

GLOBAL TORTURE INDEX 2025: MALAYSIA FACTSHEET

OVERALL GLOBAL TORTURE INDEX SCORE:

HIGH RISK

The Global Torture Index 2025 represents the first analysis designed to assess the risk of torture and ill-treatment across 26 countries worldwide. The following pages present the 2025 factsheet for Malaysia, featuring an analysis of the country's overall performance, a breakdown by thematic pillars, and key recommendations for driving meaningful change in the fight against torture and the promotion of human rights.

COLLABORATING ORGANISATIONS IN MALAYSIA:

Suara Rakyat Malaysia
(SUARAM)

AT A GLANCE

Torture and ill-treatment remain a persistent issue in Malaysia, especially in police custody, prisons and immigration detention centres. For 2025, the Global Torture Index classifies the country as facing a **high risk** of torture and ill-treatment, based on data collected in 2023 and 2024.

In Malaysia, human rights are frequently portrayed as a threat to Islam, national sovereignty, and the country's traditional values. These perceptions continue [to pose major obstacles](#) to ratifying international human rights treaties and hinder incorporating human rights standards into national laws. **Malaysia has not ratified the UN Convention against Torture nor its Optional Protocol**, and the national legislation does not define torture as a stand-alone offence.

Within the prison system, corporal punishment (caning) and [near-total solitary confinement for those on death row remain in use](#). Overcrowding, inadequate sanitation and poor ventilation further heighten the risk of abuse, while vulnerable groups—such as migrants, refugees and children—face particularly harsh conditions without regular judicial oversight.

Security-focused laws (SOSMA, POCA, POTA, DDA85) allow preventive detention without timely judicial review, as well as [reservations on key human rights treaties constrain international oversight](#). The Independent Police Conduct Commission, though established in 2022, **lacks investigative authority and its recommendations are non-binding**, while engagement with UN Special Procedures remains minimal.

Suara Rakyat Malaysia (SUARAM) documented **over [190 instances of police misconduct in 2024](#)**, with half of the cases seeing no action beyond investigations.

There are over [180,000 refugees and asylum seekers registered with UNHCR](#) in Malaysia, none holding formal legal status. **Unofficial estimates indicate [between 1.2 million and 3.5 million undocumented migrants](#)**, many of whom live in precarious conditions and face the constant threat of arrest.

In 2024, the abolitions of the mandatory death penalty—except for drug-related charges—drove the death row population down sharply, **from 1,275 to just 140 persons**, and including a significant reduction in the number of women awaiting execution. However, 38% of newly imposed death sentences are for drug-related charges.

Victims lack guaranteed rehabilitation, and forensic documentation does not follow international standards. Indigenous peoples in Peninsular Malaysia, known as the Orang Asli, have limited opportunities to participate in decisions that affect them. Ambiguity surrounding their constitutional status has resulted in selective interpretation by various public institutions.

In drafting amendments to the Aboriginal Peoples Act (APA), the government demonstrated limited engagement with the Orang Asli community regarding their land rights.

Human rights defenders face harassment, intimidation, and judicial persecution. There is no National Preventive Mechanism, and prisons are inaccessible to CSOs and human rights defenders.

GENERAL INFORMATION



Type of government:
Constitutional
Monarchy



United Nations Convention Against Torture:
Not ratified



OPCAT ratification:
Not ratified



Population:
35.877.052



People deprived of liberty:
87 419



Prison population (per 100,000 of national population):
256



Pre-trial detainees / remand prisoners (percentage of prison population):
33.6%



Documented Detained Human Rights Defenders:
No data



Alerts Issued by the Observatory for Human Rights Defenders in 2024:
0



Prison Occupancy level:
106%



Homicide rate (per 100.000 people):
0.72

THEMATIC PILLAR OVERVIEW



I. POLITICAL COMMITMENT

INDEX SCORE: HIGH RISK

Malaysia's political commitment to eradicating torture remains limited, as reflected in its legal and institutional frameworks. **The country has yet to ratify the UN Convention against Torture (CAT) and its Optional Protocol (OPCAT)**, and national legislation lacks a comprehensive definition of torture in line with international standards. There is no dedicated anti-torture law, and a National Preventive Mechanism (NPM) has not been established.

Engagement with the UN Special Rapporteur on Torture is minimal, with most communications either unanswered or receiving general responses. The principle of non-refoulement is neither codified in law nor consistently upheld in practice. **In 2023, Malaysian government deported 114 people from Myanmar, including children.** Malaysia **maintains reservations on key provisions of international treaties related to torture**, including Article 37 of the Convention on the Rights of the Child and Article 15 of the Convention on the Rights of Persons with Disabilities.

In the Universal Periodic Review (UPR) context, Malaysia has set short, mid, and long-term indicators for all recommendations, including those it did not fully accept. [For recommendations related to torture and UNCAT ratification](#), activities have primarily focused on awareness-raising and legal studies.



II. ENDING POLICE BRUTALITY AND INSTITUTIONAL VIOLENCE

INDEX SCORE: HIGH RISK

Police brutality is persistent in Malaysia, particularly during arrest and detention. Police often **interrogate suspects without the presence of a lawyer**. Torture and ill-treatment are commonly reported in police stations, including beatings, suffocation with plastic bags, forced confessions, and intimidation. These practices are often accompanied by denial of medical care, contributing to a high number of deaths in detention. **Although media-reported custodial deaths declined from 14 to 9**, there are limitations in investigations and communication with families. Police shootings increased significantly in 2024 compared to the year before, **with 35 incidents reported across 11 states involving 75 individuals, 36 of whom were killed.** The use **of corporal punishment continues** in custodial and educational settings.

Laws such as the Security Offences (Special Measures) Act 2012 (SOSMA), the Prevention of Crime Act 1959 (POCA), the Prevention of Terrorism Act 2015 (POTA), and the Dangerous Drugs (Special Preventive Measures) Act 1985 (DDA85) [permit arbitrary detention](#). Use of torture and other ill-treatment is still prevalent in arrests of individuals under security laws such as the SOSMA, in which case **torture is used for forced confessions**. Torture and other ill-treatment **are more likely to be used in arrests of individuals of certain marginalised groups**, such as Malaysian Indians, migrants and refugees.

The mandatory death penalty has been abolished, and a moratorium on executions remains in place. However, the death penalty is still retained as a discretionary punishment for offences such as drug trafficking under the Dangerous Drugs Act 1952 and murder. Approximately [65% of individuals on death row](#) in 2024 were convicted of drug trafficking.

The only available **alternative to the death sentence is long-term imprisonment and caning**. Civil and criminal law [exempt](#) all women and men over the age of 50 from caning, except in cases where the man is convicted of rape. Zaidi Abd Hamid, aged 49, died in Pokok Sena prison in October 2024, as a result of infected wounds [after receiving 12 strokes of the rotan \(caning\)](#); his condition reportedly worsened due to a lack of medical treatment.

The Independent Police Conduct Commission (IPCC)—established under the 2022 Act as an external control mechanism—**received 466 complaints between July 2023 and September 2024**. However, only seven were classified for detailed investigation, as it lacks direct investigative authority, and its recommendations to the Police Force Commission remain non-binding. Body-worn cameras have recently been introduced, with over 7,000 deployed by March/April 2025 at 157 district police headquarters and 640 police stations.



III. FREEDOM FROM TORTURE WHILE DEPRIVED OF LIBERTY

INDEX SCORE: HIGH RISK

The situation in places of detention in Malaysia presents several challenges related to overcrowding, conditions of confinement, and access to basic services. As of the latest data, Malaysia's imprisonment rate stands at **256 inmates per 100,000 people**, significantly higher than the global average of 145 per 100,000. Although prison overcrowding has **decreased from 36% over capacity in 2022 to 11.24% over capacity currently**, it remains a persistent issue.

Detention facilities often face poor conditions, including overcrowded cells, limited ventilation, inadequate sanitation, and insufficient food. Many inmates lack access to clean drinking water and are reportedly forced to drink directly from pipes. Detainees in six pre-war prisons, namely Penang Prison, Taiping Prison, Seremban Prison, Batu Gajah Rehabilitation Centre, Muar Correctional Centre and Pengkalan Chepa Prison, still use the bucket toilet system. Healthcare services, privacy, and legal access in detention centres **fall below minimum standards**. Upon admission, detainees do not undergo independent medical assessments, and forensic documentation practices are not aligned with the Istanbul Protocol.

Overcrowding has also been linked to mistreatment, as in 2023, 125 prisoners submitted a petition calling for investigations into alleged abuse by prison guards. Caning remains in use as a form of punishment within the prison system. There are frequent allegations of 'cavity' searches after returning from court hearings, due to suspicions of drug smuggling. Individuals on death row are typically **held in solitary confinement for up to 23 hours a day**. Efforts to address overcrowding and detention conditions have been limited in scope and effectiveness.

Transgender detainees are frequently segregated and placed in solitary confinement cells, ostensibly for their safety. Access to healthcare remains limited, with reports indicating that LGBTQIA+ detainees are sometimes denied HIV medication, even when it is delivered by loved ones. Additionally, contact with non-family visitors is highly restricted, creating further isolation for detainees who are not accepted by their families or have not disclosed their identity.

Approximately **16,000 migrants, refugees, and asylum seekers** are held in Malaysia's immigration detention centres—among them, **more than 1400 children**—often for months or years without judicial oversight. Detainees face risks of indefinite detention, inadequate medical care, and malnutrition. Between January and June 2024, 20 deaths were reported in these facilities.



IV. ENDING IMPUNITY

INDEX SCORE: CONSIDERABLE RISK

Impunity in cases involving torture and ill-treatment in Malaysia remains a concern due to several structural and procedural gaps. Torture is not criminalised as a specific offence in national legislation, and perpetrators are rarely prosecuted. Victims of torture and other cruel, inhuman or degrading treatment or punishment (CIDTP) often **lack access to adequate and free legal aid**, and most complaints are either dismissed or inadequately addressed. Internal oversight mechanisms have limited effectiveness, and Malaysia does not have an independent investigative body mandated to handle such complaints.

Investigations into allegations of torture and ill-treatment are not consistently thorough, transparent, or conducted by independent authorities. There is no systematic training for police, medical, or judicial personnel on torture prevention. Evidence obtained through torture is often admissible in court, and **there are concerns regarding fair trial guarantees**, particularly for individuals charged under security laws such as SOSMA, POCA, POT, and DDA85. For example, defendants accused of capital offences frequently lacked legal representation during arrest and detention. SOSMA permits preventive detention for up to 28 days without judicial oversight for a wide array of so-called 'security offenses.'

In a case reported in 2025, **around 30 detainees held under SOSMA were allegedly assaulted by 50 to 60 officers in Sungai Buloh Prison**, with no access to timely and adequate medical treatment following the incident. There are concerns over major constraints on judicial independence. Members of the Malaysian Bar Council and civil society organisations point to several high-profile cases involving arbitrary rulings, selective prosecutions, and preferential treatment of certain litigants and lawyers. The judiciary is also reported to regularly defer to police or executive authorities, particularly in cases perceived to impact government interests.



V. VICTIM'S RIGHTS

INDEX SCORE: HIGH RISK

In Malaysia, the legal and institutional framework for the protection and support of victims of torture and other ill-treatment remains limited. There is currently **no national legislation that defines a victim of torture or other ill-treatment**, nor is there a legal right to rehabilitation, reintegration or comprehensive support for survivors. Access to compensation and redress is extremely limited, with such outcomes being rare.

There is no dedicated national fund or mechanism to provide support to victims. Legal aid is often inaccessible or inadequate, particularly for vulnerable groups, which further limits access to justice. Victims and their families are seldom informed of their rights and are not consistently included in legal proceedings.

The enforced disappearances of Amri Che Mat and Pastor Raymond Koh continue to reflect broader systemic challenges, as their families face persistent barriers to transparency and justice - despite a 2019 inquiry by the Human Rights Commission of Malaysia (SUHAKAM) which found that state agents were involved in their abductions.



VI. PROTECTION FOR ALL

INDEX SCORE: HIGH RISK

Various population groups face distinct challenges in Malaysia in terms of legal protection and access to services. **Migrants, refugees, and asylum seekers** are particularly vulnerable. As of April 2025, 198,430 individuals are registered with UNHCR, including over 116,000 Rohingya Muslims and more than 58,000 children. Malaysia is **not a party to the 1951 Refugee Convention nor its 1967 Protocol. The country lacks any legal framework or procedure for determining refugee status and protecting asylum seekers**. Malaysian law criminalises all irregular entry and stay, without distinguishing between stateless persons, refugees, asylum seekers, trafficking victims, and undocumented migrants. Anyone without valid documentation is treated as a 'prohibited immigrant' and may face arrest, detention, and deportation. Detained refugees and asylum seekers, often without legal status, face prolonged incarceration under poor conditions. Migrant domestic workers are particularly vulnerable, as they are tied to their employer's household. Many employers confiscate workers' passports and control the renewal of work permits, effectively restricting their freedom of movement. Workers who leave their employers are immediately at risk of immigration detention.

UN experts have raised concerns about [large-scale trafficking in persons for the purposes of forced labour](#) and forced criminal activity in scam compounds across several Southeast and East Asian countries, including Malaysia. Victims are reportedly subjected to detention, torture, and extreme forms of violence, such as beatings, electric shocks, solitary confinement, and sexual abuse.

An estimated 1 million undocumented migrants and stateless residents are believed to be living in Sabah Island. In June 2024, Malaysian government evicted, [hundreds of Bajau Laut—a stateless, nomadic group](#)—and lack access to basic services including education and healthcare. Women and girls face gender-specific challenges, including high rates of domestic violence, with [5,057 cases reported in 2023](#). **Female genital mutilation (FGM) remains prevalent**, particularly among Muslim and some Indigenous communities, [with over 95% of Muslim girls reportedly affected](#). Marital rape and intimate partner violence are not specifically criminalised, and barriers to justice persist due to social stigma, lack of gender-sensitive procedures, and [limited access to legal remedies](#). Extramarital sex, pregnancy and childbirth for Muslim women remain criminalised. In its recent review of Malaysia, the CEDAW concluding observations called on the Malaysian government **to adopt concrete measures to align civil and Sharia law with the provisions of the Convention**, ensuring that all women enjoy equal legal rights.

A constitutional amendment bill has been introduced [to allow children born overseas to any Malaysian parent](#) to obtain Malaysian citizenship. However, the amendment is not retroactive.

LGBTQIA+ individuals and religious minorities face legal and social discrimination. Indigenous communities report limited participation in decision-making and face structural barriers [to justice and services](#). Some Orang Asli parents **continue to encounter difficulties in registering their children's births**, as local registration officials have, in some cases, [required conversion to Islam as a precondition](#).



VII. RIGHT TO DEFEND AND CIVIC SPACE

INDEX SCORE: CONSIDERABLE RISK

Human rights defenders (HRDs) in Malaysia are engaged in a broad range of advocacy efforts, including the promotion of civil and political rights, social and economic rights, environmental protection, and the rights of marginalised groups such as women, children, LGBTQIA+ individuals, Indigenous peoples, refugees, migrants, persons with disabilities, and stateless persons.

HRDs often encounter challenges to their rights **to freedom of expression, assembly, and association**. They face harassment, threats, police investigations, and occasionally court charges. In 2024, 29.1% of the 79 documented assemblies were subjected to police investigations under the Peaceful Assembly Act, provisions of the Penal Code on public mischief and intentional insult with intent to breach the peace, as well as other laws.

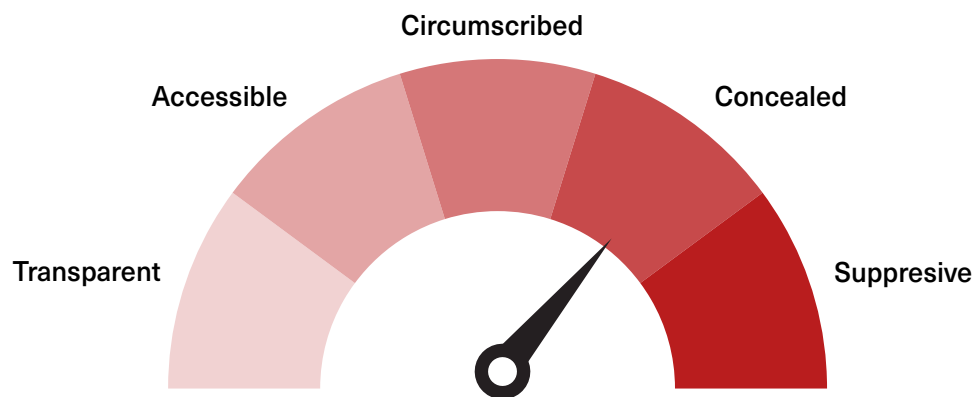
The legal environment governing freedom of expression remains restrictive, encompassing not only legacy laws such as the Sedition Act, but also amended and newly introduced laws and policies that facilitate a broader system of state control over online expression. In 2024, for instance, amendments in 2024 is Section 233 of the Communications and Multimedia Act broadened terms such as 'offensive' to ['grossly offensive'](#), [introduced new categories including 'hate speech' without clear definitions](#), and increased penalties.

There is currently no protection mechanism for HRDs. Cases such as the ongoing charges [against SUARAM members Sevan Doraisamy and Azura Nasron—for assisting families of SOSMA detainees with the submission of a memorandum to the Home Ministry](#)—illustrate the use of legal avenues to intimidate those engaged in human rights work. Civil society organisations also face the risk of de-registration under laws such as the Societies Act 1966, which grants the Registrar of Societies broad discretion to refuse or cancel registrations on vague grounds like 'morality' or 'public order,' with limited procedural safeguards.

TRANSPARENCY AND ACCESS TO INFORMATION

The Global Torture Index rates the access to information and transparency available in each country when measuring and assessing the risks of torture and ill-treatment. It considers the availability of information, as well as the obstacles faced by civil society organisations in collecting data and their ability to access it. Data access must be guaranteed in every society, both in law and in practice, to ensure state transparency and accountability. It enables organisations, journalists and individuals to request information on public bodies, protocols and statistics on human rights violations. This indicator reflects the challenges in accessing information within a country, with each country and territory assigned a rating as Suppressive, Concealed, Circumscribed, Accessible or Transparent.

Malaysia score is **concealed** based on our evaluation of its current level of transparency and access to information.



ADVOCATING FOR CHANGE IN MALAYSIA: KEY RECOMMENDATIONS

The Index includes 5 recommendations for Malaysia, taken from the [Index webpage](#), which will serve as references in upcoming editions to monitor achievements within the anti-torture movement.

1. Enact a dedicated anti-torture law aligned with the United Nations Convention Against Torture (UNCAT), which clearly defines torture and other cruel, inhuman, or degrading treatment or punishment (CIDTP), and establishes effective mechanisms for prevention, accountability, and redress.
2. Repeal Section 4(5) of the Security Offences (Special Measures) Act 2012 (SOSMA) to end 28-day administrative detention without judicial oversight and ensure judicial discretion in bail applications for all detainees.
3. Amend the Independent Police Conduct Commission (IPCC) Act to grant the Commission disciplinary powers, and provide sufficient resources and staffing to enable proactive, independent investigations into police misconduct.
4. Establish independent and accessible complaint mechanisms in all detention settings, with guarantees of confidentiality, protection against reprisals, and transparent follow-up on outcomes.
5. Enact a robust Right to Information (RTI) law, and amend the Official Secrets Act to permit public access to data and information—including the Inspector-General's Standing Orders—where disclosure promotes transparency and public accountability.



FURTHER RESOURCES

For further information, the complete 2025 Torture Index—including detailed data visualisations, FAQs, the methodology, and more—can be accessed on our website: <https://www.omct.org/en/global-torture-index>. Should you have any questions, feel free to reach out to us at tortureindex@omct.org.

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