

MALAYSIA

USCIRF–RECOMMENDED FOR SPECIAL WATCH LIST

KEY FINDINGS

In 2019, religious freedom conditions in Malaysia again trended negatively as they did in 2018. Conditions for minority faith believers as well as for majority Sunni Muslims stagnated or, in some cases, worsened. Members of the Sunni majority must adhere to a strict, state-approved interpretation of Islam, which leaves little freedom to practice according to their conscience. For example, in December 2019, [six men](#) in the state of Terengganu were handed one-month jail terms and fines ranging from \$575 to \$600 for missing Friday prayers. In April 2019, authorities linked with the Islamic religious authority in Selangor, Jabatan Agama Islam Selangor (JAIS), [opened an investigation](#) into three Sunni women who held a discussion about their decision to stop wearing the hijab. In addition, all Muslim students are mandated to take religious classes. In Form 5 (for ages 16–17), religious textbooks condemn non-Sunni sects of Islam. The state-issued sermons each Friday often warn Muslims against these “deviant” sects and the so-called threats they present to Islam.

The pairing of Malay ethnicity with the Islamic religion continues to infringe on the human rights of individual Malays. Historically, the religious Shari’a courts have declared several minority Muslim groups as non-Muslim, which persistently creates a grey area for those Malays who adhere to officially “deviant” sects of Islam. In 2019, Shi’a Muslims continued to face [state hostility](#) and [detentions](#), sparking [fears](#) of an escalating crackdown. At least 50 members of the Milah Abraham community faced ongoing Shari’a court trials for their faith activities. In May, there were reports that religious authorities forced entry into an Ahmadiyya religious building.

Religious authorities [justified](#) their intimidation of the Ahmadiyya Muslim community on the basis that these members are registered as Muslims on their national identification cards.

In August 2019, the Sabah state legislative assembly [passed](#) a bill amending Section 52 of the Syariah Criminal Offences Enactment 1995, which officially defines Islam as Sunni Islam and criminalizes alternative interpretations. This bill adds Section 52A, which prohibits sharing with Muslims any religious doctrines or beliefs that are not in accordance with the state-sponsored version of the faith, with penalties of up to two years in prison and/or a maximum fine of 3,000 Malaysian ringgit. This bill [went into effect](#) on September 9. Authorities have claimed the bill is not aimed toward non-Muslims such as Buddhists or Christians, who have sounded the alarm about the bill, but rather toward “deviant” Islamic practices, which include all non-Sunni Muslim faith groups.

Throughout 2019, non-Muslim communities, such as Buddhists, Christians, and Hindus, reported feeling increasing strain and social hostility. A September directive [issued](#) by the Federal Islamic Affairs Department, an agency under the Prime Minister’s Department, barred interfaith prayers for Muslims at events involving both Muslims and non-Muslims. In a positive development, in June 2019 the government established a special task force to investigate the [enforced disappearances](#) of two prominent religious minority leaders. Nevertheless, the whereabouts of Christian pastor Raymond Koh and social activist and Shi’a convert Amri Che Mat, as well as of Pastor Joshua Hilmy and his wife, remained unknown at the end of the reporting period.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Malaysia on the U.S. Department of State’s Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- As part of U.S. support to build capacity for Malaysian law enforcement, fund and implement training on community-based policing between the U.S. Department of Justice and Department of Homeland Security and their Malaysian counterparts to promote better shared practices on interacting with faith communities and protecting houses of worship and other religious sites; and
- Expand the International Visitor Leadership Program (IVLP) to include bringing Malaysian lawyers and human rights activists to the United States.

KEY USCIRF RESOURCES & ACTIVITIES

- **Staff visit:** Kuala Lumpur in February 2020
- **Factsheet:** [Enforced Disappearances in Malaysia](#)

Background

Malaysia is a highly pluralistic society. Around [61.3 percent](#) of the population identifies as Muslim, the vast majority belonging to the state-sponsored Sunni sect. Buddhists comprise 19.8 percent; 9.2 percent are Christian; Hindus are 6.3 percent; Confucianism, Taoism, and other traditional Chinese religions are 1.3 percent; and about 0.8 percent identifies with no faith community. Though Malaysia was founded as a secular state, the 1957 constitution's article 3 places Islam—interpreted as Sunni Islam—as the official religion of the federation. Article 160 of the constitution links the ethnic identity of Malay with the religious identity of Islam.

The ruling coalition during 2019, the Pakatan Harapan (PH), which came into power in May 2018, pledged support for a number of reforms that largely failed to materialize, including the ratification of certain international human rights treaties. Then Prime Minister Mahathir Mohamad has a [history](#) of anti-Semitic remarks. The then opposition parties United Malays National Organization (UMNO) and Parti Islam Se Malaysia (PAS) [agreed](#) in 2019 to work together, citing their shared perception that the PH was challenging the supremacy of Islam and ethnic Malays. This rhetoric encourages already divisive popular sentiment at the local and national levels. At the end of summer, a social media campaign [called](#) for Muslims to boycott non-Muslims goods. On December 3, UMNO Member of Parliament (MP) Datuk Seri Tajuddin Abdul Rahman used religiously charged [insults](#) to ridicule a fellow parliamentarian of the Hindu faith community. This caused an uproar in parliament that ultimately ended with the speaker of parliament suspending MP Rahman for two days. Christian leaders have [spoken out](#) against tactics by UMNO and PAS that portray Christianity as a threat to the Muslim majority. In December, the Malaysian government hosted a summit of Muslim countries including Iran and Turkey on issues facing the Muslim world. In February 2020, after the reporting period, then Prime Minister Mahathir resigned and was replaced by Prime Minister Muhyiddin Yassin, who has the support of UMNO and PAS.

Government Control of Islam

The state regulates the internal affairs of Muslims, including by funding mosques and providing preapproved talking points to imams. Imams are salaried under the federal Department of Islamic Affairs (JAKIM). In 2019, the state continued to [vet](#) all foreign missionaries, restricting non-Muslims and those Muslims it deems “deviant.”

In 2017, the Malaysian federal government determined atheism to be unconstitutional. Nonreligious individuals continue to face official and [societal harassment](#). For those who are ethnically Malay and identify as nonreligious, there is the risk of criminal prosecution for apostasy. At least six states—Perak, Melaka, Sabah, Pahang, Kelantan, and Terengganu—criminalize apostasy with fines, imprisonment, and/or detention in a “rehabilitation center.” While not enforced, the maximum penalty for apostasy in Kelantan and Terengganu is death.

All Malaysian citizens over the age of 12 are required by law to carry a national ID card that identifies their faith. Muslims' cards state their faith in print, while other faiths are encrypted in the card's smart strip and only accessed electronically. While the ability to change faith is limited for any conversions outside of Islam, some individuals have [won the right](#) only after taking their cases to the High Court.

The Dual Legal System

Malaysia maintains a system of two independent but equal courts: secular and religious. Muslims are subjected to both the general laws enacted by parliament and religious laws enacted by their state legislature. The legal age of children to marry [varies](#) in each state between Muslims and non-Muslims, with a lower age and fewer protections for Muslim children. Marriage between Muslims and non-Muslims remains illegal unless the non-Muslim partner converts.

In 2014, the Selangor Islamic Religious Council (MAIS) issued a fatwa (religious edict) declaring the civil society organization Sisters in Islam (SIS) a deviant group. Fatwas issued by state religious institutions can be used to confiscate documents and prevent organizations' activities. In August 2019, the High Court [dismissed](#) the group's case to remove the fatwa, declaring the matter the exclusive domain of the Shari'a courts. In 1996, the Fatwa Committee for Religious Affairs [issued](#) a fatwa prohibiting the proselytism, promulgation, and professing of Shi'a Islam, which at least 11 of the 13 states have adopted. In 1975, the Selangor Fatwa Council decreed that Ahmadis were not Muslim. Malaysian authorities often accuse minority Islamic faith communities of threatening the unity of Muslims.

Pressures against Non-Muslim Minority Groups

In 2019, authorities did little to address past attacks on Hindu temples and other houses of worship of minority faith communities. Hundreds of Hindu temples have been [demolished](#) by authorities in recent years. Minority faith houses of worship are regulated. Members of faith communities reported that Buddhist temples are restricted from building higher than local mosques and that Sikh gurdwaras are prevented from building domes, since domes are associated with Islamic architecture.

As many as 31 words remained banned for non-Muslims under the pretense of protecting public order. In August, the High Court deferred an appeal on the use of the word “Allah” in Sabah and Sarawak. These language restrictions largely affect members of Christian communities, but also limit the freedom of expression of individuals who follow official “deviant” sects of Islam. Authorities and [societal actors](#) often [use](#) exaggerated fears of “Christianization” for political purposes to motivate support from Muslim communities and escalate tensions between majority and minority groups. Non-Muslim indigenous communities [complained](#) of state-sponsored forced conversion.

Key U.S. Policy

Malaysia and the United States maintain strong bilateral ties. The United States is Malaysia's [third-largest trading partner](#), and there exist numerous educational and cultural exchange programs between the two countries, including the IVLP program, which each year since 2008 has brought Muslim educational leaders to the United States. The U.S. government supports capacity building programs for Malaysian law enforcement, as well as security cooperation and training for Malaysia's military. In October 2019, the [Department of Justice](#) concluded an agreement with the Malaysian government resolving the so-called 1MDB scandal in which the U.S. government seized over \$1 billion due to corruption stemming from former Prime Minister Najib Razak. Over the course of 2019, the U.S. government continued to support anticorruption efforts and the democratic transition to the ruling PH coalition.