



LOCKED DOWN:

SCREWS TIGHTEN ON PRESS FREEDOM IN MALAYSIA

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THE NATIONAL UNION OF JOURNALISTS PENINSULAR MALAYSIA (NUJM)
THE INTERNATIONAL FEDERATION OF JOURNALISTS (IFJ)





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Cover: A journalist wears a T-shirt with an image of Malaysian news site Malaysiakini’s editor-in-chief Steven Gan at the Federal Court in Putrajaya on July 13, 2020, as the site faces contempt of court proceedings. CREDIT: MOHD RASFAN / AFP

This page: Women wearing face masks walk past a homeless man in Kuala Lumpur on October 18, 2020. CREDIT: MOHD RASFAN / AFP

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FOREWORD

MEDIA FREEDOM IN FREEFALL

As a professional working journalist and unionist for the media fraternity, I have always been concerned about Malaysia's press freedom as seen through a global lens, as this is something our union has always fought for.

2020 was a challenging year to all of us. As the world faced the Covid -19 pandemic threat, it ravaged the world and people's lives and subverted society's normality.

When a country changes its political regime, as happened in Malaysia in early 2020, political turmoil can intensify both economic and democratic freedoms.

The "Sheraton Move" in February 2020, caused the downfall of the previous democratically elected Pakatan Harapan government and ushered in a new power structure for the country. The political crisis ultimately led to the appointment of Muhyiddin Yassin as the 8th prime minister in the country.

Criticized by the people for not being democratically elected, the legitimacy of the new government has been questioned by the Malaysian people in general and ridiculed as such. In order to preserve power, Malaysia's new "backdoor government" instead took it upon itself to silence the media and suppress the freedom of the press.

Up to 2020, Malaysia had shown significant continuous improvement in its press freedom environment. This was seen through advancements such as the preliminary development of a media council whereby the government at that time through the Ministry of Communication and Multimedia gave a commitment to set up a media council that was hoped to function independently. As a result, Malaysia's rank with RSF Press Freedom Index leapt 22 spots to 101 in 2020, up again from its previous jump from 145 to 123 in 2019.

The Pakatan Harapan government agreed to an idea from various media organisations that a self-governing media council could be realized. But unfortunately, after just a year, the elected PH government toppled and was replaced by the Perikatan Nasional Alliance in March 2020.

Malaysia has regressed dramatically ever since.

The recently released index recorded Malaysia's worst deterioration in recent times, down 18 places in one year in its ranking from 101 to 119. It was an outcome that disappointed but didn't surprise media activists in Malaysia. A country's press freedom is closely tied to the behaviour of its ruling government. Malaysia is no exception.

According to political observers around the country, the political problems in Malaysia (including a recent "anti-fake news" decree allowing the government to impose its own version of the truth) are a key reason influencing the decline in the press freedom ranking. But of course, the other factors that caused the decline in the ranking was Perikatan Nasional's determination to show the world how a ruling government can violate freedom of speech and freedom of expression while these rights are

guaranteed under Article 10 of the Federal Constitution of Malaysia.

This media report, produced NUJ Malaysia with the International Federation of Journalists Asia-Pacific, highlights the various cases of government imposition into the media freedom space and the severe actions being taken against journalists and activists from civil society.

One concerning finding of the NUJ national survey of media workers was that 'targeted attacks on journalism' were the biggest threat to media workers across Malaysia. In a worrying trend, harassment was experienced by 8.3 per cent of respondents, online harassment by 5.4 per cent and cyberattacks by 5 per cent.

In term of gender equality, there was also a bright note. The survey also found that women were well represented in executive and management roles and, particularly in Chinese print media, the number of women as news editors is increasing.

In commemoration of the World Press Freedom Day on May 3, NUJ Malaysia reiterates its call on the Malaysian government to replace outdated laws that continue to stifle the meaningful and needed growth of press freedom in this country.

Chin Sung Chew
General Secretary, NUJ
May 2021



Malaysian news site Malaysiakini's editor-in-chief Steven Gan speaks to the media at the Federal Court Putrajaya on February 19, 2021.
CREDIT: MOHD RASFAN / AFP

MALAYSIA COUNTRY REPORT

PANDEMIC AND POWER STRUGGLE SET PRESS FREEDOM BACK

Press freedom in Malaysia took a body blow in 2020 after 2019's relative freedoms. A political coup (labelled *Langkah Sheraton*, or the Sheraton Move, after the hotel in which discussions took place) in late February saw the Pakatan Harapan coalition, which had taken over in 2018, unceremoniously turfed out of power and replaced by the Perikatan Nasional alliance.

The alliance, helmed by new Prime Minister Muhyiddin Yassin, was composed of members of the previous Barisan Nasional regime, signalling a return to Malaysia's previous stricter media controls. This, coupled with pandemic restrictions ostensibly aimed at stemming the spread of "fake news" and disinformation, resulted in a marked increase in crackdowns on free speech and expression including but not limited to journalism.

Reforms promised by the Pakatan Harapan administration such as the repeal of draconian laws including the Sedition Act 1948 did not come to pass. Indeed, laws such as the Orwellian Communications and Multimedia Act 1998 were utilised more liberally against detractors.

Pursued media

In May, a journalist from *South China Morning Post* was questioned under the Penal Code and the Communications and Multimedia Act for her coverage of an immigration raid in the nation's capital, Kuala Lumpur. The same journalist was questioned again in July over her contribution to the book *Rebirth: Reformasi, Resistance and Hope in New Malaysia*, which was banned under the Printing Presses and Publications (Control of Undesirable Publications) Order 2020. The reason for the ban was its cover, which came under fire for its resemblance to the Malaysian coat of arms. Other reporters – mainly from news portal *Malaysiakini* – who had contributed to the book were also questioned as was the designer of the cover, while publisher GerakBudaya had its copies seized.

In July, seven journalists from international broadcaster *Al-Jazeera* were investigated by the police over a documentary titled *Locked Up in Malaysia's Lockdown* which exposed the treatment of migrant workers while they were sheltering in place. The channel's main source and interviewee, Bangladeshi national Rayhan Kabir, was later unceremoniously hunted down and deported.

In June radio personality Patrick Teoh, 73, was charged under the ubiquitous Communications and Multimedia Act for a Facebook post that allegedly insulted the Crown Prince of the southernmost state of Johor. In the same month, editor Boo Su-Lyn of health portal CodeBlue was questioned under the Penal Code and the Official Secrets Act 1972 for news pieces on an inquiry into a fire at a hospital that occurred in 2016.



A protester holds a sign reading "Reject traitors" on an image of Muhyiddin Yassin in Kuala Lumpur on March 1, 2020.
CREDIT: MOHD RASFAN / AFP

The legal mire

Other laws which continue to distort the media landscape include the Printing Presses and Publications Act 1984 and various sections of the Penal Code pertaining to public peace. More guerilla methods have also been employed, such as the reported increased use of "cybertroopers" or "cytros" – pro-establishment anonymous online voices who cyber-harass journalists on various platforms.

The courts were another avenue for the suppression of free speech. In July, contempt of court charges were filed against both independent news portal Malaysiakini and its editor-in-chief Steven Gan over reader comments that were allegedly critical of the nation's judiciary, with Gan facing a custodial sentence if found guilty.

Access denied

Journalism was further impacted by the closing off of access for many reporters, attributable both to the pandemic and to the new administration struggling to cope with its fragile parliamentary majority and internal politicking. Because of these factors, reporters were denied access to public buildings such as Parliament or the Prime Minister's Office even for official events, press conferences were held online thus limiting the ability of reporters to ask questions, and a months-long lockdown prevented journalists from accessing newsmakers.

Additionally, Prime Minister Muhyiddin's office refused to include foreign press representatives from wires and other outlets into "official" media WhatsApp channels, forcing them to rely instead on colleagues in mainstream local media for speech texts.

The year also saw non-journalists targeted through violations of freedom of speech. Activists, politicians, academics and even average members of the public were questioned by the police under the Communications and Multimedia Act using the catch-all clause of "improper use of network facilities". A 20-year-old shopkeeper was fined 10,000 Malaysian ringgit (USD 2,466) for allegedly insulting the police during the nation's lockdown, termed a "Movement Control Order", and another business owner was charged under the Communications and Multimedia Act for criticising the government.

Refugee rights activist Heidy Quah was questioned under the same Act for a post highlighting poor conditions in an immigration detention depot, while former minister and current Member of Parliament Xavier Jayakumar was investigated under the Sedition Act for criticising Perikatan Nasional after it limited Parliament to a one-day sitting.

Media council stymied

Meanwhile, attempts at setting up a media council were scuppered by the political change and lockdown which accompanied the pandemic, with Communications and Multimedia Minister Saifuddin Abdullah postponing his meeting with the pro-tem committee to discuss the draft bill.

In June, Saifuddin told Parliament that film producers required a licence and certification letter from the National Film Development Corporation (FINAS), "regardless of whether they are mainstream media or personal media that publish their film on social media or traditional channels". Such remarks prompted Malaysians

to question the legality of video-creation platform TikTok. However, Mr Saifuddin later walked back his remarks, saying that the administration had no intention of regulating social media to this extent.

Altogether, the government's use of the various laws in its arsenal contributed to an overall chilling effect on freedom of speech and expression, with Malaysians becoming warier about voicing any criticisms.

Lawyer Mahajoth Singh said that, in its efforts to consolidate power and limit criticism but also preserve public popularity, the government had "made contradictory statements".

"On World Press Freedom day in May, Minister Saifuddin vowed to continue upholding press freedom to allow them to do their job and underlined the importance of protecting the integrity of journalism. There is a clear disconnect here," he said.

On a more optimistic note, in June Malay-language dailies *Utusan Malaysia* and its sister newspaper *Kosmo!* – which had ceased publication in 2019 due to poor cash flow – re-entered the market under new ownership in a change of fates that group editor Mohamad Azlan Jaafar described as "a bright spot in an industry that has faced a turbulent period".

Safety Indicators: Key Concerns

Reporters operating in Malaysia raised concerns about security, with key threats including targeted attacks for their work, salary woes amidst the pandemic and online harassment. Journalists agreed that the media situation had worsened to some degree in Malaysia over 2020, with economic impact, state or political actors and government policy or legislation being the main reasons for the state of play.

A culture of impunity regarding attacks against journalists was rampant, with the government and political leadership apparently enabling this culture of impunity and lacking political will to protect journalists. Reporters said that "pressure" from the ruling coalition played a role in security issues, while employers were ineffective in handling security and safety issues, including legal issues and individual threats.

Amidst these woes, the Covid-19 pandemic took its toll on Malaysian press with restrictions on reporting, salary woes and health and safety concerns.

"Better access and transparency to government information" was urgently required, said one journalist. Another pointed out that many ministers invited only official media to cover press conferences, saying: "Other media only can do coverage through live streaming from TV or Facebook, [leading to a] lack of interaction with the ministers."

Meanwhile, with advertising revenue decreasing, there was more pressure to produce "salacious clickbait headlines" and increased worries over whether newsrooms would weather the coronavirus storm.

Another concern that emerged in 2020 was the sudden rise of newly launched news portals. This sphere had previously been dominated by websites such as *Malaysiakini* and *The Malaysian Insight*, which had

earned a reputation for being free of the shackles of ownership that influenced mainstream media.

One reporter said: "The emergence of new news portals by people with interests with the ruling government, as well as the lack of editorial independence, continue to be a major concern about interference in reporting. Major media companies are buying and acquiring online websites to dominate the free digital space for journalists to report without fear or favour." Another journalist was more blunt in their assessment: "As long as political parties are involved in media ownership, media will never be free in Malaysia."

Civil Society Responses

Civil society organisations in Malaysia and the region have criticised the new/old regime's backsliding on freedom of expression rights, with many calling for legal reform. Chief among these is Amnesty International Malaysia, which launched a virtual campaign themed *Unsilenced* in direct protest at the government's increasing clampdowns. The campaign gave a platform to banned and censored content, and called on Malaysians to sign a petition demanding the abolition of repressive laws.

Amnesty International Malaysia executive director Katrina Jorene Maliamauv said: "The Unsilenced campaign gives everyone an opportunity to take action and call on the government to repeal the main laws denying people in Malaysia the right to freely express ourselves, namely the Sedition Act, Section 233 of the Communications and Multimedia Act (CMA), the Film Censorship Act and the Printing Presses and Publications Act.

"After the change in government, two of the most widely deployed laws to unduly restrict the right to freedom of expression, the Sedition Act and Section 233 of the CMA, have been frequently used against human rights defenders, journalists and social media users who criticise the government, royalty or religion. Sexual minorities have also been targets of government restrictions.

"The organization is also calling on the government to ratify the International Covenant on Civil and Political Rights and other human rights instruments, in order to bring Malaysia closer to complying with international standards."

In December 2020, the international civil society alliance Civicus classified civic freedoms and liberties in Malaysia as "obstructed" due to both the harassment of journalists and activists and the charging of those who allegedly "insulted" the monarchy.

Human Rights Watch called on the government to stop treating criticism as a crime, and to amend or repeal "abusive laws" being used to stifle free speech.

Human Rights Watch deputy Asia director Phil Robertson said: "Malaysia's Perikatan Nasional government is increasingly responding to public criticism by carrying out abusive investigations on specious charges. Prime Minister Muhyiddin Yassin should recognize that everyone has a right to criticize their

government without fear of investigation or prosecution.”

The Bar Council of Malaysia also called on the authorities to respect the rights of Malaysians to voice views and air concerns. Malaysian Bar President Abdul Fareed Abdul Gafoor said that “unwarranted restriction on this constitutional right will give rise to the perception that our country is regressing into a time where draconian laws ... were used to severely curtail and undermine the freedom of speech, assembly and association in the name of national interest, just to preserve the interest of a few”.

State Actors and Shifting Priorities

Despite the backlash from both citizenry and rights groups, the government maintained its stern stance on limiting free speech and fair comment by both journalists and the everyday public.

In May, Malaysia's Home Minister Hamzah Zainudin told Parliament that the government had initiated 262 seditious investigations in 2020 compared to 78 in 2019, the first full year in power of the previous ruling coalition Pakatan Harapan, and 31 in 2018.

The trend of clamping down on “fake news” also continued, with more than 250 investigations under the Communications and Multimedia Act.

Malaysia has always been sensitive about the “Three Rs” – race, religion and royalty. In 2020, Covid-19 became another sensitive topic, with governing coalition Perikatan Nasional taking swift action against critics. These included a retiree who was fined 2,000 MYR (USD 493) for criticising Health Minister Adham Baba.

The range of sensitive topics expanded to include refugees and migrant workers at a time when xenophobia was burgeoning amongst the restive populace. According to journalists, the government pushed anti-migrant worker rhetoric in press conferences and policy moves, including ignoring requests for amnesty programmes for undocumented workers.

A further troubling development was the move in the 2021 Budget tabled in November 2020 to revitalise the government's former Special Affairs Department – used for devising and disseminating state propaganda – under a new moniker and with a budget allocation of 40 million Malaysian ringgit (USD 9.7 million). Member of Parliament Khalid Samad said the department was a “propaganda tool to whitewash the current government”.

Even more alarming was a November statement by Law Minister Takiyuddin Hassan that the Perikatan Nasional government was mulling a new “fake news” law less than a year after its predecessor, Pakatan Harapan, repealed similar legislation. The proposed law would be aimed particularly at protecting royalty.

Recommendations and the Road Ahead

With Prime Minister Muhyiddin's political position and parliamentary majority under immense pressure – particularly with threats of abandonment by allies the United Malays National Organisation (Umno), which previously helmed the nation – it is expected that authoritarian attitudes towards civil liberties and free spaces will continue.

With COVID-19 numbers also on the rise and people asked to shelter in place to varying degrees, it is also to be expected that journalism will be stifled, in terms of both access and issues that can be covered or openly discussed. The pandemic will be used as a pretext for future limitations on access for journalists, with physical distancing one of the more popular reasons provided for exclusionary practices.

The deterioration of journalism in Malaysia will be further compounded by the economic impact of the coronavirus pandemic, with salaries diminishing and closures imminent. In December leading English language daily *The Star* announced it had been forced to retrench reporters. The National Union of Journalists criticised the move, saying that “journalists have suffered enough, some endured deductions of allowance and even cutting of working hours”.

If the current wide-ranging laws are not repealed, or at very least amended to be less expansive and thus open to abuse or misapplication, it is quite likely that Malaysia's repressive attitudes towards media freedom will continue well into the Perikatan Nasional administration's tenure.



Civil society organisations protest outside Malaysia's Parliament in Kuala Lumpur on 14 March 2021.

Credit: Centre for Independent Journalism, Malaysia

SPECIAL REPORT

MEDIA COUNCIL PLANS STALLED

The idea of self-governing press councils has been discussed since the 1970s, but it has yet to go very far in Malaysia. In 2018, after the Pakatan Harapan alliance took power at the 14th General Election, representatives from several quarters met to discuss the matter seriously. They included people from the traditional media and digital media, as well as from civil society organisations. It took two years and a number of engagements before a meeting could be arranged with the then Minister for Communications and Multimedia, Gobind Singh Deo. A pro-tem committee for the Malaysia Media Council (MMC) was finally named on January 16, 2020.

The chairman of the pro-tem committee is Malaysiakini chief executive officer Premesh Chandran.

Other members:

- Datuk Mokhtar Hussain (Bernama chief editor)
- Datuk Dr Chamil Wariya (Malaysian Press Institute chief executive officer)
- Datuk Yong Soo Heong (Malaysian Press Institute trustee)
- Ding Jo Ann (Centre for Independent Journalism media monitor)
- Datuk Ahiruddin Attan (National Press Club president)
- V. Gayathry (University of Nottingham lecturer)
- Kuik Cheng Kang (Editors Association of Chinese Medium Malaysia representative)
- Tehmina Kaoosji (Journalists Alliance)
- Radzi Razak (Gerakan Media Merdeka)
- Ashwad Ismail (Astro Awani)
- Rozaid A. Rahman (The Star)
- Patrick Lee (Foreign Correspondents Club of Malaysia)
- Jahabar Sadiq (The Malaysian Insight)
- PC Liew (Media Chinese International Group)
- Lokman Mansor (NSTP Group Editor)
- Professor Zaharom Nain (University of Nottingham)
- S.S. Yoga
- Farah Marshita Abdul Patah (NUJM Vice President)
- Muguntan Vanar (President of the Sabah Journalist Association)
- Jacqueline Radoi David (President of the Federation of Sarawak Journalists Associations)

During discussions in January and February 2020, the pro-tem committee agreed to set up several sub-committees with the following principles:

1. The scope of the media council shall cover all forms of media including print, broadcast and online and shall cover private as well as public-owned media.

2. The media council will NOT cover individual speech on social media or blogs, which other laws currently do or should cover.

3. Participation in the media council will be on a volunteer or opt-in basis. There will have to be sufficient benefits and incentives for the media industry to participate.

4. Laws that curb press freedom or inhibit good journalistic practices will have to be abolished.

5. The media council will have a code of conduct for media as well as a proper grievance procedure.

6. The media council will also look into the overall sustainability of the media industry, improving journalism standards and media literacy.

The sub-committees submitted their discussions regarding the code of conduct, memberships, draft bills and financing. However, progress was slow due to the global COVID-19 pandemic and the 2020 Malaysia political crisis, in which the Pakatan Harapan government was replaced by the Perikatan Nasional coalition. All the findings and reports were completed in July 2020 and were published on the committee's website <https://www.mediacouncil.my/>

Engagement with key stakeholders Malaysian media companies and groups

The pro-tem committee consisted of members from three main groups: editors and publishers, journalism fraternities, and civil society organisations. This made the engagement of various voices within the industries easy and agreeable.

Government ministries and agencies

Problems arose with engaging the government agencies, especially during the pandemic and after the shift of power in the federal government. The Malaysia Media Council pro-tem committee started to engage officially with the new Minister for Communications and Multimedia, Saifuddin Abdullah, after March 2020. However, the proposed meetings in July, August and September were postponed indefinitely.

There was also a proposal to set up meetings with the Malaysia Communications and Multimedia Commission (MCMC) and the Home Ministry, as well as the Prime Minister's Department. The MCMC is a regulatory body whose key role is the regulation of the communications and multimedia industry based on the powers provided for in the Malaysian Communications and Multimedia Commission Act 1998, the Communications and Multimedia Act 1998 [2] and the Strategic Trade Act 2010. It monitors posting, comments and news on digital platforms as well as social media in the country. Digital publishers including news companies have to adhere to the content code enforced by the MCMC.

The Home Ministry is responsible for enforcing the Printing and Publishing Act 1984, which regulates the permits of newspapers and printing in the country. The Prime Minister's Department is a powerful office in the government, but sadly it has been used to intimidate several reports by the media.

Parliament and lawmakers

The pro-tem committee met with Members of Parliament (MPs) at the Parliament building on August 26, 2020. Twenty MPs, mostly from the opposition, gave positive feedback. Sadly, nothing was said by government MPs.

Structure, representation & progress

The pro-tem committee suggested that a Malaysia Media Council be established through an Act of Parliament which would set out the powers and functions of such a council to enhance the independence and freedom of journalists and the media, improve standards of journalism, provide for self-regulation by the media, and provide for matters connected or incidental to the same.

The structure of the council should represent all major stakeholders in the media industry, particularly publishers and media practitioners, including editors, journalists, designers and photographers.

The committee agreed that membership should be on a voluntary basis, with sufficient incentives for major media to participate. Compulsory membership would resemble regulatory control and could result in reluctance in relation to cooperation and support for the council.

The committee also recommended excluding individual expressions of speech, such as in blogs and social media, as these expressions are not subject to journalistic checks and balances and can be regulated under existing laws such as the Communications and Multimedia Act.

In order to be independent, the members of the council should be nominated and selected among its members. All stakeholders should be represented, with a balance in gender and geographical distribution.

Proposed model

The Malaysia Media Council should consist of a 13-member executive committee, comprising:

- Four (4) from media publishers, to be voted from amongst members who are registered as such.
- Four (4) from groups representing journalist and media practitioners, to be voted from amongst members who are registered as such.
- Four (4) from non-media practitioners, including civil society organisations, to be voted from amongst members who are registered as such.
- A Chairperson, to be elected by the executive committee.

The executive committee can add on voting members on the committee (not exceeding 25).

Funding models

Funding of the Malaysia Media Council shall be via membership fees, to be determined by the council and a grant from Parliament, and / or by a suitable tax to be determined by Parliament, such as on advertising or internet connectivity.

Copies of the budgets shall be provided to the federal government and annual reports shall be tabled in Parliament.

Grievance mechanisms

The Malaysia Media Council shall also act as an arbitrator between the media industry, media companies and general public through its grievance mechanism, which will be accessible to any party with an interest in ethical and responsible reporting, or to any person aggrieved by actions of a member of the council aimed at establishing credibility and creating accountability of the media industry.

Any member of the public can file a complaint regardless of status, with due regard for the privacy of complainants where applicable so that any grievance can be handled and resolved in a fair, impartial and transparent manner guided by principles relating to non-discrimination, due process, natural justice, good faith, accessibility, efficiency, accountability and independence.

Progress and consultations

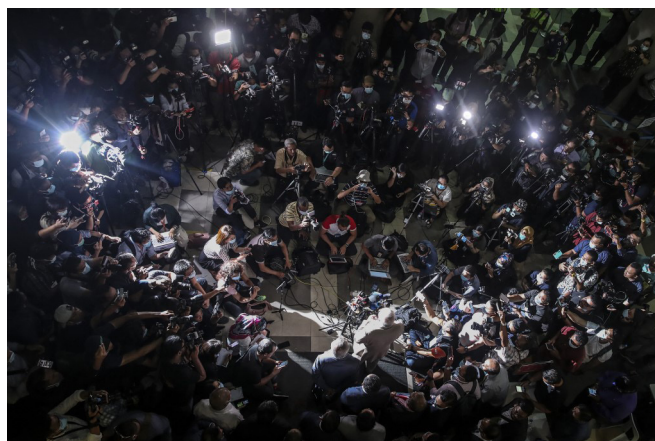
The report and the draft bill that sets out the establishment of the council via an act of parliament was submitted on August 3, 2020. The proposal and draft bills have been published on the pro-tem Malaysia Media Council committee website since then.

There was a feedback from the minister's office in January 2021 giving 12 questions regarding the draft bill. This was addressed by the pro-tem committee on January 27, 2021.

Conclusion

The federal government, now controlled by the Perikatan Nasional coalition, has not given very much thought to the proposal for a Malaysia Media Council. The pro-tem committee is of the view that the discussion regarding the council with the current government is likely to move very slowly, if it moves at all.

Members of the pro-tem committee decided to continue the fight for Malaysia Media Council and are in discussion to address the issue more publicly in the future. The pro-tem committee will remain intact for the meantime and will engage and take action towards a self-regulating future for the Malaysian media.



Malaysia's former prime minister Najib Razak holds a press conference. Credit: FAZRY ISMAIL / AFP



Multiple journalists' groups have handed a memorandum to the minister of Communications and Multimedia in Malaysia to mark World Press Freedom Day on May 3.
Credit: CENTRE FOR INDEPENDENT JOURNALISM, MALAYSIA

SPECIAL REPORT

WOMEN FIGHT GENDER BIAS

The year 2020 was a monumental and extraordinary year globally. The Covid-19 pandemic ravaged the world and the media showed up 24/7 to fight the accompanying “infodemic” and the assault on democratic rights and freedom of expression.

Naturally, women media workers, journalists and human rights defenders were at the heart of this response. For Malaysia and its female media workers and journalists, it was undoubtedly the most challenging year on record, with several developments exacerbating risks relating to working conditions in general and media freedom in particular.

This chapter aims to contextualise the events that unfolded in Malaysia in 2020, with key insights from primarily female media workers discussing the main challenges and making recommendations for action moving forward.

Background

An unexpected change of government in late February 2020 resulted in the loss of power by the Pakatan Harapan coalition, and the suspension of its reformist

agenda and renewed space for media freedom and freedom of expression, as the Perikatan Nasional government was ushered in.

This movement at the top, combined with the simultaneous onset of the Covid-19 pandemic, allowed for physical distancing and other health regulations to be used as easy pretexts for limiting and preventing media agencies and workers' attendance at press conferences and parliament sittings. The media's working conditions while on the job also continued to be high risk, with Malaysian media workers covering not only the daily news cycle, but also state elections in Sabah. Meanwhile, media workers were still not classified as front-line workers and thus were not eligible under the early Covid-19 vaccination rollout.

Key priorities

The future of journalism from a gender perspective must take into account the impacts of COVID-19 on work-life balance. With teleworking or working from home becoming the norm, women media workers' challenges increased. The new conditions showed the need for a more gender-sensitised ecosystem with regard to support for childcare, division of labour for domestic chores, and the burden of care for babies, children and elderly family members.

The pressures of parenting in a pandemic pushed

women around the country out of work or into burnout. There is an urgent need to collect qualitative and quantitative data around this issue in relation to Malaysian female media workers.

Neglecting the challenges faced by working mothers in media increases the odds of journalism becoming an arena open only to single or child-free women. There are also fewer opportunities for career advancement and full-time employment in media for married women and those who are mothers, as stereotypical perceptions about women's abilities to work and lead in fast-paced newsrooms stubbornly persist. These includes stereotypes about coming back to work after starting a family, which also result in women leaving the industry after a certain age.

The National Union of Journalists Malaysia's 2020 survey of media personnel found that women were well represented in executive and management roles such as CEO, executive and general manager, with 83.3 per cent of the 240 respondents saying their organisation had women in high-ranking roles. However, respondents reported that women were much less well represented in senior editorial roles such as directors, bureau chiefs and editors.

Such under-representation results in a toxic and self-perpetuating cycle in which there are few mentors in newsrooms for future female leaders. This not only impacts on the working atmosphere but also points to the lack of gender mainstreaming in Malaysian media, the dearth of gender-sensitised headlines and language, and poor coverage of hot button issues such as domestic violence, sexual harassment, prostitution and child sexual assault.

One concerning finding of the National Union of Journalists Malaysia survey was that targeted attacks on journalism were the biggest threat to media workers across Malaysia. In worrying trends, harassment was experienced by 8.3 per cent of respondents, online harassment by 5.4 per cent and cyberattacks by 5 per cent.

Somewhat surprisingly, gender-based harassment was reported by only 0.8 per cent of those surveyed, while 89.2 per cent of respondents said they had never experienced harassment, intimidation or violence on the basis of their gender.

This disparity may be due to the fact that women routinely under-report or fail to report targeted attacks due to fear of retaliation, the bystander effect, and a masculine culture that permits sexual harassment. Thus it is likely that the actual figures for gender-based harassment are far higher than what was reported.

Furthermore, the emphasis on teleworking increased the risks of online gender-based violence and trolling, which remain to be quantified.

Challenges

In Asia Pacific, the assault on media, civil society and fundamental freedoms persisted amid the pandemic. The new Civic Space report #PeoplePower2020 shows that the most common violation of civic space is the use of

restrictive laws, followed by censorship and harassment.

Malaysian media similarly continues to be plagued by the 37 laws and sub-laws that repress freedom of speech and expression. These include the Security Offences (Special Measures) Act (SOSMA), the Printing Presses and Publications Act (PPPA), the Sedition Act, and the Official Secrets Act (OSA).

During 2020, there was an increase in incitement to hostility against targeted news outlets and individual reporters. This was most marked in intimidation via digital channels, where women journalists are especially subjected to attack.

In March 2020, *Malaysiakini* journalist Kow Gah Chie was harassed on Facebook over an article she wrote regarding Environment Minister Tuan Ibrahim Tuan Man's defence of logging in Kelantan. The FB post included personal attacks on Kow that drew attention to the fact that she was previously with the Chinese language news desk. The post was shared more than 2,900 times and collected more than 2,200 comments. Most comments were racist in nature, with many calling Gow "bab" (pig) and some suggesting that she should be physically harmed or spat at.

Civil society organisation SUARAM – Suara Rakyat Malaysi, or Voice of the People – noted in their Annual Human Rights Report that investigations under the Sedition Act doubled in 2020, while probes under Section 233 of the Communications and Multimedia Act (CMA) almost tripled over the year.

These included the targeting of female journalist Tashny Sukumaran, then correspondent for *South China Morning Post*. She was called in for a police investigation relating to her May Day coverage of an immigration raid on the downtown Kuala Lumpur COVID-19 red zone.

In June 2020, Boo Su Lynn, editor-in-chief of CodeBlue, a Malaysian health and policy news website, was summoned by the police for investigation under the Penal Code and the Official Secrets Act (OSA). Boo was investigated for her articles on the findings of an independent inquiry into a 2016 fire at Hospital Sultanah Aminah in Johor Baru which claimed six lives.

Clearly, these laws were used as tools to intimidate and silence the media, especially women journalists. The emotional and psychological impact of online trolling and online hate speech received by all female journalists on their social media accounts in the aftermath of such incidents must be seriously considered

Development

Building a sensitised digital society requires a collaboration between government, media and civil society. Hate speech targeting opposing political opinions, lawmakers, women politicians, female public figures and journalists has been particularly concerning. The government of the day may feel inclined towards ever-increasing legal sanctions, but there is a need to address the issues with digital education starting even before primary school, cross cultural communication outreach to bridge the gap between communities, and collaborative efforts with civil society organisations.

The answer is not more legislation, but more legal reform to remove oppressive laws, to improve gatekeeping through the establishment of an ombudsman for state broadcasters, and to introduce grassroots and institutional education targeting all strata of society.

Campaigns by local media

The report *Towards Mapping Media Agents of Change for Gender Equality in Malaysia*, which was funded by UNESCO Jakarta and conducted in collaboration with civil society organisation KRYSS Network and the Institute of Journalists Malaysia, found that online gender-based violence is prevalent, pervasive and insidious for all Malaysian media agents of change, particularly female voices. The dire lack of laws, policies and gender sensitisation through education reinforces an all-round toxic atmosphere for progressive online discussions on gender issues that are centred on human rights.

The January 2020 report concluded that the Malaysian media needs to play a bigger, bolder role in policy change-centric coverage of gender issues including child marriage, female genital mutilation, domestic violence, workplace sexual harassment, gender discrimination and sexism. However, the biggest challenge is the pressure on mainstream media to favour clickbait and sensationalism due to issues of commercial sustainability.

In addition, momentum initially achieved by the Journalists Alliance of Malaysia (JAM) in favour of establishing a Malaysian Media Council has made no progress since the change of government in February 2020. The JAM is an informal collective of major journalist organisations comprising the Institute of Journalists Malaysia, Gerakan Media Merdeka (GERAMM, or Movement for Media Freedom), the National Union of Journalists (NUJ), the Sabah Journalists Association, the Federation of Sarawak Journalists Association, the Kuching Division Journalists Association and the Foreign Correspondents Club of Malaysia.

Much hangs in the balance. The Draft Media Council Act released by the Malaysian Media Council pro tem committee in July 2020 included a Code of Conduct for ethical media reporting and coverage of gender issues, as well as for ensuring balanced gender representation in the proposed council.

Political actors

Reporting during the Covid-19 pandemic made female journalists vulnerable to targeted harassment by state and political actors. On April 8, 2020, Channel News Asia's Malaysia bureau chief Melissa Goh was accused by Malaysian Defence Minister Ismail Sabri Yaakob of having "bad intentions" behind her tweet about one of his statements regarding food for migrant workers in buildings under lockdown. This attack resulted in thousands of retweets and hundreds of comments condemning Goh's work and her credibility as a journalist.

Civil society and academia

Civil society organisations such as the Centre for Independent Journalism have been a vocal and consistent voice of reason, uplifting media freedom and defending the rights of female media workers throughout 2020, particularly in their World Press Freedom Day message.

UN and other international agencies

In December 2020, United Nations Malaysia and United Nations Population Fund (UNFPA) Malaysia organised the inaugural Malaysia Women & Girls Forum (MWGF). Aiming to amplify, track and provide proactive recommendations and solutions on advancing the rights and wellbeing of Malaysia's women and girls, the forum included commentary by media figures and workers in support of gender and diversity in Malaysian media.

At the forum, Senator Ras Adiba Radzi, the chairperson of Bernama (the Malaysian National News Agency), made a keynote address in which she touched on the growing problem of online gender-based violence. Senator Ras Adiba said that, between March and June 2020, South and Southeast Asia saw a staggering 168 per cent increase in misogynistic online content. This, she said, necessitated a standalone Sexual Harassment Act in Malaysia to ensure that survivors feel empowered to take action and do not live in fear due to a lack of protective legislation.

In another keynote speech, Natalie Hussain, multimedia journalist at R.AGE (*The Star*) noted that sexual harassment survivors have spoken out against their perpetrators on Twitter. She acknowledged that, even so, women in media, politics and entertainment face online abuse for speaking out against harassment. This not only has the effect of silencing women, but also sends the message to young people that if you speak out, you will be a target and you will be punished.

In a plenary panel discussion, Nailah Huda, a broadcast journalist with Astro Awani, said that newsrooms should invest in providing more training to reporters, including by working with civil society to better understand gender-sensitive issues such as sexual assault and prostitution. Nailah added that breaking the glass ceiling by having more women in editorial positions alone is not enough to elicit change. Sometimes, this has the effect of merely placing women in existing structures built by men and for men.

Alongside Nailah, Zurairi AR, assistant news editor with the *Malay Mail*, noted that the majority of Malaysian male-dominated newsrooms display a "boys' club" mentality, which is set in patriarchal gender tropes and traditions and invariably results in gender bias. This is evident not only in sexist and demeaning headlines and misogynist handling of stories, but also in hiring practices, he said.

The lack of female representation in newsrooms also results in misgendering of trans women and intersex and non-binary persons, and there is a lack of awareness about how certain stories can enable and even promote physical and online gender-based violence.

Zurairi highlighted several examples of this, including the harassment of those who participate in the annual Women's March, judgmental stories about women artistes who discard their hijab, and sensational coverage of prominent transgender individuals, such as when celebrity cosmetics entrepreneur Nur Sajat went for the Umrah or Islamic pilgrimage.

Zurairi added that many of these issues could be nipped in the bud with a more diverse team of editors to catch instances of sexism and misogyny before publication. He stressed, however, that this does not mean men cannot do their part, since being gender-sensitive is not limited to any gender, sexuality, age, class or ethnic and religious background.

Male editors can do this by elevating women's voices, especially when quoting newsmakers ranging from politicians, NGO activists, subject matter experts and analysts to those interviewed for vox pop segments.

Conclusion and recommendations

In order to address the various issues impacting women media workers, it is essential first to collect gender disaggregated data on the high rate of media job losses. Closures of traditional print and media houses over the past two years have been exacerbated by the pandemic in 2020, leading to further overall job losses or losses in full time media employment. There is an urgent need to ensure the economic wellbeing of these women media workers.

Secondly, 2020 has meant that female media workers need to stay nimble and flexible and acquire new skills sets, such as digital broadcasting and conducting remote interviews, to stay relevant in the job market. This results in huge intersectional disadvantages for media workers who are women of colour, minority women and LGBTQ individuals, with differing levels of equity and accessibility to digital technologies and opportunity for professional training, technological and innovation support. All these were cited as top current priorities for journalists surveyed by IFJ.

Lastly, ensuring that oppressive laws impacting Malaysian media freedom are addressed through the establishment of the long-awaited Malaysian Media Council will be instrumental to addressing short-term and long-term agendas impacting overall gender and diversity.

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NUJM SURVEY OF JOURNALIST WORKING CONDITIONS IN MALAYSIA

The National Union of Journalists Malaysia 2020 survey of working conditions attracted responses from 240 members of the media operating in Malaysia.

The survey found that nearly 54 per cent of respondents said their work had caused them security concerns, with key threats being targeted attacks for their work (8.3 per cent), salary concerns amidst the pandemic (5.8 per cent, with 45.4 per cent of respondents saying their salaries had been impacted) and online harassment (5.4 per cent).

Although the bulk of respondents felt that there had been no significant change in the media situation over the past 12 months (38.3 per cent), a large percentage (30.4 per cent) noted it had worsened to some degree, with 18.8 per cent of respondents pointing at economic impact or state/political actors and a further 22.5 per cent indicating government policy or legislation as a reason for the state of play.

Most respondents agreed there was a culture of impunity regarding attacks against journalists, with 56.3 per cent describing it as a moderate issue and 30.8 per cent describing it as serious. The government and political leadership were the main factors listed as enabling this culture of impunity.

A whopping 75.3 per cent of respondents indicated that the government had not put in sufficient effort to protect journalists in 2020, rating the government as either neutral or in need of improvement, with 34.1 per cent of respondents pointing the finger at legislation and other regulations as the cause of this laissez-faire attitude while 25.4 per cent said that "pressure" from the ruling party also played a key role.

A worrying 83.8 per cent of respondents rated their employers as "extremely bad" in handling security and safety issues, including legal issues and individual threats.

The bulk of respondents (80 per cent) said that the coronavirus pandemic had also impacted their work, particularly in the areas of restrictions on reporting, salary woes and health and safety considerations. COVID-19 was a key concern for many, with 42.5 per cent of journalists and media workers rating their employers or management as being in need of improvement when it came to handling security during the pandemic.

MALAYSIA MEDIA VIOLATIONS 2020-21

February 5, 2020: Wan Noor Hayati Wan Alias, a journalist and union activist, is charged under section 505(b) of the Penal Code over Facebook posts about the novel coronavirus and Finance Minister Lim Guan Eng. The posts are deemed to violate the code for publishing and to circulate rumours with the intention of causing fear or alarm to the public. On March 11, lawyers for Wan Noor Hayati tell the court she will ask the Attorney-General to drop the charges.

March 12, 2020: Kow Gah Chie of *Malaysiakini* news site is targeted in online hate campaign after writing about the new environment minister and his defence of logging in Kelantan. The posts accuse Malaysiakini of fabricating the story, call Kow a "pig" and threaten to harm her physically.

April 15, 2020: National Security Council urges the Malaysian Communications and Multimedia Commission to take "stern action" against online media that misreport the news. This follows a tweet from the Information Department defining "fake news" as news that "instils hatred towards the ruling government and leaders".

May 6, 2020: Tashny Sukumaran of *South China Morning Post* is summoned by police under section 504 of the Penal Code and section 233 of the Communication and Multimedia Act over her reporting of raids targeting migrants and refugees in COVID-19 "red zones". Communications and Multimedia Minister Saifuddin Abdullah instructs the Malaysian Communications and Multimedia Commission not to act against her, signalling he will review the laws used to criminalise press freedom.

May 5, 2020: Putrajaya Magistrates Court bans journalists from covering proceedings in open court against Nurulhidayah Ahmad Zahid, the eldest daughter of United Malays National Organisation party president Ahmad Zahid Hamidi, and Nurulhidayah's husband Saiful Nizam Mohd Yusoff. The couple are each fined **RM800 (USD185)** for violating a COVID-19 travel ban.

May 9, 2020: Patrick Teoh, an actor and former radio DJ and television personality, is detained and investigated over allegations he insulted the Crown Prince of Johor, Tunku Ismail Sultan Ibrahim, on Facebook. The investigation is opened under Section 233(1) of the Communication and Multimedia Act. On June 14, Teoh pleads not guilty to knowingly making and initiating the transmission of an offensive communication with intention to annoy others. The charge carries a fine of RM50,000 (USD12,200) or one year in jail, or both.

May 18, 2020: Journalists not from government-owned media are barred from covering proceedings

of the Lower House of Parliament and forced to wait outside in intense heat. At about 11.30, a reporter from Kwong Wah Yit Poh, a local Chinese language daily, faints and falls to the ground.

June 9, 2020: Blogger Dian Abdullah is charged with sharing offensive content in posts about Malaysia's King under section 233 of the Communications and Multimedia Commission Act and section 505(b) of the Penal Code.

June 17, 2020: Independent news site *Malaysiakini* and its editor-in-chief Steven Gan are charged under the Communications and Multimedia Act with contempt of court over readers' comments in an article headlined "CJ [Chief Justice] orders all courts to be fully operational from July 1". On **July 2**, the Court of Appeal sets aside an appeal against the charges, finding that Attorney-General Idrus Harun has sufficiently established the facts to initiate the contempt proceedings. On **February 18, 2021**, the court finds the charge proven against *Malaysiakini* and fines it **500,000 Malaysian ringgit (USD123,000)** – more than double sought by the amount the prosecution – but clears Gan.

June 30, 2020: Boo Su-Lyn, editor-in-chief of health news portal CodeBlue, is summoned for investigation under the Penal Code following the publication of four articles based on findings from an inquiry into a hospital fire in Johor Baru in 2016 that killed six patients. Kuala Lumpur police chief Mazlan Lazim confirms Boo is being investigated under Section 203A of the Penal Code, which criminalises the disclosure of information.

July 10, 2020: Tashny Sukumaran of *South China Morning Post* is summoned for questioning over her contribution to the banned book *Rebirth: Reformasi, Resistance and Hope in New Malaysia*, which was banned on July 1 under the Printing Presses and Publications (Control of Undesirable Publications) Order 2020. Home Minister Datuk Seri Hamzah Zainuddin alleges its cover resembles Malaysia's coat of arms. The book features articles by political analysts and journalists on the 2018 general election and life in the "new" Malaysia.

July 8, 2020: Police launch an investigation under Section 500 of the Penal Code and Section 233 of the Communications and Multimedia Act into an Al Jazeera documentary, "Locked up in Malaysia's Lockdown", on Malaysia's treatment of undocumented migrant workers during the COVID-19 pandemic. Senior Minister Datuk Seri Ismail Sabri Yaakob claims the documentary was produced with "malicious intent" and says that allegations about detentions of undocumented workers are false.

July 10, 2020: Six media workers at Al Jazeera are summoned for questioning in relation to allegations of sedition, defamation and violations of the Communications and Multimedia Act.

July 20, 2020: The National Film Development Corporation Malaysia says Al Jazeera did not have a valid licence to film the program. On July 23, the Communications Minister says it is compulsory for all producers to apply for a Film Production Licence and Film Shooting Certificate.

August 4, 2020: Malaysian police and officers of the Malaysian Communications and Multimedia Commission raid Al Jazeera and two local broadcasters, Astro and Unifi TV, and seize two computers. On **August 7**, Malaysia refuses to renew the work permits of two Al Jazeera staff members, Australian journalists Drew Ambrose and Jenni Henderson.

October 8, 2020: Reports say three Election Commission officers on duty during the Sabah state election in September 26, 2020 have tested positive for Covid-19. At least one media worker who was in Sabah tests positive after returning. The National Union of Journalists of Malaysia and the International Federation of Journalists call for all media workers to take particular care to protect themselves during the pandemic.

October 19, 2020: Parliament announces it will limit media access to its upcoming session to 15 news organisations. All others will have to take coverage from state-owned outlets *RTM* and *Bernama*. Parliament justifies the decision as a response to the COVID-19 pandemic but does not explain the mechanism for selecting the 15 outlets. **JSI 2. IFJ H.**

October 22, 2020: The National Security Council directs all employees to work from home in an attempt to control the spread of COVID-19. The National Union of Journalists Malaysia and the International Federation of Journalists call for an exemption from the order to allow all media personnel to carry out their duties without being detained or held up at roadblocks.

January 12, 2021: At the request of Prime Minister Muhyiddin Yassin, King Al-Sultan Abdullah declares a state of emergency until August 1. Parliament is suspended and the government is granted extraordinary powers. The National Union of Journalists of Malaysia requests that all press conferences be conducted online and that journalists be given special permission to cross roadblocks and receive assistance when covering stories and conducting surveys in public places.