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Office of the Resident Coordinator Of The United Nations System's
Operational Activities For Development in Malaysia

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2009 United Nations Human Rights Day Seminar

Welcome Remarks
by

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Tan Sri Tan Sri, Datuk-Datuk, Datin-Datin
Excellencies
UN Colleagues
Distinguished Guests, Members of the Media

A very good morning to you all.

On behalf of the United Nations Country Team in Malaysia, it is my great pleasure and privilege to welcome all of you to this Human Rights Day Seminar. Thank you for taking the time from your busy schedules to join us for this discussion both on human rights in Malaysia and compliance of the UN member states with international norms and standards with respect to human rights globally.

I would especially like to thank Yang Berhormat Mulia Tan Sri Tengku Razaleigh Hamzah for this presence. He will be with us later this morning to grace this event. We look forward to hearing his thoughtful comments and views today as always.

Distinguished guests,

Malaysia joins other UN member states today in commemorating Human Rights Day. This year's Human Rights Day focuses on non-discrimination.

Let me quote from the UN's Universal Declaration of Human Rights, "All human beings are born free and equal in dignity and rights". These were the first few famous words in the Universal Declaration of Human Rights which, as you know, is the backbone of international human rights law. Yet even today, the fight against discrimination remains a daily struggle for millions around the globe. The realization of the various indivisible human rights - social, economic and cultural, as well as civil and political, remain unfulfilled partly because of discrimination.

This year's theme: **Embrace Diversity, End Discrimination** underscores the fundamental principle of non-discrimination that is and should remain at the core of our understanding of human rights. This principle prohibits discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national or social origin, disability, property, birth or other status. Despite the common sense and obvious nature of the values embedded in the fundamental principle of non-discrimination, human rights are violated daily through various forms of discrimination around the world.

According to the UN Secretary General, "No country is free of discrimination. We see it everywhere, in many forms: old and new, covert and blatant, public and private. It may appear as institutionalized racism, as ethnic strife, as episodes of intolerance and rejection, or as an official national version of history that denies the identity of others. Vulnerable people are excluded from participating in the economic, political, cultural and social lives of their communities. In some countries, we are witnessing the rise of a new politics of xenophobia and extremism. But these victims of discrimination are not alone. The United Nations is standing with them, committed to defending the rights of all".

Ladies and Gentlemen,

The Secretary-General invites people everywhere, at all levels, to join the United Nations and human rights defenders around the world in the fight against discrimination.

The United Nations High Commissioner for Human Rights, Navi Pillay, reinforced the words of the UN Secretary General by further indicating that "Discrimination lies at the root of many of the world's most pressing human rights problems. No country is immune from this scourge. Eliminating discrimination is a duty of the highest order. Our main objective is to help promote discrimination-free societies and a world of equal treatment for all". She encourages people everywhere - including the UN family, governments, civil society, national human rights institutions, the media, educators, and individuals - to seize the opportunity of Human Rights Day 2009 to join hands to embrace diversity and end discrimination. Her message should resonate loudly and well in Malaysia, given its multi-ethnic diversity and the many challenges it faces in this context.

Distinguished Guests,

Human rights are a core mandate of the entire UN family of agencies. In the UN Programme for Reform that was launched in 1997, the then Secretary-General called on all entities of the UN system to mainstream human rights into their various activities and programmes within the framework of their respective mandates. The common understanding is that:

1. First. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Second. Human rights standards and principles should guide development cooperation and programming in all sectors including, but not limited to health, education, governance, nutrition, water and sanitation, HIV/AIDS, employment and labour relations and social and economic security. This includes all development cooperation directed towards the achievement of the UN's Millennium Development Goals and the Millennium Declaration.
3. Third. Development cooperation should contribute to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights. It identifies **rights-holders** (and their entitlements) and corresponding **duty-bearers** (and their obligations) and works towards strengthening the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations.

Further political impetus was provided by the 2005 World Summit, in which world leaders reaffirmed human rights, development and peace, and security as three interlinked pillars of the United Nations Organization, and gave explicit support for the further integration of human rights into national policies. These interlinkages among human rights, development and peace, and security were reaffirmed in the 2007 General Assembly resolution on the Triennial Comprehensive Policy Review.

Distinguished Guests,

We all know that the universality of human rights as a principle is the cornerstone of international human rights law. It was first emphasized in the Universal Declaration on Human Rights sixty years ago, and has been reiterated in numerous international human rights conventions, declarations, and resolutions since. The 1993 Vienna World Conference on Human Rights noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

Nevertheless, even though basic human rights standards and principles have been agreed by all UN Member States, the gap between rhetoric and reality remains wide and may even be growing in some countries and for some population groups. The daily litany of human suffering and inhumanity is all too familiar with human rights denied and violated in many and varied ways. The challenge is to close this gap, by bringing together the respective strengths of different institutions in society which should be independent of each other to ensure a system of checks and balances – the legislature, the executive and the judiciary – to work in tandem, creating synergies for the sustainable protection of all human rights for each and every individual.

All UN Member States have ratified at least one, and 80% of States have ratified four or more of the UN's core human rights treaties which, when taken together, reflect our common humanity and collective consensus on a universal human rights normative framework which creates legal obligations for Member States and concrete meaning to their international commitments and obligations. There are nine core international human rights treaties which embody the collective consensus of UN member states. However, Malaysia has, thus far, ratified and signed only two of them.

These are:

- The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) – which Malaysia ratified in 1995 with reservations; and
- The Convention on the Rights of the Child (CRC) – which Malaysia ratified in 1995, also with reservations.

In addition, Malaysia has signed but not yet ratified the 2006 “Convention on the Rights of Persons with Disabilities”

Malaysia has not signed or ratified a number of the other core UN Human Rights Conventions including one which is closely related to the 2009 UN Human Rights Day Theme, i.e. the 1965 Convention on the Elimination of all forms of Racial Discrimination which entered into force in January 1969.

Ladies and Gentlemen,

The 2009 Universal Periodic Review (UPR) found that Malaysia still had a considerable distance to cover. As a member of the Human Rights Council, Malaysia should set an example by implementing necessary changes that will have a real impact on the protection of human rights in the country.

Distinguished Guests,

I would like to conclude by reiterating that international human rights standards embody universal values of respect for human dignity and human well-being. They not only provide the foundations of a humane, just and progressive society, but also a compelling normative framework for the formulation of national and international policies and strategies for human development. The United Nations Country Team remains committed, through its long-standing partnership with the Malaysian government and its other partners in the country, to continuing its longstanding support for the human rights aspirations of Malaysia and its people.

I am hopeful that the discussions at this seminar will provide an opportunity for different stakeholders to highlight both relevant country-specific contextual issues and Malaysia specific concerns which have a direct bearing on the assessment of human rights implementation in the country and that these will be taken into consideration in the design of appropriate policy responses as well as a comprehensive action plan for human rights implementation in Malaysia. Let me take this opportunity to wish you all a productive day today; one which contributes to taking forward both the discourse and practice of human rights in Malaysia.

I thank you.