



Promotion and protection of the rights of Orang Asli in Peninsular Malaysia: A study of the Suhakam

Abdullah Khoso¹, Vivien W.C. Yew¹

¹School of Social, Development and Environmental Studies, Faculty of Social Sciences and Humanities, Universiti Kebangsaan Malaysia

Correspondence: Vivien W.C. Yew (email: vivienyew@ukm.edu.my)

Abstract

The Paris Principles resolution in the United Nations General Assembly are non-binding but considered highly important in guiding human rights practices in individual countries. In light of the Paris principles this study of the Human Rights Commission of Malaysia (Suhakam) focused on the extent of, and factors affecting its performance in promoting and protecting the rights of the community. The findings revealed Suhakam's slow and less effective measures as the main reasons for the little protection of the rights of the Orang Asli. There were grey areas that Suhakam had not addressed effectively including representation of the Orang Asli within Suhakam and in other agencies, and discriminations on religious grounds and formal education. In conclusion, Suhakam would have to go beyond its 'postman' role to that of bringing real and desired change for the benefit of the Orang Asli.

Keywords: human rights, National Human Rights Institutions, Orang Asli, Paris Principles, promotion and protection of rights, Suhakam

Introduction

In 1993 after the Paris Principles resolution in the United Nations General Assembly, the National Human Rights Institutions (NHRIs) became more popular and the number grown rapidly. These principles are non-binding but considered highly important for international human rights practices. These principles orient countries on establishing NHRIs or strengthening the existing structure so that these turn out to be NHRI. Paris principles lack focus on how national human rights institutions should perform after their creations (Murray, 2007). These give criteria to the states to design a NHRI, which also include provision of financial and institutional and structural autonomy by the states. These principles also insist on states to give comprehensive mandate and powers (Thio, 2009). However, these can also serve as yardstick for positive and concrete criticism. It is argued that these principles are not a benchmark that could fully help to gauge the effectiveness of any NHRI but these provide a basic outline of conditions to the state and institutions to be fulfilled so that these can effectively function towards promotion and protection of human rights and thus to be accredited as NHRIs (Aichele, 2010; Setiawan, 2013).

What do the terms protection and promotion imply in the context of NHRI? Hugo Stokke (2007: 2) has significantly explained these. Stokke suggests that the term protection is broad task that includes investigating complaints, seeking settlements, referring matters to the courts or public prosecutors, providing legal counselling etc." But the term does not include the competence to direct authorities and give final decisions; however, NHRIs can undertake independent investigations on their own which, Stokke (2007) believed, did not come under the NHRIs competence. On the other hand, the promotion is also considered a broad term which covers tasks ranging from "advocating appropriate legislation and

participating in public awareness campaigns to working with educational and other public institutions in disseminating information... and to take actions to safeguard the rights of special groups.” Stokke does not explain about actions a NHRI can take to safeguard the rights of special groups. However, it is evident that NHRI cannot take over the role of judiciary (Aichele, 2010). The critics argue that NHRIs are basically created to appease United Nations and other international groups, and these remain powerless to protect humans from human rights violations (Cardenas, 2001). If measures taken by the NHRIs are superficial, cosmetic and its approach to address human rights violation is tokenistic then just creation of NHRI is futile (Thio, 2009).

Though NHRIs are created by the government but are different from other national authorities because of their independent functions and operations. These are not responsible for implementing the law; however, these support and push for the effective implementation of human rights values, standards and norms in society (Aichele, 2010). NHRIs secure accountability of state actors or institutions (Thio, 2009) and also play role of supervision and oversight of the institutions, can bring human rights integral part of good governance and create space for human rights discourse (Reif, 2000).

As mandated, NHRIs are supposed to transforming international human rights values and norms into national discourse and practices (Aichele, 2010), which ultimately contributes to the realization of human rights (Setiawan, 2013). However, an important question arises about the extent to which they contribute in materializing the rights for which they are mandated with.

The case of Human Rights Commission of Malaysia- created in 1999, popular as Suhakam- established under the Human Rights Commission of Malaysia Act (597) - is interesting because it is working in society with a little good human rights record under authoritarian rule (Setiawan, 2013) and blamed lacking a strong human rights culture (Thio, 2009), however in given circumstances, it will be an enormous task to assess the progress of Suhakam for the rights of all groups but it is greatly possible to assess its performance with reference to the most marginalized groups and one of those is the Orang Asli of Peninsular of Malaysia- for a clarity- the article does not include the natives of Sarawak and Sabah. As claimed earlier, the NHRIs are also mandated to promote and protect the rights of the most marginalized groups (UNDP, 2010; Mertus, 2011; UNDP, 2015), and also keeping in view –as Thio (2009) suggested- Suhakam is not panacea for all human rights violations and abuse in Malaysia but its functions should not be the way as the creators (government) has envisaged rather it should work on basic human rights principles for which it is mandated with. Thus the key question is the gauging the role of Suhakam in promoting and protecting the rights of Orang Asli of Peninsular of Malaysia in relation to its mandate and also basic principles of human rights.

The Orang Asli is viewed as a category of the Orang Asal or Indigenous Peoples in Malaysia. The Orang Asli make up 0.6 percent of the total Malaysian population but together with the natives of Sabah and Sarwak they make up about 14 percent of the Orang Asal total population in Malaysia (Suhakam, 2014). The Orang Asli are facing many problems that include livelihood or economic hardship, environmental degradation (Hasan Mat Nor et al., 2009; Zal, 2013; Zal et al., 2014), discrimination from other groups, and limited legal, political and protection rights (Nobuta, 2007). As compared to the mainstream population, the Orang Asli’s state of life is largely dismal (Nicholas, 2010). The Orang Asli were deprived of land and others resources because of mainstream development and conservation activities of the governments (Lasimbang, 2012). This sorry state of the Orang Asli is also a great factor to explore into the role of Suhakam born with mandate to protect and promote the rights of marginalized community.

Creation and mandate

The Human Rights Commission of Malaysia Act was passed in 1999 but the Commission –known as Suhakam - started working in 2000 with its first inaugural meeting in April. Malaysia’s extensive engagement with the UNCHR and emergence of national commissions in neighboring countries (i.e. Indonesia, the Philippines and Thailand) were considered the main reasons of Suhakam’s establishment

besides others (Suhakam, 2001). Suhakam's mandate is legally confined to national legal framework, yet it often invoked international laws (Carver, 2010). Under section 4 (1) of the Act of 1999, four main functions or mandates of Suhakam are: "(i) to promote awareness and provide education in relation to human rights; (ii) to advise and assist the Government in formulating legislation and procedures and recommend the necessary measures to be taken; (iii) to recommend to the Government with regard to subscription or accession of treaties and other international instruments in the field of human rights; and (iv) to inquire into complaints regarding infringements of human rights" (Suhakam, 2014: 34).

Suhakam claims

Given the mandate in the law, Suhakam appears to be more an advisory body to the government; however, Suhakam claimed that in light of these functions, it has undertaken various efforts to address the rights of the Orang Asal in Malaysia (Suhakam, 2014). Recently Suhakam has compiled a report "Good Practices in Promoting and Protecting the Rights of Indigenous Peoples (Suhakam, 2014) as part of the South East Asia National Human Rights Institutions Forum (SEANF). In the report, Suhakam has highlighted mainly two good practices and indicated about various challenges and problems faced by the Indigenous Peoples (including the Orang Asli).

Suhakam considered that it has taken following two the most important initiatives for the Orang Asal besides investigating into human rights violations of this community:

Native Customary Land Rights

In 2011, Suhakam conducted a national inquiry into the land rights of Indigenous Peoples. The inquiry was conducted because from its inception Suhakam had been receiving complaints and communications from Indigenous Peoples about deprivation from their native customary land rights by the government and private agencies, which caused more marginalization of these communities (Suhakam, 2014). Before this national inquiry into customary land rights, Suhakam had been reporting and highlighting the plight of the Orang Asal including the Orang Asli and it got prominent and good space in its annual reports. Before discussing about the National Inquiry, the article explores into other similar ventures by Suhakam for the Orang Asli.

From the very inception Suhakam started highlighting the issue of native customary land rights faced by the Orang Asal. Suhakam in its first Annual Report 2000 submitted with the parliament took up the issue of the Orang Asal from native customary rights perspective, and argued that given the protection to indigenous peoples in the Aboriginal Peoples Act (1954), the Land Ordinance of Sabah (1975), and the Sarwak Land Code (1958), there was no respect of the customary rights of the indigenous peoples and the Orang Asli. It indicated that in the past, these people had access and customary ownership of the land on which they lived for generation; it was recognized and respected without any law or official document but with the introduction of the above mentioned laws and policies the indigenous peoples of Sarawak and Sabah and the Orang Asli's customary rights to land were not recognized unless certificates or documents were provided which were issued under these laws. In 2000, Suhakam had received many complaints with regard to violation of their customary rights but does not give details about the number of complaints made including complaints from the Orang Asli (Suhakam, 2001) and it continued to receive these complaints till 2014 (Suhakam, 2015).

Though Suhakam recognized that there were discrepancies between native customary land rights and other federal and state laws related to governance of lands (Suhakam, 2005) but till 2014 its Law Reform and International Treaties Working Group never proposed amendments to laws that were cause of discrimination and injustice with the Orang Asli and deprivation of their land rights and eventually risking their rights to survival and unique habitat. The Working Group was responsible to monitor all federal and state laws, which affected human rights. "The bulk of this function is to ensure that the laws are compatible and consistent with human rights principles" (Suhakam, 2009: 47). However, in a

conference organized by Suhakam it was identified that there was no end to the plights of the Orang Asli because of overlap of federal and state governments jurisdiction over the land governance, lacunas in laws related to governance of land matters, and there was a lack political will to address the Orang Asli's plight in holistic and comprehensive manner (Suhakam, 2005).

The conference had recommended removing discrepancies in the legal framework related to governance of jurisdiction. The conference proposed specific measures; major among those include active role of the Department of Orang Asli affairs in mediating the conflicts over the jurisdiction, urgently registration of the Orang Asli native lands, proper demarcation and identification of native lands, the institutions related to the land administration should follow procedure under Articles 3 and 5 of the Land Administration Book so that already demarcated land for the Orang Asli should not be given to external parties, the Orang Asli lands should be gazetted; every state should have a policy for dealing with the applications for land titles by Orang Asli; the Orang Asli's rights should be considered a perpetual and permanent rights rather 99 years lease rights; the Orang Asli land ownership should be modeled in lines of gazetted Orang Asli reserves as given in Article 86 (6) of the Federal Constitution; the Orang Asli reserves should be framed in light of the Malays Reserves Enactment; the Orang Asli areas be gazetted under Section 6 of the Aboriginal Peoples Act 1954; the Orang Asli should be involved and consulted in those developmental projects that affect the Orang Asli lands; the governments should inform them about matters pertaining to their land rights; a special representatives within the Department of Orang Asli be appointed at district level to monitor problems related to land rights. The conference had also proposed to setting up of a special Orang Asli commission with 80 percent membership from the community (Suhakam, 2005).

Recommendations of the conference related to legislation were never made part of the Suhakam's Working Group on Law Reform and International Treaties report and recommendations by this group were considered recommendations by Suhakam, which implies that Suhakam published conference's recommendations in its annual report but it did not own these. It suggests that yet Suhakam was unable to completely own the Orang Asli's problems and issues which had put their survival on stake.

Suhakam claimed that the National Inquiry into native customary land rights was self initiated by Suhakam from human rights perspective so that have comprehensive and in-depth understanding of the issue. Thus it can be resolved in similar comprehensive manner (Suhakam, 2015). Yet it does not represent the case of Orang Asli as special case. However, the inquiry report found that the Orang Asli were angry, frustrated and desperate to deal the matter through protests (Jayasooria, 2014). In 2013, the report was released and submitted with the Prime Minister, which annoyed the Peninsular Malaysia Orang Asli Villages Network (JKOSM) because the report had to be presented to the Parliament. This submission was considered against the wishes of the community and Suhakam was blamed for failure and disappointment for the Orang Asli, as well as slowing the process of progress. The group wanted its voices to be brought directly in the parliament. It was also claimed that Suhakam has acted not in accordance to the Human Rights of Malaysia Act 1999 since it directly comes under the parliament rather the Prime Minister office. The network also claimed that the Orang Asli was not adequately involved (was deprived from the right of participation in the inquiry in their human rights violations) into the inquiry (Ibrahim, 2013).

One of the major recommendations in the inquiry report by Suhakam to the federal and state government was to review the laws and policies on the land rights of the Orang Asli. Suhakam had already done this job in the Inquiry Report as given under its terms of references and also reflected in Chapter 3 and 4 of the report (Suhakam, 2013). Suhakam rather giving specific recommendations for amending the provisions in the law had asked the government to do the re-exercise of reviewing laws on the matter. Another major recommendation include setting up of an independent National Commission on Indigenous Peoples with mandate to monitor and also advice to government on different matters related to the Indigenous Peoples rights but the government did not give considerations to these recommendations yet (Jayasooria, 2014).

Human Rights Education

Human Rights Education was the second major good practice claimed by Suhakam in the report (Suhakam, 2014). In 2009, in collaboration with the Ministry of Education, Suhakam initiated a project to integrated human rights values and principles in every aspect of school life. In this regard, about a dozens of schools in Orang Asli areas were selected and their same teachers imparted human rights education to the Orang Asli children.

Table 1. Changes in the Orang Asli primary and secondary education enrolment before and after the birth of Suhakam

	1997	2000	2008	Changes from 1997 to 2000 (in 4 years)	Percentage changes from 1997 to 2000 (in 4 years)	Changes from 2000 to 2008 (in 9 years)	Percentage changes from 2000 to 2008 (in 9 years)
Primary Education enrolment	16806	21704	27176	4898	22.6	5472	20.1
Secondary Education enrolment	3306	5971	9738	2665	44.6	3767	38.7

Source: Department of Orang Asli Affairs (JHEOA, 2008)

Suhakam’s efforts for increasing human rights education amongst the Orang Asli children were part of its mandate but Suhakam has played little role for other related mandate, which is to advocate for the formal education of the Orang Asli children, which has been considered a barrier to their development. This is obvious from the primary and secondary education enrolment changes or improvements in the Orang Asli community before and after the birth of Suhakam (See Table 1). Four years before the birth of Suhakam, in 1997, there were enrolled 16806 the Orang Asli children in primary and 3306 in secondary education. In 2000 (the year of creation of Suhakam) there were enrolled 21704 of the Orang Asli children in primary and 5971 in secondary education. It implies that in these four years (from 1997 to 2000), the total change (increase) in enrolment in primary and secondary education is 22.6 percent and 44.6 percent respectively.

Increase of enrolment of the Orang Asli children in primary and secondary education in four years is much better than the enrolment reported from 2000 to 2008 (in nine years). In 2008 in primary education enrolment was 27171 and in secondary it was 9738, from 2000 to 2008, the total change (or increase) of enrolment was 20.1 percent and 38.7 percent correspondingly. Table 1 shows that enrolment of the Orang Asli children has not improved or increased in (during) nine years of Suhakam which had increased before Suhakam’s period in four years.

Table 1 also shows another important vast difference of primary and secondary education enrolment. In 1997, there were 16806 enrolled children in primary and 3306 in secondary; it shows higher (80 percent) difference between primary and secondary enrolment, which indicates to extremely high number of drop out of children after passing primary education. This difference is also found in 2000 and 2008 but it slightly improves. However, this state of enrolment before and during Suhakam’s time is obviously direct responsibility of the Ministry of Education but at the same time it is an important question mark on Suhakam’s role in promoting and protecting the formal educational rights of the Orang Asli. The Orang Asli students were lagging behind in terms of educational achievements as compared to other ethnic group’s students (Rosnon, 2014). On the other hand, Suhakam in its annual and research reports has highlighted education related problems faced by Orang Asli children living in remote and inaccessible areas without permanent transportation services and they also face problems to be enrolled in schools in the absence of a birth certificate (Suhakam, 2005; Suhakam 2010; Suhakam, 2012; Suhakam, 2015).

Poverty and ownership

Suhakam has also taken up the issue of poverty of the Orang Asli but in a report “Good Practices in Malaysia” (Suhakam, 2014: 22) Suhakam provided different and miscalculate statistics on the poverty state of the Orang Asli, which indicates about Suhakam’s governmentality approach in addressing the poverty of the Orang Asli. It suggested that “the incidence poverty amongst *Orang Asli* households declined from 39.8% in 2000 to 11.2% in 2010” but other sources reveals that in the 10th Economic Plan of Malaysia (2011 to 2015) 50 percent of the households of the Orang Asli were shown living the below poverty line; and of these, 19 percent were considered hardcore or extremely poor households. There was also a view that the Economic Plan did not report about the poverty among the Orang Asli living in the rainforest (United States Department of State, 2014). In general Suhakam conducted field visits and found numerous human rights problems such as poverty, lack of education, health and transport services and facilities and livelihood support, but it did not link these problems with the structure that caused violence and barriers in the welfare of the Orang Asli (Tacey and Riboli, 2015) because Suhakam is doubted for not owning the Orang Asli’s rights, and want to get rid off from these by delegating the responsibility to a commission on the rights of the indigenous peoples rights.

In 2006 (or before it), Suhakam had sponsored a research on the rights of the Orang Asli but that was published in 2010 as *Orang Asli: Rights, Problems and Solutions* by Colin Nicholas (2010). This piece of research is extremely important piece of information on the community’s rights but Suhakam took too long to get this research published; perhaps it indicates Suhakam’s seriousness and ownership on resolving the human rights problems of the community. Additionally Suhakam greatly and diplomatically disowned the views and recommendations given by the writer in the report and it further went on to suggest that that views and recommendations of the writer in the research were merely for information and discussion and these should not be taken as “endorsement or support by Suhakam” (Nicholas, 2010: II).

The right to religion

Suhakam considered the religion a matter or relationship between societal groups, thus involvement in it was avoided. Suhakam had used selective approach in addressing human rights issues being faced by all but not those human rights violations which were faced by special groups (Setiawan, 2013) such as the Orang Asli. In its selective approach, Suhakam has sidelined the issue of conversion and the rights of minorities mainly the Orang Asli which implies that Suhakam’s performance and contribution for the materialization of the right to freedom of religion and the rights of minorities is limited, which questions its legitimacy and existence as NHRI (Setiawan, 2013).

However, with its selective approach Suhakam has taken steps in some of the cases. In 2006, it was reported that the state government of Kelantan offered incentive of 10,000 Malaysian Ringgit to Muslim preacher who married the Orang Asli woman which implies that she would convert to Islam (Arabestani and Edo, 2011). In the same way a woman preacher was offered the same incentive if she married the Orang Asli man. In addition to that, the preacher was offered to receive free lodging, a vehicle and monthly allowance up to 1000 Malaysian Ringgit (Benjamin, 2014). But Suhakam did not consider it politically volatile religious issue and denounced this announcement by the state government. It said that this is abuse of power to convert people from one religion to another religion. Suhakam said that use of public’s money to motivate “preachers to convert the Orang Asli women by marriage is an abuse of power and violation of the basic right, especially the freedom of thought, conscience and religion by monetary inducement” (Bernama, 2006: Online). It also dared to say that these kinds of assimilation measures were violation of the Orang Asli’s right to freedom of religion (Thio, 2009).

Representation and discrimination

As compared to the natives of Sabah and Sarawak, the Orang Asli of Peninsular was more politically and economically marginalized. But they also shared common problems, which include dispossession or displacement from their lands and erosion of their culture and identity. But the government assimilation and integration policy has targeted mainly to the Orang Asli on Peninsular, which is against the Orang Asli's life style, culture and belief system (Masron, Masami and Ismail, 2013).

Suhakam had been least critical about the role of Department of Orang Asli Affairs, which does not have representation from Orang Asli. Suhakam also did not focus on the Orang Asli's representation within Suhakam and the Department of the Orang Asli Affairs. Suhakam's membership included commissioners from Sabah and Sarawak known as Orang Asal (Setiawan, 2013) but not from the Orang Asli from Peninsular. Suhakam offered generic insight about overall representation of the Orang Asal in public services and did not provide details about the Orang Asli representation in public services.

Each year 'Report of the Complaints, Monitoring and Inquiries Group' (till 2011 it was known as Complaints and Inquiries Working Group) received hundreds of the complaints and memorandums, and each year these were published in Suhakam's annual reports. Year and issue wise comparative analysis of these complaints and memorandums were provided and sporadically some details of the Orang Asli's complaints and memorandum were provided. Every year, complaints and memorandum about land issues were complementary part of Suhakam's annual reports but under this category of issue, Suhakam did not offer segregated data about the complaining individuals and groups. In general, it was referred that Suhakam received complaints and memorandum from the Orang Asal, it did not separated the complaints received from the Orang Asli (except in 2005's annual report). Therefore, it is difficult to assess, the Orang Asli' communities engagement with Suhakam through complaints. In 2005's annual report, Suhakam claimed it had received 396 complaints from indigenous people pertaining to land rights; out of this, 381 (96 percent) complaints were from Sabah and Sarawak (Thio, 2009).

Overall, there is a vague, generic and superficial approach to deal with the complaints of the Orang Asli related to the customary land rights and compensation matters. Suhakam presented the issue of the native customary land being faced by all marginalized groups including the Orang Asli but Suhakam has not given special (or separated) considerations to the customary land rights of the Orang Asli rather it presented the issue of native customary land being faced by all groups, which is totally good but special considerations were required in the Orang Asli case, which Suhakam had not been able to give.

Analysis

In view of the Paris Principles, Suhakam is a NHRI and its accreditation to A category is justified in light of the outline given in the Paris Principles for setting up a NHRI. Since these principles did not offer guidelines on how a NHRI should work (Murray, 2007), which is entirely left up to the NHRI and the state, therefore, there is no room to suggest that Suhakam is not executing its business to promote and protect the rights of all communities and marginalized groups. However, NHRIs' work over a long period of time, their cumulative results and communities (groups) disappointment and disengagement with Suhakam provide space for all kinds of criticism on Suhakam's effectiveness, but in positive and concrete way (Aichele, 2010).

Suhakam as NHRI has taken many measures in promoting and protecting the rights of the Orang Asli yet it faced (and is facing) hurdles, which has limited its power and authority to get specific issues resolved. In general Suhakam protected the rights of the Orang Asli by investigated into complaints, sought settlements, referred matters to the courts or public prosecutors, provided legal counseling but the questions are how Suhakam investigated complaints, how long it took to investigate the matters, to which complaints it gave priority, what space it gave to complaints related to religious discrimination, how matters were settled, how legal counseling was provided and the Orang Asli and their representatives happy with Suhakam's performance. Also Suhakam did not own legal reforms for the promotion and

protection of the rights of the Orang Asli. Suhakam's working group on Law Reforms had never proposed legal changes necessary for the protection of the Orang Asli rights; however, on the other hand, Suhakam in reports reflected that there were inconsistencies or overlap of laws but never recommended to governments make any relevant changes in laws.

Now coming back to the cardinal question, has Suhakam played effective role in promoting and protecting the rights of Orang Asli in relation to its mandate given section 4 (1) of the Human Rights Commission of Malaysia Act 1999. As per the mandate, Suhakam has largely executed its general tasks. Suhakam has promoted awareness and provided education on human rights to the Orang Asli; it has advised on certain measures to be taken but not assisted the government in formulating legislation and procedures on the Orang Asli rights; Suhakam has not recommended about subscription or accession related to the Orang Asli specific human rights treaties but it has done it so in general terms; it has conducted inquiries into complaints but not known how many of these were related to the Orang Asli and which complaints of the Orang Asli were not entertained by Suhakam, whether the community is satisfied with Suhakam's performance or not.

What changes have occurred in the lives of the Orang Asli after coming of Suhakam? This is indeed a broad question but has rich potential for an ethnographic inquiry, and however, there is conducted a small assessment (see Table 1) based on secondary data on the enrolment of the Orang Asli children in primary and secondary education (four years before and nine years after Suhakam's birth). In nine years, after the birth of Suhakam till 2008, there was reported little increase as compared to increase of enrolment reported in four years before (from 1997 to 2000) Suhakam. It shows how effectively Suhakam has campaigned for and pursued the goal of educating and empowering the Orang Asli children. It shows Suhakam's poor priority of dealing with the universal rights to education of the Orang Asli enshrined on the Declaration on Indigenous Peoples Rights.

In specific it has failed to promote and protect the rights of the Orang Asli to great extent because of its attempt to avoid issues that displeases the government (Nicholas, 2010; Setiawan, 2013). The Orang Asli was barrier to modernization and Islamization and it-displeased government of Suhakam criticized the government on these matters.

In National Inquiry report, Suhakam reviewed laws and recommended government to redo the exercise of reviewing laws but Suhakam's own Working Group on Law Reform and International Treaties did not propose any legislative amendments to ensure more protection and promotion of human rights of the community. The major cause of the Orang Asli's frustration was their deprivation from their customary land rights which greatly stemmed from the vague and overlapping laws but Suhakam did not put serious efforts and pursued to get the laws amended in the first place so that main source of the Orang Asli's trouble should be addressed.

Conclusion

Despite the fact that Suhakam was slow, and with few without result interventions (though forced by civil society groups), Suhakam has also been able to create a space for human rights advocacy for the promotion and protection of the human rights of the Orang Asli. Suhakam has played its generic role making the rights of the Orang Asli part of the mainstream. There is continuous follow up, persistence and commitment to the cause of human rights though the level of efforts is meager and weaker, but yet the process is on.

Acknowledgement

This article was supported by the Incentives Grants for Young Researchers (Code: GGPM-2014-023) offered by University Kebangsaan Malaysia.

References

- Arabestani M, Edo E (2011) The Semai's response to missionary work: From resistance to compliance. *Anthropological Notebooks* 17 (3): 5–27.
- Benjamin G (2014) *Temiar Religion, 1964-2012: Enchantment, Disenchantment and Re-enchantment in Malaysia's Uplands*. NUS Press, Singapore.
- Bernama (2006) Suhakam Says Money Incentives to Convert Orang Asli An Abuse of Power. [Article on Internet] 28 June 2006. [Cited 6 September 2015]. Available from: <http://www.bernama.com/bernama/v3/news.php?id=205698>.
- Cardenas S (2001) *Adaptive States: The Proliferation of National Human Rights Institutions*. Carr Center for Human Rights Policy, Kennedy School of Government, Harvard University. Working Paper Series T-01-04.
- Carver R (2010) A New Answer to an Old Question: National Human Rights Institutions and the Domestication of International Law. *Human Rights Law Review* 10 (1), 1-32.
- Hasan Mat Nor, Abd. Rahim Mohd Nor, Katiman Rostam, Aishah@Eshah Mohamed, Zaini Sakawi (2009) Mengapa kami jadi begini? Konflik masyarakat Orang Seletar dan Pembangunan Iskandar, Johor Bahru, Malaysia. *Geografia-Malaysian Journal of Society and Space* 5 (2), 16-26.
- Ibrahim D (2013) Suhakam's low move disappoints orang asli. [Cited 6 September 2015]. Available from: <http://www.themalaysianinsider.com/malaysia/article/indigenous-disappointed-suhakam-failed-to-present-national-inquiry-report-t>.
- Jayasooria D (2014) Human Rights Concerns & Indigenous People of Sabah & Sarawak. *Malaysian Journal on Human Rights*. Human Rights Commission of Malaysia. Thomson Reuters Malaysia Sdn Bhd., Kuala Lumpur.
- Lasimbang J (2012) Powers of Inclusion: Transforming Legislation and Practice on Customary Land in Sabah, Malaysia. *Malaysian Journal on Human Rights* 6.
- Masron T, Masami F, Ismail N (2013) Orang Asli in Peninsular Malaysia: Population, Spatial Distribution and Socio-Economic Condition. *Journal Ritsumeikan Social Science Humanities* 6, 75–115.
- Mertus J (2011) Evaluating NHRIs: Considering Structure, Mandate and Impact. In: Ryan Goodman and Thomas Pegrum (eds) *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions*, pp.74-90. Cambridge University Press, Cambridge.
- Murray R (2007) National Human Rights Institutions: Criteria and Factors for Assessing their Effectiveness. *Netherlands Quarterly of Human Rights* 25 (2), 189-220.
- Nicholas C (2010) *Orang Asli: Rights, Problems and Solutions*. A study commissioned by Suhakam. Suhakam, Kuala Lumpur.
- Nobuta T (2007) Islamization Policy toward the Orang Asli in Malaysia. *Bulletin of the National Museum of Ethnology* 31(4), 479–495.
- Reif LC (2000) Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection. *Harvard Human Rights Journal* 13(1) 23-24.
- Rosnon MR (2014) Challenges of the Orang Asli's Rights in Mainstream Education in Malaysia: An Overview. *Malaysian Journal on Human Rights*. Human Rights Commission of Malaysia. Thomson Reuters Malaysia Sdn Bhd., Kuala Lumpur.
- Setiawan KMP (2013) Promoting human rights: National Human Rights Commissions in Indonesia and Malaysia (PhD dissertation). Leiden University.
- Suhakam (2001) Annual Report 2000. Human Rights Commission of Malaysia. Kuala Lumpur.
- Suhakam (2005) Annual Report 2004. Human Rights Commission of Malaysia. Kuala Lumpur.
- Suhakam (2009) Annual Report 2008. Human Rights Commission of Malaysia. Kuala Lumpur.
- Suhakam (2010) Annual Report 2009. Human Rights Commission of Malaysia. Kuala Lumpur.
- Suhakam (2012) Annual Report 2011. Human Rights Commission of Malaysia. Kuala Lumpur.
- Suhakam (2013) *Report of The National Inquiry Into The Land Rights of Indigenous Peoples*. National Human Rights Commission of Malaysia, Kuala Lumpur.

- Suhakam (2014) South East Asia National Human Rights Institutions Forum (SEANF) Project on Good Practices in Promoting and Protecting the Rights of Indigenous Peoples In Malaysia 2014. Human Rights Commission of Malaysia. [Cited 3 September 2015]. Available from: <https://docs.google.com/file/d/0B6FQ7SONa3PRMjBKkUNkUXNIVjQ/edit>.
- Suhakam (2015) Annual Report 2014. Human Rights Commission of Malaysia, Kuala Lumpur.
- Tacey I, Riboli D (2015) Violence, fear and anti violence: The Batek of Peninsular Malaysia. *Journal of Aggression, Conflict and Peace Research* 6 (4), 203 – 215.
- Thio L (2009) Panacea, Placebo or Pawn? The teething Problems of the Human Rights Commission of Malaysia (Suhakam). *George Washington International Law Review* 40, 1271-1324.
- UNDP (2010) *Marginalized Communities in Development Programming: A UNDP Resource Guide and Toolkit*. United Nations Development Programme, New York.
- UNDP (2015) Report of the Workshop on the Role of National Human Rights Institutions in Promoting and Protecting the Rights, including Health, of LGBTI people in Asia and the Pacific. [Cited 7 September 2015]. Available from: http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2015-role-of-nhris-promoting-protecting-rights-lgbti-ap-report.pdf.
- United States Department of State (2014) *Malaysia 2013 Human Rights Report*. Country Reports on Human Rights Practices for 2013. United States Department of State. Bureau of Democracy, Human Rights and Labor. Available from: <http://www.state.gov/documents/organization/220419.pdf>.
- Zal WAA (2013) Pembentukan modal insan Orang Asli Darat dan Laut di Malaysia. *Geografia-Malaysian Journal of Society and Space* 9 (4), 1-14.
- Zal WAA, Hood Salleh, Mustaffa Omar, Sharina Halim (2014) Kebolehcapaian dan keterancaman modal semula jadi Orang Asli Lanoh di Malaysia. *Geografia-Malaysian Journal of Society and Space* 10 (2), 178-188.