

Malaysia

The government failed to fulfil commitments to reform laws restricting the right to freedom of expression and continued to use repressive laws to silence critical voices and prevent peaceful protest. Punitive treatment of refugees and migrants continued, including indefinite detention and forced return in violation of the principle of non-refoulement. Further custodial deaths were recorded. The mandatory death penalty was abolished and 1,020 death row prisoners became eligible for resentencing.

Freedom of expression

The government did not act on commitments made during the 2022 general election campaign to reform laws that curtailed freedom of expression and to adopt a Freedom of Information Act.

Authorities continued to use repressive laws – including the Communications and Multimedia Act; provisions of the Penal Code relating to causing disunity or hatred on grounds of religion and public fear or distress; and the Sedition Act – to silence critical voices both on- and offline. In March, police questioned the director, producer and four others involved in making a film about a woman exploring the concept of the afterlife that was criticized by government officials and religious groups. The film was banned in September, and police investigations into the filmmakers were ongoing at year's end.¹

On 16 October, Kean Wong, editor of the book *Rebirth: Reformasi, Resistance, and Hope in New Malaysia* which was banned in 2020, was arrested for sedition. He was released after two days but investigations were continuing.²

The Printing Presses and Publications Act was increasingly used to restrict the right to freedom of expression of LGBTI people. In February, the Home Ministry banned three books for “immoral” content and promoting “LGBTI lifestyle”. In May, the ministry seized and subsequently banned LGBTI-themed products of a globally known watch company, introducing new penalties of up to three years' imprisonment for selling or wearing them.

Freedom of assembly

Authorities continued to use the Peaceful Assembly Act (PAA), the Penal Code and the Minor Offences Act to restrict the right to peaceful protest.

In March, police questioned under the PAA and Minor Offences Act seven organizers of and participants in the Women's March Malaysia that took place to mark International Women's Day.

In May, police questioned the organizers of two separate Labour Day rallies, also under the PAA.

In July, police arrested eight members of the widely persecuted Ahmadi religious minority for joining a gathering in support of LGBTI rights. All were released after one day but remained under investigation.

Refugees' and migrants' rights

There were ongoing allegations of human rights violations in immigration detention centres where refugees and migrants were indefinitely detained. In February, human rights groups called for

investigations into conditions after the government revealed that 150 foreigners, including seven children and 25 women, had died in the centres in 2022. In December, authorities disclosed that 12,400 people, including 1,400 children, were being held in immigration detention centres. An announcement in August that 80 children and their parents or guardians would be transferred to temporary facilities “more conducive to their care” was criticized by human rights groups because it amounted to continued indefinite detention.

In January, the authorities forcibly deported 114 adults and children to Myanmar where they were at risk of serious human rights violations. All had been subject to a legal challenge by Amnesty International Malaysia and Asylum Access Malaysia to prevent deportations to Myanmar.³

In April, the government announced that it was investigating the arrival of hundreds of migrant workers who, despite paying exorbitant fees to intermediaries, did not have jobs and were therefore vulnerable to forced labour. In December, police detained over 1,000 people in raids targeting undocumented migrants in the capital, Kuala Lumpur; 171 migrant workers were detained when attempting to lodge a complaint with police in Johor against the failure of their agents to provide promised jobs.

In a suspected case of enforced disappearance, Myanmar refugee and activist Thuzar Maung, her husband Saw Than Tin Win and three children were abducted by unknown people from their home in Selangor state. A police investigation was opened, but they remained missing.⁴

Death penalty

The Abolition of Mandatory Death Penalty Act 2023, which came into force in July, fully abolished the death penalty for seven offences and introduced sentencing discretion for all offences to which the mandatory death penalty was applicable. Terms of imprisonment of 30 to 40 years and whipping, which violates the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, were introduced as alternative sentences to the discretionary death penalty and to replace life imprisonment.⁵

The Revision of Sentence of Death and Imprisonment for Natural Life (Temporary Jurisdiction of The Federal Court) Act entered into force on 12 September, providing the possibility for all individuals sentenced to death or imprisonment for their natural life and who had their sentences upheld by the Federal Court to apply to have their sentences reviewed. A total of 1,020 people were eligible to apply under the Act.⁶

The moratorium on executions, established in 2018, remained in place, but the courts continued to impose death sentences for offences where it was an applicable punishment.

Torture and other ill-treatment

At least 13 people, including three foreigners, died in police custody.

The Independent Police Conduct Commission Act, establishing a body to investigate police misconduct and provide oversight, came into force on 18 October despite criticism over the commission’s lack of independence as well as investigative and enforcement powers.⁷

Indigenous Peoples’ rights

Palm oil plantations, logging and the construction of dams continued to threaten the lands and livelihoods of Indigenous Peoples. In April, seven members of the Temoq Indigenous People brought a legal challenge against the government for its approval of the environmental impact

assessment report of a proposed palm oil project in Rompin district, Pahang state. The challenge claimed the government had failed to take account of how the project breaches their rights to a clean, safe and sustainable environment.

Right to a healthy environment

In February, the government announced it would need two to three years to develop the national climate change bill that was expected to legislate for climate change mitigation actions, despite promising to finalize it by the end of 2022.
