

MALAYSIA 2022 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. The majority of citizens are Muslim, with Buddhism, Christianity, and Hinduism as other major religions practiced.

The government arrested several individuals during the year for blasphemy, including a writer and a comedian. The government continued to take action against some individuals who diverged from the official interpretation of Islam, including subjecting some to “rehabilitation” in centers that taught and enforced government-approved Islamic practice. The Human Rights Commission of Malaysia (SUHAKAM) announced that its public inquiry into the 2016 disappearance of a Christian pastor and his wife found that the couple were likely victims of “enforced disappearance” but found no evidence that the couple were abducted by “agents of the state.” The commission chair said the authorities failed to investigate the case “diligently and seriously” and had “hampered the progress” of the investigation. The family of the wife said they hoped the findings from the inquiry would have been “more substantial” and would have “pushed the Malaysian authorities” to reveal “the facts” of the case. A government-appointed panel formed in 2019 to investigate SUHAKAM’s findings on “enforced disappearances” in 2016 of a social activist accused of spreading Shia teachings and in 2017 of another Christian pastor did not release its 2019 report on the grounds it was classified under the Official Secrets Act. In August, a

nongovernmental organization (NGO) leader demanded release of the report, and the wife of the Christian pastor continued her civil suit against the government regarding the disappearance, arguing the government's report would have bearing on her case.

The government continued to selectively prosecute persons for allegedly "insulting" Islam, while it largely ignored criticisms of other faiths. There were reports of forced conversions to Islam, especially among Indigenous populations. Islamic religious groups that are not Sunni and some other religious groups continued to report problems at times in registering as nonprofit charitable organizations or in building houses of worship, although some religious groups registered as companies in order to conduct their activities. Some members of the monarchy promoted interpretations of Islam that emphasized respect for freedom of religion or belief. A Perlis State government fatwa declaring that transgender individuals could not worship in mosques remained in effect.

Local human rights organizations and religious leaders continued to express concern about the increasing "Islamization" in politics, citing the sophistication of social media efforts used by conservative Islamic organizations to encourage youth to embrace a more conservative interpretation of Islam.

U.S. embassy officials discussed with government officials at the Ministry of Foreign Affairs, Ministry of Women, Family, and Community Development, and Prime Minister's Department, among others, the importance of issues including constitutional guarantees of freedom of religion, the increase in religious intolerance, and respect for religious minorities. Embassy officials also discussed the unilateral conversion of children by one parent without the permission of the other and again raised with SUHAKAM commissioners and the Malaysian Bar Council continued concern over the disappearances of the three Christians and a Muslim activist in 2016 and 2017. Embassy officials visited houses of worship of various faiths to underscore 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 engagement with the government on issues of religious freedom. The embassy facilitated and ensured the participation of religious leaders from various faiths and scholars in various exchanges and conferences that promoted religious freedom and tolerance.

Section I. Religious Demography

The U.S. government estimates the total population at 33.9 million (midyear 2022). According to the most recent census in 2020, 63.5 percent of the population practices Islam; 18.7 percent, Buddhism; 9.1 percent, Christianity; 6.1 percent, Hinduism; 9 percent, other religious groups that include animists, Confucianists, Taoists, 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; some are Christian or Muslim, and live mostly in the West coast states, especially in Kedah, Penang, Perak, Selangor, Melaka, and Johor. Ethnic Indian Malaysians are predominantly Hindu, though some are Muslim, Christian, or Sikh. 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 live in 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 per the constitution. In the remaining four states and the Federal Territories, the highest Islamic authority is the King, selected to serve a five-year term from among the nine sultans in an established rotation order. Islamic law is administered by each state and federal territory. The office of mufti exists in every state to advise the sultan in all matters of Islamic law. Sultans oversee sharia courts and appoint sharia court judges based on the recommendation of the respective state Islamic religious departments and councils, which manage the operations of the sharia courts. In states with no sultan and in the Federal Territories, the King oversees 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. Since 2018, however, 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 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 oversees 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 also impose up to six strokes of the cane for apostasy. 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. Some states' laws, however, allow conversion to Islam without parental permission after age 15. The 2018 decision of the Federal Court that addressed the constitutional limits of sharia administrative authority, specifically ruled against the unilateral conversion of children by a sharia court without the consent of both parents. The decision held that civil courts had jurisdiction to exercise supervisory powers over administrative decisions of state Islamic authorities. Another opinion in January by the Federal Court further affirmed the substance of the 2018 decision.

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 "offenses 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 (\$1,400) fine for “insulting” Islam. According to some state laws, Muslims may be fined 1,000 ringgit (\$230) 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 negatively 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 the 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 and Kedah States, 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, the highest executive branch authority in the state.

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 Film Censorship Guidelines published by the Ministry of Home Affairs identifies several criteria that “warrant attention” by the ministry, including scenes that depict lifestyles that are outside of “cultural norms and religious standards.”

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

Government Practices

In April, SUHAKAM announced that its public inquiry into the 2016 disappearance of Christian pastor Joshua Hilmy and his wife, Ruth Sitepu, found that the couple were victims of “enforced disappearance” but found no evidence that the couple were abducted by “agents of the state.” Then-SUHAKAM commissioner Mohd Hishamudin Yunus, who chaired the inquiry, said authorities failed to investigate the case “diligently and seriously” and had “hampered the progress” of the investigation. The SUHAKAM investigation heard from 26 witnesses and reviewed 129 exhibits over 22 days of public hearings. In response, the NGO Citizens Against Enforced Disappearances welcomed the panel’s “excoriating” account of the Royal Malaysian Police’s (RMP) “failures” when investigating the disappearance.

The government did not release results from a government-appointed panel formed in 2019 to investigate SUHAKAM’s determination that the RMP intelligence unit, Special Branch (RMPSB), 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 of those cases, according to SUHAKAM. In August, the executive director of the NGO Suara Rakyat Malaysia (Suaram), Sevan Doraisamy, demanded the release of the panel report, which was completed in 2019, despite the government classifying the report under the Official Secrets Act.

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. Legal proceedings continued against Lam Chang Nam, accused of extorting funds from the Koh family, who claimed to have had information on Koh's whereabouts.

Despite calls from the Kuala Lumpur High Court for police to locate Indira Gandhi's former husband and their youngest child, whom the former husband 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 September, the Court of Appeal rejected the government's appeal to strike out Gandhi's suit against the government, police, and the Ministry of Home Affairs for inaction in executing the warrant against her former husband, Riduan Abdullah. Following the court announcement, Ipoh District Police Chief Yahaya Hassan asked members of the public to contact the police with any information about the whereabouts of Riduan Abdullah. At year's end, the Inspector General of Police had not announced any progress in locating the daughter or other leads in the case.

During the year, authorities arrested several individuals for blasphemy. On April 11, RMP arrested Malaysian writer Uthaya Sankar SB, accused of insulting the Prophet Muhammad in a social media comment, in which he referenced a hadith (sayings or customs of Muhammad and his companions) which mentioned polygamy. Police seized the author's electronic devices and said they were investigating him under provisions in the penal code for violating religious sensitivities, as well as misuse of communication network facilities and services. Criminal Investigations Department chief Datuk Seri Abd Jalil Hassan advised the public to "remain vigilant and cautious on issues that touch on religious and racial sensitivities" and urged social media users to not use social media platforms to create public disharmony. Following his release on bail on April 12, Uthaya announced on social media that he would stop writing about Islam. As of year's end, the RMP had not brought charges.

On July 10, federal police arrested Siti Nuramira Abdullah following her June 4 open microphone comedy appearance at the Crackhouse Comedy Club in Kuala Lumpur, where she identified herself as a Muslim and stated that she had memorized 15 chapters of the Quran. Following the statement, she removed her *tudong* (Islamic head covering) and *baju kurung* (traditional Malay dress) to reveal a short dress underneath. On July 13, she pleaded not guilty to charges of causing disharmony among the Muslim community. Upon her release on bail on July 19, the Federal Territories Islamic Religious Department (JAWI) immediately arrested her under their jurisdiction on charges of insulting Islam and filed the case before the Syariah High Court. Deputy Minister of Religious Affairs Datuk Ahmad Marzuk Shaary said, “The government will not compromise on any actions that insult religion and threaten the harmony and unity of the people. Action will be taken based on the law.” On July 20, JAWI dropped the Syariah prosecution, deferring instead to the initial civil case, which carries a heavier penalty of up to five years in prison upon conviction. The court set trial dates for March and April of 2023. Police also arrested Nuramira’s boyfriend, Alexander Navin Vijayachandran, for recording her comedy set and posting it on social media, where it went viral, and they charged him with misuse of network facilities and services. His case was also pending at year’s end.

On July 14, RMP arrested the cofounder of Crackhouse Comedy Club, comedian Rizal van Geyzel, for posting three videos of Siti Nuramira Abdullah’s performance online. RMP also accused him of violating racial and religious sensitivities and claimed that the club “promotes liberalism” and insults Islam and Malays in its performances. Police also charged him with misuse of communication network facilities and services. On August 17, the Kuala Lumpur City Hall licensing committee confirmed revocation of the club's business license and blacklisted van Geyzel from registering any future business licenses in the city.

It is illegal for one parent to convert a child’s religion without the consent of the other parent, and the courts continued to rule against unilateral conversion attempts. On January 26, a unanimous decision by a three-person panel of judges on the Federal Court, the country’s highest, led by Chief Justice Tengku Maimun

Tuan Mat, upheld a 2018 ruling that rejected one parent's being able to convert their child's religion without the consent of the other parent. The decision added that the State of Selangor's Administration of the Religion of Islam enactment stated that both mother and father must agree to their children's conversion. The High Court and Appellate Court had earlier rejected the Selangor Islamic Council's application to recognize the religious conversion of five children by their father without the mother's knowledge or consent.

In February, Loh Siew Hong accused her former husband of converting and unilaterally converting their children from Hinduism to Islam, according to media reports. The children, 14-year-old twins and a 10-year-old, have at different times been under the custody of their father, paternal grandmother, and an Islamic NGO, as well as the State of Perlis's Islamic Religious Affairs Department from 2019 to 2022 following Loh's hospitalization due to domestic violence. Loh filed a habeas corpus petition on February 13 to compel the children's return to her custody, which the court granted on February 21. Prior to the habeas corpus hearing on February 21, the children were under the care of the Perlis Welfare Department.

In February, a man sued the government to obtain a declaration that he is no longer a Muslim, or alternatively, that he was never a Muslim. He named the Federal Territories Sharia Appeals Court, national Shariah Court, the Federal Territories Islamic Council, and the federal government as respondents in his judicial review application filed on February 16. According to the affidavit, he stated that he converted to Islam officially in 2010 only to marry his wife at the time, whom he later divorced.

In March, a woman was unsuccessful in her legal bid to quash what she said was an imposed unilateral conversion to Islam during childhood. The Kuala Lumpur High Court dismissed her petition for judicial review of the conversion, which she claimed was carried out by her Muslim father in 1990, when she was 10.

In April, the Federal Court upheld an October 2021 Court of Appeal decision against a mother who wanted to restore her two children's religious identity to Islam. The woman, who was formerly Buddhist and converted to Islam, reportedly thereafter unilaterally converted her children to Islam in 2016 without her Buddhist husband's consent during their divorce proceedings. The husband successfully challenged the unilateral conversion through the courts, which eventually negated the children's conversion to Islam.

In April, the Shariah High Court sentenced Member of Parliament (MP) Maria Chin Abdullah to seven days in jail for contempt of court for "insulting" the Islamic judicial system in her September 2019 press release stating that the sharia court discriminated against Muslim women. The judge stayed the sentence and Abdullah's lawyers appealed the decision to the High Court. In August, the High Court allowed Abdullah to challenge the decision on the grounds that the Shariah High Court lacked jurisdiction in the case. In September, the attorney general appealed the High Court's decision. The case was ongoing as of year's end.

Civil society activists said the government selectively prosecuted speech denigrating Islam and largely ignored criticisms of other faiths. In August, Peter John Jaban of the Global Human Rights Federation said there appeared to be "double standards" in handling cases of insult to faiths other than Islam. He stated that immediate action was taken, and hefty punishments given, against those accused of insulting Islam but not against those insulting other faiths.

As of year's end, the high court had not issued an opinion in its 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, listing the boy's religion as Buddhism. The NRD cited the refusal as a religious issue, stating that Ong's wife (the boy's mother) was born Muslim and that sharia courts had never approved her 2016 application to convert to Buddhism. The NRD denied the family's request to list the boy's religion as "Buddhist" on his birth certificate, stating the law mandates that child must be registered with the same religion as the mother.

In June, Mufti of Penang State Wan Salim Wan Mohd Noor urged Islamic religious authorities to “take prompt action” to curb the spread of the concept of reincarnation after a video went viral of a preacher who mentioned the transfer of a soul from a dead person to a live person. The actions he urged included barring individuals from delivering talks and lectures in mosques on reincarnation and taking legal action against them if they do so. He said reincarnation is a false belief and deviates from the true teachings of Islam, as it is against the Quran and “*sunnah nabawiyah*” (prophetic tradition).

In June, the Kuala Lumpur High Court rejected a lawsuit by a woman seeking approval to convert from Islam to practice Confucianism and Buddhism. The woman’s lawyer filed an appeal against the high court decision, stating that the case serves as a “test for establishing freedom of religion for Muslims in Malaysia.” The woman was born Muslim and in 2018 began efforts to renounce Islam through the sharia court system to be allowed to embrace Buddhism and Confucianism, according to media reports. A sharia high court and then an appeals court rejected the petitions and ordered her to undertake “counseling” sessions to “restore her faith.” According to the June Kuala Lumpur High Court decision, the sharia court decides whether to approve a petition to renounce Islam by a person who was born Muslim.

In June, a judge in Melaka State fined a man 5,000 ringgit (\$1,400) for a comment on social media he posted in 2019 comparing the nine Malay sultans in the country to village chiefs and suggesting Islam was founded by “camel riders from the desert.” Prosecutors charged him for the offense in September 2021. The judge ruled that the man had “used network equipment” to illegally transmit offensive comments.

State religious authorities generally followed guidelines on what constituted deviant Islamic behavior or belief implemented through the national-level Steering Committee on Addressing Deviationist Teachings. Those differing from the official interpretation of Islam continued to face adverse government action, including assignment to “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.

In August, Minister Idris Ahmad in the Prime Minister's Department (Religious Affairs) told media that JAKIM had identified the location of the operations center of a "deviant" group from Indonesia known as Hadi Minallah in an effort to "prevent the spread of the group's teachings." Idris said JAKIM submitted a report to the Ministry of Home Affairs and the Communications and Multimedia Commission, seeking to stop Hadi Minallah's operations.

NGOs 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. To mitigate this, a Christian organization in the country created a website that provides resources for citizens who want to change their religion on their national identity card.

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 that 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 as a company did not entitle the organization to 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 by Islamic religious groups that are not Sunni. The government limited the ability of some religious groups, such as the Church of Jesus Christ, to register as charitable organizations. Some religious organizations and non-Islamic NGOs

continued to find registration difficult, with ROS denying or delaying action on some applications without explanation or for technical reasons. Representatives of religious groups continued to say 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 on Muslims, 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 Department in Sabah State detained eight Muslim couples on suspicion of being alone with a person of the opposite sex following a police operation conducted in conjunction with the New Year celebration.

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

In April, the Kuala Lumpur Sessions Court dismissed a defamation suit filed by Universiti Utara Malaysia lecturer Kamarul Zaman Yusoff against seven leaders of the Democratic Action Party (DAP). Kamarul alleged that MP Hannah Yeoh and her fellow party members defamed him by spreading false statements of a religious nature. DAP members issued statements supporting Yeoh and rebuking Yusoff after he accused Yeoh, a Christian MP, of using politics to propagate Christianity in the country. Yeoh stated that in 2017, Yusoff posted on social media that “Yeoh has a motive to proselytize Christianity through her politics.”

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 January, the Perak Islamic Religious Department (JAIPk) investigated Ibrahim Mat Zin, also known as “*raja bomoh*” (shaman), in connection with a video on social media of a ritual with the stated purpose of warding off floods. JAIPk director Mohd Yusop Husin said, apart from Ibrahim, his department would call upon other individuals involved in the incident to assist in the investigation under the Perak Syariah Criminal Enactment 1992 for defaming and insulting Islam.

In June, Selangor State police chief Arjunaidi Mohamed told media that police arrested the organizer and several transgender women who the police said danced semi-nude and set off fireworks at an Eid event on May 27. He added that the case was being investigated under the penal code for insulting the modesty of a person and violating the Explosives Act for causing explosions likely to endanger life or property and the Communication and Multimedia Act for speech intended to “annoy, abuse, threaten, or harass another person,” respectively. According to media sources, police released the organizer while they continued the investigation.

In January, the Selangor State Religious Affairs Department (JAIS) appealed an October 2021 High Court ruling that JAIS does not have jurisdiction over 29 Ahmadi Malaysians, both those who were born to Ahmadi parents and non-Malaysians who became Ahmadi later in life. The High Court’s decision would also apply to 10 additional plaintiffs who were not born Ahmadi, if they received an order from the sharia court declaring them Ahmadi. The appeal remained pending as of year’s end. A 2018 High Court decision stated that the sharia court had no jurisdiction over the Ahmadi community, since JAIS refused to recognize them as adherents of Islam.

In February, the Federal Court ruled in a 2021 case 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. The court ruled that the law violated the constitution and affirmed that civil courts had authority to review such cases.

In May, the High Court ruled that JAIS had unlawfully ordered the detention of Abdul Kahar Ahmad and 16 followers in 2020 for spreading the teachings of a “deviant sect” that had been banned. In 2020, JAIS ordered the arrest of Kahar and 16 followers, although authorities subsequently released Kahar and three of his followers on bail, while the other 13 remained in custody. Media outlets reported that Abdul Kahar “declared his repentance” in 2016. The court also declared a procedural provision under Selangor State sharia law invalid, as it breached the constitutional rights to freedom and equality. The provision did not allow the release of a person arrested by a religious enforcement officer except on bond or bail under the order of a judge or the Chief Religious Enforcement Officer.

In June, the Film Censorship Board said the Disney Corporation declined to screen the movie “Lightyear” after the board recommended what it called “reasonable edits” to remove scenes that “promoted the LGBT lifestyle.” In August, the Film Censorship Board banned theaters from screening Marvel film “Thor: Love and Thunder” due to LGBT content after Disney declined to edit out those scenes. Deputy Communications and Multimedia Minister Zahidi Zainul Abidin said the government and JAKIM were “committed to curtailing the spread of LGBT culture in the country” and urged citizens “to exercise self-restraint” and for parents to use parental control systems to restrict LGBT content on streaming platforms and social media that the government was unable to fully moderate and censor.

In November, the Ministry of Home Affairs banned the books *Heartstopper Volume 2* and *Cekik* because they reportedly “promoted LGBT culture.”

In February, the High Court quashed the Ministry of Home Affairs' ban of the book, *Gay is OK! A Christian Perspective* and ruled that the book was unlikely to be "prejudicial to public order." The government banned the book in 2020, seven years after it was first published, on the grounds that it was likely to be prejudicial to public order, morality, and the public interest.

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. Sources report that Shia Muslims used local community centers "sympathetic to their situation" for their services. Ahmadi Muslims continued their long-time use of a facility in Kuala Lumpur registered as a commercial building.

At public primary and secondary schools, student assemblies frequently commenced with the recitation of an Islamic prayer by a teacher or school leader. Critics expressed concern over the religious overtones and symbols in schools. Community leaders and civil liberties groups said religion teachers in public schools pressured Muslim girls to wear the tudong at school, especially in peninsular Malaysia. 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.

In July, the online portal Free Malaysia Today posted an editorial by Amir Faizal Abdul Manan that stated 16 percent of primary school students' time was spent on Islamic religious education, while schools allocated 12 percent for mathematics, 7 percent for science, and 7 percent for arts. He said his numbers were based on student schedules from several public schools in and around Kuala Lumpur.

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.

A Perlis State fatwa from 2021 that “men who appear like women,” such as transgender individuals, could not enter mosques or perform the Hajj or Umrah remained in effect. Representatives of SIS continued to express the view that the fatwa contradicted the inclusive Islamic traditions in the federal constitution.

During the year, JAKIM continued to fund a wide variety of Islamic education- and mosque-related projects. Between July and October, JAKIM held 100 “Beloved Community Religious Classes” for Muslims in several government homeless shelters in Kuala Lumpur.

In September, together with a mosque workers’ association JAKIM organized and conducted a “professionalization management course” for 150 mosque officials from West Malaysia.

The government budget did not specifically allocate funds to non-Muslim religious groups, although some religious groups reported continuing to receive sporadic government funding for operating temples and church buildings and related activities.

In August, the Court of Appeal dismissed a libel and sedition lawsuit filed by Christians Maklin Masiau and Lawrence Jomiji Kinsil Maximilhan against the Malaysian Islamic Party (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 appeal to reinstate the original libel and sedition lawsuit, the three-judge panel said the case was “unsustainable” because the plaintiffs were asking the court to find that Hadi had committed sedition but not also petitioning the attorney general to prosecute Hadi for sedition. The court declared it could not “usurp the constitutional power of the public

prosecutor” and declare that Hadi committed a criminal offense. The two plaintiffs appealed the decision, and the Federal Court was scheduled to begin reviewing it in April 2023.

In October, the RMP, the Kuala Lumpur municipal government’s enforcement department, and the JAWI raided a private Halloween party held at a commercial venue in Kuala Lumpur. According to eyewitnesses, authorities separated the attendees based on the religion listed on their identity cards into groups of Muslims and non-Muslims. According to a statement by Dang Wangi District Police Chief Noor Dellhan bin Yahaya, authorities then looked at the gender marker on the cards of 62 Muslims and took into custody 20 individuals with male gender markers pursuant to the Shariah Criminal Offenses (Federal Territories) Act for being a “male person who, in any public place, wears a woman’s attire and poses as a woman for immoral purposes.” Authorities released the individuals and required them to return for further questioning in January 2023.

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

In August, PAS President Abdul Hadi Awang, MP from Marang, claimed in a social media posting that non-Muslims and non-Malays were the main perpetrators of corruption who “chased illicit gains” and controlled the economy to damage the country’s politics, governance, and judiciary. DAP legal bureau chairman Ramkarpal Singh, MP of Bukit Gelugor, urged the attorney general to charge Hadi with causing religious disharmony and making an insult with intent to provoke a breach of the peace. RMP confirmed opening an investigation, but as of year’s end, prosecutors had not brought charges against Hadi.

In July, Minister Ahmad told parliament that Oktoberfest events should not be allowed in the country “because they cause social problems.” He further called for respect for “the rules and laws of Malaysia that are based on Islam as the religion of the federation.” In 2018, several states banned Oktoberfest events

after criticism from the Pan-Malaysian Islamic Party, to which Idris belongs. On June 6, Idris also advised Muslims not to participate in the Japanese cultural festival Bon Odori, claiming it “contained elements of other religions.”

Throughout the year, Selangor State Sultan Sharafuddin Idris Shah, who is also the National Council of Islamic Religious Affairs chair, spoke frequently on issues of freedom of religion and belief. In response to Minister Ahmad’s comments on Bon Odori festivals, the sultan called on him to attend the state’s festival to “understand the difference between religion and culture.” He ordered the Selangor Islamic department and the Shah Alam city council to attend the festival to get a clear picture and ensure that it was respectful of Islam.

In September, following the passing of Queen Elizabeth II, the Federal Territories’ Mufti’s Office released a statement that Muslims are prohibited from expressing wishes that non-Muslims who have died “rest in peace,” because Muslims are not allowed to pray for forgiveness for individuals of other religious faiths.

In October, Sultan Sharafuddin said, “If the multiethnic and multireligious community in Malaysia is ready to work together and respect each other's religious beliefs, Insyallah, all good intentions and efforts in dignifying religion and strengthening close relationships in the community of various religions, cultures, and this nation can be attainable.” He also said any religious discussion or decision must consider the rights and interests of non-Muslims, as provided under the federal constitution. He also advised muftis to refrain from religious disputes in the public sphere and encouraged “civility” in expressing differing opinions. “The Royal Institution will continue to remain a neutral body that transcends politics and plays a role in giving advice to the government and religious institutions, especially in the matter of preserving racial unity,” he said.

In January, on World Religion Day, PAS Deputy Youth Chief Afnan Hamimi Taib Azamudden told media that celebrating the day is against *syarak* (law based on the teachings of Islam) because it recognizes “Islam as on par with other

religions.” He argued that pluralism and religious unity led to “confusion that eroded religious beliefs and true teachings.”

Section III. Status of Societal Respect for Religious Freedom

As in years past, local human rights organizations and religious leaders said society reflected a wide range of views on religious freedom but that it continued to become less tolerant of religious diversity.

In January, the Dalai Lama participated in a virtual interfaith conference hosted by the Muslim Youth Movement of Malaysia and the Tibetan Buddhist Culture Centre Malaysia.

In February, thousands of people joined a virtual vigil to remember Pastor Raymond Koh on the fifth anniversary of his disappearance. Susanna Liew, wife of Pastor Koh, highlighted her view on the role of the RMPSB in the 2017 disappearance of her husband. She also recited from an open letter she sent to Prime Minister Sabri and Inspector General of Police Acryl Sani demanding the government disclose the truth behind her husband’s disappearance.

The vigil also remembered Amri Che Mat, who, authorities asserted, was spreading Shia teachings, and Joshua Hilmy, a Christian convert, and his wife, Ruth Sitepu, who went missing within months of each other in 2016 and 2017. In April, SUHAKAM’s inquiry into official actions surrounding their disappearance found that Hilmy and Sitepu were likely victims of “enforced disappearance,” but it found no evidence that the couple were abducted by “agents of the state.” The report concluded that the RMPSB failed to fully investigate the disappearance, but the report did not find evidence of official complicity in the abduction. Rama Ramanathan of the NGO Citizens Against Enforced Disappearances group said the police investigation “was sloppy, tardy and lacked seriousness” and that police and the government must take action.

In May, Wan Asshima Kamaruddin, who is associated with NGO Pondok Hijrah Muslimah Malaysia, pleaded guilty in the Kuala Lumpur Sessions Court to charges of posting insulting comments about Christianity on her personal Facebook page in March 2021. The posts, which Wan Asshima said represented several Islamic groups in peninsular Malaysia, included a 12-minute video clip threatening Christians that Islamic groups would close down all churches in Sarawak. In June, Sessions Court Judge Edwin Paramjothy sentenced her to a fine of RM13,000 (\$3,000). Separately, in August, the High Court of Kuching issued a permanent injunction against Wan Asshima restricting him from “inciting violence against worshippers of Christianity or other faiths.” Lawyer Dominique Ng said the civil suit was filed on behalf of all Sarawakians “in defense of religious freedom in Sarawak.”

As of year’s end, the government’s appeal of the High Court’s 2021 ruling permitting non-Muslim to use the word “Allah” in their reference to God continued. The High Court ruled that a 1986 regulation issued by the Ministry of Home Affairs banning the use of the word “Allah” by non-Muslims was unconstitutional, stating that Christians in East Malaysia had been using the term “Allah” in their religious practice for generations. The case under appeal related to a Sarawak Christian’s importation of CDs with “Allah” printed on them, that were seized by customs officials.

In June, the NGO United Sikhs Malaysia criticized in a media statement the 2022 Malaysian-made film “Mat Kilau” over what it said were “distasteful” and discriminatory representations of non-Muslim Malaysians. The statement said, “Mat Kilau, which is supposedly a historical film, has fictional components that may create religious and racial misunderstanding.” The movie portrays turbaned Sikhs who were British soldiers as behaving violently with the elderly, children, and helpless citizens. “The Sikh code of practice prohibits laying hands on elderly persons, folks, children, women, and helpless citizens, even during a war,” the statement added. Separately, Sultan Sharafuddin recommended that citizens watch the film but heed a warning that the future of the country depended on

unity and the upholding of Islam. He added, “This has to be done without abandoning the rights and welfare of the non-Malays in this country.”

Religious converts, particularly those converting from Islam, sometimes faced severe stigmatization. In many cases, converts reportedly concealed their 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 interfaith dialogues and intercultural celebrations throughout the year. In July, the Allied Coordinating Council of Islamic NGOs Malaysia, Pure Land Learning College Association, and Pure Land Amitabha Group Malaysia collaborated to hold an interfaith peace conference titled, “Compassion: The Antidote to Religious Intolerance.” The conference called for continued efforts to “create a dialogue of peace and harmony between religious adherents.”

In August, the Young Buddhist Association of Indonesia and its counterpart, the Young Buddhist Association of Malaysia, jointly organized an online interfaith forum titled, “Say No to Radicalism and Extremism” to educate young people about the dangers of radicalism and extremism and to work toward a more harmonious, tolerant, and inclusive society.

In October, Muslims, non-Muslims, and Sarawak State cabinet ministers gathered in prayer to celebrate the 86th birthday of Sarawak Governor Abdul Taib Mahmud and “the peace, unity, and harmony that Sarawak cherishes.”

Section IV. U.S. Government Policy and Engagement

Throughout the year, U.S. embassy officials engaged with a wide variety of federal and state government officials at the Ministry of Foreign Affairs, the Ministry of Women, Family, and Community Development, and the Prime Minister’s

Department, as well as other agencies, on religious freedom and tolerance issues, including concerns about the denigration of religious minorities. Embassy officials also discussed 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 with SUHAKAM commissioners and the Malaysian Bar Council.

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 to discuss strategies for engaging the government on issues of religious freedom. The embassy enabled the participation of religious leaders and scholars in exchanges and conferences that promoted religious freedom, diversity, inclusion, and tolerance. Embassy officials met with transgender activists to discuss the increasingly limited opportunities for transgender individuals to worship in mosques.

Throughout the year, embassy officials visited places of worship around the country to demonstrate support for religious pluralism and respect for the diversity of religious belief in the country.

The embassy broadcast messages related to religious freedom on its social media platforms on International Religious Freedom Day and throughout the year. Many social media posts stressed the value of the country's religious diversity and the importance of respect for freedom of religion or belief.

An April op-ed by the Ambassador emphasized bringing communities of different faiths together during Ramadan in the face of adversity caused by the COVID-19 pandemic. It highlighted the diversity and religious pluralism in the United States as millions of American Muslims and global citizens celebrated Ramadan. It also stressed the need to respect international religious freedom and promote mutual respect and understanding among all religions. Mainstream media outlets published the op-ed in Malay, English, and Chinese.

In April, the embassy partnered with national broadcast outlet Radio Television Malaysia to produce an episode for its documentary program, *Panorama*, highlighting how the embassy observes Ramadan. The program showcased multiculturalism and respect for diversity as it featured Muslim American diplomats hosting interfaith iftars for their non-Muslim colleagues. The program also highlighted an iftar hosted by the embassy on women's empowerment at the International Islamic Arts Museum. It featured an interview with the Ambassador on the importance of religious diversity and inclusion.

Also in April, the embassy highlighted experiences of exchange program participants celebrating Ramadan in the United States on its digital media platforms. The content demonstrated respect for pluralism in the United States and efforts to enhance mutual understanding and bridge cultural divides. Participants shared challenges of fasting in a foreign country as well as the opportunity to share their culture and religious customs with American host families.