

Freedom in the World 2024



header1 Overview

The Barisan Nasional (BN) political coalition ruled Malaysia from independence in 1957 until 2018, maintaining power by manipulating electoral districts, appealing to ethnic nationalism, and suppressing criticism through restrictive speech laws and politicized prosecutions of opposition leaders. The BN lost to an opposition alliance in the 2018 general election, and political affairs have since been characterized by a more complex pattern of competition and cooperation among multiple coalitions, creating opportunities for reform and modest improvements to civil liberties.

header2 Key Developments in 2023

- Prime Minister Anwar Ibrahim, who took office after the November 2022 elections, cautiously navigated his first year in power at the head of a diverse governing alliance. Despite his progressive campaign pledges, the government perpetuated the use of the Sedition Act to punish certain speech and failed to enact major reforms, though it did succeed in repealing the mandatory death penalty and decriminalizing suicide attempts.
- Six states held elections in August 2023, and the results were evenly split between the ruling alliance of the Pakatan Harapan (PH) and BN and the opposition coalition Perikatan Nasional (PN), with each side securing control of three state legislatures.

PR Political Rights

A Electoral Process

A1 1.00-4.00 pts0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

2.002
4.004

The prime minister is the head of government and chief executive. Though they are formally appointed by the monarch, the authority of the prime minister and cabinet is based on the support of a majority in the lower house of Parliament. Anwar Ibrahim of the People's Justice Party (PKR) and its PH coalition became prime minister in November 2022 after forging an alliance with the rival BN and a number of other groups. He replaced Ismail Sabri Yaakob of the United Malays National Organisation (UMNO), the main party of the BN, who had held the post since 2021.

The monarch, known as the Yang di-Pertuan Agong, is elected for five-year terms by and from among the hereditary rulers of 9 of Malaysia's 13 states. Sultan Abdullah of Pahang was chosen as head of state in 2019, following the abdication of his predecessor.

A2 1.00-4.00 pts0-4 pts

Were the current national legislative representatives elected through free and fair elections?

2.002
4.004

The upper house of the bicameral Parliament, the Senate or Dewan Negara, consists of 44 members appointed by the monarch on the advice of the prime minister and 26 members elected by the 13 state legislatures, serving three-year terms. The Senate has limited power to amend or block legislation passed by the lower house. The House of Representatives, or Dewan Rakyat, consists of 222 members who are directly elected in individual constituencies.

In the November 2022 general elections, the PH emerged as the largest bloc with 82 seats, despite losing ground overall. The PN coalition, led by former prime minister Muhyiddin Yassin (2020–21), more than doubled its representation to place second with 74 seats. The BN fell sharply to just 30 seats, followed by the Gabungan Parti Sarawak (GPS) with 23, the Gabungan Rakyat Sabah (GRS) with 6, and the Parti Warisan with 3. Smaller parties and independents collected the remainder. Anwar's PH ultimately formed a governing alliance with the BN, the GPS, the GRS, and a number of smaller groups, leaving the PN in opposition.

Though the 2022 elections were competitive, the electoral system continued to be affected by chronic problems including gerrymandered and malapportioned voting districts, weak campaign-spending regulations, and legal constraints on media independence.

Of the six states that held legislative elections in August 2023, the PH and its allies won governing majorities in Selangor, Negeri Sembilan, and Penang, while the PN won in Kelantan, Terengganu, and Kedah.

A3 1.00-4.00 pts0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

2.002
4.004

The Election Commission (EC), which administers elections and is responsible for voter rolls and the delineation of electoral boundaries, was long seen as subservient to the government, with members appointed by the king on the advice of the prime minister. Incremental changes in EC personnel and government practices since 2018 have led to perceived gains in the commission's transparency and independence, but there have been no major reforms to the electoral system, which remains distorted by heavy gerrymandering and malapportionment.

B Political Pluralism and Participation

B1 1.00-4.00 pts0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?	3.003
	4.004

The Malaysian party system is diverse and increasingly competitive. Factions in the opposition have historically faced unequal access to the media, restrictions on campaigning and freedom of assembly, and politicized prosecutions. In addition, the Registrar of Societies (ROS), which is overseen by the home minister and manages the registration of political parties, has issued partisan decisions under BN, PH, and PN governments. However, the relatively fluid political situation in recent years, with no bloc firmly in control, has allowed the emergence of new parties and stoked greater competition overall. A record number of candidates participated in the 2022 general elections, and many constituencies had multiple viable candidates instead of one-on-one contests.

B2 1.00-4.00 pts0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?	3.003
	4.004

Although opposition parties have long governed in a number of Malaysia's states, the 2018 elections that brought the PH to power represented the country's first democratic transfer of power between rival political groups at the federal level since independence. Subsequent coalition realignments and the PH's victory in the 2022 general elections reinforced the system's openness to rotations of power, though it remained unclear whether Prime Minister Anwar's government would survive a full term in office.

The 2023 state election results were split between the ruling coalition and the opposition PN, though the latter captured 146 of the 245 seats contested across six states, compared with 99 for the PH and BN.

B3 1.00-4.00 pts0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?	2.002
	4.004

The military is not active in politics, and foreign states do not directly meddle in domestic political affairs. However, the BN maintained close ties with China while it controlled the government.

During its decades in power, the BN also built strong connections with Malaysia's business elites and used these relationships to influence electoral outcomes. Some subsequent governments have similarly used state-linked companies, official monopolies for certain goods and services, and state investment vehicles for political purposes.

B4 1.00-4.00 pts0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?	2.002
	4.004

Suffrage is universal for citizens aged 18 or older, but social and legal restrictions limit political participation among some minority groups. Parties including UMNO, in the BN, and the Malaysian Islamic Party (PAS), in the PN, are defenders of long-standing policies that favor the ethnic Malay and Muslim majority. The ethnic Chinese community, which makes up 21 percent of the country's population, has traditionally supported the BN, but since 2008 many ethnic Chinese voters have

turned to the PH's Democratic Action Party (DAP). Ethnic Indians account for 6 percent of the population and also have a presence in Parliament through various parties. Ethnic groups from the East Malaysian states of Sabah and Sarawak, on the island of Borneo, continue to be represented by their own regional parties. Representation for the country's Indigenous groups remains poor.

Women continue to be underrepresented in politics, accounting for less than 18 percent of the current cabinet and 14 percent of the lower house of Parliament. Harsh discrimination and criminal restrictions on same-sex sexual relations make it extremely difficult for LGBT+ Malaysians to publicly advocate for their political interests.

C Functioning of Government

C1 1.00-4.00 pts0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	2.002 4.004
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While elected officials determine and implement government policy, the abuse of state resources and other unfair aspects of the electoral system, such as gerrymandering and malapportionment, have historically weakened their legitimacy. Decision-making power has typically been concentrated in the hands of the prime minister and his close advisers.

C2 1.00-4.00 pts0-4 pts

Are safeguards against official corruption strong and effective?	2.002 4.004
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The Malaysian Anti-Corruption Commission is responsible for fighting corruption. While successful prosecutions have been on the rise in recent years, corruption in government and state-owned enterprises is still considered endemic.

In September 2023, prosecutors moved to dismiss a major corruption case against Deputy Prime Minister Ahmad Zahid Hamidi, the head of UMNO and its BN coalition, though the court granted a discharge not amounting to an acquittal, meaning he could be charged again in the future. The collapse of the case incited public anger and a protest disputing the independence of the attorney general, with civil society groups calling for the separation of the office's dual roles as the government's legal adviser and the chief public prosecutor.

C3 1.00-4.00 pts0-4 pts

Does the government operate with openness and transparency?	2.002 4.004
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A lack of independent oversight regarding state-affiliated companies and investment funds has long created conditions conducive to corruption. Efforts to pass a freedom of information act and other transparency-related reforms have stalled in recent years.

CL Civil Liberties

D Freedom of Expression and Belief

D1 1.00-4.00 pts0-4 pts

Are there free and independent media?	2.002 4.004
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Prior to the 2018 elections, most private news publications and television stations were controlled by political parties or businesses allied with the BN, and state news outlets similarly reflected government views. The market liberalized after the PH took power that year, as independent outlets benefited from a reduction in political pressure and harassment, though subsequent governments have placed more pressure on the media, for example by excluding independent outlets from events of public interest.

Despite some efforts at reform, a number of restrictive media laws remain in place, including civil and criminal defamation statutes. Books and other forms of artistic expression are subject to censorship, often for violating rules against immoral or pro-LGBT+ content. The amended 1950 Evidence Act holds owners and editors of websites, providers of web-hosting services, and owners of computers or mobile devices accountable for information published through their services or property, exposing them to punitive fines and encouraging self-censorship.

In August 2023, two pro-PN news portals were temporarily blocked by the internet regulator without explanation.

D2 1.00-4.00 pts0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	1.001 4.004
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While the constitution guarantees freedom of religion, it also acknowledges the official status of Islam at the federal level and in several states, and a number of legal provisions restrict religious freedom in practice. Ethnic Malays are constitutionally defined as Muslim and are not entitled to renounce their faith. Individuals seeking to convert from Islam have sometimes faced apostasy charges. Those attempting to leave the faith also risk discrimination, threats, and state-mandated counseling sessions.

The powerful Malaysian Islamic Development Department (JAKIM) has played a central role in shaping and enforcing the practice of Islam in Malaysia, and state-level authorities perform their own enforcement functions. Muslim children and civil servants are required to receive religious education using government-approved curriculums and instructors. Practicing a version of Islam other than Sunni Islam is prohibited, and Shiites and other sects face discrimination.

Non-Muslims are not able to build houses of worship as easily as Muslims, and the state retains the right to demolish unregistered religious statues and houses of worship.

D3 1.00-4.00 pts0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	2.002 4.004
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There is some degree of academic freedom in Malaysia. However, under the pre-2018 BN government, instructors and students who espoused antigovernment views or engaged in political activity were subject to disciplinary action under the Universities and University Colleges Act (UUCA) of 1971. In 2018, the PH government amended the UUCA to allow students to engage in political activity on campus, but plans to abolish the UUCA entirely were dropped under the subsequent PN government. Post-2018 governments have continued to control appointments of top officials at public universities.

D4 1.00-4.00 pts0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	3.003 4.004
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While private discussion is robust, individual expression on sensitive political and religious topics is impeded by the penal code and legislation including the Sedition Act and the Communications and Multimedia Act. Public figures, artists and performers, and ordinary internet users have periodically faced investigations or charges for critical speech. The Sedition Act was invoked to arrest an opposition politician in July 2023 and jail an independent preacher in September for allegedly insulting the monarchy. In December, a political aide was informed that he would be charged over a social media post in which he criticized the governor of Melaka, but the case was postponed.

E Associational and Organizational Rights

E1 1.00-4.00 pts0-4 pts

Is there freedom of assembly?		2.002 4.004
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Freedom of assembly can be limited on the grounds of maintaining security and public order. The Peaceful Assembly Act requires advance notice to police of planned events, imposes criminal penalties for violations, lacks provisions to allow spontaneous assemblies, bans those under age 21 from organizing an assembly, and prohibits participation by minors and noncitizens. While demonstrations are often held in practice, police continue to enforce restrictions and investigate participants in allegedly illegal protests. In July 2023, eight members of a religious minority group were arrested and later released on bail after protesting in favor of LGBT+ people's rights in Kuala Lumpur.

E2 1.00-4.00 pts0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?		2.002 4.004
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A wide array of nongovernmental organizations (NGOs) operate in Malaysia and have a strong record of campaigning for electoral, anticorruption, and other reforms. However, NGOs must be approved and registered by the government, which has refused or revoked registrations for political reasons in the past. Numerous activists have been subjected to police harassment and criminal charges—particularly for speech-related offenses—under successive governments.

E3 1.00-4.00 pts0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?		2.002 4.004
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Most Malaysian workers can join trade unions, but the law contravenes international guidelines by restricting unions to representing workers in a single or similar trade. The director general of trade unions can refuse or withdraw registration arbitrarily. Collective bargaining rights are limited, particularly in designated high-priority industries, as is the right to strike. Some private employers engage in antiunion activity.

F Rule of Law

F1 1.00-4.00 pts0-4 pts

Is there an independent judiciary?		3.003 4.004
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Judicial independence has historically been compromised by extensive executive influence, with courts frequently issuing arbitrary or politically motivated verdicts in high-profile cases. However, a series of judicial appointments and rulings since 2018—including the appointment of the nation's

first female chief justice in 2019 and the final approval of a corruption-related prison sentence for former prime minister Najib Razak in 2022—have strengthened confidence in the independence of the higher courts and prospects for further reform.

F2 1.00-4.00 pts0-4 pts

Does due process prevail in civil and criminal matters?	2.002 4.004
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Several existing laws undermine due process guarantees. The 2012 Security Offences (Special Measures) Act allows police to detain anyone for up to 28 days without judicial review for broadly defined “security offenses,” and suspects may be held for 48 hours before being granted access to a lawyer. In 2017, lawmakers amended the Prevention of Crime Act—a law ostensibly aimed at combating organized crime—to revoke detainees’ right to address the government-appointed Prevention of Crime Board, which is empowered to order the detention of individuals listed by the Home Ministry for renewable two-year terms without trial or legal representation. The 2015 Prevention of Terrorism Act, together with that year’s National Security Council (NSC) Act, gives the NSC—led by the prime minister—wide powers of arrest, search, and seizure without a warrant in areas deemed to be security risks and in the context of countering terrorism.

Malaysia’s secular legal system is based on English common law. However, Muslims are subject to Sharia (Islamic law), the interpretation of which varies by state, and the constitution’s Article 121 stipulates that all matters related to Islam should be heard in Sharia courts. This results in different treatment of Muslims and non-Muslims in “moral” and family law cases. Non-Muslims may also be directly affected by Sharia courts through no decision of their own, for example when one spouse in a non-Muslim marriage has unilaterally converted to Islam.

F3 1.00-4.00 pts0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	2.002 4.004
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A number of criminal offenses can be punished with caning, including immigration violations. Torture and abuse in police custody remain problems, and prisons are often overcrowded and unsafe. In recent years, prisoners and detainees have died in unclear circumstances while in custody.

The death penalty can be applied for numerous offenses; most of the roughly 1,300 people facing execution were convicted under the country’s harsh laws on drug trafficking. The death penalty was mandatory for 12 offenses, but in April 2023 Parliament passed legislation that removed this provision, allowing judges to exercise discretion in sentencing. The package also removed the death penalty entirely for seven offenses, and replaced life imprisonment with sentences of 30 to 40 years. The first set of commutations under the new rules were approved by the Federal Court in November. Separately in June, Parliament approved legislation that decriminalized suicide attempts and placed a stronger emphasis on the safety and treatment of people who make such attempts.

F4 1.00-4.00 pts0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	1.001 4.004
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Although the constitution provides for equal treatment of all citizens, it grants a “special position” to ethnic Malays and other groups that are considered native to Malaysia, known collectively as *bumiputera*. The government maintains programs intended to boost the economic status of bumiputera, who receive preferential treatment over members of ethnic minorities such as the Chinese and Indians in areas including property ownership, higher education, civil service jobs, business affairs, and government contracts.

Women are placed at a disadvantage by a number of laws, particularly Sharia-related provisions. They are legally barred from certain occupations and work schedules, and they suffer from de facto employment discrimination.

LGBT+ Malaysians face widespread discrimination and harassment. Same-sex sexual relations are punishable by up to 20 years in prison as well as whipping under the penal code. Some states apply their own penalties to Muslims under Sharia statutes. Transgender people can also be punished under state-level Sharia laws.

Migrant workers and refugees do not enjoy effective legal protections, partly because Malaysian law has no provisions for granting asylum or refugee status, and the country is not a signatory to the 1951 Refugee Convention. Ethnic Rohingya asylum seekers and refugees from Myanmar are regularly mistreated in practice.

G Personal Autonomy and Individual Rights

G1 1.00-4.00 pts0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

3.003
4.004

Citizens are generally free to travel within and outside of Malaysia, as well as to change residence and employment. However, professional opportunities and access to higher education are affected by regulations and practices that favor bumiputera and those with connections to political elites. Although the practice is illegal, employers of migrant workers commonly hold their passports, preventing them from leaving abusive situations.

G2 1.00-4.00 pts0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

3.003
4.004

Malaysia has a vibrant private sector. Bribery, however, is common in the business world, and the close nexus between political and economic elites distorts normal business activity and fair competition. Some laws pertaining to property and business differentiate between bumiputera and non-bumiputera, and Sharia-based inheritance rules for Muslims often favor men over women.

G3 1.00-4.00 pts0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

2.002
4.004

While some personal social freedoms are protected, Muslims face legal restrictions on marriage partners and other social choices. All non-Muslims who wish to marry Muslim partners must convert to Islam to receive the recognition of a Sharia court. Societal pressures may also regulate dress and appearance, especially among Malay women. Sharia courts often favor men in matters of divorce and child custody. The minimum age for marriage is generally 16 for girls and 18 for boys, but Sharia courts in some states allow younger people to marry, and child marriage is a common occurrence.

G4 1.00-4.00 pts0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

1.001
4.004

Rural residents and foreign workers, especially those working illegally, are vulnerable to exploitative or abusive working conditions, including forced labor or debt bondage. Foreign workers officially make up some 15 percent of the country's workforce; about two million are documented, but many others are undocumented. The authorities' periodic crackdowns on illegal foreign workers can result in punishment rather than protection for victims of human trafficking.