



## Freedom in the World - Malaysia (2010)

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Capital:  
Kuala Lumpur

Population:  
28,295,000

Political Rights Score: 4 \*

Civil Liberties Score: 4 \*

Status: Partly Free

[Overview](#)

**Najib Razak, previously the deputy prime minister, rose to the premiership in April 2009 after Prime Minister Abdullah Ahmad Badawi stepped down. Abdullah had been discredited after presiding over the loss of the ruling coalition's long-standing two-thirds majority in the 2008 parliamentary elections. Also during 2009, a constitutional crisis erupted in the state of Perak after the two main coalitions in the evenly divided legislature each claimed the right to govern, and a series of religious controversies threatened to undermine Najib's pledge to promote unity among Malaysia's racial and ethnic groups. Separately, the national anticorruption agency came under scrutiny in July when an opposition party official fell to his death after being questioned by agency investigators.**

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Malaya gained independence from Britain in 1957 and merged with the British colonies of Sarawak and Sabah to become the Federation of Malaysia in 1963. The ruling Barisan Nasional (National Front, or BN, known as the Alliance before 1969) won at least a two-thirds majority in 10 of the first 11 general elections after independence, the exception being the 1969 elections, which were nullified following race riots. The BN consists of mainly ethnic parties, dominated by the conservative, Malay-based United Malays National Organization (UMNO).

Racial tensions between the Malay majority and Chinese and Indian minorities have played a central role in Malaysian politics and economics since the country's founding. Independence was premised on a social contract, enshrined in the constitution, that granted citizenship to the non-Malay population in exchange for special rights and privileges, especially in education and economics, for all *bumiputera* (Malays and other indigenous peoples). After the outbreak of race riots in 1969, in which thousands of Chinese homes and businesses were destroyed and more than 180 people were killed, the government declared an 18-month state of emergency and tightened restrictions on free speech, assembly, and political organizations.

Modern Malaysia has been shaped by Mahathir Mohamed, one of the key architects of efforts to shift economic power from the Chinese to the Malays, first as

education minister and then as prime minister from 1981 to 2003. His development policies transformed Malaysia into a hub for multinational corporations and high-technology exports. At the same time, he stunted democratic institutions, weakened the rule of law by curtailing the press and political opponents, and drew allegations of cronyism with his state-led industrial development. Mahathir criticized conservative Muslim leaders for failing to promote a more modern brand of Islam, and at the same time attempted to co-opt Islamist opposition forces by weaving their positions into UMNO's ideology.

In October 2003, Mahathir stepped down and left the premiership to his deputy, Abdullah Ahmad Badawi. The BN won 198 of the 219 seats in the lower house of Parliament in the 2004 elections, which were generally regarded as transparent. However, the three main opposition parties—the Democratic Action Party (DAP), the Islamic Party of Malaysia (PAS), and the People's Justice Party (PKR)—challenged the results on the grounds that the BN had engaged in vote rigging and other irregularities. Most specific challenges were rejected in court or withdrawn, although allegations of vote buying and problems with the electoral roll were substantiated.

Despite his strong popular mandate, Abdullah achieved little in the way of reform. In 2006, sharp divisions emerged within UNMO as Mahathir launched a series of harsh attacks on Abdullah. Meanwhile, Anwar Ibrahim, a former deputy prime minister who had been controversially removed by Mahathir in 1998, reemerged as a major opposition figure. A series of court rulings during the year that denied certain religious and legal rights for non-Muslims sparked a national debate on constitutional guarantees and the role of Islam in Malaysia. The government took action to suppress press coverage, public discussion, and related civil society activism on ethnic issues, citing the need to prevent national unrest.

Over the course of 2007, public frustration skyrocketed in response to government suppression of peaceful protests, the exposure of high-level political corruption cases, a related crackdown on online media, and a crisis involving alleged politicization of the judiciary. Demands for electoral reform in advance of the 2008 general elections—coupled with perceptions of rising crime, corruption, and inflation—triggered the largest antigovernment demonstrations in nearly a decade.

In the March 2008 elections, the BN lost its two-thirds majority in the lower house of Parliament for the first time since 1969, meaning it could no longer amend the constitution unilaterally. The BN managed to secure just 140 of the 222 lower house seats, and Abdullah soon faced calls for his resignation. Anwar's PKR captured 31 seats, up from just 1 in the 2004 elections, followed by the DAP with 28 and PAS with 23. The opposition parties also won control of five of Malaysia's 13 states, and formed a coalition called the People's Alliance (PR) in the wake of the polls.

Anwar, emboldened by the opposition's historic electoral gains, claimed that he

and the PR would capture a parliamentary majority through defections from the BN and form a new government by September 2008. However, he failed to meet his own deadline, costing him a measure of credibility.

The PR suffered another setback in February 2009, when one of its members in the Perak state assembly rejoined UMNO and three others declared themselves independent. This left both the BN and the PR with 28 representatives, setting off a constitutional crisis as each side put forward candidates for chief minister and laid claim to the state government. The dispute was taken up by the courts and remained unresolved at year's end.

Meanwhile, Abdullah, discredited by the BN's 2008 electoral setbacks, stepped down as UMNO leader and prime minister. He was succeeded in April 2009 by his deputy, Najib Razak, who pledged to promote unity among the country's racial and religious groups. However, over the course of the year, the government faced a number of contentious religious and ethnic disputes as well as serious corruption scandals. In one case in August, a group of 50 people claiming to be residents of a township outside Kuala Lumpur placed a severed cow's head in front of the Selangor state secretariat building to protest the proposed relocation of a Hindu temple to a Muslim-majority area. The act was considered highly offensive to the Hindu community, and Najib ordered a police investigation. Twelve men were eventually charged under the Sedition Act and for illegal gathering under the Police Act. The incident sparked a broader debate over inconsistencies in the application of the country's sweeping security laws, particularly the Sedition Act and the Internal Security Act (ISA). Critics accused the government of favoring Muslim Malays in general, noting that the home minister had initially failed to insist on a swift and thorough investigation of the cow-head protest. This contrasted with the quick arrests of minority protesters in the past. In September, police arrested 16 people who were participating in a march to condemn the cow-head incident.

### **Political Rights and Civil Liberties**

Malaysia is not an electoral democracy. The leader of the party that wins a plurality of seats in legislative elections becomes prime minister. Executive power is vested in the prime minister and cabinet. The paramount ruler, the titular head of state, is elected for five-year terms by fellow hereditary rulers in 9 of Malaysia's 13 states. Mizan Zainal Abidin al-Marhum Sultan Mahmud al-Muktafi Billah Shah was elected to the post in 2006. The upper house of the bicameral Parliament consists of 44 appointed members and 26 members elected by the state legislatures, serving three-year terms. The lower house, with 222 seats, is popularly elected at least every five years.

The ruling BN is a coalition of 13 parties, most with an ethnic or regional base, including the dominant UMNO as well as the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC). The three main opposition parties—the DAP, PAS, and PKR—formed their own coalition, the PR, after the March 2008 elections. Their dramatic electoral gains came despite serious obstacles, such as

unequal access to the media and restrictions on campaigning and freedom of assembly, which left them unable to compete on equal terms with the BN. The country's first-past-the-post voting system also increases the power of the largest grouping, and national electoral outcomes have been affected by the malapportionment of constituencies in favor of East Malaysia. Despite winning more than 40 percent of the vote in the 2004 elections, opposition parties collectively captured only 18 out of 219 seats in the lower house. In 2008, the BN won just 51 percent of the vote but secured 140 of 222 lower house seats.

The Election Commission (EC) is frequently accused of manipulating electoral rolls and gerrymandering districts to aid the ruling coalition, and the Registrar of Societies arbitrarily decides which parties can participate in politics. However, the EC was generally seen to have performed well in the 2008 elections.

The government and law enforcement bodies have suffered a series of corruption scandals in recent years, despite the BN's anticorruption campaign pledges. The Malaysian Anti-Corruption Commission (MACC), the agency tasked with restoring transparency to the government, came under scrutiny itself in July 2009, when an official with the opposition DAP was found to have fallen to his death from the window of an MACC building. The official, Teoh Beng Hock, was being questioned late at night about an investigation into the disbursement of state funds. An inquest into the death was ongoing at year's end. In another unresolved scandal, the MCA was implicated in the massive misuse of public funds for the Port Klang Free Zone project. Malaysia was ranked 56 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

Freedom of expression is constitutionally guaranteed but restricted in practice, although the scope of political discussion in the media expanded noticeably after the 2008 elections. The 1984 Printing Presses and Publications Act (PPPA) gives the government the authority to revoke licenses without judicial review. It also requires that publications and printers obtain annual operating permits, encouraging self-censorship and limiting investigative journalism. Privately owned television stations have close ties to the BN and generally censor programming according to government guidelines. Books and films are directly censored for profanity, violence, and political and religious material.

With traditional media so heavily restricted, the internet has emerged as a primary outlet for free discussion and for exposing cases of political corruption. The government responded in 2007 with an escalating crackdown, including the first defamation charges against bloggers. Bloggers were also threatened with arrest under the ISA, the Official Secrets Act, and the Sedition Act, all of which can draw several years in prison. The BN significantly softened its efforts to curtail online expression immediately after the 2008 elections, but security laws were used to temporarily detain two bloggers later in the year. In 2009, the BN floated a government contract to carry out internet filtering, but the proposal had been withdrawn by year's end.

The Malaysian Communication and Multimedia Commission (MCMC), an agency responsible in part for regulating the internet, has become one of the greatest roadblocks for freedom of expression in the country. It has a record of being unnecessarily harsh toward the independent news website Malaysiakini.com, which is often critical of the government. The MCMC placed pressure on the outlet in 2009 for refusing to remove video clips related to the August cow-head protest from its website. The agency argued that the clips had the “potential to annoy a particular racial group.” Nevertheless, no further actions were taken regarding the issue.

While the BN government continues to promote a tolerant and inclusive form of Islam, religious freedom is restricted in Malaysia. Practicing a version of Islam other than Sunni Islam is prohibited. Muslim children and civil servants are required to receive religious education using government-approved curriculums and instructors. Proselytizing among Muslims by other religious groups is prohibited, and a 2007 ruling by the country’s highest court effectively made it impossible for Muslims to have their conversions to other faiths recognized by the state. In late December 2009, a judge overturned a government ban on Christians’ use of the word Allah to refer to God. The ban had been imposed partly out of concern that the word could be used in attempts to convert Muslims to Christianity. Non-Muslims are not able to build houses of worship as easily as Muslims, and the state retains the right to demolish unregistered religious statues and houses of worship. In 2009, the cow-head protest drew attention to regulations that restrict the number of non-Muslim places of worship based in part on the relevant faith’s share of the local population.

The government restricts academic freedom to the extent that teachers or students espousing antigovernment views may be subject to disciplinary action under the University and Colleges Act of 1971.

Freedoms of assembly and association are limited on the grounds of maintaining security and public order. A police permit is required for all public assemblies except picket lines, and the granting of permits is sometimes politically influenced. Demonstrators can be detained under laws including the Sedition Act, the Police Act, and the ISA. The Societies Act of 1996 defines a society as any association of seven or more people, excluding schools, businesses, and trade unions. Societies must be approved and registered by the government, which has periodically refused or revoked registrations for political reasons. Numerous nongovernmental organizations (NGOs) operate in Malaysia, but some international human rights organizations are not allowed to form Malaysian branches.

Most Malaysian workers—excluding migrant workers—can join trade unions, but the law contravenes international guidelines by restricting unions to representing workers in a single or similar trade. The Director General of Trade Unions can refuse or withdraw registration arbitrarily, and the union recognition process can

take from 18 to 36 months. In practice, collective bargaining is limited. Unions in essential services must give advance notice of strikes, and various other legal conditions effectively render strikes impossible.

Judicial independence has been compromised by extensive executive influence. Arbitrary or politically motivated verdicts are not uncommon, with the most prominent case being the convictions of Anwar Ibrahim in 1999 and 2000 for corruption and sodomy. The sodomy conviction was overturned in 2004, and he was released from prison, but the corruption charge was upheld, delaying his return to elected office until 2008. Anwar was again accused of sodomy that year, and the new case was still pending at the end of 2009. Parliament enacted judicial reform legislation in late 2008, but it was criticized for allowing continued executive influence over judicial appointments.

Malaysia's secular legal system is based on English common law. However, Muslims are subject to Sharia (Islamic law), the interpretation of which varies regionally, and the constitution's Article 121 stipulates that all matters related to Islam should be dealt with in Sharia courts. In a high-profile case in 2009, a Sharia court sentenced a woman to caning for drinking beer, though the punishment had not been carried out by year's end.

There is no constitutional provision specifically banning torture, and police have been known to torture prisoners and use excessive force or inhumane tactics in conducting searches. Police reform has been inhibited by resistance at the highest levels of the police force and, according to many, by the attorney general. Individuals may be arrested without a warrant for some offenses and held for 24 hours without being charged. The ISA, in force since 1960, gives the police sweeping powers to hold any person acting "in a manner prejudicial to the security of Malaysia" for up to 60 days, extendable to two years. The law has been used to jail mainstream politicians, alleged Islamist militants, trade unionists, suspected communist activists, ordinary criminal suspects, and members of "deviant" Muslim sects, among others. In 2009, despite the hard-line reputation of the new prime minister, the government released most detainees being held under the ISA, leaving just nine in custody at year's end.

Although the constitution provides for equal treatment of all citizens, the government maintains an affirmative-action program intended to boost the economic status of ethnic Malays and other indigenous people, known collectively as bumiputera. Bumiputera receive preferential treatment in areas including property ownership, higher education, civil service jobs, and business affairs, and bumiputera-owned companies receive the lion's share of large government contracts. Of the opposition-led states, only the DAP-controlled state of Penang has offered to eliminate the race-based preferential policy. However, no concrete measures had been put in place by year's end.

Foreign household workers are not covered by the Workmen's Compensation Act

and are thus subject to exploitation by employers. Malaysians officially employ about 240,000 household workers, 90 percent of whom are Indonesian, representing roughly 20 percent of the national workforce. There are an estimated two million illegal workers in Malaysia. If arrested and found guilty, illegal workers can be caned and detained indefinitely pending deportation. An untrained volunteer reserve of hundreds of thousands of baton-wielding Malaysians, called Rela, has been pursuing illegal foreign workers and refugees since 2005, raising serious concerns among human rights groups.

Despite government initiatives and continued gains, women are still underrepresented in politics, the professions, and the civil service. Violence against women remains a serious problem. Muslim women are legally disadvantaged because their family grievances are heard in Sharia courts, where men are favored in matters such as inheritance and divorce and women's testimony is not given equal weight. In its 2009 human trafficking report, the U.S. State Department placed Malaysia on its Tier 3 Watch List, noting that the country had made some progress in investigating and punishing sex trafficking offenses, but has not demonstrated efforts to investigate, prosecute, or convict offenders of labor trafficking.

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*\* Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*