bc.pdf.

14 SUARAM. 2000. Annual Report of SUHAKAM 2000: 35. in <https://drive.google.com/file/d/0B6FQ7SONa3PRNmlqMGUwSnpsWG8/view?resourcekey=0-zIz6mvgSQqgD8uteaXKXOw>.

15 Era Consumer. 2007. *SUHAKAM After Six Years*: 39, 42. Selangor Darul Ehsan: Era Consumer Malaysia.

The Commission was, however, praised by civil society for not shying away from critical human rights violations committed by the government, best demonstrated in its law reform report on freedom of expression headed by commissioner Mehrun Siraj and the public inquiry on the demonstration at Kesas Highway headed by Anuar Zainal Abidin and Mehrun Siraj, that were critical of the government and the police.

On the other hand, the government was increasingly uneasy with the stance taken by SUHAKAM on various issues. Some government leaders criticized SUHAKAM as biased and liable to ignore national security considerations. One questioned the need for SUHAKAM to take a stand on freedom of assembly and detention without trial as this was seen as beyond SUHAKAM's jurisdiction.¹⁶ On the allegation of police brutality and violation of freedom of assembly during the demonstration at Kesas Highway, the government defended the police and slammed the Commission by accusing: “[the] SUHAKAM report on the incident does not portray the real situation and is biased.”¹⁷

The uneasy relationship between SUHAKAM and the government was well reflected in the unwillingness of the government to implement most of SUHAKAM's recommendations. By the end of the two-year term, SUHAKAM had highlighted some positive developments of its work, such as an amendment to Article 8(2) of the Federal Constitution to include “gender” as a prohibited ground for discrimination, improved conditions at detention centres and separation of juvenile prisoners from adult prisoners, increased financial allocations to improve conditions of police lock-ups, and better treatment of ISA detainees. However, there was little progress on the government's part in implementing important recommendations by SUHAKAM, especially legislative and institutional reforms related to freedom of expression, freedom of assembly and the right to fair trial, except for the establishment of a Cabinet task-force to study the report on the Kesas Highway incident.¹⁸

16 Page 1, SUHAKAM Annual Report 2001, SUHAKAM.

17 Page 2, “SUHAKAM After 6 Years: Are We, Honestly, Making Any Headway?” (Petaling Jaya: Education and Research Association for Consumers, Malaysia, 2007), <https://konsumerkini.net.my/medialib/index.php/publications/category/64-suhakam-report-review?download=496:suhakam-after-6-years>

18 SUHAKAM. 2013. *SUHAKAM Annual Report 2013*: 2. in <http://www.suhakam.org.my/wp-content/uploads/2013/11/pdf>.

Interestingly, despite the government having full control over the appointment of commissioners, the appointment system during the first two years did not seem to work as expected by the government. The Commission was seen to be too independent of the government and to have developed its own life. This can be attributed to the initial intention of the government to have a seemingly credible NHRI to appease domestic and international criticism of human rights violations in Malaysia. Therefore, the first set of commissioners chosen were overall respectable. The unintended consequence was that these commissioners duly performed their duty independently and professionally, much to the dislike of the government.

This explains the sudden change in the following years. The appointment system was put to full use to seize back control of the Commission by the government.

Inherent flaws of the appointment process exposed

Former attorney-general, Abu Talib Othman, who had served and defended the government of Mahathir Mohamad loyally even in cases of gross human rights violations, was appointed to head the Commission for the term of 2002-2004. Mehrun Siraj, Anuar Zainal Abidin, president of the Malaysia Nature Society Salleh Mohd Noor and former judge Mahadev Shankar¹⁹ were dropped after only serving two years. Simon Sipaun, Mohd Hamdan Adnan, Chiam Heng Keng and Mohammad Hirman Ritom bin Abdullah and Zainah Anwar were reappointed.

Six new commissioners were appointed, namely Institute of Islamic Understanding Malaysia (IKIM) director-general Dr Abdul Monir Yaacob, retired Education Ministry director-general Asiah Abu Samah, retired National Population and Family Development Board director-general Dr Raj Abdul Karim, retired Transport Ministry director-general Ramon Navaratnam, former judge Karam Chand Vohrah and lawyer Ranita Mohd Hussein.

The selection of commissioners was again made solely by Prime Minister Mahathir Mohamad without any consultation or transparency. A majority of the newly appointed commissioners this time were former civil servants or

19 Kevin Tan. 2002. "Appointment of new human rights chief a bad omen." *Malaysiakini* 23 April 2008. in <https://www.malaysiakini.com/news/11197>.

working civil servants.

The most controversial appointment was Abu Talib Othman as chairman of SUHAKAM. His tenure as attorney general from 1980 to 1993 was marred by several controversies, including the failure to initiate any prosecution in the RM2.5 billion Bumiputra Malaysia Finance scandal, defence of the Internal Security Act, directive to destroy evidence in the sex video scandal of ruling party parliamentarian DP Vijandran and his role in the impeachment of the chief justice Salleh Abas in the 1988 judicial crisis.²⁰

The appointment of Abu Talib Othman and the non-renewal of outstanding commissioners exposed the inherent flaws in the selection process of the SUHAKAM Act 1999. It became apparent that not only individuals who had no knowledge, expertise or experience in human rights could be appointed as commissioners, but also that those with a problematic track record on human rights could be appointed. On the other hand, those who had served without fear or favour were dropped with no explanation provided, as in the case of Mehrun Siraj and Anuar Zainal Abidin. Undoubtedly, such arbitrary decisions will create a chilling effect or a culture of self-censorship among the commissioners if they intend to be reappointed for a second term.

Impact on performance of SUHAKAM 2002-2010

After serving out the term of 2002-2004, all the commissioners were reappointed for the term of 2004-2006 except for Mohd. Hamdan Adnan who was dropped. The new commissioners appointed were Choo Siew Kioh, Muhammad Shafee Abdullah, Nazihah Tunku Mohamed Rus, Siva Subramaniam A/L Nagaratnam, Khoo Kay Kim and Sharifah Hapsah Syed Hasan Shahabudin.

For the term of 2006-2008, all the commissioners of 2004-2006 were reappointed, except for Sharifah Hapsah Syed Hasan Shahabudin. The new commissioners appointed were Khalid Ibrahim and Muhammad Uthman El-Muhammady.

For the term of 2008-2010, again all the commissioners of 2006-2008 were retained except for Karam Chand Vohrah and Muhammad Uthman El-

²⁰ Soon Li Tsin. 2008. "Former AG says 'No' to review of judicial crisis." *Malaysiakini* 29 January 2008. in <https://www.malaysiakini.com/news/56552>.

Muhammady.

All these appointments were made without any consultation with stakeholders or transparency by the government. Most of the commissioners were either former civil servants or those who had worked closely with government though having no human rights experience or expertise. There was no explanation for the non-renewal of outstanding commissioners Mohd Hamdan Adnan in 2006 or Karam Chand Vohrah in 2018.²¹ With these series of appointments, Abu Talib Othman served for eight years and became the longest serving SUHAKAM chairman.

Table 1: SUHAKAM commissioners for 2002-2010

2002-2004	2004-2006	2006-2008	2008-2010
1. Abu Talib Othman – Chairman	1. Abu Talib Othman – Chairman	1. Abu Talib Othman – Chairman	1. Abu Talib Othman – Chairman
2. Simon Sipaun – Vice Chairman	2. Simon Sipaun – Vice Chairman	2. Simon Sipaun – Vice Chairman	2. Simon Sipaun – Vice Chairman
3. Mohd. Hamdan Adnan	3. Mohd. Hamdan Adnan	3. Chiam Heng Keng	3. Chiam Heng Keng
4. Chiam Heng Keng	4. Chiam Heng Keng	4. Mohammad Hirman Ritom bin Abdullah	4. Mohammad Hirman Ritom bin Abdullah
5. Mohammad Hirman Ritom bin Abdullah	5. Mohammad Hirman Ritom bin Abdullah	5. Asiah Abu Samah	5. Asiah Abu Samah
6. Zainah Anwar	6. Ramon Navaratnam	6. Abdul Monir Yaacob	6. Abdul Monir Yaacob
7. Ramon Navaratnam	7. Asiah Abu Samah	7. Raj Abdul Karim	7. Raj Abdul Karim
8. Asiah Abu Samah	8. Abdul Monir Yaacob	8. Karam Chand Vohrah	8. Choo Siew Kioh
9. Abdul Monir Yaacob	9. Raj Abdul Karim	9. Choo Siew Kioh	9. Muhammad Shafee Abdullah
10. Raj Abdul Karim	10. Karam Chand Vohrah	10. Muhammad Shafee Abdullah	10. Nazihah Tunku Mohamed Rus
11. Karam Chand Vohrah	11. Ranita Mohd Hussein	11. Nazihah Tunku Mohamed Rus	11. Siva Subramaniam A/L Nagaratnam
12. Ranita Mohd Hussein	12. Choo Siew Kioh	12. Siva Subramaniam A/L Nagaratnam	12. Khoo Kay Kim

21 JJ Ray. 2008. “He did his job too well.” *Malaysiakini* 29 January 2008. in <https://www.malaysiakini.com/opinions/50751>.

2002-2004	2004-2006	2006-2008	2008-2010
	13. Muhammad Shafee Abdullah	13. Khoo Kay Kim	13. Zaitoon Othman
	14. Nazihah Tunku Mohamed Rus	14. Zaitoon Othman	14. Michael Yeoh Oon Kheng
	15. Siva Subramaniam A/L Nagaratnam	15. Michael Yeoh Oon Kheng	15. Denison Jayasooria
	16. Khoo Kay Kim	16. Denison Jayasooria	16. Khalid Ibrahim
	17. Sharifah Hapsah Syed Hasan Shahabudin	17. Khalid Ibrahim	
		18. Muhammad Uthman El-Muhammady	

**Compiled from SUHAKAM's annual report of 2002, 2004, 2006 and 2008.

Under the leadership of Abu Talib Othman from 2002-2010, SUHAKAM continued what had been started by the founding commissioners but expanded its work in a big way to economic, social and cultural rights, such as rights to health, education, housing, freedom from trafficking of women and children, freedom of religion, rights of older persons, the Millennium Development Goals, poverty reduction, land rights of indigenous peoples, rights of stateless persons, refugees, migrant workers and human rights in business, et cetera.²² While this was the right move, it was also plausible that the decision was taken consciously to avoid too much emphasis on civil and political rights issues, which were a thorn in the eyes of the government as during the chairmanship of Musa Hitam.

Civil society organizations were disappointed with the performance of SUHAKAM under Abu Talib Othman. Besides the problems of a restricted mandate, a lack of structural autonomy, and the government's disregard of the Commission's recommendations and advice, they also cited insufficient will to protect in favour of human rights, a slow response to allegations of violations and an ambiguous human rights position involving issues deemed to be 'sensitive', as major deficiencies and setbacks of SUHAKAM.²³ For example, SUHAKAM had refused to comment on the Interfaith Commission proposed by the Malaysian Bar and said this was purely a matter for the

22 SUHAKAM. 2003. *SUHAKAM Annual Report 2003*: 9. in <http://www.suhakam.org.my/wp-content/uploads/2013/11/pdf>.

23 The Asian NGOs Network on National Institutions. 2008. *ANNI Report 2008*: 93-102.

government to decide. It was alleged to have failed to take a clear stand on the cases of M. Revathi, who was sent to rehabilitative detention by Islamic authorities, of S. Kaliammal, whose deceased husband's body was taken away by Islamic authorities who claimed that he converted to Islam, and of R. Subashini, who was denied her right to custody of her elder son whom her husband had converted to Islam.²⁴

It also appeared that SUHAKAM was seen to be reluctant to invoke its power to conduct public inquiries where government agencies could be summoned to give statements. During the period of 2002-2010, it only conducted four public inquiries: on the death in custody of S. Henry (2006), on police brutality during a protest against a fuel price hike at KLCC (2006), on an excessive use of force by police in the protest at Bandar Mahkota Cheras (2008) and on the arrest of five lawyers of the Kuala Lumpur Legal Aid Centre at the Brickfields Police Station (2009).²⁵ The public inquiry on police brutality during the protest at KLCC against a fuel price hike was only conducted after a sit-in protest by NGOs at SUHAKAM's office.²⁶

Several controversies also raised questions about SUHAKAM's position on human rights during this period of time. In 2005, SUHAKAM invited former prime minister Mahathir Mohamad to officiate a human rights conference organized by SUHAKAM, which was protested by 30 NGOs.²⁷ When commenting on the rally organized by the Coalition for Clean and Fair Elections (BERSIH) in 2007, commissioner Siva Subramaniam made a statement to the effect that BERSIH needed to follow the law and apply for a police permit.²⁸ In 2009, Abu Talib Othman refused to send a team to monitor an anti-ISA protest on the grounds that the rally did not have a permit and that SUHAKAM could not act against the law.²⁹

24 Ibid: 98.

25 SUHAKAM. 2006. *SUHAKAM Annual Report 2006*: 41-49; SUHAKAM. 2008. *SUHAKAM Annual Report 2008*: 21-23 and SUHAKAM. 2009. *SUHAKAM Annual Report 2009*: 43-46.

26 The Asian NGOs Network on National Institutions. 2008. *ANNI Report 2008*: 102.

27 NGOs. 2005. "You're not serious, Suhakam!" *Aliran Monthly* 25, 8. in <https://aliran.com/archives/monthly/2005b/8c.html>.

28 The Asian NGOs Network on National Institutions. 2008. *ANNI Report 2008*: 103.

29 ERA Consumer Malaysia. 2009. "SUHAKAM needs more bite." in https://eraconsumer.org/eraconsumer/index.php?option=com_content&view=article&id=190:suhakam-needs-more-bite&catid=39:hr-in-the-news&Itemid=61.

At the end of the term of Abu Talib Othman, SUHAKAM cited the ratification of the Convention on the Rights of Persons with Disabilities in 2010, the enactment of the Anti-Trafficking in Persons Act in 2007, the withdrawal of reservations to Articles 1, 13 and 15 of the Convention on the Rights of the Child and Articles 5(a), 7(b) and 16(2) of the Convention on the Elimination of All Forms of Discrimination Against Women, some improvements in public housing and accessibility to healthcare and making primary education compulsory as the main progress of its work.³⁰

There was little progress on issues such as freedom of assembly, freedom of expression, police brutality, and detention without trial, although SUHAKAM did recommend the Government to immediately repeal the arbitrary ouster clause that barred judicial review, particularly those in the Internal Security Act 1960 and in other provisions generally in its report on the ouster clause.³¹ It also published a report entitled ‘The Right to An Expedient and Fair Trial in 2005’.

The performance of Abu Talib Othman and his impact on SUHAKAM in his eight years of service can perhaps be gauged from the 100-day-boycott campaign by 32 non-governmental organizations at the beginning of his tenure in 2002³² and the joint statement of protest and disapproval of the performance of SUHAKAM by 42 non-governmental organizations at the end of his tenure in 2010 during the 10th anniversary of SUHAKAM.³³

Intervention of Civil Society to reform the appointment process of SUHAKAM

The patience of civil society at the dismal performance of SUHAKAM ran out by 2007. Marimuthu Nadasan, who ran Era Consumer that conducts annual assessment workshops of SUHAKAM, found the work of SUHAKAM to be wanting. He blamed it on the commissioners with a majority of them coming from government service and have little or no background in human rights work or advocacy, nor did they seem to have

30 SUHAKAM. 2010. *SUHAKAM Annual Report 2010*: 1-2.

31 SUHAKAM. 2007. *SUHAKAM Annual Report 2007*: 120-121.

32 Yusof Ghani. 2002. “NGOs launch 100-day boycott against Suhakam.” *Malaysiakini* 4 May 2002. in <https://www.malaysiakini.com/news/11309>.

33 Andrew Ong. 2009. “42 NGOs to boycott Suhakam’s 10th year bash.” *Malaysiakini* 8 September. in <https://www.malaysiakini.com/news/112417>.

adequate human rights knowledge or perspective.³⁴

In March 2008, two civil society organizations of Malaysia—Suara Rakyat Malaysia (SUARAM) and Era Consumer—filed an alternative report to the Sub-Committee on Accreditation (SCA) of the ICC during the review of the status of SUHAKAM and alleged the non-compliance of SUHAKAM with the Paris Principles. All NHRIs that hold ‘A’ status are subject to re-accreditation on a five-year cyclical basis.³⁵

The SCA found that SUHAKAM had failed to fully comply with the Paris Principles. Firstly, the independence of the Commission needed to be strengthened by the provision of a clear and transparent appointment and dismissal process in the founding legal documents, more in line with the Paris Principles. Secondly, the term of office of the members of the Commission was too short (two years). Thirdly, SCA highlighted the importance of ensuring the representation of different segments of society and their involvement in suggesting or recommending candidates to the governing body of the Commission. Fourthly, there was a need for SUHAKAM to engage in “interaction with the International Human Rights System”. The SCA also gave a one-year notice for SUHAKAM to address the concerns with failure to comply will result in a downgrading from status A to status B.³⁶ Such downgrading would bar SUHAKAM from participating in the regular sessions of the United Nations Human Rights Council.

Two days before the expiry date of the notice given by the SCA, the government of Malaysia rushed through an amendment bill to the SUHAKAM Act 1999 in the Lower House on 25 March 2009 and passed it the next day. The bill amended the term of commissioners from two years to three years renewable for one more term only. It changed the appointment process such that the prime minister would have to consult a selection committee before advising the King to appoint new commissioners. The selection committee would comprise five persons, namely the chief secretary

34 Era Consumer. 2007. *SUHAKAM After Six Years: 2*. Selangor Darul Ehsan: Era Consumer Malaysia.

35 Statute of Global Alliance of National Human Rights Institutions. Periodic re-accreditation, Article 15. in https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/EN_GANHRI_Statute_adopted_05.03.2019_vf.pdf.

36 INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS. 2008. “Report and Recommendations of the Sub-Committee on Accreditation.” in https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/2008_April_SCA_Report.pdf.

to the government as the chairperson of the committee, the chairperson of SUHAKAM, and three eminent persons to be appointed by the prime minister. However, the views and recommendations of the selection committee were not binding on the prime minister.³⁷

While the change of the term of commissioners to three years was welcomed by many, the composition of the select committee, the absolute discretion of the prime minister to appoint three eminent persons and the non-binding nature of the recommendations of the selection committee were widely criticized by civil society as was the failure of the government to hold any consultation with stakeholders. The amendments were seen as cosmetic and not contributing to the independence of the Commission.³⁸

In its March 2009 session the SCA concluded that the bill, passed by the Lower House of Malaysia and yet to be passed by the Upper House, failed to address the concerns raised except on the term of commissioners. It noted that “the amendments do not make the process more transparent through a requirement for broad-based participation in the nomination, review, and selection of Commissioners. The SCA notes that this process may be further strengthened through inclusion and participation of civil society.” It expressed concern at the inclusion of performance indicators, as established by the Prime Minister, used in relation to re-appointment or dismissal decisions and stressed that “such requirements must be clearly established; appropriately circumscribed, so as not to interfere in the independence of members; and made public.” It also reemphasized the need for SUHAKAM to continue to promote ratification and implementation of international human rights instruments.³⁹

In response to the concerns raised by the SCA, the government of Malaysia made further amendments to the bill on 22 June 2009. The new amendments changed the “three eminent persons” to be appointed to the selection committee by the prime minister to “three members of civil societies of human rights” and removed the earlier provision that stated

37 Mohan Sankaran, Suhakam amendments superficial, irrelevant, <https://m.malaysiakini.com/letters/101364>

38 Malaysia NGOs letter to the SCA on SUHAKAM’s review, <http://suarampg.blogspot.com/2009/03/malaysia-ngos-letter-to-sca-on-suhakams.html>.

39 United Nations. 2010. “Process currently utilized by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to accredit national institutions in compliance with the Paris Principles.” in <https://www.right-docs.org/download/9037/>.

recommendations of the selection committee are non-binding on the prime minister.⁴⁰

Despite the second wave of amendments, SUARAM, Era Consumer and the Asian NGOs Network for National Human Rights Institutions (ANNI) again found that the new amendments did not improve anything as there was no guarantee that the prime minister would not appoint three civil society representatives that are friendly to the government. The civil society organizations counter-proposed that the bill should include consultation with non-governmental organizations, international bodies and individual members of the public with expertise in human rights, which should include a process for a public nomination of candidates and recommendations to the Parliament.⁴¹

The Lower House of Malaysia passed these two amendments without any changes on 2 July 2009. The Upper House passed them on 9 July 2009.⁴² In November 2009, the SCA noted these legislative improvements, namely the increased term of office from two to three years; creation of a selection committee that includes representation of members of civil society with knowledge of, or experience in, human rights and pluralism as an element in the selection of Commission members. The SCA also observed that the selection of civil society representatives on the committee is at the sole discretion of the Prime Minister and decisions of the selection committee are only recommendatory. It noted “the combination of these two factors leaves open the potential for political interference that may impact adversely on the transparency and participatory nature of the selection process.”⁴³

Despite such an observation, the SCA decided to maintain SUHAKAM’s status A. Nevertheless, the SCA announced that it would further reassess SUHAKAM’s “A” status in a year due to the outstanding concerns.⁴⁴

40 The Star. 2009. “Two more changes to Suhakam Act.” The Star 8 May 2009. in <https://www.thestar.com.my/news/nation/2009/05/08/two-more-changes-to-suhakam-act>.

41 Asian Forum for Human Rights and Development. 2009. “Asian NGOs demand full compliance of the SUHAKAM Amendment Bill with the Paris Principles.” in <https://www.forum-asia.org/?p=6814>.

42 The Asian NGOs Network on National Institutions, 2010. ANNI Report 2010: 103.

43 Report and recommendations of the Sessions of the Sub-Committee on Accreditation. 2009. in https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/2009_November_SCA_REPORT.pdf.

44 The Asian NGOs Network on National Institutions, 2010. ANNI Report 2010: 10.

Appointments process after the amended SUHAKAM Act 1999 came into force

After the amendments to the SUHAKAM Act 1999 came into force, a selection committee to select commissioners for the term of 2010-2013 was established. However, there was no public announcement made by the government. Civil society only found out about the selection committee in February 2010 from the reply of Abu Talib Othman, SUHAKAM chairman and a member of the selection committee, to a SUARAM's letter. There was no consultation with stakeholders on the appointment of civil society representatives to the selection committee. Public members only knew that the three civil society representatives were Bar Council vice-president, Lim Chee Wee, Director of the Non-Aligned Movement Institute for the Empowerment of Women Malaysia, Rafiah Salim and former Chief Judge of Malaya, Haidar Mohamed Nor when an online news portal reported it in April 2010 based on leaked information, which was later confirmed by the minister of the Prime Minister's Department.⁴⁵

Civil society also criticized the manner in which the nomination process was conducted. Only several civil society organizations received letters from the Director-General of the Prime Minister's Department's Legal Affairs Unit in February 2010 to provide one nominee each within a tight period of one week.⁴⁶

The selection committee submitted a list of nine names to the prime minister but only seven were appointed. Maria Chin Abdullah, a woman's rights activist, and Ahmad Azam Abdul Rahman, a former president of the Malaysian Islamic Youth Movement, were dropped without any explanation by the prime minister.⁴⁷ While it is an improvement that the previous arbitrary power to choose of the prime minister is now limited to the list provided by the selection committee, the prime minister can still drop nominees in the list who may be critical of the government.

Hasmy Agam, former Permanent Representative to the United Nations in New York, was appointed as SUHAKAM chairman together with six other commissioners for the term 2010-2013. They were Jannie Lasimbang,

45 Ibid: 105-107.

46 Ibid.

47 Ibid: 108-109.

an indigenous rights activist, Detta Samen, a customary rights advocate and lawyer, James Nayagam, a children's rights activist, Muhammad Sha'ani Abdullah, a consumer's rights activist, Khaw Lake Tee, a law professor, and Mahmood Zuhdi Abd Majid, an Islamic scholar.

The appointment of selection committee members and the nomination process continued to be shrouded in secrecy during the appointment of commissioners for the subsequent terms of 2013-2016, 2016-2019, 2019-2022 and 2022-2025, although the number of NGOs receiving nomination forms from the Prime Minister's Department's Legal Affairs Unit increased to approximately 80 for the appointment of commissioners for 2013-2016. However, NGOs who were known to be critical of the government continued to be excluded.⁴⁸

In the selection process of commissioners for the term of 2013-2016, four commissioners were reappointed, namely Hasmy Agam, Khaw Lake Tee, Mahmood Zuhdi A. Majid and James Nayagam. The three new commissioners appointed were law professor Aishah Bidin, former Sarawak deputy state Attorney-General Francis Johen Adem and former Sabah welfare officer Sylvester Madating @ Nordin Kasim.⁴⁹ There was no explanation as to why Jannie Lasimbang, Detta Samen and Muhammad Sha'ani Abdullah did not get reappointed.

As for the appointment of commissioners for the term of 2016-2019, former diplomat Razali Ismail was appointed as the new SUHAKAM chairman together with six other commissioners in June 2016. The seven commissioners were union leader Loke Yim Pheng, former judge Mah Weng Kwai, academician Nik Salida Suhaila Nik Salleh, former Sarawak deputy attorney-general Francis Johen anak Adam, retired Sabah deputy state secretary Godfrey Gregory Jaitol and activist Jerald Joseph. Aishah Bidin was the only commissioner reappointed.

For the term of 2019-2022, Othman Bin Hashim was appointed as chairman. The other seven commissioners were Godfrey Gregory Jaitol, Mah Weng Kwai, Lok Yim Pheng, Nik Salida Suhaila Binti Nik Saleh and Jerald Joseph who were reappointed while former judge Mohd Hishamudin Md Yunus, academician Madeline Berma and law professor Noor Aziah Binti

48 SUARAM. 2013. *Malaysian Human Rights Report 2013*: 165-166.

49 Ibid: 166.

Mohd Awal were newly appointed.

Despite the secrecy of the selection committee, the line-up of commissioners produced from 2010-2022 by the selection committee and appointed by the government were in general reasonable in pluralist representation and there was not much public dispute on the qualification of the commissioners appointed.

However, for the term of 2022-2025, it came as a shocking surprise for many when Rahmat Mohamad was appointed as the new chairperson of SUHAKAM on 1 July 2022. Concerns were raised if Rahmat Mohamad was the right person to hold the position as he was one of the four academics that drafted a paper to brief the Malay rulers and convinced them against the ratification of the Rome Statute of the International Criminal Court in 2019.⁵⁰ This is especially alarming since one of the functions of the Commission is to recommend to the government the ratification of treaties and other international instruments in the field of human rights.⁵¹

The announcement stirred more controversy as among the other seven commissioners appointed, namely Noor Aziah Mohd Awal, Mohamad Nordin Ibrahim, Chew Chee Ming, Mary @ Mariati Robert, Hasnal Rezua Merican Habib Merican, Nazira Abdul Rahim and K. Ragunath, two were members of the main ruling party — the United Malays National Organization (UMNO). Nazira Abdul Rahim was an UMNO division women’s chief while Hasnal Rezua Merican Habib Merican was UMNO deputy chief for Selayang division. Civil society and opposition parties objected to these appointments citing possible conflict of interest that will undermine the independence and effectiveness of the Commission.⁵²

These appointments raised more eyebrows especially since two outstanding commissioners, Mohd Hishamudin Md Yunus and Madeline Berma were not reappointed for the term of 2022-2025.

50 Concerns raised by SUARAM, <https://www.malaysiakini.com/news/626970>, by the Malaysian Bar, <https://www.malaysianbar.org.my/article/news/press-statements/press-statements/suitability-of-new-suhakam-chairman-and-in-coming-commissioners>, by Aliran, <https://aliran.com/civil-society-voices/suhakams-ability-to-perform-its-function-is-in-question-with-the-new-chairperson-and-commissioners>.

51 SUHAKAM. “INFO SUHAKAM” in <https://suhakam.org.my/ms/about-us/>.

52 FMT Reporters. 2022. “Having Umno members in Suhakam a conflict of interest, says Salahuddin.” FMT 7 July 2022. in <https://www.freemalaysiatoday.com/category/nation/2022/07/07/having-umno-members-in-suhakam-a-conflict-of-interest-says-salahuddin/>.

Impact on performance of SUHAKAM 2010-2022

In the immediate period after amendments of the SUHAKAM Act 1999 under the chairmanship of Hasmy Agam, the Commission was seen to be more proactive and ready to lend its voice to calls for reform via its public statements, public inquiries, prison and site visits, and deployment of observers during public assemblies during this period of time.⁵³ It continued to stay firm on the issue of freedom of expression and the right to trial. It also started to take up sensitive issues such as freedom of religion and sexuality rights despite being attacked by conservative religious groups.⁵⁴ There was also more collaboration between SUHAKAM and civil society, such as the Act4CAT campaign to advocate for the ratification of the Convention Against Torture. The commission regained more trust from civil society.⁵⁵

Several important breakthroughs on human rights took place during the period SUHAKAM was chaired by Hasmy Agam. In 2012, the government of Najib Razak repealed the infamous Internal Security Act, which SUHAKAM had recommended for abolition since 2003. At the same, the Emergency Ordinance and three emergency proclamations that had been in place for 40 years were abolished. The government removed the requirement for an annual renewal of printing press and publication permits as recommended by the Commission. It also passed the Peaceful Assembly Act 2012 which requires the organiser of a peaceful assembly to merely notify the police of the assembly instead of applying for a permit, a stance that has been maintained by SUHAKAM since the public inquiry on the Kesas Highway incident in 2001.

Nevertheless, the government also introduced the Security Offences (Special Measure) Act 2012 and the Prevention of Terrorism Act 2015, which allow for detention without trial, to replace the abolished ISA and the Emergency Ordinance during this period of time despite disapproval from SUHAKAM.

In 2015, the budget for SUHAKAM was cut by nearly half by the government, from RM11 million to RM5.5 million. This indicated the concern of the government over the growing influence of SUHAKAM.⁵⁶ In

53 SUARAM. 2016. *Malaysia Human Rights Report 2016*: 180-181.

54 SUARAM. 2011. *Malaysia Human Rights Report 2011*: 167.

55 The Asian NGOs Network on National Institutions. 2018. *ANNI Report 2018*: 39.

56 SUARAM. 2015. *Malaysia Human Rights Report 2015*: 145-146.

November 2015, SUHAKAM retained its “A” status in the reaccreditation process by the SCA of GANHRI.⁵⁷ All this seems to suggest that SUHAKAM was back on the right track.

Under the chairmanship of Razali Ismail in 2016-2019, the Commission continued to work proactively, although it was criticized for its slowness in the case of T Benedict who died in police custody before the Commission’s intervention.⁵⁸ The Commission called for the formation of a mechanism to review the National Security Council Act, which provided widespread power to the government of Najib Razak, who was implicated in the 1MDB corruption scandal.⁵⁹ The Commission also decided to conduct a public inquiry in 2017 on the highly sensitive disappearance cases of Raymond Koh, Amri Che Mat, Joshua and Ruth Hilmy, which may implicate the all-powerful police force.⁶⁰

After the historic first change of federal government from Barisan Nasional to Pakatan Harapan, the new political environment became more conducive for the operation of SUHAKAM as the new ruling coalition won the general elections on 9 May 2018 on promises of reforms, including human rights promotion and protection. The new government announced that SUHAKAM would be reporting to the Parliament instead of to the Prime Minister’s Department. It also consulted SUHAKAM on labour, anti-human trafficking and antidiscrimination laws.⁶¹ During this period, the public inquiry of SUHAKAM on disappearance cases made the damning conclusion in April 2019 that the police’s Special Branch was involved in the “enforced disappearance” of Amri Che Mat in 2016 and pastor Raymond Koh in 2017.⁶²

While SUHAKAM has advocated for the ratification of the International Covenant of Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

57 The Asian NGOs Network on National Institutions. 2018. *ANNI Report 2018*: 39.

58 SUARAM. 2016. *Malaysia Human Rights Report 2016*: 182. and SUARAM, 2017. *Malaysia Human Rights Report 2017*: 104-015.

59 SUARAM. 2016. *Malaysia Human Rights Report 2016*: 180.

60 SUARAM. 2017. *Malaysia Human Rights Report 2017*: 105.

61 The Asian NGOs Network on National Institutions. 2019. *ANNI Report 2019*: 34.

62 Suhakam Inquiry. 2019. “Enforced disappearances: Read the full Suhakam reports.” *Makaysiakini* 3 April 2019. in <https://www.makaysiakini.com/news/470724>.

(CAT) since its inception, the new Pakatan Harapan government pledged in September 2018 to ratify all human rights treaties. However, in November 2018, the government had to reverse its decision to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) following a backlash from groups who fear the ratification will undermine the special privileges for majority ethnic Malays and threaten Islam's position as the official religion.⁶³

Similarly, the new government also announced withdrawal from the Rome Statute of the International Criminal Court (ICC) on 5 April 2019 after ratifying it on 4 March 2019 following widespread objections from the Islamic Party of Malaysia (PAS), UMNO and Malay Muslim NGOs claiming it would subject the King to possible prosecution.⁶⁴

The Pakatan Harapan government eventually fell in February 2019 after appointing Othman bin Hashim and other commissioners in June 2019 for the term of 2019-2022. Under the chairmanship of Othman bin Hashim, SUHAKAM operated in a much more difficult environment. Not only was the new Perikatan Nasional government non-committal regarding human rights, groups that opposed the ratification of ICERD and ICC were gaining momentum and increasingly criticizing SUHAKAM for its stance on freedom of religion and lesbian, gay, bisexual and transgender (LGBT) issues. In June 2021, SUHAKAM was slammed for attempting to recognise a third gender by conducting a study of LGBT persons.⁶⁵ In November 2021, a Malay Muslim NGO coalition, PEMBELA, claimed that SUHAKAM committed treason against the King and the Malay rulers by stating that Islamic laws that prevent a Muslim from changing religion are a form of discrimination and a violation of freedom of religion.⁶⁶

63 Reuters. 2018. "Why Malaysia backpedalled on ICERD ratification." *New Straits Times* 24 November 2018. in <https://www.nst.com.my/news/nation/2018/11/434078/why-malaysia-backpedalled-icerd-ratification>.

64 Prashant Waikar. 2019. "CO19102 | Malaysia and the Rome Statute: Domestic Debate Over?" S. Rajaratnam School of International Studies. in <https://www.rsis.edu.sg/rsis-publication/rsis/malaysia-and-the-rome-statute-domestic-debate-over/#.Y0ZsvnZBw2x>.

65 Siti Hafidah. 2021. "Kajian iktiraf 'gender ketiga' SUHAKAM antara usaha progandakan agenda laknat." *IsmaWeb* 20 June 2021. in <https://ismaweb.net/2021/06/20/kajian-iktiraf-gender-ketiga-suhakam-antara-usaha-progandakan-agenda-laknat/>.

66 Wartawan Samudera. 2021. "Negeri Tak Boleh Halang Murtad. Apa Fungsi Pesuruhjaya Islam SUHAKAM? – PEMBELA." in <https://www.samudera.my/negeri-tak-boleh-halang-murtad-apa-fungsi-pesuruhjaya-islam-suhakam-pembela/>.

The performance of SUHAKAM during 2019-2022 was hampered by the COVID-19 pandemic. Nevertheless, SUHAKAM performed well by countering increased xenophobic speech and attitudes against migrant workers, refugees and stateless persons, who had suffered the most during the pandemic, facing a higher risk of infection and being marginalised in access to vaccination. It also voiced concerns on large-scale raids on undocumented migrants that were counter-productive to fighting the pandemic.⁶⁷

Conclusion

Based on the evolution of the appointment process of SUHAKAM over the past two decades from 1999 to 2019, it can be concluded that the appointment process of commissioners plays a crucial role in influencing the performance of the Commission. It is therefore crucial to ensure the appointment process of commissioners is transparent, consultative, and participatory with proper checks and balances.

While the original SUHAKAM Act 1999 produced a respected line-up of commissioners for the first term, it was proven that the appointment system was prone to abuse by the government as happened in the following years from 2002-2010. This led to controversial appointments and decisions of non-renewal of commissioners and severely undermined the independence and effectiveness of the Commission in promoting and protecting human rights.

The two sets of amendments to the appointment process introduced in 2009 by the government were clearly made with the objective of keeping the status 'A' of SUHAKAM to avoid international embarrassment, but at the same time they allowed the government to exert control on the Commission, when necessary, via the selection committee that was constituted and operated in secrecy. This is clearly illustrated in the appointment of commissioners for the term of 2022-2025 after 12 years of good appointments and a Commission that performed well.

Based on the review in this article, the following should be considered if the appointment process of commissioners is to be improved further.

67 Shomira Sanyal, Julio Castor Achmadi and Jenny Domino eds. 2021. *2020 Anni Report: On the Performance of National Human Rights Institution*: 31. in https://www.forum-asia.org/uploads/wp/2021/12/ANNI-Report_Pages_v2.pdf.

The change of the term of commissioners from two years to three years is a positive improvement, however, it is still too short a time for a commissioner to make any real impact. This is especially true for those commissioners who were only appointed for one term after 2010.

There is a need to have a set of clearly defined criteria for the selection of commissioners in order to rule out unqualified candidates and prevent arbitrary abuse of power. It is important to ensure that the commissioners appointed are not merely there to meet the requirement of pluralist representation, but actually have the necessary knowledge, experience and expertise in human rights to do the job.

The establishment of a selection committee is another good improvement. However, there should be consultation and transparency in the appointment of members to the selection committee. There should be a public announcement once the selection committee is constituted with the names of the committee members made known to the public for accountability. The selection committee should operate in a transparent manner from the nomination to the selection of commissioners. It should advertise publicly the vacancy, the process of application or nomination and the results of applications/nominations.

The SUHAKAM Act 1999 certainly requires more amendments if better checks and balances, transparency and accountability in the appointment process of commissioners are to be safeguarded to ensure the best candidates are appointed to be commissioners, which will in turn ensure the independence and effectiveness of the Commission.

回顧二十年來國家人權委員會委員的委任和其表現：以 SUHAKAM 為例

葉瑞生

乾淨與公平選舉聯盟顧問

摘要

本文分析 1999 年至 2022 年這二十多年期間，馬來西亞國家人權委員會（SUHAKAM）的委員委任過程之演變。本文主要從委員的委任過程探其對委員會表現的影響，包括公民社會透過國家人權機構全球聯盟介入所倡導的變革，這些變革內容部分被納入馬來西亞政府於 2009 年針對馬來西亞國家人權委員會法令所提呈的修正案。本文總結委員的委任過程對委員會的表現有重大影響，而 2009 年的變革，雖然是正向的發展，但整體來看仍有許多不足之處。本文認為法令需要有更多的修正，才能真正確保國家人權委員會的獨立性和有效性。

關鍵字

馬來西亞國家人權委員會、馬來西亞、國家人權委員會、委任過程
