

VII. Concrete steps to advance minority political participation and to build capacity of minorities to participate effectively

Joint Oral Intervention

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Recommendation 19: We would suggest that this recommendation be amended so that Governments are urged not only to take special measures to end discrimination but to actually ratify the relevant international conventions prohibiting discrimination, and to enact implementing legislation to that end.

Judiciary:

Paragraph 32 of the background document identifies the need for independent monitoring bodies to ensure that constitutional and legislative measures designed to increase political participation are put in place. Paragraph 53 of the Background document, and paragraph 10 of the Recommendations, sets out the need for minority participation within the Judiciary.

We feel that greater emphasis must be placed on the role of the Judiciary in serving its constitutional role as a check and balance to the Legislature and the Executive in their treatment of minorities. A commentator from the United States mentioned the Voting Rights Act to be the single most effective tool against racism in the electoral process – it must be recognized that much of that was achieved by progressive and enlightened judges who saw the injustice caused to the minority community and interpreted and implemented the Voting Rights Act judiciously.

To that end, we suggest that a separate section be inserted into the Recommendation document and the following measures be included:-

- 1) The Judiciary must be made aware of the crucial role they can play in ensuring that the participation of minorities in public life is not rendered illusory. Training should thus be provided to Judges and judicial officers on the rights of minority communities, and the special care that must be taken to ensure that when interpreting the constitutionality of laws and administrative practices, the rights of minority communities are given due regard.
- 2) Adequate opportunities be given to members of minority communities to participate in the Judiciary, with Judicial Appointments Commissions established in a manner that ensures that they are reflective of the wider community and ensures that deserving minority candidates for judicial office are not discriminated against in their appointment, terms of service and promotions.
- 3) In issues affecting the rights of minorities, care should be taken to ensure that the composition of a judicial panel (where more than one Judge is involved) reflects the diversity of the population. This is to ensure that justice is not only done, but seen to be done.

*****ENDS*****

