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**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Communication de la Commission des droits de l'homme de la Malaisie*

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme fait tenir ci-joint la communication soumise par la Commission des droits de l'homme de la Malaisie**, reproduite ci-après conformément à l'article 7 b) du Règlement intérieur figurant dans l'annexe de la résolution 5/1 du Conseil, qui dispose que la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques convenues par la Commission des droits de l'homme, notamment la résolution 2005/74 du 20 avril 2005.

* Institution nationale des droits de l'homme à laquelle l'Alliance globale des institutions nationales des droits de l'homme a accordé le statut d'accréditation « A ».

** La communication est reproduite en annexe telle qu'elle a été reçue, dans la langue de l'original seulement.



Annexe

[Anglais seulement]

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.