

MEDIA STATEMENT

21 February 2024

CIJ's Response to the Malaysian Code of Ethics for Journalists

The Centre for Independent Journalism (CIJ) has several concerns about the [Malaysian Code of Ethics for Journalists](#). This updated code does not accurately represent what we need to create a balanced and critical media landscape that seeks to uphold and serve human rights and democratic principles centred in the public's interest. CIJ finds that the issues with the code are two pronged. The first is in the process by which this code was drafted and the second is in its content.

Firstly, in addressing the process, as the Malaysian Code of Ethics for Journalists was initiated and adopted by the government, it potentially becomes another tool in the already expansive arsenal of the government to control and censor the media. There is a lack of clarity on the procedures behind how this code will be enforced in regard to the media passes, including if there's a right to appeal if there has been a rejection, suspension or termination of media passes. Even if there is an appeal mechanism, the question remains on who will be the arbiters. The arbitrary nature of this – especially when the government is the final arbiter - places even more power in the hands of the government to suit their agenda of the day as well as the political expediencies of the people in power.

Further, with the government's promise to establish a multistakeholder and independent self-regulatory Malaysian Media Council (MMC), there is also a need for clarity and transparency vis a vis the role and mandate of the proposed MMC. How will any discrepancies in provisions and standards within the MMC be dealt with in the event of direct conflict with this current Malaysian Code of Ethics for Journalists? It is also likely to challenge the authority of the proposed MMC which is seen as key in setting the standards for the media environment in Malaysia.

The second issue is in the content. While it states that it recognises the important role of independent media, it falls short of grounding the standards in the established human rights framework. There is a critical need to go beyond the Rukun Negara and ground it in international human rights standards, including the Universal Declaration of Human Rights and other ethical standards of journalism. This then provides the standards and established grounds for limitations and exceptions to freedom of opinion and expression, which are primarily the need to demonstrate legitimate aim, necessity and proportionality when restrictions are placed on media freedom.

This is especially apparent in Principle 7 of the code. The language promotes self-censorship, especially as it expects journalist to 'exercise self-discipline willingly' and thus, confines the role of journalists in a legal environment with inherently archaic and repressive laws. Instead, the principle should promote the need to empower media to understand the laws in ensuring that their rights are protected.

There is a similar concern with Principle 8 as the focus is again diluted due to its framework within the limited scope of our current laws. It should have addressed the need for media, while leveraging technology - including generative AI - to uphold ethical standards of transparency, accuracy, accountability, auditability, human centricity and inclusivity. CIJ observes that the status quo of the culture of fear for journalists in Malaysia is maintained and the language of these principles imply that journalists have to continue working within a media landscape that seeks to suppress their ability to be agents of democracy rooted in human rights standards. This seriously undermines the independence of media and impacts our freeflow of information.

CIJ urges the government to place human rights and public interest at the centre of its actions. Ultimately, this showcases the need for a transparent, independent Malaysian Media Council that is free of government interference so it may uphold these values that keep the public interest at heart. This will keep the media alive as the 4th pillar of democracy.

21 February 2024

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The Centre for Independent Journalism is a non-profit organisation that aspires for a society that is democratic, just and free where all peoples will enjoy free media and the freedom to express, seek and impart information.