

Malaysia - Human Rights Scorecard ¹

Malaysia is a federal constitutional monarchy located in Southeast Asia. The country is multi-ethnic and multi-cultural, which plays a large role in politics. The constitution declares Islam the state religion while allowing freedom of religion for non-Muslims. The government system is closely modeled on the Westminster parliamentary system and the legal system is based on common law.²

Official language: Bahasa Malaysia

Ethnic groups: 50.1% Malay, 22.6%, Chinese, 11.8 Indigenous, 6.7% Indian, 8.8% other

Government: Federal parliamentary constitutional monarchy

- King: Abdul Halim

- Prime Minister: Najib Tun Razak (BN)

- Deputy prime minister: Muhyiddin Yassin (BN)

Death penalty: Retentionist

Population: 30,073,353

Life expectancy: 74.52 years

Under-5 mortality: 13.69 deaths per 1,000 births

Adult literacy: 94.6 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected ³

There are reports that the government or its agents committed arbitrary or unlawful killings. One nongovernmental organization (NGO) reported 49 individuals were killed in police shootings in 2012. There is no entity that examines security force killings.

Freedom from disappearance



Respected ⁴

There are no reports of politically motivated disappearances.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected ⁵

No law specifically prohibits torture; however, laws that prohibit “committing grievous hurt” encompass torture. More than 60 offenses are subject to caning, including kidnapping, rape, and robbery, as well as some nonviolent crimes, such as narcotics possession and smuggling.

Freedom from arbitrary arrest or detention



Partly respected ⁶

The constitution stipulates that no person may be incarcerated unless in accordance with the law. The law, however, allows investigative detention to prevent a criminal suspect from fleeing or destroying evidence during an investigation.

Freedom from denial of fair public trial



Partly respected ⁷

The constitution states that all persons are equal before the law and entitled to equal protection of the law. Defendants are innocent until proven guilty. Many NGOs complain that women do not receive fair treatment from sharia courts, especially in matters of divorce and child custody.

Freedom from arbitrary interference with privacy, family, home or correspondence



Largely disrespected ⁸

Authorities infringe on citizens’ privacy rights despite laws prohibiting it. Membership in unregistered political parties and organizations is banned. Marriages between Muslims and non-Muslims are considered illegitimate, and children born of such marriages are also considered illegitimate.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 42.73, Rank: 147 / 180 – Highly controlled, limited and intimidated¹⁰

The government restricts freedom of speech and freedom of the press. It does so by various means, including banning books, denying printing permits, and intimidating journalists into practicing self-censorship, among other things.

Freedom from academic censorship



Largely disrespected¹¹

The government restricts academic freedom and enforces restrictions on teachers and students who express dissenting views. All civil servants, university faculty, and students are required to sign a pledge of loyalty to the king and government.

Freedom of peaceful assembly and association



Partly respected¹²

The constitution provides for freedom of assembly and association but allows restrictions deemed necessary or expedient in the interest of security, public order, or (in the case of association) morality. The law delineates 21 public places where assemblies cannot be held.

Freedom of religion



Partly respected¹³

The constitution protects religious freedom with some exceptions, which the government generally enforces. Government policies promote Sunni Islam above other religions. There are reports of detentions of non-Sunni Muslims. The constitution defines ethnic Malays as Muslim from birth.

Protection of refugees and stateless persons



Largely disrespected¹⁴

The laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. However, the UNHCR and humanitarian NGOs are allowed to provide protection to refugees.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



4 / 7 – Partly Free¹⁷

Freedom of expression is constitutionally guaranteed but restricted in practice. Freedoms of assembly and association are limited on the grounds of maintaining security and public order. Citizens are generally free to travel within and outside of Malaysia.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



4 / 7 – Partly free¹⁹

The government targets regime critics. Opposition parties face unequal access to the media, restrictions on campaigning and freedom of assembly, and even false criminal accusations, all of which make it difficult for them to compete on equal terms with the ruling National Front (BN) party.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 52%, Rank: 50 / 175 – Some corruption²¹

Government and law enforcement bodies have suffered a series of corruption scandals in recent years. Malaysia's ruling party for over 55 years has funds highly disproportionate share of the funding to political parties. Donations to political parties and candidates are not limited.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²²

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. In some cases government officials are cooperative and responsive to their views.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Score: 65.2%, Rank: 107/ 142 – Very unequal rights²⁴

Women are underrepresented in politics, the civil service, and professional fields such as law, medicine, and business. Muslim women are legally disadvantaged in Sharia courts, where their testimony is given unequal weight and men are favored in matters including inheritance and divorce.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 79.7%, Rank: 17 / 165 – Protected²⁶

Education is free, compulsory, and universal through primary school. The minimum age of marriage is 18 for men and 16 for girls. Punishment for child abuse include fines, imprisonment, caning, or a combination these measures. The UNHCR registers children born to refugees.

Rights of persons with disabilities



Largely disrespected²⁷

Neither the constitution nor other laws explicitly prohibit discrimination based on physical or mental disabilities. The government promotes acceptance and integration of persons with disabilities. Regulations to improve facilities for disabled people have failed to meet expectations.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected²⁸

The constitution provides for equal protection under the law and prohibits discrimination against citizens based on race, religion, descent, or place of birth. Constitutionally, ethnic Malays and indigenous groups enjoy a “special position” in the country, compared to ethnic Chinese or Indians.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{29 30}

Malaysia’s LGBT (lesbian, gay, bisexual, and transgender) community faces discrimination and hostility from both state and nonstate actors. In a historic decision in November, the Court of Appeal ruled that a law prohibiting men from wearing women’s clothing in public was unconstitutional.

Section 7: Workers’ Rights

Workers’ rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Largely disrespected³¹

The law allows for limited freedom of association and for some categories of workers to form and join trade unions — subject to a variety of legal restrictions. The law provides for the right to strike and to bargain collectively, but both are severely restricted by regulations and by sector.

Freedom from forced or compulsory labour



Partially respected³²

The penal code and the 2008 Anti-Trafficking in Persons Act (amended) prohibit forced or compulsory labor, however, a variety of sources report occurrences of forced labor, or conditions indicative of forced labor in many industries, among adults and possibly children.

Freedom from forced labour for children, and a minimum age of employment



Respected³³

The law prohibits the employment of children younger than age 14 but permits some exceptions. Government officials did not deny the existence of child labor in family businesses. However, NGOs and trade unions report that child labor is not a significant problem.

Right to acceptable conditions of work



Largely disrespected³⁴

Malaysian citizens enjoy provisions such as minimum wage and 8-hour day. Foreign migrant laborers, legal and illegal, often work under difficult conditions, perform hazardous duties, have their pay withheld, and lack access to legal counsel in cases of contract violations and abuse.

Right to employment



3.2% - Reasonable unemployment³⁵

The unemployment rate has increased from 3% in 2012 to 3.2% in 2013. Otherwise, the unemployment has been decreasing steadily since 2009 (3.7%).

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed June 22, 2015.

<https://www.amnesty.org/en/documents/act50/001/2014/en/>.

³ "Country Reports on Human Rights Practices for 2013 Malaysia." U.S Department of State. January 1, 2013. Accessed June 22, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 179 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

¹⁰ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed June 22, 2015.

http://rsf.org/index2014/data/index2014_en.pdf.

¹¹ "Country Reports on Human Rights Practices for 2013 Malaysia." U.S Department of State. January 1, 2013. Accessed June 22, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

¹² "Malaysia." World Report 2014: Malaysia. January 1, 2014. Accessed June 22, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

¹³ "Malaysia." International Religious Freedom Report for 2013. January 1, 2013. Accessed June 22, 2015.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁴ "Malaysia." World Report 2014: Malaysia. January 1, 2014. Accessed June 22, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>.

¹⁷ "Malaysia." Freedom in the World 2015: Malaysia. January 1, 2015. Accessed June 22, 2015. <https://freedomhouse.org/report/freedom-world/2015/malaysia#.VYgqIs6a9ho>.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed June 22, 2015. <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>.

¹⁹ "Malaysia." Freedom in the World 2015: Malaysia. January 1, 2014. Accessed June 22, 2015. <https://freedomhouse.org/report/freedom-world/2015/malaysia#.VYgqIs6a9ho>.

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Malaysia." Corruption by Country. January 1, 2014. Accessed June 22, 2015. <http://www.transparency.org/country#MYS>.

²² "Country Reports on Human Rights Practices for 2013 Malaysia." U.S. Department of State. January 1, 2013. Accessed June 22, 2015. <http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Malaysia." World Economic Forum. January 1, 2014. Accessed June 22, 2015. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=MYS>.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2014. Accessed June 22, 2015. <http://www.kidsrightsindex.org/Portals/5/pdf/Pdf-documenten%20juli%202014/The%20KidsRights%20Index%20-%20overall%20score%20-%20juli%202014.pdf>.

²⁷ "Country Reports on Human Rights Practices for 2013 Malaysia." U.S. Department of State. January 1, 2013. Accessed June 22, 2015. <http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

²⁸ Ibid. U.S. Department of State.

²⁹ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed June 22, 2015. <http://ilga.org/>. See also Ibid. U.S. Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2013 Malaysia." U.S. Department of State. January 1, 2013. Accessed June 22, 2015. <http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

³² Ibid. U.S. Department of State.

³³ Ibid. U.S. Department of State.

³⁴ Ibid. U.S. Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country.

³⁵ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed June 22, 2015. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.