



Home Office

Country Background Note Malaysia

Version 1.0

January 2019

Preface

Purpose

This note provides a summary of and links to country of origin information (COI) for use by Home Office decision makers handling human rights claims. It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 sections: (1) general background to the country concerned; and (2) human rights issues which may be relevant to protection claims.

Unlike country policy and information notes, this note does **not** contain assessment of risk, availability of protection or reasonableness of internal relocation. However, the note may refer to extant country-specific caselaw which may be relevant to considering particular claims.

Decision makers **must** still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the note follows a [terms of reference](#) which sets out the general and specific topics that may be relevant to considering asylum / human rights claims.

All information included in the note was published or made publicly available on or before the 'cut-off' date in the country information section. Any event taking place or report/article published after this date is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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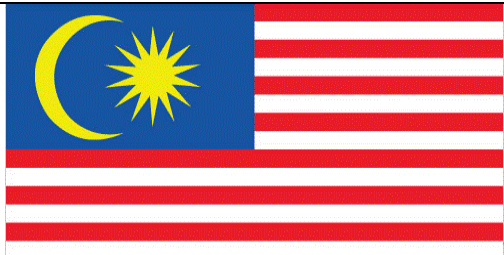
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Country information

Section 1 updated: 15 January 2019

1. Geography and demography

1.1 Key geographic and demographic facts:

Full Country Name:	Malaysia ¹
Area:	total: 329,847 sq km (127,355 sq miles) ² land: 328,657 sq km water: 1,190 sq km ³
Flag:	 ⁴
Population:	31,809,660 (July 2018 est.) ⁵
Capital city:	Kuala Lumpur ⁶
Other key places:	See Main population centres .
Position:	South-eastern Asia, peninsula bordering Thailand; northern one-third of the island of Borneo bordering Indonesia, and Brunei ⁷ .
Climate	Tropical, with annual monsoons in the southwest (April to October) and in the northeast (October to February) ⁸ .
Languages:	Bahasa Malaysia (official), English, Chinese (Cantonese, Mandarin, Hokkien, Hakka, Hainan, Foochow), Tamil, Telugu, Malayalam, Panjabi, Thai ⁹ Malaysia has 134 living languages - 112 indigenous languages and 22 non-indigenous languages. In East Malaysia there are several

¹ BBC, Malaysia Country Profile, updated 10 May 2018, [url](#)

² BBC, Malaysia Country Profile, updated 10 May 2018, [url](#)

³ CIA World Fact Book, 'Geography, Area', updated 8 January 2019, [url](#)

⁴ CIA World Fact Book, updated 1 October 2018, [url](#)

⁵ CIA World Fact Book, 'People and Society', updated 8 January 2019, [url](#)

⁶ CIA World Fact Book, 'People and Society', updated 8 January 2019, [url](#)

⁷ CIA World Fact Book, 'Geography, Location', updated 8 January 2019, [url](#)

⁸ CIA World Fact Book, 'Geography, Climate', updated 8 January 2019, [url](#)

⁹ CIA World Fact Book, 'People and Society, Languages', updated 8 January 2019, [url](#)

	<p>indigenous languages most widely spoken are Iban and Kadazan¹⁰</p> <p>For more information, see Ethnologue's languages of Malaysia¹¹</p>
Ethnic groups:	<p>Bumiputera 61.7% (Malays and indigenous peoples, including Orang Asli, Dayak, Anak Negeri), Chinese 20.8%, Indian 6.2%, other 0.9%, non-citizens 10.4% (2017 est.)¹²</p>
Religion(s):	<p>Muslim (official) 61.3%, Buddhist 19.8%, Christian 9.2%, Hindu 6.3%, Confucianism, Taoism, other traditional Chinese religions 1.3%, other 0.4%, none 0.8%, unspecified 1% (2010 est.)¹³</p>

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1.2 Maps

1.2.1 The following map shows the location of Malaysia¹⁴.



1.2.2 [Perry-Castañeda Library Map Collection: Malaysia Maps](#)

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1.3 States and territories

1.3.1 The World Atlas notes that:

‘Malaysia is divided into thirteen states, called Negeri, and three federal territories referred to as Wilayah Persekutuan. These states and territories are the main governmental divisions of the country. The type of government in 9 of these territories is monarchial.

¹⁰ CIA World Fact Book, Malaysia (People and Society, Languages), updated 8 January 2019, [url](#)

¹¹ Ethnologue, Languages of the World – Malaysia, undated, [url](#)

¹² CIA World Fact Book, ‘People and Society, Ethnic groups’, updated 8 January 2019, [url](#)

¹³ CIA World Fact Book, ‘People and Society, Religions’, updated 8 January 2019, [url](#)

¹⁴ World Atlas, Map of Malaysia, undated, [url](#).

'Eleven of these states and two federal territories are geographically situated on the Malay Peninsula, and together they are called Peninsular Malaysia. The two remaining states are found on the Island of Borneo while the last federal territory is made up of islands on the shores of Borneo. This last batch is collectively referred to as East Malaysia.'¹⁵

1.3.2 The map below shows the location of the states and territories of Malaysia¹⁶.



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1.4 Main population centres

1.4.1 The population is concentrated on the Malay Peninsula, where around 80% of people live¹⁷. The main towns and cities in Malaysia, with their populations, are¹⁸:

Kuala Lumpur	1,453,975
Klang	879,867
Kampung Baru Subang	833,571
Johor Bahru	802,489
Subang Jaya	708,296
Ipoh	673,318

¹⁵ World Atlas, The States and Federal Territories of Malaysia, updated 27 November 2017, [url](#).

¹⁶ Perry-Castañeda Library Map Collection: Malaysia Map- Adminstrative division, [url](#).

¹⁷ CIA World Fact Book, 'People and Society, Languages', updated 8 January 2019, [url](#)

¹⁸ WPR, Malaysia Top 20 Cities by Population (2018), updated 18 September 2018, [url](#)

Kuching	570,407
Petaling Jaya	520,698
Shah Alam	481,654
Kota Kinabalu	457,326
Sandakan	392,288
Seremban	372,917
Kuantan	366,229
Kota Bharu	314,946
Tawau	306,462

- 1.4.2 For more statistical information see Department of Statistics, [Malaysia, Official Portal](#)¹⁹.

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1.5 Transport links

- 1.5.1 Malaysia has a modern rail network, well maintained roads and low-cost buses, and an extensive ferry system²⁰.
- 1.5.2 Kuala Lumpur's public transport includes a monorail which serves 11 stations covering a distance of 8.6 km in the city centre and services major shopping centres such as Bukit Bintang, Imbi and Chow Kit. It stretches from Kuala Lumpur Central (Sentral) Station to Titiwangsa Station²¹.
- 1.5.3 Malayan railways or Keretapi Tanah Melayu Berhad (KTM) connects all the major cities/towns in peninsular Malaysia²².
- 1.5.4 Most cities in Malaysia are connected by air. There are 6 airports servicing international routes with 16 domestic and 18 airport aerodrome (short take off landing ports)²³. Malaysia airlines (MAS) is the official airline of Malaysia, providing with both domestic and international services along with carrier services²⁴.
- 1.5.5 There are 5 sea ports in Malaysia - Penang, Port Klang, Kuantan, Kuching and Kota Kinabalu. 'Ferry/boat services are available to travel around the country connecting mainland to island and island to island. These ferries sail between Penang and Butterworth carrying both passengers and vehicles'²⁵.

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¹⁹ Department of Statistics, Malaysia, '@ a Glance', [url](#)

²⁰ Smarter Travel, 'Malaysia Transportation – Taxi, Train, Bus, and Airport Tips', 24 February 2017, [url](#)

²¹ India Education, 'Transport System in Malaysia', undated, [url](#)

²² India Education, 'Transport System in Malaysia', undated, [url](#)

²³ Official Portal, Ministry of Transport, Malaysia, List of airports, undated, [url](#)

²⁴ India Education, 'Transport System in Malaysia', undated, [url](#)

²⁵ India Education, 'Transport System in Malaysia', undated, [url](#)

2. Economy

Section 2 updated: 15 January 2019

2.1.1 Key economic facts:

Currency:	Ringgit ²⁶
Exchange rate:	1 GBP = 5.2776 MYR ²⁷ (July 2018)
GDP per capita:	GBP £8,850.58 (2018) ²⁸
Employment rates	Agriculture(% employed 2017):11.8 Industry (% employed 2017): 27.3 Services (% employed 2017): 60.9 Unemployed (% of labour force): 3.3 ²⁹

2.1.2 Other notable points:

- Agriculture products: Peninsular Malaysia - palm oil, rubber, cocoa, rice; Sabah - palm oil, subsistence crops; rubber, timber; Sarawak - palm oil, rubber, timber; pepper³⁰
- Industries: Peninsular Malaysia - rubber and oil palm processing and manufacturing, petroleum and natural gas, light manufacturing, pharmaceuticals, medical technology, electronics and semiconductors, timber processing; Sabah - logging, petroleum and natural gas production; Sarawak - agriculture processing, petroleum and natural gas production, logging³¹
- Ranked 57 out of 189 countries in the [UN Human Development Programme - Human Development Index](#)³²
- The DFAT report notes that ‘According to Malaysian government estimates, poverty rates were 0.5 per cent for ethnic Malay, 0.1 per cent for Chinese Malaysians and 0.1 per cent for ethnic Indians. The rural poverty rate of 1 per cent in 2016 was higher than that of urban areas (0.2 per cent in 2016).’³³
- Ranked 62 out of 180 countries in the [2017 Corruption Perceptions Index produced by Transparency International with a score of 47/100 on a scale of 0 \(highly corrupt\) to 100 \(very clean\)](#)³⁴

2.1.3 For more information see:

- The World Bank: [The Economy](#)

²⁶ BBC, Malaysia Country Profile, updated 10 May 2018, [url](#)

²⁷ HMRC, Exchange rates for 2018, July 2018, [url](#)

²⁸ DFAT, Country Factsheet, undated, [url](#)

²⁹ UN data, undated, [url](#).

³⁰ CIA World Fact Book, ‘Economy - Agriculture products’, updated 8 January 2019, [url](#)

³¹ CIA World Fact Book, ‘Economy - Industries’, updated 8 January 2019, [url](#)

³² UNDP, Human Development Indices and Indicators 2018 Statistical Update p26, [url](#)

³³ DFAT, Country Report, (Economic overview para 2.8), 19 April 2018, [url](#)

³⁴ TI, 2017 Corruption Perceptions Index, (Malaysia), [url](#)

- Asian Development Bank: [Malaysia - Fact Sheet](#)
- CIA World Factbook: [The Economy](#)

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3. History

Section 3 updated: 15 January 2019

3.1.1 Key timeline

1895	Four Malay states combine to form the Federated Malay States ³⁵
1957	Federation of Malaya becomes independent ³⁶
1963	British colonies of Sabah, Sarawak and Singapore join Federation of Malaya to form the Federation of Malaysia ³⁷
1965	Singapore is expelled from Malaysia over political and racial concerns ³⁸
2003	October - Abdullah Ahmad Badawi takes over as prime minister as Mahathir Mohamad steps down after 22 years in office ³⁹
2015	'Malaysia and Indonesia agree to rescue and provide temporary shelter to Rohingya migrants fleeing Myanmar by boat, after weeks of mounting humanitarian crisis' ⁴⁰
2016	December - Sultan Muhammad V is sworn in as the new king, succeeding Sultan Abdul Halim Mu'adzam Shah ⁴¹
2018	May - Mahathir Mohamad becomes prime minister again ⁴²

3.1.2 For more information see:

- BBC's: [Malaysia Timeline](#)
- Encyclopaedia Britannica: [Malaysia](#)

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4. Media and telecommunications

Section 4 updated: 30 January 2019

4.1.1 Key media/telecommunications facts

International	+60 ⁴³
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³⁵ BBC, Malaysia profile - Timeline, updated 10 May 2018, [url](#)

³⁶ BBC, Malaysia profile - Timeline, updated 10 May 2018, [url](#)

³⁷ Aljazeera, Timeline: Malaysia's history, 1 May 2013 [url](#)

³⁸ Aljazeera, Timeline: Malaysia's history, 1 May 2013 [url](#)

³⁹ BBC, Malaysia profile - Timeline, updated 10 May 2018, [url](#)

⁴⁰ BBC, Malaysia profile - Timeline, updated 10 May 2018, [url](#)

⁴¹ BBC, Malaysia profile - Timeline, updated 10 May 2018, [url](#)

⁴² BBC, Malaysia profile - Timeline, updated 10 May 2018, [url](#)

⁴³ Countrycode.org, Malaysia Country Code, [url](#)

dialling code:	
Internet domain:	.my ⁴⁴
Broadcast media:	According to 2012 data, 'State owned TV broadcaster operates 2 networks. Leading private commercial media group operates 4 TV stations. Satellite TV subscription service is available. State-owned radio broadcaster operates multiple national networks, as well as regional and local stations. Private commercial radio broadcasters and some subscription satellite radio services are available, there are about 55 radio stations overall' ⁴⁵ .
Newspapers/news agencies	New Straits Times - English-language daily The Star - English-language daily The Sun - English-language daily The Malay Mail - English-language daily Bernama - state-run agency Malaysiakini - English-language news site Free Malaysia Today - English-language news site Berita Daily - English-language news site ⁴⁶

4.1.2 For more information see:

- Section 10: [Freedom of the press](#)
- The BBC [Malaysia profile – Media](#)

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5. Citizenship and nationality

Section 5 updated: 15 January 2019

5.1.1 The Australian Government, Department of Foreign Affairs and Trade, Country Information Report Malaysia 19 April 2018, noted:

'Children born in Malaysia are granted citizenship if one parent is a citizen or permanent resident at the time of birth. Children must be registered within 14 days of birth. Both parents must supply their national identity card and their marriage certificate in order to register the child. If a Muslim child is born out of wedlock, or if the child was born less than six months from the time of marriage, authorities enter the generic surname 'bin Abdullah' on the birth certificate, not the father's information. For children of other religions born out of wedlock, authorities enter the father's name only on birth certificates if the parents make a joint application...

⁴⁴ CIA World Fact Book, 'Communications', updated 8 January 2019, [url](#)

⁴⁵ CIA World Fact Book, 'Communications', updated 8 January 2019, [url](#)

⁴⁶ BBC, 'Malaysia profile- media', 5 September 2017, [url](#).

'If a child is born overseas to an unwed Malaysian mother, the child receives Malaysian citizenship after registration at a Malaysian consulate, or at the National Registration Department in Malaysia.'⁴⁷

- 5.1.2 According to the 2017 U.S. State Department report, where there was no valid proof from mothers of citizenship, authorities entered the child's citizenship as "unknown" on the birth certificate.⁴⁸
- 5.1.3 The same source further noted that 'persons who lacked proof of citizenship were not able to attend school, access government services such as reduced cost health care, or own property'⁴⁹.
- 5.1.4 For more information see:
- [Constitution of Malaysia \(2010\) - Part iii Citizenship](#)
 - [National Registration Department](#)
 - United Nations, Committee on the Rights of the Child, [Concluding observations: Malaysia, 25 June 2007 \(Birth registration, p9\)](#)
 - US Department of State, [Country Reports on Human Rights Practices for 2017, \(Section 2 and Section 6\)](#)
 - [Multiple Citizenship- Malaysia](#)

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6. Official documents

Section 6 updated: 15 January 2019

6.1 National identity cards

- 6.1.1 Any person aged 12 and above must be in possession of a national identity card, also known as the MyKad. This was introduced by the National Registration Department in 2001 replacing an older ID card system. The MyKad card must be carried at all times and a failure to do so attracts a fine of between MYR 3000 (approximately GBP £567) and MYR 20,000 (approximately GBP £3,780) or jail term of up to three years. A child under the age of 12 years is issued with a MyKad card, which is subsequently upgraded after their 12th birthday⁵⁰.
- 6.1.2 The MyKad serves many purposes, including: proof of identity, an alternative to a driver's licence, a health document storing medical records, an ATM card and a payment card for tolls and other taxes⁵¹.

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6.2 Passports

- 6.2.1 The immigration department issues Malaysian passports and every state has an issuing office. According to DFAT 'Malaysia has issued biometric

⁴⁷ DFAT, Country Report, (Documentation para 5.30-5.31), 19 April 2018, [url](#)

⁴⁸ USSD, Human Rights Report for 2017 (Section 2), 20 April 2018, [url](#)

⁴⁹ USSD, Human Rights Report for 2017 (Section 2), 20 April 2018, [url](#)

⁵⁰ DFAT, Country Report, (Documentation paras 5.33-.535), 19 April 2018, [url](#)

⁵¹ DFAT, Country Report, (Documentation para 5.34), 19 April 2018, [url](#)

passports since 1998, adding thumbprint data to the passport chip in 2002. It started issuing ICAO (International Civil Aviation Organisation)-compliant e-Passports in February 2010. The passport underwent further security improvements in April 2013 with the addition of a polycarbonate sheet that includes a hologram mini-photo of the passport holder'.⁵²

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6.3 Fraudulent documents

6.3.1 According to the DFAT report:

'It is possible, although difficult, to obtain a genuine passport fraudulently by using another person's identity or MyKad card. [...] Individuals were able to 'rent' or 'buy' another person's identity, utilising their MyKad card to fraudulently obtain a valid passport. There have been approximately 100 known cases since early 2016, although actual numbers may be higher. It is relatively cheap to do so.

'While it would be possible to fraudulently obtain a MyKad card, DFAT assesses it would be difficult as personal identity and other records are cross-checked by the Ministry for Home Affairs. The Royal Malaysian Police investigates instances of fraud.'⁵³

6.3.2 For more information see:

- [DFAT's April 2018 Country Information Report Malaysia](#) (p40).
- [National Registration Department of Malaysia- ID Cards](#)

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7. Healthcare

Section 7 updated: 15 January 2019

7.1.1 Public universal healthcare is funded by the government and paid by Malaysian citizens through general taxation of income. It is accessible to all legal residents of Malaysia. Private healthcare insurance is also available to Malaysian citizens⁵⁴.

7.1.2 The government provides healthcare services through a national network of hospitals, clinics and other services throughout the country, including 117 government main and district hospitals. These are supported by approximately 864 community polyclinics, 95 maternal and child health centres, 168 mobile clinics and 1,676 rural community health clinics⁵⁵.

7.1.3 For further information see:

- [DFAT's April 2018 Country Information Report Malaysia](#) (p6)
- Ministry of Health Malaysia, [National Essential Medicine List \(NEML\)](#),
- World Health Organisation, [Malaysia: Country profile](#), undated

⁵² DFAT, Country Report, (Documentation paras 5.36-5.37), 19 April 2018, [url](#)

⁵³ DFAT, Country Report, (Prevalence of fraud paras 5.38-5.39), 19 April 2018, [url](#)

⁵⁴ AIA Bhd, '6 Things You Should Know About Healthcare in Malaysia', 9 May 2017, [url](#)

⁵⁵ WHO, Malaysia: Country profile, (Health system), updated December 2004, [url](#)

Key issues relevant to protection claims

The issues below are not meant to be exhaustive; rather are the key topics which may be relevant to protection claims. They are listed in alphabetical order.

8. Children

Section 8 updated: 15 January 2019

8.1.1 Malaysia has ratified the following international conventions;

Convention on the Rights of the Child (CDC)	17 February 1995
Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)	12 April 2012
Convention on the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OP-SC)	12 April 2012 ⁵⁶

8.1.2 Children under 18 years compose approximately 29% of the population⁵⁷.

8.1.3 'Education is free, compulsory, and universal through primary school (6 years), though there was no enforcement mechanism governing school attendance. State schools are not open to the children of illegal immigrants or refugees, whether registered with UNHCR or not'⁵⁸.

8.1.4 The literacy rate for 15-24 year old's was:

	2015	2016
Male	96.4%	97.4%
Female	97.5%	97.8% ⁵⁹

8.1.5 According to the 2017 U.S. State Department report:

'The prevalence of street children was a problem in Sabah. Estimates of the street children population ranged from a few thousand to 15,000, many of whom were born in the country to illegal immigrant parents. Authorities deported some of these parents, leaving the children without guardians. As these children lacked citizenship, access to schooling, and other government-provided support they often resorted to menial labor, criminal activities, and prostitution to survive. Children living on the streets were vulnerable to forced labor, including forced begging'⁶⁰.

⁵⁶ UN, OHCHR, Ratification Status for Malaysia, [url](#)

⁵⁷ Department of Statistic Malaysia, Press Release Children Statistics, 2017, [url](#)

⁵⁸ USSD, Human Rights Report for 2017 (Section 6, children), 20 April 2018, [url](#)

⁵⁹ Children Statistics, Malaysia, 2017, [url](#)

⁶⁰ USSD, Human Rights Report for 2017 (Section 6, children), 20 April 2018, [url](#).

- 8.1.6 Furthermore, 'Child prostitution existed and a local NGO estimated in 2015 that 5,000 children were involved in sex work in Kuala Lumpur and the surrounding areas. Authorities, however, often treated children in prostitution as offenders or undocumented immigrants rather than as victims'.⁶¹
- 8.1.7 Children are trafficked for commercial sexual exploitation and forced labour⁶². See [Trafficking](#).
- 8.1.8 Under the law the minimum age for consensual, noncommercial sex is 16 years for both boys and girls⁶³. DFAT explained 'Under civil law, non-Muslims may marry from the age of 18, but girls can be married at 16 provided the permission of the State Chief Minister has been given. The minimum age for Muslim women to marry is 16 years, however sharia courts can provide permission for girls under 16 years to marry. The lower house of parliament blocked a 2016 effort to raise the age of marriage to 18'.⁶⁴ In some cases, authorities treated early marriage as a solution to statutory rape⁶⁵.
- 8.1.9 DFAT reported that 'Latest census figures (2010) show a significant rise in the number of females aged 15 to 19 married in 2010 (82,382) compared to 2000 (55,915). Actual figures are likely to be higher due to under-reporting of customary marriages and forced marriages. In 2014, the UN Population Fund reported that over 15,000 citizens were married before age 19. While statistics are limited on the rates of child marriage, in May 2016 the Women, Family and Community Development Ministry reported 6,286 Muslim youth (below 18 for males, and 16 for females) and 2,755 non-Muslim youth (under 18) were married between 2010 and 2015'⁶⁶.
- 8.1.10 In April 2017 a bill was passed in parliament to protect children from sexual abuse, which can be also be applied if an offence was committed outside of the country. A person convicted of a sexual offence against a child can be sentenced between 6 to 20 years' imprisonment and caning for individuals convicted of incest⁶⁷.
- 8.1.11 The DFAT report noted that:
- 'In 2009, the National Fatwa Committee decided that 'female circumcision' was obligatory for Muslims unless harmful to their health. The Ministry of Health developed guidelines for the procedure and allowed it to take place in health-care facilities. As a result, it has become increasingly common and is often performed during infancy. A university study conducted in 2012 found that, of over 1,000 women surveyed, 90% of Muslim respondents had undergone FGM.'⁶⁸
- 8.1.12 For more information see:

⁶¹ USSD, Human Rights Report for 2017 (Section 6, children), 20 April 2018, [url](#).

⁶² USSD, Trafficking in Persons Report 2018 - Country Narratives – Malaysia, [url](#)

⁶³ USSD, Human Rights Report for 2017 (Section 6, children), 20 April 2018, [url](#)

⁶⁴ DFAT, Country Report (para 3.130), 19 April 2018, [url](#).

⁶⁵ USSD, Human Rights Report for 2017 (Section 6, children), 20 April 2018, [url](#)

⁶⁶ DFAT, Country Report (para 3.131), 19 April 2018, [url](#).

⁶⁷ USSD, Human Rights Report for 2017 (Section 6, children), 20 April 2018, [url](#)

⁶⁸ DFAT, Country Report, (Women - FGM para 3.114), 19 April 2018, [url](#)

- Section 13 of this Country Background Note: [Trafficking](#) and Section 14 [Women](#).
- United States Department of State [Country Report on Human Rights Practices for 2017, Malaysia](#), 20 April 2018 (Section 6: Children).
- Australian Department of Foreign Affairs and Trade, [Country Information Report – Malaysia](#), 19 April 2018 (children).

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9. Ethnicity

Section 9 updated: 15 January 2019

- 9.1.1 The DFAT report notes that ‘Under the Constitution, a Malay person is an individual with characteristics that include professing the religion of Islam, habitually speaking the Malay language and conforming to Malay customs. The Constitution gives ethnic Malays and other indigenous groups, collectively known as bumiputera, special status’⁶⁹.
- 9.1.2 According to the USSD Human rights report:
- ‘Government regulations and policies provide for extensive preferential programs designed to boost the economic position of bumiputra, who constitute a majority of the population. Such programs limited opportunities for nonbumiputra (primarily ethnic Chinese and Indians) in higher education and government employment. Many industries were subject to race-based requirements that mandated bumiputra ownership levels. Government procurement and licensing policies favor bumiputra-owned businesses. The government claimed these policies were necessary to attain ethnic harmony and political stability’.⁷⁰
- 9.1.3 According to the DFAT report the bumiputera do not face state discrimination on the basis of their ethnicity. The same source assessed that Chinese and Indian Malaysians do not experience discrimination on a day to day basis but the latter have a lower socio-economic position and lower social status than bumiputera or Chinese Malaysians and may face low levels of discrimination when attempting to gain entry into the state tertiary system or civil service⁷¹.
- 9.1.4 For more information see:
- Section 1 of this country background note [Geography and demography](#)
 - United States Department of State, [Country Report on Human Rights Report for 2017, Malaysia](#) (Section 6: National/Racial/Ethnic Minorities), 20 April 2018.
 - Australian Department of Foreign Affairs and Trade, [Country Information Report- Malaysia](#), 19 April 2018

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⁶⁹ DFAT, Country Report (para 3.1), 19 April 2018, [url](#).

⁷⁰ USSD, Human Rights Report for 2017 (Section 6), 20 April 2018, [url](#).

⁷¹ DFAT, Country Report, 19 April 2018 (paras 3.10 and 3.17, [url](#)).

10. Freedom of the press

Section 10 updated: 15 January 2019

10.1.1 The [constitution](#) and the law provide for freedom of speech and press⁷², but the government regularly restricted these rights citing various reasons, such as upholding Islam and protecting national security⁷³ (See [Media and communications](#)).

10.1.2 The government restricted internet access, blocked websites for various offenses such as jeopardizing public order and threatened to detain anyone sending or posting content the government deemed a threat to public order or security⁷⁴.

10.1.3 According to the BBC media profile 'Malaysia has some of the toughest censorship laws in the world. The authorities exert substantial control over the media and can impose restrictions in the name of national security'.⁷⁵

10.1.4 There are 135 mobile phone subscription per 100 inhabitants according to 2017 estimates⁷⁶.

10.1.5 The USSD report noted that

'Political parties and individuals linked to the ruling coalition owned or controlled and had influence in almost all print and broadcast media.

'The government exerted control over news content of both print and broadcast media. They 'punished publishers of "malicious news"; and banned, restricted, or limited circulation of publications believed a threat to public order, morality, or national security. [...] Journalists were subject to harassment and intimidation. [...] In January the Court of Appeal upheld a 19-year-old man's conviction for posting Facebook comments criticizing the Sultan of Johor. The man was sentenced to a correctional institution until he turns 21. In August the government charged three individuals for posting critical images of the prime minister on Facebook'.⁷⁷

10.1.6 Freedom House reported in its report covering 1 June 2017-31 May 2018:

'Internet users continued to be arrested and prosecuted based on their online activity, including at least one new arrest and conviction under the Fake News Act of 2018. [...] Physical violence sporadically affects both traditional and online journalists, though no such cases were reported in the current review period'.⁷⁸

10.1.7 Reporters Without Borders 2018 World Press Freedom Index ranked Malaysia 145 out of 180 countries⁷⁹.

10.1.8 For more information see:

⁷² Attorney General's Official Chambers of Malaysia, Federal Constitution, [url](#)

⁷³ USSD, Human Rights Report for 2017 (Section 2), 20 April 2018, [url](#)

⁷⁴ USSD, Human Rights Report for 2017 (Section 1 & 2), 20 April 2018, [url](#)

⁷⁵ BBC, 'Malaysia profile – Media', 5 September 2017, [url](#).

⁷⁶ CIA World Fact Book, 'Communications', updated 1 October 2018, [url](#)

⁷⁷ USSD, Human Rights Report for 2017 (Section 2), 20 April 2018, [url](#)

⁷⁸ Freedom House, Freedom on the Net Malaysia, 1 November 2018, [url](#)

⁷⁹ Reporters Without Borders, '2018 World Press Freedom Index', [url](#)

- Section 4: [Media and telecommunications](#)
- The BBC [Malaysia profile – Media](#), 5 September 2017
- United States Department of State [Country Report on Human Rights Practices for 2017, Malaysia](#), 20 April 2018 (Section 2).
- DFAT, [Country Information Report Malaysia](#), 19 April 2018 (p22-24)
- Freedom House, [Freedom in the World 2018 – Malaysia, Freedom of the Press 2017 and Freedom on the Net 2018](#).
- Reporters Without Borders, [‘RSF reminds Malaysia’s new premier of his press freedom pledges’](#), 17 May 2018

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11. Political opposition/activity

Section 11 updated: 15 January 2019

11.1.1 Key facts about the political system:

Government:	Federal parliamentary constitutional monarchy ⁸⁰
Type	‘All Peninsular Malaysian states have hereditary rulers (commonly referred to as sultans) except Melaka (Malacca) and Pulau Pinang (Penang); those two states along with Sabah and Sarawak in East Malaysia have governors appointed by government. Powers of state governments are limited by federal constitution; under terms of federation, Sabah and Sarawak retain certain constitutional prerogatives (e.g., right to maintain their own immigration controls)’ ⁸¹ .
Major political parties:	<p>Barisan Nasional - Founded in 1973, Barisan Nasional (BN) is the longest ruling coalition in Malaysian history</p> <p>Pakatan Harapan – Founded in 2015, Pakatan Harapan, also known as Alliance of Hope or Hope Pact⁸², is Malaysia’s second largest coalition. It currently consists of 4 parties: the Democratic Action Party (DAP), the National Trust Party (Amanah), the Malaysian United Indigenous Party (PPBM) and People’s Justice Party (PKR).</p> <p>Pan–Malaysian Islamic Party (PAS) and Gagasan Sejahtera (GS) – Established in 1951, PAS is Malaysia’s main Islamist party.⁸³</p>
Main political	The Prime Minister is the Head of Government and

⁸⁰ USSD, Human Rights Report for 2017 (Executive Summary), 20 April 2018, [url](#)

⁸¹ CIA World Fact Book, ‘Government - Malaysia’, updated 1 October 2018, [url](#)

⁸² BBC News, Malaysia election: Opposition scores historic victory, 10 May 2018, [url](#).

⁸³ Asia News Network, ‘Malaysia’s political parties’, updated 27 February 2018, [url](#)

figures:	<p>head of the federal cabinet. The King's role is that of a constitutional monarch⁸⁴.</p> <p>Head of state: Sultan Muhammad V⁸⁵</p> <p>Prime minister: Mahathir Mohamad⁸⁶</p>
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11.1.2 The USSD report stated that 'the government bans membership in unregistered political parties and organizations.'⁸⁷

11.1.3 DFAT reported in April 2018 that:

'Since 2013, the Malaysian government has demonstrated an increasing intolerance of anti-government criticism and freedom of expression and assembly through new legislation and through interpretations of existing legislation (see Human rights framework). In some instances, it has filed unrelated (and critics say spurious) criminal charges against political opponents.

'The Peaceful Assembly Act, Sedition Act, Criminal Code and occasionally, sodomy or corruption charges, have been used against a small number of high-profile opposition leaders and organiser.

'DFAT assesses that political opposition and dissent, particularly direct criticism of the government, can result in legal harassment, detention and prosecution. While opposition party members can undertake political activities on a day-to-day basis, they report an increase in pressure to self-censor. DFAT assesses they face a low risk of official discrimination. High-profile opposition leaders face a moderate risk of official discrimination. While inter-party and societal violence occurred in connection with the 2013 elections, such incidents are not common and individuals do not face societal violence on the grounds of their political affiliations.'⁸⁸

11.1.4 The USCIRF report noted that "During 2017, in the lead-up to general elections expected in 2018, Malaysia's government and certain nonstate actors restricted expression, cracked down on critics, and used religion as a political tool. State and nonstate actors employed censorship, threats, and criminal penalties to silence dissent'.⁸⁹ Freedom House reported that 'Politicians and political websites were subjected to targeted attacks on election day in May 2018.'⁹⁰

11.1.5 Other notable points:

- At the May 2018 general election former Prime Minister Mahathir Mohamad, 92, scored a historic victory defeating the Barisan Nasional coalition, which had been in power 60 years. Mahathir Mohamad had come out of retirement to take on his former protege Najib Razak, who

⁸⁴ DFAT, Country Report, (Political System), 19 April 2018, [url](#)

⁸⁵ BBC, Malaysia Country Profile', updated 10 May 2018, [url](#)

⁸⁶ BBC, Malaysia Country Profile', updated 10 May 2018, [url](#)

⁸⁷ USSD, Human Rights Report for 2017 (Section 2), 20 April 2018, [url](#)

⁸⁸ DFAT, Country Report, (paras 3.68, 3.70 and 3.76), 19 April 2018, [url](#)

⁸⁹ USCIRF, 'Report- Malaysia chapter, 25 April 2018, [url](#).

⁹⁰ Freedom House, Freedom on the Net Malaysia, 1 November 2018, [url](#)

had been beset by allegations of corruption and cronyism^{91 92}. Pakatan Harapan, combined with additional allied parties, won 122 out of 222 seats (112 needed to form a government⁹³).

- New opposition parties regularly emerge, such as the Bersatu party, which was formed in 2016 and now counts several former leaders of the United Malays National Organisation (UMNO) in its ranks⁹⁴.
- December 2016 - Sultan Muhammad V is sworn in as the new king, succeeding Sultan Abdul Halim Mu'adzam Shah⁹⁵.

11.1.6 For more information see:

- BBC, '[Malaysia profile – Timeline](#)'
- DFAT, [Country Information Report Malaysia \(Political system & Political opinion \(actual or imputed\)\)](#)
- Freedom House, [Freedom in the World 2018 – Malaysia](#)
- United States Department of State [Country Report on Human Rights Practices for 2017, Malaysia](#).
- CIA, [Chiefs of State and Cabinet Members of Foreign Governments](#), 31 July 2018

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12. Religious freedom

Section 12 updated: 15 January 2019

12.1.1 The DFAT report notes that 'While the Constitution guarantees freedom of religion, the practice of religions other than Sunni Islam is subject to some constraints'.⁹⁶

12.1.2 The USSD religious freedom report notes that

'The federal constitution states that "every person has the right to profess and practice his religion, but gives federal and state governments the power to control or restrict proselytization to Muslims. The constitution names Islam as the 'religion of the Federation", and gives parliament powers to make provisions regulating Islamic religious affairs'.⁹⁷

12.1.3 The same source described that:

'The government arrested hundreds of persons practicing forms of Islam other than Sunni, including Shia Muslims celebrating Ashura, and individuals whom authorities said insulted religion or incited "religious disharmony." The government continued to bar Muslims from converting to another religion and imposed fines, detentions, and canings on those classified under the law

⁹¹ BBC News, Malaysia election: Opposition scores historic victory, 10 May 2018, [url](#).

⁹² BBC, Malaysia profile – Timeline', 10 May 2018, [url](#)

⁹³ BBC News, Malaysia election: Opposition scores historic victory, 10 May 2018, [url](#).

⁹⁴ FH, Freedom in the World 2018 – Malaysia, [url](#)

⁹⁵ BBC, Malaysia profile – Timeline', 10 May 2018, [url](#)

⁹⁶ DFAT, Country Report, (Religion para 3.26), 19 April 2018, [url](#)

⁹⁷ USSD, Report on International Religious Freedom- Malaysia, (Section II.), 29 May 2018, [url](#)

as Muslims who contravened sharia codes. Non-Muslims continued to face legal difficulty in using the word “Allah” to denote God. The government cancelled a Christian prayer gathering to be held in Melaka State, saying it would upset the sensibilities of Muslims during Ramadan. A Muslim government-supported consumer group implied it could take violent measures against the Ahmadiyya Muslim community; police intervened to prevent the group from protesting outside the community’s headquarters. Non-Sunni religious groups continued to report difficulty in gaining registration as non-profit charitable organizations or building houses of worship; religious converts had difficulty changing their religion on their national identification cards.

‘Local human rights organizations and religious leaders again stated that society continued to become increasingly intolerant of religious diversity. They continued to cite some Muslim groups’ public condemnation of events and activities they said were “un-Islamic,” as well as other statements targeting Muslim and non-Muslim groups. Citing 400 cases of Muslims appealing to sharia courts to convert to another religion, the chief executive officer of a government-linked human rights group called for a ban on the Christian evangelism movement, a move he implied was necessary for “national security.” Muslim women who did not dress in what others considered modest attire continued to report incidents of public shaming.’⁹⁸

12.1.4 It further noted that ‘Religious converts, particularly those converting from Islam, sometimes faced severe stigmatization.’⁹⁹

12.1.5 The USCIRF report notes that ‘Religious groups deemed “deviant,” such as the Shi’a Muslim, Ahmadiyya, Baha’i, and Al-Arqam groups, are banned. The government- or state-level Shari’ah courts can force individuals considered to have strayed from Sunni Islam—including those from “deviant” sects or converts from Islam— into detention-like camps known as “rehabilitation” centers and/or prosecute them for apostasy, which is punishable by prison terms or fines. [...] Malaysians generally are free to worship, but minorities often experience discrimination related to their faith, and some have difficulties accessing religious materials, such as Bibles, and obtaining government permission to build houses of worship’.¹⁰⁰

12.1.6 The DFAT report stated that:

‘While the government rarely intervenes in instances of religious persecution, harassment or criticism of non-Muslims, there are increasing reports of non-Muslims being censured for commenting on any matter pertaining to Islam. Islamic groups and leaders have criticised, and in some cases harassed, commentators and community groups for expressing concern over a perceived increase in the Islamisation of government and shrinking space and freedom for non-Muslims to practise their faith’.¹⁰¹

⁹⁸ USSD, Report on International Religious Freedom- Malaysia, (Section III.), 29 May 2018, [url](#)

⁹⁹ USSD, Report on International Religious Freedom- Malaysia, (Section III.), 29 May 2018, [url](#)

¹⁰⁰ USCIRF, ‘Report- Malaysia chapter, 25 April 2018, [url](#).

¹⁰¹ DFAT, Country Report, (Religion para 3.32), 19 April 2018, [url](#)

12.1.7 The DFAT report stated that it is aware of only a few reported incidents of violence against religious ‘dissenters’.¹⁰²

12.1.8 The DFAT report notes that:

‘Malaysia has a two-track legal system: common law, administered at federal level; and sharia-based law, administered at the state level, which varies by jurisdiction. Matters considered by states under sharia-based law relate to succession, betrothal, marriage, divorce, adoption, guardianship, approval of mosques or any Islamic place of worship, and the ‘determination of matters of Islamic law and Malay customs’. The federal government delivers national rulings and provides guidance to state religious departments through the National Department of Islamic Development (JAKIM) and the National Fatwa Council. These bodies sit within the Prime Minister’s portfolio’

‘Sharia-based law applies only to ‘persons professing the religion of Islam’. However, the enforcement of sharia sometimes affects non-Muslims, particularly on matters involving religious conversion and family.

‘Several sharia-based laws apply to Muslims at state level. State governments do not recognise marriages between Muslims and non-Muslims and children born of such marriages are considered illegitimate.’¹⁰³

12.1.9 The USSD religious freedom report:

‘Muslims who seek to convert to another religion must first obtain approval from a sharia court to declare themselves ‘apostates’. Sharia courts seldom grant such requests and can impose penalties on apostates, including enforced ‘rehabilitation’. In the states of Perak, Melaka, Sabah, and Pahang, apostasy is a criminal offense punishable by a fine or jail term. In Pahang, up to six strokes of the cane may also be imposed. The maximum penalty for apostasy in the states of Kelantan and Terengganu is death’.¹⁰⁴

12.1.10 For more information see:

- United States Commission on International Religious Freedom Annual Report, Malaysia Chapter – [2018 Annual Report, published 25 April 2018](#)
- United States Department of State [2017 Report on International Religious Freedom- Malaysia](#), published 29 May 2018
- Australian Department of Foreign Affairs and Trade, [Country Information Report – Malaysia](#), 19 April 2018 (religion)

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13. Sexual orientation and/or gender identity

Section 13 updated: 15 January 2019

¹⁰² DFAT, Country Report, (Religion para 3.32), 19 April 2018, [url](#)

¹⁰³ DFAT, Country Report, (Religion (paras 3.28, 3.29 and 3.58), 19 April 2018, [url](#)

¹⁰⁴ USSD, Report on International Religious Freedom- Malaysia, (Section II.), 29 May 2018, [url](#)

13.1.1 Same-sex sexual acts are illegal under Section 377A of the 1976 Penal Code Section 377A^{105 106} and are punishable by up to 20 years in prison¹⁰⁷. Although the law states that sodomy and oral sex acts are ‘carnal intercourse against the order of nature’, the authorities rarely enforced this provision¹⁰⁸.

13.1.2 The ILGA world survey of laws noted that:

‘Several states in Malaysia have instated Islamic Sharia laws, applying to male and female Muslims, criminalising male/male and female/female sexual acts with up to three years imprisonment and whipping. The Sharia Penal law in the Malaysian state of Pulau Pinang confers penalties for sodomy [Liwat] and lesbian relations [Musahaqat] with fines of RM5,000.00, three years imprisonment and 6 lashes of the whip. All these penalties can be combined.’¹⁰⁹

13.1.3 DFAT reported that:

‘The National Fatwa Council banned gender reassignment surgery in 1983 and the National Registration Department does not allow transgender people (Muslim or non-Muslim) to change the sex marker on their national identity cards to match their gender. State religious authorities or the RMP have arrested transgender women identifiable as Muslim whose national identity cards identify them as male’¹¹⁰.

‘The Malaysian government has in the past openly criticised lesbian, gay, bisexual, transgender or intersex (LGBTI) people. In August 2015, Prime Minister Najib claimed that ‘groups like the Islamic State and lesbians, gay, bisexuals, and transgender both target the younger generation and seem successful in influencing certain groups in society.

‘The police and judiciary have banned public demonstrations of support for the LGBTI community.

‘The federal government and a few state governments, have openly run programmes aimed at ‘rehabilitating’ suspected LGBTI youth.

‘Some state governments went beyond the educational measures supported by the federal government. The Terengganu government has run a ‘re-education boot camp’ or ‘behaviour corrective program’ in Besut for effeminate teenage males since 2010, to which boys selected for effeminate behaviour were sent for physical training and religious and motivational classes.

‘Cross-dressing is not illegal but police are known to arrest transgender men under the Minor Offenses Act (1955) for public indecency and immorality and, where Muslim, under sharia-based law for impersonating women.’¹¹¹

¹⁰⁵ ILGA, ‘A World Survey of Laws’, 28 May 2017, (p39), [url](#)

¹⁰⁶ Laws of Malaysia, [url](#)

¹⁰⁷ Laws of Malaysia, [url](#)

¹⁰⁸ USSD, Human Rights Report for 2017 (Section 6), 20 April 2018, [url](#)

¹⁰⁹ ILGA, ‘A World Survey of Laws’, 28 May 2017, (p39), [url](#)

¹¹⁰ DFAT, Country Report, (paras 3.121 and 3.122), 19 April 2018, [url](#)

¹¹¹ DFAT, Country Report, (paras 3.115-3.121), 19 April 2018, [url](#)

13.1.4 The USSD report noted that

‘Authorities often charged transgender individuals with “indecent behavior” and “importuning for immoral purposes” in public. Those convicted of a first offense faced a maximum fine of 25 RM (\$5.77) and a maximum sentence of 14 days in jail. The sentences for subsequent convictions may be maximum fines of 100 RM (\$23.10) and a maximum of three months in jail. Local advocates contended that imprisoned transgender women served their sentences in prisons for men where police and inmates often abused them verbally and sexually. A survey by a local transgender rights group reported more than two-thirds of transgender women experienced some form of physical or emotional abuse’.¹¹²

13.1.5 The UN General Assembly noted in September 2018 that:

‘The Special Rapporteur on health stated that discriminatory societal attitudes towards lesbian, gay, bisexual and transgender persons prevailed in Malaysia and had been exacerbated over the past few decades by the use of a stigmatizing rhetoric by politicians, public officials and religious leaders. The criminalization of same-sex conduct and of different forms of gender identity and expression had reinforced negative societal attitudes and led to serious human rights violations of the rights of that group of the population.’¹¹³

13.1.6 HRW’s annual report covering 2017 assessed that discrimination against LGBT people is ‘pervasive in Malaysia’ and that violence against them ‘remains a serious concern’ and ‘highlighted by the murder of a transgender woman Sameera Krishnan in February, and the rape and murder of 18-year-old T. Nhaveen, a young man whose assailants taunted him with anti-LGBT slurs, in June’. However it also noted that the Health Ministry, in response to strident criticism from activists and the general public, reframed the terms of a youth video competition, removing language and criteria that stigmatized LGBT identities in favour of language that appeared to affirm them¹¹⁴.

13.1.7 For more information see:

- [Amnesty International Report 2017/18 - The State of the World's Human Rights – Malaysia](#), 22 February 2018
- CNN, [“People are afraid”: Gay caning stokes fear in Malaysia's LGBT community](#), 3 September 2018,
- [DFAT’s April 2018 Country Information Report Malaysia](#) (p27)
- Freedom House, [Freedom in the World 2018 – Malaysia](#),
- International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), [A World Survey of Laws: Criminalisation, Protection and recognition of same-sex love](#), (p39 & 131), May 2017
- Ipsos, Malaysia: [“Top Issues Faced by Women & Misperceptions of Women Empowerment”](#), 6 April 2018,

¹¹² USSD, Human Rights Report for 2017 (Section 6), 20 April 2018, [url](#)

¹¹³ UN General Assembly, ‘Report of the Office of the UNHCHR (para 22)’, 3 September 2018, [url](#).

¹¹⁴ HRW, World Report 2018 – Malaysia, 18 January 2018, [url](#)

- [Penal Code, as at 1 February 2018 , \(Section 377A\)](#)
- The Guardian, '[Malaysia accused of 'state-sponsored homophobia' after LGBT crackdown](#)', 22 August 2018
- US Department of State (USSD), [Country Reports on Human Rights Practices for 2017, Malaysia](#), (Section 6), 20 April 2018

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14. Trafficking and modern slavery

Section 14 updated: 15 January 2019

- 14.1.1 Slavery and forced labour are prohibited under the Section 6 of the [Constitution](#).
- 14.1.2 The US State Department assessed that the government does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so¹¹⁵.
- 14.1.3 It further described that 'Malaysia is a destination and, to a much lesser extent, source and transit country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. The overwhelming majority of victims are among the two million documented and an even greater number of undocumented migrant labourers in Malaysia. [...] Official complicity and corruption among immigration and police officers remains a problem and impedes some efforts to address trafficking. [...] The government's victim protection efforts remained largely inadequate and the government identified fewer victims than the previous year.'¹¹⁶
- 14.1.4 The DFAT report noted that 'UNHCR and NGOs provide the majority of victim support services. The government is attempting to improve the situation by expanding trafficking investigations, prosecution and convictions. The second National Action Plan Against Trafficking in Persons 2016-2020 sets out Malaysia's whole-of-government national goals for preventing and combating trafficking in persons, including its goal of being upgraded to Tier 1 in the US Trafficking in Persons Report.'¹¹⁷
- 14.1.5 For more information see:
- Australian Department of Foreign Affairs and Trade, [Country Information Report – Malaysia](#), 19 April 2018 (Trafficking in Persons)
 - UN Human Rights Council (formerly UN Commission on Human Rights), [State report to the Working Group on the Universal Periodic Review \(political structure; human rights protection mechanisms; implementation of universally recognised rights; constraints and challenges; outlook\)](#), 23 August 2018

¹¹⁵ USSD Trafficking in Persons Report 2018, 28 June 2018, [url](#)

¹¹⁶ USSD Trafficking in Persons Report 2018, (Trafficking Profile), 28 June 2018, [url](#)

¹¹⁷ DFAT, Country Report, (Trafficking in persons para 5.15), 19 April 2018, [url](#)

- UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined third to fifth periodic reports of Malaysia](#), 14 March 2018 (Trafficking and exploitation of prostitution, p8)
- USSD Trafficking in [Persons Report 2018](#)

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15. Women

Section 15 updated: 15 January 2019

15.1.1 The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified on 5 July 1995¹¹⁸.

15.1.2 The Constitution states that all persons are equal before the law and entitled to the equal protection of the law¹¹⁹.

15.1.3 Malaysia amended its domestic violence law in 2017 to provide better protection for victims of domestic violence¹²⁰.

15.1.4 The DFAT report noted that:

‘The law prohibits domestic violence, including physical injury and mental, emotional and psychological abuse. Victims can obtain protection orders which attract a prison sentence of up to one year or a fine of RM2,000 (approximately £380¹²¹). Ambiguity between federal civil law and state sharia-based law affects the levels of state protection afforded to victims of domestic violence. Rape is a criminal offence under the federal Penal Code and is punishable by up to 30 years’ imprisonment and caning. Marital rape carries a maximum penalty of five years’ imprisonment if it is has caused ‘hurt or fear of death’. [...] Police training on domestic violence is limited and the judiciary receives little or no training on the application of relevant laws. [...] A number of government and non-government bodies provide shelters and assistance to victims, but contacts report that these services are inadequate for demand.[...] Deaths related to domestic violence occur in Malaysia, but the government does not separate domestic violence deaths from other forms of unlawful killing, so it is difficult to ascertain accurate numbers.’¹²²

15.1.5 The USSD Human Rights report stated that ‘Some states’ sharia provisions, which govern family issues and certain crimes under Islam and apply to all Muslims, also prescribe caning for certain offenses. Women are not exempt from caning under sharia, and national courts have not resolved issues involving conflicts among the constitution, the penal code, and sharia. [...] According to the latest statistics from the Ministry of Home Affairs, approximately 16 percent of reported rape cases were taken to court, with a conviction rate of 2.7 percent of all reported cases.’¹²³

¹¹⁸ UN, OHCHR, Ratification Status for Malaysia, [url](#)

¹¹⁹ Attorney General’s Official Chambers of Malaysia, Federal Constitution, [url](#)

¹²⁰ HRW, World Report 2018 – Malaysia, 18 January 2018, [url](#)

¹²¹ Xe currency converter, 10 December 2018, [url](#)

¹²² DFAT, Country Report, (Women paras 3.105-3.110), 19 April 2018, [url](#)

¹²³ USSD, Country Reports on Human Rights Practices for 2017, 20 April 2018, [url](#)

15.1.6 For more information see:

- [DFAT's April 2018 Country Information Report Malaysia](#) (p25-27)
- Ipsos, Malaysia: Top Issues Faced by Women & Misperceptions of Women Empowerment, 6 April 2018, <https://www.ipsos.com/en-my/malaysia-top-issues-faced-women-misperceptions-women-empowerment>
- Malaysian Journal of Economic Studies, Gender, [‘The Status of Women, and Family Structure in Malaysia’](#), 2016
- The Diplomat, [‘Malaysia Still on the Wrong Path on Women’s Rights’](#), 26 February 2018,
- The Straits Times, [‘Gender equality may not be the way forward’](#), 22 August 2018
- [Section 14: Trafficking](#)
- Social Institutions & Gender Index (SIGI), [2014 Country Profile, Malaysia](#)
- [UN Women, Malaysia](#)
- [UN Women Watch](#)
- [Human Rights Watch, World Report 2018](#)
- US Department of State (USSD), [Country Reports on Human Rights Practices for 2017, Malaysia](#), (Section 6), 20 April 2018

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Terms of reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Country overview
 - Geography and demography
 - Maps
 - Main population centres
 - Transport links
 - Economy
 - History
 - Media and Telecommunications
 - Citizenship and nationality
 - Official documents
 - National Identity Cards
- Key issues relevant to protection claims (including, but not limited to)
 - Children
 - Ethnicity
 - Freedom of expression
 - Political opposition/activity
 - Religious freedom
 - Sexual orientation and gender identity
 - Trafficking and modern slavery
 - Women

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Version control

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **30 January 2019**

First version of this note

First version of country background note.

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