



JOINT STATEMENT

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International Human Rights Day 2024: Our Rights Today Shape Our Future Tomorrow; Preserve Our Freedom of Expression

As the world celebrates International Human Rights Day (IHRD) 2024, the Centre for Independent Journalism (CIJ) and ARTICLE 19 take this opportunity to reflect on the challenges and progress surrounding freedom of expression (FOE) in Malaysia. This year's theme, "*Our Rights, Our Future*," reminds us of the fundamental role of human rights in shaping a just society. Yet, the future of FOE in Malaysia remains uncertain, as ongoing repressive measures and proposed regulations threaten to restrict our fundamental freedoms further.

Freedom of expression is an essential enabler of a well-functioning democracy. It allows civil society, the media, and citizens to hold government and corporate power accountable. In Malaysia, however, journalists and human rights defenders continue to face challenges in exercising freedom of expression and the right to seek and impart information due to rising authoritarianism and shrinking civic space. Over the course of the year, the unity Madani government showed little progress in addressing these systemic issues despite hopes for reform despite already being two years in office.

Despite some discussions on positive developments, such as the potential establishment of a Malaysian Media Council and the introduction of a Right to Information Act, the government continues to rely on laws such as the **Sedition Act 1948**, **Section 233 of the Communications and Multimedia Act (CMA) 1998**, the **Printing Presses and Publications Act 1984**, and the **Peaceful Assembly Act 2012** to stifle dissent and suppress FOE. The Madani Government, which prides itself on being the government for reform, has regressed to making decisions without proper due process of public participation; the meaning of public participation is diluted to being more performative and tokenistic rather than participatory and meaningful.

Several notable cases from the past year highlight these persistent challenges to FOE in Malaysia:

- [The arrest of Mukmin Natang under the Sedition Act](#) for his remarks allegedly from a TikTok video on the controversial eviction of Bajau Laut people from the Tun Sakaran

Marine Park underscored the continued weaponisation of colonial-era laws to silence criticism.

- [Three journalists from Malaysiakini were investigated under Section 233 of the CMA](#) for their reporting, which raises concerns about the lack of protection for press freedom.
- [The 2024 Women's March organisers investigated under the Peaceful Assembly Act 2012](#), demonstrating the restricted space for peaceful protests and assembly in Malaysia.

Problematic Regulations in the Online Space

This year saw worrying developments in the regulation of online spaces, which, if implemented, would significantly curtail digital rights and freedom of expression.

1. Passing of the amendments to the Communications and Multimedia Act (CMA) and proposed amendments to the Penal Code

- The [passing](#) of the regressive amendments to the CMA yesterday, including **Section 233 of the CMA**, sends a chilling message that our online spaces are being monitored, and the government can now access any form of 'communication data', including bypassing due process.
- Proposed amendments to address **cyberbullying** in the Penal Code and the amendments to the CMA, introduce a number of problematic provisions, including:
 - **Heightened Surveillance:** Expanded powers for the **Malaysian Communications and Multimedia Commission (MCMC)** would enable stringent monitoring of online activity, infringing on Malaysians' right to privacy.
 - **Increased Fines and Penalties:** The amendments propose significantly higher fines, disproportionately impacting ordinary citizens, especially those from marginalised communities.
 - **Vague Definitions:** Ambiguities in the amended definition of terms such as "grossly offensive" communications under Section 233 still leave huge room for abuse and selective enforcement. The proposed amendments to the Penal Code would also introduce vague language, further allowing the arbitrary criminalisation of freedom of expression.

2. Proposed Online Safety Bill, Licensing Regime, and Code of Conduct

- The government has set sights on regulating social media companies and individual internet users, including the **Online Safety Bill**, **Social Media Licensing**, and **MCMC Code of Conduct for internet messaging and social media service providers**. While aimed at reducing 'online harm', these measures raise several concerns:
 - **Vague and Overbroad Provisions:** The lack of clear definitions for what constitutes "harmful" content risks enabling arbitrary enforcement and censorship.

- **Heightened Regulation of Social Media:** The proposed licensing regime could restrict the participation of independent voices online, limiting Malaysians' ability to create and share content freely.
- **Chilling Effect on Free Expression:** The increased liability placed on social media companies to monitor and remove content could incentivise over-censorship, suppressing legitimate discourse and dissenting opinions.

These measures risk transforming Malaysia's digital spaces into stricter and highly regulated environments, stifling open discourse and innovation while entrenching state control over the internet. These developments also further exemplify the ongoing pattern of the government diluting public participation in due processes as meaningful consultation was sparse and superficial.

Our Call to Action

In light of these developments, CIJ and ARTICLE 19 urge the government to prioritise human rights and freedom of expression as core tenets of its governance. Specifically, we call for:

1. The **repeal or substantial amendment of repressive laws**, including the Sedition Act, CMA, and Peaceful Assembly Act.
2. A more **transparent and consultative approach** to any proposed legislation impacting digital rights, ensuring that laws align with international human rights standards.
3. Establish **independent oversight mechanisms** to prevent the abuse of surveillance powers and protect online freedoms.
4. The acceleration of efforts to enact a **Right to Information Act** and establish an independent **Malaysian Media Council** to safeguard press freedom.

CIJ's Report on the State of Freedom of Expression in Malaysia 2024

As part of our commitment to advancing FOE in Malaysia, CIJ will launch its *Report on the State of Freedom of Expression in Malaysia 2024* on 14 December 2024, in conjunction with International Human Rights Day. This report outlines key trends, including the rise in repressive measures, challenges in digital rights, and shrinking spaces for assembly and media freedom.

As we mark the 76th anniversary of the Universal Declaration of Human Rights, let us work collectively to ensure that our right to freedom of expression is upheld, protected, and nurtured—because our rights today shape our future tomorrow.

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