

**SUHAKAM'S REPORT ON THE HUMAN RIGHTS
APPROACH
TO
THE MILLENNIUM DEVELOPMENT GOALS**

GOAL 1: ERADICATE EXTREME POVERTY AND HUNGER



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Cetakan Pertama / *First Printing, 2005*

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Dicetak di Malaysia oleh / *Printed in Malaysia by*
Perkasa Nilam Sdn. Bhd.
No. 7-M, Jalan Sulaiman 3,
Taman Putra Sulaiman,
68000 Ampang, Selangor, Malaysia

Perpustakaan Negara Malaysia
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Data-Pengkatalogan-dalam-Penerbitan
Cataloguing-in Publication-Data

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Perpustakaan Negara Malaysia Cataloguing-in-Publication-Data

SUHAKAM's report on the human right's approach to the millennium
development goals : eradicate extreme poverty and hunger

Includes bibliographical references

ISBN 983-2523-24-9

1. Human rights—Malaysia. 2. Poverty—Malaysia. I. Suruhanjaya Hak
Asasi Manusia Malaysia. II. Title
323.32942

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INTRODUCTION

The Millennium Summit of the United Nations was held in New York from 6 to 8 September 2000. At the Summit, the United Nations General Assembly adopted a declaration known as the “United Nations Millennium Declaration”. This declaration contains global goals and targets relating to economic and social development that make up the “Millennium Development Goals” (MDGs).

The importance of the Millennium Development Goals is further supported by the Prime Minister, Datuk Seri Abdullah Ahmad Badawi in his address at the General Debate of the 59th Session of the United Nations General Assembly in New York on 28th September 2004.

“the UN, in particular through an enhanced ECOSOC, should provide the impetus on the creation of an international economic system which better promotes the interests of developing countries. The UN must do more to realise all internationally agreed targets, particularly the Millennium Development Goals.”

Datuk Seri Abdullah Ahmad Badawi ,
Prime Minister of Malaysia

The MDGs consist of eight goals that relate to the alleviation of poverty and the attainment of basic needs such as primary education, health care, gender equality and pollution free environment (**See MDGs Targets and Indicators on page iv-vi**). These goals are thus related to human rights. For instance:

- **Goal 1** of the MDGs is to eradicate extreme poverty. Extreme poverty may lead to the deprivation of a person’s right to adequate food, adequate housing, education and health care;
- **Goal 2** of the MDGs is to achieve universal primary education. Article 12 of the Federal Constitution and Article 26 of the Universal Declaration of Human Rights (UDHR) guarantees a person’s right to education;
- **Goal 3** of the MDGs is to promote gender equality and empower women. Article 8 of the Federal Constitution and Article 7 of the UDHR prohibits discrimination on the ground of gender;
- **Goals 4, 5 and 6** of the MDGs are to reduce child mortality, improve maternal health and combat HIV/AIDS, malaria and other diseases, respectively. Article 5(1) of the Federal Constitution and Article 3 of the UDHR protects a person’s right to life, in general, whilst Article 25(1) of the UDHR specifically states that everyone has a right to a standard of living adequate for the health and well-being of himself and of his family;
- **Goal 7** of the MDGs is to ensure environmental sustainability. In this regard it is instructive to note that in the Court of Appeal case of *Tan Tek Seng v Suruhanjaya Perkhidmatan Pendidikan & Anor* [1996] 1 MLJ 261, the court

held, per curiam, that “life” appearing in Article 5(1) of Federal Constitution “incorporates all those facets that are integral part of life itself and those matters which go to form the quality of life”.¹ The court goes on to say that this includes the right to live in a reasonably healthy and pollution free environment.

- **Goal 8** of the MDGs calls for a global partnership to encourage development. Article 2(1) of the ICESCR states that each State Party to ICESCR undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the Covenant by all appropriate means, including particularly the adoption of legislative measures.

The scope of the MDGs is in fact located within the broader human rights agenda. Therefore, the human rights agenda can serve as a basis for the MDGs.² Implementing the MDGs through the human right approach may enhance the achievement of the goals through a process that takes into account the values, principles and standards set out by the Universal Declaration on Human Rights and its international covenants.³

The intersection of the MDGs and the human rights framework results in a positive relationship between the two. Progress towards the targets of the MDGs will at the same time promote the gradual realisation of relevant aspects of the broader human rights agenda.

While the MDGs and the human rights agenda are mutually reinforcing, the MDGs - although able to highlight the critical issues of basic human needs – is criticised as being too narrow as it fails to address important issues and being limited by numeric indicators, which are unable to assess the achievement of greater respect and quality of life. For instance, assessing gender equality – from the human rights perspective – is not limited to ascertaining the proportion of male and female enrolment in schools, but also takes into account the subjective aspects such as equal accessibility to the type of education and the extent of stereotyping the traditional roles of male and female in relation to the choice of subjects.

¹ It is however noted here the Federal Court in the *Pihak Berkuasa Negeri Sabah v Sugumaran Balakrishnan & Another Appeal* [2002] 4 CLJ 105 disagreed with the Court of Appeal on the matter. Nevertheless, SUHAKAM endorses the meaning of the “right to life” to include “the quality of life”.

² When applying the human rights framework as a basis, the MDGs as a political commitment become strengthened by a set of legally binding norms. See speech by Salil Shetty, Director, UN Millennium Development Goals Campaign and former Chief Executive, Action Aid on ‘Can Human Rights Framework Help in Achieving the MDGs?’ at the “Human Rights Perspective on the Millennium development Goals” Conference. <http://www.nyuhr.org/images/NYUHRGJMDGREPORT2003.pdf>

³ Speech by Salil Shetty, Director, UN Millennium Development Goals Campaign and former Chief Executive, Action Aid on ‘Can Human Rights Framework Help in Achieving the MDGs?’ at the “Human Rights Perspective on the Millennium development Goals” Conference. Report on the Conference can be found at <http://www.nyuhr.org/images/NYUHRGJMDGREPORT2003.pdf>

Further, the implementation of the MDGs may be less effective as they are not legally enforceable⁴. On the other hand, the ratification of various International Human Rights Instruments is able to put pressure on State Parties as they are obliged towards the provisions in instruments which they became Party to. For instance Malaysia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁵ on 5 July 1995, therefore placing legal obligation on Malaysia's Government towards the provisions stated under CEDAW. Article 10 of CEDAW recognises the equal rights of men and women in education, while at the same time, Goal 2 of the MDGs, which is to achieve universal primary education, covers the issues in relation to gender equality in education. Therefore, implementing Goal 2 of the MDGs from the perspective of CEDAW, may be enhanced since States Parties are obligated under CEDAW to ensure gender equality in various fields.

In brief, the human rights approach believes that the implementation of the MDGs can be enhanced when it is seen through the human rights point of view. According to the UN Committee on Economic, Social and Cultural Rights and the UN Commission on Human Rights' Rapporteur on Economic, Social and Cultural Rights, the implementation of the MDGs is enhanced when the human rights approach presents the following⁶:

- i) Providing a compelling normative framework, underpinned by universally recognised human values and reinforced by legal obligations, for the formulation of national and international development policies towards achieving the MDGs;
- ii) Raising the level of empowerment and participation of individuals;
- iii) Affirming the accountability of various stakeholders, including international organisations and NGOs, donors and transnational corporations, vis-à-vis people affected by problems related to poverty, hunger, education, gender inequality, health, housing and safe drinking water; and
- iv) Reinforcing the twin principles of global equity and shared responsibility which are the very foundation for the Millennium Declaration.

The Draft Guidelines set forth by the Office of the High Commission for Human Rights (OHCHR), gives a clear explanation on how the MDGs and human rights can be used complementarily.

With a focus on Goal 1 of the MDGs, which is to Eradicate Poverty and hunger, this report will try to highlight how the human rights approach brings value added in the implementation of the MDGs in Malaysia. It will also illustrate the reasons why development and human rights practitioners should collaborate and compliment each other to enhance the implementation of the MDGs, while at the same time progress towards the realisation of human rights.

⁴ See Conference Report on "Human Rights Perspective on the Millennium Development Goals", p.18. Report on the Conference can be found at <http://www.nyuhr.org/images/NYUHRGJMDGREPORT2003.pdf>

⁵ See the Ministry of Foreign Affairs Website on Human Rights at <http://www.kln.gov.my/english/foreignaffairs/foreignpolivy/humanrights.htm>

⁶ See Joint Statement by the UN Committee on Economic and Cultural Rights and the UN Commission on Human Rights' Special Rapporteurs on Economic Social and Cultural Rights (29 November 2002). Document can be found at <http://www.unhchr.ch/housing/MDG.doc>

MILLENNIUM DEVELOPMENT GOALS, TARGETS AND INDICATORS

GOALS AND TARGETS	INDICATORS
Goal 1: Eradicate Extreme Poverty and Hunger	
<p>Target 1: Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day</p> <p>Target 2: Halve, between 1990 and 2015, the proportion of people who suffer from hunger</p>	<p>1a) Proportion of population below \$1 (PPP) per daya</p> <p>1b) Poverty Head count ratio (% population below the national poverty line)</p> <p>2) Poverty Gap Ratio (incidence x depth of poverty)</p> <p>3) Share of poorest quintile in national consumption</p> <p>4) Prevalence of underweight children under- 5 years of age</p> <p>5) Proportion of population below minimum level of dietary energy consumption</p>
Goal 2: Achieve Universal Primary Education	
<p>Target 3: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to compete a full course of primary schooling</p>	<p>6) Net enrolment ratio in primary education</p> <p>7a) Proportion of pupils starting grade 1 who read grade 5</p> <p>7b) Primary completion rate</p> <p>8) Literacy rate of 15-24 year olds</p>
Goal 3: Promote Gender Equality and Empower Women	
<p>Target 4: Eliminate gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015</p>	<p>9) Ratio of girls to boys in primary, secondary, and tertiary education</p> <p>10) Ratio of literate women to men 15-24 years old</p> <p>11) Share of women in wage employment in the non-agricultural sector</p> <p>12) Proportion of seats held by women in national parliament</p>
Goal 4: Reduce Child Mortality	
<p>Target 5: Reduce two-thirds, between 1990 and 2015, the under-five mortality rate</p>	<p>13) Under-five mortality rate</p> <p>14) Infant mortality rate</p> <p>15) Proportion of one-year old children immunised against measles</p>
Goal 5: Improve Maternal Health	
<p>Target 6: Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio</p>	<p>16) Maternal mortality ratio</p> <p>17) Proportion of births attended by skilled health personnel</p>

Goal 6: Combat HIV/AIDS, Malaria and other Diseases	
<p>Target 7: Have halted by 2015 and begun to reverse the spread of HIV/AIDS</p> <p>Target 8: Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases</p>	<p>18) HIV prevalence among 15-24 year old pregnant women</p> <p>19) Condom use rate of the contraceptive prevalence rate</p> <p>19a) Condom use at last high-risk sex</p> <p>19b) Percentage of population aged 15-24 with comprehensive correct knowledge of HIV/AIDS</p> <p>19c) Contraceptive prevalence rate</p> <p>20) Ratio of schools attendance of orphans to school attendance of non-orphans aged 10-14</p> <p>21) Prevalence and death rates associated with malaria</p> <p>22) Proportion of population in malaria-risk areas using effective malaria prevention and treatment measures</p> <p>23) Prevalence and death rates associated with tuberculosis</p> <p>24) Proportion of tuberculosis cases detected and cured under directly observed treatment short course (DOTS)</p>
Goal 7 : Ensure Environmental Sustainability	
<p>Target 9: Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources</p> <p>Target 10: Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation</p> <p>Target 11: By 2020, to have achieved a significant improvement in the lives of at least 100 slum dwellers</p>	<p>25) Proportion of land area covered by forest</p> <p>26) Ratio of area protected to maintain biological diversity to surface area</p> <p>27) Energy use (kg oil equivalent) per \$1 GDP (PPP)</p> <p>28) Carbon dioxide emissions (per capita) and consumption of ozone-depleting CFCs (ODP tons)</p> <p>29) Proportion of population using solid fuels</p> <p>30) Proportion of population with sustainable access to an improved water source, urban and rural</p> <p>31) Proportion of urban and rural population with access to improved sanitation</p> <p>32) Proportion of households with access to secure tenure</p>
Goal 8: Develop a Global Partnership for Development	
<p>Target 12: Develop further an open, rule-based, predictable, non-discriminatory trading and financial system</p> <p><i>Includes a commitment to good governance, development, and poverty reduction – both nationally and internationally</i></p> <p>Target 13: Address the special needs of at the least developed countries</p>	<p>Official Development Assistance</p> <p>33) Net ODA, total and to LDCs, as percentage of OECD/DAC donors' gross national income</p> <p>34) Proportion of total bilateral, sector-allocable ODA of OECD/DAC donors to basic social services (basic education, primary health care, nutrition, safe water and sanitation)</p> <p>35) Proportion of bilateral ODA of OECD/DAC donors that is untied</p> <p>36) ODA received in landlocked countries as proportion of their GNIs</p>

<p><i>Includes tariff and quota free access for least developed countries' exports; enhanced programme debt of relief for HIPC and cancellation of official bilateral debt, and more generous ODS for countries committed to poverty reduction</i></p>	<p>37) ODA received in small island developing States as proportion of their GNIs</p>
<p>Target 14: Address the special needs of land locked countries and small island developing States (through the Programme of Action for the Sustainable Development of Small Island Developing States and the outcome of the twenty-second special session of the General Assembly)</p>	<p>Market Access</p> <p>38) Proportion of total country imports (by value and excluding arms) from developing and LDCs, admitted free of duties</p> <p>39) Average tariffs imposed by developed countries and agricultural products and textiles and clothing from developing countries</p> <p>40) Agricultural support estimate for OECD countries as percentage of their GDP</p> <p>41) Proportion of ODA provided to help build trade capacity</p>
<p>Target 15: Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term</p>	<p>Debt Sustainability</p> <p>42) Total number of countries that have reached their HIPC decision points and number that have reached their HIPC completion points (cumulative)</p> <p>43) Debt relief committed under HIPC initiative, US\$</p> <p>44) Debt service as a percentage of exports of goods and services</p> <p>45) Unemployment rate of 15-24 year olds, each sex and total^e</p>
<p>Target 16: In cooperation with developing countries, develop and implement strategies for decent and productive work for youth</p>	<p>46) Proportion of population with access to affordable, essential drugs on a sustainable basis</p>
<p>Target 17: In cooperation with pharmaceutical companies, provide access to affordable, essential drugs in developing countries</p>	<p>47) Telephone lines and cellular subscribers per 100 population</p> <p>48a) Personal computers in use per 100 population and Internet users per 100 population</p> <p>48b) Internet users per 100 population</p>
<p>Target 18: In cooperation with the private sectors, make available the benefits of new technologies, especially information and communications</p>	

RECOMMENDATIONS

i) Ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR)

It is recommended that the Government ratify the ICESCR to ensure obligations towards and entitlements of the poor are fulfilled. The ICESCR spells out the economic, social and cultural rights of the society as well as the obligations of duty holder towards the society. With this, the plight of people living in poverty becomes a predicament to be addresses by every one in the society.

ii) Qualitative Evaluation of Poverty

The Economic Planning Unit's (EPU) decision to re-evaluate the definition of poverty as well as the Poverty Line Income (PLI) is commended by SUHAKAM. Nevertheless, SUHAKAM believes that poverty must include aspects of Quality of Life such as a person's right to an adequate access to education and health care services whereby the absence of these factors may contribute to poverty, and not limited to increased cost of living. Therefore, SUHAKAM strongly recommends that the definition of poverty as well as the PLI should take into account the human rights aspects that have significant effect on poverty.

iii) Poverty Mapping

SUHAKAM recommends that the implementation of poverty mapping as stated in the Eighth Malaysia Plan 2001-2005 be immediated. As pointed by the human rights approach to poverty reduction, identification of the poor is fundamental to enhance the implementation of any poverty reduction strategy. With poverty mapping in place, policies, programmes and resources can be mobilised in ways that prioritise groups that are greatly affected by poverty.

iv) Re-examine the Effectiveness of Policy and Programme Implementation

SUHAKAM recommends that implementation of policies and programmes be closely monitored. Malaysia's commitment to address the issues of poverty is shown through the formulation of policies and programmes as well as resource allocation by the Government. Nevertheless, the implementation of policies and programmes need to be monitored to enhance the country's poverty reduction strategies as well as to ensure negative past experience – for instance, the ineffective implementation of the Program Pembasmian Rakyat Termiskin (PPRT) due to corruption – is not re-lived. Therefore, it is timely that the implementation of policies and programmes, particularly, the funding of these programmes, be monitored to ensure transparency.

v) Remove Discriminatory Practices

The dignity of an individual is one of the fundamental guiding principles of international human rights. Together with the realisation of several other human rights, in particular the right to privacy, adequate clothing and to take part in cultural life, the human rights approach to poverty reduction believes that a person is able to appear in public without shame.⁷ The principle of 'freedom to appear in public without shame' entails transparent delivery of services by duty holders, particularly towards marginal, vulnerable and disadvantaged groups, in ways that do not discriminate and stigmatise these groups. Therefore, SUHAKAM urges the Government to ensure transparency of agencies that are responsible in the implementation process of policies and programmes.

Further, SUHAKAM recommends that more self-awareness programmes be organised for marginal, vulnerable and disadvantaged groups, in particular the poor, on their right to equality in development.

vi) Mainstream Issues of Poverty

SUHAKAM strongly recommends that issues in relation to poverty be mainstreamed in order to educate the public of their entitlements and duties. In this light, the duty towards the poor does not only rest on the shoulders of the Government. Instead, this responsibility should be borne by all members of the society.

vii) Evaluation of the Amanah Ikhtiar Malaysia (AIM)

It is recommended that the implementation Amanah Ikhtiar Malaysia (AIM) programme be expanded in order to benefit all relevant groups in the society. The AIM programme has benefited members of the society, in particular the poor. AIM has enabled members of groups living in poverty to engage in programmes that improve their standard of living, thus pulling them out of the poverty trap. Therefore, SUHAKAM recommends that this programme be expanded throughout Malaysia in order to reach more people that are affected by poverty.

viii) Re-examine the Syariah Law in light of Women's Rights

SUHAKAM urges the Government to review the interpretation of the law to ensure the rights of men and women in development are protected. Issues on the treatment of women in relation to parts of the Syariah Law was given

⁷ The right to appear in public without shame encompasses several human rights principles. The international human rights instruments have highlighted the facets that are fundamental to the right to appear in public without shame. They include articles 7, 10 and 17 of ICCPR, articles 11 and 15 of ICESCR, articles 16, 27, 31, and 37 of CRC, article 5(e)(vi) and (f) of CERD and article 13 of CEDAW.

much attention during a Round Table Discussion on “Rights and Obligation under CEDAW” organised by SUHAKAM. As stated in the Report of the Round Table Discussion, the problem is aggravated with the variation of that particular law from one state to another, at the same time there is the need to homogenise the different administrations of the law of different states.

ix) Government to consider SUHAKAM’s Recommendation to be incorporated in the Ninth Malaysia Plan

Through researches and conferences, SUHAKAM is able to obtain various perspectives from different individuals from various levels of the society. Therefore, it is important to note that the findings derived by SUHAKAM are in fact part of society’s view of the current situation in Malaysia. Therefore, it is timely that the Government of Malaysia considers those views forwarded by SUHAKAM to be incorporated in the Ninth Malaysia Plan

x) SUHAKAM as a Monitoring Agent

It is recommended that SUHAKAM be an agent to monitor the progress of the MDGs and to scrutinise various bodies that are responsible towards the wellbeing of the society in light of the MDGs.

THE HUMAN RIGHTS PERSPECTIVE TO MDG 1: ERADICATE EXTREME POVERTY AND HUNGER

A. ERADICATE EXTREME POVERTY AND HUNGER – A MILLENNIUM DEVELOPMENT GOAL

The eradication of poverty and hunger is the overarching Millennium Development Goal.¹ Progress towards eradication of poverty and hunger is determined by evaluating a country’s advancement towards a set of targets which are monitored by using economic indicators, such as income and consumption. The targets and indicators for Goal 1 of the MDGs are shown as follows:

GOAL 1: ERADICATE EXTREME POVERTY AND HUNGER

Target	Indicators
Target 1: Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day; and	<ul style="list-style-type: none"> • Proportion of population below \$1 (PPP) per day • Poverty headcount ratio (% of population below the national poverty line) • Poverty gap ratio (Incidence X depth of poverty) • Share of poorest quintile in national consumption
Target 2: Halve, between 1990 and 2015, the proportion of people who suffer from hunger.	<ul style="list-style-type: none"> • Prevalence of underweight children under-five years of age • Proportion of population below minimum level dietary energy consumption.

^a For monitoring country poverty trends, indicators based on national poverty lines should be used, where available.

The MDGs sets forth the critical aspects of Human Development. Human development is concerned with the enrichment of lives and freedom of ordinary people. Human development is also associated with enhancing certain capabilities that is essential for a person to do and be in leading a life.² These concerns are in fact similar to the concerns expressed by human rights.

Thus, issues in relation to the aforementioned ‘freedom of ordinary people’ should be viewed as among the facets to be assessed in determining human progress by the MDGs.

¹ See Foreword by Mark Malloch Brown, the Administrator of UNDP in the “Human Development Report 2003. Millennium Development Goals: A Compact among nations to end human poverty”. p.v. See also Report on ‘Achieving the Millennium Development Goals: Population and Reproductive Health Critical Determinants’. Refer extract taken from a speech by Kofi A. Annan, United Nations Secretary-General, in Bangkok, December 2002 in the Forward by Thoraya Ahmed Obaid, Executive Director to UNFPA,.

² According to the Human Development Report 2000, the idea of human development focuses directly on the progress of human lives and well being. Since well being includes living with substantial freedom, human development is also integrally connected with enhancing certain capabilities. Capabilities can vary in form and content though they are also often closely interrelated. They include the basic freedom of being able to meet bodily requirements, such as the ability to avoid starvation and undernourished, or to escape preventable morbidity or premature mortality. They also include the enabling opportunities given by schooling or by liberty and the economic means to move freely and to choose one’s abode. See UNDP’s “Human Development Report 2000” on Human Rights and Human Development, p.19-20

B. HUMAN RIGHTS AND POVERTY

For reasons of easy reference and coherence in global assessments, the amount of income a person receives is usually adopted to assess poverty in a country. The MDGs uses a similar approach to determine poverty by setting a threshold of one dollar a day. While using the amount of income is effective in determining income poverty, it may not be as effective in measuring a country's progress in aspects such as freedom of expression and right to participate, which are important factors to consider in any poverty reduction strategies.³

Unlike the development perspective, which defines poverty in terms of monetary value, poverty from the human rights approach is defined as the non-fulfillment of a person's right to a range of basic capabilities which are important for an individual to do and be the things he or she has reasons to value.⁴ The common set of capabilities as derived from empirical observation⁵ includes being adequately nourished, avoiding preventable morbidity and premature mortality, being adequately sheltered, having basic education, being able to ensure security of the person, having equitable access to justice, being able to appear in public without shame, being able to earn a livelihood, and taking part in the life of the community.

i) Defining Poverty from a Human Rights Perspective

The formulation of poverty measurement as set by the MDGs is said to be too narrow in aspects of vision, scope and direction.⁶ Eradication of poverty is not just simply a numerical target to be achieved by a certain date. Poverty eradication entails taking into account the non-quantifiable factors such as active involvement of the poor and the civil society which enhances the implementation of any poverty reduction strategy.

Article 25(1) of the Universal Declaration of Human Rights (UDHR) states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

³ According to UNHCHR, a human rights definition and understanding leads to more adequate responses to the many facets of poverty, responses that do not trample on rights in the pursuit of growth and development. It gives due attention to the critical vulnerability and subjective daily assaults on human dignity that accompany poverty. Importantly, it looks not just at resources but also at the capabilities, choices, security and power needed for the enjoyment of an adequate standard of living and other fundamental civil, cultural, economic, political and social rights.

⁴ See para. 29 and 45 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies, See also UNHCHR website www.unhcr.ch/development/povertyfinal.html. See also UNDP's "Human Development Report 2000" on Human Rights and Human Development, p.19-20

⁵ See para 47 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies, See also UNHCHR website www.unhcr.ch/development/povertyfinal.html

⁶ See Millennium Project Conference Report on "Human Rights Perspective on the Millennium Development Goals" 11 November 2003, p.8. See also NYU website www.nyuhr.org

The basic reason of adopting the human rights approach to poverty reduction is that strategies to address poverty eradication are based on the recognised norms and values set out by international law of human rights which is reinforced by legal obligation.⁷

ii) Legal Obligation

The human rights approach to poverty reduction gives rise to the legal obligation of others towards the poor. Therefore, poverty reduction is no longer derived from the fact that the poor have needs, instead, the poor is recognised as humans who have rights and the State as well as the community is responsible to ensure that those rights are realised. Thus, the human rights approach to poverty reduction recognises empowerment to the poor.⁸

iii) Empowerment

Empowerment is a human rights principle that is widely recognised as being essential to enhance the effectiveness of any poverty reduction strategy. Empowerment to the poor means including them in each process involved in any poverty reduction strategy – that is from the formulation until the monitoring of any poverty reduction strategy. Empowerment, as set forth by the human rights approach further introduces certain features⁹ that are part of the human rights principles. These features include the notion of accountability, the principle of universality, non-discrimination and equality, the principle of participatory decision making process and recognition of the interdependence of rights.

a) Accountability

The vital contribution of the human rights approach to poverty eradication is the prominence it puts on the obligation of policy makers and other actors whose action may impact on the rights of others. Therefore, the human rights approach to poverty reduction entails a provision to ensure duty-holders are held accountable for the success or failure of a country's poverty reduction strategy.

b) Principle of Universality

Even though the primary responsibility for realising human rights is of the State to the people living in its jurisdiction, other States are also obliged to contribute to the promotion and protection of human rights. Therefore, the human rights approach calls for adequate assistance – namely financial assistance – from the rich to the poor countries, as well as efforts to

⁷ See para 3 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies", p.5. See also UNHCHR website www.unhchr.ch/development/povertyfinal.html.

⁸ See para 5 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies", p.5. See also UNHCHR website www.unhchr.ch/development/povertyfinal.html.

⁹ Features are set forth by the OHCHR. See para. 7 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies", p.6. See also UNHCHR website www.unhchr.ch/development/povertyfinal.html. See also "Background Paper for the World Summit on Sustainable Development, Johannesburg, 26 August – 4 September 2002, on "Human Rights, Poverty Reduction and Sustainable Development: Health, Food and Water"

establish equitable multilateral trade systems, investment and finance that encourage poverty reduction.¹⁰ During the Langkawi International Dialogue 2004 held from 27 to 30 July 2004, the Prime Minister of Malaysia, Datuk Seri Abdullah Ahmad Badawi, mentioned that rich countries should assist poor countries unconditionally and to work on a plan to uplift the living conditions of impoverished societies.¹¹

c) Non-Discrimination and Equality

Non-discrimination and equality is the twin principle of human rights that are fundamental in the international human rights law. Article 7 of the Universal Declaration of Human Rights (UDHR)¹² guarantees everyone's right to equality and is entitled to equal protection against any discrimination. The twin principle is emphasised ultimately to address inequalities between groups of various economic, social and cultural background. These groups usually include the vulnerable, marginal, disadvantaged and the socially excluded.

d) Participation

Participation of the poor in the formulation, implementation and monitoring of poverty reduction strategies is required by the human rights approach. The right to take part in the conduct of public affairs is a human right that calls for an arrangement at different levels of decision making that helps overcome the impediments that individuals or groups face in playing an effective part in the life of the community. Article 21 of the UDHR provides the people's right to take part in the government of their country.

e) Interdependence of Right

Interdependence of rights means that the enjoyment of one right may be dependent on the realisation of other rights. Further, recognition of the relationship of civil and political rights, on one hand, and economic, social and cultural rights on the other, strengthens poverty reduction strategies. For instance, the right to effectively take part in the conduct of public affairs can only be realised with the achievement of other rights, such as right to assembly, freedom of expression, right to association and right to information.

¹⁰ See para 13 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies". Draft Guidelines can be found at www.unhcr.ch/development/povertyfinal.html

¹¹ See the Star Newspaper on 30 July 2004, Friday on "PM: Rich and poor nations must work towards win-win outcomes".

¹² Besides the UDHR, other international human rights instruments that provides the right to equality includes article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), article 2 of the Convention on the Elimination on the Rights of the Child (CRC).

C. IDENTIFYING THE POOR

The human rights approach to poverty reduction realises that the first step towards the formulation of a meaningful poverty reduction strategy entails identifying the groups or individuals whom are greatly affected by poverty. All objective factors such as the number of persons earning less than the poverty line income, as well as subjective factors such as the right of poor communities to participate, which influences the incidence of poverty must be taken into account so as to ensure that strategies formulated are able to address the root cause of poverty.

According to UNHCHR, identifying the poor, through the human rights perspective, includes (i) identifying the attributes that are deemed to constitute poverty, and (ii) identifying the population groups that possess these attributes.¹³

In the international front, extreme poverty is monitored using the \$1 (PPP) a day. Purchasing Power Parity (PPP)¹⁴ is a theory which states that exchange rates between currencies are in equilibrium when their purchasing power is the same in each of the two countries. This means that the exchange rate between two countries should equal the ratio of the two countries' price level of a fixed basket of goods and services. When a country's domestic price level is increasing (i.e. country experiences inflation) that country's exchange rate must be depreciated in order to return to PPP.¹⁵

For monitoring country poverty trends, indicators based on national poverty lines are used, where available.¹⁶

In Malaysia, poverty is defined as having insufficient income to purchase a minimum basket of food to maintain household members in good health and do not have access to other basic needs such as health care, education, house rental and clothing.¹⁷

¹³ See para. 44, 45 and 46 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies, p. 12. See also UNHCHR website www.unhcr.ch/development/povertyfinal.html

¹⁴ PPP is a theoretical exchange rate derived from the perceived parity of purchasing power of a currency in relation to another currency. In contrast to the "real" exchange rate that the currencies are traded for in the official market (as opposed to the black market), the PPP exchange rate is calculated from the relative value of a currency based on the amount of a "basket" of goods the currency will buy in its nation of usage. Typically, the prices of many goods will be considered, and weighted according to their importance in the economy. The most common PPP exchange rate comes from comparing goods in a GDP reporting area with equivalent goods in the United States and through that come up with a PPP US dollar exchange rate. When GDP numbers from reporting regions are converted through this PPP exchange rate it's perceived to be a better comparison of standard of living. See <http://fx.sauder.ubc.ca/PPP.html> and http://en.wikipedia.org/wiki/Purchasing_power_parity#Definition

¹⁵ Extreme Poverty (based on the MDGs) is determined by the \$1 (PPP) per day which is equivalent to approximately RM3.8 (actual conversion is \$1 = RM3.79885). In Malaysia, an income of RM3.83 per person per day is only classified as people living in poverty, while only people earning RM 1.92 per person per day is considered as people living in extreme poverty (or hardcore poverty)

¹⁶ See Report on "Achieving the Millennium Development Goals. Population and Reproductive Health as Critical Determinants. Number 10. UNFPA, p. ix

¹⁷ See Box 2 on "Poverty Line Income" of the Malaysian Quality of Life 2002, p.15

Malaysia determines its incidence of poverty by using the country's Poverty Line Income (PLI)¹⁸, whereby people earning less than the PLI are categorised as people living in poverty, while people earning less than half of the PLI are people living in hard-core poverty¹⁹.

Malaysia's progress in reducing poverty can be seen in Table 1.1. Based on Malaysia's PLI the general incidence of poverty in Malaysia has decreased from 16.5%²⁰ in 1990 to 5.1%²¹ in 2002, whilst the incidence of hard-core poverty in Malaysia reduced from 3.9%²² in 1990 to 1.0%²³ in 2002. Therefore, from the development perspective, Malaysia is well ahead for the first target of Goal 1 of the MDGs, which is to halve the proportion of people living in poverty 1990 and 2015.

**GENERAL INCIDENCE OF POVERTY & HARD-CORE POVERTY
1990, 1995, 1997, 1999 AND 2002**

	1990	1995	1997	1999	2002
Incidence of Poverty (%)	16.5	8.7	6.1	7.5	5.1
Incidence of Hard-core Poverty (%)	3.9	2.1	1.4	1.4	1.0

Source : *Malaysian Quality of Life 2002*
Mid-Term Review of the Eighth Malaysian Plan 2001-2005
Eighth Malaysian Plan, 2001-2005

TABLE 1.1

Corresponding with local indicators, Malaysia's achievement according to international indicators is commendable. International indicators show that in Malaysia, the proportion of population below \$1(PPP) per day (selected economies) reduced from 0.5% in the early 1990s to 0.0 in the late 1990s. This is shown in graph 1.1.

On the other hand, it is important to note that the PLI which Malaysia is currently using was formulated around 30 years ago. The current cost of living compared to the cost of living around 30 years ago is far different. For instance, the PLI for Peninsular Malaysia is RM529 per household per month while the average number of persons in a household in Malaysia in 2002 was 4.6 persons per household. With the escalating cost of living²⁴ in Peninsular Malaysia, for instance

¹⁸ Source: Mid-Term Review of the Eighth Malaysian Plan, 2001-2005, p.61. In 2002, the PLI for the Peninsular Malaysia was RM529 per household per month, while the PLI for Sabah and Sarawak was RM690 per household per month and RM600 per household per month respectively.

¹⁹ Hard-core poverty line for Peninsular Malaysia: $RM529/2=RM264.5$ per household per month, $RM264.5$ per month/4.6 persons per household (average) =RM57.5 per person per month, RM57.5 per person per month/30 days=RM1.92 per person per day;; Sabah=RM2.50 per person per day; Sarawak=RM2.10 per person per day

²⁰ Source: *Malaysian Quality of Life 2002*, p.15

²¹ Source: *Mid-Term Review of the Eighth Malaysian Plan 2001-2005*, p.61

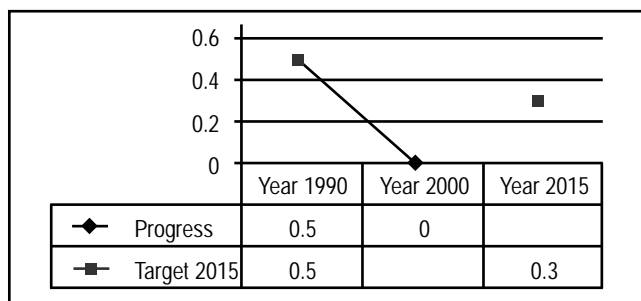
²² Source: *Malaysian Quality of Life 2002*, p.15

²³ Source: *Mid-Term Review of the Eighth Malaysian Plan 2001-2005*, p.61

²⁴ In Malaysia, the cost of living in the urban areas is 20% higher when compared to rural areas. This is due to higher cost to obtain basic needs such as houses, medical care, food and transportation. Refer to "Utusan Malaysia" on 10 May 2004

Kuala Lumpur, it is doubtful to say that a household with approximately five members, earning slightly above the PLI, for instance RM540 per month, is able to acquire all basic human needs to ensure a decent livelihood.

PROPORTION OF POPULATION BELOW \$1 (PPP) PER DAY, SELECTED ECONOMIES (%)



Source: *Promoting the Millennium development Goals in Asia and the Pacific: Meeting the Challenges of Poverty Reduction (UNDP)*.

{Based on ESCAP, *Economic and Social Survey of Asia and the Pacific 2002 (2002)*; and World Bank, *East Asia Rebounds, But How Far? (April 2002)*; *Impact of the East Asian Financial Crisis Revisited (2002)*; and *World Development Indicators 2002 (2002)*}

GRAPH 1.1

Thus, the Government of Malaysia decided to revise the definition of poverty as well as the PLI for Malaysia, so as to conform with the current situation and at the same time incorporate factors that are significant to an adequate standard of living.²⁵ **(See Box 1 on Page 8).**

Hence, it should be reiterated that the human rights approach in identifying the poor entails recognising the characteristics of a person or a group that lack the basic capabilities which affect their livelihood. The Office of the High Commissioner for Human Rights (OHCHR) suggested, through their empirical observation, a set of basic capabilities²⁶, where the absence of one or more capabilities lead to poverty and at the same time deprivation of their basic human rights. Therefore, the incidence of poverty should not be determined merely by using income or consumption, rather, poverty is determined through ascertaining the accessibility of both tangible (such as the right to housing and health care and education) and intangible (such as the right to assembly, freedom of speech and freedom of expression) human needs.

²⁵ See 'Utusan Malaysia' Newspaper on, 8 May 2004, and 10 May 2004

²⁶ See para 47 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies", p.12. See also UNHCHR website www.unhcr.ch/development/povertyfinal.html.

The basic capabilities as suggested by the OHCHR include being adequately nourished, avoiding preventable morbidity and premature mortality, being adequately sheltered, having basic education, being able to ensure security of the person, having equitable access to justice, being able to appear in public without shame, being able to earn a livelihood and taking part in the life of a community.

EPU gubal dasar baru basmi kemiskinan secara menyeluruh

PUTRAJAYA 7 Mei — Unit Perancang Ekonomi (EPU) sedang menggubal definisi dan dasar-dasar baru yang lebih dinamik bagi membasmi kemiskinan secara menyeluruh di bandar dan juga luar bandar.

Menteri di Jabatan Perdana Menteri, Datuk Mustapa Mohamed berkata, unit itu juga akan mengkaji semula definisi kemiskinan di bandar dan luar bandar dengan mengambil kira kos makanan, pengangkutan, bilangan keluarga dan kualiti hidup bagi mengenal pasti pendekatan terbaik untuk mengatasinya.

“Ini kerana konsep itu tidak pernah kita kaji semula, begitu juga paras atau garis kemiskinan sejak ia mula-mula diperkenalkan kira-kira 30 tahun lalu,” katanya.

Tahap kemiskinan pula, katanya, telah dikenal pasti berbeza dari satu tempat ke satu tempat yang lain berikutan perbezaan kos hidup di bandar-bandar seluruh Malaysia.

“Kos juga penting, kos makanan, pengangkutan, kualiti hidup, bilangan ahli keluarga - itu semua merupakan elemen yang perlu diambil kira.

EXTRACTS FROM UTUSAN MALAYSIA, 8 MEI 2004

Taraf hidup, keperluan rakyat sudah berubah: PM Kaji semula takrif miskin

KUALA LUMPUR: Kerajaan akan mengkaji semula takrif dan ukuran paras kemiskinan di negara ini supaya selari dengan taraf hidup semasa rakyat, kata Datuk Seri Abdullah Ahmad Badawi.

Perdana Menteri berkata, Unit Perancang Ekonomi (EPU) sudah diarah menjalankan kajian bagi memberikan gambaran yang lebih jelas dan terkini mengenai takrif kemiskinan.

“Kajian semula perlu dibuat berikutan profil kemiskinan sentiasa berubah, selari dengan

perubahan taraf hidup rakyat. Situasi sekarang sudah lain dan kita perlu tentukan sama ada garis pendapatan kemiskinan perlu diubah,” katanya pada sidang media selepas merasmikan Persidangan Tahunan Prospek Ekonomi 2005 di sini semalam.

Abdullah berkata, apa yang menjadi satu keperluan sekarang tidak menjadi satu keperluan sebelum ini kerana taraf hidup rakyat telah berubah dan profil kemiskinan juga turut berubah.

“Apa yang kita anggap dulu tidak miskin hari ini mungkin miskin, apa yang dulu dianggap sebagai miskin mungkin hari ini tidak lagi. Ini semua adalah faktor penting yang perlu kita ambil kira dalam mengkaji semula definisi ukuran paras kemiskinan,” katanya.

Unit Perancang Ekonomi (EPU) mengategorikan rakyat miskin di negara ini ialah yang berpendapatan bawah Pendapatan Garis Kemiskinan (PGK) iaitu RM529 bagi Semenanjung dan RM600 di Sabah serta Sarawak.

Bagaimanapun, pada hakikatnya pendapatan isi rumah RM1,000 masih tidak cukup untuk menampung kos hidup di ibu negara dan beberapa bandar besar, kerana pendapatan garisan kemiskinan tidak membezakan kawasan bandar dengan luar bandar, pada hal kos bandar lebih 20 peratus tinggi daripada luar bandar.

Antara 1970 hingga 2002, kerajaan berjaya mengurangkan kadar kemiskinan keseluruhan daripada 52 peratus kepada 5 peratus. Kadar kemiskinan luar bandar turun kepada 11 peratus daripada 59 peratus, manakala kadar kemiskinan tegar sekarang adalah pada tahap paling rendah iaitu 1.5 peratus.

Menurut Laporan Ekonomi 2004/2005, paras kemiskinan di negara ini ialah 5.1 peratus membabitkan 267,000 isi rumah dengan kemiskinan luar bandar lebih tinggi pada kadar 11.4 peratus. Dua peratus penduduk bandar pula hidup di bawah garis kemiskinan.

EXTRACTS FROM BERITA HARIAN, 8 DECEMBER 2004

BOX 1

D. VULNERABLE GROUPS

Table 1.2 shows the incidence of poverty and hardcore poverty among groups in Malaysia, based on the PLI. Among the groups, the Orang Asli community recorded the highest incidence of poverty and hard core poverty. In 1997, the incidence of poverty and hardcore poverty among the Orang Asli community was 81.45%²⁷ and 48.85%²⁸ respectively. However, in 1999, the incidence of poverty reduced to 50.9%,²⁹ while the incidence of hardcore poverty reduced to 15.4%³⁰.

INCIDENCE OF POVERTY AND HARD-CORE POVERTY BY GROUPS, 2002

Marginal Groups		Incidence of Poverty (%)	Incidence of Hard-Core Poverty (%)
Area	Urban Households	2.0	0.4
	Rural Households	11.4	2.3
Ethnic	Bumiputera	7.3	n.a
	Chinese	1.5	n.a
	Indians	1.9	n.a
	Orang Asli ¹	50.9	15.4
Gender	Female-headed Households	12.5	9.4
	Female-headed Rural Households	25.7	n.a
Age Group	Households headed by the Elderly (65 years and above)	22.71	4.9
	Rural households headed by the Elderly	28.6	n.a
Occupation	Agricultural, hunting and forestry workers	14.5	n.a

Source: *Mid-Term Review of the Eighth Malaysian Plan 2001-2005*
Eighth Malaysian Plan 2001-2005

Note: 1Year 1999
2Year 2003

TABLE 1.2

In 2002, rural households headed by the elderly and female-headed households in rural area recorded an incidence of poverty of 28.6%³¹ and 25.7%³² respectively. The incidence of poverty in rural areas was higher with 11.4%³³ when compared to urban area with 2.0%³⁴ in 2002. The incidence of poverty among agricultural, hunting and forestry workers was 14.5%³⁵, which was the highest compared to other occupations

²⁷ Source: Ministry of Rural Development Annual Report 2001, p.25

²⁸ Ibid.

²⁹ Source: Eighth Malaysian Plan 2001-2005, p.60

³⁰ Ibid

³¹ Source: Mid-Term Review of the Eighth Malaysian Plan 2001-2005, p.60

³² Ibid.

³³ Source: Mid-Term Review of the Eighth Malaysian Plan 2001-2005, p.61

³⁴ Ibid.

³⁵ Source: Mid-Term Review of the Eighth Malaysian Plan 2001-2005, p.60

i) The Orang Asli

The Orang Asli community is still left behind in many aspects of the socio-economy when compared to other groups. Based on a census done in 1997, there were 18,234³⁶ Orang Asli families out of which 81.45%³⁷ were categorised as poor, while 48.85%³⁸ were hardcore poor. It was also reported that 49.4%³⁹ of the Orang Asli community had not received electricity supply while 53%⁴⁰ of the Orang Asli community had not received clean water supply.

Environmental factors were blamed as being among the causes that impede development among the Orang Asli community. Further, resistance towards development, high cost associated with the development of rural and isolated settlements, high illiteracy rate and inferiority among the Orang Asli are also said to be among the causes of their poor socio-economic condition. **(See Box 2 on page 11)**

The right of the Orang Asli towards development is highlighted through article 8(5)c of the Federal Constitution which states that the Constitution does not prohibit special measures in the protection the aboriginal peoples of Malay Peninsula or the reservation to aborigines of a reasonable proportion of suitable positions in the public service.

According to the Mid-Term Review of the Eighth Malaysia Plan 2001-2005⁴¹, special attention will be given to the Orang Asli community in Peninsular Malaysia and

Bumiputera minorities in Sabah and Sarawak.⁴² The Jabatan Hal Ehwal Orang Asli (JHOEA), under the Ministry of Rural and Regional Development (formerly known as the Ministry of Rural Development) is responsible to ensure the wellbeing of the Orang Asli community. In 2001, the Ministry of Rural Development was provided with a total of RM1.7 billion⁴³ for rural development, out of which 2.7%⁴⁴ went to Orang Asli development, 51.67%⁴⁵ to Countryside Modernising, 12.43%⁴⁶ for the "Program Pembangunan Rakyat Termiskin", while 11.77%⁴⁷ went to Land Development.

³⁶ Based on Jabatan Hal Ehwal Orang Asli census. See Ministry of Rural Development 2001 Annual Report, p.25

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Among others, strategies, projects and programmes to eradicate poverty in Malaysia include drawing up a poverty map to identify the pockets of poverty, training and education programme, Program Pembangunan Bersepadu Desa Terpencil, Skim ASB-Sejahtera, Program Pembangunan Sikap Keluarga Termiskin, Rancangan Pengumpulan Semula and the Penyusunan Semula Kampung. See para 3.37-3.44 of the Mid-Term Review of the Eighth Malaysia Plan 2001-2005, p.78

⁴² See para 1.56 of the Mid-Term Review of the Eighth Malaysia Plan 2001-2005, p.19

⁴³ A total of RM1,718,012,730 was provided to the Ministry of Rural Development in 2001. See Kementerian Pembangunan Luar Bandar 2001 Annual Report, p.74

⁴⁴ RM46,600,000 were allocated for Orang Asli Development. See Kementerian Pembangunan Luar Bandar 2001 Annual Report, p.74

⁴⁵ RM887,840,020 was allocated for Countryside Modernising. See Kementerian Pembangunan Luar Bandar 2001 Annual Report, p.74

⁴⁶ RM213,700,020 was provided for the "Program Pembangunan Rakyat Termiskin". See Kementerian Pembangunan Luar Bandar 2001 Annual Report, p.74

⁴⁷ RM202,282,600 was provided for land development. See Kementerian Pembangunan Luar Bandar 2001 Annual Report, p.74

Barrier in the way of a better future



SIMPLE LIVES: The villages of Kampung Sandin sit at leisure on a hot afternoon



Rizuan: Need to develop their economic activities



Dahlan: Hopes that the jungle tracts will be preserved



PRIMITIVE WAYS: Cooking is still done on a wood fire in Kampung Sandin

“Our income is irregular. It depends on the time of the year,” said villages Delgin

“This month (May), we will get nothing. On the other hand, on a good month like June, a family can earn as much RM200 from their pickings.”

SUNDAY STAR, 1 AUGUST 2004

BOX 2

Despite this, SUHAKAM, through its workshops on “Hak Asasi Orang Asal” organised in the Peninsular of Malaysia, Sabah and Sarawak in 2002, found that some of the Orang Asal community felt that their right to participate in development is often denied as they were not included in the processes of development – from planning to the decision making process. Not only were they deprived of their right to decide on the type of development, they were also denied the opportunity to work as labour force for those projects. Further, they claimed that projects implemented on lands that they once lived on, provided no benefit to the Orang Asli Community.⁴⁸ In addition to this, the Orang Asli community confronted other inadequacies. For instance, the Orang Asli community confronts inadequate access to amenities and services for health care and education.⁴⁹

ii) Women

The number of single women heading a household is increasing. The escalating number of female headed households is caused by a number of reasons which include divorces, women deserted by their husbands or when women have to fend for themselves as their husbands migrate to another state or country for the purpose of employment, widowed as well as handicapped or ailment of their husbands. In addition to this, the fact that women’s life expectancy is longer than men contributes to the increasing number of female headed households. In 2000, female life expectancy at birth was 75.0⁵⁰ while male life expectancy was 70.2⁵¹. In 2003, the female life expectancy rose to 75.4⁵², while male life expectancy rose to 70.5⁵³.

The role of women in economics was given recognition during the Sixth Malaysia Plan⁵⁴, which also identified the challenges and strategies in relation to women in development. The wellbeing of women in Malaysia was further safeguarded through the amendment to article 8(2) of the Federal Constitution in 2001 to incorporate the term gender as one of prohibited basis of discrimination.

The Ministry of Women and Family Development (currently known as the Ministry of Women, Family and Community Development) was set up in 2001, which resulted in positive development among women in Malaysia. In 1999, the number of poor female-headed household was 16.9%⁵⁵ but decreased to 12.5% in 2002. Further, women’s participation in education and employment, as well as their health status has continuously improved.

⁴⁸ See SUHAKAM’s Report on “Hak Asasi Orang Asli”, Perkara 2: Pembangunan, p.10.

⁴⁹ See SUHAKAM’s Report on “Hak Asasi Orang Asli”, Perkara 5: Kesihatan, & Perkara 6: Pendidikan, p.14 &15.

⁵⁰ See Table 13-1 on Selected Quality of Life Indicators, 2000-2003, of the Mid-Term Review of the Eighth Malaysia Plan 2001-2005.

⁵¹ Ibid

⁵² Ibid

⁵³ Ibid

⁵⁴ See para 1.15 of “The Progress of Malaysian Women since Independence 1957-2000” by the Ministry of Women and Family Development, P.20

⁵⁵ See statistics on the incidence of poverty and number of poor households 1999,2002 at the Ministry of Women, Family and Community Development website at <http://www.kpwk.gov.my>

Various efforts were undertaken by the Government, NGOs and the private sectors to improve the status of women.⁵⁶ Amongst them were training programmes to provide women with alternative income generating opportunities to ensure that they have the ability to care for their families. For instance, the expansion of the Centre for Instructor and Advanced Skills Training saw the increase of women enrolment in the programme. Other training programmes include *The Women's Institute of Management (WIM)*, the *Women's Institute of Advancement*, the *Federation of Women Entrepreneurs Association* and the *Association for Bumiputera Women Entrepreneurs*.⁵⁷

In addition, various strategies were implemented to enhance the quality of life amongst women. For instance, the Kelas Dewasa (Adult Class) – which benefits mostly the rural community – is a literacy programme carried out by the Community Development Division of the Ministry of Rural Development. Nearly 80,000⁵⁸ women was actively involved in home economics and training classes organised under the programme.

Further, campaigns were organised to address women's issues. Among others, a campaign entitled "Women Against Violence" (WAVE)⁵⁹ was organised as well as the setting up of Rumah Nur to protect and enhance the wellbeing of women.

The *Women Entrepreneurial Fund* was established in 1998. Under the Fund, various projects were approved in order to facilitate women's involvement in business. Further, the establishment of the Small Entrepreneurs Fund has assisted about 6,000 women entrepreneurs through loans amounting to RM65 million. The Amanah Ikhtiar Malaysia – which provides micro credit facilities to women – is to facilitate women's involvement in business and training programmes. This programme has benefited about 22,850⁶⁰ women.

Although in general, the development of women is progressing, there are still areas within the issue of women development that can be improved. For instance, although female enrolment in education is encouraging, the gender gap and gender preferences in vocational and technical education still persist until today. This is due to stereotyped traditional role of men and women in the old days.

⁵⁶ See 20.24 of the Eighth Malaysia Plan 2001-2005, p.565

⁵⁷ See para 20.12-20.15 of the Eighth Malaysia Plan 2001-2005, p.561

⁵⁸ See para 1.15 of "The Progress of Malaysian Women since Independence 1957-2000" by the Ministry of Women and Family Development, p.44

⁵⁹ WAVE was organised with the cooperation of the Government agencies, NGOs as well as the Media.

⁶⁰ See para 20.20 of the Eighth Malaysia Plan 2001-2005, p.564

In addition, although women have access to employment and other facilities to assist their involvement in business, women still fill lower level positions and occupations. Between 2001 and 2003, there were only 10.1%⁶¹ women as board of directors, while in 2001, there were 12.0%⁶² women in other decision making. This figure slightly increased to 12.3%⁶³ in 2003.

iii) Urban Poverty

The urban areas in Malaysia are equipped with social services such as health care, education, and other basic amenities. Therefore, poverty in urban areas may not be caused by inadequate supply of these services. Instead, poverty in urban areas may be caused by inadequate income, which in turn flaws accessibility to basic needs. In addition, migration from rural to urban areas as well as from other countries such as Indonesia and the Philippines aggravates poverty in the urban areas due to stiff competition for employment.

The implementation of various programmes to generate income as well as improve standard of living in some ways have indeed helped some of the urban poor. Among others, the programmes include low cost housing projects to accommodate the urban poor that previously lived in squatters.

A Cabinet Committee on Urban Poverty was established in 2001 to address urban poverty. Further, a poverty map is under way with Johor being the first state surveyed.⁶⁴ The Integrated Development for Urban Communities, Pusat RAHMAT, Projek HARAPAN and Skim Khas Ibu Tunggal are among projects that involves the local authorities, private sectors and NGOs.

Various policies and programmes were formulated to address issues in relation to the urban poor and indeed those policies and programmes have proved to be effective with the reduction of urban poor. Nevertheless, close monitoring is needed to ensure that there is transparency in implementation, thus enhancing the effectiveness of those policies and programmes. For instance, a seminar organised by SUHAKAM entitled “Adequate housing – A Human Right” heard the disappointment of a participant with regards to the relocation of squatters. The participant claimed that the areas in which they were relocated inhibit them from carrying out income generating activities – for instance, small scale farming – as they previously engage in during their stay in squatter areas. This in turn aggravates poverty among these groups.⁶⁵

⁶¹ See Ministry of Women, Family and Community Development website at <http://www.kpwk.gov.my/mal/showstatistik.pl?action+display&id+1082617227>

⁶² Ibid.

⁶³ Ibid.

⁶⁴ See Para 3.05 of the Mid-Term Review of the Eighth Malaysia Plan 2001-2005, p.60

⁶⁵ See SUHAKAM Report on “Seminar on Adequate Housing – A Human Rights”, p.33

iv) Rural Poverty

Poverty in rural areas may be caused by a number of reasons. Apart from inadequate income, causes of rural poverty include inadequate social facilities such as access roads, fully equipped schools, hospitals and other basic needs such as inadequate safe drinking water supply and clean environment which are constitutive to poverty. In addition, the lack of competitive income generating activities promotes income poverty thus impairing ones ability to acquire the things that enhances his or her quality of life.

To address poverty among the rural community, the Government continued its effort to identify the target groups through poverty mapping. Among the programmes directed to this group is skill training programmes to enhance their opportunity to be employed in more productive and remunerative economic sectors. In addition, various programmes were formulated and implemented in the education system such as financial assistance, free textbooks and meals, while infrastructure in relation to school building and premises were enhanced and sustained, therefore accessible to the poor.

In Sarawak, about 2.1 million people are currently living in town areas. Urbanisation in Sarawak at the same time encourages the drop in the incidence of poverty. The level of poverty in Sarawak has dropped from 21% in 1990 to 5.8% in 2002. Rural poverty also decreased from 24% to 10% in the same period. Despite this, there are groups within the Sarawak community that need more attention. The Iban community who make up 30% of the total population of Sarawak, are still lagging behind in various aspects of economy, education, health care, employment as well as access to basic infrastructure⁶⁶. The Penan community is another group in Sarawak that requires immediate attention.

v) The Elderly

In Malaysia, the elderly is classified as people aged 65 and above. Most people within this age frame are no longer active in the employment world. Thus, explaining, among others, the reason that the elderly are among the groups with high incidence of income poverty.

The Employees Provident Funds (EPF) and pension funds are among financial schemes that are taken up by the community in order to continue their livelihood during old age. Through the EPF scheme, contributors will receive the lump sum contribution at retirement age. A problem with this scheme is that the sum received is likely to be spent entirely within three years. Further, low income earners, people with disabilities as well as the sick may only have little savings – if not none – for old age⁶⁷.

⁶⁶ See Star News paper on 4 July 2004 on Balancing concerns of the ethnic communities. Also refer to Star online at <http://202.186.86.35/news/story.asp?file=/2004/7/4/focus/8360680&newspage=Search>

⁶⁷ See the Star news paper, on 2 August 2004, Monday. See article on Having enough for old age by Loh Foon Fong. See also Star Online at <http://202.186.86.35/lifestyle/story.asp?file=/2004/8/2/features/8454274>

The pension fund is a payment scheme which civil servant pensioners receive monthly after retirement. In many instances, pensioners will receive the sum of RM150 every month, which is far below the poverty line. With increased health care needs and social security, the sum is clearly inadequate⁶⁸.

vi) Agricultural, Hunting and Forestry Workers

Agricultural, hunting and forestry works are usually undertaken by people living in rural areas. The lack of technology to enhance productivity of these workers as well as limited market for the products produced, aggravates the incidence of poverty amongst people living in rural areas.

Given the attractive wages in other sectors, the labour force in the agriculture, hunting and forestry sector is increasingly becoming scarce. Therefore, increasing the capacity to earn higher income in this sector becomes a crucial task. Among others, efforts to enhance this sector as well as the labour involved includes creating new commercial and business opportunities; enhance competitiveness of agricultural produce by improving efficiency and productivity through utilization of better technologies and modern agricultural system; participation of the private sector; and identifying and developing new sources of growth to expand the agriculture base and the export capacity of the sector⁶⁹.

To ensure everyone is able to enjoy his or her right to an adequate standard of living, implementation of programmes should be done in ways that reach communities that live in isolated areas and where agricultural, hunting and forestry works are their primary source of income. For instance, the Orang Asli community of Kampung Sandin in Bidor Perak earn between RM200 – RM350 per family during a good month like June. The income, which is below the current PLI, is generated from the sales of jungle fruit. During other months like May, where there is no produce to sell, the Orang Asli community of Kampung Sanding will get nothing⁷⁰.

vii) Emerging Trends of Poverty within other Groups

Poverty within other groups of the society such as immigrants, people with disabilities, people living with HIV/AIDS, drug addicts, vagrants is an emerging trend in Malaysia. These groups may be the groups that are given the least attention. These groups usually end up living in poverty because they are refused as members of the society.

Immigrants who travel to another country may be exposed to poverty when that particular country refuses to acknowledge them, thus refusing to realise their rights. People with disabilities are mostly affected when the necessary amenities such as rams which facilitate people on wheelchairs, Braille

⁶⁸ Ibid.

⁶⁹ See Mid-Term Review of the Eighth Malaysia Plan 2001-2004, p.184-197

⁷⁰ See Sunday Star on 1 August 2004, article on "Barriers in the way of a better future, p.25

documents which facilitate people with impaired sight and other facilities to suit their needs are not provided and ignored by duty holders. The ignorance of duty holders to provide these amenities may inhibit efforts made by members of vulnerable groups to join the employment world. Further, the lack of availability of organisations that encourage employment among people with disabilities – due to the reason that extra cost may have to be incurred for these people – aggravates poverty within these groups.

Negative perception towards people living with HIV/AIDS, drug addicts and vagrants are among the reasons that these groups are not given ample attention. Further, the feeling of shame, in particular among people living with HIV/AIDS and drug addicts, to come forward and demand for their rights, contribute to poverty, while vagrants are usually left on the streets to continue their lives.

viii) Poverty by States

Table 1.3 shows the incidence of poverty by states in Malaysia for 2002. States categorised as ‘more developed’ recorded incidences of poverty of less than ten percent, with Wilayah Persekutuan Kuala Lumpur recorded the lowest incidence of poverty of 0.5%⁷¹ in 2002. On the other hand, most of the ‘less developed’ states recorded more than ten percent incidence of poverty, with Sabah recording the highest incidence of poverty of 16.0%⁷² in 2002.

Wilayah Persekutuan received the highest development allocation of RM18,424.50 (11.5%), followed by Selangor with RM15,366.40 (9.6%). Development in more developed states focus more on the provision of social amenities such as houses, schools and teachers quarters to accommodate the increasing population.

Although the Government’s decision to allocate more development funds to more developed states (for instance Wilayah Persekutuan and Selangor) is justified by the fact that there is the need to accommodate the increasing density in more developed states due to migration and other factors, it is important to remember that “moving towards a more equitable society”⁷³ is one of the most important aims of the Malaysia five-year plan.

⁷¹ Source: Mid-Term Review of the Eighth Malaysian Plan 2001-2005, p.61

⁷² Ibid

⁷³ See “Mid-Term Review of the Eighth Malaysia Plan 2001-2005, p.19

POPULATION AND INCIDENCE OF POVERTY BY STATES, 2002

State	Population ('000)	Incidence of Poverty (%)
More Developed		
Johor	2,891.8	1.8
Melaka	674.0	2.7
Negeri Sembilan	897.4	2.2
Perak	2,162.2	7.9
Pulau Pinang	1,390.3	1.4
Selangor (inc. Wilayah Persekutuan Putrajaya)	4,388.9	1.1
Wilayah Persekutuan Kuala Lumpur	1,474.3	0.5
Less Developed		
Kedah	1,743.1	10.7
Kelantan	1,424.7	12.4
Pahang	1,346.1	3.8
Perlis	214.5	10.1
Sabah (inc. Wilayah Persekutuan Labuan)	2,730.1	16.0
Sarawak	2,166.8	5.8
Terengganu	943.2	10.7
Malaysia	24,526.5	5.1a

Source: *Mid-Term Review of the Eighth Malaysian Plan 2001-2005*
Social Statistics Bulletin, Malaysia 2002

Note: ^aAverage figure

TABLE 1.3

Perlis, Kedah, Kelantan and Terengganu are amongst less developed states that recorded high incidence of poverty in 2002, however, these states are also among the states that receive only a small portion of the development allocation with RM1,740.6(1.1%), RM7,676.1(4.8%), RM3,778.20(2.4%) and RM4,261.0(2.7%) respectively.⁷⁴ In addition to the mentioned states, Sabah is another state that still has a long way to go.⁷⁵ Nevertheless, it is important to note that the incidence of poverty in Sabah has progressively reduced from 22.9%⁷⁶ in 1999 to 16.0% in 2002. (See data in Table 1.3)

⁷⁴ Development allocation data are taken from *Mid-Term Review of the Eighth Malaysia Plan 2001-2005*, p.142

⁷⁵ See *Daily Express Newspaper* on 09 November 2001 on "Sabah still has a long way to go on poverty".

⁷⁶ See *Daily Express Newspaper* on 09 November 2001 on "Sabah still has a long way to go on poverty".

E. NATIONAL AND INTERNATIONAL HUMAN RIGHTS FRAMEWORK

Strategies to eradicate poverty must be formulated in ways that are consistent with the national and international human rights commitment. Therefore, the effectiveness of the strategies is enhanced while simultaneously ensuring that the features of strategies are not unlawful. Thus, according to the 'Draft Guidelines: Human Rights Approach to Poverty Reduction Strategies', when preparing to formulate or review poverty reduction strategies, the following should be identified:⁷⁷

- a) **National human rights law and practice in its jurisdiction** – for instance anti-discrimination law and provisions from the constitution – In Malaysia, the protection of human rights is enshrined under the Malaysian Constitution. The Federal Constitution of Malaysia is among other laws that embed the human rights law and practice. Among others, article 3 and 11 of the Constitution recognises freedom of religion, article 5 of the Constitution touches on the liberty of a person, article 6 of the constitution prohibits slavery and forced labour, article 8 of the Constitution guarantees equality and non-discrimination, while article 12 of the Constitution acknowledges the right to education.
- b) **International and Regional Human Rights Treaties** – including relevant ILO Conventions and the UNESCO Convention against Discrimination in Education, it has ratified – Among the human rights Conventions, Malaysia has only ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). On the other hand, Malaysia has not ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) – which has much significance to the MDGs implementation.⁷⁸
- c) **Other important international human rights instruments** – such as the Universal Declaration of Human Rights.
- d) **Commitments entered into at recent world conferences** insofar as they bear upon human rights, including the United Nations Millennium Declaration (2000).

⁷⁷ See p.13 of the "Draft Guidelines: Human Rights Approach to Poverty Reduction Strategies" at UNHCHR website www.unhchr.ch/development/povertyfinal.html

⁷⁸ Among others, Malaysia has also not ratified the International Covenant on Civil and Political Rights (ICCPR), the Covenant against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (MWC), the United Nations Convention Relating to the Status of Refugees 1951 and the International Convention on the Elimination of all Forms of Racial Discrimination (CERD). See ALIRAN website at <http://www.aliran.com/hr/ratified.html>. See also and the UNHCHR website at <http://www.unhchr.ch/pdf/report.pdf>

Further, in incorporating the human rights approach into any poverty reduction strategy, States are to ensure that:⁷⁹

- a) Its human rights instrument are expressly referred to in the poverty reduction strategies;
- b) Those formulating and implementing the strategies receive basic human rights training to familiarise them with the States human rights commitment and its implication;
- c) Individuals are appointed with the particular responsibility for ensuring the State human rights commitments are taken into account through out the formulation and implementation of the strategies;
- d) Processes are designed, and put in place, to ensure that the State's human rights commitments receive due attention throughout the formulation and implementation of the strategies.

Because the relevance of a States human rights framework is not confined to the State itself, all those responsible for policies and programmes that impact upon a State should:⁸⁰

- a) Ensure that they do not make it more difficult for the State to implement its human rights commitments to individuals and groups within its jurisdiction;
- b) Use their best endeavours, within their mandates, to help a State fulfill its national and international human rights commitments.

In addition, the basic principles of human rights should not be ignored in the formulation and implementation of any poverty reduction strategy. The basic human rights principles that are relevant to ensure an effective and equitable poverty reduction strategy are as follows:

a) Equality and Non-discrimination

The human rights perspective to poverty believes that the poor are usually victims of discrimination, especially among those from the disadvantaged groups,⁸¹ for instance, the indigenous community, women and the elderly are disadvantaged groups. In Malaysia, these groups are among the disadvantaged groups with high incidence of poverty.

As discrimination may cause poverty, poverty also causes discrimination.⁸² Besides discriminated on the basis of gender, colour, or ethnicity, which may lead to poverty, discrimination against the poor is further aggravated when they are subject to discriminatory treatment from the Government and other private actors.

⁷⁹ See p.13 of the "Draft Guidelines: Human Rights Approach to Poverty Reduction Strategies" at UNHCHR website www.unhchr.ch/development/povertyfinal.html

⁸⁰ Ibid.

⁸¹ See para 58 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies", p.14. See also UNHCHR website www.unhchr.ch/development/povertyfinal.html

⁸² See para 61 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies", p.14. See also UNHCHR website www.unhchr.ch/development/povertyfinal.html

Malaysia's commitment to promote equality and non-discrimination is highlighted through article 8 of the Federal Constitution. Further, the amendment made to article 8(2) of the Federal Constitution which added the term 'gender' as a prohibited basis of discrimination, demonstrates Malaysia's effort to assist in equal advancement between men and women. Despite slow progress in relation to poverty eradication, the gaps that exist between and within the various groups in the Malaysian community are gradually decreasing. For instance, in 1969, the per capita income of Chinese was twice that of the Malays. As Malaysia progressed through out the years, both ethnics became richer, while the gap between the ethnic reduced. In the 1990s, Malays were earning two-thirds of what the Chinese were earning.⁸³

b) Progressive Realisation of Human Rights

Due to scarce resources, the incidence of poverty cannot be eliminated in a short time. Thus, it is impossible to achieve immediate realisation of human rights. Realising this fact, the human rights approach to poverty recognises progressive realisation of human rights.⁸⁴

Progressive realisation suggests that achieving the full realisation of human rights may have to occur in a gradual manner over a period of time. Therefore, progressive realisation permits prioritising the different human rights, since scarce resources may prevent a strategy from addressing the various aspects of human rights all at once, and as enshrined in article 1(4) of ICERD, priority should be given to those groups or individuals that require protection.⁸⁵

Apart from the alarming rate of the HIV/AIDS epidemic and issues of the environment, Malaysia is gradually progressing towards the goals of the MDGs, thus progressively realising some aspects of the broader human rights agenda. For instance, the general incidence of poverty has decreased from 16.5⁸⁶ in 1990 to 5.1⁸⁷ in 2001, while hardcore poverty reduced from 3.9%⁸⁸ in 1990 to 1.0%⁸⁹ in 2002. Although slow, the general progress of female participation in education, employment as well as empowerment is moving forward, while primary health in Malaysia is showing continuous improvements.

c) Participation and Empowerment

Poverty reduction strategies must be country-driven as it is within the responsibility of a country to fulfill the rights of the people living within their jurisdiction, thus giving rise to the importance of country ownership.⁹⁰

⁸³ See "Human Development Report 2000: Human Rights and Human Development", p.65

⁸⁴ See "Draft Guidelines: The Human Rights Approach to Poverty Reduction Strategies" by OHCHR

⁸⁵ Ibid

⁸⁶ Source: Malaysian Quality of Life 2002, p.15

⁸⁷ Source: Mid Term review of the Eighth Malaysia Plan 2001-2005, p.61

⁸⁸ Source: Malaysian Quality of Life 2002, p.15

⁸⁹ Source: Mid Term review of the Eighth Malaysia Plan 2001-2005, p.61

⁹⁰ Ibid

Nevertheless, country ownership does not mean ownership of merely the Government alone. The country driven-strategies must be owned by relevant stakeholders, including the poor. In line with the human rights principle, effective participation from the poor is required to enhance any poverty reduction strategies.⁹¹

There are four stages involved in participation and they are as follows:⁹²

- a) **Preference revelation** – the stage where people are enabled to express what their preference are;
- b) **Policy choice** – refers to the stage at which policies are formulated and decisions taken regarding the allocation of resources among alternative uses;
- c) **Implementation** – refers to the participation of various groups – particularly the vulnerable and marginal groups – in the implementation of policies;
- d) **Assessment and accountability** – People who are affected by the policy are able to participate in monitoring and assessing the success or failure and then taking part in the procedures for holding the duty-bearers accountable.

In the Mid-Term Review of the Eighth Malaysia Plan 2001-2005, Bumiputera participation was mentioned as one of the strategies towards a more equitable society.⁹³ Unfortunately, based on the SUHAKAM's Report on "Hak Asasi Orang Asal", it was found that some groups within the Malaysian society were deprived of their rights to participate.⁹⁴ Although the formulation of programmes and strategies with regards to poverty reduction mentions about the emphasis given to community participation, a lot has to be improved in the implementation of those strategies, in particular, the aspect of participation. Further, it was also found that participation rate among Sabah natives in various sectors is low.⁹⁵

F. HUMAN RIGHTS AND HUNGER

Hunger is constitutive to poverty. The right to adequate food is highlighted by the MDGs as part of its effort to eradicate extreme poverty and hunger. The right to adequate food is fundamental in order to ensure the realisation of other rights such as health, education and work.⁹⁶

Human survival and health is much influenced by food. The lack of adequate food leads to undernutrition. Physical and mental growth requires the consumption of

⁹¹ Ibid

⁹² Ibid

⁹³ See para 1.57 of the Mid-Term Review of the Eighth Malaysia Plan 2001-2005.

⁹⁴ See SUHAKAM Report on "Hak Asasi Orang Asli", p.10

⁹⁵ See Sabah Local News Paper 'Daily Express' News Paper on 31 July 2004, Saturday, on "Bumi role in sectors still very low: Musa". See also <http://www.dailyexpress.com.my/news.cfm?NewsID=28411>

⁹⁶ Undernutrition handicaps people for life: brain cells do not develop, bodies are stunted, disease become rife, limiting potential and condemning the hunger to marginal existence. Hungry children cannot concentrate on school and hunger reduces workers' productivity. See para 88 of the "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies", p.18. See also UNHCHR website www.unhchr.ch/development/povertyfinal.html.

adequate nutritious food. People living in poverty experience undernutrition, which in turn increases the depth of poverty.

According to the Committee on Economic, Social and Cultural Rights (CESCR), even with repeated recognition on the importance of the right to adequate food, some individuals or groups throughout the world are still deprived of their right to adequate food.⁹⁷ According to the CESCR, the fundamental components that are relevant to a person's right to adequate food include:

i) Availability

Availability of food takes into account the quantity and quality of food. The concept of availability is then interpreted to take into account dietary need, free from adverse substances and acceptable within a given culture;

ii) Accessibility

Accessibility refers to the economic and physical accessibility to food sources. Economic accessibility refers to the cost incurred by a person to obtain food, while physical accessibility refers to equal access to food among every member of the society without distinction.

State parties to various human rights instruments are responsible to respect, protect and fulfill the rights of their community. In light of adequate food, the term 'respect' means that State Parties – in particular State Parties to the ICESCR – prevents any measures that may adversely affect the community's access to food, while protect implies that State Parties are to take measure to ensure the community's right to food is not infringed by others. To fulfill means that State Parties are required to facilitate and strengthen the community's access to food.⁹⁸

Table 1.4 shows the discharge rate of specific nutritional deficiency per 100,000 population for Malaysia in 2001. Kwashiorkor is a childhood disorder caused by lack of protein in the diet. The name is from one the Kwa languages of coastal Ghana. When a child is nursing, it receives certain vital to growth from its mother's milk. When the child is weaned, if the diet that replaces the milk is high in starches and carbohydrates, and consists of less than 12% total calories in protein (as is common in parts of the world where the bulk of the diet consists of starchy vegetables, or where famine has struck), the child may develop kwashiorkor. The total number of patients discharged for nutrition deficiency was 141 per 100,000 population.

Article 11 of the International Covenant of Economic, Social and Cultural Rights (ICESCR) recognises that adequate food as one of the necessities to ensure an adequate standard of living. In addition, the article also states that States Parties in a country is responsible to ensure the accessibility to adequate food.

⁹⁷ See General Comment 12 on Article 12 of ICESCR on The Right to Adequate Food. General Comment can be found at <http://www.unhcr.ch/tbs/doc.nsf/0/3d02758c707031d58025677f003b73b9?OpenDocument>

⁹⁸ Ibid.

DISCHARGE RATE OF SPECIFIC NUTRITIONAL DEFICIENCY,
MALAYSIA,2001 (PER 100,000 POPULATION)

Nutritional Deficiencies	Number of Discharge in Government Hospital	Discharge Rate
KWASHIORKOR	15	0.06
Other malnutrition conditions	126	0.52

Source: <http://www.moh.gov.my/indicators.htm>

TABLE 1.4

i) International Human Rights Instruments relevant to hunger.

There are several international human rights instruments that highlight the right of every person to be free from hunger and the role of State Parties to ensure that everyone has adequate access to nutritious food. The international instruments applicable to hunger are shown as follows:

a) International Covenant on Economic, Social and Cultural Rights

Article 11 of this Covenant states the right of everyone to an adequate standard of living, which includes adequate food, clothing and housing. It also states that it is the responsibility of States Parties to take appropriate steps to ensure this right is realised. The article is further elaborated in General Comment Number 12⁹⁹, adopted by the CESCR.

b) Convention on the Rights of the Child

Article 24 of this Convention states a child's right to the enjoyment of the highest attainable standard of health and facilities for treatment to enhance health status, while article 27 of the Convention recognises the right of every child to a standard of living, adequate for the child's physical, mental, spiritual, moral and social development.

c) Convention on the Elimination of All Forms of Discrimination Against Women

Article 14(2) of the Convention provides that States Parties of the Convention are responsible to take appropriate measures to eliminate discrimination against women in rural areas. In particular, article 14(2)(g) of the convention provides that States parties of the Convention are to ensure that these women are able to exercise their right to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.

⁹⁹ The General Comment number 12 adopted by the CESCR on the right to adequate food can be referred at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3d02758c707031d58025677f003b73b9?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3d02758c707031d58025677f003b73b9?Opendocument)

ii) Human Rights Targets and Indicators to Monitor Hunger.

The key targets and indicators to monitor hunger, based on human rights approach are as shown below. Besides monitoring hunger based on the general incidence of hunger and nutrition, the human rights approach to hunger evaluation takes into account the variables that affect accessibility to adequate food, such as safety and price of food.

Target	Indicators
Target 1: All people to be free from chronic hunger	<ul style="list-style-type: none"> • Proportion of people with inadequate intake of dietary energy • Proportion of adults and adolescents with low body mass • Proportion of underweight among under-five children
Target 2: Eliminate gender inequality in access to food.	<ul style="list-style-type: none"> • Proportion of males and females with inadequate intake of dietary energy • Proportion of male and female adults and adolescents with low body mass • Proportion of underweight boys and girls
Target 3: All people to be free from food insecurity	<ul style="list-style-type: none"> • Proportion of households not able to have two square meals regularly • Proportion of household expenditure on food • Variability of prices of staple food
Target 4: All people to have access to food of adequate nutritional value	<ul style="list-style-type: none"> • Proportion of poor people with inadequate intake of protein • Proportion of poor people with inadequate intake of micronutrients
Target 5: All people to have access to safe food	<ul style="list-style-type: none"> • Proportion of poor people vulnerable to consumption of unsafe food • Proportion of people exposed to public information and education campaigns (including school instruction) regarding nutrition and food safety

Source: *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies.*

G. CONCLUSION

Eradicating poverty and hunger is a fundamental agenda of the MDGs. Implementing the MDGs using the human rights approach will enhance the effectiveness of any poverty reduction strategy. By considering subjective factors such as the rights of an individual to participate, express and demand, gives rise to the obligations of others to assist the poor escape from the poverty trap.

In Malaysia, the recognition of these subjective factors, prompted the Government to revise the definition of poverty that the Country is currently using. In addition, much has been done to address the issue of poverty in Malaysia. For instance, albeit in its infancy stage, the implementation of poverty mapping will prove to be an important tool in eradicating poverty in Malaysia.

Through researches and conferences organized, SUHAKAM found that although the general incidence of poverty has significantly reduced, certain groups – for instance, the elderly, households headed by women and the Orang Asli Community – require special attention.

Various international human rights instruments emphasise the importance to address issues of poverty in ways that assist the poor to empower themselves to work out of poverty. On the other hand, it is important to realize that obligations to the poor should not be left to the Government alone. Rather, responsibilities towards the poor should rest on everyone's shoulder.