Malaysia

Country Focus Report

2025

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EU SEE SUPPORTING AN ENABLING ENVIRONMENT FOR CIVIL SOCIETY

A) An Introduction to the Enabling Environment

What we understand by an Enabling Environment is the combination of laws, rules and social attitudes that support and promote the work of civil society. Within such an environment, civil society can engage in political and public life without fear of reprisals, openly express its views, and actively participate in shaping its context. This includes a supportive legal and regulatory framework for civil society, ensuring access to information and resources that are sustainable and flexible to pursue their goals unhindered, in safe physical and digital spaces. In an enabling environment, the state demonstrates openness and responsiveness in governance, promoting transparency, accountability, and inclusive decision-making. Positive values, norms, attitudes, and practices towards civil society from state and non-state actors further underscore the supportive environment.

To capture the state of the Enabling Environment, we use the following six principles:

SIX ENABLING PRINCIPLES

1. Respect and Protection of Fundamental Freedoms
2. Supportive Legal and Regulatory Framework
3. Accessible and Sustainable Resources
4. Open and Responsive State
5. Supportive Public Culture and Discourses on Civil Society
6. Access to a Secure Digital Environment

In this Country Focus Report, each enabling principle is assessed with a quantitative score and complemented by an analysis and recommendations written by our Network Members. Rather than offering a singular index to rank countries, the report aims to measure the enabling environment for civil society across the 6 principles, discerning dimensions of strength and those requiring attention.

The findings presented in this report are grounded in the insights and diverse perspectives of civil society actors who came together in a dedicated panel with representatives from civil society to discuss and evaluate the state of the Enabling Environment. Their collective input enriches the report with a grounded, participatory assessment. This primary input is further supported by secondary sources of information, which provide additional context and strengthen the analysis.

Brief Overview of the Country Context

Malaysia's political landscape in 2025 was defined by a paradox of consolidation and compromise. Two years into its mandate, the Unity Government, led by Prime Minister (PM) Anwar Ibrahim, has traded its initial platform of sweeping institutional reform for a strategy of political survival within a fragile, ideologically diverse coalition. The government's moral authority on anti-corruption—a cornerstone of its election mandate—was significantly dented by developments in high-profile corruption cases that were seen as concessions to political allies. Most notable were the partial pardon of former PM Najib Razak in February and the June 2024 High Court dismissal of the Malaysian Bar's bid to challenge Deputy PM Ahmad Zahid Hamid's Discharge Not Amounting to Acquittal (DNAA). These cases signalled a willingness to prioritise coalition stability over the rigorous application of the rule of law, fuelling a perception that justice is negotiable for the politically connected.

The Madani administration has adopted a conservative stance to manage 3R (Race, Religion, and Royalty) narratives, relying on the aggressive enforcement of existing laws such as the Sedition Act and the Communications and Multimedia Act. Moving beyond reactive censorship, the government adopted a proactive regulatory model, introducing a mandatory social media licensing framework and passing a raft of amended and new laws that grant the state far-reaching power to define and remove "harmful" content with minimal to no judicial oversight. Moral policing also remained the status quo, exemplified by the Home Ministry's raids on bookstores and the seizures of 'undesirable' publications under the Printing Presses and Publications Act 1984. Furthermore, the environment for freedom of assembly remained restrictive, with the police continuing to weaponise the Peaceful Assembly Act (PAA) and other laws to investigate organisers and participants of peaceful assemblies. Collectively, these developments have kept Malaysia's civic space rated as "obstructed" by the CIVICUS Monitor.

While the government has maintained a rhetoric of institutional reform, progress on key structural changes has been largely performative. The long-promised separation of the roles of the Attorney General and the Public Prosecutor (AG-PP)—critical for preventing executive interference in prosecutions—remains in the study phase, with a full transition not expected until 2026. Similarly, efforts to safeguard the rights of marginalised groups, including LGBTIQ+ individuals, migrants, refugees, and asylum seekers, have largely stalled or regressed. Instead of legal protections, these communities faced heightened risks of arrests and detention, and were targets of mis/disinformation campaigns.

Civil society organisations (CSOs) in 2025 occupied a space of precarious engagement. While the government has increasingly invited CSOs to provide technical input on draft policies and
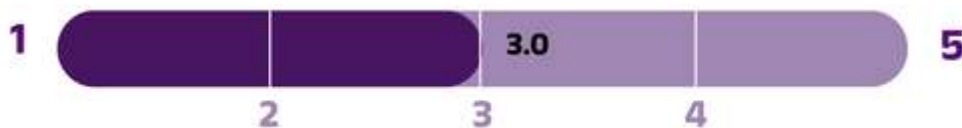
legislation, this is undermined by a parallel environment of intimidation in which risks of investigation, arrest, and surveillance remain status quo.

B) Assessment of the Enabling Environment

PRINCIPLE SCORE

1. Respect and Protection of Fundamental Freedoms

Score: [1]

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1    [                 3.0          ]    5
         2        3          4
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Malaysia's civic space continues to be shaped by a complex interplay between constitutional guarantees and legislative or administrative practices that restrict their full realisation. Although Article 10 of the Federal Constitution enshrines the freedoms of association, assembly and expression, each of these rights is subject to broad limitations that allow the state wide discretion in determining the boundaries of permissible civic activity. In practice, this has produced a legal and political environment where fundamental liberties exist more robustly on paper than in the lived experiences of communities, workers, activists, students and journalists.

Across 2024 and 2025, incremental reforms—such as amendments to trade union laws and improvements in global press freedom indices—suggested a potential shift toward greater openness. However, these developments coexist with entrenched structural constraints: restrictive statutory frameworks, discretionary powers held by regulatory authorities, and persistent patterns of punitive enforcement. Together, these dynamics reveal a civic landscape where the state continues to prioritise control, stability and security over the universality and indivisibility of civil liberties.

The following sections examine the state of three core freedoms—association, assembly, and expression—highlighting how Malaysia's current laws and administrative practices shape the scope of public participation. While recent reforms offer points of progress, they have yet to dismantle the deeper institutional logics that maintain a narrow, permission-based model of

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[1]*This is a rebased score derived from the CIVICUS Monitor rating published in December 2025.*

civic engagement. As a result, individuals and groups seeking to organise, mobilise or speak out continue to navigate a civic space marked by legal ambiguity, bureaucratic obstruction and the ongoing risk of criminalisation.

1.1 | Freedom of Association

The right to freedom of association in Malaysia is fundamentally constrained by a "registration-first" legal doctrine that criminalises informal collective action. While Article 10(1)(c) of the Federal Constitution guarantees the right to form associations, this right only applies to citizens. Even for citizens, this right is curtailed by Articles 10(2)(c) and 10(3), which empower Parliament to impose restrictions in the interest of national security, public order, morality, labour or education.

These constitutional caveats provide the legal basis for the Societies Act 1966, which effectively nullifies the right to associate for any group of seven or more persons that has not sought state approval. Under Section 6, an unregistered group is deemed an "unlawful society," meaning that spontaneous or informal associations—crucial for grassroots solidarity—operate in a state of permanent legal peril.

The enforcement of the Trade Unions (Amendment) Act in September 2024 marked a historic shift by finally allowing for multiplicity of unions within a single establishment. While this aligns Malaysia more closely with ILO Convention 87, the implementation phase has revealed new concerns regarding union fragmentation. While the freedom to form a union has expanded, the state still maintains a heavy hand through the Director General of Trade Unions (DGTU), who retains broad powers to suspend unions or interfere in their internal constitutions. Furthermore, despite the 2024 amendments lowering the union membership age to 15—a recognition of young workers' agency—they harmonised existing citizenship restrictions found in the Societies Act. This means that while migrant workers and youth are permitted to join existing unions, they remain legally barred from forming or leading their own independent organisations. By maintaining these barriers, these legislative reforms improve the choice of association for migrant workers in Malaysia but do not yet recognise the universality of the right to lead or form associations.

1.2 | Freedom of Assembly

Article 10(1)(b) of the Federal Constitution guarantees the right of Malaysians to assemble peacefully and without arms. While the Peaceful Assembly Act (PAA) 2012 was intended to transition the country from a "police-permit" regime to a "notification-based" framework, significant structural gaps persist. Despite 2019 amendments that reduced the notification period to five days and removed the blanket offence related to street protests, the PAA still lacks an explicit exception to the notice requirement for spontaneous assemblies, continues to exclude non-citizens from the right to assembly, and maintains restrictions on children's participation that deter youth-led mobilisation.

The freedom of assembly environment remained restrictive throughout 2024 and 2025. 29.1% of assemblies monitored by Suara Rakyat Malaysia (SUARAM) faced police investigations in 2024—a figure closely mirrored by the proportion of investigation papers opened by the government for notified assemblies. Assemblies that address "sensitive" issues or were organised by groups highly critical of the government, including civil society, still face heightened scrutiny, with organisers and speakers at risk of criminalisation under the PAA and other laws that restrict freedom of expression, such as the Sedition Act 1948, Section 233 of the Communications and Multimedia Act 1998 and relevant Penal Code provisions. Reflecting

a shift toward more punitive measures, the number of assembly-related arrests increased by 61.5% in 2024 compared to the previous year.

In practice, notification continued to be treated as a *de facto* permission requirement, evidenced by at least six documented assemblies in 2024 - including the #Reformasi100Peratus organised by election watchdog BERSIH - where police invoked "no-permit" rhetoric and issued pre-emptive warnings labelling non-notified gatherings as "unlawful." In 2025, that saw this 'permit culture' face judicial and policy challenges, the transition was undermined by a profound disconnect between high-level policy commitments and entrenched operational habits. In the case of student activist Fadhil Kasim, he was notified of charges under Section 9(5) of the PAA and Section 509 of the Penal Code in connection with a December 2024 anti-corruption protest—just eight days after Prime Minister Anwar Ibrahim's parliamentary announcement of a moratorium on Section 11 of the PAA pending amendments. Although the Sabah Attorney-General's Chambers eventually withdrew the charges following public outcry, the episode demonstrated the authorities' reflexive criminalisation of protest organisers. The legal landscape shifted fundamentally from July 2025 onwards, when the Federal Court struck down Section 9(5) as unconstitutional in the landmark Amir Hariri v Public Prosecutor case, ruling that a failure to notify cannot, by itself, render peaceful assemblies unlawful. Following this judgement, Home Minister Saifuddin Nasution announced a moratorium on all investigations and charges under the provision, alongside a broad review of the PAA. However, by the end of 2025, Saifuddin had provided neither the scope nor a clear timeline for tabling these amendments.

The federal commitment to remove the landowner permission requirement for assemblies (i.e., deletion of Section 11 of the PAA) is also systematically undermined by re-exerted administrative control via the PAA's "prohibited places" regime and overlapping local by-laws.

The right to assemble outside Parliament within sight and sound of lawmakers remained entirely discretionary. Assemblies in the first half of 2025 —such as the July memorandum submission by Sekretariat Himpun —were forced to remain behind a 50-metre police buffer from the Parliament gates. It was only during the memorandum submission by plantation workers and activists in August that sustained negotiation and pressure successfully broke this restriction, restoring the pre-pandemic precedent of assembling directly outside the Parliament gates for subsequent actions, such as the Sekretariat Sekolah Selamat march.

Conversely, the state has weaponised the Protected Places and Protected Areas Act (PAPPA) to charge two activists from SUARAM and a civilian for "unauthorised entry" into the Home Ministry complex (also a "prohibited place"), after they were denied a scheduled appointment to submit a memorandum on Security Offences (Special Measures) Act reforms. Notably, this was the first reported use of PAPPA against activists since 2014, when then activist and vice president of People's Justice Party Tian Chua was jailed for 'trespassing' on a police training base following the Bersih 3.0 rally in 2012. Though the charges were indefinitely postponed for the three individuals, the revival of this precedent suggests the existence of PAPPA functions as an administrative loophole. It allows the state to selectively criminalise assemblies at government buildings under the guise of security, effectively circumventing the facilitation-based spirit of the PAA.

On overlapping local by-laws, while 2024 saw rigid police enforcement to restrict protests such as Rakyat Tolak Anwar and Patriotik Rakyat on the basis of failure to obtain 'landowner's approval', 2025 saw this gatekeeping role assumed by local authorities. In May 2025, Kuala Lumpur City Hall (DBKL) personnel and plainclothes police disrupted a book-reading and discussion gathering at Dataran Merdeka organised by youth groups Liga Mahasiswa

Malaysia and the Federation of Malaysian youth. DBKL defended the disruption by citing its mayoral permit mandate under By-Law 8 of the Local Government (Dataran Merdeka) (Federal Territory of Kuala Lumpur) By-Laws 1992 and requirement for prior police approval under Section 63 of the Local Government Act 1976. While entrenching the longstanding approval-centric regime for assemblies, DBKL's assertion of authority problematically contravened the federal moratorium on Section 11 of the PAA, raising serious concerns under Article 75 of the Federal Constitution, which mandates that federal law shall prevail over any inconsistent state or local legislation.

The culture of obstruction is also acute within public universities, where intellectual and activist discourse is stifled by a combination of political pressure and bureaucratic gatekeeping. University administration forces student associations to cancel forums and festivals on human rights issues, often on the basis of topic 'sensitivity' or 'controversial' speaker profiles. In 2024, at least three documented events organised in collaboration with external CSOs were cancelled, despite prior faculty approval. In 2025, two forums were blocked from taking place in Universiti Malaya (UM). In April, a UMANY-led forum on Malaysia's secular-religious identity featuring constitutional lawyer Malik Imtiaz Sarwar and activist Siti Kasim was moved to an external venue. In June, a forum on the right to assembly featuring artist-activist Fahmi Reza and lawyer Rajsurian Pillai was relegated to the university gates. The disruption of the June forum took place in the backdrop of the policy introduced by the UM administration in June 2025, which mandated every student organisation to appoint an advisor from the Student Affairs Department and ensure the said advisor's signature for all activity applications. By institutionalising interference at the planning stage, this policy effectively allows the UM administration to pre-emptively restrict and prevent the exercise of the right to assembly.

Beyond formal forums, even administrative engagements face intrusive oversight. The UM Feminism Club, for instance, was monitored by police in 2024 when they submitted a memorandum to the University of Malaya's management regarding an alleged sexual harassment incident involving a professor. Notably, following this, four students were summoned for questioning under the PAA in January 2025. While a memorandum handover is technically a form of collective expression, the presence of security forces for a standard student-university communication reflects an unnecessary securitisation of campus life. Such measures effectively narrow the civic space for Malaysia's youth, not only preventing them from engaging in critical civic participation but also conditioning them to view institutional approval as a prerequisite for peaceful assembly.

The assembly environment in 2025 was also marked by a troubling increase in the police's excessive use of force. While 2024 saw one primary incident of police manhandling during the Walk of Justice in July, 2025 recorded at least three significant escalations: the Rakyat Benci Rasuah protest in June, the plantation workers' memorandum submission in August, and the pro-Palestine assembly outside the US Embassy in October. In all three protests, police statements centred on alleged injuries sustained by officers, de facto framing activists as sources of 'provocation'. The police also swiftly investigated these activists under the Penal Code, reinforcing a self-exonerating narrative of restoring order instead of acknowledging misuse of force. The October pro-Palestine protest further highlighted serious breaches in due process and police professionalism. Two activists were arrested without being informed of the grounds for their detention or their destination, and were denied timely access to legal counsel. For four hours, authorities refused to disclose their location to fellow protesters. Following their release, the Kuala Lumpur police chief posted a video on social media showing an officer lecturing the HRDs on protest conduct. By publicly associating the activists with guilt before any court ruling, the police violated the principle of impartiality and the presumption of

innocence, while the unauthorised release of the footage—which clearly showed their faces—represented a direct violation of their privacy, security, and dignity.

1.3 | Freedom of Expression

Article 10(1)(a) of the Federal Constitution guarantees Malaysians the right to freedom of speech and expression, but allows Parliament to impose restrictions it deems necessary or expedient in the interests of, among others, national security, public order and morality. The government continues to lean heavily on this caveat, frequently asserting that this freedom does not extend to alleged defamation, slander, or speech related to race, religion and royalty (3R). This narrative is enforced through a dense framework of restrictive laws to regulate public discourse, reflecting Malaysia's continued poor performance in the World Press Freedom Index's legislative (133rd) and political (92nd) indicators, despite a 19-place improvement in the country's overall ranking.

The Sedition Act (SA) 1948 and Section 233 of the Communications and Multimedia Act (CMA) 1998 remain the main tools for restricting expression, with both laws concurrently invoked in 67.7% of sedition cases documented by SUARAM. While the prosecution rate under the SA remains strikingly low—at just 3.1% of investigations according to government figures—arrests under this Act in 2024 increased significantly compared to the previous year, comprising 35.4% of investigations documented by SUARAM. This wide margin between investigation and prosecution rate demonstrates arbitrary application of the law to stifle speech. Royalty-related content was the most prevalent, accounting for over half of all sedition arrests. Notably, 2024 marked the first time under the Madani administration that activists were targeted under the SA, as seen in the arrests of Mukmin Nantang for highlighting the Bajau Laut evictions, and Fahmi Reza for satirical content. This legal arsenal that also included relevant Penal Code provisions, such as Sections 500, 504 and 505b, was also extended to politicians and prominent social media influencers who criticised state policies or contentious racial and religious matters—namely Badrul Hisham, Wan Muhammad Azri Wan Deris, and Tony Pua—signalling a chilling effect where even policy-based criticism and satire are met with criminal investigations.

2025 also saw the deployment of the SA against activists and political dissenters who criticised political leaders during peaceful assemblies. In Sabah alone, among the six youth activists arrested under the SA for their conduct during assemblies, four of these arrests entailed violations of due process, whereby Special Branch officers attempted to or successfully recorded "intelligent statements" following formal Section 112 Criminal Procedure Code statements. This practice undermined the basic protections that these activists are entitled to under the CPC, including the right to be questioned lawfully, clearly and fairly. Furthermore, symbolic acts targeting Prime Minister Anwar Ibrahim – namely the burning of a banner and whipping of an effigy – were reframed by the police as 'seditious' content instead of protected forms of political satire and expression. Resorting to arrest and criminal investigation in these cases fails to meet international standards of proportionality and necessity. At the same time, it entrenches longstanding societal perceptions that disruptive or unsettling dissent is inherently unlawful, rather than a legitimate and necessary component of democratic debate.

Investigative and critical reporting on high-stakes political and governance issues continued to attract criminal investigations in 2025. Notable cases include the probe into MalaysiaNow editor Abdar Rahman Koya over exposés regarding political links to Sabah Mineral Management, and the charge against Malaysiakini journalist B. Nantha Kumar under Section 16(a)(A) of the Malaysian Anti-Corruption Commission Act following his investigative work on certain migrant worker syndicates at Kuala Lumpur International Airport. An especially

concerning trend is the state's tendency to treat acknowledged and corrected editorial mistakes as grounds for aggressive state intervention. In April, two Chinese language news outlets, Sin Chew Daily and Kwong Wah Yit Poh, faced multi-agency investigations over depiction errors of the Malaysian flag. In the case of Sin Chew, the police even detained the outlet's chief editor and deputy chief sub-editor for three hours for questioning. Ultimately, the Malaysian Communications and Multimedia Commission (MCMC) imposed significant fines of RM100,000 each on both Sin Chew and the Malay-language daily Sinar Harian—the latter for a graphic that incorrectly labelled the Inspector-General of Police's political affiliation due to an outdated template.

The quest for industry-led regulation reached a significant milestone with the Malaysian Media Council (MMC) Act 2025, which was first tabled in Parliament in December 2024 and passed in February 2025. Following its official enforcement on 14 June 2025, the Council held its first inaugural Annual General Meeting (AGM) in November 2025. During the AGM, 12 board members were elected to represent a diverse cross-section of the industry, including media companies, journalists, and associations from both Peninsular and East Malaysia, alongside representatives from academia and civil society. Notably, the board achieved 50% female representation, fulfilling a progressive statutory goal for gender parity. The AGM also saw the adoption of the Malaysian Code of Ethics and the establishment of a complaints mechanism, both of which are foundational to the Council's role. Expected to be fully operational in early 2026, the mechanism will be administered by the Code of Conduct and Complaints Committee, providing a structured channel for addressing public grievances regarding media content and ethics.

Despite these positive developments, concerns persist regarding the Council's autonomy, as the inclusion of two government-appointed representatives on the Board raises significant questions about its structural independence. Furthermore, the absence of a robust mandate to resist political interference within the founding Act limits the MMC's ability to effectively protect journalists in high-stakes contexts involving state agencies or political sensitivities.

Equally importantly, MMC's effectiveness is also contingent on the state of the regulatory environment. The Malaysian government still demonstrates a notable lack of political will to dismantle the existing restrictive legal architecture, as evidenced by the status quo "careful and comprehensive study" narrative in response to longstanding calls to repeal the Sedition Act, and the government's intention to further tighten control over digital media via proposed amendments to the Printing Presses and Publications Act.

PRINCIPLE SCORE

2. Supportive Legal and Regulatory Framework

Score:

1 2.3 5
2 3 4
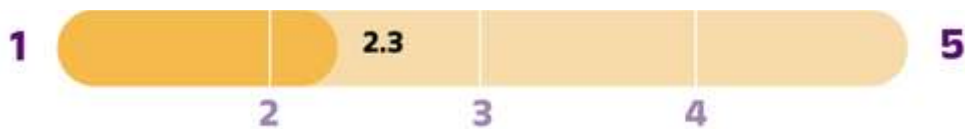
Malaysia's enabling environment for civil society remains shaped by a regulatory architecture that prioritises state oversight at every stage of an organisation's lifecycle—from registration to daily operations to protection from interference. While the legal framework provides multiple pathways for CSOs to formalise their work, these pathways are embedded within systems that grant broad discretionary power to executive authorities, facilitate intrusive monitoring, and impose compliance burdens that weigh heaviest on rights-based and grassroots groups. The result is a civic environment in which organisational legitimacy is contingent not only on meeting formal administrative requirements, but also on navigating opaque vetting processes, variable enforcement practices and persistent security surveillance.

Across registration processes, operational conditions, and protections from interference, a clear pattern emerges: the state retains the ability to shape, influence, and at times suppress the autonomy of civil society organisations. This chapter examines these three components—registration, operational environment, and protection from interference—to illustrate how structural restrictions, administrative practices and security-driven narratives collectively narrow the space for independent civic organising in Malaysia.

2.1 | Registration

In practice, the registration of CSOs in Malaysia is characterised by a fragmented system. The Societies Act 1966 serves as the primary gateway for association, but remains restrictive due to its mandatory registration requirement and broad executive powers. Section 7 grants the Registrar of Societies (RoS) the authority to refuse applications on vague grounds such as "public order, morality, or security." Beyond these statutory barriers, civil society experiences highlight a longstanding problematic registration process characterised by informal security vetting. The involvement of the Special Branch in reviewing the backgrounds of committee members—specifically flagging individuals previously involved in human rights advocacy— creates a pre-emptive barrier that can discourage rights-based organising. This systemic bias

is particularly acute for marginalised groups. While the transition to digital systems such as eROSES has improved response times, the decision-making process remains problematic and is perceived to be influenced by "personal monitoring" and intrusive surveillance, rather than objective and clear criteria.

In contrast, some CSOs opt for registration as a Company Limited by Guarantee (CLBG) under Section 45 of the Companies Act 2016, seeking a more administratively efficient process. However, this pathway entails significant financial and structural burdens, as CLBGs are treated as business entities subject to strict tax compliance and public reporting. Prohibitive requirements, such as the need for an initial fund of RM1 million in cash to omit the word "Berhad" from the organisation's name, often alienate grassroots movements. Furthermore, a CLBG must fit within a restrictive list of "acceptable objectives," such as promoting art or science, which can be a mismatch for intersectional social movements or advocacy CSOs.

Student-led organisations face a unique, secondary layer of restriction managed through the Student Affairs Division (HEP), and are governed by the Universities and University Colleges Act (AUKU) 1971. In practice, registration is often weaponised to favour pro-administration groups, while denying groups championing alternative rights-based narratives such as Demokrat UKM and University Malaya Association of New Youth (UMANY). Under Section 48 of AUKU, Vice-Chancellors hold absolute authority over student organisations, including the power to dissolve them at will under Section 16. This environment of institutional retaliation—exemplified by the intimidation of university student coalitions such as HARAM—forces student activism into a vulnerable, informal space where participation is frequently met with harassment or denial of access to university facilities for organising.

2.2 | Operational Environment

Once registered, civil society organisations in Malaysia operate within a regulatory environment characterised by asymmetric oversight and a compliance-heavy culture. While the legal framework theoretically permits organisations to determine their own internal governance, the day-to-day reality can be defined by administrative demands that are time-consuming, depending on the organisation's resources and entity type. Under the Societies Act 1966, for example, the reporting requirements—including annual returns and general meeting minutes—are often disproportionately burdensome for smaller grassroots groups. In 2025, advocacy groups observed that the Registrar of Societies (RoS) frequently utilises "compliance inquiries" as a reactive measure, with administrative demands often spiking following the organisation's involvement in sensitive public discourse or protests.

For CSOs registered as companies limited by guarantee (CLBGs), on the other hand, the administrative burden is more technical. The mandatory implementation of the Malaysian Business Reporting System (MBRS) 2.0 in 2025 required sophisticated digital filings that often necessitate hiring external professionals, which can strain limited administrative budgets of smaller organisations, forcing a diversion of funds from core advocacy or service-delivery activities toward technical compliance.

Malaysian CSOs generally continue to network and collaborate with organisations both domestically and abroad without the requirement for prior state notification. This allows for robust participation in regional and international human rights platforms, such as those organised by ASEAN or United Nations bodies. This freedom remains a critical pillar for the survival of the Malaysian civic space, enabling local groups to amplify their concerns on the global stage and access international solidarity and expertise.

The introduction of new transparency mandates in 2024 and early 2025 has signalled a targeted tightening of the legal framework for certain types of organisations. The Companies (Amendment) Act 2024 and the Trustees (Incorporation) (Amendment) Act 2024 both introduced a mandatory Beneficial Ownership (BO) reporting framework. While the state justifies these measures as essential for anti-money laundering (AMLA) compliance, civil society experts point out that they provide the government with unprecedented visibility into the funding and control structures of advocacy groups. Under the revised Section 15 of the Trustees Act, the Minister now possesses the power to inspect any trustee's accounts at any time, with non-compliance leading to the immediate revocation of the organisation's legal status. This expansion of ministerial power, combined with the state's narrative of "foreign interference" risks, can create a chilling effect where organisations involved in advocacy on sensitive issues related to race, religion and certain marginalised groups self-censor their international networking and funding activities to avoid being flagged under security-related financial monitoring.

Student-led organisations, on the other hand, face a unique layer of institutional restriction following the 2024 amendments to the Universities and University Colleges Act (AUKU) 1971. While these amendments were framed as a "student empowerment" agenda—specifically through the revised Section 15A which allows student bodies to collect and receive funds—this right remains strictly subordinate to regulations prescribed by individual University Boards. Furthermore, amended provisions in the First Schedule (Section 48) now allow Boards to reduce or extend student representative terms without clear criteria. This creates a significant risk of arbitrary interference in campus governance, effectively ensuring that student associations remain within a state-managed "permissible" space rather than enjoying genuine organisational autonomy.

2.3 | Protection from Interference

The legal protection of CSOs from state interference in Malaysia is inherently fragile due to the broad discretionary powers vested in the executive branch. Under the Societies Act 1966, the Home Minister possesses the unilateral authority to declare any society "unlawful" if he is satisfied that it is being used for purposes prejudicial to national security, public order, or morality. These declarations are often shielded from meaningful oversight, as Section 18 of the Act provides only for an appeal to the Minister himself, whose decision is deemed final and conclusive. This effectively prevents a transparent and independent review process, leaving organisations vulnerable to politically motivated dissolutions.

Informal but pervasive security surveillance constitutes a more frequent form of interference. The Special Branch (SB) maintains an active presence in the civil society ecosystem through 'friendly visits' and phone inquiries. For organisations involved in high-stakes advocacy, this surveillance can escalate into direct operational disruption. A prominent migrant rights organisation reported being subjected to such frequent monitoring by both the SB and uniformed officers that they were compelled to pre-emptively close their physical office to prevent a potential raid following their sensitive case work. Such actions demonstrate that interference is not merely a legal threat but a physical reality that can force CSOs into an enforced transition to remote operations. For the case of this migrant rights organisation, this enforced transition also necessitated a rapid pivot towards digital security. This shift required extensive capacity-building to digitise their operations and secure their data—a transition that was fortunately made possible through dedicated emergency funding, but one that highlights the high security costs paid by certain rights-based groups in Malaysia.

On another note, the introduction of the Trustees (Incorporation) (Amendment) Act 2024 illustrates the tension between legitimate regulation and CSO autonomy. These amendments

were largely catalysed by a need to curb the misappropriation of funds in charitable foundations and to meet international Financial Action Task Force (FATF) standards for combating money laundering. However, the administrative mechanisms introduced lack the necessary safeguards to prevent selective enforcement. Specifically, the revised Section 15 allows the Minister to authorise an "anytime inspection" of a trustee's accounts without requiring a "reasonable suspicion" of wrongdoing. Because non-compliance leads to the automatic revocation of the organisation's legal status, the law effectively creates a high-stakes compliance environment where the state's power to inspect can function as a 'kill-switch' for trusts that may be involved in advocacy perceived as politically inconvenient.

PRINCIPLE SCORE

3. Accessible and Sustainable Resources

Score:

1   2.8   5
  2   3   4
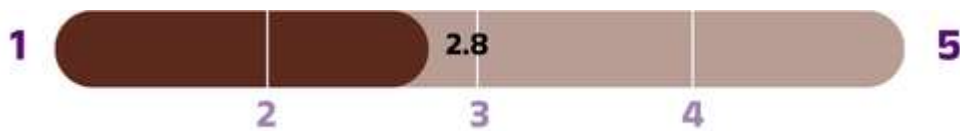
Malaysia's civil society operates in an increasingly complex resource environment in which access, effectiveness and sustainability of funding are shaped by regulatory constraints, political sensitivities and structural inequities. While diverse funding sources exist, access remains uneven: service-delivery organisations benefit from greater domestic support, whereas rights-based groups depend heavily on restrictive international grants and face scrutiny framed around "external interference." Rigid compliance requirements, donor-driven priorities and KPI-centred reporting further limit operational flexibility, particularly for grassroots or informal collectives. Sustainability is undermined by short project cycles, limited core funding and high administrative burdens that weaken institutional resilience and staff retention. In marginalised or conflict-sensitive sectors, these challenges are magnified by bureaucratic barriers, political gatekeeping and competition with state-linked entities. Emerging trust-based funding models offer some relief, but overall, the enabling environment remains fragile, reinforcing precarity and constraining civil society's long-term capacity to advocate, organise and serve affected communities.

3.1 | Accessibility of Resources

Diverse funding sources, both foreign and domestic, are available to the civil society sector. However, accessibility to such funding is often shaped by the nature of an organisation's activities and its intended target audience. While the legal framework does not explicitly prohibit funding for most groups, administrative and fiscal policies create a differentiated environment for different types of civil society actors.

A primary factor is the distinction between service delivery and advocacy-oriented work. Organisations engaged in tangible, service-based activities—such as poverty alleviation, health services, and education—frequently find it easier to access both public funds and domestic private sector support. These activities are generally viewed as contributing to national development goals. In contrast, organisations focused on human rights or institutional reform must often rely more heavily on international grants. These grants are subject to more rigorous compliance requirements and are vulnerable to shifts in political developments,

where foreign funding is occasionally framed as "external interference." This dynamic often necessitates that smaller, grassroots organisations piggyback on the legal status of larger, well-resourced organisations to receive funds, as the administrative burden of direct financial compliance is prohibitive for informal collectives.

The primary domestic incentive for philanthropic giving is Section 44(6) of the [Income Tax Act](#) 1967, which allows for tax deductions on donations. However, the accessibility of this status is largely contingent on the CSO's legal structure and mission. While both registered Societies (RoS) and Companies Limited by Guarantee (CLBG) can apply, CLBGs face a more daunting barrier, often requiring an initial endowment or a restrictive vetting of their Board of Directors by the Home Ministry. A significant and often overlooked barrier is the requirement that the organisation's benefits serve Malaysians primarily. If a CSO's work is focused on non-citizens—such as refugees or migrant workers—the organisation faces a high risk of having its tax-exempt status denied or revoked. This forces humanitarian groups to choose between financial sustainability and serving the most marginalised.

While formal registration as a society under RoS or a company under the Companies Commission of Malaysia (SSM) is a prerequisite for most international and domestic grants, the high compliance costs of these structures—such as annual audits and secretarial fees—often disadvantage grassroots or informal collectives who lack the capital to maintain such overheads. An increasing number of civil society actors have opted to register as social enterprises or private businesses. This hybrid approach is a strategic response to the rigidities of the Societies Act, offering greater flexibility for income-generating activities. However, it remains a compromised solution, as these entities do not receive the same tax benefits or public interest recognition as traditional non-profit registrations.

The financial environment for student activism has undergone a formal shift with the [Universities and University Colleges (Amendment) Act](#) 2024. Specifically, the introduction of Section 15A now legally authorises Student Representative Councils (MPP) and other student bodies to solicit and receive funds independently. While this is a progressive step toward self-management, genuine financial autonomy remains elusive. The university Board still retains the power to establish regulations regarding fundraising, and the practical release of these funds is often mediated by university administrations. For grassroots student movements that adopt critical political positions, this institutional oversight continues to act as a potential filter, where "autonomy" is granted to groups that align with institutional goals, while being scrutinised applies for those that do not.

3.2 | Effectiveness of Resources

The effectiveness of resources for civil society in Malaysia is increasingly shaped by a disconnect between evolving donor practices and the complex operational realities of the local landscape. While technical access to funding remains, its practical utility is constrained by rigid conditionality, a prevalence of project-based cycles, and a limited responsiveness to the nuances of Malaysia's socio-political environment.

A primary constraint on resource effectiveness is the imposition of standardised donor templates that often fail to account for local sensitivities. International funders frequently apply global frameworks that may not align with the complexities of Malaysia's "3R" (Race, Religion, and Royalty) discourse or its specific political socialisation. This results in a prioritisation of "capacity-building" and service-oriented projects—which are viewed as low-risk—over critical advocacy for institutional reform. For instance, media advocacy groups note that while funding for generic training is readily available, securing support for long-term reform projects is significantly more difficult. This dynamic can inadvertently steer CSOs toward donor-driven agendas, reducing their ability to respond authentically to community needs.

In sectors involving large-scale international grants, such as global health and environmental conservation, resource effectiveness is often hampered by extensive bureaucratic requirements. The KPI-focused nature of these funds—while intended for accountability—can be overwhelming for under-resourced service providers. Some CSOs have experienced chaotic or unpredictable funding timelines from major international bodies, which further disrupted project continuity. This creates a 'double burden' for local actors who must simultaneously satisfy high-level international reporting standards and increasingly complex domestic financial disclosures. This is particularly acute for organisations working with marginalised groups where trust-building and flexible engagement are more critical than standardised reporting metrics.

In contrast to the rigidity of traditional international grants, emerging models from Global South-based and feminist funds offer a more enabling approach. These funders tend to adopt more transparent timelines and flexible delivery models that prioritise trust and community ownership over transactional outcomes. By providing core support and showing greater sensitivity to the security needs of rights-based actors, these alternative models allow CSOs to maintain their strategic focus even in shifting political climates. The growth of these trust-based relationships suggests a pathway toward a more resilient funding model that values the autonomy and local expertise of Malaysian civil society.

3.3 | Sustainability of Resources

Long-term financial sustainability is a critical vulnerability for Malaysian civil society, primarily due to an over-reliance on fragmented, project-based funding and the absence of a diverse, predictable resource pool. While the 2024 legislative environment has introduced some avenues for student-led financial management, the broader civil society sector remains caught in a cycle of "grant-chasing" that undermines strategic planning and institutional resilience.

The prevalence of short-term, project-based funding, with a notable scarcity of core institutional support, undermines the long-term sustainability of the sector. The pressure to demonstrate immediate, quantifiable outcomes—often framed as a return on investment (ROI) by donors—discourages investment in essential but intangible infrastructure, including digital security, staff well-being, and strategic planning. Major advocacy organisations, including on human rights and institutional reform, report that the lack of core funding forces them to divert significant energy toward planning for financial uncertainties rather than core mission work. This constant mitigation of risk cripples medium-to-long-term strategic efforts and prevents the establishment of a stable operational baseline.

Financial instability directly impacts the ability of CSOs to attract and retain skilled personnel. Organisations working with marginalised communities or on politically sensitive issues face a 'boom and bust' cycle: they can run specific programmes but cannot afford to retain staff once the project ends. This leads to a loss of institutional memory as experienced activists move to more secure sectors. For smaller or grassroots organisations, these conditions are particularly prohibitive, often forcing them to piggyback on more established entities to satisfy the rigorous compliance standards of international donors. While this provides a temporary financial lifeline, it fosters a transactional ecosystem that can fragment the sector and dilute the strategic autonomy of smaller, mission-driven collectives.

Sustainability is further challenged by an uneven playing field, particularly in sectors like technology and innovation. Independent CSOs must often compete for resources with Government-Linked Companies (GLCs), which receive substantial public funding and institutional support. This crowd-out effect disadvantages smaller organisations that lack similar state connections. Additionally, funding biases often leave critical service providers—such as male-only shelters for victims of trafficking and labour exploitation—struggling for recognition due to gendered stereotypes about self-reliance. Conversely, some organisations

are perceived to benefit from political affiliations, creating a perception of an uneven landscape where funding is more accessible to those aligned with specific political agendas or "whitewashing" corporate interests.

In regions like Sabah, sustainability is hindered by unique geographical and administrative barriers. Grassroots initiatives, such as Community Learning Centres (CLCs), provide vital services but are often forced into a model of precarious self-funding. While donors may cover specific expenses on a limited basis, the centres often rely on the community to fund teachers' salaries and core operations. Administrative and language barriers also make international grants—which often require complex English-language reporting—inaccessible to rural or Indigenous-led collectives, leaving these vital frontline services in a state of chronic financial fragility.

While Section 15 in the [Universities and University Colleges (Amendment) Act](#) 2024 provides a legal basis for student bodies to manage funds, the long-term sustainability of student movements remains hampered by their lack of independent legal personality. Without the ability to register as autonomous entities, most student-led initiatives must operate as informal groups, often resulting in a reliance on ad-hoc donors or committee members paying for project expenses out-of-pocket. This precarity underscores the need for a fundamental legislative shift to remove the university's restrictive control over funding guidelines, ensuring student associations have the legal and institutional standing necessary for long-term continuity.

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4. Open and Responsive State

Score:
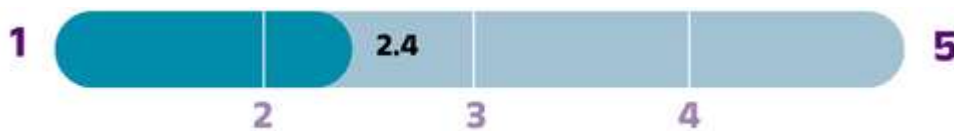
Malaysia's governance environment reflects a mixed trajectory across transparency, participation and accountability to civil society actors, marked by gradual institutional reforms but persistent structural obstacles. Progress toward a federal Freedom of Information (FOI) law has been slow, and the continued primacy of the Official Secrets Act sustains a culture of secrecy despite expanded fiscal reporting requirements. Participation of civil society actors in governance remains uneven: while some ministries model genuine collaboration, others restrict engagement through selective invitations, geographic exclusion and prioritisation of preferred or ideologically aligned stakeholders. Key legislative reforms—including those affecting policing and cybersecurity—have been passed without meaningful civil society input. Accountability mechanisms also remain weak, with consultations often functioning as symbolic exercises where feedback is rarely incorporated or acknowledged. Although isolated pockets of co-creation exist, the broader ecosystem continues to lack transparent processes, consistent engagement standards and mechanisms to track how civil society contributions shape final policies. This uneven landscape limits democratic oversight and weakens civic trust.

4.1 | Transparency

The right to access information in Malaysia remains largely discretionary rather than a guaranteed legal right. While a federal Freedom of Information (FOI) Bill was under active development throughout 2024, its progress was delayed multiple times, with the Cabinet deferring its tabling to early 2026 to provide 'sufficient time' for the Attorney-General's Chambers to review the bill and "ensure alignment, legal consistency and support across all levels of government". Nevertheless, the government has undertaken extensive preparatory work, including a bilateral study mission to Australia in March 2024 and seven nationwide engagement sessions involving over 1,500 stakeholders throughout the year to examine robust right to information (RTI) models. However, the Law and Institutional Reform Minister's announcement during the FOI Bill consultation for the Central region in August 2024 that the

[Official Secrets Act](#) (OSA) 1972 would be maintained and merely amended to complement the draft RTI legislation is concerning. As of November 2025, amendments to the OSA were still "[at the policy stage](#)", awaiting inter-ministerial review before a policy paper can be submitted to the Cabinet. Principally, the OSA is designed to entrench state control under the broad guise of 'national security,' whereas RTI legislation is intended to foster a culture of transparency. Maintaining the two in parallel thus risks creating a legal hierarchy where the mandate for secrecy continues to supersede RTI.

At the subnational level, FOI laws exist only in [Penang](#) and [Selangor](#), yet their efficacy is undermined by structural and administrative gaps. These enactments remain subordinate to federal laws like the OSA, entrenching a culture of secrecy where "sensitive" documents are easily classified without independent oversight. Implementation is further hampered by a lack of institutional readiness: frontline officers are frequently [unaware](#) of their FOI duties, leading to significant delays or the redirection of requests. Furthermore, the cost of access serves as a financial deterrent. While Selangor requires a RM12 fee (RM2 application and RM10 processing), Penang's nominal application is significantly higher at RM50, with additional costs for non-current year data. This pay-to-know model, combined with a precedent void where [few appeals](#) succeeded between 2015 and 2020, has effectively deterred public and CSO engagement with state-level transparency mechanisms.

Beyond reactive information requests, the legal framework for proactive disclosure saw significant evolution in 2024, particularly regarding fiscal transparency. The implementation of the [Public Finance and Fiscal Responsibility Act 2023](#), which came into force on 1 January 2024, now mandates the Ministry of Finance to publish comprehensive reports, including mid-year budget performance and fiscal risk statements. Similarly, the [Audit (Amendment) Act 2024](#) has empowered the National Audit Department to monitor public money across government-linked companies (GLCs) and entities receiving government guarantees, supported by the digital Auditor-General's Dashboard for real-time tracking of audit recommendations.

However, proactive transparency remains uneven across other branches of government. The Parliament's [website](#) provides commendable next-day access to Hansards and oral answers. Written questions from Members of Parliament and the government's replies, however, are typically only made available as a compiled volume at the end of a parliamentary sitting, delaying public scrutiny. Furthermore, transparency regarding the legislative process is hindered by the practice of publishing Bills only after their first reading, which restricts the window for civil society to conduct rigorous analysis or mobilise public feedback during Bill debates. This lack of uniformity extends to individual government ministry websites, where the proactive disclosure of information—such as internal guidelines, draft policies, or project-specific expenditures—remains highly discretionary and often lacks user-friendly digital interfaces.

This unevenness is further evidenced by a striking transparency paradox in Malaysia's data governance. In 2024, Malaysia achieved a global rank of 1st (out of 198 countries) in the [Open Data Inventory (ODIN) 2024/25](#), with a near-perfect Openness score of 99. While this reflects the Department of Statistics Malaysia's (DOSM) success in making official data machine-readable and non-proprietary, the report's coverage score (79) reveals significant gaps in areas critical to human rights advocacy. For instance, "Crime and Justice" data received a coverage score of only 50, while "Gender Statistics" and "Health Outcomes" scored 40 or below. Furthermore, ODIN highlights that data coverage for the most local levels of government stands at only 49. This deficit in local-level data mirrors the operational difficulties faced by CSOs and the public in securing granular information from municipal agencies,

especially in the continued absence of a federal RTI law. Consequently, while platforms such as OpenDOSM provide high-quality raw data for economic indicators, they remain limited in scope for advocacy CSOs, which require granular, up-to-date statistics on enforcement misconduct and civil and political rights indicators—categories that remain shielded by the culture of secrecy that the ODIN ranking's technical score fails to capture.

4.2 | Participation

While the federal government has made visible efforts to expand civic society engagement by inviting a broader range of civil society organisations into policy dialogues, the nature of this participation remains inconsistent and frequently tokenistic. A positive shift has been observed in the Legal Affairs Division (BHEUU) of the Prime Minister's Department, which has emerged as a rare model for proactive stakeholder engagement for its collaborative working relationships with CSOs in consultations on right to information and institutional reform such as the ombudsman. However, this level of openness is not yet standardised across the administration. In contrast, the Home Ministry's consultations on the Printing Presses and Publications Act 1984 required certain CSOs to proactively demand their own participation, illustrating a gatekeeping culture where ministries default to selective engagement rather than open invitation.

This selective approach is characterised by geographical exclusion of the most vulnerable stakeholders. Most federal consultations are held within the Klang Valley region, leaving rural areas, Northern and Southern Peninsular states, and East Malaysia consistently underrepresented. Even when consultations are held in East Malaysia, they often fail to be inclusive of the affected constituencies. For example, during a BHEUU consultation on Indigenous People's rights in Sabah, government agencies dominated the discourse while the stateless community and rural CSOs were entirely excluded, despite the consultation's relevance to their lack of access to clean water and basic services.

Simultaneously, there is a concerning trend of institutionalisation of 'preferred stakeholders', marked by an administrative ambiguity that fuels civic anxiety. In September, controversy erupted over reports regarding the placement of officers from the Islamic Development Department (JAKIM) within every government department. While the Religious Affairs Minister clarified that these roles are limited to managing religious programmes and civil servant integrity—continuing a policy established in the 1980s—multi-faith CSOs raised significant alarm. Their concern focused on the potential for these internal placements to ensure government decisions align primarily with Islamic principles, which they argue could encroach into the public sphere and bypass pluralistic consultation. This move, regardless of its administrative history, highlights a perceived hierarchy of participation, where religious authorities hold a permanent, internal seat in government agencies. This institutional presence is often mirrored by the frequent inclusion of right-wing actors in consultations on sensitive social issues. Their prominent presence often shifts the narrative away from human rights-based approaches, effectively shrinking the space for meaningful, rights-affirming advocacy for marginalised groups, such as the LGBTIQ+ and religious minority communities.

Crucially, 'sensitive' bills bypass civil society consultation entirely, prioritising executive expediency over democratic oversight. The Police (Amendment) Act 2024 and the Cyber Security Act 2024 serve as primary examples of this deficit. The Police (Amendment) Act, in particular, was fast-tracked without any prior engagement with CSOs. Highly problematic areas of the Act include drastic penalty hikes, such as the spike in the maximum fine from RM200 to RM10,000 for the offence of disobeying potentially subjective "reasonable orders"; failure of the amendments to clarify if peaceful assemblies are now subject to roadblock-

related penalties; and the introduction of an honorary role for the Yang di-Pertuan Agong as Commissioner-in-Chief of the police without public discussion on how this role aligns with constitutional monarchy principles and whether it impacts the independence of police oversight.

These federal-level inconsistencies are exacerbated by a disconnect at the state level. In Sarawak, major legislative changes such as to the Forests Ordinance and Land Code, which impact carbon governance in Indigenous domains, were passed without any public consultation. Despite federal-level discussions on similar themes, state-level ministers often claim their hands are tied, reflecting a failure in multi-level governance. In Kelantan, on the other hand, civil society engagement is almost non-existent or met with open hostility, particularly regarding state policies and Syariah law.

4.3 | Accountability

While the government has increased the frequency of consultations with civil society, transparency and accountability regarding how—or if—civil society input actually influences final policy outcomes remain lacking.

For many CSOs, engagement with the federal government often feels like a performative box-checking exercise. Consultations are frequently conducted as one-way briefings rather than open dialogues, where the agenda is pre-determined by the government and questions are narrowly framed to limit the scope of feedback. Even when technical experts and CSOs are invited to the table, their recommendations are frequently dismissed without explanation. This defensive culture is highlighted by the four-year consultation process on the Printing Presses and Publications Act (PPPA) 1984. Despite extensive engagement, the government maintained a trajectory toward more punitive measures regarding 3R (Race, Religion, and Royalty) and moral content, showing no significant shift in direction despite civil society's rights-based arguments. However, outliers exist. The Legal Affairs Division (BHEUU) has actively collaborated with CSOs beyond just academia, notably involving them in working committees to design and implement feasibility studies for the Trustees (Incorporation) (Amendment) Act and the Ombudsman Bill, demonstrating a rare model of co-creation.

Another critical gap is the absence of formal accountability mechanisms to ensure recommendations are actually incorporated. Even when early-stage consultation mechanisms appear robust, outcomes are often modified or reversed unilaterally in the final drafting stages without transparency. There is also a recurring concern regarding the lack of credit; CSO contributions are occasionally integrated into government policies with no acknowledgment of the original source or the expertise provided. Crucially, ministries usually do not share post-consultation documents or response-to-feedback reports. Without this documentation, CSOs are left in the dark regarding which of their inputs were accepted or rejected, making it impossible to measure the true impact of their participation or hold the government accountable for its final policy choices.

5. Supportive Public Culture and Discourses on Civil Society

Score:

1 | 2.0 | 5
2 3 4
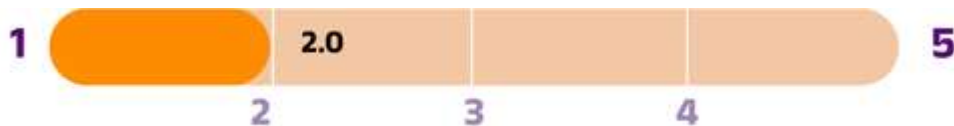
Public discourse and civic engagement in Malaysia reflect a climate of conditional legitimacy, where civil society is welcomed as a partner only when its work aligns with state priorities. While CSOs are included in international initiatives and technical policy processes, government reactions turn defensive when groups expose rights violations or critique sensitive policies, reinforcing narratives that frame advocacy as interference or a national security threat. This selective legitimacy shapes public perception, where service-based organisations are celebrated but rights-based actors face stigma, politicisation and shrinking space for expression. Weak civic education and the rise of social-media-driven political socialisation deepen misinformation and reduce the public's capacity to critically engage with governance issues. Structural inequalities further limit meaningful participation for marginalised groups, whose rights are constrained by discriminatory laws, securitisation and paternalistic policymaking. Collectively, these pressures create a fragile environment where civil society operates under heightened scrutiny, reactive advocacy demands and persistent barriers to equal civic participation.

5.1 | Public Discourse and Constructive Dialogue on Civil Society

Public discourse on civil society in Malaysia is defined by conditional legitimacy. While civil society is increasingly acknowledged as a partner in international arenas—such as during Malaysia's fourth Universal Periodic Review (UPR) or in consultations regarding plastic waste and cross-border pollution—this inclusive posture of partnership shifts towards defensiveness when CSOs critique sensitive state policies such as those related to national sovereignty, or highlight rights violations. For instance, the federal government met criticism of citizenship law amendments with calls for a "give-and-take" mindset, while Human Rights Watch's report on deaths in immigration detention were dismissed as "hearsay" lacking credible methodology. In certain cases, the state employs a narrative of 'biased advocacy' to undermine CSO credibility. This was notably demonstrated when Home Minister Saifuddin Nasution accused women's rights groups of being 'selective' in their criticism of the police when the CSOs

condemned the remark by Kelantan police chief Yusoff Mamat to charge underaged girls aside from perpetrators in statutory rape cases. Whilst rebuking the CSOs for remaining silent when officers were injured on duty, Saifuddin simultaneously downplayed Yusoff's remark as his "personal opinion" rather than official government policy. This defensive framing extends to Sarawak, where the state government has publicly accused CSOs of manipulating Indigenous causes for personal gain in the Upper Baram Forest Project. By justifying the termination of projects to prevent further "NGO interference", the Sarawak state government characterised CSOs as an external disruptor, viewing advocacy as an overstepping of its role under the shared responsibility model.

The institutionalisation of "partnership" language has helped legitimise civil society's role in policymaking, yet specific groups remain categorised as threats. Advocacy associated with LGBTIQ+ rights, nationalism, or ideologies challenging the ethno-religious status quo is often suppressed, with racism remaining unchecked in public dialogue when it threatens established hierarchies. A notable example of intimidation by non-state actors in 2025 is the police report lodged by the youth wing of Pan-Malaysian Islamic Party (PAS Youth) against the LGBTIQ+ group Justice for Sisters (JFS). The report followed JFS's assistance to over 200 men who were arrested without due process during a mass raid on a Kuala Lumpur wellness centre in November 2025 – an operation also marked by reports of ill-treatment in police custody. In its statement, PAS Youth explicitly demanded that JFS be investigated and prohibited from operating, while simultaneously claiming it would pressure the Malaysian Communications and Multimedia Commission (MCMC) to block all 'gay applications' in the country. By weaponising the stereotypical trope of LGBTIQ+ as threats to the nation's sociocultural and moral fabric to justify the harassment of CSOs, political actors effectively prevent any constructive, evidence-based dialogue on state-led rights violations. Groups exposing labour rights abuses are occasionally labelled as national security threats or even traitors (*pengkhianat*), a perception reinforced by state monitoring of CSO participation in international spaces. This hostile framing can have a chilling effect on the private sector. In one notable case, a company refused to collaborate with a migrant rights CSO due to fear of association and public backlash. Furthermore, the monarchy and national unity are sometimes invoked as shields to avoid political accountability, with the government downplaying poor performances in international indices, such as the World Press Freedom Index, by arguing that domestic stability takes precedence over international recognition.

The media landscape reflects these tensions, showing a more balanced surface-level frequency in reporting but failing to foster deep, sustained dialogue on civil society issues. While there is an increased normalisation of international human rights language via coverage of Malaysia's commitments to human rights instruments in the Southeast Asian region and ratified United Nations conventions, the inclusion of CSO voices remains largely event-driven rather than an editorial priority. State-controlled media, in particular, often contributes to the negative framing of CSOs as 'troublemakers' in reinforcing hostile perceptions that go unchallenged during parliamentary debates or in public discourse. This bias is particularly evident in the coverage of sensitive issues—such as those related to gender, LGBTIQA+, and migrant, refugee, or stateless communities—where outlets frequently prioritise state narratives over civil society perspectives. Consequently, public-facing dialogues on sensitive topics remain minimal, and constructive discourse is frequently stifled by a reliance on controlled, closed environments that prevent civil society from embedding its evidence-based solutions into the broader societal debate.

5.2 | Perception of Civil Society and Civic Engagement

Citizens' belief in their ability to influence political decisions is characterised by perceived efficacy levels, which can vary depending on their standing in the political spectrum. While right-wing and conservative groups increasingly believe that active civic engagement—driven by religious or nationalist values—can effectively shape national policy, progressive and human rights-based groups report growing disillusionment. This cynicism is particularly acute among marginalised communities, such as the LGBTIQ+ community that face state-sanctioned discrimination, where a small-sample research [study](#) by a queer advocacy CSO, Justice for Sisters, in 2023 indicated that over 30% of respondents from the queer community are considering migration due to the belief that meaningful structural change in Malaysia is unlikely. Consequently, public support for CSOs is highly conditional. Organisations that perform charity or service delivery roles are viewed positively as essential gap-fillers, while those engaging in rights-based and institutional reforms are often met with public scepticism. However, this scepticism can momentarily dissolve during climate change or public health emergencies, where a high degree of public solidarity emerges around CSOs providing urgent, cross-community access to basic services that the state fails to deliver.

This fragmentation is fuelled by a critical deficit in accessibility to civic education. Despite the lowering of the voting age to 18, formal education on democratic processes remains largely absent or optional in public schools. Programmes such as the Human Rights Commission of Malaysia's (SUHAKAM) [Human Rights Best Practices in Schools](#) (ATHAM) are implemented in fewer than 500 schools nationwide and rely entirely on motivated teachers without active Ministry monitoring. In this vacuum, social media influencers on platforms like TikTok have replaced traditional institutions as the primary source of political socialisation for youth. This shift has created powerful echo chambers where influencers—rather than CSOs or educators—shape the civic narrative, often prioritising sensationalist issues while ignoring systemic problems such as corruption. In the absence of a strong civic foundation, the public—particularly undecided or 'floating' voters—becomes highly vulnerable to populist messaging from the government and political actors, which often bypasses substantive policy debate in favour of transactional optics.

The vacuum in formal civic education, combined with an increasingly volatile digital landscape, creates a challenging environment for CSOs to establish credibility and sustain public attention. From an operational perspective, these organisations face significant hurdles as their advocacy becomes increasingly reactive, struggling to convert rights-based demands into long-term policy uptake. These efforts are further complicated by a regulatory environment where algorithmic feeds and the prevalence of short-form content often distort or crowd out nuanced human rights narratives in favour of more sensationalist topics. At the same time, online presence is subject to intensified state scrutiny, including informal intimidation, account restrictions or content takedowns due to requests to the social media platform, or police investigations due to complaints lodged by the public or stakeholders with vested interests. Ultimately, these compounding pressures force civil society into a cycle of crisis-response, limiting their capacity to foster the deep, sustained public engagement necessary for fundamental human rights and democratic reform.

5.3 | Civic Equality and Inclusion

Civic equality in Malaysia remains a bifurcated reality for some marginalised groups, whereby the expansion for rights of one group is 'balanced' by the disenfranchisement of others. This was codified in the [amendments](#) to citizenship provisions in the Federal Constitution passed in 2024 but slated for enforcement only in mid-2026. While the amendments ostensibly addressed longstanding discrimination in conferral of citizenship for overseas-born children under Malaysian mothers and their foreign spouses, they simultaneously entrenched the

exclusion of foundlings and childhood stateless persons by moving citizenship from operation of law to a discretionary ministerial process.

For the stateless community in Sabah, this systemic exclusion is further underscored by the state's treatment of them as a security and 'illegality' problem. In June 2024, authorities conducted a large-scale eviction in Semporna, Sabah, where 138 homes of the Bajau Laut community were dismantled or burned, leaving approximately 500 people homeless. State actors justified these actions using narratives of national security, "unauthorised settlements," and even "environmental protection," while simultaneously questioning the community's Indigenous status. Despite these communities' universal right to education, they face systemic barriers to access. Alternative learning centres (ALCs) run by CSOs such as Iskul Sama DiLaut Omadal and Borneo Komrad provide the only available education for these children, yet they remain in a state of precarity due to the lack of official accreditation from the Ministry of Education (MoE). The state has further layered this exclusion with 'security-first' hurdles. The MoE's 2023 stance—that operational approval for Iskul is contingent on government policy decisions in which views by the National Security Council (NSC) and Eastern Sabah Security Command (ESSCOM), Royal Malaysia Police and Immigration Department are taken into consideration—has remained the de facto barrier throughout 2024 and 2025. Borneo Komrad, on the other hand, have faced administrative harassment. Throughout 2024, in the wake of their advocacy against the Bajau Laut evictions, the group faced threats of closure from the Registrar of Societies (ROS). The CSO's registration status was only resolved in 2025 after the activists travelled to Putrajaya for discussions with the Home Ministry.

Systemic exclusion also persists for other marginalised groups. For the Orang Asli, for example, the takeover of replanting projects by the state-owned Pahang Orang Asli Corporation Sdn Bhd (ORACO)—despite widespread community objections—highlighted the continued failure to respect the principle of Free, Prior, and Informed Consent (FPIC), with state agencies prioritising corporate interests over Indigenous land rights. For migrant workers, the 2024 Trade Union (Amendment) Act still barred them from trade union leadership—a restriction that prevents them from meaningfully advocating for their own labour rights and reinforces vulnerability to exploitation. The LGBTIQ+ community in Malaysia faces increasing forms of state-sponsored discrimination via federal and Syariah laws, with heightened risks of arrest and detention.

For persons with disabilities (PWDs), inclusion remains largely tokenistic. In the electoral process, PWDs face recurring hurdles, such as physically inaccessible voting stations and a critical deficit of information in accessible formats. While the state holds consultations on policies affecting the community, these engagements are frequently undermined by a paternalistic framing that treats PWDs as passive recipients of welfare and aid rather than sovereign political agents. This 'charity model' often ignores the heterogeneity of the community, assuming a one-size-fits-all approach that fails to address the specific lived experiences of neurodivergent individuals, those with invisible disabilities, or the intersectional struggles of PWDs from marginalised ethnic or economic backgrounds. Consequently, while symbolic appointments—such as the PWD representative in the Senate—are maintained, they often lack the legislative power or administrative resources to challenge the bureaucratic status quo, leaving the community's collective demands for structural reform sidelined in favour of superficial awareness campaigns.

Civic equality is further undermined by the systematic delegitimisation of student-led voices, particularly when they challenge state or institutional authority, which are met with institutional policing and paternalistic narratives. In 2024, state responses to university student-led

protests, namely #KamiMahuAir and Gempur Rasuah Sabah 1.0, employed paternalistic narratives that urged students to "focus on exams" while simultaneously framing protest as a "disruption to public order" or inherently "un-Malaysian." In the case of Gempur Rasuah Sabah 1.0, coercive tactics, exemplified by the GRS youth wing's threat to blacklist students and student organisations that support rallies, were at play, normalising fear as a requisite cost to the exercise of the constitutional right to assemble.

By 2025, this environment of intimidation escalated as students adopted more pointed forms of symbolic dissent. Following the Gempur Rasuah Sabah 2.0 rally, where students engaged in the symbolic burning of a poster bearing a caricature of Prime Minister Anwar Ibrahim, Universiti Malaysia Sabah (UMS) condemned the act as "uncivilised" and "immature". Beyond rhetoric, the university actively facilitated police investigations by lodging a police report. The Vice Chancellor also explicitly signalled the university's intent to initiate disciplinary proceedings under the Universities and University Colleges Act (AUKU) 1971 that could result in suspension or expulsion for all 13 students involved in the protest, including the two who participated in the poster burning. Although Anwar later intervened by instructing UMS to "not hinder the academic progress of the students involved", this act of executive clemency reframed a constitutional right as a state favour. By positioning the administration as a benevolent protector of youth who had 'made a mistake,' the state successfully hijacked the students' anti-corruption narrative, replacing it with a discourse on '*adab*' (civility) that ensures youth participation remains conditional on state-sanctioned conduct.

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PRINCIPLE SCORE

6. Access to a Secure Digital Environment

Score:

1   2   2.3   3   4   5
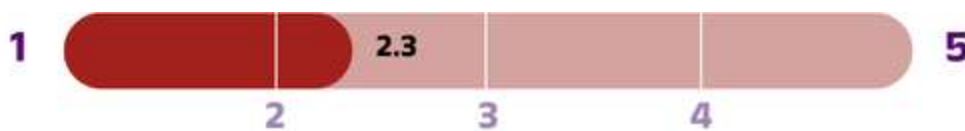
Malaysia's digital environment underwent significant regression across 2024 and 2025, marked by expanded state control over online expression, intensified censorship and weakened privacy safeguards. Amendments to the Communications and Multimedia Act, alongside the new Cyber Security and Online Safety Acts, introduced broad offences, heightened penalties and warrantless search powers that fall short of international freedom-of-expression standards. These laws, combined with social media licensing requirements and escalating government takedown requests, risk normalising over-policing of online speech and incentivising platforms to suppress lawful content. At the same time, civil society faces heightened digital insecurity due to surveillance risks, doxxing and coordinated harassment, often targeting rights-based groups and marginalised communities. Digital participation is further constrained by unequal broadband access, affordability gaps and limited ICT literacy, particularly in rural and Indigenous regions. Collectively, these factors create a fragile digital ecosystem where expression, privacy and civic engagement are increasingly restricted by regulatory overreach and systemic inequities.

6.1 | Digital Rights and Freedoms

Malaysia's digital space faced a decisive shift towards increased regulation since 2024, with growing risks to online expression and privacy. The government passed significant amendments to the Communications and Multimedia Act (CMA) 1998, introducing disproportionately increased penalties, including a tenfold spike in fines under Section 233. Amendments to Section 233 of the CMA specifically also introduced vague terms such as "grossly offensive" and a definition of "hate speech" that fall short of international standards for freedom of expression. These regressions were compounded by the Cyber Security Act that was passed in March 2024, and the Online Safety Act (ONSA) passed in December 2024. Another central component to this new regulatory environment is the social media licensing framework, enforced on 1 January 2025. Under this regime, social media and messaging platforms with at least 8 million users—including Facebook, TikTok, and X—must obtain an

annual Applications Service Provider Class [ASP(C)] Licence. Failure to comply is a criminal offence, carrying fines of up to RM500,000. Both ONSA and the social media licensing framework impose duty-of-care obligations on service providers to proactively monitor and filter content, which can risk incentivising the over-removal of vaguely defined "harmful content" to avoid strict liability. This multi-layered regulatory regime risks turning the digital sphere into a space of state-managed discourse, where both the technical tools for digital safety and the platforms for public dissent are subject to arbitrary executive control. The rollout of the social media licensing regime has been uneven. As of 31 August 2025, TikTok, Telegram and WeChat were licensed, with Google and Meta still in protracted discussions with the Communications Ministry over "complex legal, operational and legal compliance aspects". X, on the other hand, has resisted the requirement by asserting that its Malaysian user base falls below the 8-million threshold – a claim that the Malaysian Communications and Multimedia Commission (MCMC) was investigating through a comprehensive platform user-base study as of September 2025.

The Malaysian government's hardline regulatory stance in 2025 is further exemplified in the following developments:

Swift attempt to contain the 19 August landmark Court of Appeal ruling on the unconstitutionality of the words "offensive" and "annoy" in the pre-amended Section 233(1)(a) of the CMA. The day after, Communications Minister Fahmi Fadzil announced that the Attorney-General's Chambers would appeal to the Federal Court on the said ruling, framing the amended provision—criminalising only "grossly offensive" content and exempting certain categories of speech—as an improvement on previous proposals. Prime Minister Anwar Ibrahim further defended this stance, arguing that reforms must be approached "holistically" and not driven solely by court rulings. By November, the Federal Court granted the government's application for leave to appeal.

First case of civil litigation by the MCMC to enforce platform liability. In May 2025, the MCMC sued the administrators of the Edisi Siasat and Edisi Khas Telegram channels (police misconduct whistleblowing) alongside Telegram Messenger Inc., alleging the dissemination of "harmful" and "defamatory" content. By 14 November, the Kuala Lumpur High Court entered a Judgment in Default of Defence against the unidentified channel administrators, issuing declarations of facilitation of harmful and defamatory content by the channel administrators, a mandatory injunction compelling them to immediately and permanently remove all such material, prohibitory injunctions restraining them from republishing, disseminating or posting any similar false or harmful content in the future, alongside awards of general and exemplary damages and costs. This case set a worrying precedent for injunction-based censorship. The court's reasoning is also problematic, focusing almost entirely on institutional reputation, national security and public order, with no parallel analysis of freedom of expression, whistleblowing or the public's right to receive information about public institutions and enforcement agencies. This shift signals a move toward compelling platforms—via the threat of civil damages—to proactively police and shut down anonymous, whistleblower-style channels, creating a profound chilling effect on investigative online speech.

Transnational Strategic Lawsuit Against Public Participation (SLAPP) against journalist and political commentator Murray Hunter. Following MCMC's police reports in both Malaysia and Thailand regarding Hunter's criticisms of the Commission, Hunter was arrested in Bangkok in September 2025 and indicted on criminal defamation charges. Simultaneously, the Shah Alam High Court found Hunter liable for defamation in a parallel civil suit. This SLAPP blurs

the line between legitimate protection of reputation and the use of the courts to insulate regulators from scrutiny.

In October 2025, Fahmi [announced](#) that electronic Know-Your-Customer (KYC) verification using government-issued documents (e.g., national identity card, passport or MyDigital ID) will be mandatory for social media platform providers operating in Malaysia, when ONSA is enforced. Despite the commendable intention of tackling online scams and improving child protection online, embedding identity verification into online activity erodes online anonymity, and [creates](#) a concerning infrastructure for systemic, identity-linked surveillance. In the context of the current legal architecture and the state's use of this regime to investigate and prosecute individuals for expressing critical views or dissent, this proposed mandatory e-KYC can intensify the chilling effect on freedom of expression and limit democratic spaces. Beyond the risk to expression, mandatory e-KYC can worsen inequalities experienced by marginalised groups in access to essential information and support networks online, for reasons of living in areas with limited connectivity or risks to safety due to documentation status. Civil society organisations have also further [warned](#) against the danger of "function creep", i.e., the potential of expanding the identity-linked infrastructure to encompass other platforms such as news portals, online forums and messaging apps. Such an expansion would entrench a centralised system of identity control across the entire digital ecosystem, eroding integrity of Malaysia's digital ecosystem and public trust in the country's digital governance.

While total Internet shutdowns do not exist in Malaysia, the state's reliance on selective censorship remained status quo. According to the iMAP Malaysia 2024 Internet Censorship Report, as of June 2024, 15 political criticism, 15 news-related, and 8 LGBT+ websites were [confirmed blocked](#), out of which 7, 12 and 2 respectively were newly restricted from July 2023 onwards. Notably, blocks of news sites were justified by the MCMC as the need to ensure "responsible reporting".

The government's zeal for online control is further evidenced by a sharp escalation in content takedowns on social media. Between 2024 and early 2025, over 300,000 pieces of content were [removed](#) from social media platforms following MCMC requests under various laws, including Section 233 of the CMA. This surge is most visible on TikTok, where Malaysia [recorded](#) the highest number of government takedown requests (2,606) globally in the first half of 2024. Within the first eight months of 2025, over 76,000 TikTok posts were removed, constituting an 86% compliance rate by the platform based on government requests. These interventions are often characterised by a lack of transparency and selective enforcement: while right-wing actors often enjoy impunity for inciting hate against marginalised groups, news accounts—including brief automated blocks and removals of outlets like MalaysiaNow—[face](#) high levels of scrutiny. Furthermore, the state employs 'soft' censorship tactics. These include shadow-banning to limit the reach of activists, and the use of coordinated harassment campaigns by pro-government cyber-troopers to delegitimise civil society. This environment of digital insecurity is exacerbated by the targeted repression of vulnerable communities, as demonstrated in April 2024 when the MCMC instructed ISPs to [block access](#) to the LGBTQI+ dating app Grindr.

6.2 | Digital Security and Privacy

The newly passed [Cyber Security Act](#) and amendments to the [Communications and Multimedia Act](#) (CMA) 1998 in 2024 can significantly undermine privacy rights by granting the state broad, unchecked powers of surveillance and/or search and seizure. Both laws share a regressive expansion of investigative authority, specifically through the creation of "authorised officers" who possess powers equivalent to police officers. Under Section 248 of the CMA and

similar provisions in the Cyber Security Act, these officers can execute searches and seizures of devices and premises without a warrant if they have "reasonable cause" to believe a delay would hinder an investigation. This is compounded by Section 252 of the CMA, which allows the Public Prosecutor to authorise the interception of communications under a dangerously low threshold and without judicial oversight. The newly added sections 252A and 252B of the CMA also compel service providers to preserve and disclose stored user data, stripping away essential safeguards against arbitrary surveillance by bypassing independent judicial oversight. Because the Malaysian government remains exempt from the Personal Data Protection Act (PDPA), there is no legal obligation for the state to guarantee data protection or provide redress for the misuse of intercepted information, leaving journalistic sources and civil society actors vulnerable to arbitrary state intrusion.

The impact of these expanded powers is intensified by the precarious operational environment and technical vulnerabilities facing civil society organisations (CSOs). Safeguarding data is a critical concern, particularly for CSOs conducting investigative work, where poor digital hygiene—such as the loss of unencrypted devices or the lack of protocols for managing sensitive data when staff depart—creates significant security gaps. These internal challenges, combined with a lack of resources for digital training and secure registration systems, leave organisations with limited capacity to navigate the state's enhanced surveillance capabilities. For CSOs that work with marginalised groups especially, this internal fragility is further exploited by an external online landscape of targeted hostility, often driven by state-aligned or quasi-state actors who manipulate the digital space to the detriment of progressive causes. A prominent tactic is the use of coordinated doxxing and harassment campaigns by conservative groups such as *Pusat Kajian Ajaran Sesat (PUKAS)*, which target individuals advocating for minority rights and progressive causes. By tagging police and religious authorities to initiate investigations, these groups weaponise state infrastructure to silence dissent, forcing many individual activists to restrict their online presence for safety. This risk is further exacerbated by the failure of social media platforms like Facebook to act on doxxing reports, even when sensitive data such as National Identity Card (IC) numbers are exposed. Furthermore, digital insecurity is compounded by inconsistent ethical standards practised among media outlets, with documented instances of "paid doxxing" where private details are published for rewards, risking physical and psychological safety of individuals in vulnerable situations.

The state's consolidation of personal data has emerged as a significant privacy risk, characterised by a profound lack of transparency and a double standard in accountability. A critical contradiction surfaced with the Personal Data Protection (Amendment) Act 2024. While the Act introduced mandatory data breach notifications and recognised biometric data as sensitive personal data for the private sector, it notably maintained the Section 3 exemption that excludes the government from its scope. This means that repositories such as PADU (Central Database Hub) and the MySejahtera app—which contain vast socioeconomic and health records—remain beyond the reach of PDPA enforcement. Past incidents, including admitted data leaks from MySejahtera and the outsourcing of data management to private entities without transparent contracts, highlight the irresponsibility of current data governance. For marginalised groups, such as people living with HIV or drug use, the potential for health data to be linked with enforcement bodies such as the National Anti-Drug Agency (AADK) poses a direct threat of profiling and identification, leaving citizens with zero legal recourse for the misuse of their most sensitive information.

6.3 | Digital Accessibility

Malaysia's digital accessibility is defined by discrepancies between nominal infrastructural expansion and functional penetration. While national mobile broadband penetration saw a

corrective dip in the first half of 2025—falling from a peak of 132.5 in Q2 2024 to 129.3 subscriptions per 100 inhabitants—growth in fixed broadband penetration similarly stalled. After maintaining steady momentum throughout 2024 to reach 48.7%, the fixed broadband rate effectively plateaued in 2025, recording a negligible increase of only 0.1 percentage points by the end of June. This stagnation stands in stark contrast to the 99.71% populated area coverage reported as of 31 December 2025. The divergence underscored a gap in quality of service, a reality reflected in official acknowledgements of ongoing coverage challenges such as signal interruptions experienced by maritime communities off certain coastlines, connectivity disruptions to border townships due to signal spillover, and the fragility of communications infrastructure in disaster-prone regions.

The analytical integrity of national satisfaction metrics is further complicated by geographic bias. The 2024 Broadband Quality of Experience Survey (BQOES 2024) by the Malaysian Communications and Multimedia Commission (MCMC) reported high satisfaction among existing fixed broadband users (i.e., Consumer Satisfaction Index score of 4.00). But this finding primarily reflected an urbanised respondent base (85%). These disparities are underscored by the most recent state-level data available, which reveals that fixed broadband penetration in Kelantan (23.5%) and Sabah (24.2%) was nearly half the national average, while Sarawak exhibited the lowest 4G mobile coverage at 87.9% by the first quarter of 2024. This geographic disparity thus means that for CSOs operating in regions such as the East Coast of the Peninsula and East Malaysia, the national growth in connectivity does not translate into actual operational capacity.

The affordability gap constitutes another critical factor constraining the digital space, disproportionately impacting Indigenous populations, rural communities, and lower-income groups. Data from the BQOES 2024 highlights an income-based divide, whereby approximately 66% of mobile broadband users earn less than RM4,850 monthly —a figure closely aligned with the B40 (bottom 40%) income threshold—making them highly sensitive to price fluctuations in data packages. For CSOs that either engage with or advocate for marginalised groups—many of which operate with limited financial resources themselves— this creates a participation barrier where target audiences may lack the data allowance to engage with high-bandwidth content, such as video campaigns or interactive advocacy platforms. This divide is particularly acute for Indigenous communities and those in Sabah and Sarawak, who often face a combination of higher data costs and lower infrastructure investment, effectively relegating them to the periphery of the national digital conversation.

The effectiveness of digital advocacy is further limited by a moderate level of ICT literacy among both the general population and the CSO workforce. While basic internet usage for communication is nearly universal—with over 96% of users making voice or video calls via platforms such as WhatsApp—advanced skills related to data literacy and digital security remain underdeveloped. This skills gap presents a dual challenge: CSOs struggle to recruit staff with intermediate digital competencies for tasks such as secure data analysis or AI integration for human rights monitoring, while their audiences often face difficulties in critically interpreting online information. In the context where emerging technologies like AI were increasingly used for disinformation, this moderate literacy level functions as a form of "soft" exclusion, preventing the full utilisation of digital tools by CSOs for public advocacy, human rights monitoring and mobilisation.

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C) Recommendations

To the Government of Malaysia

1. Comprehensively Reform Laws that Restrict Freedom of Expression: Repeal or amend laws that restrict freedom of expression, including the Sedition Act 1948, Section 233 of the Communications and Multimedia Act 1998, Printing Presses and Publications Act 1984, and broad Penal Code provisions (e.g., Sections 298A, 500, 504, 505). Any restrictions to freedom of expression must uphold international standards of legitimacy, necessity and proportionality.

2. Enact the Federal Freedom of Information (FOI) Act Without Delay: Prioritise the tabling of the FOI Act by 2026. The Act must establish an independent Information Commission, set clear timelines and procedures for disclosure, as well as define narrow, proportionate exemptions. In tandem, the Official Secrets Act 1972 and Section 203A of the Penal Code must be repealed to ensure alignment with international right to information standards.

3. Establish an Independent Multi-Stakeholder Regulatory Body on Platform Governance: Create a non-partisan regulatory body composed of government, industry, and civil society experts. This body should focus on systemic safety designs—such as algorithmic accountability, risk-based assessments, and transparency in ad-delivery systems—rather than relying on reactive, ministerial-led content removal or account suspensions.

4. Amend the Personal Data Protection Act 2010 to Remove Government Exemptions: Subject all federal and state government agencies to the same data protection standards as the private sector. This includes mandatory data breach notifications and the oversight of a Data Protection Officer (DPO) for public bodies, which is critical to prevent state-sponsored surveillance and the unauthorised processing of citizen data within the digital ecosystem.

5. Comprehensively Reform the Peaceful Assembly Act (PAA) 2012: Changes should include the following:

   ● Universalise the Right to Peaceful Assembly: Remove restrictions in Section 4 that prohibit non-citizens and children the right to peaceful assembly, as well as individuals below 21 from organising peaceful assemblies. This must be accompanied by an amendment to Article 10 of the Federal Constitution to

ensure the right to peaceful assembly is a universal human right, not limited to citizens.

- **Decentralise Choice of Assembly:** Remove restrictive provisions in Sections 4(1)(b), 4(2)(b), and 15(2)(a)-(h), and repeal Section 11. This ensures individuals have the autonomy to choose the time, place, and manner of assemblies.

- **Streamline the Notification Regime:** Amend Section 9(1) to reduce the notice period to 48 hours, with explicit legal exceptions for spontaneous assemblies. Correspondingly, amend Section 14 to require a police response within 24 hours, and repeal Section 9(5) to decriminalise the failure to notify.

- **Institutionalise Facilitation and Protection:** Amend provisions regarding counter-assemblies to mandate that police facilitate both gatherings within sight and sound of each other rather than cancelling one. Furthermore, restrict police powers of arrest and dispersal to cases of imminent and serious violence only; dispersal should be a last resort, preceded by multiple audible warnings and sufficient time for participants to exit safely.

- **Decriminalise Assembly Participation:** Repeal Sections 21(1)(c), 21(3), 25, and 26 to remove broad police powers to arrest without warrant for non-violent procedural breaches. Sections 4(3), 4(4), 15(3), 21(3), and 21A should also be repealed to ensure participants and organisers face no criminal sanctions for the act of assembling.

6. **Improve Police Standard Operating Procedures (SOPs) for Assembly Management:** Formally update internal police directives to shift the operational priority from "containment" to the facilitation of assemblies. These SOPs must align with international standards on the use of force and de-escalation, specifically removing the practice of immediate criminal investigation for peaceful gatherings and ensuring that the police act as facilitators of constitutional rights rather than as barriers to public participation.

7. **Adopt a National Protocol for Transparent, Participatory, and Accountable Policy Consultation:** This protocol should be mandatory for all government agencies to ensure meaningful civil society participation and collaboration in policy processes. The protocol should:

- **Upstream Transparency:** Mandating the publication of draft legislation and policy briefs at the agenda-setting stage (before a "final" draft is locked), ensuring that CSOs can influence the core logic of a policy rather than just its phrasing.

- **Structured Inclusivity:** Conducting periodic inclusive stakeholder mapping to proactively identify and invite diverse marginalised voices, ensuring the consultation is not limited to government-aligned CSOs.

- **Operational Predictability:** Implementing mandatory notice periods (e.g., 30 to 45 days) that grant stakeholders sufficient time to review technical documents, conduct internal research, and prepare evidence-based submissions.

- Accountability and Feedback Loops: Agencies should be required to publish a reasoned decision report, which details which recommendations were adopted and provide a clear policy rationale for those that were rejected.

8. Optimise the data.gov.my Portal through Multi-Stakeholder Collaboration: Enhance the national open data portal by conducting a mandatory consultation with civil society and academia to identify high-priority datasets for release. The improvement process should focus on providing intersectional, high-granularity, machine-readable data (including geographically disaggregated data for Sabah and Sarawak) to allow for evidence-based monitoring of public services and human rights commitments.

9. Accelerate National Digital Network (JENDELA) Phase 2 to Bridge the Digital Divide: Prioritise the deployment of Point of Presence (PoP) Phase 2 solutions and 5G expansion in rural and remote regions of Sabah, Sarawak, and Peninsular Malaysia.

10. Implement Systemic Recommendations on Civic Equality and Inclusion: Commit to a time-bound action plan to implement human rights recommendations received from civil society, the Human Rights Commission of Malaysia, as well as through international mechanisms (e.g., UPR, CEDAW, CRC, CRPD). This includes repealing/enacting discriminatory/anti-discrimination legislation to address the structural barriers faced by marginalised groups, thereby ensuring equal access to civic space and legal protection for all.

To the Human Rights Commission of Malaysia (SUHAKAM)

1. Institutionalise Assembly Management within the Royal Malaysian Police's (PDRM) Human Rights Training: Building upon the human rights training module collaboratively developed with PDRM in 2021, integrate specialised interactive materials focused on rights-based assembly management. This curriculum must operationalise de-escalation and facilitation strategies by referencing standards set by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and other international guidelines. Training of trainers should be conducted to ensure effective curricula delivery in police training institutes.

2. Formalise a CSO-NHRI Working Group on Digital Rights and Regulatory Trends: Establish a working group with relevant CSOs to exchange expertise on emerging laws, such as the Cyber Security Act and the Online Safety Act. This platform should serve as a mechanism to monitor and update stakeholders on trends in enforcement and streamline policy advocacy.

3. Establish a Human Rights Recommendation Accountability Dashboard: Implement a digital tracker to publicly document the progress and implementation status of SUHAKAM's recommendations by various government ministries. By categorising responses as "Accepted," "In Progress," or "Not Accepted", the dashboard provides a transparent evidence base for Parliament and civil society to hold duty bearers accountable.

4. Conduct a Joint Thematic Review of the Regulatory Environment for CSOs: Lead a comprehensive review of the state of freedom of association in Malaysia, collaboratively documented with civil society. This review should systematically record patterns of state interference, such as arbitrary delays in the Registrar of Societies process, the use of 'foreign interference' narratives to intimidate groups, and state

monitoring of CSO participation in international spaces. These findings can be crucial in informing advocacy for substantive reform of the Societies Act and other laws.

To Donors and the International Community

1. Transition to Multi-year Institutional/Core Funding: Shift from short-term, project-based cycles to provide predictable, multi-year core funding. This should explicitly allow CSOs to cover competitive human resource costs and invest in "intangible" but critical infrastructure, such as long-term strategic planning, leadership succession, and robust physical and digital security protocols.

2. Intentionally Earmark Funds for Underrepresented Regions and Marginalised Groups: Prioritise CSOs based in Sabah, Sarawak, and the East Coast of Peninsular Malaysia, as well as those serving marginalised groups facing disproportionate exclusion (e.g., stateless Bajau Laut, migrant workers, and SOGIESC communities). Funding should account for the higher operational costs of rural outreach and other barriers often faced by these groups.

3. Recognise and Fund "Fiscal Sponsorship" Fees: Explicitly allow and fund the administrative fees (typically 10–20%) incurred when unregistered grassroots movements or informal collectives "piggyback" on larger registered CSOs. By treating this as a legitimate overhead cost, donors prevent the financial depletion of host organisations and lower the barrier for emerging movements.

4. Support the Creation of a "Compliance Hub": Fund a specialised, third-party entity to manage high-risk KYC (Know Your Customer) and AML (Anti-Money Laundering) documentation for multiple informal collectives. This centralises "trust verification" for international transfers, reducing the banking friction that often stalls funding for grassroots initiatives.

5. Incorporate "Emergency-Pivot" Clauses in Grant Agreements: Build flexibility into grant contracts to allow CSOs to redirect project funds toward urgent legal defence, policy advocacy, or safety measures during sudden shifts in the regulatory or socio-political landscape (e.g., a sudden surge in 3R investigations or new regressive laws that may jeopardise the functioning of the organisation or the civil society sector).

6. Normalise Digital Security as a Mandatory, Recurring Line Item: Move beyond emergency 'firefighting' grants by including digital security as a standard, recurring cost in every grant. This ensures that encrypted storage, VPNs, and dedicated security audits become structural features of a CSO's operations rather than an afterthought.

7. Fund Media-CSO Strategic Partnerships: Support collaborations that pair CSO data with newsrooms to produce investigative digital journalism. This addresses the narrative capture identified in the report, where human rights issues are often siloed in activist bubbles rather than reaching the wider public in an accessible way.

8. Support Collaborative Data Advocacy and Interactive Dashboards: Fund the development of an interactive civic space dashboard that aggregates and visualises data from multiple CSOs. This provides a high-visibility, machine-readable alternative to the state's sanitised technical scores, directly challenging the "transparency paradox."

9. Invest in a Civil Society Leadership and Sustainability Incubator: Fund a long-term "think-and-do" tank for the sector focused on:

● Succession planning: Mentoring "Level 2" leadership to ensure organisational longevity.

● Burnout mitigation: Funding wellbeing protocols and mental health support for defenders facing doxxing or harassment.

● Institutional memory archiving: Secure systems to preserve case data and advocacy history, preventing the "reset" that often occurs during staff turnover.

10. Formalise Tripartite Strategic Forums: Establish regular, structured roundtables involving bilateral donors, lead CSOs, and representatives from marginalised grassroots groups. These forums should move beyond mere consultation to collaborative priority-setting, ensuring that funding agendas are anchored in the actual Malaysian landscape rather than generic global templates.

11. Adopt a Participatory Grantmaking Model through Peer Selection Committees: Transition from staff-led grant selection to a participatory model where decision-making power is delegated to a committee of local activists, lawyers, and community leaders. By involving peers with lived experience, donors ensure that funding is context-smart and reaches high-impact grassroots movements that might otherwise be overlooked by international vetting processes. This model should include fair compensation for the committee's expertise and robust conflict-of-interest protocols to ensure the integrity of the selection process.

To Civil Society Organisations

1. Institutionalise Intra-Sector Resource Sharing: Move beyond competitive, project-based silos by establishing collaborative resource models. Larger, established CSOs should proactively offer fiscal sponsorship and mentorship to unregistered grassroots movements, effectively operationalising the Compliance Hub model recommended to donors. Furthermore, CSOs should explore shared services consortiums—pooling resources to hire shared digital security officers, coordinators for joint projects, etc.—to reduce overhead costs and improve sustainability for the sector as a whole.

2. Operationalise "Leadership Continuity" through Structured Succession and Memory Management: To ensure the long-term viability of the sector and maximise the impact of leadership incubators, CSOs must move away from founder-centric models toward institutionalised continuity. This should be achieved by:

● Formal Succession Planning: Establish clear, written pathways for leadership transitions. This includes 'shadowing' programmes for mid-level managers and rotating board memberships to prevent stagnant governance and burnout.

● Dynamic Institutional Memory: Implement 'living archives' that move beyond static document storage. CSOs should adopt digital systems to record the logic behind past advocacy successes and failures, ensuring that new leaders do not 'reset' progress during staff turnover.

● Mentorship as a Core KPI: Internalise mentorship as a mandatory responsibility for senior leadership. By dedicating a fixed percentage of executive time to

coaching the next generation of activists, CSOs create a self-sustaining pipeline of talent that is ready to leverage incubator opportunities.

3. Adopt a Disability Justice Framework for Internal Operations and Advocacy: CSOs must move beyond treating Disability as a "special interest" and instead treat it as a cross-cutting lens for all civic space advocacy. This should be operationalised through:

   ● Accessibility by Design: Institutionalise a "minimum accessibility standard" for all CSO outputs. This includes ensuring digital platforms (websites, reports) are WCAG-compliant, providing Sign Language interpretation (BIM) at major public forums, and selecting physically accessible venues for all grassroots engagements.

   ● Cross-Disability Representation: Proactively invite and resource Persons with Disabilities (PWD) to lead or co-develop campaigns—not just on disability-specific laws, but on broad civic issues like media freedom or electoral reform. This ensures that the specific barriers faced by PWDs (e.g., inaccessible voting booths or digital censorship of assistive tech) are integrated into national advocacy.

D) Research Process

Each principle encompasses various dimensions which are assessed and aggregated to provide quantitative scores per principle. These scores reflect the degree to which the environment within the country enables or disables the work of civil society. Scores are on a five-category scale defined as: fully disabling (1), disabling (2), partially enabling (3), enabling (4), and fully enabling (5). To complement the scores, this report provides a narrative analysis of the enabling or disabling environment for civil society, identifying strengths and weaknesses as well as offering recommendations. The process of drafting the analysis is led by Network Members; the consortium provides quality control and editorial oversight before publication.

For Principle 1 - which evaluates respect for and protection of freedom of association and peaceful assembly - the score integrates data from the CIVICUS Monitor. However, for Principles 2–6, the availability of yearly updated external quantitative indicators for the 86 countries part of the EUSEE programme are either limited or non-existent. To address this, Network Members convene a panel of representatives of civil society and experts once a year. This panel uses a set of guiding questions to assess the status of each principle and its dimensions within the country. The panel for this discussion was convened in May 2025. The discussions are supported by secondary sources, such as V-Dem, the Bertelsmann Stiftung Governance Index, the RTI Rating from the Centre for Law and Democracy, and other trusted resources. These sources provide benchmarks for measuring similar dimensions and are complemented by primary data collection and other secondary sources of information available for the country. Guided by these deliberations, the panel assigns scores for each dimension, which the Network Members submit to the Consortium, accompanied by detailed justifications that reflect the country's specific context. To determine a single score per principle, the scores assigned to each dimension are aggregated using a weighted average, reflecting the relative importance of each dimension within the principle. This approach balances diverse perspectives while maintaining a structured and objective evaluation framework.