

Status of Media in Malaysia (January – August 2023)

Introduction

Following the political turbulence of the last few years and the 15th General Elections in November 2022, this year started afresh with a new government made up of mainly the Pakatan Harapan (PH) and Barisan National (BN) coalitions. This meant that the UMNO, the main component party of BN, and riddled with allegations of corruption, was back in power. The opposition is mainly made up of Bersatu and Parti Islam SeMalaysia (PAS).

In this context, it is found that while the reformist PH opened up spaces for engagement and promised media freedom, the space for freedom of expression continued to be restricted. Extensive crackdown and legal actions were taken against opposition politicians and netizens for their speech and content deemed to be sensitive based on the concept of 3R – race, religion and royalty.

The Minister of Communications and Digital also reiterated the commitment to move ahead with the establishment of the Malaysian Media Council. Nonetheless, the engagement is rather stalled as the government is insisting on having government representatives with voting powers sit in the Council. Further, limited engagement is initiated with media and civil society on the amendments to the Printing Presses and Publications Act (PPPA) and the Communications and Multimedia Act (CMA) (especially Section 233). In fact, the PPPA is increasingly used against LGBTIQ+ content. Distributors, including SWATCH, were raided and PPPA was used against them for their pride-themed watches.

Against this backdrop, while no incidents of arrests or investigations were initiated against specific journalists, a few incidents of banning of media were documented between January – August 2023.

Incidents

- In February 2023, [Codeblue](#) editor-in-chief Boo Su-Lyn stated that the Health Ministry is allegedly on a “witch hunt” for healthcare workers who participated in a survey conducted by the health news website. Su-Lyn claimed that these were attempts to uncover the respondents’ identities.
- In February 2023, the Malaysian Communications and Multimedia Commission (MCMC) launched an investigation into the television channel, [AwesomeTV’s Berita 7:57](#) programme broadcast about recommendations of job cuts in the civil service.

They were asked to provide an explanation on their actions. Awesome TV had previously come under fire for supposedly racially charged reporting.

- In March 2023, Communications and Digital Minister Fahmi Fadzil criticised a Facebook post by [Berita Harian](#) regarding its news report on the Overnight Policy Rate (OPR) by stating that it had caused confusion that spiraled into a slander.
- In June 2023, the website of the news portal MalaysiaNow was inaccessible to readers, especially users of mobile carriers, Celcom and Maxis. The publication suspected an unlawful attempt to block its website.
- In August 2023, the Malaysian Communications and Multimedia Commission (MCMC) had blocked access to the news website, Utusan TV, resulting in local telecommunications companies blocking related access.
- In August 2023, TV Pertiwi, an online platform, declined the request from the Communications and Multimedia Commission (MCMC) to remove six pieces of content. TV Pertiwi argued that MCMC has not clearly stated the legal violations in relation to the content and is seeking concrete evidence from MCMC. This comes after access to the online platform was blocked by MCMC on 17 August. Additionally, TV Pertiwi's TikTok account was blocked for repeatedly violating community guidelines.

Recommendations to the State:

- 1) **Drop all investigations and stop all acts of intimidation and adverse actions against the media for their reporting.** Any actions taken to restrict content must apply the international human rights principles of legitimacy, necessity and proportionality.
- 2) **Place an immediate moratorium on the use of repressive laws and the State to adopt necessary plans, without delay, to review and amend or repeal these laws,** including Section 233 of the Communications and Multimedia Act 1998, the Printing Presses and Publications Act 1984, the Sedition Act 1948, and the Official Secrets Act 1972, among others, and;
- 3) **Move ahead with the establishment of the Malaysian Media Council as a transparent and independent self-regulatory body for the industry.** Having a media council in place will prevent the State and its agencies from becoming the sole arbiter of truth or arbitrarily censoring or punishing the media for reporting that is critical of the State.

The State must promote media freedom and create an enabling environment for the media to function with independence and with no fear of repercussion for carrying out their reporting functions. This would require the commitment of the government to go beyond rhetorics and actually implement the **promises** and **pledges** that have been made by the Minister of Communication and Digital iterating that the current government will promote media freedom and adopt measures to amend laws that restrict media freedom.