



Australian Government
Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT MALAYSIA

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ACRONYMS

1MDB	1 Malaysia Development Berhad (government investment fund)
ASEAN	Association of Southeast Asian Nations
AUD	Australian dollar
BN	Barisan Nasional (English: National Front)
CAT	<i>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i>
CEDAW	<i>Convention on the Elimination of all Forms of Discrimination Against Women</i>
CMA	<i>Communications and Multimedia Act (1998)</i>
CPED	<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>
CRC	<i>Convention on the Rights of the Child</i>
CRPD	<i>Convention on the Rights of Persons with Disabilities</i>
DAP	Democratic Action Party
EPO	Emergency Protection Order
FGM	Female Genital Mutilation
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICERD	<i>International Convention on the Elimination of all Forms of Racial Discrimination</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
ICMW	<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>
IOM	International Organization for Migration
IPCCM	Independent Police Complaints and Misconduct Commission
IRB	Inland Revenue Board
JAKIM	National Department of Islamic Development
LGBTI	Lesbian, gay, bisexual, transgender and/or intersex
MCA	Malaysian Chinese Association
MCMC	Malaysian Communication and Multimedia Commission
MCO	Movement Control Order

MYR	Malaysian Ringgit
NGO	Non-governmental organisation
OSCC	One Stop Crisis Centre
PAA	<i>Peaceful Assembly Act (2012)</i>
PAS	Pan-Malaysian Islamic Party
PH	Pakatan Harapan (English: Coalition of Hope)
PN	Perikatan Nasional (English: National Alliance)
POCA	<i>Prevention of Crime Act (Amendment and Extension) (2013)</i>
POTA	Prevention of Terrorism Act
PR	Pakatan Rakyat (English: People's Pact alliance)
RELA	People's Volunteer Corps
REMEDI	Refugee Medical Insurance Scheme
RMP	Royal Malaysia Police
SOSMA	<i>Security Offences (Special Measures) Act (2012)</i>
SUARAM	Suara Rakyat Malaysia, a Malaysian human rights NGO
SUHAKAM	Suruhanjaya Hak Asasi Manusia Malaysia (English: Human Rights Commission of Malaysia)
UMNO	United Malays National Organisation
UNHCR	Office of the United Nations High Commissioner for Refugees
UPR	Universal Periodic Review
USD	US dollar

GLOSSARY

<i>Adat</i>	Customary law
<i>Ah Long</i>	Chinese Malaysian term for unlicensed money lenders
<i>Anak Negeri</i>	Indigenous peoples of Sabah and Sarawak
<i>Bumiputera</i>	Literally 'sons of the soil'; Malaysian term to describe ethnic groups including Malay and indigenous peoples
<i>Dewan Rakyat</i>	Lower house of parliament
<i>Dewan Negara</i>	Upper house of parliament
<i>Fatwa</i>	Formal guidance/ruling issued by Islamic authorities to provide resolution when there is doubt whether a practice is permissible or forbidden in Islam
<i>Gila</i>	Crazy, used to refer in a pejorative manner to a mentally ill person
<i>MyKad</i>	National Identity Card
<i>Orang Asli</i>	Literally 'original people'; Malaysian term for indigenous peoples of peninsular Malaysia
<i>Sekolah agama rakyat</i>	Islamic and religious schools
<i>Syariah</i>	Islamic law (also spelt Sharia)

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures.

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers).

1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Malaysia.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act (1958)*, states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Malaysia. It also takes into account relevant information from government and non-government sources, including but not limited to: those produced by the Malaysian government and the US Department of State; relevant UN bodies and international organisations such as the Asian Development Bank, the World Bank, the International Organization for Migration, the Office of the UN High Commissioner for Refugees and the World Health Organization; leading human rights organisations and international non-governmental organisations such as Human Rights Watch, Amnesty International, Transparency International and Freedom House; Malaysian non-governmental organisations; and reputable Malaysian and international news organisations. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT Country Information Report on Malaysia published on 29 June 2021.

2. BACKGROUND INFORMATION

COUNTRY OVERVIEW

2.1 The colony of Malaya achieved independence from the United Kingdom in 1957. In 1963, Malaya joined with Singapore, Sabah and Sarawak to form the Federation of Malaysia. Singapore subsequently left the Federation in August 1965.

2.2 Malaysia is ethnically diverse and has historically experienced episodes of [racial tension](#). Following the 1969 general election, race riots broke out between ethnic Malays and Chinese Malaysians in Kuala Lumpur. Officials recorded 196 deaths, although the actual figure may have been much higher. These riots led to the development of affirmative action policies favouring [ethnic Malays](#) and [indigenous groups](#) (collectively known as *Bumiputera*) over other ethnicities in business, higher education, property ownership, government contracts and civil service jobs. Elements of these policies remain in place today.

2.3 For almost half a century following independence, Malaysia was governed by Barisan Nasional (BN), a coalition made up of Malay party UMNO (the largest party in BN), with Chinese and Indian-dominated political parties. Following several years of declining popularity, and the multi-billion-dollar 1MDB corruption scandal involving Prime Minister Najib Razak, BN was defeated in the 2018 election by the Pakatan Harapan (PH) coalition. Mahatir Mohamad became Prime Minister, a position he had previously held between 1981 and 2003.

2.4 The PH coalition became unstable in 2020. Following Mahathir's resignation in February 2020, Malaysia's reigning monarch appointed Muhyiddin Yassin as Prime Minister at the head of a new coalition called Perikatan Nasional (PN). Muhyiddin's government lasted less than a year before he resigned and was replaced by Ismail Sabri Yaakob of UMNO. Ismail in turn struggled to maintain power, eventually resulting in snap elections held in November 2022, which led to a hung parliament.

2.5 Following entreaties by the King, BN agreed to join the PH coalition under the leadership of former Deputy Prime Minister Anwar Ibrahim. Anwar's stated priorities include fighting corruption, promoting judicial independence, and improving the economic conditions of ordinary people. The Islamic Party of Malaysia (PAS) won the most seats in the 2022 general election, leading some commentators to warn of a 'rising wave of [Islamisation](#)' across Malaysia (also referred to as a 'green wave,' in reference to the colour representing PAS). PAS also performed strongly in state elections in 2023, winning 49 per cent of votes cast, even while PH retained power in the states it had previously held.

DEMOGRAPHY

2.6 Malaysia has an estimated population of 32.9 million people according to the Department of Statistics Malaysia, of which three-quarters reside in urban centres. The country also hosts several million [documented and undocumented migrants](#). For ethnic demography, see [Race/Nationality](#). For religious demography, see [Religion](#).

ECONOMIC OVERVIEW

2.7 The World Bank classifies Malaysia as an upper middle-income, export-oriented economy. In 2022, real GDP growth was 8.7 per cent and per capita GDP was USD 11,993 (AUD 18,000). Since Independence, Malaysia has transformed from a commodity-based economy focused on producing rubber and tin, to a leading producer of electronic parts and electrical products, oil and natural gas, and a variety of other manufactured products. Malaysia has also developed its service sector, which now contributes half the country's economic growth.

2.8 Malaysia's strong economic performance over the last few decades has led to a significant reduction in poverty. Households living below the national poverty line of MYR 2,589 (AUD 864) fell from over 50 per cent in the 1960s, to less than 6.2 per cent in 2022. Persistent inequalities remain for indigenous peoples and the poorest 40 per cent of the population (known as the 'B40') who are the recipients of government assistance. Poverty rates are higher in rural areas, especially in Kelantan, Sabah, Sarawak and Kedah states.

2.9 The COVID-19 pandemic had a major economic impact on Malaysia, particularly on the most vulnerable. Poverty rates rose and growth fell due to the COVID-19 pandemic in 2020 and 2021, although the economy has since recovered. Ongoing economic challenges include inflation and cost of living increases, as well as high levels of household debt.

Employment

2.10 In April 2023, the Department of Statistics Malaysia reported an unemployment rate of 3.4 per cent, the lowest since the COVID-19 pandemic. There are labour shortages in many sectors, and small, medium and large enterprises are highly reliant on migrant labour. In 2023, the Department of Statistics Malaysia estimated there were 2.2 million documented migrant workers in Malaysia. Unofficial estimates of undocumented or irregular migrants vary considerably. In 2023, the IOM estimated there were also a further 1.2 to 3.5 million undocumented migrants living in the country. According to the US Department of Labour, migrant workers in Malaysia are frequently subject to abuses ranging from excessive recruitment fees to serious violations of terms and conditions of their employment.

Health

2.11 Malaysia has a well-established universal health care system which is accessible to most of the population. Health facilities are generally available within a five kilometres radius in urban centres. Healthcare is less available outside major cities, especially in Sabah and Sarawak. Healthcare for Malaysians is generally affordable: in-country sources reported that Malaysians can pay as little as MYR 1 (AUD 0.33) for a doctor's visit and MYR 1.5 (AUD 0.50) per day to stay in a hospital.

2.12 While foreign nationals, stateless people, asylum seekers and refugees technically have the same access to the public health system as Malaysian citizens, they are required to pay 'first class' treatment fees, which are much more expensive. First class fees can range from three to 10 times what would be paid by a Malaysian citizen – in-country sources report first class fees of approximately MYR 15 (AUD 5) for a doctor's visit and MYR 200 (AUD 66) per day for a stay in hospital – although fees can vary at the discretion of medical and hospital staff. These first class fees are generally unaffordable for poor, undocumented migrants.

2.13 People living with disabilities (PLWD) in Malaysia often face challenges in daily life. UNICEF reports that PLWD, especially children, are often hidden, portrayed negatively or excluded from society, face daily stigma and discrimination, and are prevented from accessing their rights due to gaps in legislation.

Mental Health

2.14 Mental health services are a notable gap in Malaysia's otherwise strong healthcare system. In-country sources reported that mental healthcare was hard to access, expensive and 'only for the privileged'. There is significant stigma attached to mental health issues in Malaysia, though this appears to be declining in urban areas. Attempting suicide was decriminalised in Malaysia in May 2023. The word *gila* (crazy) or the term 'gila monster' is often used to describe people living with mental illness. Some Malaysians, irrespective of socioeconomic status, ascribe mental illness to supernatural causes and turn to traditional spiritual healers and exorcists, rather than health professionals, for support. Spiritual healers are particularly common in Sabah and Sarawak, especially in rural areas where health services are lacking.

Education

2.15 Primary school education (six years of education, beginning at age seven) is free and compulsory. The *Education Act* (1996) requires parents to register their children at the nearest school before the age of six, and the child must remain in school for a minimum of six years. Chinese and Indian (chiefly Tamil) schools exist at the primary level, and Chinese schools also exist at the secondary level. Enrolment rates are high: according to the World Bank, all eligible children in Malaysia complete primary school, without any real difference between boys and girls. Nevertheless, Malaysian students perform relatively poorly against regional benchmarks, and experts within and outside Malaysia have criticised the overall quality of the education system.

2.16 Public universities were historically required to ensure an enrolment quota of 70 per cent of *Bumiputera* students before admitting students of other ethnicities (see [Chinese Malaysians](#); [Indian Malaysians](#)). Despite the removal of government-sanctioned ethnic quotas in public universities in 2002, *Bumiputera* continue to secure most public university places. In-country Chinese and Indian sources reported that students of those races often cannot get into their preferred university courses, even with higher marks than some Malay peers.

POLITICAL SYSTEM

2.17 Malaysia is a federal constitutional monarchy. It has a Westminster-style parliamentary system of government, and conducts periodic, multi-party elections. The Prime Minister is the Head of Government and head of the federal cabinet. The King (*Yang di-Pertuan Agong*) is the Head of State and Commander in Chief of the Armed Forces. A two-thirds parliamentary majority is required to amend the Constitution.

2.18 Malaysia has 13 states and three federal territories. Federal (bicameral) and state (unicameral) legislatures share legislative power. The federal parliament comprises the *Dewan Rakyat* (lower house) and the *Dewan Negara* (upper house). The lower house has 222 members elected for five-year terms in single-seat constituencies. The upper house has 26 members elected by State Legislative Assemblies, four appointed to represent federal territories (with two for Kuala Lumpur), and 44 appointed by the King, on the advice of the Prime Minister, for a maximum of two three-year terms.

2.19 Each state has a Chief Minister. The federal government directly administers the three federal territories of Kuala Lumpur, Putrajaya and Labuan. Nine of the 13 states have hereditary rulers (eight Sultans and one Rajah), who share the position of King on a five-year rotating basis. Matters pertaining to Islam, including codification of *syariah* based laws and procedures and their administration, fall under state jurisdiction, with the Sultans being the designated heads of religion in each state. As a constitutional monarch, the King has traditionally remained above politics, however political instability since the general election in

2018 has required the King to become more involved in political affairs. For example, following the hung parliament after the 2022 election, the monarch initially proposed a unity government between Mr Anwar and Mr Muhyiddin, and when this option was refused, chose Mr Anwar to be Prime Minister.

Corruption

2.20 Transparency International's 2022 *Corruption Perceptions Index* (CPI) ranked Malaysia 61st out of 180 countries and territories. Malaysia's CPI ranking has remained largely steady over the last 10 years, although corruption remains a significant concern. A 2022 study published in *Public Administration and Policy* analysing the prevalence of corruption in Malaysia since 2004 stated there was a high prevalence of bribery, embezzlement, fraud, cronyism, bid-rigging, and money laundering at the highest levels of government. Corruption also occurred among police, in low value tenders, and in evading business regulation.

2.21 According to in-country sources, many ordinary Malaysians perceive important institutions to be corrupt. For example, in country sources reported that 95 per cent of Malaysians perceived the police as corrupt and able to be bribed, and a Transparency International Corruption Barometer survey found almost half of Malaysians surveyed perceived the police as corrupt. Nevertheless, GAN Integrity reported in 2020 that it was uncommon to be required to pay bribes to access government services in Malaysia.

2.22 Politicians have brought corruption charges against political opponents. In March 2023, former Malaysian Prime Minister, and current opposition leader, Muhyiddin Yassin of Bersatu was charged with four counts of abuse of power and three counts of money laundering. Muhyiddin pleaded not guilty and said he was being politically persecuted. He was acquitted of all charges in August 2023.

2.23 The most prominent recent corruption case in Malaysia involved a government investment fund, 1 Malaysia Development Berhad (1MDB), under the leadership of former Prime Minister Najib Razak. In July 2020, Najib was convicted on seven charges and sentenced to 12 years in prison. He later appealed, and his sentence was halved in February 2024. In November 2022, Najib's wife Rosmah Mansor was sentenced to 10 years jail for soliciting and receiving bribes in connection with government contracts. In September 2023, the President of UMNO, Zahid Hamidi, was charged with 47 offences related to corruption and money laundering. He eventually received a 'Discharge Not Amounting to Acquittal' (DNAA).

Human Rights Framework

2.24 Malaysia is party to international human rights instruments including the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), the *Convention on the Rights of the Child* (CRC), and the *Convention on the Rights of Persons with Disabilities* (CRPD). Malaysia has not signed either the *International Covenant on Civil and Political Rights* (ICCPR) or the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). For a full list, see the [OHCHR website](#).

2.25 Malaysia maintains reservations towards several instruments it has signed, namely: CEDAW (with respect to application of *Syariah* law) and the CRPD (with regard to freedom from torture and liberty of movement). In 2018, Malaysia reversed a pledge to sign the *Convention for the Elimination of Racial Discrimination* (CERD) due to implications for the benefits available to *Bumiputera*. The Constitution contains several human rights commitments, including liberty of the person and prohibition of slavery and forced labour.

National Human Rights Institution

2.26 The Human Rights Commission of Malaysia (SUHAKAM) was established under the *Human Rights Commission of Malaysia (SUHAKAM) Act (1999)*. The King appoints SUHAKAM's Chairman and Commissioners on the recommendation of the Prime Minister. SUHAKAM is compliant with the Paris Principles relating to the Status of National Human Rights Institutions, achieving 'A' status in October 2010 and reaccreditation in June 2021. SUHAKAM has limited investigative powers and cannot refer matters to the Attorney-General for prosecution.

2.27 Some local NGOs reportedly regard SUHAKAM as a credible monitor of human rights in Malaysia. However, in 2022, the Coalition of Malaysian Non-Governmental Organisations was highly critical of the appointment of new commissioners, describing it as non-transparent and resulting in the appointment of several individuals with 'questionable track records and limited knowledge of human rights issues'.

SECURITY SITUATION

2.28 Malaysia's security situation is generally stable. Petty crime is common, including bag-snatching, pickpocketing, and residential burglaries. There's an ongoing high risk of kidnapping in the coastal areas of eastern Sabah, including by suspected Philippines-based militant groups and crime syndicates.

2.29 Terrorism remains a threat in Malaysia. While there have been no major terrorist attacks in Malaysia in recent years, [the US State Department's 2022 Report on Terrorism](#) (the latest available), describes Malaysia as 'a transit point and, to a lesser extent, a destination country for members of terrorist groups including the Islamic State of Iraq and Syria (ISIS), Abu Sayyaf Group (ASG), and al-Qa'ida'.

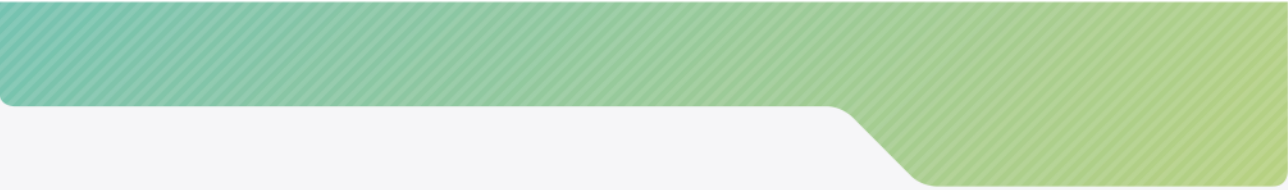
Gang Activity

2.30 Gangs continue to operate in Malaysia. In 2022, local media reported that 72 underworld gangs were being monitored by police as potential threats to the country. In-country sources reported that many street-level gang members were Indian Malaysians, in part reflecting their relative economic vulnerability. In-country sources also reported high-level crime, including drug trafficking, was more typically associated with Chinese Malaysian gangs. Some gangs engage in extortion and [loan sharking](#). Details of gang activities are difficult to obtain, as victims of gang-related crimes do not generally report them due to fear of retaliation.

Trafficking in Persons

2.31 Malaysia is a destination, source, and transit country for human trafficking. The 2023 US State Department *Trafficking in Persons Report* states that most victims of trafficking in Malaysia are documented and undocumented migrant labourers. Victims are commonly trafficked into forced labour, and women and children are often subject to sex trafficking. The *Trafficking in Persons Report* further states that Malaysia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Overall efforts to counter trafficking did not increase compared to the previous year. The government prosecuted and convicted fewer traffickers, and the number of labour trafficking investigations was low compared to the scale of the problem. It is also less likely to provide protection orders for undocumented foreign victims than Malaysian citizens.

2.32 In-country sources reported that many undocumented workers were brought into Malaysia by employment or hiring agencies promising visas and lawful work; however, these promises were often not honoured upon arrival into Malaysia. In May 2023, international media reported that the Malaysian



Department of Labour would sanction firms and remove licences from recruitment agencies found to have misused government quotas and licences for hiring migrant workers. This followed an investigation into hundreds of South Asian workers who were left stranded without work or accommodation after paying high up-front fees to a hiring firm to travel to Malaysia for work. The International Labour Organisation regards this as a form of forced labour, characterised by deception, along with debt bondage stemming from the large recruitment fee, and passport seizure (see also [Statelessness](#)).

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 According to Malaysia's Department of Statistics, Malaysia's ethnic groups include *Bumiputera* (62 per cent, which includes Malays and indigenous persons of the Peninsula, Sabah and Sarawak), Chinese (20.6 per cent), Indian (6.2 per cent), and non-citizens (10.3 per cent). The country's official language is Bahasa Malaysia (Malay), although English is widely used, along with Chinese dialects, Tamil and a variety of indigenous languages. For information about the history of race relations in Malaysia, see [Country Overview](#).

3.2 Article 8(2) of the Constitution forbids discrimination against citizens based on religion or race. Article 153(2) accords a 'special position' for 'the Malays and natives of any of the States of Sabah and Sarawak', thus permitting affirmative action policies. Professor James Chin, a prominent commentator on Malaysian politics, has observed that 'politics in Malaysia revolves around the tensions between the three major ethnic groups: Malays, Chinese and Indians'. This largely concerns peninsular Malaysia; the ethnic dynamics of Sarawak and Sabah are quite different: the largest population groups are non-Malay indigenous people such as the Dayak in Sarawak or Kadazan Dusun in Sabah.

Ethnic Malays

3.3 Under Article 160 of the Constitution, a Malay person (as distinct from *Malaysian* which is the nationality rather than ethnicity) is an individual with characteristics that include professing the religion of Islam, habitually speaking the Malay language, conforming to Malay customs and being the child of a Malay parent.

3.4 Under Article 153 of the Constitution, ethnic Malays and other indigenous groups are given special status. These groups are collectively known as '*Bumiputera*', although the term is not defined in the Federal Constitution or any statute. The term is typically used in Malaysia, including by the government, to refer to Malaysian citizens who are either ethnic Malay, '*Anak Negeri*' (indigenous peoples of Sabah and Sarawak), or '*Orang Asli*' (indigenous peoples of peninsular Malaysia). While the term *Bumiputera* includes Indigenous Malaysians, it is often used colloquially to refer to ethnic Malays alone.

3.5 Government regulations and policies have included numerous affirmative action style preferential programs to boost the economic position of *Bumiputera*. Such programs promote increased opportunities for *Bumiputera* to access higher education, careers within the Civil Service, commercial opportunities, and housing. Some industries (including tertiary education and distributive trade) maintain race-based requirements that mandate a certain level of *Bumiputera* ownership, and the government and many government-linked companies also maintain procurement policies that favour *Bumiputera*-owned supplies. National budgets continue to allocate large amounts of funding intended to benefit *Bumiputera*.

3.6 Despite their constitutionally privileged position, *Bumiputera* households are reportedly over-represented in the bottom 50 per cent of Malaysian households by income. In-country sources reported a large divide between elite Malays and poorer, predominantly rural, Malays. While ethnic Malays, *Anak Negeri*

and *Orang Asli* are all categorised as *Bumiputera*, in practice they are treated quite differently from one another, with indigenous Malaysians much more likely to be marginalised (see [Indigenous Peoples](#)).

3.7 DFAT assesses that ethnic Malays do not face negative official discrimination on the basis of their ethnicity.

Indigenous Peoples (*Orang Asli* and *Anak Negeri*)

3.8 While Malaysia's indigenous peoples are included within the term *Bumiputera*, they are marginalised within Malaysian society. For example, despite *Orang Asli* being badly affected by the COVID-19 pandemic due to public health risk factors associated with poverty, SUHAKAM reported that many did not receive government cash transfers given to the poorest households during the COVID-19 pandemic. According to James Chin, 'in Sabah and Sarawak, [indigenous ethnic groups] Muruts and Penans have the highest incidence of hardcore poverty, respectively'.

3.9 Many indigenous people in Sabah and Sarawak live outside urban areas and have limited access to schooling and healthcare. Some Indigenous people in Sabah and Sarawak have experienced land grabs by property developers because they do not have formal title over their land. According to the US Department of State, although the *Orang Asli* have rights to their customary lands under the constitution, NGOs allege the government has failed to recognize these rights in practice. The government may seize customary land if it provides compensation. There have been confrontations between indigenous communities and logging companies over land, and uncertainty over land tenure has made indigenous people vulnerable to exploitation.

3.10 DFAT assesses that the indigenous peoples of Malaysia face a low risk of official discrimination in the form of inadequate service provision, and failure to uphold and protect customary land rights.

Chinese Malaysians

3.11 According to the Department of Statistics Malaysia, Chinese Malaysians comprise approximately 22.8 per cent of the population in Malaysia. The Chinese Malaysian population is not growing as fast as the *Bumiputera*. Nevertheless, Chinese Malaysians remain one of the largest overseas Chinese communities in the world and are Malaysia's second-largest ethnic group. Chinese Malaysians comprise a high proportion of the professional and educated class, are prominent in business and commerce, and tend to be wealthier than other ethnic groups in Malaysia. The 'MyKad' (national identity card) of Chinese Malaysians does not specify their religion, as do cards of (Muslim) ethnic Malays.

3.12 There are no laws or constitutional provisions that directly discriminate against Chinese Malaysians. Chinese Malaysians freely participate in political life, including as ministers (there are five Chinese Malaysians serving in Anwar's cabinet as of publication) and in opposition parties. Ethnic Chinese politicians have occasionally faced public criticism for interfering with 'Malay rights'. In the 2022 General Election, the Democratic Action Party (DAP) – a predominantly ethnic Chinese party – won 40 of the 220 federal parliamentary lower house seats, seeing its share of the vote fall slightly. The Malaysian Chinese Association (MCA) was historically part of the BN coalition, but has lost favour with Chinese voters due to its association with the *Bumiputera* policies of that coalition.

3.13 There are relatively few Chinese Malaysians in the civil service. According to local media reporting in 2023, a government official said 'only ...4.46 per cent or 70,000 [of Malaysia's civil servants] were ethnic Chinese.' While the use of the Malay language (in addition to English) can be a barrier to employment in the civil service, it does not preclude it. In-country sources reported that Chinese Malaysians often do not apply for government positions as they believe the positions are more likely to be awarded to *Bumiputera* and

provide limited promotion opportunities. The Malaysian Public Sector Commission says there is no racial discrimination in civil service recruitment. Chinese Malaysians reported discrimination against the community in the business sector and government-owned enterprises and unequal access to certain industries due to *Bumiputera* ownership laws. Other ethnicities say they are discriminated against in the Chinese-dominated corporate sector, and that many jobs require Mandarin language skills, which effectively excludes non-Chinese, even though the language of commerce is chiefly English.

3.14 Chinese Malaysians are eligible to access national primary and high school education, although they generally choose to attend one of the nearly 1,300 national-type Mandarin-language primary schools. The Chinese School Leaving Examinations are not recognised for entry into Malaysian public universities, despite their recognition by some other countries. In July 2022, the previous government said it had no plans to change this policy, because the exams were 'not consistent with' National Education Policy. In-country sources reported Chinese Malaysians held a strong perception that Malay students with lower marks are consistently awarded places in their preferred university courses, ahead of members of other racial groups with better marks.

3.15 DFAT assesses that Chinese Malaysians experience low levels of official discrimination when attempting to gain entry into the state tertiary system and the civil service, including when seeking a promotion, or when opening or operating a business in the private sector.

Indian Malaysians

3.16 Indian Malaysians constitute the third-largest ethnic group in Malaysia. Department of Statistics Malaysia estimates their population at 2.02 million, approximately 6 per cent of the population. Most are Tamil speakers, whose ancestors migrated as agricultural labourers for the British prior to independence.

3.17 Many Indian Malaysians are relatively poor. Historically Indian Malaysians had a higher average income than Malays, however Malays have made significant gains due to the benefits of the *Bumiputera* system, which Indian Malaysians are excluded from. Indian Malaysians also reportedly suffer discrimination in obtaining rental accommodation. Indian Malaysians are predominantly Hindu, though some are Muslim, Christian, or Sikh.

3.18 Indian Malaysians tend to be underrepresented in the civil service, and even more so in the police and military. Very few occupy senior positions; however, there are exceptions, and there are several Indian Cabinet ministers. In-country sources reported that while the use of the Malay language can be a barrier to employment in the civil service, it does not preclude it. According to in-country sources, Indian Malaysians sometimes convert to Islam to get ahead in the civil service. According to in-country sources, many Indian Malaysians do not apply for the civil service, assuming they will not be successful. Indian Malaysians also report they are often excluded from employment by the Chinese-dominated corporate sector because of a requirement to speak Mandarin.

3.19 There are publicly-funded Tamil-language primary schools; however, Indian Malaysian students must attend Malay-language public high schools, where some reportedly struggle to make the linguistic adjustment. Indian Malaysians often struggle to access state-based tertiary education. In-country sources reported clear discrimination for university entry in favour of Malays, to the detriment of Indian Malaysian students. In-country sources reported that some students with 'Flat A' marks (a perfect GPA of 4.0) were awarded their 6 or 7th preferred course, while Malay students with lower marks received their first choices.

3.20 A disproportionate number of Indian Malaysians are in prison. According to Malaysian human rights NGO SUARAM, 55 per cent of prison deaths between 2010 and 2017 were Indian Malaysians. Many in-country

sources stated that the high level of incarceration, as well as economic and social alienation experienced by Indian Malaysians, was leading to gangsterism.

3.21 A significant number of Indian Malaysians are either stateless or lack citizenship papers. Historically, many lived on self-contained agricultural estates and never received birth certificates or other forms of documentation, and some newly urbanised Indian Malaysians still lack documentation. These undocumented individuals are not able to access health care and other government services on the same affordable terms as citizens (see [Health](#)). Many undocumented Indian Malaysians reportedly work in informal labour sectors or drift into gangsterism. Indian Malaysian in-country sources reported that authorities have arrested many undocumented ethnic Indians when registering at hospitals to access health services, resulting in a reluctance to access services within the community.

3.22 DFAT assesses that Indian Malaysians face moderate levels of official discrimination, including when attempting to gain entry into the state tertiary system or civil service. For information about undocumented Indian Malaysians, see [Statelessness](#).

Statelessness

3.23 According to local media reporting in 2023, some unofficial estimates indicated there were as many as one million stateless people in Malaysia. SUHAKAM recognises eight different stateless ‘populations’: persons with long-standing residence since pre-independence and their descendants who did not receive citizenship due to disengagement with the state (such as certain kinds of Indian Malaysian agricultural workers who grew up on self-contained estates); abandoned children born in Malaysia and adopted children in Malaysia; children of ‘mixed’ marriages or cases where children were born outside of marriage; children born outside of Malaysia to Malaysian mothers and non-Malaysian fathers; indigenous persons; ‘undocumented persons’; and stateless refugees originally from outside Malaysia.

3.24 In 2019, the government launched ‘The Zero Reject Policy’ which allows stateless children with at least one Malay citizen parent access to primary-level education at public schools. The right of stateless children certified as having at least one Malaysian parent to attend Malaysian public schools was subsequently affirmed by an announcement by Malaysian Education Minister Fadhlina Sidek in March 2023.

3.25 According to Article 14 of the Constitution, a child born in Malaysia after Merdeka Day (Independence Day) in 1957 becomes a citizen by operation of law if one parent is a citizen or permanent resident in Malaysia at the time of the child’s birth (see [Birth and Death Certificates](#)). However, in accordance with the Second Schedule of the Constitution (Part III, Section 17), if a child is born outside of marriage, or the parents failed to register their marriage, the child is considered illegitimate and will follow his/her mother’s citizenship. Therefore, a child is considered stateless if born to a Malaysian father and a non-Malaysian mother who were not officially married, or had failed to register their marriage.

3.26 A child born outside of Malaysia to a Malaysian mother and a non-Malaysian father is not guaranteed Malaysian citizenship. In August 2022, the Court of Appeal ruled that Malaysian mothers married to foreign spouses could not confer citizenship to children born overseas, overturning a September 2021 court ruling which permitted it. The NGO Family Frontiers and six Malaysian mothers filed an appeal with the Federal Court (Malaysia’s highest court). In December 2022, the Federal Court gave the women leave to proceed with her appeal. As at the time of publication, the matter had been scheduled to be heard on 25 June 2024. In February 2023, Malaysia’s Cabinet agreed to amend the constitution to enable children born overseas to Malaysian mothers who are married to foreigners to become citizens automatically. In July 2023, Prime Minister Anwar announced the proposed amendments would be tabled in September 2023. As at the time of publication, the amendments were yet to pass.

3.27 Parents of stateless children under 21 years born in Malaysia are theoretically able to apply for their children's citizenship using a special pathway under Article 15A of the Constitution. However, in practice, parents are required to apply to the National Registration Department to seek official recognition of their children's citizenship status. According to local media, it can take over two years for an application to be processed, at which point many applications are rejected without a given reason. Local media also reported that the Home Ministry approved less than five percent of 10,105 citizenship applications filed between 2019 and 2022 for children born outside of marriage and adopted stateless children.

3.28 Stateless people are denied many of the benefits afforded to citizens, including affordable healthcare and access to public education, as well as those afforded to documented migrants, including the right to own property. They are also vulnerable to labour exploitation and [human trafficking](#), as well as potential arrest as illegal immigrants.

3.29 DFAT assesses that stateless people in Malaysia are at high risk of official discrimination in the form of denial of rights and basic services afforded to citizens. DFAT assesses that pathways to citizenship for stateless people are inadequate and difficult to access.

Migrants, Refugees and Asylum Seekers

3.30 The Department of Statistics Malaysia reported there were around 2.2 million documented migrant workers in Malaysia in 2023. Unofficial estimates of undocumented or irregular migrants vary considerably and range from 1.2 to 3.5 million, making Malaysia one of the largest migrant-receiving countries in Southeast Asia (see [Employment](#)).

3.31 Malaysia is not party to the 1951 *UN Refugee Convention* and does not have legislation in place specifically dealing with asylum-seekers or refugees. The government classes all undocumented migrants, including refugees and asylum seekers, as 'illegal immigrants'. Refugee children and the children of undocumented migrants cannot attend public schools, do not have access to state healthcare services, and are at risk of immigration detention and deportation.

3.32 The management of refugees and asylum seekers in Malaysia is subject to the National Security Council's Directive 23. Under this Directive, undocumented migrants have no right to employment, healthcare or education, and may be arrested, detained or removed at any time (see [Detention and Prison](#)). However, in May 2022, the Malaysian Court of Appeal ruled that undocumented migrant workers were entitled to file a claim for unpaid wages in the Malaysian Labour Courts. In May 2023, a bipartisan group of MPs called on the Malaysian Government to 'move away from policies that criminalise refugees', but as of publication there had been no changes to Directive 23.

3.33 Undocumented migrants, refugees and asylum seekers in Malaysia are vulnerable to exploitation by employers. According to a 2021 study by the International Labour Organisation (ILO), the lack of legal protection for these workers 'gives rise to a widespread situation in which they are compelled to work illegally, and most of the jobs that they find are ... difficult, dangerous and dirty'. Another ILO study, conducted in 2022, found 29 per cent of surveyed migrant domestic workers in Malaysia were in conditions that met the ILO's definition of forced labour.

3.34 DFAT assesses that undocumented migrants, refugees and asylum seekers are at high risk of official discrimination, in the form of denial of rights and basic services afforded to citizens. They are at medium risk of societal discrimination in the form of forced labour and exploitative work conditions. State protection is inadequate.

RELIGION

3.35 According to the US State Department, 63.5 percent of the Malaysian population practices Islam; 18.7 per cent Buddhism; 9.1 per cent Christianity; 6.1 per cent Hinduism; and 9 per cent other religions, including animism, Confucianism, Taoism, Sikhism and Jehovah's Witnesses. Rural areas, especially on the east coast of peninsular Malaysia, are predominantly Muslim, while Sabah and Sarawak are predominantly non-Muslim. Approximately 75 per cent of Malaysian Christians live in Sabah and Sarawak, around 65 per cent of whom are indigenous.

3.36 The government automatically classes individuals born in Malaysia of Malay ethnicity as Muslim. Some [indigenous Malaysians](#) have adopted Islam, however many practise traditional spirituality or Christianity. [Chinese Malaysians](#) generally follow Buddhism, Christianity or Taoism, practise traditional Chinese folk religion and ancestor worship, or do not follow a religion. Most [Indian Malaysians](#) are Hindu, although a significant minority practise Christianity.

3.37 Despite formal protections in the constitution for freedom of religion, the practice of religions other than Sunni Islam is subject to some constraints. Article 3(1) of Malaysia's Constitution states 'Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation'. Article 11(1) states every person has the right to profess and practise his religion and, subject to clause (4), to propagate it. Clause 4 states: 'State law and in respect of the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, federal law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.' In practice, this clause severely restricts the capacity of religions other than Islam to proselytise.

3.38 Laws such as Selangor state's *Non-Islamic Religions (Control of Propagation amongst Muslims) Enactment* (1988) control and restrict the propagation of other religions, including non-Sunni versions of Islam. According to local media reports, most states in Malaysia have made state laws or enactments under Article 11(4) to prohibit non-Muslims from using between 20 to 40 'Islamic words', most prominently 'Allah'. The Federal Court unanimously upheld these laws in 2015. In May 2023, the Sidang Injil Borneo Church discontinued its appeal against this decision.

3.39 The religious status of Muslims is recorded on their birth certificates and on their MyKad, reportedly to assist with the application of *syariah* religious laws. For example, authorities inspecting restaurants for compliance with Ramadan will check patrons' identification cards. National identification cards do not distinguish between Sunni and Shi'a Muslims. Other religious affiliations are not reflected visibly on the card, although they are encrypted on a smart chip in the card. Married Muslims must carry photo identification of themselves with their spouses as proof of marriage. According to in-country sources, this requirement was enforced in practice, with couples asked by authorities such as the People's Volunteer Corps ('RELA'), and sometimes hotel staff, to prove their marriage.

Syariah (Islamic religious law)

3.40 Malaysia has a two-track legal system: common law, administered at the federal level; and Islamic religious law, known as *syariah* (also spelled *sharia*), which is administered at the state level and varies by jurisdiction. In June 2019, the office of the Islamic Affairs Minister announced the National Council for Islamic Affairs had agreed on a proposal to standardise *syariah* criminal laws in all states. It is envisaged that a uniform set of *syariah* criminal laws would be made through amendments to the existing provisions, as well as adding new provisions to the *Syariah Criminal Offences (Federal Territories) Act* (1997). As at the time of publication, no legislative change had occurred. See also [Legal System](#).

3.41 Family and personal laws governing Muslims, as well as laws relating to religious offences, are promulgated at the state level (see [Family Law](#)). Parliament can only pass legislation on such matters for the

Federal Territories. Customary unwritten laws (*adat*) that are found in a particular place where no rules have ever been enacted by the legislative authority can also apply in Malaysia.

3.42 Matters considered by states under *syariah* relate to succession, betrothal, marriage, divorce, adoption, guardianship, approval of mosques or any Islamic place of worship, and the determination of matters of Islamic law and Malay customs. The federal government delivers national rulings and provides guidance to state religious departments through the National Department of Islamic Development (JAKIM) and the National Fatwa Council (NFC). The NFC in Kuala Lumpur operates under the authority of the King and the Conference of Rulers. There is no Grand Mufti in Malaysia, and the NFC consists of state muftis representing the fourteen states of Malaysia, inclusive of the Federal Territory of Kuala Lumpur and Labuan. The main functions of the NFC are to standardise the various *fatwas* (rulings on points of Islamic religious law issued by a recognised authority) issued by the state muftis and respond to issues of national concern as and when they arise.

3.43 State religious authorities issue *fatwas* to resolve problems when there is doubt over whether a practice is permissible or forbidden in Islam. *Fatwas* have been issued on a range of topics, from ‘vaping’ to business dealings with non-Muslims. *Syariah* applies only to ‘persons professing the religion of Islam’. However, the enforcement of *syariah* sometimes affects non-Muslims, particularly on matters involving religious conversion and family. For example, Muslims may be favoured over non-Muslim relatives in matters of inheritance.

3.44 Although the government rarely intervenes in instances of religious persecution or criticism of non-Muslims, there are reports of non-Muslims being harassed for commenting on matters pertaining to Islam. According to SUARAM, there were multiple arrests or investigations of people who made comments or allegedly derogatory remarks about Islam in 2022. JAKIM reportedly has a team that monitors complaints of provocation towards Islam, and people can report complaints directly via WhatsApp. Local media reported in 2021 that JAKIM considers insults to the nation’s nine monarchs as entailing an insult to Islam.

3.45 Islamic groups and leaders have criticised, and in some cases harassed (chiefly online) commentators and community groups for expressing concern over a perceived increase in the Islamisation of the government and shrinking space and freedom for non-Muslims to practise their faith. The former King, Sultan Abdullah, has reportedly warned Malaysians against making any ‘insinuating comments’ regarding Islam. Malay-dominated parties, led by UMNO, have also warned the non-Muslim community in Malaysia not to meddle in the Islamic affairs of the country.

Places of Worship

3.46 Destruction or damage of any place of worship is an offence under Section 295 of the *Penal Code Act* (1997) and is subject to up to two years imprisonment, a fine, or both. While there are many non-Muslim places of worship in Malaysia, in-country sources told DFAT that processes for building new non-Muslim places of worship were increasingly restrictive.

3.47 State governments have exclusive authority over allocation of land for, and construction of, places of worship, as well as authority over land allocation for cemeteries. Groups wishing to construct non-(Sunni) Muslim places of worship sometimes experience lengthy delays and refusal of zoning approval. As a result, non-Islamic faiths tend to build places of worship on residential land which can be demolished if neighbours object. Some temples and Shi’a mosques operate out of commercial ‘shophouses’ for this reason.

Recognition of religion

3.48 The government has denied official recognition to some religious groups, including Jehovah’s Witnesses and Mormons. Groups denied official recognition sometimes fall afoul of restrictions on assembly

and find it hard to operate, including to raise funds. While there is no legal requirement for non-Islamic organisations to register, to become an approved non-profit charitable organisation, all groups must register with the government's Office of the Registrar of Societies. Many churches report difficulty in obtaining registration. Some religious organisations pursue registration as a company instead, but this does not allow them to receive tax-exempt status or government funding.

'Islamisation'

3.49 In recent decades, local and international observers have noted the increasing influence of conservative Islamic ideas in Malaysian politics and society, a phenomenon described as 'Islamisation'. The influence of conservative Islamic parties on Malaysia politics has been especially prominent since the defeat of the BN coalition in 2018 and the electoral success of the PAS.

3.50 From the 1990s onwards, PAS has established several thousand kindergartens and Islamic schools called *tahfidz* (Quran memorisation schools), which has increased grassroots support for PAS (though this is not the only factor). A 2022 *Muslim Youth Survey* by Merdeka Center, an opinion research firm, found that 82 per cent of Muslim youths aged 15-25 agreed that the Quran should replace Malaysia's current Constitution, up from 72 per cent in 2010. The survey also found the proportion of Muslim youths attending religious schools had increased from 48 per cent in 2010 to 60 per cent in 2022.

3.51 Local media has reported rising conservatism amongst Malays, especially young people. There is also evidence of decreasing tolerance towards sexual and religious minorities on religious grounds (see [LGBTQIA+ community](#)). International media reported in 2022 that despite the progressive tendencies of the multi-ethnic coalition of the Anwar Government, it was under pressure to respond to the values of conservative Islamic voters and parties.

3.52 Malaysia restricts the rights of followers of any branches of Islam other than Sunni, with those following [Shi'a](#) or other branches subject to arrest for deviancy. Shi'a Islam, [Ahmadiyyah](#) and other non-Sunni sects are considered illegal in Malaysia.

3.53 In-country sources reported that Islamic religious and political NGOs financed by JAKIM have paid staff to attempt to convert poor people to Islam, incentivising potential converts with money, food and government welfare available to Muslims. However, it is not clear how widespread this practice is. In 2018, in-country sources told DFAT that Christians from the southern Philippines and Indonesia had been approached to convert to Islam in return for residency in Sabah (red identification card), with a view to applying for citizenship (blue identification card, only available to *Bumiputera*). Also in 2018, in-country sources told DFAT that some university students conducted home stays with *Orang Asli* to teach them about Islam and encourage them to convert, incentivising them with financial benefits, the promise of housing, and welfare available to Muslims.

3.54 Local media reported in June 2019 that the Kelantan Islamic Religious and Malay Customs Council (Maik) stated it intended to convert all *Orang Asli* within its state borders to Islam by 2049. In July 2019, local media reported that the Temiar *Orang Asli* in Gerik, Perak, had 'Islam' added to their MyKad identity cards without their consent, and that the villagers had never actually converted to Islam.

Religious Conversion and Apostasy

3.55 Ethnic Malays are defined in the Malaysian constitution as Muslims from birth and are identified as Muslim on their ID cards. Formally leaving or converting from Islam (apostasy) is extremely difficult. Despite the guarantee of freedom of religion under Article 11 of the Constitution, civil courts have ruled they have no power to intervene in apostasy cases under the jurisdiction of Malaysia's *syariah* courts (see [Legal System](#)). Apostasy is a criminal offense punishable by a fine or prison term in the states of Perak, Melaka, Sabah, Pahang,

Kelantan and Terengganu, with the additional maximum penalty in Kelantan and Terengganu of death (this has never been imposed).

3.56 Some Islamic leaders in Malaysia have referred to apostasy as a ‘virus’ which threatens the nation. While formal apostasy (and conversion) is very difficult, many urban Muslims in Malaysia are non-observant. In-country sources told DFAT that ‘a Malay can be a secular Muslim, but they will always be a Muslim, it’s cultural.’ In-country sources reported that there were some Malaysian Muslims who eat during the day during Ramadan, drink alcohol and do not attend mosque. While people who are identified as Muslim on their [MyKad card](#) but discreetly practice another faith often do so without adverse attention, they sometimes face considerable family and social pressure to observe Islam. If they join another faith community such as a church, that community can face risk of legal action from the authorities for proselytising.

3.57 Islamic laws are typically enforced by RELA or police, as Islamic authorities tend to lack manpower. In-country sources told DFAT enforcement had relaxed in recent years, but remained stricter in Kelantan and other Eastern peninsula states. Enforcement takes the form of authorities checking identity cards (e.g., of restaurant, bar or hotel patrons) to see if individuals are identified as Muslim. RELA officers reportedly have no power to compel production of identity cards, but police do. In-country sources reported that Malaysians who ‘do not look Malay’ were less likely to be harassed by authorities.

3.58 Individuals who have attempted to leave the Islamic faith have faced long and expensive legal battles, involving both the federal civil courts and state *syariah* courts, often without success. An individual wishing to convert from Islam must first obtain permission from a state *syariah* court and be declared *Murtad* (‘infidel’). In-country sources reported that courts can order such individuals to be subject to three years of faith rehabilitation in a rehabilitation camp. In-country sources told DFAT about a case of an individual who undertook three years of ‘rehabilitation’ but was still denied permission to leave Islam. DFAT is unaware of any Malay Muslims being successful with an application for apostasy. DFAT is also unaware of any convictions for apostasy since 2000, when four people were sentenced to three years’ jail for the offence.

3.59 There are two categories of Malaysians who may be able to convert from Islam. The first category includes those applying to renounce the faith because they were recorded as Muslim ‘in error’ (because of non-Malay origin, such as being from Sabah); according to local media reports in 2017, approximately one in four such applications were successful between 2000 and 2010. The second category includes those who seek to revert to their original faith following a divorce, following conversion to Islam for marriage (legally required when a non-Muslim marries a Muslim). The right to revert from Islam was confirmed by the High Court in 2016.

Family Law

3.60 The Constitution provides men and women equal rights to inherit, acquire, own, manage, or dispose of property, including land. While federal civil law applies to all Malaysian women, *syariah* applies to Muslim women at the state level in relation to family matters, including succession, betrothal, marriage, divorce, adoption and guardianship. The national *Guardianship of Infants Act* (1961) was amended in 1999 to give mothers equal parental rights to fathers, however only four states have extended the provisions of the act to Muslim mothers. A federal cabinet directive was issued in September 2000 allowing mothers to sign all documents related to their children, to ensure all Malaysian women, irrespective of race and religion, are conferred the right of equal guardianship. The government does not recognise marriages between Muslims and non-Muslims and considers children born of such marriages illegitimate.

3.61 Under *syariah* law, the consent of only one parent is required to convert a child to Islam, allowing the Muslim parent to gain sole custody through the *syariah* courts, which do not permit the participation of non-Muslims. *Syariah* court rulings have affected non-Muslims, who have been left with no ability to defend their position or appeal the court’s decision. In January 2018, the Federal Court, declared the consent of both

parents was required to issue a certificate of religious conversion for a child. However, according to the US State Department's 2022 *Freedom of Religion Report*, cases of unilateral conversion by one parent persist. In May 2023, Hindu mother Loh Siew Hong failed in her bid to challenge the unilateral conversion of her three children to Islam by her former husband in the High Court.

3.62 The National Registration Department does not automatically recognise adopted children as Malaysian when the identity and citizenship of their biological parents is unknown. In-country sources reported that if an individual wished to adopt an unregistered, stateless child, they could enter a court-ordered guardianship arrangement until the child reaches the age of 18, while awaiting approval for formal adoption. Two years after formal adoption guardians can reportedly provide court-ordered guardianship documentation and the child's birth certificate to obtain a certificate of adoption.

3.63 Citizenship requirements are not clearly defined by statute. Both the *Adoption Act (1952)* and the *Registration of Adoptions Act (1952)* are silent on the issue of citizenship for adopted children. Sabah and Sarawak have separate laws governing the issue. Where a child's original immigration status is uncertain or unknown, the National Registration Department will declare them a 'permanent resident' or 'non-citizen' on a re-issued birth certificate or certificate of adoption, regardless of whether the adoptive parents are Malaysian citizens. According to a local media report in 2023, the government has sometimes refused citizenship to people with unknown birth parents (despite legal adoption by Malaysian parents) or because they were born outside marriage to a Malaysian father and non-Malaysian mother. It is technically possible, albeit rare and time consuming, for such children to be granted citizenship through a judicial review.

3.64 A non-Muslim (male or female) must convert to Islam before marrying a Malaysian Muslim. The process differs from state to state and is determined by the relevant religious authorities. Conversion to Islam is procedurally straightforward and is reflected on the convert's MyKad. To revert to an original faith is harder, requires judicial review, and may be refused (see [Religious Conversion and Apostasy](#)).

Shi'a Muslims

3.65 An estimated 250,000 Shi'a Muslims live in Malaysia, making up a small proportion of the country's total Muslim population. Most originate from Iran. Shi'a and Sunni Muslims live side by side, some intermarry, and some have family members that practise either the Shi'a or Sunni Muslim faith. National ID cards mark individuals as Muslims, but do not distinguish what branch of the religion they follow. There are no restrictions on movement within Malaysia specific to Shi'a Muslims.

3.66 Both federal and *syariah* laws have been applied in a discriminatory manner against Shi'a Muslims. A 1996 *fatwa* issued by the Committee of the National Council for Islamic Affairs – with effect under *syariah* – requires Muslims to follow the Sunni Islam doctrine. Under the *fatwa*, authorities consider Shi'a Islam a 'deviant' form of Islam, and 12 out of 14 states ban Shi'a Islam (the exceptions are Kelantan and Sarawak). Several state constitutions (Kelantan, Perlis and Kedah) recognise the state's official religion as *Ahli Sunnah Wal Jamaah* (Sunni Islam). These state laws enable state Islamic authorities to detain and prosecute Shi'a found to be proselytising.

3.67 Local non-government groups and religious authorities told DFAT that enforcement efforts were generally focused on conversions (to Shi'a Islam) and proselytisation, not on assembly or worship. However, in 2019, authorities in Selangor and Johor state arrested a total of 31 Shi'a at two private events. DFAT is not aware of charges being laid after these arrests, nor of any arrests of Shi'a since 2019. According to in-country sources, Shi'a who were not involved in activism or proselytisation can typically practice their faith without harassment.

3.68 On 24 November 2016, Amri Che Mat, a Shi'a Muslim convert and activist, was abducted while driving. According to the US Commission on International Religious Freedom, Amri's car was surrounded by five vehicles and more than a dozen men, some armed. Religious authorities had previously investigated Amri Che Mat over suspicions his NGO was using philanthropic efforts as cover to spread Shi'a teachings. In 2019, SUHAKAM investigated, and concluded Amri Che Mat was a victim of enforced disappearance by the Special Branch of the Royal Malaysia Police (RMP). The government convened a Special Task Force to investigate the disappearance, however in 2021 subsequently refused to make the Task Force's report available as it was classified 'secret' under the *Official Secrets Act* (1972). In May 2023, a Malaysian Court ordered the release of the report to Amri Che Mat's wife, Norhayati Mohd Ariffin, and her lawyers for just 30 days. The report was reportedly not to be divulged further. SUARAM, an NGO, reported that a former Special Branch officer speaking to a university audience in 2016 equated 'conversion out of Islam with terrorism'. DFAT is not aware of any further disappearances of Shi'a Malaysians since 2016.

3.69 DFAT assesses that Shi'a face a low risk of societal discrimination and a moderate risk of official discrimination in the form of restrictions on proselytising or promoting Shi'a Islam, which can result in harassment and, in rare cases violence, by state authorities.

Ahmadis

3.70 Ahmadis are an Islamic group founded by Mirza Ghulam Ahmad in the 19th century in Punjab, India. The US Commission on International Religious Freedom estimates there are 2,000 Ahmadis who are Malaysian citizens and a further 5,000-6,000 who are Pakistani refugees in Malaysia. Ahmadis in Malaysia have faced discrimination, arrest and other barriers impacting their right to worship. Their faith is regarded as a 'deviant' strand of Islam by state and federal religious authorities.

3.71 Ahmadis in Malaysia have been the subject of several *fatwa*, beginning with a 1975 *fatwa* by the Selangor Fatwa Council that declared Ahmadis were 'not Muslims' and recommended they be denied privileges afforded to Muslims in Malaysia. In 1998, the state of Selangor issued another *fatwa* declaring the group to be '*kafir*' (infidels) and banning four books concerning the Ahmadi faith. These *fatwa* by Malaysian religious authorities have been the basis for arrests, detention and blocking of access to religious sites of members of the Ahmadi community.

3.72 In July 2018, the Malaysian High Court ruled that the Religious Affairs Department of Selangor had no authority over Ahmadi Muslims, and that Ahmadis were not covered under *syariah*, as the 1975 and 1998 *fatwas* had ruled that Ahmadis were 'not Muslims'. In August 2020, the Court of Appeal upheld the decision and sent the case back to the High Court to determine the individual beliefs of the 39 people originally charged by the Selangor religious authority. If it is determined by the High Court that they were (Sunni) Muslims who converted to Ahmadis, rather than Ahmadis from birth, they will fall within the jurisdiction of Islamic authorities and may be charged with Sharia offences. As far as DFAT is aware, the case had yet to be resolved at the time of publication.

3.73 While the 2018 Malaysian High Court ruling that Ahmadi are not Muslims protects them from prosecution by Islamic authorities, it also means they are not 'Malay,' and thus not entitled to *Bumiputera* advantages or the right of succession or inheritance under Islamic Law. Furthermore, they will be forbidden from proselytising, and from using the 20 to 40 terms reserved for Muslims such as 'Allah'.

3.74 DFAT assesses that Ahmadis face a low risk of societal discrimination and a moderate risk of official discrimination, in that religious authorities may prevent them from being able to worship freely or charge them with religious offences if they are determined to have converted from (Sunni) Islam. Proselytising or promoting Ahmadi Islam can result in arrest or other forms of harassment by state authorities.

Christians

3.75 According to the US State Department, Christians account for approximately 10 per cent of the Malaysian population. Most live in Sabah and Sarawak. Christian politicians are present in most political parties, although they tend not to represent Christian interests specifically.

3.76 Christianity attracts few converts, as it is very difficult to convert from Islam (the religion of most [Malays](#)) and illegal to proselytise to Malays (see [Religious Conversion and Apostasy](#)). Christians of Malay background are sometimes forced to hide their faith from family, friends and colleagues. Christianity is portrayed by some Malay Muslim political parties as a threat to Islam. In-country sources told DFAT some Christians felt pressure to convert to Islam.

3.77 Although Christians say they have used the word 'Allah' (Arabic for God) for centuries in their religious practice in Malaysia, official impediments are in place to their use of the word. In 2008, the Home Affairs Ministry banned *The Herald*, a Catholic newspaper, from using the word 'Allah' under the *Printing Presses and Publications Act* (1984). The Malaysian Court of Appeals and Federal Court upheld the ban. Religious tensions including attacks on churches followed an October 2017 decision by the High Court of Kuala Lumpur to reject a Sabah church's request for a judicial review of the ban on Christians' use of the word 'Allah'. In March 2021, the High Court of Kuala Lumpur ruled that Christians could use 'Allah' with the judge calling the ban unconstitutional. In 2023, the government discontinued its appeal.

3.78 Three Christian pastors (and a [Shi'a](#) convert, Amri Che Mat) suspected of proselytising [disappeared](#) between 2016 and 2017, with probable state involvement. SUHAKAM investigated the disappearances and concluded, in the cases of Amri and Pastor Raymond Koh at least, that they were conducted by RMP Special Branch. Despite the findings by SUHAKAM of direct police involvement in the disappearance of Pastor Koh and some involvement in the disappearances of Hilmy and Sitepu, there had been no response by the Malaysian state at the time of publication. DFAT is not aware of any disappearances of Malaysian Christians since 2017.

3.79 DFAT assesses that Christians are generally not at risk of societal discrimination. Christians who proselytise or promote Christianity to Muslims face a moderate risk of harassment by state authorities, potentially including violence or abduction.

Hindus

3.80 According to the US State Department, Hindus make up around 6.1 per cent of the Malaysian population. Most Hindus in Malaysia are [Indian Malaysians](#).

3.81 In recent decades, many Hindu places of worship in Malaysia have been destroyed or relocated against the wishes of their communities. In 2020, the PAS-led government of the state of Kedah destroyed five Hindu shrines, stating their construction had occurred without appropriate permission. At least one of these shrines was built in colonial times and was constructed legally. In-country sources told DFAT that Hindu temples were sometimes destroyed if they were on the 'wrong land' (that is incorrectly zoned). Demolitions of Hindu places of worship have taken place as recently as 2020 in Kedah. In 2021, an Indian Malaysian politician, Malaysian Indian Congress (MIC) President S Vigneswaran, reported some temples had been destroyed because they were 'illegally constructed'. Like other non-Muslims, Hindus struggle to access land zoned as 'religious' to build temples (see [Places of Worship](#)).

3.82 In January 2021, Kedah state cancelled the holiday for Thaipusam, a Tamil Hindu festival, stating the holiday was unnecessary because other major festival events had been cancelled due to a Movement Control Order (MCO). The Malaysian Interfaith Council responded that this was unacceptable and showed 'a failure to

embrace religious sensitivity in a multiracial and multi-religious Malaysia'. DFAT is not aware of cancellations or restraints placed upon Hindu festivals or holidays since 2021.

3.83 DFAT assesses that Hindus are generally not at risk of societal discrimination. They face a moderate risk of official discrimination in the form of demolition or removal of certain places of worship, although in most cases alternative places of worship are available.

Buddhists

3.84 According to a US State Department estimate, Buddhists represent just under 20 per cent of the total population of Malaysia. Most Buddhists in Malaysia are [Chinese Malaysian](#). There is also a community of 30,000 to 50,000 ethnic Thai Buddhists residing in northern Malaysia.

3.85 Buddhists face similar issues with conversion from Islam as other non-Muslim religious minorities. In 2020, a Buddhist man filed a complaint over the National Registration Database's refusal to register his son as Buddhist (the boy's mother was a Muslim). The case was still before the High Court at the time of publication. In another case, in 2022, the High Court rejected an application for a woman to convert from Islam to Buddhism, directing her to undertake religious counselling to 'restore her faith'. In a third case, the High Court found in 2021 that a woman from Selangor had been incorrectly listed as Muslim on her MyKad; the woman had been born outside of marriage to a Muslim father and a Buddhist mother, and had been raised as a Buddhist (see [Religious Conversion and Apostasy](#)).

3.86 DFAT assesses that Buddhists are generally not at risk of societal discrimination. Converts to Buddhism from Islam face a moderate risk of official discrimination in the form of refusal to allow conversion and potential prosecution for apostasy.

Atheists

3.87 The Federal Constitution protects the right of Malaysians to be atheists. Estimates indicate around 1 per cent (about 300,000) people in Malaysia are atheists or have no religion. In-country sources reported that many Muslims (mainly in urban centres) were effectively secular, although identified as Muslim on their MyKad and still conformed to Islamic norms in public. Muslims who abandon their faith or convert, however, may be charged with apostasy (see [Religious Conversion and Apostasy](#)).

3.88 The NGO Humanists International asserts that non-religious people are socially discriminated against and that non-religious NGOs experience difficulties with the government. However, DFAT is unaware of any specific cases of atheists facing discrimination or harassment in Malaysia. In-country sources stated atheists were unlikely to face significant social pressure to renounce their beliefs unless they actively promoted atheism at the expense of Islam. Atheist organisations exist (such as the Malaysia Atheism and Secular Humanism society), although they are not prominent, and accept new members discreetly.

3.89 DFAT assesses that atheists, especially Malay atheists, face a low risk of societal discrimination in the form of harassment for their beliefs. DFAT assesses that Muslims who attempt to renounce their faith for atheism, or who are perceived to be proselytising towards atheism, face a high risk of official and societal discrimination, in the form of harassment and potential legal action.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.90 Article 10 of the Constitution guarantees the right to freedom of speech, freedom of assembly, and freedom of expression, although allows it these rights to be restricted by law in the interest of **security**. Several longstanding laws and enforcement practices also restrict freedom of speech, including the *Sedition Act* (1948), the *Official Secrets Act* (1972), the *Printing Presses and Publications Act* (1984), the *Communications and Multimedia Act* (1998 - CMA), and criminal defamation laws.

3.91 Amnesty International reports that the *Sedition Act* and CMA are the laws most frequently used to suppress critical discourse in Malaysia; these laws forbid any speech considered seditious, and are used against those making comments deemed sensitive, involving race, religion or royalty (termed “the three Rs”). In opposition, the PH coalition was a proponent of free speech and opposed some measures historically used to restrict expression. However, as at the time of publication, the government had made no changes to these laws.

3.92 Malaysian political parties, both within and outside governing coalitions, criticise each other relatively freely, while exercising sensitivity around the 3Rs – with the exception that Malays/Muslims may criticise non-Malays/Muslims without consequences but not vice versa. For instance, in December 2022, several opposition MPs made a series of ‘thinly veiled personal attacks’ on the Prime Minister alluding to his overturned sodomy convictions, with one MP referring to the ‘rape and sodomy of democracy’. Those MPs did not face any legal consequences.

3.93 By way of contrast, in May 2022, police investigated Lim Kit Siang and an opposition MP over a Twitter post which suggested Malaysia could become a failed state, on the grounds that the comment might ‘disrupt public order and harmony of the country’. In April 2022, the *syariah* high court of Kuala Lumpur sentenced opposition MP Maria Chin Abdullah to seven days in jail for her 2019 statement that the country’s *syariah* laws discriminated against women. A convert to Islam, Ms Abdullah made the statement after a woman was served a seven-day jail sentence handed by a *syariah* court for rescheduling her former husband’s child visitation dates.

3.94 In July 2022, PAS State Opposition leader and Chief Minister of Kedah State, Muhammad Sanusi Md Nor, was charged with sedition following comments he made questioning decisions taken by Malaysian royalty regarding the formation of government at the federal and state level. Former Prime Minister Mahathir was also questioned by police for allegedly insulting the royals when he said ‘Malays could not rely on the rulers to protect them,’ although he was not charged. Prime Minister Anwar defended the use of the *Sedition Act* in such cases, stating that ‘when it comes to matters concerning the ... position and dignity of the rulers... this is something we should uphold.’

3.95 While Malaysian politicians are relatively free to criticise each other (provided they avoid the 3Rs), critics and political dissidents are more likely to face legal action for criticism of government or the prevailing order. For instance, graphic artist Mohd Fahmi Reza has repeatedly faced charges (in 2016, 2018 and 2021) under the *Communications and Multimedia Act* for satirical artworks, including an image depicting former Prime Minister Najib Razak as a clown, as well as social media posts satirising government COVID-19 pandemic policies and the Malaysian queen. Most recently, in October 2022, he was given a ‘Discharge Not Amounting to Acquittal’ (DNAA) after satirising the PAS party online with an image of its logo superimposed on a beer can. In May 2021, a political cartoonist, Zulfikar Anwar Ulhaque (known as Zunar), was questioned by police over a cartoon mocking the Kedah state chief minister.

3.96 Malaysia is generally intolerant of anti-government protests. According to in-country sources, the current government prefers a ‘subtle’ approach over physical confrontation, with police taking pictures of protestors and visiting or arresting them later. In August 2021, police visited the home or office of at least 15 individuals, including SUARAM leaders, who had participated in the #Lawan (‘oppose’) rally in Kuala Lumpur.

Police also called in two SUHAKAM commissioners for questioning under Section 21A of the *Prevention and Control of Infectious Diseases Act* (1988) and the *Peaceful Assembly Act* (PAA). In 2022, there were four prosecutions under section 9(1) of the PAA, for failure to provide the legally required five-day notice to the authorities before any assembly. In 2022, police also prevented a ‘Walk for Judicial Independence’ protest, despite protesters adhering to the requirements of the PAA.

3.97 While there is significant discontent in Sabah and Sarawak regarding perceived failure of Peninsular Malaysia to honour the 1963 *Malaysia Agreement* (known as MA63), Malaysia does not have significant separatist sentiment. In-country sources told DFAT that ‘real’ separatist intent regarding Sabah was confined to overseas diaspora. While there is debate on the topic, it is focused on achieving greater autonomy and restoration of perceived entitlements under MA63 rather than independence.

3.98 DFAT assesses that political party members who criticise other politicians face a low risk of official discrimination in the form of legal charges and politically-motivated police investigations. DFAT assesses that individuals who criticise the government generally face a low risk of official discrimination in the form of legal action by authorities and a moderate risk where they broach politically sensitive topics (the ‘3Rs’) or where their criticism is especially prominent. DFAT assessed that individuals are generally not at risk of violence on the grounds of their political affiliations.

Media and Journalists

3.99 Malaysia has a wide variety of online and traditional media, available in Malay, English, Chinese, Tamil and Arabic. The Constitution provides for [freedom of speech](#); however, freedom has been limited in practice under successive governments. Journalists, particularly in print media, self-censor. Reporters Without Borders ranked Malaysia 73rd (1st being the most free) in its 2023 *Press Freedom Index*.

3.100 Before the 2018 election, most private newsprint publications and television stations were controlled by political parties and affiliated businesses. State-owned news outlets mostly reflected government views. While there has been some liberalisation since the 2018 election, the use of sedition and defamation laws and restrictions on access to government platforms continue to restrain freedom for journalists. Social media and online publishing have opened space for differing opinions, but concentrated media ownership means views are not necessarily diverse across outlets or platforms.

3.101 In-country sources reported that many journalists were paid very low base salaries. Many supplemented their income by accepting cash gifts (so-called ‘red envelopes’) from those they report on. For example, journalists often receive a cash gift for attending a politician’s press conference.

3.102 In-country sources told DFAT that prosecutions against journalists had not been seen in the past several years. Violence, other than, for example, scuffles between security guards and journalists, was not common. Online abuse, trolling and doxing (the unauthorised release of private documents or images) does occur, although this is not exclusive to journalists.

3.103 DFAT assesses that journalists who criticise the government or politicians face a low risk of official discrimination in the form of legal action by authorities; those who criticise Malaysian royalty face a moderate risk. DFAT assesses that journalists are generally not at risk of official or societal violence.

Online and Social Media

3.104 Social media is very popular in Malaysia, including Facebook, Instagram, Twitter, TikTok, WhatsApp and Telegram. Social media is a platform for many Malaysians outside of the mainstream (such as the [LGBTQIA+ community](#) or [those who are less religious](#)) to communicate and network. As elsewhere in the world, many social media users experience trolling, doxing and other online abuse. In-country sources told

DFAT the online environment in Malaysia was ‘toxic’, with high levels of harassment, especially towards those who took positions outside the mainstream. State protection from cyberbullying is inadequate.

3.105 Social media is monitored by the government, although is generally not restricted. For example, the Malaysian Multimedia and Communication Commission has publicly declared that it monitors social media for ‘misinformation’. Similarly, in August 2022 the Deputy Minister for Communications said that the government was monitoring TikTok for ‘inappropriate’ content, including LGBTQIA+ content. Individuals have occasionally faced legal action over social media posts, including for satirising the government or Malaysian royals (see [Political Opinion](#)). In-country sources told DFAT that in 2021 a man was removed from his home and questioned by police for retweeting a post about a Malaysian royal and adding three question marks. As at the time of publication, the man had not been charged.

3.106 DFAT assesses that social media users who criticise the government or politicians face a low risk of official discrimination in the form of legal action by authorities; those who criticise Malaysian royalty face a moderate risk. DFAT assesses that these risks are higher for prominent social media users than for those who do not have a significant public profile.

Human Rights and Civil Society Organisations (CSOs)

3.107 Many local and international civil society and human rights organisations (CSOs) operate in Malaysia. CSOs comment on issues such as the law, the rights of women in Islam, and the government’s human rights practices. According to a 2022 report by BTI Bertelsmann, a think tank, civil society in Malaysia tends to be organised along [ethnic](#) and [religious](#) lines, despite policies of multiculturalism and religious tolerance. The report also says that urban CSOs are more likely to be focussed on political matters, including human rights, whereas rural CSOs tend to focus more on welfare.

3.108 CSOs must be legally registered, and some CSOs have reported difficulties obtaining registration. Some elect to register as companies instead. Some accept government funding, although most do so selectively, to maintain some independence. CSOs sometimes choose non-political names for their organisations to secure registration, or to reduce alleged monitoring.

3.109 Police sometimes question CSOs about their political activities, especially those engaged in human rights advocacy, or in relation to [corruption](#). This questioning does not generally lead to arrests or the closure of CSOs. Human rights activists, academics, religious leaders, and NGO members have occasionally been subject to movement restrictions. Legal processes can also be launched against human rights activists under sedition laws or the CMA for online activity – though this appears to be more related to the political activism of the individual activists than the NGOs that they represent.

3.110 DFAT assesses that human rights groups and CSOs that criticise the government face a low risk of official discrimination in the form of legal harassment and physical and electronic surveillance by law enforcement authorities. Local law enforcement authorities do not always follow central government policy. Human rights groups and CSOs advocating on issues considered sensitive to conservative Islam face a low risk of official discrimination from federal and state Islamic religious affairs departments in the form of legal action.

GROUPS OF INTEREST

Women

3.111 Discrimination against women is banned under the Constitution. Nevertheless, discrimination on the basis of sex, and inequality, persist for women and girls in Malaysia. Although women participate widely across various aspects of Malaysian society, some conservative cultural and religious practices continue to limit their choices. According to the World Bank, female labour force participation rate was 53 per cent in 2022, up from 43 per cent in 2008. In-country sources told DFAT that despite legal protections, women sometimes received less pay than men for equal work. Muslim women have less access to inheritance and divorce rights under *syariah*. Men can unilaterally divorce their wives, but women generally cannot do the same.

3.112 The 2022 general election saw the highest ever number of women candidates (127 women or 13.4 per cent), but only 30 female candidates won or held seats. Although Malaysia's major coalitions made election pledges that 30 per cent of their candidates would be women, no coalition kept their pledge, and most missed it by a significant margin.

3.113 There is strong social stigma attached to pre-marital sex and pregnancy. Rape within marriage is not a crime. In-country sources reported that girls were sometimes married at a young age to reduce stigma following a teenage pregnancy, and that marriage sometimes occurs in cases of rape, allowing the perpetrator to go unpunished (see also [Children](#)).

3.114 According to in-country sources, there were hundreds of thousands of 'bi-national' marriages between non-Malaysian females and male Malaysian citizens. In some cases, the non-Malaysian women in these marriages can be trapped in abusive or unsatisfactory relationships, as without their Malaysian partner they would lose access to services available to citizens. A lack of work rights also leaves these women vulnerable to workplace exploitation, as they are often unable to complain about poor treatment without revealing that they are working illegally.

Gender-Based Violence

3.115 Violence against women and girls is a significant, albeit underreported, problem. While surveys have indicated that the prevalence of reported intimate partner violence in Malaysia is relatively low (affecting 8 per cent of ever-partnered women, according to one 2013 study), experts believe the actual incidence is likely much higher, and that it is underreported due to it being a 'sensitive topic'. The Women's Aid Organization, an NGO, recorded 2,815 cases of domestic violence between 2021 and March 2023.

3.116 A 2020 study published in *BMC Public Health* found significant factors which contribute to intimate partner violence in Malaysia were: 'lower education background, lower socio-economic status, history/current substance abuse, exposure to prior abuse or violence, violence-condoning attitude; husbands or partners controlling behaviour, substance abuse and involvement in fights and lack of social support.' A 2021 survey by the Women's Aid Organisation found 53 per cent of respondents believed domestic violence was a 'normal' reaction to stress or frustration.

3.117 State protection for women and girls experiencing gender-based violence (GBV) is mixed. There are special police units that deal with [child abuse](#) and GBV; however, in-country sources told DFAT that these services were inadequate to meet demand. Women who approach police for help may not have access to a female officer. According to in-country sources, the families of women who have experienced GBV often placed pressure on them to drop the matter, either directly or through police officers dealing with the case.

3.118 According to in-country sources, police often failed to follow up on reports of GBV. It was not uncommon for a woman who has experienced GBV to be denied a police report, not be informed whether the offender has been charged, and not advised of the next steps in their legal process. In-country sources said specialist GBV investigative units (Branch D11 of the RMP's Criminal Investigation Department) tended to respond to GBV more sensitively and effectively than regular front-line police officers.

3.119 A requirement to deal with the closest police station to the incident can make it difficult for women who experience GBV to relocate. Other barriers include financial costs of living alone and/or paying for additional childcare, especially where family may have previously provided childcare.

3.120 Amendments to the *Domestic Violence (Amendment) Act* (2017) strengthened protections for individuals who experience domestic violence and expanded the definition of domestic violence to protect: spouses, former spouses, children, family members, 'incapacitated adults' who are living as members of the family, and de facto spouses (couples without a registered marriage who have gone through a religious or customary marriage ceremony). Nevertheless, the *Domestic Violence (Amendment) Act* does not cover domestic violence between unmarried couples, nor does it include rape within marriage in its definition of domestic violence.

3.121 The amendments to the *Domestic Violence (Amendment) Act* also introduced enhanced procedures, including Emergency Protection Orders (EPOs) that can be applied immediately for up to a week to prevent a perpetrator from entering a safe location. An EPO can also be used to remove an offender from the house where the victim lives. In-country sources told DFAT that EPOs were difficult to obtain and required strong evidence of violence or damage to property. Police reportedly do not always enforce EPOs.

3.122 In 1996, the government introduced One Stop Crisis Centres (OSCCs) in the emergency departments of Malaysian hospitals, which aim to provide a centralised one-stop facility to women who experience GBV. The Women's Aid Organisation reported in 2019 that there were OSCC services in 102 government hospitals nationwide, with the number of clients who access each OSCC varying from fewer than 10 to over 500 a year. In-country sources told DFAT that OSCCs were primarily used in city centres.

3.123 A few dozen government women's shelters operate throughout Malaysia, as well as several operated by NGOs. Shelter conditions vary. Some are also used to house other vulnerable groups, such as the elderly. Shelters may restrict access to movement and employment of inhabitants. Women can sometimes access protection in hospitals without speaking to a police officer, for example by making a report while receiving treatment for injuries.

3.124 Girls are routinely subjected to female genital mutilation/cutting (FGM/C) in Malaysia, although no official prevalence rates are available. FGM/C is a religious requirement under Islam in Malaysia, as Malaysia's National Fatwa Council (council of Islamic leaders) issued a *fatwa* making 'female circumcision' mandatory, so the practice is very common among Malays and Muslim ethnic minorities. According to Orchid Project, an international NGO, FGM/C procedures in Malaysia include Type I (total or partial removal of the clitoris) and Type IV ('pricking' or cutting of the genitals). The conditions under which procedures occur range widely, from FGM/C practiced on babies in unregulated, unhygienic clinics to FGM/C provided in government healthcare facilities. According to in-country sources, the procedure has been described as an 'incision of about one millimetre'. Families sometimes pressure new mothers to subject their daughters to FGM/C.

3.125 DFAT assesses that women and girls in Malaysia face a moderate risk of GBV in the form of domestic violence, and in the case of Muslim girls, also face a high risk of GBV in the form of FGM/C. State protection is available but often inadequate or ineffective in practice. Family, economic, and societal pressures often act as barriers to leaving abusive relationships. For information on child marriage see Children.

Sexual Orientation and Gender Identity

3.126 As a conservative Islamic nation, Malaysia is generally intolerant of LGBTQIA+ identities and behaviours. Adult same-sex acts are illegal in Malaysia, regardless of age and consent. The Malaysian *Penal Code* defines ‘carnal intercourse against the order of nature’ as involving the introduction of the penis into another person’s anus or mouth (to the point of penetration). Oral heterosexual sex performed upon a man is also an offence, although DFAT is not aware of any prosecutions for this act; oral sex performed upon a woman is not an offence.

3.127 Across Malaysia there are 52 laws that criminalise different forms of LGBTQIA+ behaviour. Prosecutions have taken place under these laws, including under Section 377A/377B (Unnatural Offences) of the *Penal Code*, which includes penalties of whipping and up to 20 years in prison. Numerous state-level *syariah*-based laws prohibit same-sex relations and non-normative gender expression. In February 2021, a nine-judge panel of the Federal Court unanimously declared that a Selangor *syariah* law criminalising ‘unnatural sex’ was unconstitutional. This means that the federal law stands, but that State laws against same-sex sexual activity are invalid. In-country sources reported in 2022 that three states added new laws relating to LGBTQIA+ people based on *syariah* over the last five years.

3.128 While government stances on LGBTQIA+ issues apply to all people within Malaysia, the impact is more pronounced for Malay-Muslims, as expressions of LGBTQIA+ identity constitute both *syariah* and penal code offences. These laws prohibit males cross-dressing and/or presenting as women, and in some cases, females cross-dressing and/or presenting as men.

3.129 Successive Malaysian Prime Ministers have made anti-LGBTQIA+ statements. Most recently, in January 2023, Prime Minister Anwar said recognising LGBTQIA+ identities and behaviours ‘will not happen, and God willing under my administration this is not going to happen.’ In-country sources told DFAT that the environment for LGBTQIA+ people had not improved under the Anwar Government.

3.130 JAKIM and other state level religious authorities have occasionally conducted raids on LGBTQIA+ events. On 30 October 2022, RMP and the Federal Territories Islamic Religious Department (JAWI) raided a Halloween event attended by members of the LGBTQIA+ community in Kuala Lumpur and arrested at least 20 people. Malaysian NGO Justice for Sisters reported in 2022 that 24 people were being investigated for offences including: being males posing as women; ‘encouraging vice’; and ‘indecent acts’ in a public place. State officials have conducted raids on private premises, sometimes accompanied by members of the RMP. Some in-country sources reported that authorities conducted such raids as a means of creating income through extortion and blackmail.

3.131 Members of the LGBTQIA+ community are typically prosecuted under state-based *syariah* legislation rather than federal law. In September 2018, a *syariah* court in Terengganu state sentenced two women to six strokes of the cane and a fine of MYR3,300 (AUD 1,100) after convicting them of having lesbian sex. The caning, carried out in a courtroom in front of 100 witnesses, was the first such sentence to be ordered in relation to a LGBTQIA+ case since 2010. While the investigation of such offences is reasonably common, and prosecutions have occurred, successful prosecutions are rare.

LGBTQIA+ ‘Conversion Therapy’

3.132 Authorities at federal and state level have promoted so-called ‘rehabilitation’ or ‘re-education’ programs aimed at changing sexual orientation or gender identity, also known as conversion therapy. Although these programs are primarily aimed at Muslims, Christians are also targeted. According to the US State Department, as of June 2021 at least 1,733 people had attended such programs. In-country sources reported that conversion programs were ‘voluntary’ in the sense that they were ‘not court-ordered,’ but in practice people were often coerced to attend by authorities and their communities. According to multiple sources, the

Terengganu Government has run a ‘re-education boot camp’ or ‘behaviour corrective program’ in Besut for teenage males since 2010, where boys identified as ‘effeminate’ are sent for physical training and religious and motivational classes; while the Negeri Sembilan Religious Affairs Department held a two-day camp as part of the state’s *Action Plan Against Social Ills of LGBT 2017-2021*.

3.133 LGBTQIA+ issues are considered taboo in Malaysia, particularly among Muslims. Online abuse against people who raise LGBTQIA+ issues online is common. NGO Justice for Sisters reported in 2023 that doxxing of LGBTQIA+ people in the [media and social media](#) was also common.

3.134 Authorities regularly ban or otherwise restrict LGBTQIA+ material. In July 2023, British band ‘The 1975’ had its set in Kuala Lumpur’s Vibes Festival cut short after a same-sex kiss on stage between two band members. The Ministry of Communication subsequently cancelled the rest of the Vibes Festival and banned The 1975 from returning to Malaysia. SUHAKAM released a press statement condemning the ‘unacceptable behaviour’ by The 1975’s lead singer and noted that his behaviour ‘caused the event to be cancelled.’ The Malaysian Government has also banned international films with LGBTQIA+ elements, such as *Thor: Love and Thunder* and *Lightyear*.

Gay Men and Men Who Have Sex With Men

3.135 In-country sources reported that gay men and men who have sex with men sometimes experienced employment discrimination. Visibly effeminate gay men are reportedly more likely to suffer harassment and discrimination. Many jobs, including all public service jobs, are subject to compulsory health screening. If an employer finds out a gay man has HIV, his employment will be terminated (the HIV prevalence rate for gay men in Malaysia is around 20 per cent). In 2023, the Malaysian Ministry of Health identified men having sex with men as the main vector for HIV transmission, superseding intravenous needles. Pre-exposure prophylaxis (PreP) is available in public clinics, although there are campaigns against it due to its association with gay men.

3.136 In country sources reported in 2023 that an administrative circular was circulated in schools permitting caning of LGBTQIA+ students, framing it as a correctable ‘disorder’. In-country sources also reported cases of gay students being expelled from school for their sexuality. People stopped by police have sometimes had their phones checked for LGBTQIA+-related messages and dating apps such as Grindr. Such checks were reportedly particularly prevalent during COVID-19 pandemic lockdowns.

3.137 Domestic violence is also a serious problem within the gay community; where police are involved, gay men can face blackmail and extortion from police officers. Domestic violence legislation does not provide protection for same-sex couples (see [Gender-Based Violence](#)).

Lesbians

3.138 Lesbians and queer women are much less visible in Malaysia than other members of the LGBTQIA+ community. LGBTQIA+ activism in Malaysia has historically focused on HIV, as HIV was often the only issue considered ‘acceptable’ for government engagement. Accordingly, NGOs advocating for lesbians and queer women are less prominent and have less funding. Forced heterosexual marriages for lesbians are common, especially in Sabah. Lesbians in such marriages find it very difficult to obtain a divorce without outing themselves, especially if they are Muslim. In rural areas, families sometimes confine lesbians to the family home due to cultural stigma. Treatment of lesbians is worse for Muslim women as *syariah* criminalises sexual activity between women. In-country sources reported there were four arrests of Muslim women for *syariah* offences over two months alone in early 2022. While *syariah* offences only apply to Muslim women, they also have a large impact on non-Muslim lesbians by harming their relationship with authorities.

Transgender People

3.139 While cross-dressing is not technically illegal under civil law, state-level police have arrested transgender women under the *Minor Offenses Act* (1955) for public indecency and immorality, and under *syariah*-based laws against impersonating women. A transgender individual was permitted to change their name, sex marker, and related last digit on their MyKad in 2005, but this has not been repeated. The National Registration Department does not generally allow transgender people to access such changes. In 1983, the National Fatwa Council banned Muslims from undergoing sexual reassignment surgery (SRS). However, SRS remains available in some private medical centres in Malaysia.

3.140 In-country sources reported the increased visibility of transgender women makes them particularly vulnerable to raids by religious authorities and *syariah* court-ordered conversion counselling. Unlike government-run conversion camps, *syariah* court-ordered counselling is compulsory.

3.141 When placed in custody, transgender women are held in male custodial facilities. Numerous human rights organisations have reported state religious officials, corrections officers and fellow detainees have subjected transgender women to physical and/or sexual violence and degrading treatment while in custody. In-country sources reported transgender women were also denied access to public education upon transitioning, and often avoided seeking medical treatment in public hospitals due to the requirement that they are placed in male wards. Strict gender segregation in mosques means Muslim transgender women are often precluded from accessing places of worship in accordance with their preferred gender expression.

3.142 In-country sources reported that because Malaysia is a patriarchal society, it was easier for transgender men to wear jeans, for example, than for transgender women to wear women's clothes, as doing so exposed them to violence and discrimination. There are very few job opportunities available for transgender women. Transgender women who do have jobs report difficulty accessing bathrooms of their identified gender. Lack of formal gender recognition means that MyKad only reflect birth sex, causing issues when applying for jobs, housing, and financial aid. Young transgender women are often rejected by their families and live on the streets. Many are employed in commercial sex work.

3.143 A 'male person posing as a woman' is a *syariah* offence in many states. Aspects of gender transition medical interventions may also constitute a criminal offence. A law in Kelantan state criminalises transgender people who undergo body modification, which may include breast implants. The offence targets the transgender person and potentially the medical provider. Transgender women struggle to access housing. Public housing is prioritised for married couples, and applications require financial documents which transgender people often do not have due to their lack of formal employment. Transgender women often struggle to access loans from banks, driving them to the informal sector and loan sharks.

3.144 In December 2018, a group of five people aged between 16 and 21 years violently attacked and killed a transgender woman in Klang (outside Kuala Lumpur). In January 2019, police arrested a 55-year-old man in the same location in relation to the death of a transgender woman who reportedly fell from a moving vehicle. The NGO Justice for Sisters reported at least two murders of transgender women between November 2019 and October 2020. A transgender woman was found dead in Johor in October 2023, with injuries to her head and face, and some social media users posted homophobic slurs and mocking comments in response to the news.

3.145 In October 2020, officers from the Kedah Islamic Religious Department (JAIK) raided a private birthday event attended by 30 transgender Malaysians. A JAIK spokesperson said all 30 attendees would be investigated under Section 36 of the *Kedah Syariah Criminal Enactment* (2014) and could face fines up to MYR 1,000 (AUD 320) and/or jail for six months. In 2021, Nur Sajat, a high-profile cosmetics entrepreneur and transgender woman, was charged with 'dressing up as a woman at a religious event' and 'bringing Islam into contempt' in the Shah Alam Syariah High Court. She pleaded not guilty. According to local media, Nur Sajat was arrested by

the Selangor Islamic Religious Department (JAIS) in a violent fashion; those who arrested her were called in to give statements following her complaint of being 'roughed up'. In February 2021, Nur Sajat went into hiding after failing to appear in court.

3.146 Transgender men are much less visible than transgender women; they often 'pass' as 'cis men' and consequently face fewer barriers to access to employment. Access to [health care](#) for transgender men can be difficult; hormonal treatment is more expensive than for transgender women. The ability of many transgender men to pass as cis men means that the levels of discrimination and harassment that they face are generally lower than that experienced by transgender women, although most are cautious to avoid being outed to continue living as their preferred gender.

3.147 The level and frequency of discrimination faced by members of the LGBTQIA+ community differs according to their sexual orientation and gender identity, socio-economic status, religion, geographic location, and degree of openness regarding their sexual orientation and gender identity. Well-educated urban LGBTQIA+ individuals of high socio-economic status are less likely to have to hide their sexuality within their family and social circles than poorer individuals in rural areas. In-country sources reported that people in Kuala Lumpur were generally more accepting of LGBTQIA+ people than in East Coast peninsular Malaysia or Sarawak and Sabah. In-country sources also told DFAT that most transgender individuals from Sarawak and Sabah [relocated](#) to Kuala Lumpur for employment and to escape discrimination.

3.148 DFAT assesses that members of the LGBTQIA+ people face a high risk of official discrimination and a moderate risk of societal discrimination, which may include being subjected to prosecution, 're-education', exclusion from public spaces, housing, and employment opportunities. DFAT also assess that LGBTQIA+ people face a moderate risk of familial and/or societal violence. LGBTQIA+ people who are also Malay/Muslim, poor, transgender, and/or live in rural areas face a high risk of official and societal harassment, discrimination and familial and/or societal violence. LGBTQIA+ civil society organisations face a moderate risk of official discrimination in the form of legal charges and harassment by officials.

Victims of Loan Sharks

3.149 Usury is illegal. The *Moneylenders Act* (1951) requires that moneylenders have a licence and not charge interest rates above 18 per cent for an unsecured loan, which must not compound. Loan sharking is also covered under section 427 of the *Penal Code*, which prohibits 'committing mischief' and can carry a five-year prison term.

3.150 In practice, loan sharks or 'pay-day financiers' (unlicensed lenders, referred to as '*Ah Long*' by the Chinese Malaysian community, '*Chettiar*' by the Indian Malaysian community, and '*Ceti*' in Malay), operate openly in Malaysia and charge interest as high as 50 per cent. Advertisements for cash loans appear on public property, including lamp posts and utility boxes. Loans offered through social media or smartphone apps are also common.

3.151 Motivations for taking out loans vary and can include gambling and economic disruption caused by the COVID-19 pandemic. Others take out loans for to finance small business which, if the business fails, sometimes become unsustainable debts. Loans are also made by people rejected by banks or who find bank decision-making slow or to require a lot of paperwork.

3.152 Those who do not repay loans face serious harassment. On rare occasions, victims of loan sharks have faced violence or have been sold into slavery. It is common for borrowers to have their house splashed with red paint, which is generally culturally understood to mean that they have not paid debts, causing public shame. They sometimes have their picture or pictures of their identity documents posted on telegraph poles,

and families are sometimes harassed. Loan sharks sometimes hold victims bank cards or passports as collateral. Loan sharks sometimes continue their harassment even after loan has been paid off.

3.153 State protection is available to victims of loan sharks, but it is often ineffective. Being the victim of a loan shark is often perceived as a moral failing, and some police believe debtors have a religious obligation to pay their debts and consequently will not act to protect them. Formal credit agencies can consolidate loan shark debts and provide payment plans, providing some options for victims.

3.154 DFAT assesses that victims of loan sharks and their family members face a moderate risk of discrimination due to familial and societal shame. DFAT assesses that victims of loan sharks also face a moderate risk of harassment and a low risk of violence from loan sharks and/or gangsters. State protection is available but not always effective.

Children

3.155 Child marriage occurs Malaysia, although it is underreported. Under Malaysian law, underage marriage for non-Muslims is governed by civil marriage law, while underage marriage for Muslims is governed by Islamic family law in the *syariah* courts. Under this dual legal system, the legal minimum age of marriage for Muslim men is 18, and 16 for women, while for non-Muslim men and women it is 18 for both. According to a 2018 UNICEF report, at least 1,500 children marry every year in Malaysia, though the actual rate is likely much higher. Most are Muslims.

3.156 Marriages in undocumented and refugee communities are not included in official statistics and are reportedly common. In-country sources reported that Sarawak had the highest actual number of child marriages, as well as a high number of 'incestuous unions'. A further approximately 1,500 child marriages are carried out in native courts each year.

3.157 *Syariah* courts can provide permission for girls under 16 to marry, and NGOs report such permission is relatively easy to obtain. Parents sometimes give written consent for girls under 16 to marry.

3.158 Child marriage in Malaysia is driven by gender inequality, physical and sexual violence against girls, trafficking, traditional and cultural attitudes, and pre-marital sex (see Women). According to a 2019 UNICEF report, girls are commonly forced to marry men who have sexually assaulted them, allowing the perpetrators to avoid criminal charges, often in return for a payment to the girls' parents. This practice is more common in poorer communities, where NGOs report MYR 5,000 (AUD 1,735) is a routine price for child brides.

3.159 In October 2018, the government issued a directive to all states instructing them to raise the age of marriage for both parties to 18 years in accordance with the *National Strategy Plan in Handling the Causes Of Child Marriage*. The directive followed widespread protests over the marriage of a 41-year-old man to an 11-year-old Thai girl in Kelantan state. As at the time of publication, Selangor and Kedah were the only states to have done so.

3.160 Children from refugee and undocumented migrant communities are vulnerable to exploitation and abuse, including sex trafficking. DFAT is aware of reports of babies being taken from undocumented mothers and sold to traffickers.

3.161 DFAT assesses that while some children in Malaysia experience abuse and/or exploitation, they are generally not at risk of discrimination or violence on the basis of age alone. See Women, Migrants, Refugees and Asylum Seekers for detailed assessments of relevant intersectional risks.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-Judicial Killings

4.1 The US Department of State reported in 2022 that isolated incidents occurred of Malaysian officials committing arbitrary or unlawful killings, mostly in the prison system (see [Deaths in Custody](#)).

Enforced or Involuntary Disappearances

4.2 Four people – three Christians pastors and one Shia activist – disappeared in 2016 and 2017. Subsequent investigations by SUHAKAM indicated varying degrees of police Special Branch involvement. As at the time of publication, none of the four people had been found, no charges had been laid, and the government was yet to respond to SUHAKAM's reports (see also [Christians](#) and [Shi'a Muslims](#)). DFAT is not aware of any reports of state-sponsored enforced or involuntary disappearance since 2017.

Deaths in Custody

4.3 SUHAKAM is responsible for investigating reports of human rights abuses within the prison system and regarding deaths in custody. In 2020, the last year for which data is available, SUHAKAM investigated 12 cases of deaths in custody. Of the 12 cases, six occurred in prisons, four in police detention and two at immigration depots. SUHAKAM made recommendations to improve the conditions that contributed to detainee deaths, but no charges were laid. Further cases have occurred: for example, in January 2022, a detainee died in police custody at a temporary detention centre in Perak State. The RMP subsequently charged two police officers and two detainees with 'causing harm in relation to a death.' DFAT was not aware of the officers being convicted as at the time of publication.

4.4 In January 2022, a Unit on Deaths in Custody within the Criminal Investigation Division (USJKT) of the RMP began investigations into all custodial deaths. According to SUARAM, while the USJKT 'swiftly released press statements to inform the public about cases of death in custody, no information related to the investigation process and outcome of cases was provided.'

4.5 Due to the number of deaths in police custody, and impunity in detention centres, the incoming government pledged to establish an independent commission to investigate police misconduct during the 2018 election campaign. The Independent Police Conduct Commission (IPCC) subsequently came into force in July 2023 (See [Royal Malaysia Police](#)).

DEATH PENALTY

4.6 Malaysia retains the death penalty as an option for 34 criminal offences, although it is not a mandatory sentence for any of them. Malaysia has had a moratorium on executions since 2018.

4.7 In April 2023, Malaysia's parliament voted to remove the mandatory death penalty for all offences, potentially sparing more than 1,300 prisoners on death row. The Anwar Government introduced two bills, the *Abolition of Mandatory Death Penalty Bill* (2013), which included amendments to eight laws, and the *Revision of Sentence of Death and Imprisonment for Natural Life (Temporary Jurisdiction of the Federal Court) Bill* (2023), which allows prisoners who are sentenced to death to apply for resentencing in accordance with the new amendments. Both laws received royal assent in July 2023.

4.8 The *Abolition of Mandatory Death Penalty Act* (2023) provides judicial discretion whether to sentence a defendant to death following a trial, instead of requiring a mandatory death sentence, for twelve offences under the Malaysian law. The amendments also replace 'natural life imprisonment,' with a prison term of 30 to 40 years for relevant laws, as natural life imprisonment otherwise saw the inmate die in prison. Both laws apply retrospectively, allowing death row prisoners and those sentenced to imprisonment for their natural life to make an application in writing to the Federal Court within 90 days of the new law coming into force. As of November 2023, over 900 convicts had applied to have their sentences reviewed under the new law. As at the time of publication, most of these cases which had been heard by the court had their sentence commuted to 30 to 40 years in prison.

TORTURE

4.9 Malaysia is not a party to the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or its Optional Protocol* (see [Human Rights Framework](#)). No law specifically prohibits torture, although laws exist that prohibit 'committing grievous hurt' which could be interpreted to encompass torture. According to SUHAKAM, Malaysia has inadequate legal safeguards against torture in custodial settings, and SUHAKAM continues to recommend Malaysia's accession to the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

4.10 Human Rights Watch, Freedom House and SUARAM have all reported that torture and abuse of suspects in custody, sometimes resulting in death, remain serious problems in Malaysia, as does the lack of accountability for such abuse. In June 2022, Kim Shih Keat, was fined MYR 15,000 (AUD 5,000) and sent to Kluang Prison for seven days for driving under the influence of alcohol. On the last day of his detention, Kim Shih Keat was found unconscious and rushed to hospital where he later died; he was found with bruise marks on both arms, stomach and the back of his body and scratch marks on his elbow, chest, and penis. According to SUARAM, prison officials argued Shih Keat's injuries were caused by his attempt to climb the prison wall. There was no independent forensic pathology report. Kim Shih Keat's family has pressed for police and SUHAKAM investigations. There had been no further progress as at the time of publication.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.11 Several Malaysian laws allow for preventive detention and/or lengthy periods of detention without trial, including the *Security Offences (Special Measures) Act* (2012 - SOSMA), the *Prevention of Crime Act* (1959) and the *Prevention of Terrorism Act* (2015 - POTA). Detention without trial is also possible under the *Dangerous Drugs (Special Preventive Measures) Act* (1985 - DDA85). In-country sources reported that authorities were continuing to use these laws.

4.12 SUARAM estimates that 249 people were detained without trial in 2022 under SOSMA and POCA, chiefly for suspected trafficking and organised crime (though none for political offences). SOSMA allows for preventive detention of up to 28 days without judicial review. In-country sources reported that detainees were, by default, denied bail, with no discretion afforded to the trial judge. Detainees can potentially be incarcerated until the conclusion of all trial proceedings (including appeals, unless below 18 years of age, female, sick or infirm). Detainees have reported abuse during their 28-day detention, including by being beaten and having their genitals sprayed with chill oil. Individuals arrested or detained under SOSMA may face prosecution under the Penal Code. SUARAM estimates there have been 2,155 arrests under SOSMA since its inception until the end of 2019. A number of those arrested under SOSMA have subsequently been deported, released, or had their charges downgraded.

4.13 The *Prevention of Crime Act* (1959, amended in 2014 and 2017) and the *Prevention of Crime (Amendment and Extension) Act* (2013) (POCA) reintroduced preventive detention, which had previously been abolished by the 2012 repeal of the *Internal Security Act* (1960) and the *Emergency (Public Order and Crime Prevention) Ordinance* (1969). POCA permits detention without trial for up to two years, although extensions require approvals from the Minister for Home Affairs and the Prevention of Crime Board (if over 60 days). A detention order can be renewed once every two years if the Prevention of Crime Board deems it necessary for the person to remain incarcerated. Detainees may challenge decisions by the Prevention of Crime Board in the High Court. SUARAM estimates that 11,366 people were detained without trial between the inception of POCA in 1959 and 2022.

4.14 POTA gives a government-appointed board the authority to: impose detention without trial for up to two years (renewable indefinitely); order electronic monitoring; and impose other restrictions on freedom of movement and freedom of association with no possibility of judicial review. The police can detain and remand an individual for 60 days under POTA before the person is sentenced to a two-year detention order or house arrest by the Prevention of Terrorism Board.

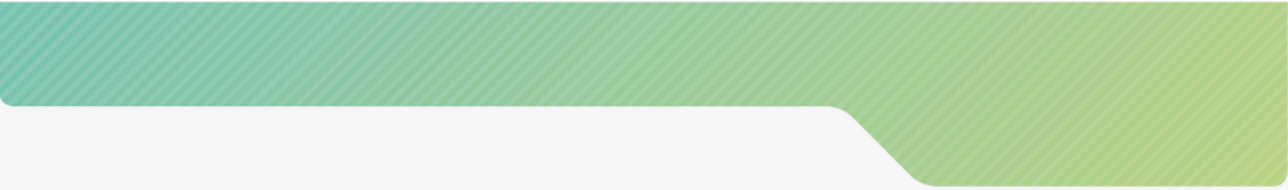
4.15 Under the *Dangerous Drugs Act* (1952 - DDA), authorities may detain suspected drug traffickers for up to 60 days without trial. At the conclusion of this period, a detainee is entitled to a court hearing, which may order his or her release. According to Article 6(1)(b) of DDA, the Minister for Home Affairs can also direct that a person be detained for a period not exceeding two years. According to SUARAM, 997 individuals were detained under the DDA in the first half of 2022.

4.16 The *National Security Council Act* (2016) allows the Prime Minister to declare specific regions or the entire country 'security areas'. Once an area is so declared, the law suspends many restraints on police powers and allows authorities to conduct arrests, searches, and seizures without warrant. DFAT is not aware of the provisions of the *National Security Council Act* (2016) ever being used.

Corporal Punishment

4.17 More than 60 federal offences are punishable by caning, including kidnapping, rape, robbery, people smuggling and possession of narcotics. Caning has been used as a punishment against men for same-sex sexual activity, most recently in 2019 (see [Gay Men](#)). The judiciary routinely sentences individuals to caning (see [Legal System](#)). Federal law exempts men older than 50 years (unless convicted of rape), men sentenced to death, and women from caning.

4.18 There are signs that corporal punishment is growing less acceptable in Malaysia. In August 2022, SUHAKAM expressed support for then Minister in the Prime Minister's Department (Parliament and Law) Datuk Seri Wan Junaidi Tuanku Jaafar's stance on considering caning as excessive punishment, and the organisation recommended caning be removed as a form of judicial punishment. In June 2023, a father in



Muar was sentenced to a day in jail and fined RM1,400, or two months' jail in lieu, for hurting his seven-year old son with a cane.

5. OTHER CONSIDERATIONS

STATE PROTECTION

Federal and State Law Enforcement Entities

5.1 Law enforcement entities operate at both federal and state levels. The RMP reports to the federal Minister for Home Affairs and is responsible for law enforcement nationwide. At the federal level, JAKIM standardises *syariah* law and regulates *halal* certification for food. It also enforces *syariah* over Muslims in the three federal territories of Kuala Lumpur, Putrajaya, and Labuan. State Islamic bodies enforce *syariah* at the state level. The RMP and JAKIM operate independently. While relevant state religious departments or the RMP can investigate misconduct by religious enforcement officers, the RMP is generally unwilling to involve itself in state level religious matters.

5.2 The People's Volunteer Corps (RELA), a federal paramilitary civilian corps under the jurisdiction of the Ministry of Home Affairs, assists security forces. Private individuals can hire RELA for crowd control at events such as weddings and funerals. RELA membership totals approximately 3 million. RELA engagement in law enforcement activities has significantly reduced in recent years. In 2020-21, RELA were active (together with the army and police) in imposing a nationwide movement control order issued in response to the COVID-19 pandemic.

5.3 State-level Islamic religious departments enforce *syariah* through Islamic courts and have jurisdiction over Muslims in each state in matters of family law and religious observances. *Syariah* laws and the degree of their enforcement vary from state to state, although [religious enforcement officers](#) can accompany police on raids in all states. The federal law limits some penalties imposed by *syariah* courts.

Military

5.4 The Malaysian Armed Forces have three branches of service – the Malaysian Army, the Royal Malaysian Navy, and the Royal Malaysian Air Force – with approximately 110,000 active military personnel and 52,000 reserve personnel. The minimum age for voluntary service is 17 years and six months. There is no conscription.

Royal Malaysia Police

5.5 The RMP is based on the British constabulary model, employs approximately 115,000 officers, and operates over 800 police stations across Malaysia. Multiple local and international sources consider the RMP to be a professional and effective police force, although note the quality of its members' responses varies depending on levels of training, capacity, and engagement in corruption. RMP officers are among the lowest paid members of the Malaysian civil service. The RMP is around 80 per cent *Bumiputera*. The government

undertakes targeted recruitment to increase the number of women, Chinese Malaysians, and Indian Malaysians.

5.6 According to Transparency International's 2017 *Global Corruption Barometer for the Asia-Pacific region* (the latest available), Malaysians perceive the police as one of the most corrupt institutions in the country. External investigations into allegations of police misconduct were previously conducted by the Enforcement Agency Integrity Commission, which was not well-regarded by complainants. From July 2023, such investigations have been carried out by the Independent Police Conduct Commission (IPCC). The establishment of the IPCC was recommended by a Royal Commission in 2005. Due to the number of deaths in police custody and impunity in detention centres, the incoming government pledged to establish such an agency during the 2018 election campaign. In 2020, the then-government re-introduced what observers described as a 'weakened' bill, proposing the creation of the IPCC, which came into force in July 2023. SUARAM stated in April 2023 that the body has 'too many restrictions which will hinder its investigations' and that it is effectively 'toothless'.

5.7 In-country sources reported in 2020 that the RMP had engaged in the practice of 'chain of remand' whereby police arrest someone, hold them until a court will not or cannot extend their remand, and release them only for police from a different police station to re-arrest that same person. Human rights observers reported that this practice occurred regularly.

5.8 In July 2014, the then-Inspector General of Police announced the establishment of an Integrity and Standards Compliance Department within the RMP to enhance police integrity and image. SUHAKAM also receives complaints against the RMP and has investigated police behaviour. However, the government is not formally required to consider SUHAKAM's reports or recommendations. SUHAKAM's investigation into the disappearance of Pastor Raymond Koh concluded that RMP Special Branch was responsible for the disappearance, but no one was ever held accountable. See also Deaths in Custody.

State Islamic Religious Departments

5.9 Religious enforcement officers, known locally as religious police, have a range of powers depending on the *syariah* laws that apply in each state. Religious enforcement officers can detain and charge individuals to go before *syariah* courts for a range of reasons, including indecent dress, alcohol consumption, the sale of restricted books, or for being in close proximity to members of the opposite sex. State level *syariah* imposes a range of penalties. Although state religious officers have no jurisdiction over non-Muslims, their considerable range of powers means their actions can directly impact non-Muslims, who may, for example, feel compelled to comply with Islamic dress codes.

5.10 Relevant state religious departments and the RMP can investigate misconduct by religious enforcement officers, however the RMP is reportedly generally unwilling to involve itself in state religious matters. Most complaints against religious enforcement officers have been related to the mistreatment of transgender people, domestic violence victims and non-Muslim parents in situations of unilateral child conversion to Islam.

5.11 DFAT was unable to obtain current information on complaints against religious enforcement officers in 2023 or 2024.

Legal System

5.12 The Federal Court is the highest judicial authority in Malaysia, followed by the Court of Appeal, High Courts at state level, and subordinate courts. *Syariah* courts operate at state level with jurisdiction over

Muslims in personal matters. The subordinate civil courts hear the majority of Malaysia's criminal, civil and family law matters for non-Muslims. A Judicial Appointments Commission makes judicial appointments, subject to the Prime Minister's final approval. Seven of 11 members of the Federal Court are Malay Muslims, which is roughly equivalent to their proportion of the population.

5.13 In-country sources reported in 2018 that issues of judicial independence, arbitrary verdicts, selective prosecution, delays to court-ordered relief for civil plaintiffs, and preferential treatment of some litigants and lawyers persisted in Malaysia. The ability of individuals to seek legal redress through Malaysian courts is variable. In-country sources also told DFAT in 2018 that defendants generally had adequate time to prepare a defence, particularly those with the financial means to engage private counsel. Government legal aid is limited and generally of poor quality. Although strict rules of evidence apply in court, defence counsel may be impeded by limited pretrial discovery. According to a leading human rights NGO, a Court of Appeal judge reported that he had been reprimanded by a senior judge after writing a dissenting statement in 2018. The slow movement of cases through the under-resourced court system can lead to lengthy pre-trial detention periods: in mid-2018, 26.7 per cent of the total prison population comprised pre-trial detainees (see [Detention and Prison](#)).

5.14 State-level *syariah* courts apply *syariah* in accordance with their rules of procedure (see [Religion](#)). Native (Indigenous) courts operate in Sabah and Sarawak and are mechanisms for settling disputes regarding breaches of customary law. In accordance with the Constitution, native courts and the enforcement of native customary law are considered state matters, regulated by state legislation.

5.15 Mobile courts, which sit as the Magistrates and Sessions Courts and are empowered by roaming magistrates, operate in remote areas of Sabah and Sarawak. Mobile courts operate in an effort to register [undocumented people](#), allowing the court magistrate to capture late [birth registration](#) with government officials from the National Registration Department present to process paperwork. Prior to presenting at a mobile court, applicants are required to register their applications online and provide available documentation (if any). Online checks are performed by the National Registration Department. When applicants present at the mobile court, they require a witness, often the midwife or the village head, to testify to the unregistered birth, and language checks will be performed. If an application is approved, a birth certificate can be issued on the spot while the applicant is at the mobile court. Single and unmarried mothers are permitted to register their children's births at mobile courts in Sabah (see also [Women; Children; Family Law](#)).

Detention and Prison

5.16 Malaysia's prisons are overcrowded, and in-country sources reported in 2018 that five-by-five metre prison cells contained an average of 20 people. According to World Prison Brief, in February 2023, the number of prisoners in Malaysia had reached over 72,400, despite Malaysian prisons only having capacity for a maximum of 65,700 prisoners. Authorities generally hold men, women and juveniles separately.

5.17 Prisons generally operate bucket toilets, suffer water shortages, and require prisoners to sleep on the floor with blankets. Newer prisons (Sungai Udang in Melaka, Sungai Buloh in Kuala Lumpur, and Puncak Alam in Selangor) have flushing toilets. Prison medical and psychosocial support services do not meet the accepted international minimum standards for the treatment of prisoners. The prison system has an arrangement with government hospitals to provide medical care; however, onsite medical supplies are insufficient to meet demand.

5.18 Death row prisoners are allowed to mix with other death row prisoners for one hour a day, allowed recreation activity over the weekend, and permitted to attend religious activities on Sundays. Death row prisoners are detained in a separate block from other prisoners, and held in their own cells, which have toilet facilities. Death row prisoners receive meals in their cells (see [Death Penalty](#)).

5.19 The International Committee of the Red Cross and SUHAKAM access prisons, detention centres and police lock ups on a regular basis. In 2019, SUHAKAM collaborated with the government to undertake a thorough review and reform of the prison management system, policies and practices, including compliance with minimum standards of detention following international standards, such as the Nelson Mandela Rules. According to the US Department of State, authorities do not generally permit NGOs or the media to monitor prison conditions.

Immigration Detention

5.20 Malaysian law does not distinguish between irregular migrant workers (undocumented migrants) and asylum-seekers, whom it also considers ‘illegal immigrants’. Section 34(1) of the *Immigration Act (1959/63)* provides that persons without a right to remain in Malaysia may be detained for ‘such period as may be necessary’ pending removal. The Global Detention Project reports that immigration detainees spend between two months and two years in detention. UNHCR has observed that, without a maximum period of detention, or formal administrative or judicial channels to challenge detention, detainees can face a risk of long-term or possible indefinite detention in one of Malaysia’s 16 immigration detention centres. According to the Home Affairs Minister, in March 2021, there were around 18,000 people held in immigration detention, to whom UNHCR has had no access since August 2019.

5.21 In-country sources reported that conditions in immigration detention centres were significantly worse than in prisons, although conditions in immigration detention centres in Sabah are generally better than those in peninsular Malaysia. The UN Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation reported in November 2018 that Malaysia’s immigration detention centres were overcrowded, sanitation facilities were too close to sleeping quarters, and there was insufficient water, food, and access to daylight. In-country sources also reported that because immigration centres are supposed to be temporary, they had less provision for detainee health care and education.

5.22 There are no family detention units within immigration detention centres, and families may be separated and detained in different locations. Adult women and men are held separately, while pregnant mothers and children are located in separate areas from regular detainees. Children under 12 years of age remain with their mothers if their mothers are arrested, and male children over 12 years of age are sent to an immigration detention centre for males. There are no provisions under the law for the separation of unaccompanied minors, who are placed in adult facilities according to their sex. See also [Migrants, Refugees and Asylum Seekers](#).

INTERNAL RELOCATION

5.23 Although the Constitution provides for freedom of internal movement, Sabah and Sarawak have autonomy over their own immigration. Non-Sabah or Sarawak residents, whether Malaysian citizens or foreigners, must present national identity cards (or passports for foreigners) to gain entry to these states, and can visit for a maximum period of three months. The federal government can overrule immigration decisions made by Sabah or Sarawak in limited circumstances, including for national [security](#) reasons.

5.24 Sabah and Sarawak both issue working visas to non-residents (including other Malaysians), although these can be difficult to obtain. Both states limit purchase of land by non-residents. Far more people migrate from Sarawak and Sabah to peninsular Malaysia than in the other direction, due to better [work opportunities](#) and higher salaries.

5.25 DFAT assesses that, subject to the restrictions outlined above in relation to Sabah and Sarawak, Malaysians can and do relocate internally, generally to larger urban areas in peninsular Malaysia, for economic reasons. DFAT assesses that individuals likely to attract official attention under state *syariah*-based law,

including people who identify as [LGBTQIA+](#), [women](#) escaping [GBV](#), or [Muslims wishing to marry non-Muslims](#), may, subject to the absence of economic and other barriers also move to large urban centres to avoid attention.

TREATMENT OF RETURNEES

5.26 Malaysia has at least 59 sea, 25 land and 33 air-based formal entry and exit points. Not all entry points allow for visas on arrival. The Immigration Department is responsible for conducting entry and exit checks. Malaysia keeps records of entries and exits, but these are not always complete, and authorities do not always capture details of arrival/departure ports and destinations. Authorities may prevent the departure of individuals who are facing serious criminal charges, or who have defaulted on repayments of government tertiary education loans. Authorities check travellers against a Travel Status Inquiry (SSPI) system maintained by the Immigration Department prior to departing from an airport or port. All arrivals and departures to and from Malaysian ports, including tourists, are fingerprinted.

5.27 When leaving Malaysia, Malaysians must present a valid passport and, where required, a valid visa for their destination country (a criterion imposed by airlines' destination countries rather than Malaysian immigration).

5.28 DFAT is aware of reports of corruption involving border officials patrolling Malaysia's porous northern border with Thailand, an area linked with people trafficking, but is not aware of any cases in which officials have been charged (see [Trafficking in Persons](#) and [Prevalence of Fraud](#)). See also the [DFAT Country Information on Thailand](#).

5.29 In recent years, Sabah and Sarawak have denied entry (or threatened to do so) to a small number of individuals. In September 2020, DAP secretary-general Lim Guan Eng, facing three corruption charges, was temporarily barred from entering Sabah, allegedly on the instruction of the Malaysian Anti-Corruption Commission (MACC, see [Corruption](#)); MACC and Sabah have claimed it was a misunderstanding. In September 2018, a Kuala Sepetang State Assembly member was removed from an official dinner in Sarawak by State Immigration Officials and deported to Kuala Lumpur.

5.30 DFAT is not aware of any instances of authorities denying an individual's exit from Sabah or Sarawak. There have been reports of cases in which Immigration Department officers have been arrested for immigration-related corruption. In April 2021, five individuals within the Immigration Department were arrested for allegedly printing hundreds of thousands of falsified work passes sold for between MYR 6,000 (AUD 2,000) and MYR 8,000 (AUD 2,666) each to undocumented migrants working illegally in Malaysia. In June 2021, the Malaysian Tourism Minister called for a probe into a 'culture of corruption' among immigration officials at Kuala Lumpur International Airport.

Conditions for Returnees

5.31 Under Malaysian immigration law, Malaysians who overstay their visa or breach visa conditions in other countries (regardless of if they apply for asylum) may be blacklisted and prevented from further travel, normally for a period of up to two years. Malaysians who are returned from Australia face a passport ban of five years under an agreement between the two countries. In practice, cases are unlikely to come to the attention of authorities unless the Malaysian is removed (i.e., deported) from another country or applies to renew a passport through a diplomatic mission overseas.

5.32 Authorities generally pay little attention to Malaysians who overstay their work or tourist visas, or who breach visa conditions in other countries, upon their return to Malaysia. Likewise, failed asylum seekers rarely

face adverse attention, as the Malaysian Government is usually unaware that someone is a failed asylum seeker, although it is possible some failed asylum seekers could face questioning on return, particularly if their passport expired while abroad. The International Organization for Migration (IOM) assists voluntary returnees, and Malaysian authorities cooperate with IOM in these arrangements.

5.33 If an individual has committed an offence in Malaysia prior to departure and not yet been tried for it, they could face trial for the offence upon return to Malaysia. The Constitution states that an individual cannot be tried more than once for the same offence (double jeopardy) unless there is a substantial change in the evidence against them. Some provisions of the Malaysian Penal Code have extraterritorial application, along with some provisions from the *Malaysian Anti-Corruption Commission Act* (2009).

DOCUMENTATION

Birth and Death Certificates

5.34 Children born in Malaysia are granted citizenship if one parent is a citizen or permanent resident at the time of birth. Children must be registered within 14 days of birth. Both parents must supply their MyKad and their marriage certificate to register a child. In February 2020, the Federal Court ruled that a Muslim child conceived outside of marriage cannot bear his/her father's name. For non-Muslims born outside of marriage, authorities enter the mother's name only on birth certificates unless the parents make a joint application. Birth and death certificates are generally considered reliable forms of documentation, although cases of fraud sometimes occur.

5.35 Children of undocumented migrants may be issued with birth certificates. Children of UNHCR card-carrying refugees tend to have birth certificates. Undocumented migrants can be issued with birth certificates. However, undocumented migrants may not obtain birth certificates in order to avoid the attention of authorities, for example by not giving birth in hospitals (see Statelessness; Migrants, Refugees and Asylum Seekers).

5.36 Children born overseas to Malaysian parents receive Malaysian citizenship after registration at a Malaysian consulate, or at the National Registration Department in Malaysia. In February 2023, the Malaysian cabinet agreed to amend the Federal Constitution to enable children born overseas to Malaysian mothers married to foreigners to automatically become citizens. Previously, only children of Malaysian fathers born overseas automatically became citizens. As at the time of publication, this amendment was not yet in effect (see also Family Law).

National Identity Cards

5.37 National identity cards are compulsory for all citizens aged 12 years and above. The National Registration Department introduced the MyKad system in 2001, replacing an earlier identity card. At the time, Malaysia became the first country in the world to use an identification card incorporating both photo identification and fingerprint biometric data on an in-built computer chip.

5.38 The MyKad shows an individual's name, address, biometric data (including photograph and fingerprints) and their status as a Muslim (by omission, it signals an individual's status as a non-Muslim). Although the main purpose of the MyKad is to provide proof of identity, it can technically serve many other functions, including as an alternative driver's license, a health document storing medical records, an ATM card and a payment card for tolls and other taxes.

5.39 Citizens receive a MyKid card at birth, which is upgraded to a MyKad at 12 years of age. It is a requirement that the photograph remains valid and that the MyKad is updated when an individual is between 18 to 25 years of age, and thereafter whenever details change. In accordance with the *National Registration Regulations* (1990), the MyKad card must be always carried. Failure to do so attracts a fine of between MYR 3,000 (AUD 990) and MYR 20,000 (AUD 6,600) or a jail term of up to three years. It is also a legal requirement for MyKad cardholders to keep their residence details up to date. As Sabah and Sarawak maintain separate immigration controls, citizens with permanent residency in these states are denoted by the letters 'H' and 'K' respectively on the bottom right corner of their MyKad.

Passports

5.40 Under the *Passport Act* (1966), the Immigration Department issues Malaysian passports. Malaysia's passport application process is one of the fastest in the world. Applications and renewals occur at a kiosk point, known as a 'KiPPas', and take as little as one hour. Every state has a passport issuing office. Passport renewals take longer if the old passport is reported lost or stolen, or otherwise suspect. A Malaysian passport is valid for five years and costs MYR 200 (approximately AUD 60). Under the *Guardianship (Amendment) Act* (1999), only one parent's consent is required to obtain a passport for a person under 18. A person uses their MyKad to obtain a passport or, if a person is not in possession of MyKad, they must use a temporary identification certificate and their birth certificate.

5.41 Malaysia has issued biometric passports since 1998, adding thumbprint data to the passport chip in 2002. Malaysia has issued ICAO-compliant e-Passports since February 2010. Malaysian passports have strong anti-counterfeiting features. In-country sources report that passport issuance offices are prone to corruption, and DFAT is aware of cases of fraudulently obtained, genuinely issued Malaysian passports (see also [Prevalence of Fraud](#)).

UNHCR Documentation

5.42 In June 2016, UNHCR launched an identity card system which includes enhanced biometric collection and security features (microtext, holograms, watermarks, barcodes, facial imagery, and fingerprint and iris scans). UNHCR identification cards allow the holder to reside within communities rather than detention centres, access discounted hospital treatment, and access education provided by NGOs (though not state schools). In 2019, local media reported that due to the lack of legal protection, even cardholders did not always feel safe attending government hospitals for fear of being reported as [undocumented migrants](#) and being detained. Alternatively, some attend expensive private hospitals, treat conditions at home, or seek no treatment at all.

5.43 UNHCR cards are often the only form of personal identification that bearers have. As such, the UNHCR ID cards are considered valuable commodities within the refugee community. In 2016, there were instances of fake (older, non-biometric) UNHCR ID cards being available for sale or genuine cards being provided to individuals who did not meet the registration criteria. According to in-country sources, issues of fraud among UNHCR staff were resolved, however fraudulent activity by other individuals and groups continued to occur. In 2019, local media reported that police had identified a syndicate trafficking [Rohingya](#) into Malaysia and providing them with fake UNHCR cards. In 2020, local media reported that two document forgery syndicates led by Myanmar nationals believed to be responsible for producing 14,000 fake documents a year had been dismantled by Malaysian authorities.

5.44 In 2016, UNHCR launched a free mobile application, 'verify-MY,' which can be downloaded onto any phone to scan the new biometric style UNHCR ID cards to confirm the identity of the cardholders. The UNHCR

'verify-MY' application is used by UNHCR and government authorities and assists in the release of refugees and asylum seekers from immigration detention. It can be downloaded by anyone online and used for verification purposes.

5.45 In September 2022, Malaysia introduced the Tracking Refugees Information System (TRIS) card to monitor refugees and facilitate access to services. In 2022, local rights groups reported the cards unnecessarily duplicated UNHCR refugee registration cards and recommended refugees to not take them up. In November 2022, the then-government publicly considered shutting down the UNHCR in Malaysia. However, in 2023, in-country sources reported that the Anwar Government was working with the UNHCR, including on the TRIS system, although this was some way away from full implementation.

Prevalence of Fraud

5.46 In-country sources reported that it was more common to see genuine documents like [national identity cards](#) and [passports](#) obtained through bribery or fraud than counterfeit documents. There have been reports of immigration officials taking [bribes](#) to issue passports, facilitate passage at border crossings, and facilitate release from immigration detention centres. In-country sources reported in 2018 that citizens from the Philippines and Indonesia had entered Sabah legally, disposed of their documentation after arrival, and bribed officials to obtain a Malaysian passport while citing a different ethnicity.

5.47 Australian authorities have identified several individuals who have attempted to enter Australia with genuine passports obtained using another person's identity. The passports were most likely obtained using the other person's MyKad card, possibly with the collusion of immigration officials.

5.48 In-country sources reported that it was more difficult to fraudulently obtain a MyKad card than a passport, as the Ministry for Home Affairs crosschecked personal identity and other records. However, there have also been incidences of corruption involving officers from the National Registrations Department who have assisted in the corrupt issuance of MyKad cards to foreign nationals. In September 2019, media reported that six people, including a National Registration Department officer in Penang, had been charged in the Sessions Court with selling fraudulent birth certificates and MyKads. While counterfeiting services are rare in Malaysia, they do exist, as do online sales of degree qualifications. Local media reports about syndicates producing fake visas and passports for third country nationals are also common.

5.49 In 2020, UNHCR acknowledged allegations that fake [UNHCR cards](#) were in circulation in some migrant and [refugee communities](#). UNHCR stated that the authenticity of the cards (which reportedly have enhanced security features, including 3D holograms, bar codes, and a 'Secure Quick Response' (SQR) code, supported by biometric data collection at the UNHCR office) could also be verified through the UNHCR Verify-MY App.