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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written submission by the Malaysia: Human Rights Commission*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Malaysia: Human Rights Commission**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with A status accreditation from the Global Alliance of National Human Rights Institutions.

** Reproduced in the annex as received, in the language of submission only.



Annex

Suhakam's written statement to the Human Rights Council on the Report of the Visit to Malaysia by the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation

Mr. President,

SUHAKAM, the Human Rights Commission of Malaysia, welcomes the comprehensive report by the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, Mr. Leo Heller, following his visit to Malaysia in November 2018.

As observed by the Special Rapporteur, Malaysia has achieved high performance in terms of access to adequate water and sanitation services, being 92% and 82% of the population respectively. WHO/UNICEF also estimates universal access to water, sanitation and hygiene services in schools.

The Government has also made tariffs affordable and in some States, there is universally-provided Government subsidy of water until a certain level of consumption. This is in line with the Government's commitment to the Sustainable Development Goal (SDG) Goal 6, which is also aligned with Malaysia's 11th Development Plan.

Malaysia is in favour of the recognition of the human right to water and sanitation in 2010 at the United Nations General Assembly. Malaysia has ratified three international human rights treaties which have explicit provisions on drinking water namely articles 24(c) of the Conventions of the Rights of the Child, 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination against Women, 28(2)(a) of the Convention on the Rights of Persons with Disabilities and 28(e) of the ASEAN Human Rights Declaration.

However, there are still improvements that can be made in order to ensure that access to water and sanitation will be universal in Malaysia. Populations who are affected by difficulty in accessing adequate water and sanitation services are indigenous peoples, those who live in less developed areas, those living in informal settlements and those who are in detention. Furthermore, SUHAKAM has identified that economic activities such as logging and plantation activities have impacted the quality of many rivers that are the source of water for most Malaysians. The impact of low quality water or relying on contaminated river water can bring about negative effects on the health of these poorer communities.

SUHAKAM encourages the Government to actively consider these affected populations when formulating their plans for access to water and sanitation as part of the 11th Development Plan. SUHAKAM also encourages the Government to strictly enforce existing environmental guidelines on commercial activities that may compromise the quality of water sources and the environment.

In 2014, SUHAKAM conducted a study on the right to health in prison to support the Malaysian prison authorities and Government in improving public health by first assessing the health situation and health care in prisons. SUHAKAM found that overpopulation in some prisons also decreases access to adequate water supply for all inmates. The design of some immigration detention centres are not mindful of the importance of access to water and sanitation, and often do not include plans for adequate water supply to be provided for the detention population.

SUHAKAM recommends the replacement of the archaic bucket toilet system still being practiced in some prisons and rehabilitation centres with in-cell sanitation. SUHAKAM also hopes that the Government will ensure universal access to water and sanitation services to detention centres including immigration detention centres.