

2023 Country Report on Human Rights Practices: Malaysia

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Malaysia during the year.

Significant human rights issues included credible reports of: cruel, inhuman, or degrading treatment by government entities; arbitrary arrest or detention; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media freedom, including censorship or enforcement of criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; restrictions on freedom of movement within the country and on the right to leave the country; refoulement of refugees to a country where they would face torture or prosecution; serious government corruption; serious government restrictions on or harassment of domestic human rights organizations; extensive gender-based violence, including female genital mutilation/cutting; substantial barriers to reproductive health services; trafficking in persons; laws criminalizing consensual same-sex sexual conduct between adults, which were enforced; and violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government arrested and prosecuted some officials engaged in human rights abuses, although civil society groups alleged impunity.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

Unlike in previous years, there were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

Investigation by the Criminal Investigation Division into the use of deadly force by a police officer occurred only if the attorney general initiated the investigation or approved an application for an investigation by family members of the deceased. When the attorney general ordered an official inquiry, a coroner's court convened, and the hearing was open to the public. In such cases courts generally issued an "open verdict," meaning that there would be no further action against police.

B. DISAPPEARANCE

There were no reports of disappearances by or on behalf of government authorities.

In July the Royal Malaysia Police started an investigation into the disappearance of democracy and refugee rights activist Thuzar Maung and her family, as well as UNHCR card holders allegedly

abducted earlier in July by several men posing as policemen. As of November, no result was made public.

In June the High Court sided with the government to block the release of a report on the 2016 disappearance of social activist Amri Che Mat to his wife, Norhayati Mohd Ariffin. Norhayati also filed a civil suit against 21 parties, including the government and police, over her husband's disappearance. Addressing parliament while debating the Malaysian Human Rights Commission's (SUHAKAM) Annual Report 2020, member of parliament Hassan Abdul Karim questioned the government's decision to oppose allowing access to the report for Norhayati and urged the Ministry of Home Affairs to explain the alleged forced disappearances of Amri and of Joshua Hilmy and Ruth Sitepu, both also missing since 2016.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

No law specifically prohibited torture; however, laws that prohibited "committing grievous hurt" encompassed torture. More than 60 offenses were subject to caning, sometimes in conjunction with imprisonment, and judges routinely mandated caning as punishment for crimes, including kidnapping, rape, and robbery, and nonviolent offenses, such as narcotics possession, criminal breach of trust, migrant smuggling, immigration offenses, and others. Civil and criminal law exempted men older than 50, unless convicted of rape, and all women from caning. Boys between ages 10 and 18 could receive a maximum of 10 strokes of a "light cane" in a public courtroom.

In January police detained police inspector Mohd Maliki Azmi after he allegedly raped a girl age 16 at the Yan district police headquarters in Kedah State, where she went to report being raped by her stepfather. On January 5, a court charged Maliki with one count of rape and three counts of sexual assault; he pled not guilty. He faced up to 20 years in prison and a caning for each charge. As of November, Maliki remained on bail awaiting trial.

Impunity was occasionally a problem in the security forces due to corruption and the lack of transparency and civilian oversight. Police abuse of suspects in custody and a lack of accountability were serious problems.

Prison and Detention Center Conditions

Conditions in prisons and detention centers could be harsh and life threatening due to overcrowding.

Abusive Physical Conditions: Overcrowding in prisons and immigration detention centers, particularly in facilities near major cities, was a serious problem. Minister of Home Affairs Saifuddin Nasution told parliament as of February, 72,437 inmates were held in 42 facilities designed to hold 65,762 inmates.

Administration: The law allowed for investigations into allegations of mistreatment; however, this provision was not always observed. Officers found responsible for deaths in custody did not generally face punishment.

Independent Monitoring: Authorities generally did not permit domestic nongovernmental organizations (NGOs) or media to monitor prison conditions. The law allowed judges to visit prisons to examine conditions and question prisoners and prison officials regarding conditions. The government's Enforcement Agency Integrity Commission, the International Committee of the Red Cross, and SUHAKAM monitored prisons and detention centers on a case-by-case basis, but the Red Cross's permanent mission to the country closed in August.

The government did not grant the Office of the UN High Commissioner for Refugees (UNHCR) access to detention facilities where migrant laborers and refugees were held.

D. ARBITRARY ARREST OR DETENTION

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court, and the government generally observed these requirements.

Police could detain persons suspected of terrorism, organized crime, gang activity, and trafficking in drugs or persons without a warrant or judicial review for two-year terms, renewable indefinitely. Within seven days of the initial detention, however, police had to present the case for detention to a public prosecutor. If the prosecutor agreed “sufficient evidence exists to justify” continued detention and further investigation, a fact-finding inquiry officer appointed by the minister of home affairs would have to report within 59 days to a detention board appointed by the king on the advice of the government. The board could renew the detention order or impose an order to restrict, for a maximum of five years, a suspect’s place of residence, travel, access to communications facilities, and use of the internet. In other cases, the law allowed investigative detention for up to 28 days to prevent a criminal suspect from fleeing or destroying evidence during an investigation.

Immigration law allowed authorities to arrest and detain noncitizens for 30 days, pending a deportation decision.

Arrest Procedures and Treatment of Detainees

The law permitted police to arrest and detain individuals for some offenses without a warrant, even outside situations of a crime in progress or other urgent circumstances. During investigations police could hold a suspect for 24 hours, which could be extended for a maximum of 14 days by court order under general criminal law provisions. NGOs reported a police practice of releasing suspects and then quickly rearresting them to continue investigative custody without seeking judicial authorization.

Bail was usually available for persons accused of crimes not punishable by life imprisonment or death. The amount and availability of bail was set at the judge’s discretion. Persons granted bail usually were required to surrender their passport to the court.

Police were required to inform detainees of their rights to contact family members and consult a lawyer of their choice. Nonetheless, police often denied detainees access to legal counsel and questioned suspects without allowing a lawyer to be present. Police justified this practice as necessary to prevent interference in investigations in progress, and the courts generally upheld the practice.

While authorities generally treated attorney-client communications as privileged, Malaysian Anti-Corruption Commission officials could question lawyers who accompanied their clients to nonjudicial commission hearings regarding their interaction with their clients and the content of their discussions.

Police sometimes did not allow detainees prompt access to family members or other visitors.

The law allowed the detention of a material witness in a criminal case if that person was deemed likely to flee.

Arbitrary Arrest: Authorities sometimes used their powers to intimidate and punish opponents of the government. Activists and government critics were sometimes subjected to late-night arrests, long hours of questioning, and lengthy remand periods, even if they were not ultimately charged with an offense.

In May the Malaysian Communications and Multimedia Commission brought in for questioning political activist Halimah Nasoha for social media posts in March criticizing Prime Minister Anwar

Ibrahim's visit to Saudi Arabia. In her posts, she mocked Anwar for being "snubbed" by Crown Prince Mohammed bin Salman during the visit.

Pretrial Detention: Crowded and understaffed courts often resulted in lengthy pretrial detention, sometimes lasting several years.

E. DENIAL OF FAIR PUBLIC TRIAL

Three constitutional articles provided the basis for an independent judiciary; however, other constitutional provisions, legislation restricting judicial review, and executive influence over judicial appointments limited judicial independence and strengthened executive influence over the judiciary. The judiciary frequently deferred to police or executive authority in cases deemed to be affecting their interests.

Members of the Malaysian Bar Council, NGO representatives, and other observers expressed serious concern regarding significant limitations on judicial independence, citing several high-profile instances of arbitrary verdicts, selective prosecution, and preferential treatment of some litigants and lawyers. Representatives of these groups argued the lines between the executive and the judiciary were blurred, and the judiciary needed to exert more independence and objectivity.

Trial Procedures

The constitution provided for a fair and public trial, and the judiciary generally enforced this right, except in cases in which political or administrative pressures were brought to bear. Those without means and relying on legal aid often did not have adequate time to prepare for trial.

Defendants had the right to communicate with an attorney of their choice. Counsel could be appointed at public expense only if the charges carried the death penalty or in certain other circumstances. Although defendants could present witnesses and evidence on their behalf, limited pretrial discovery in criminal cases impeded the defense.

Defendants could appeal court decisions to higher courts, but only if the appeal raised a question of law or if material circumstances raised a reasonable doubt regarding conviction or sentencing. The Malaysian Bar Council claimed these restrictions were excessive.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

F. TRANSNATIONAL REPRESSION

Not applicable.

G. PROPERTY SEIZURE AND RESTITUTION

Not applicable.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

Laws prohibited such actions; nevertheless, authorities sometimes infringed on citizens' privacy. Under national security laws, police could enter and search the homes of persons suspected of threatening national security without a warrant. The government monitored the internet and threatened to detain anyone sending or posting content the government deemed a threat to public order or security.

Islamic authorities could enter private premises without a warrant to apprehend Muslims suspected of engaging in offenses such as gambling, consuming alcohol, or having sexual relations outside marriage.

The government did not recognize marriages between Muslims and non-Muslims and considered children born of such unions illegitimate.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The constitution allowed restrictions on the freedom of expression “in the interest of the security of the Federation...[or] public order.” The government regularly restricted freedom of expression for members of the public, NGOs, and media, citing reasons such as upholding Islam and the special status of ethnic Malays, protecting royalty or national security, maintaining public order, and preserving friendly relations with other countries.

Freedom of Expression: The law prohibited sedition and public comment on topics defined as sensitive, including racial and religious matters or criticism of the king or ruling sultans. The law prohibited speech “with deliberate intent to wound the religious feelings of any person.” In August the Ministry of Home Affairs banned rainbow-colored Swatch watches for being “prejudicial to morality” by “normalizing the LGBTQI+ movement.” The ban came after Ministry of Home Affairs officials seized more than 100 watches bearing the rainbow flag from several Swatch stores in May.

The Ministry of Communications and Digital cancelled the remaining two days of the Good Vibes music festival after two members (both men) of the band entitled The 1975 kissed on stage on the first night of the festival, and lead singer Matt Healey criticized the country's anti-homosexuality laws during their July 21 performance in Kuala Lumpur. The Royal Malaysia Police (RMP) told media on July 23 they would investigate The 1975 for “insulting the modesty of a person” with the intent to “provoke a breach of the peace.”

In July the RMP charged Chief Minister of Kedah State Muhammad Sanusi Md Nor with sedition for allegedly “uttering words that could incite disloyalty towards the rulers” at a campaign event July 11 in Selangor State.

The government restricted the expression of unapproved political views in schools and universities and enforced restrictions on teachers and students who expressed dissenting views. Although faculty members sometimes publicly criticized the government, public university academics whose career advancement and funding depended on the government practiced self-censorship. Self-censorship took place among academics at private institutions as well, spurred by fear the government might revoke the licenses of their institutions. Students were prohibited from “expressing support or sympathy” for an unlawful society or organization.

Violence and Harassment: Unlike in previous years, there were no reports journalists were subjected to harassment and intimidation.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The government maintained the ability to control news content, including the ability to censor, and at times exerted such control of both print and broadcast media. The government banned, restricted, or limited circulation of some publications it considered a threat to public order, morality, or national security. The law required a permit to own a printing press, and printers often were reluctant to print publications critical of the government due to fear of reprisal. Such policies inhibited independent or investigative journalism and resulted in self-censorship in print and broadcast media. Online media outlets were more independent but were more likely to be the target of legal action and harassment.

The government occasionally censored foreign magazines, newspapers, and news programming, most often due to sexual content. Government restrictions on radio and television stations mirrored those on print media, and electronic media predominantly supported the government. Television stations censored programming to follow government guidelines. Kissing onscreen, portrayals of homosexuality, sex scenes, nudity, strong graphic violence, and vivid language were all prohibited or censored.

The government generally restricted publications it judged might incite racial or religious disharmony.

The government censored films for certain political and religious content, not allowing, for example, screening of films in Hebrew or Yiddish, or from Israel. Although the government allowed foreign films at local film festivals, it sometimes censored content by physically blocking screens until the objectionable scene was over.

In February the Ministry of Home Affairs banned three books for “lesbian, gay, bisexual, and transgender” content. In a statement the ministry described *Aku*, *The Tale of Steven* and *Jacob’s Room to Choose* as “threat[s] to moral values taught by religion and Eastern society.” Anyone in the country publishing, selling, or owning the books could face up to three years in prison or a substantial fine.

Libel/Slander Laws: The law included sections on civil and criminal defamation. Criminal defamation was punishable by a maximum two years’ imprisonment, a fine, or both. True statements could be considered defamatory if they contravened the “public good.” The government and its supporters used these laws, along with provisions against sedition, to punish and suppress publication of material critical of government officials and policies.

In May a court in Sarawak State delayed for the fourth time a hearing on a defamation suit filed by two subsidiaries of logging conglomerate Samling against Indigenous-led environmental rights group SAVE Rivers. The case hinged on eight articles published on SAVE Rivers’ website between 2020 and 2021 that Samling alleged included untrue statements concerning its efforts to gain a sustainable forestry certification. The delay increased financial and legal pressure on Indigenous activists within and outside SAVE Rivers, according to CEO of the Penan indigenous rights organization Keruan Komeok Joe.

Former Prime Minister Mahathir Mohamad sued Prime Minister Anwar in June over press comments Anwar made in 2021 implying Mahathir used his position as prime minister to enrich himself and his family. Mahathir claimed Anwar’s comments marred his reputation as a respected statesman. The case was ongoing as of November.

In July Prime Minister Anwar obtained a court order to stop Kedah State Chief Minister Muhammad Sanusi Md Nor from repeating alleged defamatory remarks claiming Anwar did not obtain a royal pardon according to proper procedure in 2018. The court order remained in effect pending the hearing for a defamation lawsuit which Anwar filed in December 2022 against Sanusi.

National Security: Authorities often cited national security laws to restrict media distribution of material critical of government policies and public officials.

In August authorities seized a copy of the book *Marx: The Revolutionary Educator* to investigate whether its contents were “in accordance with the law” and did not “affect public order,” according to Minister of Home Affairs Saifuddin Nasution.

In August Johor State police investigated Malaysian Islamic Party President Abdul Hadi Awang for stating that the practice of pardoning convicts through the Pardons Board did not align with Islamic teachings. Johor state police chief Kamarul Zaman Mamat told media when announcing the investigation that persons should not discuss matters relating to royalty, race, and religion to ensure “public safety and order.”

Nongovernmental Impact: Opposition groups sought to inhibit freedom of expression. In March the youth wing of the opposition Malaysian Islamic Party lodged police reports against cartoonist Haili for posting a cartoon depicting former Prime Minister Muhyiddin Yassin entering the Kaaba in Mecca and leaving with a bag of money, implying that he was corrupt.

Internet Freedom

The government restricted access to some content on the internet. Curtailing internet freedom to combat dissenting political views online, authorities blocked some websites and monitored the internet for messages and blog postings deemed a threat to public security or order.

The government warned internet users to avoid offensive or indecent content and sensitive matters such as religion and race, and it aggressively pursued charges against those criticizing Islam, the country’s royalty, or its political leaders online.

Sedition and criminal defamation laws led to self-censorship by local internet content sources, including bloggers, news providers, and activists.

The law required internet and other network service providers to obtain a license and permitted punishment of the owner of a website or blog for allowing offensive racial, religious, or political content. The government regarded those who posted content as publishers, thereby placing the burden of proof on the poster. NGOs and members of the public criticized the law, noting it could cause self-censorship due to liability concerns.

Leading up to state elections in August, the Malaysian Communications and Multimedia Commission instructed internet service providers to block two online news portals, *UtusanTV* on August 7 and *MalaysiaNow* from June 27-29, without providing a reason or advance notice. Police also investigated Malaysian Islamic Party President Hadi Awang for a July 8 Facebook post that touched on racial sensitivities.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The constitution provided for the freedoms of peaceful assembly and association but allowed restrictions deemed necessary or expedient in the interest of security, public order, or (in the case of association) morality. Abiding by the government’s restrictions did not protect some protesters from harassment or arrest.

Freedom of Peaceful Assembly

The constitution provided citizens “the right to assemble peaceably and without arms”; however, several laws restricted this right. Although the law did not require groups to obtain a permit for assemblies, police frequently placed time, location, and other restrictions on the right to assemble.

In March police questioned seven participants following a march for International Women's Day for "not following the provisions of the law" for holding placards with slogans including "Imagine If Men Are As Disgusted With Rapes As With Periods," "Trans Women Are Women," and "Police Your Behavior Not My Body," according to a statement by Dang Wangi district police chief Noor Dellhan Yahaya. Police did not charge anyone.

Freedom of Association

The constitution provided for the right of association; however, the government placed significant restrictions on this right, and certain statutes limited it. By law only registered organizations of seven or more persons could legally function. The government often resisted registering organizations deemed particularly unfriendly to the government or imposed strict preconditions. The government could revoke registrations for violations of the law governing organizations.

The government banned membership in unregistered political parties and organizations. Outside the political (see section 3) and human rights fields (see section 5), the government generally allowed NGOs to register and function independently.

C. FREEDOM OF RELIGION

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

The constitution provided for freedom of internal movement, emigration, and repatriation, but federal and state government officials often restricted these rights, particularly in eastern Sabah and Sarawak States.

In-country Movement: Sabah and Sarawak States controlled immigration into their territories and required foreigners and citizens from peninsular Malaysia to present passports or national identity cards for entry. State authorities denied entry to certain individuals to these states. Sarawak maintained a ban on several academics, religious leaders, and human rights defenders, including Zakir Naik, an Islamic preacher; Mandeep Karpal Singh, formerly of the fair-election NGO Bersih; Bersih chair Thomas Fann; former Bersih chair Ambiga Sreenevasan; Wong Chin Huat, an academic and Bersih resource chair; Jerald Joseph, a former SUHAKAM commissioner; and activists Colin Nicholas and Jannie Lasimbang, among others.

Foreign Travel: Travel to Israel was subject to approval and limited to religious purposes for all citizens.

E. PROTECTION OF REFUGEES

The government generally did not impede organizations providing protection and assistance to refugees or asylum seekers, most of whom lived intermingled with the public. The government cooperated to a limited extent with UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers. As there was no legal framework for dealing with refugees and asylum seekers in the country, UNHCR conducted all activities related to protection, including registration and status determination.

Access to Asylum: The law did not provide for granting asylum or refugee status, and the government had not established a system for providing protection to asylum seekers or refugees.

Refugees received no government support.

Viewed in law as “illegal immigrants,” refugees and asylum seekers also faced a maximum of five years’ imprisonment, a fine, or both, and mandatory caning with a maximum of six strokes if convicted of immigration law violations.

Refoulement: Refugees and asylum seekers were subject to deportation at any time, although the government did not deport Rohingya, nor much of the other refugee population. Amnesty International said in a February statement, however, that the government deported 114 individuals from Myanmar who were part of an ongoing court case filed by Amnesty International and Asylum Access Malaysia seeking to stop their refoulement.

Unlike in previous years, there were no reported instances of government forcibly repelling boats with refugees and asylum seekers who had come from a country where their lives or freedom could be threatened due to their race, religion, nationality, membership in a particular social group, or political opinion. In cases where the boats landed, UNHCR reported it had no access and the individuals were detained for illegal entry.

Abuse of Refugees and Asylum Seekers: NGOs reported hate speech, vigilantism, and evictions against refugees and asylum seekers. In April approximately 50 Rohingya refugees were forcibly evicted from their homes in Penang State because residents were dissatisfied with the growing number of refugees living in the area; the Rohingya families had lived there for nearly a decade.

Freedom of Movement: The government sometimes tolerated the presence of undocumented refugees and asylum seekers but sometimes detained them for a variety of causes in police jails or immigration detention centers until they could be deported or UNHCR established their bona fides. Some refugees holding UNHCR identification cards reported limited ability to move throughout the country because authorities sometimes did not recognize the UNHCR card.

The government held thousands of individuals in confined and congested cells at immigration detention centers and other facilities. Access to those in detention centers was often significantly limited. UNHCR affirmed that authorities disallowed visits by its staff members to detention centers to meet potential refugees and asylum seekers, determine those in need of international protection, and advocate for their release.

NGOs and international organizations involved with these populations made credible allegations of overcrowding, inadequate food and clothing, lack of regular access to clean water, poor medical care, improper sanitation, and lack of bedding in the immigration detention centers.

Local and international NGOs estimated most of the country’s 18 permanent and two temporary immigration detention centers were at or beyond capacity, with some detainees held for a year or longer. The government reported 15,845 persons detained in these centers as of January.

Employment: Although the government did not authorize UNHCR-registered refugees to work, they engaged in informal work. UNHCR reported the government brought charges in a few cases against employers for hiring refugees. Refugees and asylum seekers employed in the informal sector were paid lower wages than comparable employees and were vulnerable to exploitation, which NGOs said included nonpayment of wages, long working hours, and dangerous or unhealthy working environments; they were reluctant to take legal action against employers because of their legal status.

Access to Basic Services: The government provided access to health care at a discounted foreigner’s rate of 50 percent to UNHCR-registered refugees, but not to persons without UNHCR registration cards. NGOs operated static and mobile clinics, but their number and access were limited. NGOs reported staff in public health facilities verbally abused and threatened to report refugees and asylum seekers without UNHCR documents to immigration authorities and refused registration and follow-up appointments. Refugees did not have access to the public education system. Access to education was limited to schools run by NGOs and ethnic communities, and

UNHCR estimated no more than 40 percent of refugee children attended school. A lack of resources and qualified teachers limited opportunities for most school-age refugee children.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS

Not applicable.

G. STATELESS PERSONS

The National Registration Department did not maintain records of stateless persons. Baseline figures were unavailable for stateless persons and persons “at risk” of statelessness in Sabah, where approximately 136,055 Filipino Muslim refugees resided.

The country contributed to statelessness, including through discrimination against women in nationality laws, procedural problems and bureaucratic requirements, and birth registration problems.

Citizenship law and birth registration rules and procedures created a large class of stateless children in the migrant and refugee population. When mothers did not have valid proof of citizenship, authorities entered the child’s citizenship as “unknown” on the birth certificate. UNHCR deemed this a widespread problem.

Even if the father of a married couple’s children was a citizen, the marriage could be considered invalid, and the children illegitimate if the mother lacked proof of citizenship; such children were also considered stateless.

If a citizen mother was in a nonmarital relationship with a refugee father, the child could obtain citizenship through the mother, but if a citizen father was not married to a refugee mother, the child could not obtain citizenship. Some observers indicated that Muslim refugees and asylum seekers often had an easier time registering the birth of a child than non-Muslim refugees and asylum seekers, but registration did not confer citizenship. Authorities often accepted a UNHCR document or other documentation held by refugees or asylum seekers in lieu of a passport as proof of citizenship in their country of origin.

Persons who lacked proof of citizenship were not able to access government services, such as reduced-cost health care, or own property. Stateless children did not have access to public schools. In February the Sarawak state government announced that stateless children who applied for Malaysian citizenship could attend public schools in the state.

Section 3.

Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: State elections on August 12 were widely considered to be fair and free of irregularities, but there were reports of intimidation. Several days before the state elections, police in Negeri Sembilan State received reports of two separate incidents of pig heads being found at the office of a party official and candidate from the Islamic-leaning

opposition coalition Perikatan Nasional. Police provided no update on their investigation as of September. National elections in 2022 were generally free and fair.

Political Parties and Political Participation: Despite strong objections by opposition political parties and civil society, parliamentary districts were highly gerrymandered and malapportioned in a way critics contended unfairly advantaged the Barisan Nasional party. By law new districts could not be drawn until 2026 unless parliament amended the federal constitution, a process requiring a two-thirds majority vote.

Registering a new political party was difficult because of government restrictions on the process. For example, it took more than a year for the minister of home affairs to approve (in December 2021) the registration of the Malaysian United Democratic Alliance as a political party.

The constitution fixed the number of seats in parliament assigned to each state to the advantage of rural states and regardless of population shifts over time. Moreover, it did not require equal populations in electoral constituencies in any given state. Each constituency elected one member of parliament.

Constituencies had widely varying populations, further advantaging rural populations. The 2021 implementation of automatic voter registration exacerbated these differences, as it led to a higher concentration of voters in urban areas, which “minimized the influence” of urban voters, according to think tank Merdeka Center. For example, the rural district of Igan had 18,000 registered voters in the 2018 election and 28,290 in the 2022 federal election. The urban district of Bangi had 178,790 registered voters in 2018 but in 2022, that number rose to 295,000.

In March the Minister of Higher Education announced political parties could not set up branches on campuses because it was “not appropriate.”

Participation of Women and Members of Marginalized or Vulnerable Groups: No laws limited participation by women or members of vulnerable groups in the political process, and they did participate.

The political environment was hostile towards women. Attacks on women politicians and women who were critical of the country’s politics were common, including sexist remarks in parliament targeting women members, technology-facilitated gender-based violence like threats of rape and murder via Facebook and other social media platforms, and stereotyping women political candidates.

In October, member of parliament Suhaimi Abdullah invited fellow parliamentarian Teresa Kok to “wear nothing” at the beach. NGO Seputeh Muda issued a statement that Suhaimi was “sexist” and “disrespected” Kok.

Section 4.

Corruption in Government

The law provided criminal penalties for corruption by officials; several sitting and former government officials were on trial for corruption, and there was a broadly held perception of widespread corruption and cronyism in government institutions. Media outlets reported numerous allegations of official corruption during the year.

The Malaysian Anti-Corruption Commission was responsible for investigating corruption in both private and public bodies but did not have prosecutorial authority. An auditor general was responsible, per the constitution, for auditing the accounts of the federal and state governments, government agencies, and other public authorities.

Corruption: In August the Kuala Lumpur High Court dismissed corruption charges against former Prime Minister Muhyiddin Yassin. In a press conference following the August 15 ruling, Muhyiddin, who led the opposition coalition Perikatan Nasional, said the judge's decision vindicated his earlier assertions that the charges were "politically motivated." In September the Kuala Lumpur High Court granted Deputy Prime Minister Ahmad Zahid Hamidi, president of the United Malays National Organization political party, a discharge not amounting to an acquittal, on 47 charges of criminal breach of trust, bribery, and money laundering dating from his time as minister of home affairs. Observers noted the dismissals of cases against Muhyiddin and Zahid demonstrated elite impunity from corruption charges.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Subject to varying degrees of government restrictions, domestic and international human rights groups operated, investigated, and published their findings on human rights cases. The government was not always cooperative or responsive to their views.

Many human rights and other organizations had difficulty obtaining government recognition as NGOs. As a result, many such groups were registered as companies, which created legal and bureaucratic obstacles to opening bank accounts, paying staff, and fundraising. Authorities frequently cited a lack of registration as grounds for action against organizations. Some NGOs also reported the government monitored their activities to intimidate them.

Government Human Rights Bodies: The official human rights commission, SUHAKAM, was headed by a chairperson and comprised commissioners appointed by the king on the recommendation of the prime minister. Observers generally considered SUHAKAM a credible human rights monitor. It conducted training, undertook investigations, issued reports, and made recommendations to the government. SUHAKAM could not investigate court cases in progress and had to cease its inquiries if a case became the subject of judicial action. In what some observers noted was a sign of increased interest in human rights concerns, in June parliament debated SUHAKAM's 2020 *Annual Report*, the second time it did so since SUHAKAM's first report in 2020, and asked questions of the government.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: Rape of women was a criminal offense, as were most forms of domestic violence. Rape was punishable by a maximum 20 years' imprisonment and caning. The law did not include male survivors in the definition of rape, nor did it recognize spousal rape as a crime.

The government did not enforce laws on rape effectively. Women's groups asserted the courts were inconsistent in punishing rapists. Investigation into accusations of rape and gender-based violence was inadequate, and there was little accountability for alleged rapists.

Although the government and NGOs maintained shelters and offered other assistance to victims of domestic violence, activists asserted that support mechanisms were inadequate. Many government hospitals had crisis centers where survivors of rape and domestic abuse could file reports without going to a police station. There was also a sexual investigations unit at each police headquarters to help victims of sexual crimes and abuse, and police sometimes assigned psychologists or counselors to provide emotional support. NGOs reported, however, that the government did not act in cases of domestic violence; victims had to gather and maintain evidence, gather witness testimony, and ensure their own safety.

Female Genital Mutilation/Cutting (FGM/C): The law did not prohibit FGM/C, and it was a common practice among Muslim and some indigenous communities. A 2022 report by the Asia Pacific Resource and Research Centre for Women estimated female circumcision practice at 95 to 99 percent among the Muslim population in the country.

Ministry of Health guidelines allowed the practice only at government health-care facilities. Advocates and the international medical community were concerned that the ministry's endorsement legitimized the harmful practice and contributed to the "medicalization" of FGM/C. Women's rights groups contended a 2009 fatwa by the National Council of Islamic Religious Affairs declaring the practice obligatory made FGM/C more prevalent.

Other Forms of Gender-based Violence or Harassment: The law prohibited a person in authority from using their position to intimidate a subordinate by any conduct sexual in nature. The law classified some types of workplace sexual harassment as criminal offenses. A government voluntary code of conduct provided a detailed definition of sexual harassment intended to raise public awareness of the problem. Observers noted that authorities took claims seriously, but victims were often reluctant to report sexual harassment because of the difficulty of proving the offense and the lengthy legal process. Although employers were obligated to inquire into most sexual harassment complaints, advocacy groups such as the Association of Women Lawyers stated these provisions were not comprehensive enough to provide adequate help to victims.

Discrimination: The constitution prohibited discrimination against citizens based on sex and provided for equal property rights for men and women; the government did not enforce the law effectively. Sharia, which deviated from these principles in some areas, was sometimes applied. For instance, Islamic inheritance law generally favored male offspring and male relatives. Sharia also generally required a husband's consent for divorce, although some women obtained divorces under sharia without their husband's consent. Non-Muslims were not subject to sharia. Civil law provided equal parental rights for non-Muslim mothers and fathers, while sharia favored fathers. Four states – Johor, Selangor, Negri Sembilan, and Pahang – extended equal parental rights to Muslim mothers.

Women experienced discrimination in employment. Employers routinely asked women their marital status during job interviews. The law required equal pay for men and women workers for work of equal value. Nonetheless, NGOs reported wage and promotion discrimination against working women. The law imposed some employment restrictions based on sex; for example, it prohibited women from working underground, such as in mines. Women migrant workers were required to undergo pregnancy testing; employers could immediately deport pregnant workers.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Some schools allegedly required girl students to undergo intrusive physical examinations (such as requiring girls to show bloody sanitary pads or vaginal swabs, or patting girls to confirm a pad was being worn) to prove they were menstruating and were therefore exempted from prayers.

Government policies and general misconceptions concerning the law impeded access to sexual and reproductive health services. The law permitted abortion to save a woman's life or preserve her mental or physical health, but also allowed medical practitioners to refuse abortions. Sexual health education was limited for all women, although it was more accessible to married than to unmarried women, and in urban more than in rural areas. Reproductive awareness advocates and NGOs that

provided sexual health education were frequently accused of encouraging sin and eliciting sexual behaviors. Government-run family planning clinics often denied contraceptive services to unmarried young persons.

One-Stop Crisis Centers, an integrated multiagency service in the emergency department of most major public hospitals, provided support, including emergency contraception and postexposure prophylaxis, to survivors of officially reported sexual violence. Several NGOs also provided emergency services to survivors.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

No laws protected members of racial or ethnic minority groups against violence and discrimination. The constitution gave ethnic Malays and Indigenous groups, collectively known as *bumiputera*, a “special position” in the country. Government regulations and policies provided extensive preferential programs to boost the economic position of *bumiputera*, a majority of the population. Such programs limited opportunities for non*bumiputera* (primarily ethnic Chinese and Indians) in higher education and government employment. Many industries were subject to race-based requirements that mandated *bumiputera* ownership levels. Government procurement and licensing policies favored *bumiputera*-owned businesses. The government claimed these policies were necessary to attain ethnic harmony and political stability. The government reserved large quotas that guaranteed *bumiputera* would hold the majority of positions in the federal civil service as well as of vocational permits and licenses in a wide range of industries, which greatly reduced economic opportunity for minority groups.

In March the NGO Centre for Independent Journalism released its social media monitoring of the November 2022 general election and found that politicians used religious narratives as a “polarizing tool” to garner votes, and members of the Malaysian Islamic Party were the “biggest amplifiers” of racial rhetoric.

In May Malaysian Islamic Party President and member of parliament Abdul Hadi Awang said in a Facebook post that Malays were “openly conned” by non-Malays, whom he described as “the biggest group of plunderers.”

INDIGENOUS PEOPLES

The constitution provided Indigenous and non-Indigenous persons with the same civil and political rights, but the government did not effectively protect these rights.

Indigenous persons in peninsular Malaysia, known as Orang Asli, who numbered approximately 200,000 in 2017 (latest data available), were the poorest group in the country. The Orang Asli had very little ability to participate in decisions that affected them. The constitution provided for “the special position of the Malays and natives of any of the States of Sabah and Sarawak” but did not refer specifically to the Orang Asli. This ambiguity over the community’s status in the constitution led to selective interpretation by different public institutions.

The courts have ruled the Orang Asli had rights to their customary lands under the constitution, but NGOs contended the government failed to recognize these judicial pronouncements. The government could seize customary land if it provided compensation. There were confrontations between Indigenous communities and logging companies over land, and uncertainty over their land tenure made Indigenous persons vulnerable to exploitation.

In May approximately 200 Orang Asli in Johor State held a protest and submitted a memorandum to Johor Chief Minister Onn Hafiz Ghazi protesting Johor ruler Sultan Ibrahim’s March proposal to classify Orang Asli reserve land as sultanate land, which he stated was to protect Indigenous communities from exploitation. The protesters were concerned the reclassification would render Orang Asli communities as temporary residents who could be evicted at any time.

CHILDREN

Birth Registration: Parents of children in rural areas, especially in Sabah and Sarawak states, occasionally neglected to register their children within the allotted time, leading to their children becoming stateless and being barred from accessing the education and health systems.

Education: Education was free, compulsory, and universal through primary school (six years of school) for citizens and permanent residents, although there was no mechanism to enforce attendance. Public schools were open to some UNHCR-registered refugees, but not to the children of undocumented migrants.

Child Abuse: The law banned child abuse and provided for the protection, care, and rehabilitation of children; obliged medical practitioners, guardians, and babysitters to report any suspected cases of abuse; and protected children against violence “within the family.” As of September, the ministry had 140 child protection teams, 133 child welfare teams, and 142 children activity centers to act as the “eyes and ears” of the ministry to protect children. The ministry also created a hotline to report child neglect and abuse. In November the minister announced the expansion of the role of the Women’s Anti-Crime Squad to include training for child protection assistants to address the rise in child abuse cases.

Child, Early, and Forced Marriage: The minimum age of marriage varied by state, but in most instances was 18 for men and 16 for women. Muslim girls younger than 16 could marry with the approval of a sharia court. Indigenous persons were governed by customary laws with no fixed minimum age for marriage. In some cases, authorities treated early marriage as a solution to statutory rape. Advocates were concerned Rohingya refugee families were resorting to child marriage for their girls to cope with economic hardship.

The government’s national five-year roadmap (covering 2021-2025) targeted child marriage. The plan outlined policies to increase access to education including health education, and school attendance. The plan also sought to address social norms on child marriage and ensure laws and guidelines on child marriages were in line with government policies on child welfare.

Sexual Exploitation of Children: The law banned child pornography and stated that a child was considered a survivor of sexual abuse if they participated or observed any activity that was sexual in nature for the purposes of a photograph, recording, film, videotape, or performance. Authorities enforced the law. By law the minimum age for consensual, noncommercial sex was 16. A person convicted of involvement in making or producing child pornography was subject to a penalty of up to 30 years’ imprisonment and not fewer than six strokes of a cane; accessing or possessing child pornography carried a punishment of five years’ imprisonment or a fine; trafficking a child for the purposes of commercial sexual exploitation carried a punishment of three to 20 years’ imprisonment and a fine.

The government focused on preventing sexual exploitation of children, including sex trafficking. There was a special court for sexual crimes against children, established to speed up trials that often took years to conclude. Commercial sexual exploitation of children occurred. Authorities at times treated children exploited in commercial sex as offenders or undocumented immigrants, however, rather than as survivors.

A child’s testimony was acceptable only if there was corroborating evidence, which posed special problems for molestation cases in which the child survivor was the only witness.

In April the senate passed an amendment to the law that replaced the term “child pornography” with “child sexual abuse material” to reflect the seriousness of the crime.

ANTISEMITISM

The country's Jewish population was estimated at 100-200 persons, consisting mostly of foreign residents. Antisemitic rhetoric and attitudes were a serious problem across the political spectrum and attracted wide support among segments of the population.

In July former Prime Minister Mahathir claimed on social media that Jews lacked gratitude for the sacrifice of Allied soldiers during World War II and accused Israel of "doing to the Arabs what the Nazis did to you."

There were restrictions on Israeli citizens entering the country.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: All same-sex sexual conduct was illegal under both federal law and state sharia provisions. Under the law, sodomy and oral sex acts were classified as "carnal intercourse against the order of nature" for which the federal penal code imposed a sentence of 20 years in prison and mandatory caning, although it was not actively enforced. State sharia provisions, enforced by state Islamic religious departments and applicable only to Muslims, permitted caning for acts such as consensual same-sex sexual relations and for the offense of "a man posing as a woman."

Violence and Harassment: Observers reported violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons was common, and that police at times perpetrated and condoned such violence, including against individuals in custody. According to local advocates, imprisoned transgender women usually served their sentences in prisons designated for men and both police and inmates abused them sexually and verbally.

In October police found a trans woman dead with injuries to the head and face in a pedestrian tunnel in Johor State. Observers noted at the time this was one of five known cases of transgender deaths of unnatural causes during the year.

Discrimination: The law did not prohibit discrimination based on sexual orientation, gender identity or expression, or sex characteristics and did not recognize LGBTQI+ individuals, couples, or their families. LGBTQI+ persons reported discrimination in employment, housing, and access to some government services because of their sexuality. The government did not recognize same-sex marriage nor grant LGBTQI+ couples and their families the same rights accorded to other couples.

The Global Trans Rights Index noted trans persons in the country faced significant discrimination and were targeted by police. Authorities often charged transgender persons with "indecent behavior," as "a man posing as a woman," or for "importuning for immoral purposes" in public, even if they were not soliciting. A person convicted of a first offense faced a token fine and a maximum sentence of 14 days in jail; sentences for subsequent convictions were fines and up to three months in jail.

The NGO Justice for Sisters documented recurring anti-LGBTQI+ statements made by at least five members of parliament during June 12 debate on the 2023 SUHAKAM report.

In June opposition member of parliament Wan Ahmad Fayhsal Wan Ahmad Kamal proposed the country adopt Russia's anti-LGBTQI+ propaganda law to "protect the nation's children" from LGBTQI+-related content in social and mainstream media.

Availability of Legal Gender Recognition: There was no legal process to allow individuals to update their gender markers on identity documents. An August 2022 NGO report stated almost all transgender individuals known to have requested such changes were turned down.

Involuntary or Coercive Medical or Psychological Practices: The federal government funded retreats known as *mukhayyam* (rehabilitation) aimed at LGBTQI+ individuals.

In parliament on October 18, Minister in the Prime Minister's Department (Religious Affairs) Mohd Na'im Mokhtar said the Islamic Development Department was working with other ministries to "curb perverse activities such as being a lesbian, gay, bisexual, or transgender person." He added that during the year, 220 persons were involved in mukhayyam programs to provide religious guidance and health awareness. He said the government was "consistent" in its stance that the "practice of LGBTQI+ is unacceptable in the Islamic community."

There was no information on the extent to which persons attended these retreats voluntarily or were coerced into attending, though anecdotally, some members of the LGBTQI+ community attended these retreats voluntarily. State religious authorities reportedly forced LGBTQI+ persons to participate in "conversion therapy," "treatment," or "rehabilitation" programs to "cure" them of their sexuality. "Malaysia's current rehabilitation and criminalization approaches to LGBT people," commonly referred to as "returning someone to the right path," "are based neither in rights nor evidence," said Thilaga Sulathireh, cofounder of the NGO Justice for Sisters in June.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Depictions of or speech regarding LGBTQI+ themes were illegal; during the year several publications were banned for promoting LGBTQI+ culture.

In March police and the Federal Territories Islamic Department investigated seven participants in a women's march, which included protestors who held pro-LGBTQI+ placards with slogans such as "Trans Women Are Women." Authorities investigated the individuals for not providing advance notice on the gathering and for indecent or insulting words or behavior; there was no report of subsequent action against them.

In August the RMP arrested eight members of the Ahmadi Religion of Peace and Light for organizing a pro-LGBTQI+ protest in Kuala Lumpur. Police investigated the individuals for obstructing a public servant from discharging their duties, using "indecent, threatening, abusive or insulting words," and not providing advance notice to police before the gathering. The local Islamic Department also investigated them for unspecified sharia offenses, according to media reports.

PERSONS WITH DISABILITIES

Some persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. The law, however, promised persons with disabilities the right to equal access and use of public facilities, amenities, services, and buildings open or provided to the public. The Ministry of Women, Family, and Community Development was responsible for safeguarding the rights of persons with disabilities.

New government buildings generally had a full range of facilities for persons with disabilities. Authorities retrofitted few older public facilities to provide access for persons with disabilities.

The government did not mandate accessibility to transportation for persons with disabilities. Recognizing public transportation was not "friendly" to persons with disabilities, the government maintained a 50 percent reduction of excise duty on locally made cars and motorcycles adapted for such persons.

Employment discrimination occurred against persons with disabilities. Disability-rights NGOs reported that employers were reluctant to hire persons with disabilities.

Students with disabilities sometimes attended mainstream schools, but many schools were not fully accessible to them. Separate education facilities also existed but were insufficient to meet the needs of all students with disabilities.

Institutionalized Children: In May a Kuala Lumpur court sentenced Siti Bainun Ahd Razali, the founder of an unregistered private welfare home, to 22 years in jail for abusing and neglecting a resident girl age 13 with Down Syndrome.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law provided for limited freedom of association and allowed certain categories of workers to form and join trade unions, subject to a variety of legal and practical restrictions. The law provided for the rights to strike and to bargain collectively, but both were severely restricted. The law prohibited employers from interfering with trade union activities, including union formation. It prohibited employers from retaliating against workers for legal union activities and required reinstatement of workers fired for union activity. The government did not effectively enforce these laws. Penalties included fines but were seldom assessed and were not commensurate with those under other laws involving denials of civil rights, such as discrimination.

The law prohibited defense and police officials and retired or dismissed workers from joining a union. The law also restricted the affiliation of unions with other unions in similar trades, occupations, or industries; ministerial approval was needed to affiliate with any organization outside the country. Foreign workers could join a trade union but could not hold union office unless they obtain permission from the Ministry of Human Resources. Subcontracted workers could not form a union and could not negotiate or benefit from collective bargaining agreements.

The director general of trade unions and the minister of human resources could refuse to register or withdraw registration from unions without judicial oversight. The time needed for a union to be recognized was long and unpredictable. Union officials expressed frustration over delays. Employers could challenge a union's request for recognition, leading to multiyear delays in recognizing unions. In some instances, companies reportedly harassed leaders of unions that sought recognition.

Most private-sector workers had the right to bargain collectively, although these negotiations could not include matters of transfer, promotion, appointments, dismissal, or reinstatement.

A joint consultation system for public-sector labor relations effectively reduced public sector unions to an advisory role; there were no public sector strikes. The government also could compel arbitration in labor disputes at the minister of labor's sole discretion.

Private-sector strikes were severely restricted. The law required two-thirds of the members of a registered trade union to vote for a strike through a secret ballot, and a report had to be submitted to the director general of trade unions to approve the strike. Workers who struck without the consent of the director general of trade unions were liable to a fine, imprisonment for up to one year, or both. The law prohibited general strikes, and trade unions could not strike over disputes related to trade-union registration or illegal dismissals. Workers could not strike in a broad range of industries deemed "essential." They could not strike over a dispute under consideration by the Industrial Court. Union officials claimed legal requirements for strikes were almost impossible to meet.

The International Labor Organization observed that the country's laws, regulations, and practices did not fully support freedom of association and collective bargaining. National-level unions and union federations were generally prohibited; the government allowed three regional territorial federations of unions: for peninsular Malaysia and for the states of Sabah and Sarawak. They exercised many of the responsibilities of national-level labor unions, although they could not bargain on behalf of local unions. The Malaysian Trades Union Congress was a registered "society" of trade unions in both the private and government sectors that did not have the right to bargain collectively or strike but could provide technical support to affiliated members. The Trades Union Congress reported that approximately 6 percent of the country's workers were in unions, and fewer than 2 percent were covered by collective bargaining agreements. Some workers' organizations were independent of government, political parties, and employers, but employer-dominated or "yellow" unions were reportedly a concern.

Some trade unions reported the government detained or restricted the movement of some members under laws allowing temporary detention without charging the detainee with a crime. Trade unions asserted some workers had wages withheld or were terminated because of union-related activity.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

The law prohibited all the worst forms of child labor. The law prohibited the employment of children younger than 15 but permitted some exceptions, such as light work in a family enterprise, work in public entertainment, work performed for the government in a school or in training institutions, or work as an approved apprentice. There was no minimum age for engaging in light work. For children between ages 14 and 18, there was no list clarifying specific occupations or sectors considered hazardous and therefore prohibited.

The government did not effectively enforce laws prohibiting child labor. Those found contravening child labor laws faced penalties that were not commensurate with those for other similar crimes, such as kidnapping. Penalties were rarely applied against violators.

There were no confirmed reports during the year of the worst forms of child labor.

NGOs reported stateless children in Sabah State were especially vulnerable to labor exploitation in palm oil production, forced begging, and work in service industries, including restaurants. Although the National Union of Plantation Workers reported it was rare to find children involved in plantation work in peninsular Malaysia, others reported instances of child labor on palm oil plantations across the country. Child sex trafficking also occurred.

Also see the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: On July 1, the country increased the federal minimum wage. The minimum wage applied to both citizen and foreign workers, except for those in domestic service and the gig

economy. Minimum wage rates were less than the national poverty line.

The law protected foreign domestic workers only regarding wages and contract termination. The law excluded them from provisions that stipulated one rest day per week, an eight-hour workday, and a 45-hour workweek. Instead, bilateral agreements or memoranda of understanding between the government and some source countries for migrant workers included provisions for rest periods, compensation, and other conditions of employment for migrant domestic workers, including prohibitions on passport retention. The law allowed for up to 104 hours of overtime work per month with overtime pay of at least 1.5 times the hourly rate. In September the minister of human resources told parliament the ministry issued fines to employers 272 times and courts fined 128 employers.

Occupational Safety and Health: Occupational safety and health (OSH) laws covered all sectors of the economy except the maritime sector and the armed forces. The law required workers to use safety equipment and cooperate with employers to create a safe, healthy workplace, but it did not specify a right to remove oneself from a hazardous or dangerous situation without penalty. Laws on worker's compensation covered local and migrant workers.

The National Occupational Safety and Health Council, composed of workers, employers, and government representatives, created OSH standards and coordinated their implementation. It required employers to identify risks and take precautions, including providing safety training to workers, and compelled companies with more than 40 workers to establish joint management-employee safety committees. Alleged OSH violations were most common in the manufacturing; agriculture, forestry and fishery; and finance, insurance, real estate and business services, according to the Department of Occupational Safety and Health of the Ministry of Human Resources.

Wage, Hour, and OSH Enforcement: The Department of Labor of the Ministry of Human Resources was responsible for enforcing wage, working condition, and OSH standards, but did not do so effectively. Inspectors had the authority to conduct unannounced inspections and initiate sanctions, but the number of enforcement officers was insufficient. Many businesses operated for years without an inspection.

Employers or employees who violated OSH laws were subject to fines, imprisonment, or both. Penalties for violations were not commensurate with those for similar crimes. Penalties for employers who failed to follow the law began with a fine assessed per employee and could rise to imprisonment. Employers could be required to pay back wages plus the fine. If they refused to comply, employers faced additional fines for each day that wages were not paid. Penalties were rarely applied.

Employers did not respect laws on wages and working hours. The Trades Union Congress reported that 12-, 14-, and 18-hour days were common in food and other service industries.

Migrant workers often worked in sectors where violations were common. They performed hazardous duties and had no meaningful access to legal counsel in cases of contract violations and abuse. Some workers alleged their employers subjected them to inhuman living conditions and physically assaulted them. Employers of domestic workers sometimes failed to honor the terms of employment and subjected workers to abuse. Employers reportedly restricted workers' movement and use of mobile telephones; provided substandard food; did not provide sufficient time off; sexually assaulted workers; and harassed and threatened workers, including with deportation. There were no significant government efforts to protect domestic workers.

As of 2021, the most recent year for which statistics were available, more than 3.5 million workers were considered to be in the informal sector.

On January 1, the government implemented amendments to the Employment Act 1955 which gave gig workers presumption of employment, conferring on them the same protection afforded other employees even without a written contract. In addition, provisions under the Self-Employment

Social Security Act 2017 required self-employed individuals to register, contribute to the self-employment social security scheme, and pay taxes on income above a certain level.