SUHAKAM’s Oral Statement to the 8th Session of EMRIP

Discussion on the UN Declaration on the Rights of Indigenous Peoples (Item 8)
Palais des Nations, Geneva
23 July 2015

Mr Chairperson,

The Human Rights Commission of Malaysia (SUHAKAM) wishes to commend the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) for the important work it has undertaken, which has contributed significantly to the promotion and protection of the rights of indigenous peoples. The Commission also welcomes the decision to discuss the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) at this session of EMRIP.

In 2007, the Government of Malaysia voted in favour of UNDRIP, and since then has taken steps to safeguard the rights of indigenous peoples. In spite of this, there still exist a huge gap in the implementation of UNDRIP in the country. The Commission observes that in formulating policies affecting indigenous communities, little regard is given to the principles and standards contained in UNDRIP. This is partly due to the lack of awareness and familiarity with UNDRIP among Government officials and has led to policies that are likely to result in some form of violation of indigenous peoples’ rights. For instance, the concept of free, prior and informed consent is seldom applied meaningfully. As a result, indigenous peoples continue to experience a wide range of human rights abuses.
As an NHRI, the Commission has the mandate to receive and inquire into allegations of human rights infringements, and many of the complaints received throughout the years relate to rights of indigenous peoples. Among the main human rights issues faced by the indigenous communities in Malaysia are access to education, access to healthcare, resettlements due to development and corporate projects, as well as their right to land.

On the issue of land rights, the Commission is pleased to note that the Government has recently established a Special Cabinet Committee chaired by the Deputy Prime Minister to oversee the implementation of recommendations emanating from the Commission’s National Inquiry on Land Rights of Indigenous Peoples, which was carried out from 2010 to 2012. The Commission strongly hopes that the recommendations will be implemented effectively and expeditiously.

Recognising the critical disconnect between Malaysia’s support for UNDRIP at the international stage and its application at the national level, there is an urgent need for the Government to intensify its efforts to meet the objectives of UNDRIP towards ensuring the fulfillment of the rights of indigenous peoples in the country.

Thank you.