

PRESS STATEMENT

6 July 2024

UPR56: We Want Commitment to Freedom of Expression, We Want Commitment to Change

CIJ is deeply concerned with the lack of commitment shown on preserving and bolstering freedom of expression in Malaysia during the recent Universal Periodic Review (UPR) adoption process. CIJ has noted that out of 17 recommendations made by various nations on freedom of expression, only one was 'accepted in part'. This is compounded by the fact that the only recommendation that was accepted in part was the one to study the possibility of strengthening frameworks related to FOE. This negates the need to address the current regressive FOE environment and in fact, demonstrates the backsliding of the reform promises made by the current Madani government.

It also deeply worrying that the government has highlighted the progress made in upholding freedom of expression by showcasing the review of the Sedition Act and the Printing Presses and Publications Act (PPPA). This in direct contrast to the reality on the ground in Malaysia whereby these laws have been enforced to directly control people in Malaysia's right to freedom of expression and speech, despite promises to amend them.

Just recently, Mukmin Nantang, an activist from Borneo Komrad (Sabah) was arrested and investigated under Section 4(1) of the Sedition Act, for advocating against the burning of the houses and eviction of the Bajau Laut indigenous people in Semporna, Sabah. In 2023 alone, CIJ, through its media monitoring, recorded 31 cases investigated under the Sedition Act. The PPPA is also being weaponised to appease an array of archaic values and suppress political dissent. Salient cases include its usage to confiscate watches from Swatch related to the LGBTQIA+ and the more recent seizure of half a million ringgit worth of sex toys. However, what is even more concerning is the proposal from government stakeholders to expand the use of this broad, draconian act to online media. Further, a wide range of laws are being weaponised to curtail dissent and critical debates on key issues of public interest.

We urge the Malaysian government to review its decision in not accepting key recommendations on freedom of expression and other civic freedoms. This is not an outcome expected of a government voted in on a reform agenda. It is extremely urgent that the government undertake the following:

1. Initiate a comprehensive legislative reform of laws that restrict our freedom of expression in line with Malaysia's international human rights obligations, and amend or repeal:
 - Sedition Act 1948,
 - Section 233 Communications and Multimedia Act 1998,

- Printing Presses and Publications Act 1984
- Peaceful Assembly Act 2019,
- Official Secrets Act (OSA) 1972,
- Section 114A of the Evidence Act (Amendment) (No.2) 2012,
- Film Censorship Act 2022,
- Section 203A, 298A, 500, 504 and 505(b) the Penal Code.

A moratorium should be in place while undergoing reform initiatives.

2. Ratify all outstanding international human rights treaties and their optional protocols, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Right.

CIJ hopes that Malaysia can heed these recommendations without further delay to ensure we do not continue to backslide into the old ways of control and become an authoritarian regime. As a member of the UN Human Rights Council, we need the Malaysian government to undertake real and meaningful change rather than just pay lip service. This will require the commitment to place the public's interest at the centre of this change and not focus on political expediency and archaic practices.

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