

**A. Name and date of creation**

Human Rights Commission of Malaysia (SUHAKAM). 1st September 1999

**B. Status of institution (as ticked on the questionnaire)**

Institution integrated in a general human rights institution (Human rights commission with specific legislation).

**C. Mandate and competences**

a)

- i) Mandate is under the Human Rights Commission Act 1999 (principles of human rights treaties not mentioned in the Act).
- ii) Continuous effort to comply with the Paris Principles
- iii) No mention on the best interest of the child.
- iv) Promote and protect human rights in Malaysia

b)

- i) Public sector
- ii) Referral procedure for adult and children are the same. Cases can be taken on its own motion.
- iii) Prior notice must be given for visits and inspections.
- iv) Testimony can be requested by way of subpoena.
- v) The Commission can only recommend and advice for cases to be brought to the court.

c)

- i) The Commission has been involved in recommending for amendment to laws regarding child sexual exploitation, and actively pushing for OP CRC accession.
- ii) The Commission does not practice legal drafting, but there is nothing under the mandate to prevent from doing so.

d, e, f) Education Working Group is responsible and are undertaking the listed tasks.

g) Yes, it is established and operational.

**D. Level of Intervention (ticked)**

Between local and national.

**E. Functioning of the Institution**

a)

- i) Appointed by the King on the advice of the Prime Minister

- iii) The King on the advice of the Prime Minister, who shall consult select committee which may consist of civil society member appointed by the Prime Minister. There is no child participation.
- iv) (the question on the questionnaire is blurry)
- v) The newly amended Human Rights Commission Act underlines some measures to prevent conflict of interest. The Commissioners themselves in practice have undertaken further measures to ensure impartiality.
- vi) Issuance of notice to the King.
- b)
  - i) Interview process
  - ii,iii) Once they are appointed as officers, they cease to practice other jobs. There are no officers who was or are child specialist, but few with legal experience and background.
  - v) Full time
- c)
  - i) Yes. Amount allocated subject to the internal need of the Complaints and Inquiry Working Group
  - ii) (this question may need to be clarified)
  - iii) Non
  - iv) Executive
  - vi) Not allowed under the governing Act, except for the purpose of education.

**F. Participation of Civil Society and of Children in the Functioning of the Complaints Mechanism**

- i) No specific system for child participation. No representation within the system.
- ii) Many activities involve active participation from NGO.
- iii) Cooperation done on case to case basis and on thematic subject, without formal agreement.

**G. Accessibility**

- i) Available to all children without discrimination. Means available are telephone, internet and walk in.
- ii) Non to all.
- iii) Situated in areas not frequented by children.
- iv) Materials are mainly in Malay and English. Structures are not children with disabilities –friendly.
- v) Non.
- vi) Yes, through website, pamphlets programmes and road shows.

**H. Protection**

- i) Non. Cases like these are usually reported directly to police, and maybe Ministry of Women, Family and Community Development.
- ii) Yes, on case to case basis.
- iii) Yes, actively involved with the Ministry of Women, Family and Community Development.

**I. Confidentiality and protection of the child's right to privacy**

- i) Through existing system such as filing and maintain strong confidentiality ethics.
- ii) Filing and internet based. Head of working group are to ensure files are kept and recorded accordingly.
- iii) Through human rights education and school programmes.
- iv) Maintains good relationship with UNICEF and many NGO for children. SUHAKAM with NHRI from Thailand, Philippines and Indonesia, is a member of the South East Asia NHRI Forum, which also has some common understanding regarding rights of children.

**J. Follow Up / Evaluation**

- i) Provide advice and recommendation regarding judicial procedures.
- ii) Non.
- iii) Submit report to Parliament.

**K. Challenges, Good practices and Recommendations**

There is no specific guideline and procedure for child sensitive counselling, complaint and reporting mechanism for children. To establish such procedures would require further discussion by the Commission. Staff adheres to good etiquettes and appropriate practices in dealing with children. Sexual violence cases are often directed to the enforcement agencies.