



Malaysia: Slow progress on reforms and ongoing restrictions on freedoms

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A year on from Prime Minister Anwar Ibrahim being [sworn in as the 10th Prime Minister](#) and forming a unity government, ARTICLE 19 and CIVICUS believe there has been a lack of progress in undertaking reforms to ensure better human rights protection. At the same time, authorities have continued to restrict fundamental freedoms.

While we note some positive steps, such as the legal reforms [passed](#) in April 2023 to remove the mandatory death penalty and reduce the number of offences punishable by death, commitments from Azalina Othman, the minister in the Prime Minister Department (Law and Institutional Reform), in July 2023 to [review several existing laws](#) linked to race, religion and royalty (known as 3R issues), as well as the Prime Minister's [announcement](#) in September 2023 that the government has agreed in principle to enact the freedom of information act, the government still needs to do more to ensure human rights reforms in the country.

As with previous governments, the current government does not appear to tolerate criticism, scrutiny, accountability, or dissenting opinions. In the past year, the government has repeatedly suppressed freedom of expression and assembly. This has included targeting [human rights defenders](#), [filmmakers](#), [LGBTQI communities](#), and other minorities that seek to promote and protect human rights, prosecuting them under Malaysia's many repressive laws. People's attempts to peacefully assemble have faced restrictions, while the media have faced challenges in undertaking work, including having their content blocked.

As a [member](#) of the UN Human Rights Council, the government's actions to stifle freedom of expression and peaceful assembly are inconsistent with the country's international human rights obligations and commitments made to the international community. We urge the government to halt the ongoing clampdown on civic space and take steps to reform laws and policies used to stifle dissent.

Use of restrictive laws to stifle freedom of expression.

Since it was adopted in 1998, [the Communications and Multimedia Act \(CMA\)](#) has emerged as one of the greatest threats to freedom of expression in Malaysia; in the past year, authorities have repeatedly used Section 233 of the law to target online expression, often in conjunction with other laws, such as the Sedition Act, but also at times as a standalone offence. It was [reported](#) in early 2023 that 444 cases had been opened for investigation under Section 233 of the CMA between 2020 and 23 January 2023. Approximately 38 cases were prosecuted, 31 cases include convictions, and seven more cases are still under trial.

The colonial-era Sedition Act is routinely abused by authorities, with the Anwar Ibrahim government no exception, to suppress dissent and silence opponents. The law has also been used to stifle discourse

concerning racial and ethnic groups, religion, and Malaysian royalty. Furthermore, Sections 298 and 298A of the Penal Code criminalise [alleged blasphemy](#) and are often used to restrict expression permitted under international human rights law.

These laws have been used to investigate, arrest, charge, and convict individuals who have criticised government officials, institutions, or Malaysian royalty or shared opinions about sensitive issues such as race or religion. It is common for authorities to use multiple laws to investigate individuals but for the investigation to result in charges under only one (if any) law. Alleging criminality under multiple different laws is a frequent intimidation tactic used by the Malaysian authorities, creating a threatening environment that chills freedom of expression.

Numerous cases were documented in 2023 about the use of these restrictive laws to silence dissent. Section 4(1) of the Sedition Act and Section 233 of the CMA were used not long after the elections in December to [arrest and remand a man](#) for three days for allegedly insulting the king on Facebook.

In January 2023, the film makers and artists behind the movie [Mentega Terbang \(Butter-fly\)](#) have faced a [distressing witch hunt](#) and threats carried out by both the State and non-state actors, and by people using [social media](#) to target them. In March 2023, the actors and filmmakers were [investigated](#) under the under Section 298A of the Penal Code for causing disharmony, Section 505(b) of the Penal Code for statements that lead to public alarm and distress, and Section 233 of the Communications and Multimedia Act (CMA) 1998 for improper use of network facilities. In early September 2023, the Minister of Home Affairs [banned](#) the [film](#) from screening in Malaysia under Section 26 of the Film Censorship Act (2002). The order was gazetted as Film Censorship (Prohibition) Order 2023 on 1 September 2023.

In July 2023, in the run up to six state elections, the government, through the Communications and Digital Minister Fahmi Fadzil, sent [constant reminders](#) to the public and politicians that any posts or comments on 3R issues will not be tolerated. He also said the police and the Malaysian Communications and Multimedia Commission (MCMC) will monitor that speech and expression on social media. In the same month, Muhammad Sanusi Md Noor, then Caretaker Kedah Chief Minister, was [arrested](#) and [charged](#) under the Section 4(1) of the Sedition Act. He faced two charges for allegedly expressing seditious statements against the Selangor royal institution on the appointment of the Selangor state Chief Minister.

On 24 November 2023, Razali Idris, Information Chief of the Malaysian United Indigenous Party (BERSATU), Terengganu executive councillor and Kijal assemblyman from an opposition political party was [charged](#) under the Section 4(1)(b) of the Sedition Act for allegedly making seditious remarks about the court decision against MP Syed Saddiq and another politician who was granted a discharge not amounting to acquittal. He alleged that the Malaysian Anti-Corruption Commission (MACC) and judges were under the control of the current Prime Minister.

The Printing Presses and Publications Act 1984 (PPPA) has been used to suppress political opposition, ban books that may be critical of the government or considered blasphemous to Islam, and curtail freedom of expression in general. Section 7 of the law grants the Home Minister 'absolute discretion' to ban or censor 'undesirable publications' based on vaguely worded criteria.

In May 2023, Malaysian authorities [raided](#) 11 nationwide outlets belonging to the Swiss watchmaker Swatch and seized over 100 colourful watches from their 'Pride Collection', [created](#) to celebrate the Pride movement and promote LGBTQ+ rights ahead of Pride Month in June. The Home Minister also allegedly [issued](#) warning notices to five other stores. Prime Minister Anwar Ibrahim has [specified](#) that the raids were due to the product line's association with the LGBTQ+ community, reaffirming the arbitrary and discriminatory nature of the action. The raids and watch seizures were [carried out](#) under

the PPPA. The raids are a clear [warning to intimidate](#) LGBTQ+ persons into hiding from a government that is threatened by the notion of pride in diverse genders, identities, and sexual orientations. The raids have once again contributed to the ongoing hostility and discrimination against LGBTQ+ people, who already feel unsafe and at risk of reprisal for expressing themselves.

In August 2023, Ministry of Home Affairs (MOHA) officials [raided](#) the bookstore Toko Buku Rakyat in Kuala Lumpur and seized two book titles, *Marx Sang Pendidik Revolusioner* (Marx, the Revolutionary Educator) by Robin Smalls and *Koleksi Puisi Masturbasi* (the Masturbation Poetry Collection) by Benz Ali, who is also the owner of the bookstore. The confiscation was conducted under the PPPA.

In September 2023, Malaysia's Court of Appeal ruling to [reinstate](#) the nationwide ban on the book *'Gay is Okay: A Christian Perspective'* represents an alarming continuation in the suppression of freedom of expression in the country. This case traces back to a [ban imposed in November 2020 by the Minister of Home Affairs](#) under Section 7 of the PPPA. The ban cited concerns about the book's content being prejudicial to public order, morality, and public interest. In February 2022, the [Kuala Lumpur High Court lifted the ban](#), emphasizing the lack of evidence supporting the ban's justification and the violation of procedural fairness. On 23 November, eight Chinese language books published by the Gerakbudaya local bookstore were [confiscated](#) by the Ministry of Home Affairs because they allegedly contained 'communist elements'. According to Gerakbudaya, none of the books were on the Home Affairs's list of publications banned under the PPPA.

Restrictions on media freedom

Our groups continue to document restrictions to media freedom. Under this current government, multiple websites have been restricted by different internet service providers without notice or warning. Many official media outlets, as well as blogs that are critical of the government, have also faced this issue.

On 27 June, *MalaysiaNow*, an online news platform, was reportedly [inaccessible](#), but only to people who use Celcom and Maxis service providers. Two websites that publish current events and critical political commentary faced a similar issue. On 3 July, *Malaysia Today* was observed to be blocked from users of the same telecommunications providers. A [blog run by a former member of parliament](#), Wee Choo Keong, was blocked on 24 July. Choo Keong has [threatened legal action](#) against the MCMC a regulatory agency supervised by the Ministry of Communications and Digital if they do not lift the ban on his website.

On 7 August, the government [blocked access](#) to the news website *UtusanTV.com* to at least some internet users. In response to *UtusanTV's* inaccessibility, on 10 August [communications minister Fahmi Fadzil stated](#) that he did not give any instructions to block the websites.

On 18 August, news website *TV Pertiwi* claimed that the MCMC, had [blocked](#) it. The company received no notice of the alleged block. The MCMC also ordered the media to [remove six pieces of content](#) from its website on vague grounds that it allegedly incited 'hatred towards the royal institution as well as ethnicity and religion, which could potentially disrupt public peace and harmony within the country', but the *TV Pertiwi* staff refused to comply with this injunction. Its TikTok account was also [banned](#).

The absence of transparency and explanation underscores the need for a sensitive and sensible balance between regulation and Internet liberties. Under the pretext of preventing misinformation, blocking news portals and critical voices in Malaysia resembles an opaque veil, concealing intentions and disregarding due process.

Restrictions on and harassment of protesters

The Anwar Ibrahim government has yet to address any of the restrictive provisions in the [Peaceful Assembly Act \(PAA\)](#). The law contains onerous requirements, such as the need to provide detailed information about the planned event and its organisers, that falls short of international standards. Furthermore, anyone who organises an assembly without giving the required notice can be charged with a criminal offence carrying a fine of up to RM10,000 (USD 2,152). Section 9(5) of PAA requires organisers to notify the police five days before a protest but still lacks an exception to the notice requirement for spontaneous assemblies where it is not practicable to give advance notice. The law also makes it a criminal offence for people under 21 years old to organise an assembly and for children to attend an assembly. Further, non-citizens are also denied the right to organise or participate in protests, which is clearly discriminatory.

In addition, this government has continued to harass protesters for organising and participating in peaceful protests. In February 2023, police [recorded statements](#) from 10 individuals and opened two investigation papers under Section 9(5) of the PAA in connection with protest gatherings over Quran burning at two embassies in the capital, Kuala Lumpur. The following month, the police announced it had [opened an investigation](#) into seven individuals, including organisers, speakers and participants, under Section 9(5) of the PAA and Section 14 of the Minor Offences Act 1995 after about 300 people, including human rights defenders and civil society groups, took to the streets in Kuala Lumpur to commemorate International Women's Day.

Also in March 2023, police opened an [investigation](#) into a peaceful gathering held in support of opposition leader and BERSATU party president Muhyiddin Yassin, who was called in by the Malaysian Anti-Corruption Commission (MACC) in Putrajaya. In May 2023, police opened [investigation papers](#) under Section 9 (5) of the PAA after at least 400 individuals, including from civil society, participated in a peaceful march for the annual International Labour Day in the centre of Kuala Lumpur. In August 2023, the police said they were investigating a [hunger strike](#) outside the Sungai Buloh prison by relatives of those detained under the draconian Security Offences (Special Measures) Act 2012 (SOSMA).

In September 2023, police attempted to block a [group of around 50 farmers](#) from the state of Perak – supported by Lawan Lapar, a movement aimed at ensuring food security, and members of the Malaysian Socialist Party (PSM) – from handing over a memorandum at parliament to protest against land eviction measures that were affecting their livelihood. Despite the attempt to block them, they persevered and met representatives from the government as well as parliamentarians outside parliament. Following this, police [opened up investigations](#) into the protest under Section 186 of the Penal Code for 'obstructing civil servants from performing their duties'. On 18 September, three PSM leaders were called in for police questioning.

Separately, police also [tried to block](#) the 'Save Malaysia' protest organised by opposition groups on 16 September against Deputy Prime Minister Ahmad Zahid Hamidi's discharge not amounting to an acquittal (DNAA) in a corruption case. The police repeatedly [demanded](#) publicly that the organisers 'apply for permit' despite the law only requiring the organisers to give notice. Following the peaceful protest – in which around 800 people participated – police said they were going to [question](#) at least 25 people under the PAA.

Human rights defenders at risk

Human rights defenders remain at risk in Malaysia and there is a lack of mechanisms to protect them in law and practice.

Sisters in Islam (SIS), a women's rights organisation that promotes the advancement of Muslim women's rights, has been fighting a legal battle for nine years against a Selangor fatwa that labelled them as a deviant group. In March 2023, the Court of Appeal [dismissed an appeal](#) against the fatwa by SIS.

In July 2023, Myanmar refugee activist Thuzar Maung and her family were [abducted](#) by unidentified men from their residence in Ampang Jaya, Kuala Lumpur, based on reports from witnesses and CCTV footage, and have not been seen since. Thuzar Maung is an outspoken supporter of Myanmar's pro-democracy movement. Their whereabouts remain unknown and questions have been [raised](#) about how seriously the police are investigating the case.

In the same month, there was an attempt on the life of lawyer and human rights defender Siti Kasim after an [improvised explosive device \(IED\)](#) was found under her car. The object – plastic bottles with wires inside – was found attached to the undercarriage of her vehicle after she had sent it for servicing at a workshop in Kuala Lumpur. The UN Special Rapporteur on human rights defenders, Mary Lawlor, on 9 August 2023 called on the government to 'effectively investigate the attack & ensure her safety'. However, no one has been brought to justice for the crime.

In October 2023, Wong Yan Ke, a former student activist who works at Suara Rakyat Malaysia (SUARAM), a leading human rights organisation., was [found guilty](#) under Section 504 of Malaysia's Penal Code. This followed his actions during the university's convocation ceremony in October 2019, when he [raised a placard and shouted slogans](#) accusing the Vice Chancellor of the university of making 'racist' remarks during the Malay Dignity Congress and calling for the official's resignation. He was subsequently fined RM5,000 (approx. USD 1,200). The court ordered that he spend three months in jail should he fail to pay the fine.

In the same month, three [land rights defenders](#) were arrested for trying to block a forced eviction by the Perak state government. One of them was shoved by an officer from the Land and Minerals Office and suffered injuries to her nose and mouth, as well as wounds on her legs and hands, and has required medical treatment.

On a positive note, in November 2023, Chang Lih Kang, Minister of Science, Technology and Innovation, [acknowledged](#) the role of human rights defenders in advocating for the rights and concerns of marginalised communities. The minister said that 'they act as watchdogs, exposing injustices, discrimination, and human rights violations that might otherwise go unnoticed'.

Human rights obligations

The Unity government's actions are inconsistent with Malaysia's human rights obligations to respect and protect fundamental freedoms, as well as constitutional guarantees under Article 10 of the Malaysian Constitution for freedom of expression, peaceful assembly and association. Furthermore, during Malaysia's Universal Periodic Review (UPR) in 2018, the government made [commitments](#) to repeal the draconian Sedition Act, Peaceful Assembly Act and other laws that restrict fundamental freedoms. However, nearly four years on, no progress has been made on these commitments.

On 14 October 2021, the UN General Assembly [elected](#) Malaysia to join the UN Human Rights Council from 2022 to 2024. In line with [pledges](#) made in its efforts to win the seat, the Malaysian government committed to human rights protections in Malaysia. However, there has been a continued deterioration in the state of human rights and fundamental freedoms under the [previous](#) and the current government. At the upcoming Universal Periodic Session at the Human Rights Council in Geneva in January 2024, the government has another opportunity to renew its commitments to human rights protection.

Recommendations:

- Sign and ratify the International Covenant on Civil and Political Rights (ICCPR), and all other major international human rights treaties;
- Issue a standing invitation to all Special Procedures of the UN Human Rights Council, and prioritise arranging visits for the Special Rapporteurs on freedom of opinion and expression, on freedom of peaceful assembly and of association, on human rights defenders, and on freedom of religion or belief;
- Bring national laws into compliance with international human rights law, including the right to freedom of opinion and expression, by repealing or reforming the Sedition Act 1948, the Printing Presses and Publications Act 1984 and the Communications and Multimedia Act 1998 (CMA) in line with international freedom of expression standards, including repealing Section 233(1)(a);
- Reform the Penal Code to protect the right to freedom of opinion and expression, including by repealing Sections 504 and 505(b), 298 and 298A (1) of the Penal Code;
- Cease the judicial harassment of persons, in particular journalists, social media users, human rights defenders, artists, and cultural performers, for exercising their rights to freedom of expression, freedom of peaceful assembly and of association, and freedom of religion or belief, drop all pending criminal charges for such acts, and release all those detained for the exercise of these rights;
- Develop, with the full and effective participation of civil society, a national action plan to promote inclusion, diversity and pluralism, including by implementing Human Rights Council Resolution 16/18 and the Rabat Plan of Action;
- Amend the Peaceful Assembly Act 2012 to guarantee fully the right to freedom of peaceful assembly as provided in international law and standards. In particular, repeal provisions that prevent children and non-citizens from organising and participating in protests. Further, provide an exception to the notice requirement for spontaneous assemblies where it is not practicable to give advance notice, and remove excessive fines currently imposed on protests and organisers;
- Halt the systematic questioning, harassment and arrest of protesters under the Peaceful Assembly Act and other laws for exercising their right to freedom of peaceful assembly;
- Provide human rights defenders (HRDs) with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of enforced disappearances, attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice;
- Establish mechanisms that protect HRDs, including by working with civil society to adopt a specific law on the protection of HRDs;

- Ensure that any processes to review and reform legislation are fully transparent and ensure the full and effective participation of all concerned stakeholders, including civil society.

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