

# MALAYSIA 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution declares that “Islam is the religion of the Federation; but other religions may be practiced in peace and harmony.” State and federal governments have the power to “control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.” The government, which regulates Islamic religious affairs, promotes Sunni Islam above all other religious groups. Other forms of Islam are illegal and subject to action by religious authorities. The government maintains a parallel legal system, with certain civil matters for Muslims covered by sharia. The relationship between sharia and civil law remains unresolved in the legal system, although civil courts generally refrain from making judgments contradicting sharia courts when the jurisdictions intersect, in particular with family law cases that involve both Muslims and non-Muslims. The government continued to bar Muslims from converting to another religion and imposed fines, detentions, and canings on those classified under the law as Muslim who contravene sharia codes. Christians continued to face difficulty in using the word “Allah” to denote God. In April the government amended the sedition laws; changes included the criminalization of speech that “promotes ill will, hostility or hatred on the grounds of religion.” Even before the amendment, however, sedition laws had been used against those deemed to be insulting Islam, with one opposition politician sentenced to 16 months in prison for a social media posting. In April the government announced it would support states seeking to implement Islamic penal law (*hudud*). Prime Minister Najib Razak gave several speeches during the year suggesting Malaysia would not accept “liberal” definitions of human rights that stray from the tenets of Islam.

Local human rights organizations and religious leaders stated that society continued to become increasingly intolerant of religious diversity. They cited public protests against non-Sunni Muslim groups, conservative Muslim groups’ continuing public condemnation of events and activities they said were “un-Islamic,” as well as heavily publicized social media posts targeting Muslim and non-Muslim groups. There were fewer reported incidents of violence against those whose opinions differed from officially sanctioned positions on religious matters than in previous years. A church removed a cross from outside its premises after protestors demanded it do so. Attacks on religious freedom in social media increased, with Muslim women often the targets of negative comments for not covering their heads or dressing modestly.

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Official U.S. representatives maintained an active dialogue with government officials and leaders on issues including constitutional guarantees of freedom of religion, proposed legislation affecting religious groups, and increasing religious intolerance. Embassy representatives also met with members of religious groups, including those not officially recognized by the government. The embassy's continued engagement with the government and religious organizations included speaker programs and visitor exchanges to promote religious tolerance and freedom. Specific examples included an exchange program that brought Malaysians to the United States for exchanges on religious tolerance. The embassy also supported the visit of a U.S. Muslim country singer whose public events included discussions of his experience with religious tolerance in the United States.

### **Section I. Religious Demography**

The U.S. government estimates the total population at 30.5 million (July 2015 estimate). Census figures indicate that 61.3 percent of the population practices Islam; 19.8 percent, Buddhism; 9.2 percent, Christianity; 6.3 percent, Hinduism; and 1.3 percent, Confucianism, Taoism, or other traditional Chinese philosophies and religions. Other minority religious groups include animists, Sikhs, and Bahais. Ethnic Malays, who are defined in the federal constitution as Muslims from birth, account for approximately 55 percent of the population. Rural areas – especially in the east coast of peninsular Malaysia – are predominantly Muslim, while the states of Sabah and Sarawak on the island of Borneo have relatively higher numbers of non-Muslims.

### **Section II. Status of Government Respect for Religious Freedom**

#### **Legal Framework**

The federal constitution states that “every person has the right to profess and practice his religion,” but gives state and federal governments the power to “control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.” It also states “Islam is the religion of the Federation,” and “Parliament may by law make provisions for regulating Islamic religious affairs.” The constitution identifies the traditional rulers, also known as sultans, as the “Heads of Islam” within their respective states. Sultans are present in nine of the country's 13 states; in the remaining four states and the federal territories, the highest Islamic authority is the king. Sultans oversee the sharia courts and appoint judges based on the recommendation of the respective state

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Islamic religious departments and councils who manage the operations of the courts. In states with no sultan and in the federal territories, the king assumes responsibility for this process. The law allows citizens and organizations to sue the government for constitutional violations of religious freedom. Federal law has constitutional precedence over state law, except in matters concerning Islamic law. A 1996 fatwa with the effect of law under the sharia code requires the country to follow only Sunni teachings and prohibits the possession, publication, or distribution of material contrary to those teachings.

Sharia courts have jurisdiction over Muslims in matters of family law and religious observances. A constitutional amendment provides that civil courts have no jurisdiction with respect to any matter within the jurisdiction of the sharia courts. Non-Muslims have no standing in sharia proceedings, leading to some cases where sharia court rulings have affected non-Muslims who have no ability to defend their position or appeal the court's decision – most frequently in rulings affecting custody and conversion in interfaith families. The relationship between sharia and civil law remains unresolved in the legal system. Two states, Kelantan and Terengganu, have symbolically enacted *hudud* (Muslim penal law) for Muslims, although the federal government has never allowed the code to be implemented.

In October the country's highest court rejected the 2014 appellate decision that a sharia law forbidding cross dressing was unconstitutional. While the appellate decision said the law violated freedom of expression and association, among other constitutional rights, the Federal Court decision focused on procedural issues. Still at question, however, is whether state Islamic laws supersede the constitution.

The sedition laws regulate and punish, among other acts, speech considered hostile to ethnic groups, which includes speech insulting Islam as the constitutionally defined religion of ethnic Malays. These laws were made more specific with April amendments criminalizing speech that “promotes ill will, hostility, or hatred on the grounds of religion.”

The law forbids proselytizing of Muslims by non-Muslims, but allows and supports Muslims proselytizing others. The law does not restrict the rights of non-Muslims to change their religious beliefs and affiliation. A non-Muslim wishing to marry a Muslim, however, must convert to Islam for the marriage to be officially recognized. A minor (under the age of 18, according to federal law) generally may not convert to another faith without the explicit permission of his or her guardian;

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however, some states' laws allow conversion to Islam without permission after age 15.

Muslims who seek to convert to another religion must first obtain approval from a sharia court to declare themselves "apostates." Sharia courts seldom grant such requests and can impose penalties on apostates, including enforced rehabilitation. In the states of Perak, Melaka Sabah, and Pahang, conversion from Islam to another religion is a criminal offense, punishable by a fine or a jail term. In Pahang, up to six strokes of the cane may also be imposed. Nationally, civil courts generally cede authority to sharia courts in cases concerning conversion from Islam, and sharia courts remain unwilling to allow such conversions for those who are born Muslims and reluctant to allow conversion for those who had previously converted to Islam. In the states of Perak, Kedah, Negeri Sembilan, Sarawak, and Melaka, sharia allows one parent to convert children to Islam without the consent of the second parent.

The legal age of marriage is 16 for Muslim girls and 18 for Muslim males, although they may marry before those ages with the permission of their parents and the sharia courts. Non-Muslims must be 18 to marry.

Tax laws allow a tax exemption for registered religious groups for donations received and a tax deduction for the individual donors. Donors to Muslim religious organizations receive more tax relief than donors to non-Muslim organizations. The registrar of societies, under the Home Affairs Ministry, determines whether a religious group may be registered and thereby qualify for government grants.

National identity cards specify religious affiliation, and are used by the government to determine which citizens are subject to sharia. The cards identify Muslims as such on the card's surface; for members of other recognized religions, religious affiliation is not printed, but is encrypted in a smart chip within the identity card. Married Muslims must carry a special photo identification of themselves and their spouse as proof of marriage.

Islamic religious instruction is compulsory for Muslim children in public schools; non-Muslim students are required to take nonreligious morals and ethics courses. Private schools may offer a non-Islamic religious curriculum as an option for non-Muslims.

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### Government Practices

The government continued to forbid non-Sunni practice of Islam, barred Muslims from converting to another religion, and imposed fines, detentions, and canings on those classified under the law as Muslim who contravened sharia codes. It also limited proselytization by non-Muslim religious groups and restricted the distribution of religious texts. The government prosecuted some deemed to have “insulted Islam” under sedition laws, often following criticism of the government’s policies on religion. Because Islam, Malay ethnic identity, and the ruling United Malays National Organization (UMNO) party are closely linked, it is difficult to categorize many incidents as being solely based on religious identity.

The Department of Islamic Development Malaysia (JAKIM) continued to implement established federal guidelines concerning what constituted deviant Islamic behavior or belief. State religious authorities generally followed these guidelines. Those differing from the official interpretation of Islam continued to face adverse government action, including mandatory rehabilitation in centers that teach and enforce government-approved Islamic practices. The government forbade individuals to leave such centers until they completed the program, which varied in length, but often lasted approximately six months. These counseling programs continued to be designed to ensure the detainee adopted the government’s official interpretation of Islam. State Islamic religious enforcement officers continued to have the authority to accompany police on raids of private premises and public establishments, and to enforce sharia, including for violations such as indecent dress, distribution of banned publications, alcohol consumption, or *khalwat* (close proximity to a nonfamily member of the opposite sex).

The government continued actions against Shia Muslims practicing their religion. In October the Selangor State Islamic Department (JAIS) arrested and charged 16 persons for participating in a Shia religious ceremony, and subsequently published a warning to other Shia followers who “deviated” from the “true Islamic faith” that they could be fined or jailed for practicing Shia “ideology.” JAIS officials said they continued to monitor suspected Shia activities in collaboration with the Home Affairs Ministry and the police.

The government used sedition laws to restrict and punish speech seen as criticizing Sunni Islam. In September an opposition politician was sentenced to 16 months in prison for a 2014 social media post allegedly disparaging the Quran and the Prophet Mohammed. In January a human rights lawyer was charged with sedition

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for a tweet criticizing JAKIM for “spreading extremism” in its prepared Friday sermons. The case was ongoing as of the end of the year. Civil society activists stated the government selectively prosecuted speech allegedly denigrating Islam and largely ignored criticisms of other faiths.

The federal and state governments continued to forbid religious assembly and worship for groups considered to be deviant sects such as Shia, Ahmadiyya, and Al-Arqam. Members of banned groups could not speak freely about their religious beliefs.

Officials at the federal and state levels oversaw Islamic religious activities, distributed sermon texts for mosques to follow, and used mosques to convey political messages, and limited public expression of religion. In a sermon that was delivered throughout the state in September the Pahang State Islamic Affairs Department accused the opposition Democratic Action Party of being anti-Islam. Official sermons issued by religious affairs departments sometimes contained pro-government messages, for instance, urging Muslims to support the budget proposed by PM Najib.

The government placed restrictions on religious assembly and denied legal status to certain religious groups. Representatives of religious groups complained the registrar had no consistent policy or transparent criteria for determining whether to register religious groups. In cases in which the government refused to register a religious group, the group could pursue registration as a company. Examples of groups that registered as companies include Jehovah’s Witnesses and the Church of Jesus Christ of Latter-day Saints (Mormons). Registering as a company was generally relatively quick and provided a legal basis for conducting business, but precluded government funding. The federal government budget allocated 819 million ringgit (\$191 million) to JAKIM in 2015 for a wide variety of Islamic education and mosque-related projects. There were no specifically allocated funds in the government budget for non-Muslim religious groups, although some religious groups reported continuing to receive some irregular funding for temple and church buildings and activities.

Restrictions remained on the use of the word “Allah” by non-Muslims. In January the Federal Court denied an application to review the June 2014 court decision confirming a ban on a Catholic Church newspaper’s use of “Allah” to denote God. In May the government proposed new guidelines barring Christian publications containing the word “Allah” from peninsular Malaysia while allowing its use in the

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states of Sabah and Sarawak, home to many Malay-speaking Christians. Christian groups opposed the proposed restrictions, particularly the planned oversight of Christian publications by the Publication and Quranic Texts Control Division of the Home Affairs Ministry, publishing an open letter calling the move “interfering with Christian religious rights and practices.”

In September the government returned eight compact disks with Christian worship songs containing the word “Allah” to a Christian woman. The items were returned after a Court of Appeal’s decision which found the Customs Department had acted beyond the law in confiscating the media seven years earlier.

State governments had exclusive authority over allocation of land for, and the construction of, all places of worship, as well as land allocation for all cemeteries. Non-Muslim groups reported regular difficulties in obtaining permission from local authorities to build new places of worship, leading many religious groups to use buildings zoned for residential or commercial use for their services. Observers stated that this practice has been largely tolerated, but also has left the religious groups vulnerable. In the wake of an April protest by Muslim groups against a small Christian congregation operating in a commercial building in Selangor State, a municipal council ruled its religious use “illegal.” The state government declined to act against the church, but the religious group’s ability to use the building remained technically against the law.

While Muslim students were required to take religious instruction at public schools, non-Muslim religious groups unsuccessfully urged the government to include the option for non-Islamic religion classes to be held during the school day. At primary and secondary public schools, student assemblies frequently commenced with recitation of an Islamic prayer by a teacher or school leader. Homeschooling remained legal, but some families reported difficulty in obtaining approval from the Ministry of Education. Community leaders and civil liberties groups reported that religion teachers in many public schools, particularly in peninsular Malaysia, pressured Muslim girls to wear the *tudung* (Muslim head covering) at school.

In November women’s rights NGO Sisters in Islam (SIS) challenged in civil court the constitutionality of a July 2014 Selangor State fatwa with the force of law labeling SIS a “religiously deviant organization for subscribing to liberalism and pluralism.” While the state did not take any further action against SIS, fatwa violations continued to be considered crimes punishable by fine or up to two years

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in prison. Authorities could also seize and destroy any materials deemed to violate the fatwa.

Despite a 2014 civil court ruling that the Federal Territories Islamic Religious Department's (JAWI) 2012 raid on a bookstore carrying a controversial book was unconstitutional, JAWI continued to pursue sharia charges against the bookstore manager for stocking a publication contrary to Islamic principles until May, when the civil court threatened JAWI with contempt. The book, *Allah, Liberty, and Love* by Canadian author Irshad Manji, was banned by the Home Affairs Ministry after JAWI's arrest of the bookstore manager. The book's publisher, also a Muslim, faced sharia proceedings. In September the Federal Court, the country's highest court, dismissed the publisher's claim that the ban violated the constitutional guarantee of freedom of expression.

The government prohibited publications, public events, and public debates that it stated might incite religious disharmony. Books banned during the year included Deepak Chopra's *Muhammad: A Story of God's Messenger and the Revelation That Changed the World* and *The Golden Laws: History through the Eyes of the Eternal Buddha* by Ryuho Okawa. Government officials said it banned these books as they contained elements violating the Quran that could confuse Muslims.

In January JAWI initiated investigations against several Muslim teenage girls for hugging male musicians at a meet-the-fans session for visiting Korean pop stars. After public outcry over its threat to arrest the teenagers, the religious department ceased to pursue the matter.

In February a 14-year-old boy stated that Negeri Sembilan State religious authorities detained him for more than three hours and forced him to lodge a police report against his Hindu father, who reportedly was attempting to change the boy's religion from Islam to Hindu. Police refused to take action in the case, calling it "too complicated" and leaving the matter to the state Islamic affairs department, according to media reports.

Civil liberty groups and non-Muslim religious leaders stated that when civil and sharia jurisdictions intersected, civil courts continued to give way, creating situations where non-Muslims were affected by sharia judgments. Media and civil liberty lawyers reported that sharia courts often decided child custody cases where one parent converted to Islam while the other did not – and have historically favored the Muslim parent. When facing competing orders by civil and sharia



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courts regarding custody, they stated the police generally sided with the sharia decisions. In October Deputy Prime Minister Zahid Hamidi said the government was in the process of harmonizing sharia and common law for the past two decades, including making all laws “sharia compatible.”

Although the federal government had long held that *hudud* (Islamic penal law) punishments for moral crimes was unconstitutional, in April the government announced it would support states seeking to implement *hudud*. The federal government and Kelantan State worked together on a technical committee to examine how the *hudud* code would come into force. As of the end of the year, the government had not tabled any of the several parliamentary bills it said were necessary, including one amending the sharia code, and one devolving criminal law matters to Kelantan. Many NGOs and political observers said they believed the federal government’s sudden support for *hudud* was politically motivated to force a schism between the opposition Islamic party (in favor of *hudud*) and other opposition parties (which are against its implementation), and doubted the bills would ever reach the parliament floor.

Government officials made anti-Semitic, and in some cases anti-Christian, statements. In August Mahdzir Khalid, the minister of education and a senior leader of the ruling UMNO party, said a London-based website that reported Malaysian government corruption was part of a Jewish/Christian agenda to split the Malay Muslim community.

Some government bodies, including the federal government’s Department of National Unity and Integration, were tasked with encouraging religious harmony and protecting the rights of minority religious groups, but many faith-based organizations stated they believe that none enjoyed the power and the influence of those that regulated Islamic affairs.

Prime Minister Najib continued to call for moderation and tolerance, urging participants at an October seminar on religion and peaceful co-existence to “...make a firm commitment to establish a culture of tolerance and harmony in order to better promote the well-being of humankind, putting aside what may divide us as communities.” In 2012 PM Najib founded the government-linked think tank Global Movement of Moderates (GMM) and he remained its patron. In October he appointed Nasharudin Mat Isa, who championed the ban on Christian use of the word “Allah,” as the next GMM chairman, sparking criticism from civil society leaders. Prime Minister Najib also gave several speeches suggesting

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Malaysia would not accept “liberal” definitions of human rights that stray from the tenets of Islam.

It remained difficult for those registered as Muslims to have their religious identification changed by the authorities. In October the Court of Appeal dismissed a bid by a Hindu-born mother and her four sons to have the National Registration Department change their names and remove “Islam” from their identification cards. The applicants had argued they had never converted, but the court ruled the family’s identification documents alone were evidence of their professed religion.

### **Section III. Status of Societal Respect for Religious Freedom**

There were continued reports of societal intolerance of religious diversity. There were fewer reported incidents of violence or aggression against the voicing of opinions that differed from officially sanctioned positions on religious matters.

In March a talk radio presenter received numerous death and rape threats after she starred in a satirical video criticizing the push to implement *hudud* in Kelantan State. In December a hospital terminated a female Muslim employee who refused to comply with the dress code requiring short sleeves for hygiene purposes. The hospital was then smeared with buckets of paint by vandals reportedly protesting this decision.

In April protesters forced the congregation of a small Christian church to take down the cross on its outside wall, saying the religious symbol was an affront to the majority-Muslim neighborhood. Police investigated the protesters for sedition, but ultimately pressed no charges. Civil society activists and opposition politicians stated this was an example of bias against non-Muslim religious groups. The Council of Churches of Malaysia said it viewed the actions of protestors as “...an interference with the freedom of worship” and it regretted that the authorities closed the case.

Religious converts, particularly those converting from Islam, sometimes faced severe stigmatization. In many cases, converts reportedly concealed newly adopted beliefs and practices from their former coreligionists, including friends and relatives. Muslim women and girls faced social pressure to wear the *tudung*. On social media, Muslim women who did not wear the head scarf or dress modestly were often subject to shaming. In June a national gymnast who posted a

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photo of herself in her leotard after a competition was criticized for not dressing appropriately, leading the minister responsible for Islamic affairs to announce plans to review the attire for athletes.

Religious identities affected secular aspects of life. In March a survey conducted by the polling agency Merdeka Center found 36 percent of ethnic Malay respondents' included "Islamic credentials" among top qualities for government leaders.

### **Section IV. U.S. Government Policy**

In August embassy officers met with Unity Minister Joseph Kurup to discuss government challenges and efforts to promote ethnic and religious harmony. Embassy officers also attempted to meet with JAKIM officials to discuss religious freedom issues, but the officials did not make themselves available to meet despite numerous requests.

Also in August the U.S. Special Envoy and Coordinator for Strategic Counterterrorism Communications met with government officials and civil society activists about the importance of religious freedom and its role in countering radicalization, as well as growing racial and religious intolerance in the country.

In May the Ambassador hosted civil society and religious leaders, including Islamic and Christian religious leaders and Islamic NGOs. The group discussed limitations on religious freedom, promotion of religious harmony, the implementation of Islamic laws in Kelantan, freedom of expression, and sedition laws.

Throughout the year, the embassy sponsored the participation of four Malaysians in a program on religious pluralism hosted by a U.S. university. As part of the program, the fellows met with U.S. community leaders of different faiths who advocate for collaboration and tolerance among religious groups, examined the leadership role that religious officials play in their own societies, and developed ideas for how to work in harmony with leaders of similar or different faiths in their home country to bring about positive social change.

In February the embassy sponsored a U.S. Muslim country music singer's performances in cities around the country. As part of the tour, the musician spoke

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to university students about his experience of living as a Muslim in the United States and discussed discrimination and tolerance.

Embassy officials met faith-based NGOs on a regular basis, as well as the government's Human Rights Commission, to discuss religious freedom issues including the ban on the word "Allah," the conflict between sharia and civil courts, and the confluence of religion and politics in Malaysia. Embassy programs included lecture tours by American Muslim community leaders and imams, roundtables with think tanks and religious and civil society leaders to promote interfaith dialogue, and media engagements highlighting religious tolerance.

At an annual iftar hosted by the Ambassador, embassy officials engaged guests on such issues as interfaith dialogue and cooperation and maintaining harmony in a multi-religious society.