

# **MALAYSIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

Malaysia recognizes the right to profess and practice religion, but also places limits on this right with the stated goal of promoting social harmony and protecting Islam as the official religion of the country. The government, which regulates Islamic religious affairs, promotes Sunni Islam above all other religions, including other forms of Islam. The government maintains a parallel legal system, with certain civil matters covered by sharia for Muslims. The relationship between sharia and civil law remains unresolved in the legal system, although civil courts generally give way when the jurisdictions intersect, for example in family law. The actions of Islamic authorities, however, increasingly affected non-Muslims. The government's protection and promotion of Sunni Islam has limited the religious freedoms of individuals of minority or officially disfavored belief systems, and resulted in the arrest of over 100 people accused of being Shia, a number of negative outcomes for non-Muslims on family law and free speech questions, and a continued movement to subject non-Muslims to sharia in some states. The nation's highest court blocked the use of the word "Allah" in a Catholic publication. Some government bodies are tasked with encouraging religious harmony and protecting the rights of minority religious groups, but none enjoy the power or influence of those that regulate Islamic religious affairs. Prime Minister Najib has made calls for moderation and tolerance a key issue in his administration, and is the founder-patron of the government-linked think tank Global Movement of Moderates. The prime minister announced a plan to expand the sedition law to cover denigrating Islam or other religions.

Society continued to become increasingly intolerant of religious diversity. Moderate voices and opinions that differed from officially sanctioned positions on religious matters were sometimes met with violent aggression, such as Molotov cocktails, the burning of effigies, and death threats to religious converts, particularly those converting from Islam, who sometimes faced severe stigmatization.

U.S. representatives maintained an active dialogue on religious freedom with government officials and leaders, and representatives of religious groups, including those not officially recognized by the government. During his visit, President Obama publicly emphasized the importance of respecting the rights of religious minorities. The embassy's continued engagement with the government and religious organizations included speaker programs and visitor exchanges to

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promote religious tolerance and freedom. Embassy officials' continued attempts to meet with government Islamic religious affairs departments on freedom of religion issues have been unsuccessful.

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

The U.S. government estimates the total population at 30.1 million (July 2014 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.

### **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 Islamic religious departments and councils who manage the operations of the courts. In states with no sultan and in the federal territories, the king oversees 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 constitutional amendment provides that civil courts have no jurisdiction in respect to any matter within the jurisdiction of the sharia courts, which have jurisdiction over Muslims in matters of family law and religious observances. The relationship between sharia and civil law remains unresolved in the legal system,

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although civil courts generally give way when the jurisdictions intersect; for example, in custody cases where one parent is Muslim and the other is not.

The law forbids proselytizing of Muslims by non-Muslims, but allows and supports Muslims proselytizing others. Neither the right to leave Islam nor the legal process of conversion is clearly defined in law.

Laws and government policies do not restrict the rights of non-Muslims to change their religious beliefs and affiliation. Conversion to Islam, however, raises several issues. A non-Muslim wishing to marry a Muslim must convert to Islam before the marriage can be recognized as valid. A minor (under the age of 18, according to federal law) may not convert to another faith without the explicit permission of his or her guardian; 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 such as enforced "rehabilitation" on apostates. In the states of Perak, Malacca, 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 Malacca, 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. The Registrar of Societies, under the home ministry, determined whether a religious group may be registered and thereby qualify for government grants and other benefits. The registrar had no consistent policy or transparent criteria for determining whether to register

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religious groups. Donors to Muslim religious organizations receive more tax relief than donors to non-Muslim organizations.

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.

Two states, Kelantan and Terengganu, have enacted Islamic *hudud* (Islamic penal law) for Muslims. The federal government, however, has until April held these Quran-prescribed laws for moral crimes with harsh punishments as unconstitutional. Thus, the laws which would amputate the hands of thieves, subject fornicators to lashings, and apply capital punishment for apostasy have yet to be implemented, although they remain on the books.

### Government Practices

The government promoted Sunni Islam above other religions, including other forms of Islam, and detained individuals for violating restrictions on religious freedom. Because Islam and the Malay ethnic identity are closely linked, it is difficult to categorize many incidents as being solely based on religious identity.

A 1996 fatwa with the effect of law under the sharia code declared Malaysia would only follow Sunni teachings and prohibit the possession, publication, or distribution of material contrary to those teachings. Those deviating from the official interpretation of Islam continued to face adverse government action. In March over 100 people were arrested for allegedly being Shia Muslims. They were detained at a private event commemorating a Shia celebration and released hours later. The case is still pending.

The government reportedly maintained a secret list of "sects" banned as "deviant" interpretations of Islam that included over 50 groups. The Department of Islamic Development Malaysia (JAKIM) established federal guidelines concerning what constitutes "deviant" Islamic behavior or belief. State religious authorities generally followed these guidelines. The federal and state governments forbade religious assembly and worship for what the government deemed as "deviant

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sects” such as Shia, Ahmadiyya, and Al-Arqam. Members of banned groups could not speak freely about their religious beliefs.

The government detained Muslims who deviated from accepted Sunni principles and subjected them to mandatory “rehabilitation” in centers that teach and enforce government-approved Islamic practices. In April the widow of the founder of a banned Islamic sect, along with 18 followers, was sentenced to 500 hours of rehabilitation. State-level sharia courts also had the authority to order individuals who professed belief in a “deviant” Islamic group to enter religious rehabilitation centers. 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 are designed to ensure the detainee adopts the government's official interpretation of Islam.

In March the government charged Kassim Ahmad, a retired scholar and political activist with insulting the Islamic religion. He had, among other things, criticized some Islamic scholars in Malaysia of elitism. His case was still pending at year end.

The actions of Islamic authorities increasingly affected non-Muslims. Although in June, the minister in charge of Islamic affairs, Jamil Khir Baharom, stated the government views the federal constitution as allowing either parent to decide on a child’s faith, contradicting the current interpretation of the law, child custody cases between converted Muslims and their non-Muslim spouses often favor the former. On April 6, a civil court overrode a sharia court order and granted a Hindu woman full custody of her two children aged six and nine. The woman’s estranged husband was previously awarded custody by a sharia court and he converted the children to Islam. The police refused to act on the civil court order, leaving the children with the father who refused to comply with the court decision.

In June, Selangor State’s Department of Islamic Affairs (JAIS) raided a Hindu temple to stop a wedding ceremony because the bride was registered as Muslim, though she never practiced the faith. That same month, Islamic authorities in the northern state of Penang stopped a funeral and confiscated the body of the deceased whom they suspected to be Muslim. Her body was only released back to the family four days later, after a sharia court declared she was not Muslim.

Restrictions on the use of the word “Allah” by non-Muslims continued to be controversial. In June the government ended the Catholic Church's legal efforts to

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continue to use the word “Allah” in its newspaper *Herald*, when the nation's highest court denied its bid to overturn the 2009 ban on its use. Though the government insists the ruling only applied to the newspaper, the case continued to have an impact beyond the weekly. For instance, religious books continued to be arbitrarily seized by customs, most recently in December, when 30 hymn books meant for indigenous Christians were confiscated by the police at a copy shop in the state of Johor for containing the word “Allah.”

In January, police recommended Father Lawrence Andrew, the *Herald's* editor, be charged under the Sedition Act for saying the word Allah would continue to be used in Bahasa Malaysia-language services in churches in Selangor state. The Attorney General’s Chambers has not charged Father Andrew to date. That same month, JAIS raided the Bible Society, confiscated more than 300 copies of Bibles with the word “Allah” and arrested the society's chairperson and a staff member. The Attorney General's Chambers closed the case in June, declining to prosecute the Bible Society and instructing JAIS to return the Bibles, which the JAIS initially refused to do. In November, however, Selangor state’s new chief minister brokered a compromise with JAIS to hand over the Bibles to an association of Christian churches from another Malaysian state whose representatives promised to not distribute the books in Selangor.

The government placed restrictions on religious assembly and denied legal status to certain 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.

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-Muslims reported they regularly encountered difficulties obtaining permission from local authorities to build new places of worship. The Selangor state government finally approved plans to build a Christian church in November, six years after the church submitted its proposal.

The government prohibited publications, public events, and public debates that it alleged might incite religious disharmony. In October an Indonesian Islamic scholar, Ulil Abshar Abdalla, viewed by many as liberal, was barred from entering

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the country to speak at a roundtable discussion on combating fundamentalism. He was previously invited by the government in 2002.

In April the federal government unexpectedly announced it would now support states that want to implement Islamic *hudud* for Muslims. In November Kelantan state leaders said they would introduce several bills in Malaysia's parliament in 2015 that would pave the way for implementation of its *hudud* statutes. The Kelantan state government first passed *hudud* laws in 1993, but has been prevented from implementing it since. Any amendment to the penal code would still require the support of two-thirds of parliament.

Officials at the federal and state government levels oversaw Islamic religious activities, and influenced the content of sermons, used mosques to convey political messages, limited public expression, and prevented certain imams from speaking at mosques. State governments were legally responsible for the administration of mosques in the 13 states, including appointing imams and providing guidance on the content of sermons. In the three federal territories, the Federal Territories Islamic Department (JAWI) carried out these responsibilities. JAKIM also produced the text for Friday sermons for all mosques in the country, though there is no information on how many follow the prepared texts.

Authorities at the state level administered sharia through Islamic courts and had jurisdiction over all Muslims. Sharia laws and the degree of their enforcement varied by state and were influenced by respective religious departments of the state. State governments imposed sharia law on Muslims in some cultural and social matters, but generally did not interfere with the religious practices of non-Muslim communities; however, debate continued regarding states incorporating elements of sharia, such as *khalwat*, (close proximity to a non-family member of the opposite sex) into secular civil and criminal law. Although specific punishments for violation of *khalwat* varied from state to state, it was typically punishable by some combination of imprisonment up to two years, a fine of 3,000 ringgit (RM) (\$858), or several strokes of the cane.

State Islamic religious enforcement officers continued to have the authority to accompany police on raids of private premises and public establishments, to enforce sharia, including violations such as indecent dress, distribution of banned publications, alcohol consumption, or *khalwat*.

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In July Selangor's religious authorities gazetted a fatwa (giving it the force of law) declaring women's rights nongovernmental organization (NGO) Sisters in Islam "a religiously deviant organization for subscribing to liberalism and pluralism." The state government has not yet taken any specific action against the group, but Sisters in Islam challenged the fatwa on constitutional grounds. The case is still pending.

The government provided financial support to Islamic religious institutions and more limited funding to non-Islamic groups.

Islamic religious instruction was compulsory for Muslim children in public schools; non-Muslim students were required to take nonreligious morals and ethics courses. Local churches and temple groups unsuccessfully urged the government to include the option for non-Muslim religion classes to be held during the school day. At primary and secondary public schools, student assemblies frequently commenced with recitation of a Muslim prayer by a teacher or school leader. Private schools were free to offer a non-Islamic religious curriculum as an option for non-Muslims. Homeschooling is legal, but some families reported difficulty in obtaining approval from the Ministry of Education. The government offered grants only to private Islamic schools that agreed to allow government supervision and adopt a government-approved curriculum. Religious teachers in many national schools, particularly in peninsular Malaysia, ensured that Muslim girls wear the *tudung* (Muslim head covering) at school.

Anti-Semitic, and in some cases anti-Christian, statements were made by government bodies. In January JAKIM released the text of a Friday sermon it prepared that blamed Christians and Jews for dividing Muslims. In July Bung Mokhtar Radin, a United Malays National Organization (UMNO) Member of Parliament, praised Hitler on social media after Germany won the World Cup.

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 none enjoyed the power and the influence of those that regulate Islamic affairs. In June the minister in charge of national unity, Joseph Kurup, announced the federal government would investigate the wedding raid by JAIS that same month, but no action has been taken since. In November the same minister also called for the reopening of the investigation of a threat to burn bibles by the NGO Perkasa, which the Attorney

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General's Chambers had decided to close. No further action was taken on this matter.

Prime Minister Najib has made calls for moderation and tolerance a key issue in his administration, and has promised to make these a theme of Malaysia's chairmanship of ASEAN, which started in November, as well as Malaysia's upcoming term on the U.N. Security Council. Prime Minister Najib officially dropped his pledge to repeal the sedition law in a November 27 speech. Instead, he announced plans to retain the law and expand it to cover statements denigrating Islam or other religions, and other issues. The prime minister is also the founder-patron of the government-linked think tank Global Movement of Moderates (GMM). GMM's activities in Malaysia included events and publications designed to promote tolerance and inclusiveness and to reject extremism, including in religion. In April the group co-hosted a roundtable promoting religious tolerance. In September GMM and a prominent Muslim youth organization created a task force to address the increasing influence of extremist ideologies. In November, Prime Minister Najib tabled a white paper on the Islamic State in parliament, describing the group as misinterpreting the meaning of "jihad" and expressing concern over the group's impact on Malaysia's security. In October JAKIM promulgated a fatwa calling the terrorist group's jihad as contrary to Islam, and advising Malaysia's Muslims to ignore Islamic State propaganda.

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

In January two Molotov cocktails were thrown into the compound of a Christian church in the northern state of Penang, reportedly over the "Allah" issue. The damage caused was minimal. Also in January the Catholic Church condemned protests by UMNO members that featured the burning of an effigy of Father Lawrence Andrew, editor of the *Herald* weekly, calling it "tantamount to an attack against the Christian community."

In October the organizer of an event aiming to educate Muslims about dogs, which are deemed unclean to touch in the official interpretation of Islam practiced in the country, went into hiding after he received death threats, despite being Muslim himself.

Religious converts, particularly those converting from Islam, sometimes faced severe stigmatization. In many cases, converts concealed newly adopted beliefs

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and practices from their former coreligionists, including friends and relatives. Muslim women and girls faced social pressure to wear the *tudung*.

Civil society activists continued to criticize both the practice of underage marriage and statements by government officials supporting child marriage as an approved Islamic practice. Activists pushed to raise the minimum age for women to be married to 18 without exception, the standard set by the UN Convention of the Elimination of All Forms of Discrimination against Women, which the country has ratified.

Conservative Islamic and Malay NGOs, in particular Perkasa and the Malaysian Muslim Solidarity (ISMA), continued to dominate public discourse, although other moderate religious groups and NGOs were active as well. In January an NGO in Penang demanded local authorities ban the open selling of pork in the state. In February ISMA urged Muslims in Malaysia to be more aggressive in defending Islam, calling on them to emulate Prophet Muhammad in all his aspects, including waging war. In May a newspaper columnist suggested Muslims infiltrate churches in Malaysia to witness alleged Christian condemnation of Islam, while in June a Perkasa leader threatened to behead those who ridicule Islam.

At a government-supported seminar on the threat of Christianity held at a public university in May, speakers alleged an agenda by Christians to convert Muslims. The leader of an NGO accused Christian clergy of going undercover as soccer coaches to proselytize to Muslim children.

In September an online Islamic movement campaigned against a beer brand's Oktoberfest, despite the fact that Muslims were not invited and are not allowed to attend events such as these. Similar events were held without controversy in the past years.

ISMA stated it opposed repealing the country's sedition law on grounds that repeal would allow Jewish and Christian capitalists to shape the country's policies. Media reported a former government official called for statues at a Hindu temple in Batu Caves and a Buddhist temple in Penang be removed, arguing they are an affront to Islam.

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

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In a town hall with youth leaders during his April visit, President Obama emphasized the importance of respecting the rights of religious minorities. His remarks were widely reported in the media. The President also met privately with civil society, including religious leaders and NGOs.

U.S. representatives maintained an active dialogue on religious freedom with government officials and leaders, and representatives of religious groups, including those not officially recognized by the government. The embassy's attempts to meet with Islamic religious affairs departments in the government to discuss freedom of religion issues this year have been unsuccessful

Also in April the embassy organized the visit of two speakers to share the American experience on religious diversity, the Special Counsel for the Civil Rights Division in the Department of Justice and the associate director of a noted American center for religion, peace, and world affairs. The speakers met with government officials, leaders of various religious communities, and civil society activists in a three-day visit.

The Ambassador and other embassy officials visited the Islamic Information Center in Kuching, Sarawak, a model institution focused on promoting inter-religious education and harmony.

In October the Special Representative to Muslim Communities at the U.S. Department of State engaged government ministers, religious leaders, and Muslim entrepreneurs on the issues of religious freedom and concerns about intolerance in the country.

Also in October embassy and State Department officials met with a wide variety of Muslim and non-Muslim religious organizations, NGOs, and government officials to learn about trends affecting religious freedom and to discuss possible areas of cooperation with the United States. During an October visit to the East Malaysian state of Sarawak, embassy officials spoke to representatives from the government, opposition parties, and also NGOs about continued allegations of federal government-backed organizations offering money to indigenous communities in rural areas to convert to Islam.

Embassy officials also routinely met faith-based NGOs, as well as the government's Human Rights Commission, to discuss religious freedom issues. Embassy programs also included lecture tours by American Muslim community

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leaders and imams and roundtables with think tanks and religious and civil society leaders to promote interfaith dialogue, and other media engagements highlighting religious tolerance.

The embassy hosted several iftar dinners during Ramadan, during which embassy officials engaged guests on religious freedom issues. The U.S. government also funded civil society grants and exchange grants for representatives of NGOs working to promote religious tolerance and respect for diversity.