

### KEY FINDINGS

In 2020, religious freedom conditions for religious minorities and the Sunni Muslim majority in Malaysia remained largely the same as in 2019.

The Malaysian government requires members of the Sunni Muslim majority to adhere to a strict, state-approved interpretation of Islam and regulates the internal affairs of Muslims, leaving them little freedom to practice according to their conscience. The pairing of Malay ethnicity with Islam continues to infringe on the religious freedom rights of ethnic Malays. In addition, Shari'a courts have historically declared several minority Muslim groups as non-Muslim, which persistently creates a grey area for those Malays who adhere to what the government considers "deviant" forms of Islam. For example, an ongoing [court case](#) to determine whether Ahmadiyya Muslims can legally identify as Muslims remained unresolved after being remitted to the High Court in August.

In February, the two-year-old pluralist Pakatan Harapan coalition collapsed and was replaced by the Perikatan Nasional (PN) coalition. The PN coalition brought together the United Malay National Organisation (UMNO) and the Pan-Malaysian Islamic Party (PAS), a political party that has sought to incorporate corporal *hudud* penalties into the state-level Shari'a system. In a November coalition meeting, Prime Minister Muhyiddin Yassin stated that the PN coalition would fight secularism and liberalism and insisted that his government would hold fast against challenges to Shari'a. The transition of power has [spurred](#) an increase in judicial harassment from the police of human rights activists.

Malaysia's systematic emphasis on Sunni Muslim identity continued to place particular pressures on non-Muslim communities. On December 1, the state of Kedah in northwestern insular Malaysia demolished a Hindu temple on land ostensibly unauthorized for the building. This demolition follows a trend in recent years in which authorities have ordered the destruction of hundreds of Hindu

temples, which officials disingenuously explain as a matter of land usage to avoid framing the destruction as religiously motivated. Non-Muslim communities remain forbidden from using Arabic words that authorities claim are exclusive to Islam, such as the word "Allah". Such restriction affects the ability of Christians and others to import, print, and distribute religious materials such as Bibles. However, Malaysia's top court has set a date in 2021 to hear the case—first raised in 2008—of an indigenous Christian community's right to use such language.

Non-Muslim communities are also prohibited from proselytizing to Muslims. All religious conversions, including between non-Muslim faiths, face serious restrictions. Some converts have [won the right](#) to adopt their new religious identity openly, but only after taking the issue to the High Court. The Malaysian federal government deemed atheism unconstitutional, and those who are ethnically Malay and identify as nonreligious are at risk of criminal prosecution for apostasy. Blasphemy is criminalized at the federal level in Malaysia's secular Penal Code, and at least five states [criminalize](#) apostasy with fines, imprisonment, and/or detention in a "rehabilitation" center.

The special task force set up in June 2019 to investigate the disappearances of five individuals, including Pastor Raymond Koh and Shi'a Muslim convert Amri Che Mat, continued to delay the release of its findings throughout 2020. In November, Commissioner James Carr adopted [Pastor Koh](#) through USCIRF's Religious Prisoners of Conscience Project.

During the coronavirus pandemic, public and official attitudes hardened toward migrants, including Rohingya refugees. In May and June, officials temporarily banned refugees and migrants from mosques as they reopened religious buildings following the Movement Control Order issued to stop the spread of the virus. In addition, non-Muslim houses of worship, including Hindu temples and Christian churches, were not prioritized for reopening and [faced](#) different reopening times than mosques.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Malaysia on the U.S. Department of State's Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Fund and implement training on community-based policing between the U.S. Department of Justice and Department of Homeland Security and their Malaysian counterparts to promote better shared practices on interacting with faith communities and protecting houses of worship and other religious sites;
- Urge the Malaysian government to repeal the federal and state-level laws criminalizing blasphemy and apostasy, to remove the constitutional link between the ethnic Malay identity and Islam, and to release the findings of the special task force investigating forced disappearances such as the case of Pastor Koh; and
- Work with Malaysia and regional partners to ensure the safety of migrants and refugees, including those fleeing ethnic and religious conflict, by facilitating access for the United Nations High Commissioner for Refugees (UNHCR) to refugee and migrant camps as well as by contributing to the Association of Southeast Asian Nations (ASEAN) Trust Fund for Humanitarian Relief Efforts.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [Rohingya Refugees in Southeast Asia](#)
- **Op-Ed:** [Malaysia's Unwelcoming Shore for Refugees Fleeing Religious Persecution](#) (in *The Diplomat*)

## Background

Malaysia is a highly pluralistic society. Around 61.3 percent of the population identify as Muslim, the vast majority adhering to state-sponsored Sunni Islam. Buddhists comprise 19.8 percent; 9.2 percent are Christian; 6.3 percent are Hindu; 1.3 percent practice Confucianism, Taoism, and other traditional Chinese religions; and about 0.8 percent identify with no religion. Although Malaysia was founded as a secular state, Article 3 of the 1957 constitution places Islam—interpreted as Sunni Islam—as the federation’s official religion, while Article 160 links Malay ethnic identity with Islam. This constitutional construct has long been used to advance social policies—many of which amount to legally mandated religious discrimination—that give ethnic Malays preferential treatment, including in education and employment, to offset historical economic disparities.

## Government Regulation of Religious Practice and Identity

The federal Department of Islamic Development Malaysia (JAKIM) provides funding for mosques and preapproved talking points for imams. In January, guidelines from JAKIM prompted the Ministry of Education to declare the Pongal harvest festival as a Hindu religious event, raising concerns among the Malaysian Tamil community of crackdowns on celebrating the festival in public schools similar to those preventing the celebration of the Chinese New Year. JAKIM takes a proactive role in regulating religion, including monitoring perceived insults against Islam and the Prophet Muhammad as part of the country’s enforcement of blasphemy laws. It also [regulates](#) and monitors independent Islamic preachers to ensure they follow officially accepted interpretations of Islam. All Muslim students in public schools at the Form 5 level must take a course that includes federally-approved material claiming Sunni Islam as the “superior” and only acceptable form of Islam, while labeling Shi’a Islam as “deviant.” In 1996, the Fatwa Committee for Religious Affairs issued a fatwa prohibiting the proselytism, promulgation, and profession of Shi’a Islam; at least 11 of the 13 states have adopted the fatwa.

At the same time, individual states have a high degree of autonomy in regulating Islamic practice. In August, the PAS-dominated state government of Kelantan began to investigate the indigenous *Main Puteri* dance to make it “Shari’a compliant,” continuing a [trend](#) in more conservative states of banning “un-Islamic” indigenous practices such as traditional dances and dramas. JAKIM, along with states and federal territories through their individual Shari’a codes, often target the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community; for example, JAKIM runs a conversion therapy camp (*Mukhayyam*) portrayed as a job program that targets LGBTI Muslims to guide them to the “correct path.” In August, minority rights activist Nicole Fong tweeted against JAKIM efforts to “heal” the Muslim LGBTI community, prompting Director-General Datuk Paimuzi Yahya to report her for defamation. In July, Zulkifli Mohamad Al-Bakri, minister in charge of religious affairs to the Federal Territories Islamic Religious Department

(JAWI), [ordered](#) his department to force members of the transgender community of the federal territories, including Kuala Lumpur, into religious education programs.

Religious identification on national identification cards, known as MyKad, continued to present difficulties for minority faith communities. Only Muslims’ cards visibly state their faith in print, while the cards of individuals belonging to other communities include their religious affiliation in electronic form—an easily identifiable difference that some local sources report [leads](#) to discrimination in government services. Some Malaysians who identify with or convert to non-Muslim religions have been falsely labeled as Muslim or prevented from changing their religious identity on their MyKad, which brings them under the jurisdiction of the Shari’a courts. In a positive development, the Federal Court [determined](#) that Rosiliza Ibrahim, who was born of a Muslim father and Buddhist mother, could identify as a non-Muslim, following a five-year legal battle to change her registration.

## The Dual Court System

Malaysia maintains a system of two independent but equal courts: secular and religious. Muslims are subjected to general laws enacted by parliament as well as religious laws enacted by either the federal government or the legislature of the state in which they reside. This dual system enables varying levels of protection under the law based on one’s religious status. The Shari’a court system appears to place an unequal burden on women, as [evidenced](#) by the fact that Muslim women who choose not to wear a headscarf often face societal discrimination with no legal recourse. For example, in 2020, Maryam Lee—who published a book in 2019 about her choice to stop wearing the headscarf—[continued](#) to receive death threats and faced [investigation](#) by religious authorities for her decision. The legal age of children to marry [varies](#) in each state between those who are Muslim and those who are not, with lower age restrictions and fewer protections for children who are Muslim. Marriage between Muslims and non-Muslims remains illegal unless the non-Muslim partner converts.

## Key U.S. Policy

Malaysia and the United States maintain strong bilateral ties. The United States is Malaysia’s [third-largest trading partner](#), and the two countries share numerous educational and cultural exchange programs. Those programs include the International Visitor Leadership Program (IVLP), which since 2008 has brought Muslim educational leaders to the United States in part to observe conditions for freedom of religion and belief. The two countries also continue to partner in counterterrorism efforts through information sharing, capacity-building programs for law enforcement and judicial authorities, and assistance to improve immigration security and border controls.

In March, the State Department [awarded](#) Susanna Liew, wife of Pastor Koh, the International Women of Courage Award for her advocacy on behalf of her husband and others who have been disappeared by government forces.