Request for inputs for the report of the Special Rapporteur on the right to development (RtD)

"Reinvigorating the Right to Development"
and
"The Role of Business in Realizing the Right to Development in The Context of the 2030 Agenda for Sustainable Development"

Member States have been invited to submit inputs on the following aspects:

NO.	ASPECTS	COMMENT
A.	**HRC Report (September 2023) – "Reinvigorating the right to development: A vision for the future"**	
1.	What have been the most important achievements for the implementation of the right to development at the national, regional and international levels in the past decade?	The most important achievement for the implementation of the right to development in the past decade involves the development of the digital economy. In Malaysia, this initiative undertaken by the Malaysia Digital Economy Corporation (MDEC) which has been driving digital inclusion initiatives for more than 10 years. Key areas of focus have been in digitalising micro and small medium-sized enterprises (SMEs), while simultaneously increasing digital literacy and skills of targeted groups. As of 2022, MDEC has led initiatives that have achieved nation-wide impact via: i) Business digitalisation: A total of 1.22 million merchants have on-boarded to eCommerce platforms, generating RM9.37 billion in gross market value. In this regard, more than 500,000 micro businesses have been trained on digital entrepreneurship, and 2,500 farmers have been trained to adopt digital technology; ii) Gig work: A total of 331,000 Malaysians from low-income households have been trained to secure digitally-enabled gig work, while more than 76,000

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		skilled Malaysians have been trained to secure high value work on online sharing economy platforms; and iii) Digital education: Close to 9,000 master teachers have been trained to teach digital tech skills to 2.4 million primary and secondary school students.
2.	What are the key remaining challenges in the effective realization of the right to development at different levels?	The key remaining challenges in the effective realization of the right to development at different levels from the perspective of the digital economy, include the following: • Affordable and pervasive high-speed internet connectivity; • Access to digital devices; and • Lack of industry-relevant talents, especially in the fast-evolving digital economy space.
3.	How could the right to development be mainstreamed and integrated into other relevant agendas (including the 2030 Agenda) at the national, regional and international levels?	Possible approaches for the right to development be mainstreamed and integrated into other relevant agendas (including the 2030 Agenda) for better integration include: • Policy and regulatory interventions; and • Public and private sector collaborations.
4.	What steps have been taken to realize the right to development of vulnerable or marginalized individuals and communities? Have these been effective?	Malaysia through its agencies has employed policy advocacy and public-private partnership approaches to ensure more equitable and inclusive access to our initiatives. Examples include: • Cross-agency coordination of national-level initiatives, e.g. the National eCommerce Strategic Roadmap Taskforce, Sharing Economy Committee, etc.

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		• Integration of computer science and coding skills into the national school curriculum. • Leveraging existing infrastructure/facilities to deliver digital skills, specifically digital entrepreneurship to micro and rural businesses. • Partnering with private sector and civil society organisations to extend the reach of digital up-skilling programmes for school students. • Partnering with private sector to co-fund the training and on-boarding of merchants to eCommerce platforms.
5.	How can the role of actors such as development agencies, international financial institutions, businesses, universities, civil society and the media be harnessed to contribute to the realization of the right to development?	**5.1 Role of universities** • The higher education sector contributes to the realization of the right to development through policy notably the Malaysia Education Blueprint 2015 – 2025 (Higher Education) - MEB(HE) under the Student Aspiration. • Through this aspiration, the Malaysian Ministry of Higher Education (MOHE) desires to expand access and increase equity to higher education by increasing the seat in tertiary education from 36% in 2012 to 53% by 2025. In 2022, Malaysia has significantly exceeded its target by achieving 54.9% of the tertiary education enrolment portraying its seriousness in making sure people get equal opportunity and access to higher education regardless of their background, gender, race, religion, or socio-economic status. • To further enhanced inclusivity in higher education, MOHE has taken several steps including: i. Increasing access to higher education for underrepresented groups through a special application lane for the admission of low-income

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		students (B40) and students with disabilities to public universities (IPTA) and public vocational training institutions (ILKA); ii. Providing financial assistance and scholarships to help students overcome financial barriers to higher education by offering financial support through scholarships and grants to students from low-income families to pursue higher education; iii. Implementing policies and practices that promote diversity and inclusion and offering support services and resources to help students succeed academically, such as tutoring, mentoring, and counselling; iv. Developing the Malaysia Higher Education Digitalisation Plan (HEDP) which focuses on making online learning as an integral component of higher education and life-long learning; as well as establishing the required digital infrastructure to strengthen the capabilities of the academic community to deliver online learning at scale; v. Developing the skills, employability and entrepreneurial capacity of students to embark on creative economy and stimulating enterprise activity, both through mainstream education and through extra-curricular activity; and vi. Providing access for refugees to obtain tertiary (higher) education. • In the aspect of supporting students with disabilities in higher education institutions (HEIs), MOHE launched the Guidelines on the Implementation of Disability Inclusive Policy at Higher Education Institutions to ensure the continuation of support systems can be provided to the students with disabilities and the rights for them to receive education through an inclusive ecosystem at HEIs.

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		• A web-based system called the Inclusive Campus Framework Project to Increase the Admission of Disabled Students to the Public University of Malaysia (MyU-OKU) has been developed to help public universities conduct self-assessments to assess the readiness of each public university in establishing an inclusive campus to ensure that the needs of the students with disabilities will not be left out. • MOHE through Malaysian Qualification Agency (MQA) also avails the opportunity for students to pursue higher education through a specific learning path that involves studying a programme at students' own pace in a mainly online environment. It also enables students to continue their education in a specific sector that is mainly based on industry-driven. • There are professional credentials accredited by leading universities meant to help students develop in-demand career skills while also deepening their grasp of a subject, with the option of earning a professional or academic credential. • Online micro-credentials are designed to upskill students for work in rapidly growing industries, without the time and cost commitment of a full degree. They can be used as an independent certification, and some even offer academic credit to use towards a degree. Each micro-credential also includes a formal online assessment. **5.2 Role of businesses** • Based on the Cabinet decision on 20th June 2019 and 6th December 2019, the development of Malaysia's National Action Plan on Business and

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		Human Rights now falls under the auspices of the Minister in the Prime Minister's Department (Law and Institutional Reform) supported by the Legal Affairs Division, Prime Minister's Department (BHEUU, JPM). The Government has identified several pertinent business and human rights issues in Malaysia based on several engagement sessions. The issues identified are mainly related to labour, environment and governance. • BHEUU, JPM, and United Nations Development Program (UNDP) have appointed the consultants to conduct a National Baseline Assessment (NBA). The consultants had conducted several engagements with relevant stakeholders, especially with the NGOs, CSOs, businesses and Government agencies, to develop a report on the NBA. The finalised NBA will be presented to the Steering and Technical Committee before launching. **5.3 Role of Media** • The media can serve to promote awareness about development issues including poverty, inequality, education, healthcare, and environmental sustainability, all of which can help to realize the right to development. • By reporting on the problems and accomplishments of development efforts, the media may educate the public and instil a sense of urgency and empathy for these issues. Media outlets can also advocate for policies and actions that promote the right to development, such as equitable resource distribution, poverty reduction initiatives, and practises that promote sustainable development. • Aside from that, the media can act as a 'watchdog' by scrutinising and reporting on the performance of governments, corporations, and

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		development agencies in carrying out development projects. By promoting transparency and access to information, the media may help guarantee that citizens are informed about development policies, projects, and their effects. • Furthermore, the media could provide a platform for marginalised individuals to express their needs, concerns, and hopes. By highlighting these voices, the media has the ability to influence public opinion, challenge preconceived notions, foster empathy and generate support for inclusive development. Overall, the media has the power to influence public opinion, influence policy, and promote accountability in the pursuit of development rights. By exercising their position responsibly and ethically, media actors can make a significant contribution to the achievement of this fundamental right.
6.	What more should be done to strengthen cooperation among States as well as collaboration with various non-State actors in realizing the right to development?	The following are some possible approaches to strengthen cooperation among States as well as collaboration with various non-State actors: i) Strengthen coordination platforms such as taskforce/committees that include relevant agencies from the federal and state governments as well as private sector and civil society. This is to ensure more cohesive efforts across the country; ii) Re-visit incentive structures to encourage private sector to take a more active role in developmental priorities; and iii) Incorporate performance metrics that measure inclusivity into strategic initiatives, such as gender, age, location, income segment, and etc.

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B.	**UNGA report (October 2023) – "Role of businesses in realizing the right to development"**	
1.	What laws, policies and incentives are in place (or should be introduced) to encourage businesses to contribute to the effective realization of the right to development?	-
2.	What steps are being taken to ensure that businesses provide adequate living wages to their employees/workers throughout their operations and adopt responsible purchasing practices?	Malaysia through the Ministry of Investment, Trade and Industry (MITI) is currently formulating the National Environmental, Social and Governance Industry (i-ESG) Framework for the manufacturing sector, and is expected to be launched in the third quarter of 2023. The main objective of the Framework is to build and strengthen a system to encourage and enhance ESG practices in the manufacturing sector. In particular, the Framework will: i) Provide clear, consistent and coherent guidelines for industries in transitioning towards ESG-compliance / practices; ii) Assess readiness of manufacturing companies, especially SMEs towards embracing ESG principles; iii) Put in place appropriate enablers to assist manufacturers to adopt ESG practices; and iv) Estimate annual GHG reduction by subsectors in line with nation's climate goals. With the i-ESG Framework in place, we will have more businesses disclose their sustainability reporting, to attract more investment that are SDG-aligned as well as enhance export competitiveness and market expansion. The Framework has four (4) components, namely: standard, capacity building, financing and market mechanisms.

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3.	How do businesses ensure that development projects do not result in environmental pollution and/or forced displacement of communities, including indigenous peoples?	All businesses and industries in Malaysia must comply with the Environmental Quality Act 1974 (EQA 1974). Any development that are subject to the Environmental Impact Assessment (EIA) Regulation under the EQA 1974 must obtain approval from the Department of Environment (DOE) before the development begins. Thus, the necessary actions will be concluded by DOE prior to the EIA approval. In complying with the EQA 1974, all parties will receive equal protection by the EQA 1974, without any exception to certain groups of people or communities. Concerning the displacement of the indigenous peoples or *orang asli* community in Malaysia, it was attributed to the rise of new city developments and national projects of public benefit. In this relation, the government will ensure that the displaced *orang asli* be relocated to new locations with better infrastructure, amenities and compensation for the communities. Free, Prior and Informed Consent (FPIC) was upheld throughout the displacement process of the *orang asli.*
4.	Are the existing regulatory frameworks at the national, regional and international levels adequate to ensure that businesses do not evade paying taxes to States?	-
5.	What are the good practices about businesses trying to bridge the digital divide and/or ensure the safe use of technologies by vulnerable population such as children, elderly and minorities?	-

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6.	How can States and other actors (e.g., national human rights institutions, development finance institutions and businesses) provide effective remedies to individuals and communities alleging breach of the right to development?	-
C.	**Thematic priorities for 2023-26**	
1.	What issues should the Special Rapporteur focus on during the next three years of his mandate for the effective realization of the right to development at the local, national, regional and international levels?	Based on engagement with our stakeholders, which include investors, various local businesses, the public and government stakeholders, the following issues should be the focus in the effective realization of the right to development: i) Gender equality; ii) Digital literacy and talent development; iii) Social security for gig workers; and iv) Aging population.
2.	What are the main challenges faced in realizing the right to development? Are there any good practices and effective strategies in overcoming these challenges?	From the perspective of the digital economy, some of the key challenges faced in realizing the right to development include the following: i) Affordable and pervasive high-speed internet connectivity; ii) Access to digital devices; and iii) Lack of industry-relevant talents, especially in the fast-evolving digital economy space.
3.	What actions should be taken to ensure the integration of the right to development in other agendas such as the Sustainable Development Goals,	Following are some possible approaches to ensure the integration of the right to development in other agendas:

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	business and human rights, protection of the environment, climate change, discrimination, migration, peace and security, development finance, trade and investment agreements, new technologies, civic space, and access to justice?	i) Better inter-agency coordination platforms through taskforce/committees that include relevant agencies from the federal and state governments as well as private sector and civil society. This is to ensure more cohesive efforts across the country to address key developmental agendas; ii) Revisit incentive structures to encourage private sector to take a more active role in developmental priorities; iii) Incorporate performance metrics that are consistent with the SDGs or other relevant global agendas, into the KPIs of government agencies or special committees established for this purpose.

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