Category: Obligation to Provide Access to Legal Remedies

Sub-Category: **National Human Rights Institutions**

Name of Good Practice: National Inquiry as an Investigation Strategy of the Malaysian National Human Rights Commission

Key Words**:** Access to Justice, Accountability, Advocacy, Environmental Human Rights Defenders, Indigenous, Monitoring, National Human Rights Commission, Protected Areas, Vulnerable

Implementing Actors**:** National Human Rights Commission: National Human Rights Commission of Malaysia (SUHAKAM)

Location**:** Malaysia

Description**:** The National Human Rights Commission of Malaysia (SUHAKAM) uses “national inquiries” in order to look into systemic human rights issues. By adopting a broad-based human rights approach, the Commission can examine a large situation as opposed to an individual complaint. National inquiries have a dual focus, fulfilling both fact finding and educational roles. SUHAKAM has explained that an effective national inquiry is one that is supported by the exercise of powers to subpoena witnesses and documents to its hearings, and that produces a public report that contains recommendations to all relevant parties. A national inquiry has also the benefit of being educational in nature, capable of educating the general public and all parties concerned and regarded as better at addressing systemic causes of human rights violations. Using methodologies that involve broad participation in an issue, all perspectives can be heard, resulting in more comprehensive recommendations, with general and specific applications, to effectively tackle the issue.

An important recent example of the use of the national inquiry process in the environmental context was the National Inquiry into the Land Rights of Indigenous Peoples, undertaken in order to investigate violations related to the land rights of indigenous peoples in Malaysia. SUHAKAM received numerous complaints between 2002 and 2010 related to customary rights to land, many of which have not been resolved. These complaints from indigenous peoples related to: allegations of encroachment and/or dispossession of land; land included into forest or park reserves; and overlapping claims and slow processing of requests for the issuing of native titles or community reserves. Because problems of this magnitude could not be satisfactorily addressed on a case-by-case basis, SUHAKAM decided to tackle the root causes of issues comprehensively by taking cognizance of the experiences of indigenous peoples throughout the country. The National Inquiry resulted in a final report published in April 2013 with findings and 18 recommendations.

Further Information: The website of SUHAKAM is <http://www.suhakam.org.my/>; the report is at <http://www.forestpeoples.org/sites/fpp/files/publication/2013/07/suhakam-enquiry-full-text2013.pdf>.