



Malaysia: Opaque appointment process of new SUHAKAM Commissioners strikes a blow to human rights situation in the country

(Bangkok, 7 July 2022) – The recent selection and appointment of new commissioners to Suruhanjaya Hak Asasi Manusia (SUHAKAM), Malaysia’s national human rights institution, was shrouded in secrecy and marks a regression in the country’s international commitments to strengthen the mandate of SUHAKAM,’ said the Asian Forum for Human Rights and Development (FORUM-ASIA), as the Secretariat of the Asian NGOs Network on National Human Rights Institutions (ANNI).

‘The lack of transparency in the selection process hinders the institution's independence and effectiveness in protecting and promoting human rights in Malaysia,’ said the rights group.

ANNI members and civil society organisations in Malaysia have expressed their disappointment in the selection and appointment process of the new set of Commissioners as it contradicts the spirit of independence, impartiality and pluralism that an A-status National Human Rights Institution (NHRI) must uphold.

Independence

An NHRI must ensure its independence and impartiality in protecting and promoting human rights. The appointment of Prof. Dato’ Dr. Rahmat bin Mohamad as the Chair of SUHAKAM raises questions on his past record, particularly his role in co-authoring a 2019 paper which convinced the Conference of Rulers to reject the ratification of the Rome Statute in a move that prevents Malaysia from holding perpetrators of international crimes to account.¹ The appointment of two new commissioners with a strong affiliation with a political party, United Malays National Organisation (UMNO), is deemed to obstruct SUHAKAM’s independence in carrying out their mandates especially and impartiality in advocating for human rights legislations.²

Transparency of the selection and appointment process

The lack of transparency stems from the fact that there has been no further change for a more inclusive, consultative and transparent selection and appointment process since the last amendment of the Human Rights Commission of Malaysia Act 1999, Act 597 (‘HRCMA’ or ‘SUHAKAM Act’) in 2009. The unilateral appointment by the Prime Minister Ismail Sabri, which lacked parliamentary oversight, directly contradicts the spirit of transparency and inclusion spirit of the HRCMA. By failing to include three civil society members as part of the appointment process committee as enshrined by the Act, the Prime Minister has left the public and civil society alienated from the process.³

¹ <https://www.freemalaysiatoday.com/category/nation/2022/07/01/uitm-law-professor-is-new-suhakam-chairman/>

² SUARAM, [Press Statement]: SUHAKAM’s ABILITY TO PERFORM ITS FUNCTION IS IN QUESTION WITH THE NEW CHAIRPERSON AND COMMISSIONERS, 2022.

³ <https://www.freemalaysiatoday.com/category/nation/2022/07/03/controversial-appointments-compromise-suhakams-neutrality-says-suaram/>

Pluralism

The non-inclusive and opaque selection and appointment process has resulted in unequal representation and a deficiency of pluralism among SUHAKAM members. A coalition of civil society organisations said that the appointment fails to reflect equal representation of women, persons with disabilities, and indigenous peoples.⁴ Instead, commissioners with no record of human rights achievements as well as a former leader from Islamic Development Department (JAKIM) who advocated against SUHAKAM's work in ensuring LGBTQI+ rights were appointed.⁵

A transparent, inclusive and consultative selection and appointment process of SUHAKAM's Commissioners is the cornerstone of its independence and effectiveness to carry out its mandate to protect and promote human rights in compliance with the Paris Principles as the minimum standard of a functional NHRI. The recent appointment is a blow to SUHAKAM and its efforts in ensuring human rights protection for all in Malaysia, risking its credibility as an A-status institution afforded by the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institution (GANHRI).

ANNI urges the Government of Malaysia to:

1. Disclose the selection and appointment process of the new members of SUHAKAM in a transparent manner, in accordance with the Human Rights Commission of Malaysia Act 1999 (HRCMA) and GANHRI SCA Recommendations;
2. Immediately expedite the amendment of the HRCMA to ensure transparency and of the selection and appointment process of SUHAKAM's members, in alignment with international human rights standards; and
3. Ensure parliamentary oversight is present in the appointment process, allowing the selection committee to summon the newly appointed Chairman and commissioners of SUHAKAM to scrutinise their credibility in helming SUHAKAM.

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About the Asian NGOs Network on National Human Rights Institutions (ANNI):

The Asian NGOs Network on National Human Rights Institutions (ANNI) was established in December 2006. It is a network of Asian non-governmental organisations and human rights defenders working on issues related to National Human Rights Institutions (NHRIs). ANNI currently has 33 member organisations from 21 countries or territories. ANNI members work on strengthening the work and functioning of Asian NHRIs to better promote and protect human rights as well as to advocate for the improved compliance of Asian NHRIs with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI). The Asian Forum for Human Rights and Development (FORUM-ASIA) has served as the Secretariat of ANNI since its establishment in 2006. <http://l.forum-asia.org/ANNI>

⁴ COMANGO, Appointment of New SUHAKAM Commissioners Fall Short of Malaysia's International Commitments, 2022.

⁵ CSO Platform for Reform, Press Statement: HUMAN RIGHTS COMPETENCY MISSING: HOW CAN THE NEWLY APPOINTED SUHAKAM FUNCTION TO PROTECT HUMAN RIGHTS IN MALAYSIA?, 2022.

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