

## FREEDOM OF THE PRESS

# Malaysia

[Malaysia](#) | [Freedom of the Press 2012](#) | 

Although there were no significant changes to the laws affecting the press in 2011, increased pressure from civil society groups forced the ruling Barisan Nasional (BN) coalition to acknowledge the public's disapproval of the current climate of censorship and control.

The constitution guarantees freedom of expression under Article 10, but allows for a host of limitations to this right. The Sedition Act, the Internal Security Act (ISA), and harsh criminal defamation laws are used regularly to impose restrictions on the press and other critics of the government. Violations of these laws are punishable by several years in prison, in many cases without trial. Although the opposition-controlled states of Selangor and Penang passed freedom of information laws in April and November 2011, respectively, Malaysia has no federal freedom of information legislation, and officials remain reluctant to share controversial data with journalists for fear of being charged under the colonial-era Official Secrets Act.

In July 2011, tens of thousands of peaceful protesters took to the streets of Kuala Lumpur in the "Bersih 2.0" rally to demand changes to the voting process, including free and fair access to mainstream media during campaigns. They were forcibly dispersed by police, prompting an inquiry by the Human Rights Commission of Malaysia. In the wake of the rally, Prime Minister Najib Razak in September pledged to repeal the ISA and called for a review of existing media censorship laws, stating that they were no longer "effective." He said he would also eliminate a provision in the 1984 Printing Presses and Publications Act (PPPA) that requires all publishers and printing firms to obtain an annual operations permit, but would leave all other restrictions in place, including the government's authority to grant or deny license applications and to revoke licenses at any time without judicial review. Despite these promises, official action to reform the media laws had not occurred by year's end, and a new Peaceful Assembly Act passed by Parliament in late 2011 was considered more draconian than its predecessor.

Also during 2011, the Home Ministry continued to deny the online news website Malaysiakini a print publishing license, stating that such a permit is "a privilege," not a right. Malaysiakini's challenge to this decision was expected to be reviewed by the High Court in 2012. The Home Ministry may issue "show cause" letters, which require newspapers to explain certain articles or face suspension or revocation of their permits. In August, the *Star* newspaper was asked to explain a food supplement called "Ramadan Delights" that included non-halal eateries. Although the paper twice issued public apologies, *Star* editors were summoned to the Home Ministry on two separate occasions and asked to account for the error.

The 1988 Broadcasting Act allows the Information Ministry to decide who can own a broadcast station and what type of television service is suitable for the Malaysian public, leading to considerable self-censorship among broadcast journalists. In September 2011, the Malaysian Communications and Multimedia Commission (MCMC) issued a directive banning the broadcast of a four-minute video clip aimed at increasing voter registration. The video featured prominent

## 2012 SCORES

### PRESS STATUS

# Not Free

### PRESS FREEDOM SCORE

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### LEGAL ENVIRONMENT

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BN lawmaker Tengku Razaleigh as well as other Malaysian politicians and celebrities.

Physical harassment and intimidation are less of a danger for journalists in Malaysia than arbitrary arrest or threats of legal action. However, several instances of extralegal harassment were noted in 2011, including a case of police intimidation of a Malaysiakini reporter in August. The perils of journalistic independence were evident in an April guilty verdict against National Union of Journalists (NUJ) president Mohamed Ha'ta Wahari, who was convicted of tarnishing his employers' image and revealing their "secrets." In September 2010, Ha'ta, a senior journalist with the Malay-language daily *Utusan Malaysia*, had publically criticized the paper for its lack of independence from its owner, the United Malays National Organization (UMNO), the party at the core of the BN.

Although the media industry is for the most part privately owned, the majority of both print and broadcast outlets are controlled either by political parties in the ruling coalition or by businesses with political connections. The largest media conglomerate is Media Prima, which owns half of the Malay and English newspapers as well as many television channels, and is believed to be closely linked to UMNO. Huaren Management—which is associated with another BN member, the Malaysian Chinese Association—monopolizes Chinese newspapers. Despite the BN's insistence that mainstream newspapers are impartial, owners' political and business interests often lead to self-censorship by journalists. Foreign print media are occasionally censored or banned. For example, a July *Economist* piece on the Bersih 2.0 demonstration was censored, with parts of the report blotted out by the Home Ministry.

The internet remained the one bright spot in the media landscape in 2011, as the country was formally committed to a policy of refraining from online censorship, enshrined in Section 3(3) of the Communications and Multimedia Act (CMA) and the Multimedia Bill of Guarantees. With around 61 percent of the population accessing the internet in 2011, Malaysia is home to many websites and blogs that offer competing points of view. Although not all of these internet news organizations are politically independent—many have suspected affiliations with politicians from either the opposition or the ruling coalition—they nevertheless offer an array of political opinions that cannot be found in the traditional media, and play a growing role in the media landscape. Social-networking sites such as Facebook continued to flourish in 2011, hosting vigorous debates on political issues and government policies. The internet has also been a place to challenge corruption and other human rights concerns, but bloggers are still required to tread carefully. In 2011, a Malaysian subsidiary of the manufacturer Asahi Kosei Japan brought a defamation lawsuit for 10 million ringgits (\$3.3 million) against Malaysian activist Charles Hector over blog posts in which he criticized the company's treatment of Burmese migrant workers. The firm dropped the lawsuit after Hector agreed to retract his statements.

Media observers have voiced concern about an announcement from the Home Ministry that a new law would be introduced to govern sedition in cyberspace. Although this had not occurred by the end of 2011, advocacy groups such as the Centre for Independent Journalism continued to view it as a threat to free expression online. Temporary blocking and censoring of internet content was reported during the year; several opposition and news websites were inaccessible in the days leading up to the April state elections in Sarawak, and a few months later, another episode of "denial of service" occurred surrounding the Bersih 2.0 demonstrations.

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