

Joint Action Group for Gender Equality
“Consultation before Amendments: Keep the Internet Free”
16 May 2016

The Joint Action Group for Gender Equality (JAG) is gravely concerned over the proposal to amend the Communications and Multimedia Act 1998 (CMA). We believe, based on reports of the proposed amendments and the escalating suppression of freedom of expression, that these amendments will have the impact of worsening the human rights situation on the ground for women.

The proposed amendments include mandatory registration of “political” bloggers and online news portals, and an increase in penalties for offences under the CMA. The Malaysian Communications and Multimedia Commission (MCMC) will also potentially be accorded greater powers to take down online content and block websites.

The Internet has provided new tools and platforms for women to express ideas and desires, connect with others like them, organise themselves to address injustices, as well as bypass some of the financial and social barriers against running businesses. However, in the context of entrenched conservatism and the politicisation of religion, Malaysian women’s behaviour online is already scrutinised and regulated by gendered norms. Women who are perceived to have “transgressed” routinely receive rape threats, and often their personal information online would be spread online to shame them. Regressive ideologies around women’s sexualities and gender expressions in particular are used to denigrate and silence women.

The proposed amendments will not address violence, discrimination and misogyny faced by women online. They will instead add to the threats faced by women who are speaking out on issues that matter to them, from democratic governance to the GST to their life choices. The idea that somehow the government could discern “political bloggers” from other bloggers, for example, is laughable. Malaysian women’s lives are political because even our identities are politicised.

Malaysia has a vibrant online community of women who are content creators, fans, artists, bloggers, and activists. The chilling effect of the proposed amendments should not be under-estimated. It will drive many women who are already prone to self-censorship to suppress expressions of creativity and ideas, and withdraw from public discourse on issues that affect their lives.

While human rights defenders and Opposition politicians have been the most visible victims of the current crackdown on freedom of expression, it will only be a matter of time before other groups are targeted. In the long term it will be women – especially the most marginalised and vulnerable among us – who will feel the adverse and most lasting impact.

Communications and Multimedia Minister Datuk Seri Dr Mohd Salleh Said Keruak has sought to give assurances that the amendments were not intended to “restrict people’s freedoms.” The Malaysian government should then release the full text of the proposed amendments so the public can judge for themselves, instead of keeping the bill under wraps.

JAG urges the government to halt the tabling of the amendments until open and participatory consultations can be held with different and diverse stakeholders, including civil society organisations, to comprehensively examine the impact of the proposed amendments. We recall that

the government held nationwide roadshows to consult the public before passing the Law Reform (Marriage and Divorce) Act 1976 and the Domestic Violence Act 1994.

There is no reason why the tabling of the CMA amendments cannot be delayed pending a public consultation, and a clearer definition of what harms these are meant to curtail. Any law that restricts our freedom of expression should be focused on setting the limits to the limitations, and not resort to authoritarian measures to expand these limitations.

Endorsed by:

1. Persatuan Kesedaran Komuniti Selangor (EMPOWER)
2. All Women's Action Society (AWAM)
3. Association of Women Lawyers (AWL)
4. Perak Women for Women Society (PWW)
5. Persatuan Sahabat Wanita, Selangor (PSWS)
6. Tenaganita
7. Women's Aid Organisation (WAO)