



LAWS OF MALAYSIA

Act A1714

**HUMAN RIGHTS COMMISSION OF MALAYSIA
(AMENDMENT) ACT 2024**

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LAWS OF MALAYSIA

Act A1714

HUMAN RIGHTS COMMISSION OF MALAYSIA (AMENDMENT) ACT 2024

An Act to amend the Human Rights Commission of Malaysia Act 1999.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Human Rights Commission of Malaysia (Amendment) Act 2024.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 4

2. The Human Rights Commission of Malaysia Act 1999 [Act 597], which is referred to as the “principal Act” in this Act, is amended in section 4—

(a) in subsection (2)—

(i) by substituting for paragraph (d) the following paragraph:

“(d) to visit any place of detention, institution and other place in accordance with procedures as may be prescribed by written laws

or specified in the guidelines relating to such place of detention, institution and place and to make necessary recommendations;”;

(ii) in paragraph (e), by deleting the word “and” at the end of the paragraph; and

(iii) by inserting after paragraph (e) the following paragraph:

“(ea) in respect of children—

(i) to receive any communication from children either directly or through any person or authority relating to the children’s complaints and needs and to act upon such complaints and needs; and

(ii) to establish and adopt mechanisms and procedures in promoting the participation of children in matters that concern them; and”;

(b) by substituting for subsection (3) the following subsection:

“(3) The visit by the Commission to any place of detention, institution and other place under paragraph 2(d) shall not be refused by the person in charge of such place of detention, institution or place if the procedures prescribed by written laws or specified in the guidelines relating to such place of detention, institution or place have been complied with.”.

Amendment of section 5

3. Section 5 of the principal Act is amended—

(a) in subsection (1), by inserting after the words “consist of” the words “not less than seven and”;

(b) by substituting for subsection (3) the following subsection:

“(3) The members of the Commission shall be appointed from amongst citizens of Malaysia who have knowledge or practical experience in human rights matters, comprising men and women of various religious or racial backgrounds, and persons with disabilities.”; and

(c) by inserting after subsection (3) the following subsections:

“(3A) The members of the Commission appointed under this section shall consist of at least one representative from amongst persons with disabilities and at least thirty per cent of representatives from amongst women.

(3B) Any person who is actively involved in politics and registered with any political party shall not be appointed as a member of the Commission.”.

New section 6A

4. The principal Act is amended by inserting after section 6 the following section:

“Chief Children Commissioner and Children Commissioners

6A. (1) The Yang di-Pertuan Agong shall designate from amongst the members of the Commission appointed under section 5, a Chief Children Commissioner and two Children Commissioners to deal with human rights matters relating to children.

(2) The term of office of the Chief Children Commissioner and the Children Commissioners shall be their period of membership in the Commission.

(3) The functions of the Chief Children Commissioner and the Children Commissioners under this section shall be in addition to, and not in derogation of, their functions as members of the Commission.

(4) In carrying out their functions, the Chief Children Commissioner and the Children Commissioners shall be subject to the direction of the Chairman of the Commission.”.

Amendment of section 8

5. Section 8 of the principal Act is amended—

- (a) in subsection (1), by inserting after the words “Chairman of the Commission” the words “, the Chief Children Commissioner and the Children Commissioners”; and
- (b) in subsection (2), by inserting after the words “member of the Commission” the words “, other than the members referred to in subsection (1),”.

Amendment of section 10

6. The principal Act is amended by substituting for subparagraph 10(d)(ii) the following subparagraph:

“(ii) has breached the code of conduct established under section 10A; or”.

New sections 10A and 10B

7. The principal Act is amended by inserting after section 10 the following sections:

“Code of conduct

10A. (1) The Minister may establish a code of conduct which shall be observed by the members of the Commission.

(2) The code of conduct established under subsection (1) shall be published in the *Gazette*.

(3) If it comes to the knowledge of the Minister that there is an alleged breach of the code of conduct committed by any member of the Commission, the Minister shall refer the matter to the Prime Minister for the appointment of an investigation tribunal under section 10B.

Investigation tribunal

10B. (1) The investigation tribunal shall consist of three members appointed by the Prime Minister.

(2) The investigation tribunal shall have the power to conduct an investigation against the alleged breach of the code of conduct committed by the members of the Commission and shall make its findings and may make any recommendation based on its findings to the Prime Minister.

(3) The members of the investigation tribunal appointed under subsection (1) may be paid such allowances as the Prime Minister may determine.

(4) The investigation tribunal shall conduct its investigation in accordance with the procedures as may be prescribed by the Minister in the regulations.

(5) If an investigation is instituted in respect of an alleged breach of the code of conduct committed by a member of the Commission under this section, the Yang di-Pertuan Agong may, on the recommendation of the Prime Minister, suspend the member of the Commission from carrying out his functions until the investigation tribunal makes its findings under subsection (8) or until a decision is made by the Yang di-Pertuan Agong in respect of subparagraph 10(d)(ii), whichever is the later.

(6) If a member of the Commission is suspended from carrying out his functions under subsection (5), he shall only be entitled to receive not less than half of his remuneration or allowances, as the case may be, during the period of his suspension.

(7) For the purposes of investigation under this section, the investigation tribunal may—

- (a) gather any evidence relating to the allegation of breach of the code of conduct and examine any person that the investigation tribunal considers necessary;
- (b) require any person to attend any meeting of the investigation tribunal to give evidence or produce any document or other things in his possession; or

(c) take any action as may be necessary to obtain further clarification on matters relating to the investigation.

(8) Upon completion of the investigation—

(a) if the investigation tribunal finds that there is a breach of the code of conduct by the member of the Commission, the investigation tribunal shall recommend to the Prime Minister that the member of the Commission be removed from being a member of the Commission; or

(b) if the investigation tribunal finds that there is no breach of the code of conduct by the member of the Commission, the investigation tribunal shall dismiss the matter and inform the Prime Minister accordingly.

(9) In the case of suspension of a member of the Commission under subsection (5), if the investigation tribunal finds that there is no breach of the code of conduct by the member of the Commission, the member of the Commission shall be entitled to receive any part of his remuneration or allowances, as the case may be, which has not been paid to him during the period of his suspension.”.

Amendment of section 11A

8. Section 11A of the principal Act is amended by inserting after subsection (2) the following subsection:

“(2A) The members of the committee may be paid such allowances as the Prime Minister may determine.”.

Amendment of section 13

9. Section 13 of the principal Act is amended by inserting after subsection (2) the following subsection:

“(3) Where the Commission has referred any infringement of human rights to the relevant authority or person under subsection (2), the relevant authority or person shall inform the Commission of any action taken by the relevant authority or person in relation to the infringement of human rights.”.

Amendment of section 14

10. Section 14 of the principal Act is amended by substituting for subsection (2) the following subsection:

“(2) Notwithstanding paragraph (1)(c), where the person summoned is a person detained at a place of detention under any written law, or is being placed at any institution or other place, such summons shall be issued in accordance with written laws or guidelines, as the case may be, applicable to such place of detention, institution or place.”.

Substitution of section 22

11. The principal Act is amended by substituting for section 22 the following section:

“Regulations

22. (1) The Minister may, after consultation with the Commission, make regulations for the purpose of carrying out or giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made for the following purposes:

- (a) to prescribe the procedures for the conduct of inquiries under this Act; and
- (b) to provide for matters relating to investigation by the investigation tribunal including—
 - (i) the procedures for the conduct of investigation by the investigation tribunal; and
 - (ii) the opportunity for representation to be made by the member of the Commission to whom the investigation relates before a finding is made by the investigation tribunal.”.