



CHALLENGES AND CONTROLS:

IMPACTS OF COVID-19 ON MEDIA WORKERS IN MALAYSIA

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THE INTERNATIONAL FEDERATION OF JOURNALISTS (IFJ)



2020: CRITICAL CHALLENGES



In late February 2020, an unprecedented political 'switch' saw Malaysia's ruling government under the 94-year-old statesman Mahathir Mohamad crumble and collapse; and swiftly replaced with a concoction of party defectors and nationalist, conservative opposition politicians led by Muhyiddin Yassin.

For journalists and media workers, it was a dashing of media reform dreams promised under the previous government and an expected return to political 'business as usual' for the country.

But what unexpectedly followed could not have come at a more perilous time for human rights and media defenders in Malaysia.

By March 2020, the sudden onset of the fatal Covid-19 pandemic globally saw Malaysia placed under severe lockdown, through the enforcement of the rigorous and oppressive Movement Control Order (MCO).

With it, the dire situation against an already heavily-challenged Malaysian media industry in terms of persecution by authorities was compounded, with an increasing number of violations and attacks against anyone seen to be critical of sensitive topics and the new political order.

This report details the challenges of this period. It also presents recommendations for discussion and dialogue to support the creation of a more conducive working environment for media workers in the country.

**International Federation of Journalists
Asia-Pacific**

Cover: *Malaysiakini* editor-in-chief Steven Gan gestures as he arrives at the Federal Court in Putrajaya on July 13, 2020.
CREDIT: MOHD RASFAN / AFP

This page: Malaysia's former prime minister Najib Razak (bottom C) speaks to members of the media after he was found guilty in his corruption trial in Kuala Lumpur on July 28, 2020.
CREDIT: FAZRI ISMAIL / AFP



PROMISES OF REFORM

The very notion of freedom of speech has always been fluid in Malaysia, despite the fact that “freedom of speech and freedom of expression” are enshrined in Article 10 of the Constitution.

In the lead up to the 14th General Election in 2018, free speech became the rallying cry after years of repressive rule under Malaysia’s conservative national political party, UMNO. For the first time ever, the ‘cocktail’ opposition coalition, Pakatan Harapan (PH) or “Alliance of Hope”, gained power. Led by the country’s former long term leader Dr Mahathir Mohamad, the PH coalition came to power promising a raft of pro-democratic reforms, including long-awaited greater support for press freedom.

Soon after moving into office on May 22, 2018, the PH asserted its commitment to promoting a free and independent media that could report without fear of reprisal. Under its proposed reforms, the Mahathir government promised revocation of the punitive Sedition Act 1948 and the Printing Presses and Publications Act 1984. Several other Acts (including the Communications and Multimedia Act 1998, Security Offences (special measures) Act 2012 (SOSMA), Peaceful Assembly Act 2012, Prevention of Terrorism Act (POTA) 2015) were also proposed to have draconian provisions abolished.

In its 2018 *Malaysia Situation Report*, released after the historic change in government, the IFJ identified the critical and immediate need for qualification of Malaysia’s constitution in reference to freedom of speech and expression, particularly given that these enshrined freedoms could so easily be restricted by existing draconian legislations. The IFJ also said it was well documented by media advocacy groups how Malaysia’s laws and legislations had been regularly deployed against journalists, activists and critics of successive Malaysian governments.

Promised reforms were all too slow and frequently stymied, but the PH coalition did manage to scrap the notorious Anti-Fake News Act in December 2019. Initially passed by the former Prime Minister Najib Razak’s government in a bid to “stifle dissent” just weeks before the May 2018 election, the controversial Act had penalties of up to six years’ jail and fines as much as RM 500,000 (USD 118,413) for anyone found guilty of spreading fake news.

PH’s Deputy Minister in the Prime Minister’s Department, Mohamed Hanipa Maidin, was quoted saying that the repeal was in accordance with the government’s commitment to abolish draconian laws and ensure the media has the freedom to “check and balance” the administration. “This tyranny is history that we do not want to repeat. We cannot enslave humans through draconian laws because freedom is the most precious thing,” Maidin said.

The PH government’s decision to amend the Peaceful Assembly Act 2012 (PAA) in July 2019 was also welcomed by human rights groups, given that certain provisions in the law appeared to limit the fundamental human right to

assemble peacefully, publicly or privately to collectively express, promote, pursue and defend common interests.

At the time, Malaysia’s human rights commission, SUHAKAM, recommended further review on several sections of the Act, including assurances that media be given full access to public assemblies under Section 24, and for the inclusion of a provision to allow external parties such as SUHAKAM themselves, the Bar Council and other relevant statutory bodies to monitor public assemblies.

The general sense of hope as well as the evident limits to meaningful change was captured in the recently-banned book, *Rebirth: Reformasi, Resistance and Hope in New Malaysia*. Editor, Kean Wong, told the IFJ: “The broad PH coalition that won at the historic 2018 elections had long struggled to be greater than the sum of its parts. And the leadership tensions between a nonagenarian PM and his putative successor never got resolved, nor did the winning coalition work out how urgent it was to tackle policy reforms and the many inequalities that animated both its informal and official oppositions.”

In its 2019 *IFJ South East Asia Media Freedom Report*, *Holding the Line*, the IFJ noted that most of the laws muzzling free expression and suppressing media freedom clearly remained. “The specific reforms demanded by journalists include repealing the Printing Presses and Publications Act (1984), the law most infamously wielded during Mahathir Mohamad’s first tenure as prime minister during Operasi Lalang in 1987,” the Malaysia report said. The crackdown led to the jailing of over 100 activists and politicians and three newspapers having their licences temporarily revoked and has long cast a pall on press freedom in Malaysia.

Although the act has not been used of late, other pieces of legislation deemed oppressive, such as the Sedition Act (1948) and the Communications and Multimedia Act (1998), remain on the statute books and are still being enforced, despite PH leaders’ heavy opposition to both laws during the previous Barisan Nasional (BN) regime.”

Amnesty International in its freedom of expression overview for Malaysia also outlined how the PH coalition had “not lived up to its manifesto commitments to reform legislation” including the two problematic pieces of legislation as well as the Printing Presses and Publications Act 1984 and the Peaceful Assembly Act 2012. Instead, it said: “Authorities have instead used these laws to continue to investigate, harass and prosecute individuals including human rights defenders, activists, and journalists.”

Malaysia’s Problematic Legislation:

- Sedition Act 1948
- Official Secrets Act 1972
- Printing Presses and Publications Act 1984 (PPPA)
- Communications and Multimedia Act 1998 (CMA)
- Film Censorship Act 2002
- Security Offences (Special Measures) Act 2012
- Prevention of Terrorism Act 2015

LIFTING THE CLOAK OF CENSORSHIP

Under the PH coalition, a feeling among media was that the cloud of self-censorship had been lifted and the country's print media were able to offer a more balanced range of views. "On the whole, threat to press freedom in Malaysia can now be considered largely existential, with little to no direct action taken by the government against journalists for the stories they write," the IFJ said in its 2019 Malaysia report, *New Dawn Deferred*.

An indication of movement toward greater press freedom was evidenced in the annual [World Press Freedom Index 2020](#), which noted Malaysia's charted improvement over the 2019 period. Ascending 22 spots from its previous 123rd place to 101st, it was the biggest ever improvement for Malaysia on the index – though the survey was notably conducted before the country was hit with the government change in March 2020.

Following Prime Minister Najib Razak's ruling coalition's humiliating defeat in May 2018, investigative website *The Sarawak Report* was unblocked by the Malaysian Communications and Multimedia Commission; cartoonist Zunar, who faced up to 43 years in prison for charges under the Sedition Act for criticising the Razak government, was able to resume working without fear of persecution and harassment; and one of the defamation charges against independent news outlet *Malaysiakini* was acquitted.

The PH government also heralded the future formation of Malaysia's first media council. Media freedom groups had lobbied hard for such a council so the news was warmly welcomed for a body that the government said would be responsible for developing and implementing a code of ethics on reporting, and would function as an accountability body for public complaints.

The Centre for Independent Journalism was one of those welcoming of the council, stating the need for "an open, accountable, transparent and independent self-regulatory body, would be instrumental in building confidence in the media and contribute to the credibility of news media organisations by upholding international standards and in providing an avenue for the arbitration of public complaints."

A journalist alliance was established in May 2019 comprising the National Union of Journalists (NUJ) Malaysia, the Institute of Journalists (IoJ) Malaysia, Gerakan Media Merdeka (Geramm), Sabah Journalists Association (SJA), Federation of Sarawak Journalists Association (FSJA), Kuching Division Journalist Association (KDJA) and the Foreign Correspondents Club of Malaysia (FCCM). The alliance drafted proposals for the formation of a Malaysian media council and a guiding code of conduct.

A Malaysian media council was first suggested 45 years ago. In January this year, after a series of consultations with the PH government, a 17-member pro-tem consultative committee was established headed by *Malaysiakini* CEO Premesh Chandran. The committee had two months to

address several issues, including the self-regulating body's final function and mandate, its constitution and membership. The committee met for the first time on January 30, 2020 to discuss the draft bill and how to incorporate interests of various stakeholders including the media industry, journalists, government and the public. These activities were cut short with the change in government in March.

CIJ and the consultative committee has pointed out that Malaysian media council would only be successful if the Printing Presses and Publications Act 1984 is abolished. It said previous efforts to set up a media council started decades ago and mainly did not succeed because the government would not abolish the PPPA.

"To have both the PPPA and the media council exist simultaneously would defeat the purpose of having a self-regulatory body to regulate media standards," the CIJ said. "It would be difficult for the public and the media industry to take the media council seriously if the Home Ministry still had the power to send show-cause letters to the media, summon editors and threaten to revoke licences."

FROM HOPE TO DESPAIR

Even before its disintegration in early 2020, PH had already begun sending mixed messages on curtailing free expression.

The PH coalition was supported by a network of civil society organisations, which had been campaigning for years against corruption and abuses of power in Malaysia. However, factions within the PH intent on capturing the stronghold of Barisan Nasional, appeared reluctant to enforce any meaningful change that might undermine the status quo or put hardliners offside.

The house of cards began to tumble. The 'Alliance of Hope' gave way to the 'National Alliance' or Perikatan Nasional (PN), led by Prime Minister Muhyiddin Yassin after he defected from Mahathir's coalition in late February 2020. When Muhyiddin allied himself with his old, more conservative party, UMNO, there were well-founded fears that Malaysia would once again return to more hard-line policies.

Malaysia's newest government has only been in power six months, yet there is a documented disturbing decline in civil liberties and press freedoms under its command. The early failure of the previous government to follow through on commitments to reform the media, by default has given the new Malaysian government all the tools it needs to use old-style authoritarian methods to again silence dissent and criticism. It would appear that the promise of reform has been crushed between a pandemic and entrenched politics.

Veteran journalist R Nadeswaran said in a [commentary](#) that "with the Nasional (PN) government, it appears that the freedom of expression which had been accorded has been withdrawn." Nadeswaran, popularly known as Nades, went on to say that instead of upholding freedom of speech (a right enshrined in the Federal Constitution), the Yassin government is stifling expressions, views and opinions on current issues.

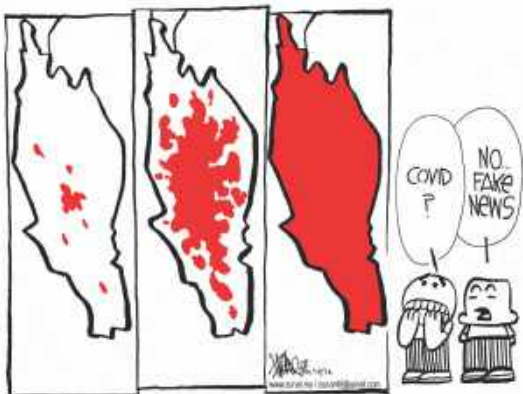
"Malaysia's newest government has not been in power six months, yet there is a documented disturbing decline in civil liberties and press freedoms under its command."

The views have been echoed widely by the IFJ, as well as other press freedom and civil society organisations that not only has Covid-19 created an accountability gap, the pandemic is being used to intensify a new crackdown.

SUHAKAM's Covid-19 Human Rights Impact Series Policy Brief No. 2/2020, 'Covid-19 and Freedom of Speech and Information in Malaysia', stated that censorship and criminal sanctions enforced during Covid-19 had heightened fear among the media, journalists and the public in an already anxiety-ridden environment. It was particularly concerned about accessibility of government health checks and consultations with vulnerable groups, including refugees and asylum seekers, migrant workers, and the urban and more rural communities in Sabah and Sarawak.

"Censorship and criminal sanctions to curb Covid-19 misinformation and disinformation are thus counterproductive, and should be reserved for the most dangerous forms of hate speech. However, free speech and access to information in Malaysia are often subject to censorship and criminal sanction through overly broad laws such as section 233 CMA and section 505(b) of the Penal Code," SUHAKAM said.

It noted that "while Covid-19-related social stigma and hate speech in many parts of the world mainly targeted people of Chinese and Asian descent, xenophobia or hate speech against migrants is more prevalent in Malaysia." Rohingyas and human rights defenders in Malaysia faced backlash and were accused of spreading the disease and threatening national security, including by senior and influential political leaders.



Credit: Cartoon by Zunar

The PN now appears to be appeasing conservative voters by attacking journalists and vulnerable communities, the IFJ said. With the repressive laws of contempt and sedition, the Muhyiddin government is stirring a dangerous pot of fear, xenophobia and nationalism.

Australian National University academic Ross Tapsell, who specialises in Southeast Asian media, said the broader crackdown is symptomatic of an unstable and insecure government. "This is happening now because the government is unstable, the political coalition is unstable, it gives opportunities for others to assert their authority over public discourse," he said to The Sydney Morning Herald. "Ministers feel like they have to respond, security forces feel like they have to act. So the more insecure the government, the more that the unpredictable nature of the authorities comes to the fore."

Throughout the Movement Control Order (MCO), a 'cordon sanitaire' was implemented as a Covid-19 preventive measure from March 18. It is slated to end on August 31. Under the order, various media practitioners and outlets have been subjected to enforcement measures, with the majority being probed over specific reports to ensure that they were not critical or sparking negative sentiment towards the government or relevant authorities.

Zurairi AR, assistant news editor and columnist at *Malay Mail* observed that Covid-19 "presented the government with a nice opportunity to double down on 'fake news', since there is an undeniable need to present facts when it comes to combating the pandemic. But we have also seen this term being abused much more towards critics, and especially towards critical media."

A CATALOGUE OF CONTROL

This following section documents the persecution of individuals who have been targeted for voicing opinions centred on good governance, democracy and transparency. Many have been subjected to the Communications and Multimedia Act (CMA) 1998, which is widely regarded as overly broad and subject to abuse, as well as other repressive laws which complement the charges and investigations led by Malaysian authorities in the period.

February 5: Wan Noor Hayati Wan Alias, a journalist and union activist, is charged under section 505 (b) of the penal code for Facebook posts on Covid-19 and Finance Minister Lim Guan Eng, deemed to violate the code for publishing and circulating rumours with the intention to cause fear or alarm to the public.

March 1: Lawyer Fadhiah Nadwa Fikri is summoned for questioning by the police for investigations under Section 4(1) of the Sedition Act and Section 233 of the CMA for organising rallies in February 2020 to protest against the power tussle that caused the collapse of the Malaysian government. A statement by the Centre for Independent Journalism (CIJ), said that this was "a form of intimidation and reprisal against activists, who in this case were exercising their constitutional right to freedom of expression and assembly through peaceful gatherings in condemning the 'backdoor' dealings which had resulted in the overthrowing of a government . . . of their choice."

May 6: *South China Morning Post* reporter Tashny Sukumaran is summoned for questioning by Malaysian officials for a piece about a government raid on migrants in Kuala Lumpur reportedly aided by members of the police, armed forces, Health Ministry and the Civil Defence Force (APM).

Tashny was summoned under Section 504 of the Penal Code and Section 233 of the CMA for “intentional insult with intent to provoke a breach of the peace” which carries a penalty of up to two years imprisonment. However, in the lead-up to her probe, Minister of Communications and Multimedia, Datuk Seri Saifuddin Abdullah, said his office had instructed the police to cease investigations. The minister also responded through a tweet to review Section 233 of the CMA. No further mention has been made of this review. On July 1, Tashny was summoned again for her contribution to the recently banned book, *Rebirth: Reformasi, Resistance and Hope in New Malaysia*.

May 8: Big Blue Taxi Services founder Datuk Shamsubahrin Ismail is charged at the Kuala Lumpur Sessions Court for allegedly circulating offensive remarks with intent to cause fear among the public via his Facebook account. Shamsubahrin was slapped with two charges, the first under Section 233(1)(a) of the CMA and the second under Section 505(b) of the Penal Code for making statements with intent to cause, or likely to cause fear or alarm.

May 9: Patrick Teoh, a radio DJ and television personality, is detained and subsequently investigated for allegedly insulting the Johor Crown Prince Tunku Ismail Sultan Ibrahim on Facebook. The investigation is opened under Section 233(1) of the CMA. On June 15, Patrick is charged at Johor Bahru Sessions Court.

May 20: Datuk Dr Xavier Jayakumar, as Kuala Langat Member of Parliament and former Water, Land & Natural Resources Minister, is summoned by police for questioning after criticising the government decision to limit the May Parliament sitting. Xavier is investigated under the Sedition Act and Section 233 (1) of the CMA.

June 2: Five picketeers are arrested at the Hospital Raja Permaisuri Bainun (HRPB) after participating in a peaceful protest for improved working conditions against their employer Edgenta UEMS. The arrests were regarded as a union busting move.

June 5: Prosecutors charge R Sri Sanjeevan, the head of the Malaysian Crime Watch Task Force, with two counts of violating section 233(1) of the CMA for allegedly posting “false” information about the police on social media. The charges relate to tweets deemed to be critical of the Royal Malaysian Police.



CodeBlue editor Boo Su-Lyn
CREDIT: FACEBOOK



South China Morning Post
reporter Tashny Sukumaran
CREDIT: TASHNY SUKUMARAN

June 9: Blogger Dian Abdullah is charged at the Kuala Lumpur sessions court under Section 233(1)(a) of the CMA for sharing “offensive and menacing content”. Dian is also charged under Section 505(b) of the Penal Code for making statements that could cause public mischief over two blog posts referring to Prime Minister Muhyiddin Yassin and The Yang di-Pertuan Agong Sultan Abdullah Sultan Ahmad Shah.

June 10: Cynthia Gabriel, the founding director of the NGO Centre to Combat Corruption and Cronyism (C4 Center), is called in for police questioning over a statement requesting an investigation into allegations that the government was



Al Jazeera journalists called in for questioning over
Covid-19 report on July 10, 2020
CREDIT: MOHD RASFAN / AFP

trading favours for political support. Gabriel is questioned under Section 4 of the Sedition Act and Section 233 of the CMA.

June 11: Police question Sungai Buloh MP R Sivarasa over comments made in 2019, alleging “deep state” involvement in the arrest of 12 individuals with purported links to the Liberation Tigers of Tamil Eelam (LTTE). He is summoned under Section 233 of the CMA as well as Sections 499 and 500 of the Penal Code.

June 16: Parliament member Hannah Yeoh is summoned by police over a tweet on child marriage from March 2020. The aforementioned tweet questioned the future of Malaysia’s national policy on child marriage following the appointment of Datuk Siti Zaliyah Mohd Yusoff from PAS (an Islamist political party) as the Deputy Minister of Women & Family Development. Yeoh is investigated over the alleged ‘seditious, inflammatory’ Facebook post under Section 4(1) of Sedition Act, Section 505(c) of the Penal Code, and Section 233 of the CMA.

June 18: Human rights lawyer Siti Kasim is called to Bukit Aman Criminal Investigation Department over a Facebook post that allegedly criticised the Islamist political party PAS. In the post, Kasim denounced PAS for demanding the suspension of sales and production of alcoholic beverages in Malaysia until the issue of drunk-driving was solved. The lawyer is investigated under Section 505(b) of the Penal Code for statements conducive to public mischief, Section 4(1) of Sedition Act and also Section 233 of the CMA for improper use of network facilities or network service.

June 18: Former youth and sports minister Syed Saddiq Syed Abdul Rahman reveals in a tweet that he has been called for questioning over an interview with Al Jazeera against the current government. Rahman says he is being investigated under Section 233 of the CMA and Section 4(1) of the Sedition Act.

June 15: Attorney-General Idrus Harun files an ex-parte application to initiate contempt of court proceedings against *Malaysiakini* and its editor-in-chief Steven Gan. In his affidavit, Idrus says that the application relates to readers' comments in an article dated June 9, 2020 titled: "CJ orders all courts to be fully operational from July 1." The AG cites five comments and alleges that the comments "clearly meant that the judiciary committee wrongdoings are involved in corruption, does not uphold justice and compromised its integrity." He further alleges that *Malaysiakini* is at fault in facilitating the publication of the comments and were "unwarranted" and "demeaning" attacks on the judiciary. The next day Gan is summoned to give a statement recorded by police for investigations under the CMA as well as the Penal Code.

June 26: Health news portal *CodeBlue* editor-in-chief, Boo Su Lyn, is summoned by police over articles in October 2016 on the Johor Bahru Hospital fire which killed six patients. Boo Su Lyn is investigated under the Penal Code and Official Secrets Act 1972. Gerakan Media Merdeka (Geramm), expresses concern over the incident, saying: "We believe that journalists should not be questioned for asking questions, but instead, should be given answers". It said restrictive laws "cannot be used as tools to restrict any political contestation and people's mobilisation against it. Such incidents are signs of media censorship, infringements on the press' right to information and to report the news unhindered."

July 1: Home Minister Datuk Seri Hamzah Zainuddin issues the order to ban the book *Rebirth: Reformasi, Resistance and Hope in New Malaysia* under the Printing Presses and Publications (Control of Undesirable Publications) Order. The case is also investigated under Section 5 of the Emblems and Names (Preventing Unlawful Use) (Amendment) Act 2016, Section 4 (1) of the Sedition Act, as well as Section 233 of the CMA. The book's publisher and cover designer are also summoned for questioning. Tashny Sukumaran and seven *Malaysiakini* journalists, who authored chapters in the book, are also summoned.

July 7: All-Asian Satellite Television and Radio Operator 'Astro' is fined by the Malaysian Communications and Multimedia Commission (MCMC) for airing an Al Jazeera documentary on the murder of Mongolian national Altantuya Shaariibuu in 2015. News reports cited the MCMC saying it fined the satellite television provider as the content of the documentary was found to be indecent and the firm was in violation of Section 211 of the CMA.

July 13: The Federal Court defers judgement indefinitely for *Malaysiakini* and Steven Gan.

July 16: Three activists are summoned for police questioning after speaking at a demonstration demanding

justice for death-in-custody victims organised by EDICT (Eliminating Deaths in Custody Together) outside the Bar Council building in Kuala Lumpur. Those questioned include Khalid Mohd Ismath, the executive director of EDICT, Rama Ramanathan from Citizens Against Enforced Disappearances (CAGED), and S Arutchelvan from the Socialist Party of Malaysia. The trio are being investigated under Section 9(5) of the Peaceful Assembly Act 2012 (PAA).

July 21: After being contacted by Malaysia's Communications and Multimedia Minister, Datuk Saifuddin Abdullah, the National Film Development Corporation (Finas) claims the network did not have the necessary licences to film a documentary. In an extraordinary step, Abdullah states that all film production, whether from media outlets or personal media on traditional platforms or even social media, requires a licence.

August 4: The Al Jazeera office in Kuala Lumpur is raided as part of an ongoing probe into the episode.

August 7: Visa renewals for two Malaysia-based Al Jazeera journalists are rejected.

August 21: Mohamad Rayhan Kabir, a Bangladeshi man who criticized the country's treatment of undocumented migrants during an interview with *101 East*, is deported.

AN UNEVEN PLAYING FIELD

Alyaa Alhadjri, senior journalist and representative from Gerakan Media Merdeka (Geramm), has noted an increase in online attacks on female journalists during the health pandemic, particularly during the daily updates from the Health Ministry.

Livestreams for daily press conferences soon became one of the main sources of information for the public anxiously waiting for updates on the number of Covid-19 positive cases with some viewers starting to comment on journalists, primarily female journalists. Alhadjri told the IFJ that the vast majority of such comments had nothing to do with matters being reported or questions being asked, but were focused on the physical appearance of reporters and could be seen as borderline harassment. As the daily live health briefings stopped as new coronavirus cases dropped from mid-June, so did the frequency of harassment or body shaming online.

The IFJ global gender survey on the impact of Covid-19 on women journalists found that female journalists in Malaysia faced the additional challenge of juggling work and home duties. "Some journalists do not have any help to take care of their children since the kids do not go to the school and attended online classes. Although some of the female journalists are supported by their husbands who also contribute in parenting, they are still juggling between finishing work related assignments and accompany their children at home," Alhadjri added.

Malaysia remains a challenging place for female equality rights, with authorities often responsible for perpetuating and promoting gender stereotypes. During the imposition of the movement control order (MCO), for instance, an advice issued by the Ministry of Women's Affairs triggered a public outcry after it issued online posters with the hashtag #WomenPreventCOVID19 advising women to avoid domestic arguments during the restrictions. It also urged women to dress up and wear make-up at home and to try not to nag their husbands and for women to avoid being 'sarcastic' when asking their husband to contribute to household chores.

"Intimidation, particularly from officials, has led to "self-censorship" and discourages women reporters from highlighting sensitive issues such as calling out sexism and harassment."

Concerns that the government is part of the driving force for gender injustice in Malaysia has also caught the attention of Tehmina Kaoosji, a journalist who is also a board member of the Institute of Journalists Malaysia. Kaoosji said female journalists who cover sensitive issues are easily targeted by the high-ranking officials.

One example was Defence Minister Ismail Sabri Yaakob's retweeting of a post by Melissa Goh, a senior correspondent for Singapore-based Channel News Asia's Malaysia Bureau. Goh had covered a story during the lockdown about several foreign workers who had asked for assistance in obtaining food and medicines. Several local media also published the story, yet the minister singled her out as having "bad intentions".

The defence minister sparked a series of targeted attacks against Goh including the accusation that she distorted a statement from the minister. Other twitter trolls accused Goh of spreading false news and promoting Singapore's own agenda.

Tashny Sukumaran, a correspondent for *South China Morning Post* for Malaysia, was questioned by federal officers over her tweets about immigration raids in Covid-19 red zones. Although police dropped the case, she was again summoned for her part in the banned book *Rebirth: Reformasi, Resistance and Hope in New Malaysia*.

Another female journalist also under the investigation under the Penal Code is Boo Su-Lyn, editor-in-chief of health news portal *CodeBlue* over the publication of a series of four articles highlighting the findings of an independent inquiry into a fatal hospital fire in 2016.

All three journalists come from minority backgrounds. Women from marginalised groups in Malaysia in high profile professions, such as politicians, tend to be subjected to increased intimidation and harassment.

Kasthuriraani Patto, a female member of parliament, was told that she is dark and she needs to use powder by Abdul Azeez Abdul Rahim, another member of parliament. The comment was made in the midst of a parliament in July meeting when Kasthuriraani tried to seek clarification on why there were no women on the line-up of new selection committee.

Female journalists from a majority background are also not free from threats. *Malaysia Gazette* journalist Zazrina Zainuddin received comments with sexual connotations when she appeared as host on the news portal's Facebook livestreams. On July 13, she filed a police report with the encouragement of her editors and told the IFJ that while the incident was unsettling, she felt that her office was supportive of her and her female colleagues.

Kaoosji said that intimidation, particularly from officials, has led to "self-censorship" and discourages women reporters from highlighting sensitive issues such as calling out sexism and harassment. "It is a part of psychological survival so that the newsrooms will not allegedly breach the laws and journalists avoid being summoned or investigated by the police," Kaoosji said.

She goes on to say there is an unwillingness from the government to protect women's rights and to advance gender equality. An independent media council should guarantee female representation in the media and produce guidelines on how to cover topics related with women and children. Mainstream media in the most part has failed to support women and women's issues in Malaysia, she added.

PRINT IN PERIL

Malaysia, like other countries, is going through a transition that is seeing a nation previously heavily reliant on print media as its main source of news for over a hundred years, quickly shifting to digital media.

Many Malaysian media companies, especially print media, have failed to keep up with the rapid transformation and are now finding themselves on the losing end of a race of relevance in an already disrupted industry.

The country's newspaper business has been going through the most difficult period in the nation's history, with the coronavirus pandemic and Movement Control Order only punching a larger hole into the cash flow of media companies. With it, newspaper circulation has plummeted, while advertisers postpone or cancel campaigns with most businesses coming to a grinding stop.

Despite the hunger for content and higher readership online, revenue generated from the digital platforms is still insufficient to sustain most media businesses.

Media veteran Tan Sri Johan Jaaffar said in a keynote address in September 2019, that the Malaysian newspaper business is to be *ditalqinkan* (to be given the last rites for the dead according to Muslim practices).

“We made money for our companies. Our companies prospered. Back then (in the 90’s), when I was at the helm of *Utusan Melayu* (the oldest Malay-language newspaper in Malaysia), the total advertisement spending for Malaysia was about RM3.5 billion (USD 837,722,000), 60 percent of that was for the newspapers, the rest for TV. People advertised in our papers. Our papers were influential and a money-making venture. That was before the Internet, before the whole enterprise of digital revolution disrupted our business. We thought we were formidable. Many of the newspaper companies in Malaysia were forging ahead with lots of confidence into the digital world in the early 1990s. We thought technology would propel us to greater heights.”

“We now realise how labour-intensive our business was, how vulnerable we were as a business entity, how the old models of newspapering were being challenged to the core, and how we were going to see more disruptions and the possibility of the biggest wave of journalistic lay-offs ever in the history of newspapers.”

The following are the closures, downsizings and changes in recent years and during Covid-19.

I) *The Malay Mail*

Also known as the oldest newspaper in Malaysia, *The Malay Mail* ceased its printing operations on December 1, 2018 on its 122nd anniversary to go fully online. The move was reported to have had 50 of its then 165-strong workforce cut.

II) *Tamil Nesan*

Tamil Nesan ceased total operations on February 1, 2019 after 94 years of business. The newspaper, owned by the family of former Malaysian Indian Congress president Tun S Samy Vellu, is said to have faced financial problems in the last ten years. It was reported that 45 staff were issued termination letters.



Utusan Malaysia ceased operation in October 2019 leaving more than 800 workers jobless. CREDIT: NORMAN GOH / MALAYSIAKINI

III) *Utusan Malaysia*

The Nation’s oldest Malay language daily, *Utusan Malaysia*, ceased operation on October 9, 2019 after a prolonged financial crisis that saw its workers protest over unpaid wages. *Utusan*, which was owned by political party UMNO, was shut down after its publisher *Utusan Melayu* ceased operations, leaving more than 800 people jobless.

It was reported that *Utusan* executive chairman Abd Aziz Sheikh Fadzir had announced that poor cash flow, mounting debts and declining sales led the board of directors to arrive at the decision to shut down operations. Other titles under the *Utusan Melayu* group which ceased publication were *Mingguan Malaysia*, and tabloids *Kosmo!* and *Kosmo! Ahad*. During the period of cessation, many of its staff struggled to secure new jobs and were also hounded by their banks for defaulting on their financial commitments. On July 20, 2020 *Utusan Malaysia* and its sister publication *Kosmo!*, were relaunched under a new media company named Media Mulia Sdn Bhd. However, the number of staff retained from its previous batch is unknown.

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IV) *The Edge Financial Daily*

The Edge Financial Daily ceased its print operations on April 21, 2020. Its publisher and group chief executive officer, Datuk Ho Kay Tat, and editor-in-chief, Azam Aris, in a note to readers entitled ‘FD says goodbye after 13 years’, said: “Sadly, FD is unable to survive the double onslaught of the shift to digital news and the current lockdown of the economy because of the Covid-19 pandemic.” The Edge weekly continues to operate as usual while its website, www.theedgemarkets.com also operates in its full capacity.

V) *Media Prima Bhd*

On June 29, 2020, Media Prima Bhd issued retrenchment notices to approximately 300 employees, with their last day of employment to be July 31. Media Prima said in a statement that the group and representatives of its five union groups concluded discussions on the execution of the next phase of the Media Prima business transformation plan that was announced on June 4. This is the second retrenchment exercise for the media group after the retrenchment of 543 staff at Media Prima’s publication group New Straits Times Press (NSTP) in March 2020. In 2018, Sistem Televisyen Malaysia Bhd – a subsidiary of Media Prima and also the operator for TV3 retrenched around 190 employees and offered Mutual Separation Schemes (MSS) to 43 others.

VI) *BlueInc Media*

On April 30, 2020, publisher BlueInc Media Sdn Bhd, well known for local and international titles including *CLEO*, *Her World*, *Harper’s Bazaar* and *Marie Claire*, ceased operation due to challenges arising from the digital disruption which has been further exacerbated by Covid-19.

VII) *China Press and Sin Chew Daily*

On April 30, 2020, *China Press* and its sister company *Sin Chew Daily* temporarily halted the print version of its evening edition during the MCO period. The electronic version of the evening edition remains available online and the *Sin Chew Daily* morning paper is still published.

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Retrenchments have contributed to the extremely steep fall in membership numbers at the National Union of Journalists (NUJ) Malaysia, the country's biggest journalist and media union. The NUJ, at one point, had up to 1,500 members. As of March 2020 it had 486 members.

NUJM general-secretary, Chin Sung Chew, said the union had lost about 195 members due to the retrenchment exercise by Media Prima Berhad alone. He added that membership losses are expected to increase following the new closures.

"NUJM is going through facing a tough challenge at this point in time in terms of number of members and this is added with the current pandemic which is definitely a blow to the industry causing huge losses to livelihoods." he said.

NUJM shared that a Chinese daily, *Kwong Wah Yit Poh* in Penang, had informed its editorial staff that it had to cut the monthly telephone allowance from the previous fixed amount of RM 60 (USD 14) for news desk reporters and RM 90 (USD 22) for crime reporters to RM 38 (USD 9) and RM 58 (USD 14) respectively. Other media companies that have taken cost cutting measures include *theSundaily* which is part of Berjaya Corporation Berhad. As part of the 'austerity measure' implemented for companies under the group, staff with a combined monthly basic salary of RM 6,000 (USD 1,430) and above were subject to pay cuts and mandatory annual leave.

RECOMMENDATIONS

Legal reforms for laws that disproportionately restrict freedom of speech, press freedom and freedom of association are long overdue. For a resilient media that serves public interest these reforms are essential.

The following recommendations are based on the IFJs research and interviews with media as well as SUHAKAM and CIJ.

1) Amend Communications and Multimedia Act 1998

To review and adopt a moratorium on the use of laws such as the CMA 'to censor and silence' dissenting and non-conforming voices. The new Perikatan Nasional government, under Communications and Multimedia Minister Saifuddin Abdullah's leadership must move towards a repeal and amendment of its vague provisions in accordance with the Federal Constitution and international standards on freedom of expression.

2) Adoption of freedom of information legislation

To ensure due protection of access to public information in Malaysia, the Government should adopt a freedom of information legislation at the federal level following the same state laws in Penang and Selangor. This will follow the UN Special Rapporteur on Freedom of Expression's recommendation that governments provide reliable, accurate and widely accessible information on Covid-19; protect journalists and patients' privacy; and collaborate with private actors to promote media and digital literacy, and with service providers to improve internet access.

3) Repeal Sedition Act 1948

To repeal the controversial Sedition Act, which UN experts have criticised for being vaguely worded and frequently used to prevent Malaysians from expressing and debating, freely and openly, a diverse range of political opinions and ideas. These colonial era criminal defamation laws are harsh and regularly used to impose restrictions on the press and anyone expressing views critical of the government and should be abolished.

4) Establishment of a Media Council

To continue with the establishment of a Malaysian media council is vitally important at this time. An effective media council would:

- Cover all types of media in Malaysia including print, electronic and online.
- Embody significant and robust press freedom protections.
- Act as a self-regulating body for the media industry, empowered to act on public complaints against the media.
- Promote ethical media practices.
- Examine existing media laws on whether they should be abolished or amended when the council is set up.
- Establish gender equity guidelines.

5) Freedom of Association Support

To enable law reform to support journalists who wish to organise collectively in trade unions and for Malaysia to ratify key human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR). Not only should those persons pursuing a profession as a journalist be able to join a bona fide trade union organisation of their choice, but they also need strong and effective laws protecting freedom of association, and union rights of organisation. Malaysia's laws relating to union organisation and freedom of association must be liberalised to foster collective rights for journalists in all media (print, broadcast, online, freelance). Although the previous government accepted recommendations to consider ratification of the ICCPR during its Universal Periodic Review (UPR) at the UN Human Rights Council, Malaysia is yet to make progress toward this goal and instead advanced laws and policies which further undermine the rights enshrined in the treaty. ■