

MALAYSIA 2020 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. Individuals diverging from the official interpretation of Islam continued to face adverse government action, including mandatory “rehabilitation” in centers that teach and enforce government-approved Islamic practices. Sources stated that there was some selective persecution of non-Muslim faiths through legal and extralegal means. In February, the human rights commission (SUHAKAM) initiated a 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 made little progress. In February, the wife of the second Christian pastor initiated legal action against the federal government and senior officials for failing to properly investigate her husband’s disappearance. In July, the High Court convicted a man for training members of a WhatsApp group to commit terrorist acts, including attacks on a Hindu temple and other houses of worship. The Sharia High Court pursued contempt charges against a member of parliament who stated that sharia courts discriminated against women. The government continued to selectively prosecute speech that allegedly denigrated Islam, while it largely ignored criticisms of other faiths. Non-Muslims faced legal difficulties when they sought to use the word “Allah” and as many as 31 other Islam-related words. Non-Sunni religious groups continued to report challenges in registering as nonprofit charitable organizations or building houses of worship. Some political parties said only Malay-Muslim parties should be allowed to lead the country. In July, a court sentenced a man to 26 months’ imprisonment for insulting Islam and a Muslim politician. 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.

Local human rights organizations and religious leaders again expressed concern that society was becoming less tolerant of religious diversity. A joint council of

minority religious communities released a statement expressing its “grave concern on the escalation of religious animosity between religious groups manufactured by some politicians to divide and rule.”

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. 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. The embassy funded a civic education curriculum and training program that will teach students in federal religious schools about freedom of expression and association, including freedom of religion.

Section I. Religious Demography

The U.S. government estimates the total population at 32.7 million (midyear 2020 estimate). 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 of 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. 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 gives federal and state governments the power to control or restrict proselytization to Muslims. 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,” are the highest Islamic authorities within their respective states. Sultans are present in nine of the country’s 13 states; in the remaining four states and the Federal Territories, the highest Islamic authority is the King, 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 themselves “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 jail term. In Pahang, up to six strokes of the cane may also be imposed. The maximum penalty for apostasy in the states of Kelantan and Terengganu is death, but this penalty has never been imposed, and its legal status remains untested. According to former Islamic Affairs Minister Jamil Khir, from 2000 to 2010, the sharia court approved 135 of 686 applications to no longer identify as a Muslim. 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 Islam. Convictions may result in prison sentences of three to seven years or up to 20 years if there is physical harm or damage to property. The law also bars speech that “promotes ill will, hostility, or hatred on the grounds of religion.”

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 (\$250) if they do not attend “counseling” after being found guilty of wearing what authorities deem immodest clothing. According to sharia law in some states, any individuals who sell food to fasting Muslims or Muslims who do not fast are 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 a tax exemption for registered religious groups for donations received and a tax deduction for individual donors. Donors giving *zakat* (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 the penal code.

The law forbids proselytizing of Muslims by non-Muslims, with punishments varying from state to state, including imprisonment and caning. The law allows and supports Muslims proselytizing 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 rooms.

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 continue largely to give deference to sharia courts, creating situations where sharia judgments affect non-Muslims.

Two states, Kelantan and Terengganu, have enacted *hudood* (the 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 for religious courses must apply for a professional visit pass with the Department of Immigration. This visa is given on a year-to-year basis and must be endorsed by a national body representing the respective faiths.

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

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

Government Practices

Police made little progress in investigating the disappearance in 2016 of Christian pastor Joshua Hilmy and his wife, Ruth Sitepu, reportedly due to a lack of information on the case. In February, SUHAKAM initiated a public inquiry into their disappearance. A witness testified that Hilmy had told him that “religious authorities were looking for him” due to his conversion from Islam to Christianity without following the required legal procedures. The witness said Hilmy told him he had not been threatened. Another witness testified in March that Hilmy had shown him an email from then Minister of Youth and Sports Khairy Jamaluddin instructing Hilmy to “leave the country.” Jamaluddin denied the accusation in a statement, noting, “I never personally knew Joshua Hilmy, Ruth Hilmy, nor (the witness) Selvakumar Peace John Harris. I also deny having sent the alleged email, nor have I contacted them through any means of communication.” SUHAKAM’s inquiry was suspended in March after two of its commissioners tested positive for COVID-19, but it resumed in August and was ongoing at year’s end.

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 “enforced disappearance” of Shia Muslim social activist Amri Che Mat made little progress in its investigation, according to SUHAKAM. In August, the NGO Citizens against Enforced Disappearances (CAGED) urged the government to release the findings of the panel and police to reveal actions taken in response to the SUHAKAM report. The government-appointed panel did not investigate the disappearance of Christian pastor Raymond Koh in 2016, however, as the government argued it was “out of scope” of the panel, purportedly because prosecutors had previously charged him with extorting Koh’s son for information in the case.

In February, Susanna Liew, the wife of Pastor Koh, initiated legal action against the federal government and several senior officials for failing to properly investigate her husband’s kidnapping, accusing them of negligence, misfeasance, and conspiracy to injure.

Despite calls from the 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 September. Gandhi, a Hindu, had earlier sued successfully to deny

her former husband's unilateral conversion of their three minor children to Islam. In February, Gandhi initiated legal proceedings against the police and the police inspector-general (IGP) for failing to locate her daughter, Prasana. At year's end, the IGP had not disclosed Prasana's location nor announced any progress on her case.

In February, the Sharia High Court pursued contempt charges against Member of Parliament Maria Chin Abdullah for statements she made in 2019 asserting that the sharia court discriminated against women. The prosecution said Chin's comments harmed the reputation of the court.

In July, an Indonesian man was sentenced to 22 years' imprisonment and fined 5,000 ringgit (\$1,200) for training members of a WhatsApp group, "sejati sejiwa" (one true soul), to commit terrorist acts and for possessing items linked to ISIS. Police said the man had been preparing to attack a Hindu temple in Selangor in 2019 to "avenge" the death of a Muslim firefighter who was killed when responding to a riot at a Hindu temple in Kuala Lumpur in 2018.

In May, the Federal Court allowed a man to challenge the constitutionality of a law in the sharia legal code against "unnatural sex." The man's lawyer argued that the Selangor State legislative body had no power to apply sharia because sharia pertained to criminal law, which falls under federal jurisdiction, and that there was already a federal law on "unnatural sex" in the penal code.

Abdul Hadi Awang, president of the Pan-Malaysian Islamic Party (PAS), which is a member party of the ruling Perikatan National coalition, said that the NGO G25, described by academics and the media as a promoderation group of eminent Malay individuals and civil servants, posed an intellectual threat to Muslims and was more dangerous than a militant group. A G25 report on the administration of Islam in Malaysia stated that Muslims who chose to convert to another faith or practice no faith should not face criminal punishment.

Civil society activists said the government selectively prosecuted speech denigrating Islam and largely ignored criticisms of other faiths. In February, a sessions court fined Wai Foo Sing 15,000 ringgit (\$3,700) under the Communications and Multimedia Act for posting what the court said was an obscene graphic of the Prophet Muhammad and his wife on Facebook. The court said, "It is undeniable that the accused's inappropriate, offensive, and obscene posting based on religion has transgressed the parameters of free speech guaranteed under our constitution." In March, a judge fined Ain Zafira Md Said, a

student, 4,000 ringgit (\$1,000) in lieu of three months in jail for insulting the Prophet Muhammad on social media in 2019. In April, authorities detained two individuals and initiated investigations under the Sedition Act and Communications and Multimedia Act relating to a social media video mocking Muslims praying. In July, a court sentenced Danny Antoni to 26 months in prison after finding him guilty on two counts of insulting the Prophet Muhammad, Islam, and the president of PAS, Abdul Hadi Awang, in a Facebook post.

In September, police opened an investigation into Member of Parliament Nik Muhammad Zawawi Nik Salleh for his remarks in parliament stating that “the Bible was distorted or altered.” Zawawi said he had no reason to apologize, since his statement was “a fact,” and he said the Christian community had “no right to be offended.” The investigation against Zawawi remained open at year’s end.

Lawyers called for the Ministry of Education to issue a directive forbidding religious conversion of students in school. In January, 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. “My client’s instruction is to challenge the validity of the conversion of their son. He is still a minor. The parents were unaware of the conversion. They were shattered when they found out,” said Priscilla Ruth Marcus, the family’s lawyer. According to Marcus, “This is not the first reported case.” NGOs reported that similar cases reinforced fears among parents of rural Christian communities in Sabah and Sarawak State about what might happen if they send their children to boarding schools.

In January, government and religious authorities in Sabah State initiated investigations into reports that the Malaysian Islamic Economic Development Foundation, a quasigovernmental charity trust fund, offered cash to individuals who agreed to convert to Islam. Then Assistant Education and Innovation Minister Jenifer Lasimbang told media, “It’s not a new thing. These things have been happening for a few years.” The foundation denied the allegations.

JAKIM continued to implement established 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 teach and enforce government-approved Islamic practices. The government forbade individuals to leave such centers until they completed the program, which varied in length but often lasted approximately six months. These

counseling programs continued to be designed to ensure the detainee adopted the government's official interpretation of Islam. In January, the NGO G25 denounced various state laws penalizing apostasy, whether by fines, caning, imprisonment, or extended "rehabilitation," as inconsistent with the constitution, which guarantees freedom of religion.

Religious Affairs Minister Zulkifli Mohamad al-Bakri made a statement in July that religious authorities would arrest transgender individuals and provide them religious education to "return to the correct path." In August, JAKIM filed a police report against activist Nicole Fong, accusing her of defamation because of her tweets detailing JAKIM's religious conversion program that targeted the LGBTQ community. In a statement, 15 NGOs said JAKIM intimidated human rights defenders with heavy-handed tactics that "send a message to Malaysians that we are not allowed to question governmental policies and programs."

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. A woman in Sabah State, Nusiah Pulod, faced significant bureaucratic challenges in attempting to remove the "Islam" designation printed on her identification card even though she said she was born Christian and had never converted. As a result, Nusiah was unable to marry her non-Muslim fiancé, since the registration office would not recognize what it considered to be a mixed-faith marriage involving a Muslim. Nusiah said many Christian families in her village faced similar problems.

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. Former Prime Minister Mahathir Mohamad said in a June interview with Lebanese al-Mayadeen TV that it is better for Muslims to attack Israelis directly rather than carry out terrorist attacks against European countries and the United States. "The enemy is Israel. [If] you want to do anything, do it to the Israelis, like some of the Palestinians in Jerusalem, who individually attack Israeli soldiers. That is the enemy." He also said that Jews controlled the media in the United States. "It is a propaganda campaign on the part of the Jews. They own all the newspapers in America. They own the TV stations. So they have tremendous influence."

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 missionary groups are free from “deviant” teachings.

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 July, the Terengganu State government implemented a gender segregation policy in cinemas in what it said was a measure to ensure adherence to sharia. According to a local cinema operator, married couples needed to provide legal proof of marriage and were subjected to random checks. Muslim moviegoers were also required to dress according to Islamic regulations, while non-Muslim moviegoers were required to dress modestly.

Authorities in Terengganu State said they would soon introduce additional gender-segregation guidelines for event organizers barring female entertainers, including non-Muslims, from performing before male audiences.

In August, the chairman of the Kelantan State Community Unity, Culture, Heritage, and Tourism Committee said the state would review for “corrections” a century-old indigenous dance form, *Main Puteri*, that it considered “un-Islamic” in order to meet sharia compliance before the dance could be reintroduced for public entertainment.

Officials at the federal and state levels oversaw Islamic religious activities, distributed all sermon texts for mosques to follow, used mosques to convey political messages, and limited public expression of religion deemed contrary to Sunni Islam. In February, a mosque in the state of Perak that organized a Chinese New Year celebration was censured by the Perak Islamic Religious Department for “disrespecting the sensitivity of the Muslim community.” In December, Deputy Minister of Religious Affairs Ahmad Marzuk Shaary reported that the National Fatwa Council was investigating the teachings of Asmaul Husna Wan Maseri,

founded by former PAS council member Professor Wan Maseri Wan Mohd in Kelantan, on allegations of deviation from Sunni Islam. The group had been declared as heretical in the states of Terengganu, Negeri Sembilan, and Pahang and the Federal Territories.

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

In cases in which the government refused to register a religious group, the group could pursue registration as a company. Religious groups reported registering as a company was generally relatively quick and provided a legal basis for conducting business, did not limit the group's religious activities, and allowed the organization to conduct certain activities such as holding a bank account and owning property, but 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.

Federal and state governments continued to forbid religious assembly and worship for groups considered to be "deviant" Islamic groups, including Shia, Ahmadiyya, and al-Arqam. While Ahmadi Muslims in the country reported generally 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 Selangor State Islamic Religious Department (JAIS) said there were 15 Shia religious centers, which JAIS considered to be a significant increase. The chairperson of JAIS said the agency would intensify efforts to monitor Shia Muslims and raid Shia religious gatherings and would also provide information on the alleged dangers of Shia Islam to schools and mosques throughout the state. In response, the NGO Islamic Renaissance Front (IRF) said JAIS was promoting "an intolerant religion [Islam] in this modern age."

In August, the Court of Appeal petitioned the High Court to determine whether 39 Ahmaddiya Muslims were to be considered Muslim following an appeal by JAIS against a 2018 High Court decision stating that the sharia court had no jurisdiction over the Ahmadi community, since JAIS had refused to recognize them as adherents of Islam. The petitioners challenged their 2014 sharia offenses charged

by JAIS on the basis that Islamic authorities in Selangor State did not recognize Ahmadiyya as Muslims and that the petitioners were therefore outside JAIS jurisdiction. The High Court ruled in August, “The Ahmaddiya were, as with all other persons, entitled to freedom of religion, subject to the Federal Constitution.” The court also said the country’s dual legal system and the issuance of identity cards stating their holders’ religion as Islam compounded the ambiguity of their religious status as Muslims. The three-member bench chaired by Justice Badariah Sahamid further stated, “It is timely that all states, along with the federal government, work out a unified regime to determine the religious status of the Ahmadiyya so that they are not put at risk of sharia investigations and prosecution.”

The country’s movement control order (MCO), established to prevent the spread of COVID-19, banned gatherings of any kind from March 18 through June 4, including religious gatherings. During Ramadan, the MCO prohibited Muslims from worshipping in mosques, breaking their fast outside their homes, and visiting Ramadan bazaars, a popular tradition. The government assured Muslims that all religious obligations could be carried out at home and noted exceptions for front-line responders and those who were ill. State religious leaders, including conservative representatives from PAS, supported the federal government’s measures, noting “we must accept it and obey the rules of social distancing to protect our lives.” Non-Islamic leaders said that they were not consulted or warned by the government before restrictions were imposed.

In September, the Federal Court allowed the NGO Sisters in Islam (SIS) to proceed with a hearing to seek a court declaration to invalidate a Selangor State law that enabled sharia courts to review decisions made by state religious authorities. In 2019, the High Court dismissed the NGO’s application for a civil court to review a 2014 Selangor State fatwa that found the organization “deviant” infringed the group’s and its members’ constitutional rights. The 2014 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 that the NGO’s books and materials could be seized. At year’s end, no action had been taken against the NGO, which continued to function nationally.

In September, JAIS arrested Abdul Kahar Ahmad and 16 followers for spreading the teachings of a “deviant sect” that had been banned in 1991. JAIS confiscated books, cell phones, laptops, and other materials. Following the arrest, the Minister of Religious Affairs said the government will consider distributing reading

materials on “deviant” teachings to imams and religious teachers appointed by religious authorities in order to warn the public of the dangers of such teachings. Abdul Kahar and three of those arrested were released on bail, while the other 13 remained in custody. Abdul Kahar, who proclaimed himself a *Rasul Melayu* (Malay prophet), was previously arrested in 2009 and sentenced to 10 years imprisonment, six strokes of caning, and a fine of 16,500 ringgit (\$4,100).

There were restrictions on the use of the word “Allah” and as many as 31 other Islam-related words by non-Muslims. These restrictions included saying certain words, such as “Allah,” “al Quran,” or “fatwa” out loud, or using or producing Bibles or recorded religious materials that refer to God using the term “Allah.”

In October, the Court of Appeal dismissed a discovery application by Sidang Injil Borneo, an evangelical Christian church based in Sabah and Sarawak, for the documents the Home Affairs Ministry used to support its ban on the Church’s and its Malay-language speaking congregation’s right to use the word “Allah” in Bibles and other religious publications. The ministry argued that the documents sought by the Church fell under the Official Secrets Act 1972.

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.” In February, the Court of Appeal overturned the government’s ban on three books written by IRF. The Ministry of Home Affairs originally banned the books in 2017 for content that did not comply with the government’s interpretation of Islam, a decision the High Court upheld in 2019. IRF representatives welcomed the court’s decision, stating it fulfilled its role as “the last bastion for the protection of freedom of expression.”

A 2019 investigation into the book *Unveiling Choices* by Maryam Lee remained open. The book was alleged by JAIS to “insult or bring into contempt the religion of Islam.” It narrates Lee’s personal reasons for removing her hijab as well as the sociopolitical relationship between Muslim women and the Malaysian state. Lee would be subject to a fine of up to 5,000 ringgit (\$1,200), up to three years in prison, or both, if found guilty.

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. Observers said this practice remained largely tolerated but left the religious groups vulnerable. In March, authorities demolished the 100-year-old Sri Maha

Mariamman Temple located within the Kamunting detention center in Taiping, Perak State. According to media reports, authorities did not inform the temple's leaders of the impending demolition. Facebook later removed a post by Penang Deputy Chief Minister P. Ramasamy questioning whether the demolition was in part organized by a federal government dominated by ethnic Malay Muslims. "I think the title of the post, which asserted that the structure was probably the first Hindu temple demolished under the Perikatan National [ruling coalition] government, irked the powers that be," Ramasamy commented to the media.

PAS party leader Hadi said during a September speech at the annual general meeting of party that only Malay-Muslim unity could lead and save the country. According to media reports, Hadi said, "The nation that is with Islam must rise so that it is not swept away by the influence of non-Muslims, who lose their identity." In January, Hadi described choosing between Muslim and non-Muslim rule: "If we [Muslims] are patient with each other, and even if [the leadership] is cruel, we can at least be cow herders, but under other people's rule, we will become pig herders." Lim Kit Siang, the leader of the Democratic Action Party, which is part of the opposition coalition but has the most seats in the lower house of parliament, responded, "The advocates of this version of politics are gambling with the future of a multiracial, multilingual, multireligious, and multicultural nation."

The Prime Minister's office tasked government agencies, including the federal Department of National Unity and Integration, with encouraging religious harmony and protecting 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. That department's annual budget was approximately 275 million ringgit (\$68.41 million), while 1.4 billion ringgit (\$348.3 million) was marked for the development of Islam under JAKIM alone.

In April, the government allocated 21 million ringgit (\$5.22 million) to assist private Islamic schools whose operations were affected by the COVID-19 pandemic. The government said the assistance was part of 100 million ringgit (\$24.88 million) allocated to JAKIM under the 2020 budget supplement intended to finance the maintenance and upgrading of Islamic schools. Non-Islamic schools did not receive this funding.

During the year, JAKIM continued to fund a wide variety of Islamic education- and mosque-related projects. 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.

At public primary and secondary schools, student assemblies frequently commenced with the recitation of an Islamic prayer by a teacher or school leader. 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.

There were continued complaints concerning what critics said were religious overtones and symbols in public schools. In January, family members of children enrolled in government residential schools questioned what they said was an overemphasis on religious practices: schools frequently compelled students to attend group prayers and rituals, causing the studies of other subjects to be neglected. In response, the schools stated the rituals were intended to obtain "blessings" that would ensure that students excelled academically, and that would elevate the status of the school. "They are competing on which school is more Islamic instead of being better academically," said one parent. Another parent told the online news portal *Free Malaysia Today* that her daughter was compelled to attend a "*ruqyah*" (exorcism) session to be cured from the possession of "bad spirits" after skipping Islamic instruction to attend biology classes.

An effort by the government to revive Jawi, an archaic Arabic script, in lessons on Bahasa Melayu in vernacular primary schools sparked tensions along ethnic and religious fault lines. Following an outcry from Chinese groups that the Jawi revival was an attempt at Islamization, the Ministry of Education pared down the pages to be taught on Jawi from six to three. Then Deputy Minister of Education Teo Nie Ching later clarified that Jawi lessons in vernacular schools could only be introduced with majority approval from parent-teacher associations.

In January, Mohd Khairul Azam Abdul Aziz, vice president of Parti Bumiputera Perkasa Malaysia, a Malay nationalist political party, wrote that a public school in Puchong, Selangor State, was propagating religion to its students through decorations for Lunar New Year. He stated, "The complaints we've received show unease at the excessive Chinese New Year 2020 decorations.... This is distressing for Muslim students and is also against Article 3(1) of the Federal Constitution."

In a sign of support for the school, the then Deputy Prime Minister and six other cabinet ministers visited it and helped put up Lunar New Year decorations.

In the same month, the Ministry of Education issued a circular stating that JAKIM advised that *Ponggal*, a Tamil harvest festival, is *haram* (forbidden) in Islam. Responding to a public outcry, then Minister of Islamic Affairs Mujahid Yusof Rawa said that JAKIM had not prohibited schools from celebrating the festival, since, “It was permissible for Muslims to take part in the celebration as long as Islamic ethics were observed.” Mujahid called for stern action against the Ministry of Education official responsible for the circular in question.

The government continued not to recognize marriages between Muslims and non-Muslims and considered children born of such unions illegitimate. In a February ruling, the Federal Court determined that a Muslim child conceived or born out of what the state determined to be wedlock could not bear his or her father’s name, even if requested by the father. The court said the law “does not enable Muslim children to be named with the personal name of a person acknowledged to be the father” because ethnic Malays do not use surnames. The NGO SIS praised the court’s other ruling that children born out of wedlock do not have to automatically use the surname “bin Abdullah” or “binti Abdullah,” which carries a social stigma in the country where children with these surnames are often “ridiculed, attacked, bullied, or targeted.”

Then Minister for Islamic Affairs Mujahid Yusof Rawa said he would ask the Malaysian Communications and Multimedia Commission to take action against Nur Sajat, a prominent transgender entrepreneur, after she posted pictures of herself wearing a prayer garment on pilgrimage in Mecca in February. Muhajid said Nur Sajat’s actions were an “offense” and could compromise the country’s relationship with Saudi Arabia. JAKIM circulated copies of Nur Sajat’s passport and other documents were circulated on social media, raising concerns among civil society groups about her privacy and safety. The NGO Justice for Sisters condemned the government’s action, stating, “The real concern is not the *telekung* (prayer garment), but her safety and security, the breach of privacy, and the lack of rights and evidence-based response by the government.”

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 September, the interfaith organization Malaysian Consultative Council of Buddhism, Christianity,

Hinduism, Sikhism, and Taoism (MCCBCHST) released a press statement to express “grave concern on the escalation of religious animosity between religious groups manufactured by some politicians to divide and rule.” NGOs also cited some Muslim groups’ continuing public condemnation of events and activities they said were “un-Islamic” as well as heavily publicized statements targeting non-Sunni Muslims and non-Muslim groups.

In January, the NGO ILMU, whose members were closely linked to the United Malays National Organization (UMNO) political party and who have in the past spoken out against Shia Islam, hosted a national convention on “Knowledge of the Hadith,” in Kuala Lumpur. Sheikh Abdurrahman Ibrahim al-Rubai’in, the religious attache of the Saudi Arabian embassy, in his keynote speech, said it was useless to include Shia Muslims in any efforts to unite Muslims, since “They are deviant.” He added, “The difference between Sunnis and Shias is not merely over jurisprudence, but also between truth and falsehood.”

Hundreds of Muslim students gathered in January outside a shopping mall in Kuala Lumpur to demand the government ban the Chinese educational group Dong Zong; on the grounds that Dong Zong opposed the inclusion of Jawi lessons in the national school syllabus. The PAS youth chief spoke at the protest and blamed Chinese majority political parties in the ruling and opposition coalitions for perpetuating baseless fears against Islam. The Malaysian Muslim Students Coalition said Dong Zong was attempting to foment a repeat of the country’s bloody 1969 race riots. Also in January, then Prime Minister Mahathir Mohamad labeled Dong Zong as “racist” against the Malay-Muslim majority after the group petitioned against the government’s move to introduce Jawi lessons in schools on grounds that the measure would be a form of “Islamization.”

The leader of the apolitical group of Malay-Muslim NGOs Pertubuhan Pembela Islam (Pembela), Aminuddin Yahaya, called on the new Perikatan Nasional coalition government to appoint an ethnic Malay attorney general and to “take action” against insults to Islam. “We have to take this seriously because Malays don’t insult other religions or other races, but other races insult Malays and Islam. Therefore, there must be enforcement.”

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

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

In March, the Malaysian rock band Bunkface released its song “The End of Times,” which caused controversy over lyrics that urged the LGBTQ community to “go and die.” In a statement, the band defended the lyrics as a criticism of the growing Muslim LGBTQ movement in the country and indicated its rejection of any rights for LGBTQ Muslims, describing the LGBTQ community as *haram*. “What has been set as haram will always remain haram,” the band said in its press released. YouTube, Spotify, and Apple Music removed the song from their platforms following international media attention.

In April, a video of a local man harassing a Rohingya individual from Burma surfaced on Facebook amid an increase in comments online aimed at the Rohingya community. In the four-minute video, the man demanded the Rohingya prove his Islamic faith. In April, activist Tengku Emma Zuriana Tengku Azmi of the European Rohingya Council rights group said in response, “There is harassment [of Rohingya] on the streets and online. I’ve never seen anything like this in Malaysia before.” In the same month, Tengku Emma was threatened with rape on social media, including the online group “32 Million Malaysians Reject Rohingya,” after asking the government to allow boats carrying Rohingya asylum seekers to land.

Religious groups hosted virtual interfaith dialogues and intercultural celebrations throughout the year. In September, the Dalai Lama and a professor from the International Institute of Islamic Thought and Civilization, Osman Bakar, discussed compassion and mercy as common values in Islam and Buddhism in a virtual forum organized by the Muslim Youth Movement of Malaysia. The Dalai Lama stressed the importance of Buddhists, Muslims, and other religious groups’ taking the opportunity to discuss different ways of promoting people’s right to pursue different ways of life. In an interfaith dialogue in December, Council of Churches Malaysia secretary general Hermen Shastri said the establishment of a “truly interfaith council” was hindered by a “majority vs. minority” mentality, since interfaith groups in the country have yet to form an entity that engages with the majority Islamic community.

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, and the disappearances of Amri Che Mat, Pastor Raymond Koh, and Pastor Joshua Hilmy and his wife 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 those from SIS, G25, and the Islamic Renaissance Front, and with MCCBCHST to discuss strategies for engaging the government on issues of religious freedom.

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

The embassy nominated Susanna Liew, wife of missing pastor Raymond Koh, for the International Women of Courage (IWOC) award and facilitated her travel to the United States to attend the annual IWOC ceremony in Washington D.C. in March.