

MALAYSIA 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution states “Islam is the religion of the Federation; but other religions may be practiced in peace and harmony.” Federal and state governments have the power to mandate doctrine for Muslims and promote Sunni Islam above all other religious groups. Other forms of Islam are illegal. Sedition laws criminalize speech that “promotes ill will, hostility, or hatred on the grounds of religion.” 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, with state governments having responsibility for sharia law. Individuals diverging from the official interpretation of Islam continued to face adverse government action, including mandatory “rehabilitation” in centers that taught and enforced government-approved Islamic practices. Sources stated that there was selective persecution of non-Muslim faiths through legal and extralegal means. The Human Rights Commission of Malaysia (SUHAKAM) continued its public inquiry into the 2016 disappearance of a Christian pastor and his wife. A government-appointed panel formed in 2019 to investigate SUHAKAM’s findings on the enforced disappearances of another Christian pastor and a social activist accused of spreading Shia teachings in 2016 did not release its findings on the grounds that the report is classified as “secret” under the Official Secrets Act. In a case on same-sex sexual activity, the Federal Court (the country’s highest court) held that existing federal law preempted a Selangor State sharia law, although both laws restricted such activity. The Malaysian Communications and Multimedia Commission (MCMC) stated publicly it would monitor online activity of Malaysians amid concerns over the spread of false information and statements “that touch on the 3Rs – race, religion and royalty.” The government continued to selectively prosecute persons for allegedly “insulting” Islam, such as in the case of transgender activist Nur Sajat, while it largely ignored criticisms of other faiths. Reports continued of forced conversions, especially among indigenous populations. Non-Sunni religious groups continued to report challenges in registering as nonprofit charitable organizations or building houses of worship, although some religious groups successfully registered as companies. The High Court ruled that a regulation issued by the Ministry of Home Affairs in 1986 banning the use of the word “Allah” by non-Muslims was unlawful and unconstitutional. The government appealed the ruling. The Deputy Religious Affairs Minister said state governments were directed to take steps to ensure religions other than Islam would be further limited in propagating their beliefs to Muslims and announced his intent to introduce legislation to “control and restrict

the development of non-Muslim religions.” Federal and state governments sought to limit the ability for transgender individuals to worship in mosques.

Local human rights organizations and religious leaders again expressed concern that society was becoming less tolerant of religious diversity. SUHAKAM Commissioner Madeline Berma said that it was increasingly common to see social media users mocking the Prophet Muhammad and Jesus. Individuals lodged more than 5,000 reports to the police against Islamic preacher Syakir Nasoha, who made disparaging remarks about non-Muslims in a viral video, but nongovernmental organizations (NGOs) said the police took no action. Religious organizations held virtual interfaith events and webinars to discuss religious freedom throughout the year.

U.S. embassy officials regularly discussed with government officials at the Ministry of Home Affairs, Ministry of Foreign Affairs, Royal Malaysian Police, and Prime Minister’s Department, among others, issues including constitutional guarantees of freedom of religion, an increase in religious intolerance, respecting religious minorities, the unilateral conversion of children by one parent without the permission of the other, and the disappearances of the three Christians and a Muslim activist in 2016 and 2017. The Ambassador visited a number of houses of worship to show the importance of respecting religious pluralism. Embassy representatives met with members of religious groups, including minority groups and those whose activities were limited by the government, to discuss the restrictions they faced and strategies for engaging the government on issues of religious freedom. The embassy enabled the participation of religious leaders and scholars in virtual conferences and webinars that promoted religious freedom and tolerance.

Section I. Religious Demography

The U.S. government estimates the total population at 33.5 million (midyear 2021). According to the most recent census in 2010, 61.3 percent of the population practices Islam; 19.8 percent, Buddhism; 9.2 percent, Christianity; 6.3 percent, Hinduism; 1.3 percent, Confucianism, Taoism, or other traditional Chinese philosophies and religions; and less than 1 percent each other religious groups that include animists, Sikhs, Jehovah’s Witnesses, The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ), and Baha’is. Almost all Muslims practice Sunni Islam of the Shafi’i school. Ethnic Malays, defined in the federal constitution as Muslims from birth, account for approximately 55 percent of the population. Rural areas – especially in the peninsular east coast of the country –

are predominantly Muslim, while the states of Sabah and Sarawak on the island of Borneo have relatively higher numbers of non-Muslims. Ethnic Chinese Malaysians are mainly Buddhist and live mostly in the West coast states, especially in Kedah, Penang, Perak, Selangor, Melaka, and Johor. There is a very small Malaysian Thai Buddhist community living in the northern parts of Kedah and Kelantan states. Two-thirds of the country's Christian population inhabits the East Malaysian states of Sabah and Sarawak.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The federal constitution states, “every person has the right to profess and practice his religion,” but it gives federal and state governments the power to control or restrict proselytization aimed at converting Muslims to another faith. The constitution names Islam as the “religion of the Federation” and gives parliament powers to make provisions regulating Islamic religious affairs. Federal law allows citizens and organizations to sue the government for constitutional violations of religious freedom. Federal and state governments have the power to “control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.” The constitution identifies the traditional rulers, also known as sultans, as “Heads of Islam.” Sultans are present in nine of the country's 13 states and are the highest Islamic authority within their respective states. In the remaining four states and the Federal Territories, the highest Islamic authority is the King, selected to a five-year term from among the nine sultans in an established rotation order. Islamic law is administered by each state. The office of mufti exists in every state to advise the sultan in all matters of Islamic law. Sultans oversee 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 assumes responsibility for this process.

Federal law has constitutional precedence over state law except in matters concerning Islamic law. A constitutional amendment provides that civil courts have no jurisdiction with respect to any matter within the jurisdiction of the sharia courts. However, since 2018, the Federal Court, the country's highest, has held it has jurisdiction over the procedures of the sharia administrative authority in cases involving conversion of minors and that such jurisdiction may not be abrogated by a constitutional amendment.

The Sharia Judiciary Department (JKSM) is the federal agency charged with coordinating the sharia courts. The federal Department of Development of Islam (JAKIM) is the permanent secretariat of the federal Fatwa Committee, which consists of 14 muftis, one from each state and one representing the Federal Territories. The Sharia and Civil Technical Committee within the Attorney General's Chambers oversee the process of sharia lawmaking at the federal level. A 1996 fatwa, supported by state laws, requires the country to follow only Sunni teachings of the Shafi'i school and prohibits Muslims from possessing, publishing, or distributing material contrary to those teachings.

Muslims who seek to convert to another religion must first obtain approval from a sharia court to declare them as "apostates." Sharia courts seldom grant such requests, especially for those born Muslim and ethnic Malays, and are reluctant to allow conversion for those who had previously converted to Islam. Penalties for apostasy vary by state. In the states of Perak, Melaka, Sabah, and Pahang, apostasy is a criminal offense punishable by a fine or prison term. In Pahang, courts may impose up to six strokes of the cane. The maximum penalty for apostasy in the states of Kelantan and Terengganu is death, but courts have never imposed this penalty, and its legality remains untested. NGOs report that most converts from Islam prefer to do so privately, without legal approval. Nationally, civil courts generally cede authority to sharia courts in cases concerning conversion from Islam. In some states, sharia courts allow one parent to convert children to Islam without the consent of the second parent. 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 must convert to Islam for the sharia court to officially recognize the marriage.

A minor (under the age of 18, according to federal law) generally may not convert to another faith without explicit parental permission; however, some states' laws allow conversion to Islam without permission after age 15. A 2018 decision of the Federal Court ruled against the unilateral conversion of children by a sharia court without the consent of both parents. The judgment said civil courts had jurisdiction to exercise supervisory powers over administrative decisions of state Islamic authorities.

Sedition laws regulate and punish, among other acts, speech considered hostile to ethnic groups, which includes speech insulting a religion, enforced most often for such speech regarding Islam. The penal code punishes "offences relating to religion" including "injuring or defiling a place of worship," "disturbing a religious assembly," "trespassing on burial places," or "uttering words with deliberate intent

to wound the religious dealings of any person.” Convictions for these offenses under sedition laws within the penal code may result in prison sentences of up to two years or a fine, the amount of which is not defined in the penal code, or imprisonment of up to 20 years if there is physical harm or damage to property. The penal code also bars speech that “promotes ill will, hostility, or hatred on the grounds of religion,” with offenders facing imprisonment between two to five years. NGOs report that prosecutions for blasphemy usually involve those who offend Islam, but an insult to any religion may be subject to prosecution.

Under sharia, which differs by state, individuals convicted of “deviant” religious activity face up to three years in prison, caning, or a 5,000 ringgit (\$1,200) fine for “insulting” Islam. According to some state laws, Muslims may be fined 1,000 ringgit (\$240) if they do not attend “counseling” after being found guilty of wearing what authorities deem immodest clothing. According to sharia in some states, individuals who sell food to fasting Muslims or Muslims who do not fast are also subject to a fine, a jail sentence, or both.

JAKIM and state Islamic authorities prepare all Friday sermons for congregations as well as oversee and approve the appointment of imams at mosques. JAKIM and state Islamic officials must formally approve all teachers of Islam before they may preach or lecture on Islam in public.

There is no legal requirement for non-Muslim religious groups to register, but to become approved nonprofit charitable organizations, all groups must register with the government’s Registrar of Societies (ROS) by submitting paperwork showing the organization’s leadership, purpose, and rules, and by paying a small fee. These organizations are legally required to submit annual reports to the ROS to remain registered. The ROS may inspect registered organizations and investigate those suspected of being used for purposes “prejudicial to public peace, welfare, good order, or morality.”

Tax laws allow an exemption for registered religious groups for donations received and a tax deduction for individual donors. Donors giving *zakat* (Islamic tithes) to Muslim religious organizations receive a tax rebate. Donors to government-approved charitable organizations (including some non-Muslim religious groups) may receive a tax deduction on the contribution rather than a tax rebate.

Under sharia, caning is permitted in every state. Offenses subject to caning, sometimes in conjunction with imprisonment, include consensual same-sex sexual relations and prostitution. Caning is also permitted for a wider variety of offenses

under provisions in the federal penal code such as for rape, drug trafficking, illegal migration, bribery, and criminal breach of trust.

The law forbids proselytizing of Muslims by non-Muslims, with punishments varying from state to state, including imprisonment and caning. The law allows Muslims to proselytize without restriction.

State governments have exclusive authority over allocation of land for, and the construction of, all places of worship as well as land allocation for all cemeteries.

All Islamic houses of worship – including mosques and prayer rooms – fall under the authority of JAKIM and corresponding state Islamic departments; officials at these departments must give permission for the construction of any mosque or prayer room.

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.

Sharia courts have jurisdiction over Muslims in matters of family law and religious observances. 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, divorce, inheritance, burial, and conversion in interfaith families. The relationship between sharia and civil law remains largely unresolved in the legal system. When civil and sharia jurisdictions intersect, civil courts largely defer to sharia courts, creating situations in which sharia judgments can affect non-Muslims.

Two states, Kelantan and Terengganu, have enacted *hudood* (Islamic penal law) for Muslims, although the federal government has never allowed the implementation of that code. The states may not implement these laws without amendments to federal legislation and the agreement of the sultan.

The legal age of marriage is 16 for Muslim females and 18 for Muslim males, except in Selangor state, where Muslim and non-Muslim females must be 18. Sharia courts may make exceptions for marriage before those ages with the permission of parents. Non-Muslims must be 18 to marry but may marry as young as 16 with the approval of their state's chief minister.

National identity cards specify religious affiliation, and the government uses them to determine which citizens are subject to sharia. The cards identify Muslims in print on the face of the card; for members of other recognized religions, religious affiliation 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.

Foreign missionaries and international students enrolling in religious courses must apply for entry with the Department of Immigration. These classes of visas are issued to applicants on a year-to-year basis and a national body representing the respective faiths must endorse the applicant's qualifications.

JAKIM coordinates the Hajj, endowment (*waqf*), tithes, and other Islamic activities.

The country is not a party to the International Covenant on Civil and Political Rights.

Government Practices

SUHAKAM's public inquiry continued into the disappearance in 2016 of Christian pastor Joshua Hilmy and his wife, Ruth Sitepu. SUHAKAM interviewed dozens of witnesses since the inquiry began in February 2020. Philip Koh, a lawyer representing the family, criticized the Attorney General's Chambers regarding what he stated was its lack of cooperation with the inquiry. In November, Sitepu's family issued a statement. The family said, "Please return her remains to us. People do not, and cannot, just vanish into thin air with no trace."

The government did not release results from a government-appointed panel formed in June 2019 to investigate SUHAKAM's determination that the Royal Malaysia Police intelligence unit, Special Branch, was responsible for the 2016/17 "enforced disappearance" of Shia Muslim social activist Amri Che Mat and Christian pastor Raymond Koh, and it made no progress in its investigation, according to SUHAKAM. According to a lawyer for the two families, the government sent a reply affidavit in September stating it would not release the Special Task Force report, which was completed in 2019, because it was classified under the Official Secrets Act of 1972 and its release would undermine the "national interest."

The wife of Pastor Raymond Koh, Susanna Liew, continued her legal action against the federal government and several senior officials for what she stated was failure to properly investigate her husband's kidnapping in 2017, accusing them of negligence, misfeasance, and conspiracy to injure. In May, a magistrate judge ordered court proceedings to continue in December 2022 against Lam Chang Nam for allegedly extorting 30,000 ringgit (\$7,200) from Koh's family by offering information on Koh's whereabouts. Prosecutors initially charged Lam with kidnapping Koh, although they later withdrew the charges.

Despite calls from the Kuala Lumpur High Court for police to locate Indira Gandhi's former husband and their youngest child, whom he abducted in 2009, both remained missing as of the end of the year. Gandhi, a Hindu, had earlier sued successfully to deny her former husband's unilateral conversion of their three minor children to Islam. In July, the High Court allowed Gandhi to file a suit against the police and the government for alleged inaction in executing a warrant to arrest her former husband for contempt and return her daughter. At year's end, the Inspector General of Police had not disclosed the daughter's location nor announced any progress on the case.

In May, Member of Parliament Maria Chin Abdullah sought a High Court ruling to revoke an October 2019 Sharia High Court contempt order against her for her September 2019 press release stating that the sharia court discriminated against women. The prosecution in the sharia case said Chin's comments harmed the reputation of the court. The High Court review remained pending at year's end.

In February, the Federal Court held that a federal law preempted a similar Selangor State law outlawing same-sex sexual activity. The ruling stemmed from an appeal of a Selangor State sharia court's 2019 conviction of a man for "intercourse against the order of nature." The court found that existing federal legislation outlawing the same activity for the same reason preempted the state law, and on constitutional grounds ruled that the sharia court did not have jurisdiction.

Civil society activists said the government selectively prosecuted speech denigrating Islam and largely ignored criticisms of other faiths. In January, the Malaysian Communications and Multimedia Commission (MCMC) said it would monitor social media platforms for the spread of false information and statements that "touch on the 3Rs – race, religion and royalty."

In April, Datuk Abdul Aziz Sheikh Ab Kadir, chairman of the Negeri Sembilan State Islamic Religious Council, which administers Islamic religious affairs in the

state, said the word “Allah” was sacred and specifically for Muslims and could not be used by other religions.

In February, the Federal Court ruled on an appeal of a Selangor High Court decision and Court of Appeals dismissal of Rosliza Ibrahim’s legal bid for a declaration that she was Buddhist and not Muslim. The Federal Court found that Rosliza, born to an unmarried Muslim man and Buddhist woman, had not inherited her Muslim father’s faith, as the Islamic Family Law Enactment 2003 in Selangor did not recognize his paternity due to his unmarried status.

In April, opposition leader Anwar Ibrahim called for an internal investigation into public university lecturer Dr. Kamarul Zaman Yusoff, accusing him of stoking religious tensions in comments he made about a member of parliament. Kamarul accused Democratic Action Party Member of Parliament Steven Sim of providing a motorcycle to one of his constituents, a Malay youth facing financial difficulties, and characterizing it as an attempt at “Christianization.” He also warned Malay Muslims against accepting help from “Christian evangelists.”

Lawyers continued to call for the Ministry of Education to issue a directive forbidding religious conversion of students in school. In January 2020, a Christian family in Sarawak State sued authorities over the conversion of their son, a minor, to Islam by a *ustaz* (religious teacher) in his school without the parents’ knowledge or consent. The case remained pending at year’s end.

In January, SUHAKAM called for legal action after receiving complaints of indigenous children in Sarawak State being forced to observe Islamic rituals such as mandatory attendance of religious classes and wearing veils and traditional Islamic attire. SUHAKAM attributed this largely to interfaith marriages in which one of the spouses no longer wished to practice Islam, often leading to their children being registered as Muslims, despite being raised as followers of other faiths.

JAKIM continued to implement federal guidelines on 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 taught and enforced 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 detainees adopted the government’s

official interpretation of Islam. The Religious Affairs Ministry reported 14 state-level cases in the country involving “deviant” teachings or worship under sharia from January-September, compared with 33 cases in 2020.

In February, then-Religious Affairs Minister Datuk Seri Zulkifli Mohamad al-Bakri urged authorities to take “necessary action” against a Hindu man who claimed in a video that he convinced his wife to leave Islam and embrace Hinduism. Zulkifli said the law empowered states to formulate laws to control the spread of other religions to Muslims, including attempts to persuade, coax, or invite the latter to leave their religion either through preaching, marriage, or any other means. Police investigated the man under the Sedition Act, Multimedia and Communications Act, and the penal code, and the case remained pending at year’s end.

NGO sources reported it remained difficult for Muslims attempting to convert and for non-Muslims mistakenly registered as Muslims to change the religious designation on their identification cards. In November, Kelantan State enacted new sharia laws that included making it illegal to convert from Islam with punishments including a maximum prison term of three years, a fine of up to 5,000 ringgit (\$1,200), or six cane strokes.

In March, the High Court granted a woman’s bid to be declared a Buddhist and have her original name restored on a new identity card without the identification of “Islam.” She woman said had been converted to Islam as a child by her father without her mother's consent.

The government continued to prohibit Israeli citizens from entering the country without approval from the Ministry of Home Affairs, and it limited Malaysians’ ability to travel to Israel.

All foreign missionaries – both Muslim and non-Muslim – coming to the country to conduct religious talks were subjected to mandatory background checks for what the government termed national security reasons, to ensure these missionaries were free from “deviant” teachings.

In cases in which the government refused to register a religious group, the group could pursue registration as a private company. Some religious groups reported registering as a company was generally relatively quick and provided a legal basis for conducting business, did not create limitations on the group’s religious activities, and allowed the organization to then conduct certain activities such as

holding a bank account and owning property. However, registering did not give the organization tax-exempt status or government funding. Examples of religious groups that continued to be registered as companies included Jehovah's Witnesses and the Church of Jesus Christ.

The government continued to maintain restrictions on religious assembly and practices, denying certain religious groups the ability to register as charitable organizations. Many churches and non-Islamic NGOs continued to find registration difficult, with the ROS denying or delaying many applications without explanation or for technical reasons. Representatives of religious groups continued to say the ROS had no consistent policy or transparent criteria for determining whether to register religious groups.

State-level 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). In January, the Islamic Affairs and Religious Department in Kelantan State detained seven Muslim couples on suspicion of committing *khalwat* during a seasonal "antivice" operation in conjunction with the Lunar New Year celebration. A government representative said the operation was intended to "track down those who took the opportunity of the long public holiday to commit immoral behavior." Four Muslim women were also issued summonses for wearing "sexy and tight clothing in public."

In March, Deputy Religious Affairs Minister Ahmad Marzuk Shaary said state governments had been directed to take steps to ensure that religions other than Islam would be further limited in propagating their beliefs to Muslims. The Deputy Minister in the Prime Minister's Department further posted on his official Facebook account that the constitution already empowered states and the federal territories to amend their laws to control and curb the propagation of non-Muslim religions. His post stated, "This power is derived from Article 11(4) of the Constitution, which stipulates that everyone has the right to worship and practice their faith as they see fit but may not propagate or influence others into practicing their religion." He also stated the government would request states that already had legislation to control the propagation of non-Islamic religions to Muslims in place to further enhance their enforcement activities.

In September, Deputy Religious Affairs Minister Marzuk announced his intention to introduce legislation to "control and restrict the development of non-Muslim

religions.” In response, Hindu organizations reiterated that the constitution does not give the government the right to legislate any form of control or impose any restrictions on the beliefs and practice of non-Muslims and that the proposal was also against “Keluarga Malaysia” (the “Malaysia Family” concept promoted by Prime Minister Ismail Sabri Yaakob). The president of the Federation of Taoist Associations of Malaysia described Marzuk as “totally unfit to be a deputy in charge of religious affairs in a multiracial country.” Law Minister Wan Junaidi Tuanku Jaafar said religious matters were under the jurisdiction of the respective states and if the federal government adopted this type of legislation, “It won’t be legally binding.” The Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) welcomed the Law Minister’s assurance.

Officials at the federal and state levels continued to oversee Islamic religious activities, distribute all sermon texts for mosques to follow, use mosques to convey political messages, and limit public expression of religion deemed contrary to Sunni Islam.

Federal and state governments continued to forbid religious assembly and worship for groups considered to be “deviant” Muslim groups, including Shia, Ahmadiyya, and al-Arqam. While Ahmadi Muslims in the country reported being able to maintain a worship center, government religious authorities did not allow them to hold Friday prayers, as these could only be performed in an officially registered mosque.

In July, Inspector General of Police Acryl Sani Abdullah Sani said police were tracking down a group known as Perjalanan Mimpi Yang Terakhir (PMYT), believed to be spreading “deviant” teachings, including that the group’s leader, Sittah Annur, could communicate directly with Allah, the angels, and the Prophet Muhammad, and that PMYT was revealed to her to guide the people. In September, police arrested Annur and detained her for investigation under the section of the penal code that covers causing disharmony, disunity, feelings of enmity, hatred, ill will, or prejudicing the maintenance of harmony or unity on the grounds of religion, as well as under the communications law covering improper use of network facilities or network services. Police subsequently released her on bail.

In January, the High Court said it would decide in March whether 39 Ahmadi Muslims should be considered Muslim following an appeal by the Religious Affairs Department (JAIS) against a 2018 High Court decision stating that the

sharia court had no jurisdiction over the Ahmadi community, since JAIS refused to recognize them as adherents of Islam. The High Court did not announce a decision in March and there were no follow-up reports by year's end.

In January, the Kedah State government cancelled the public holiday for the Hindu festival of Thaipusam. Federal Human Resources Minister M Saravanan said the state government, led by the Pan-Malaysian Islamic Party (PAS), should have consulted representatives of Indian descent in the federal parliament before making the decision.

In January, the Federal Court allowed the Selangor Islamic Religious Council to intervene in a hearing in which the NGO Sisters in Islam (SIS) asked the court to invalidate a Selangor State law that enabled sharia courts to review decisions made by state religious authorities. In October, the court postponed a decision on the case. In 2019, the High Court dismissed the NGO's application to a civil court requesting review of a 2014 Selangor State fatwa that found the organization to be "deviant." SIS stated in the application that the fatwa infringed upon the constitutional rights of SIS and its members. The fatwa said SIS deviated from the teachings of Islam because the group subscribed to the principles of liberalism and religious pluralism. The fatwa did not define "liberalism" or "pluralism." The fatwa also ruled the NGO's books and materials could be seized. At year's end, no action had been taken against SIS, which continued to function nationally.

Criminal cases remained pending against Abdul Kahar Ahmad and 16 followers for spreading the teachings of a "deviant sect" that had been banned in 1991. In September 2020, JAIS arrested Kahar and 16 followers, although it subsequently released Kahar and three of them on bail, while the other 13 remained in custody. Media reported Abdul Kahar "declared his repentance."

In March the High Court ruled that a regulation issued by the Ministry of Home Affairs in 1986 banning the use of the word "Allah" by non-Muslims was unlawful and unconstitutional. The judge stated that Bahasa Malaysia-speaking Christians in East Malaysia had been using the word "Allah" in their religious practice for generations. The government appealed the decision, and the state Religious Councils of Selangor, the Federal Territories, and Johor filed bids to be included in the appeal. In September, the Johor State Religious Council withdrew its bid to be included in the appeal. The case leading to the ruling related to a Sarawak Christian who had CDs with "Allah" printed on them seized by customs officials upon her return from Indonesia. Leaders of the Bersatu, United Malays National

Organization (UMNO), and PAS political parties called for the government to appeal the decision.

In September, Perlis State issued a fatwa banning jokes that make fun of Islam or “can lead to immorality, sin and wickedness.” In an edict released by Mufti Mohd Asri Zainul Abidin, the state fatwa committee said jokes were allowed in Islam, but not those made at the expense of the religion and that brought harm to others.

In September, the Film Censorship Board of Malaysia issued letters to two local broadcasters to stop displaying male and female undergarments on their home shopping networks, stating that the preservation of “manners, decency, and the sensitivities of a multi-ethnic and multi-religious society in Malaysia is of utmost importance.”

The government continued to ban books for promoting Shia beliefs, mysticism, and other beliefs the government determined “clearly deviated from the true teachings of Islam.”

Non-Muslim groups continued to report regular difficulties in obtaining permission from local authorities to build new places of worship, leading many groups to use buildings zoned for residential or commercial use for their religious services.

The Prime Minister’s office ordered government agencies, including the federal Department of National Unity and Integration, to encourage religious harmony and protect the rights of minority religious groups. Many faith-based organizations, however, continued to state they believed that no entity had the power and influence of those that regulated Islamic affairs, and they cited the large footprint and budget for JAKIM compared to the more limited funding for the Department of National Unity and Integration. The latter department’s annual budget was approximately 343 million ringgit (\$82.16 million), while 1.5 billion ringgit (\$359.28 million) was designated for the development of Islam under JAKIM.

During the year, JAKIM continued to fund a wide variety of Islamic education- and mosque-related projects, such as signing a memorandum of understanding with the Islamic Tourist Center to provide programs to attract Muslim tourists. There were no funds in the government budget specifically allocated to non-Muslim religious groups, although some religious groups reported continuing to receive sporadic funding for temple and church buildings and other activities. In June Malaysian Hindu Sangam President Moham Shan announced 2.45 million ringgit

(\$587,000) of federal funds were distributed to 1,145 registered Hindu temples throughout the country from December 2020 through May.

At public primary and secondary schools, student assemblies frequently commenced with the recitation of an Islamic prayer by a teacher or school leader, although this occurred less often than in past years, as most schools met virtually due to COVID-19 protocols. Critics expressed concern over the religious overtones and symbols in schools. Particularly in the country's peninsula, community leaders and civil liberties groups said religion teachers in public schools pressured Muslim girls to wear the *tudong* (Islamic head covering) at school. Some private schools required Muslim girls to wear veils covering their faces, except for their eyes.

Homeschooling remained legal, but some families continued to report difficulty in obtaining approval from the Ministry of Education.

The government continued its policy of not recognizing marriages between Muslims and non-Muslims, and it considered children born of such unions to be illegitimate.

In September, the Perlis State fatwa committee declared that “men who appear like women,” such as transgender individuals, were forbidden from entering mosques while not in gender-conforming clothing and were prohibited from performing the Hajj or Umrah. The statement accompanying the fatwa said the presence of such individuals would “disturb the worship environment of mosques.” Deputy Religious Affairs Minister Marzuk said the government was looking into emulating Perlis State in banning transgender individuals from entering mosques in the federal territories because it was “appropriate to maintain the sanctity of mosques and avoid confusion among the community.” Penang State Mufti Datuk Seri Wan Salim Wan Mohd Noor said transgender individuals should change their appearance if they want to be in mosques or *surau* (smaller houses of worship) so that they “do not look out of place and avoid making other worshippers uncomfortable.” Representatives from SIS said, “The fatwa and statement of the mufti not only contradict the federal constitution but in fact [are] not in accordance with inclusive Islamic traditions.” Media quoted a transgender man as saying the fatwa “is such a cruel ruling especially to those who attend prayers at the mosques or even Friday prayers. This goes against Islam's nature of inclusivity and acceptance.”

In January, the Selangor JAIS brought in transgender social media influencer Nur Sajat for questioning relating to a video posted online of her reciting Islamic prayers while dressed in women's clothing in 2018. JAIS officers allegedly beat and slapped her while in custody. They subsequently charged her with "defamation of Islam," punishable with a fine not exceeding 5,000 ringgit (\$1,200) or imprisonment not exceeding three years, or both, and released her on bail. Sajat did not appear for her court date on February 23, citing a medical condition. JAIS then issued a warrant for her arrest without bail and sent JAIS officers looking for Sajat, with police support. Nur Sajat then fled the country, saying she feared that the religious authorities would criminally prosecute her for practicing her faith.

Wan Norhayati Wan, known as "Ibu Yati," stated that from March 3 through July 29, Selangor Islamic Religious Authorities detained her without charge, based on controversial comments she posted on social media about the "Arabization" of Malay culture. She said that during this time, authorities repeatedly questioned her, deprived her of contact with her lawyer, and detained her in unsafe conditions, provided inadequate water, food, and access to medicine, and at times held her with possible COVID-19-positive detainees. In July, the Selangor Sharia High Court charged Ibu Yati and two others with "expounding religious doctrines contrary to Islamic law" and spreading them through Facebook between December 2020 and February 2021.

In May, the High Court dismissed a libel and sedition lawsuit filed by Christians Maklin Masiau and Lawrence Jomiji Kinsil Maximilhan against PAS President Abdul Hadi Awang, who published an article in 2016 accusing Christian missionaries of preying on poor and uneducated people in impoverished communities in states such as Sabah by paying them to convert to Christianity. In dismissing the case, Judge Akhtar Tahir called the lawsuit "frivolous" and "an abuse of the court process," and he ordered the plaintiffs to pay 50,000 ringgit (\$12,000) each to cover Hadi's legal costs. The judge also said Hadi's comments in 2016 concerned only Christian missionaries and not Christians in general and that the plaintiffs should instead be blamed for seditious tendencies because "they resurrected it [Awang's article] to make it a new issue."

In November, the High Court set March 2022 as the date for judicial review of Buddhist Ong Seng Teng's 2020 complaint over the National Registration Department's (NRD) refusal to issue a birth certificate for his son, born in November 2019. The NRD cited the refusal as a religious issue because Ong's wife (the boy's mother) was born Muslim, and sharia courts had never granted her 2016 application to leave Islam and convert to Buddhism. The NRD denied the

family's request to list the boy's religion as "Buddhist" on his birth certificate because the mother's religious status mandates the child be registered as a Muslim.

Section III. Status of Societal Respect for Religious Freedom

As in years past, local human rights organizations and religious leaders said society continued to become less tolerant of religious diversity. In February, SUHAKAM Commissioner Berma said that it was increasingly common to see social media users mocking the Prophet Muhammad and Jesus.

In June, the Islamic Center at the government-run Universiti Teknologi Malaysia cancelled for "undisclosed reasons" a virtual talk by renowned Malay-Muslim classical dancer Ramli Ibrahim on how multicultural performing arts should transcend race. Ramli said there were religious motivations underlying the cancellation.

In June, two Hindu groups went to court to compel police to detain and investigate Muslim preacher Muhammad Zamri Vinoth Kalimuthu for allegedly uploading to social media in 2019 a sermon that the groups found insulting. The two groups said police had been negligent in failing to detain and fully investigate Zamri, despite having received nearly 800 reports regarding the preacher's alleged offenses. The groups sought a declaration stating that Zamri was "a threat to the security and peace of the multi-ethnic and multi-faith country of Malaysia." In September, Zamri's lawyers filed a motion to dismiss the case.

In October, individuals lodged more than 5,000 reports with the police against Islamic preacher Syakir Nasoha, who made disparaging remarks about non-Muslims in a video posted to TikTok October 1. In the one-minute clip, Nasoha said, "At the end of time, disciples of non-Muslim religions will be scrambling together to kill Muslims." Local NGO Global Human Rights Federation President S. Shashi Kumar said, "This is a deliberate attack on non-Muslims," and he called on police to arrest Nasoha. He also asked that National Unity Minister Halimah Mohamed Sadique immediately introduce a National Harmony and Reconciliation bill in parliament to help address racial discrimination and sectarianism in the country. In December, 60 multiracial civil society groups presented a memorandum to police headquarters in Kuala Lumpur questioning the delay in arresting Nasoha and stating police had taken no action.

In March, police investigated Puteri Mujahidah Wan Asshima Kamaruddin for a video she uploaded on Facebook threatening to "destroy the Christian community"

in response to the High Court's ruling that allowed non-Muslims to use the word "Allah" in religious publications. In the video, which went viral, Mujahidah said, "We don't want to share the word 'Allah' with people from other religions," and she referred to non-Muslims as "heathens."

Religious converts, particularly those converting from Islam, sometimes faced severe stigmatization. In many cases, converts reportedly concealed newly adopted beliefs and practices from Muslims, including friends and relatives.

Religious identities continued to affect secular aspects of life. Muslim women who did not wear headscarves or conform to religious notions of modesty were often subject to shaming in public and on social media.

Religious groups hosted virtual interfaith dialogues and intercultural celebrations throughout the year. In May, the NGO Komuniti Muslim Universal hosted a webinar on "The Future of Freedom of Religion & Belief in Malaysia Post General Election 15" to foster collaboration between parliamentarians and faith and civil society leaders in strengthening the protection of freedom of religion and belief in the country.

Section IV. U.S. Government Policy and Engagement

Embassy officials engaged with a wide variety of federal and state government officials at the Ministry of Home Affairs, Ministry of Foreign Affairs, Royal Malaysian Police, and Prime Minister's Department, as well as with other agencies, on religious freedom and tolerance issues throughout the year, including concerns about the denigration of religious minorities, the unilateral conversion of children by one parent without the permission of the other, and the continued disappearances of Amri Che Mat, Pastor Raymond Koh, Pastor Joshua Hilmy, and Ruth Sitepu.

Embassy officials met with members of Shia and Ahmadiyya Muslim groups, who described heavy government restrictions on their religious activities and continued societal discrimination. The embassy also met with Sunni Muslims whose activities were limited by the government such as SIS, and with MCCBCHST to discuss strategies for engaging the government on issues of religious freedom. The embassy enabled the participation of religious leaders and scholars in virtual conferences and webinars that promoted religious freedom and tolerance.

In March, the Ambassador met and raised religious freedom issues with the leadership of International Islamic University Malaysia and Universiti Sains Islam Malaysia, two of the most prominent Islamic universities in the country, as part of the embassy's continuing to build relationships with influential Islamic thought leaders.

In April, the Ambassador toured several religious sites in Kuala Lumpur, including the National Mosque, Sin Sze Si Sze Ya Taoist Temple, the Sri Maha Mariamman Hindu Temple, the Sri Jayanti Buddhist Temple, and the Gurdwara Sahib Sentul, a Sikh temple, to highlight the importance of religious pluralism. In November, he reiterated this message during visits to religious sites in Penang, including Masjid Kapitan Keling, St. George's Anglican Church, and the Taoist Kong Hock Keong Temple. The embassy drew on these visits in social media messaging to highlight its commitment to support mutual respect and understanding among the different religious groups in the country.

In April, the Ambassador launched Values 2021, an embassy-sponsored civic education program for students at Islamic madrassahs to learn about other cultures and their intersections with religious faith. In partnership with University Sains Islam Malaysia and the Religious Affairs Ministry, the program worked to develop and train teachers and students on civic education principles. More than 1200 teachers and students started the year-long initiative focusing on leadership, financial literacy, community service, and good governance. Prior to the program launch, the Ambassador met virtually with the Minister for Religious Affairs, who expressed his gratitude for the partnership and conveyed a strong need to develop the next generation of leaders with programs based on "strong principles and moral standing."

In April, the Ambassador and embassy officers collaborated with the leadership of Masjid Jamek Mosque in Kuala Lumpur, one of the oldest mosques in the country, to distribute food packets to people in need from the local community. The mosque's chief imam, Ustaz Yahya, met with the Ambassador, who highlighted the embassy's support for religious tolerance and diversity as well as the embassy's interest in giving back to the community. The event was part of the embassy's 2021 Ramadan outreach program to highlight multiculturalism and respect for diversity. The event received wide media coverage, including on national television broadcaster Radio Television Malaysia (RTM), as well as local Islamic television and radio. RTM's Breakfast Grille, an English-language program, also interviewed two embassy officers during Ramadan to discuss their experience as a multiethnic, multireligious family.

In April, the Ambassador hosted an iftar that highlighted the embassy's engagement with religious groups and institutions aimed at advancing mutual respect and understanding. Prominent religious leaders, influencers, scholars, and civil society members attended the event, including the chief imam of the Masjid Jamek Mosque.

The embassy broadcast messages related to religious freedom on its social media platforms on International Religious Freedom Day and throughout the year.