

### KEY FINDINGS

In 2023, religious freedom conditions in Malaysia remained poor. Federal and state governments continued to compel Muslim citizens to obey government-approved interpretations of Sunni Islam according to Shafi'i jurisprudence. The government [requires](#) all citizens to register their religion on their official identification card known as [MyKad](#), which the Ministry of Home Affairs oversees. MyKad states whether an individual is Muslim and encrypts their registered religious identity in the card's chip. Policing religion through MyKad, federal and state governments enforce the official interpretation of Islam and its dual legal system for all Muslim citizens.

Article 160 of the constitution mandates registering all ethnic Malays as Muslim. Through the enforcement of this article, the Shari'a legal system (known domestically as Syariah) prevents Malays and other registered Muslims from exercising their rights to pursue their own religious interpretation and identity. Domestically, the Shari'a system [maintains](#) strong support among a majority of Muslims.

The Shari'a courts enable the phenomenon of unilateral conversions—when a parent converts to Islam and then also converts their child or children. Through such conversions, child custody becomes a matter decided by the Shari'a courts, where non-Muslims do not have legal standing. In July 2023, a Malaysian woman, Loh Siew Hong, [took](#) the issues of child custody and unilateral conversion to court. Following divorce, Loh, a non-Muslim, spent three years searching for her children, who were taken by their father. The father had unilaterally converted their children to Islam to prevent Loh from gaining custody. At the end of 2023, this case had not been resolved.

Throughout 2023, political observers expressed concerns that the slim-majority unity coalition led by Prime Minister Anwar Ibrahim could break apart, giving way to the rule of Perikatan Nasional, an ethnoreligious nationalist coalition. By the end of 2023,

this unity government rule [appeared](#) to remain stable. This stability may be in part the result of Prime Minister Ibrahim's attempts to entice Malay Muslim votes from Islamist parties through initiatives such as increased funding for [Islamic schools](#) and a [commitment](#) to increase the "criminal powers" of the Shari'a courts—which the royal Conference of Rulers [supported](#).

Malaysia's Penal Code Sections 298 and 298A [criminalize](#) blasphemy, and government authorities use Section 233 of the Communications and Multimedia Act of 1998 (CMA) as a blasphemy law as well. At least five states criminalize apostasy with fines, imprisonment, or detention in a "rehabilitation" center. In August 2023, after a lengthy court process, the federal High Court [rejected](#) a woman's bid to switch her official religious identity from Muslim to Christian following her divorce from a Muslim man.

Federal and state religious affairs departments continued to take an active approach to managing the internal affairs of Muslims and those legally defined as Muslims according to their MyKad. In February, a Hindu family [took](#) the Selangor State Islamic department (MAIS) to court in order to bury a deceased member in a Hindu cemetery. MAIS had previously determined the deceased member had converted to Islam. In March, the Court of Appeal [rejected](#) a challenge to MAIS's 2014 fatwa labeling the Islamic women's rights group Sisters in Islam as deviant.

Throughout 2023, the government continued to withhold the 2019 [Special Taskforce's report](#) examining cases of enforced disappearances, including [Pastor Raymond Koh](#), [Amri Che Mat](#), and others. Malaysian security forces and religious affairs departments likely targeted these individuals, at least in part, for their religious identity and practices. On December 11, the Court of Appeal [moved](#) to review the classified report by the Special Taskforce as it relates to the disappearance of Amri Che Mat. On December 14, wife of Pastor Koh, Susanna Liew, [testified](#) in High Court to compel the police to reveal his whereabouts.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Malaysia on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Raise at every opportunity with the Malaysian government that it should ratify international treaties on human rights that directly or indirectly impact religious

freedom—including the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and the 1951 Covenant on Refugees—to regulate the Malaysian government's obligations to refugees and asylum seekers; and

- Prioritize raising religious freedom concerns, including releasing the Special

Taskforce's report investigating cases of enforced disappearances, in all bilateral engagement with Malaysia.

The U.S. Congress should:

- Raise Malaysia's ongoing religious freedom concerns in all engagement, hearings, meetings, letters, congressional delegation trips abroad, and other actions.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Event:** [Rising Authoritarianism in ASEAN Member States](#)
- **Special Report:** [The Bureaucratization of Religion in Southeast Asia](#)
- **Frank R. Wolf Freedom of Religion or Belief Victims List:** [Malaysia](#)

## Background

Malaysia is a pluralistic society. Around [63.5 percent](#) of the population identify as Muslim, the vast majority of whom adhere to state-sponsored Sunni Islam. Buddhists comprise 18.7 percent; 9.1 percent are Christian; 6.1 percent are Hindu; 0.9 percent practice Confucianism, Taoism, and other traditional Chinese religions; and about 1.8 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. Article 11(4) provides that federal and state law “may control or restrict the propagation of any religious doctrine or beliefs among persons professing the religion of Islam.”

## Rising Islamic Fundamentalism and Its Mainstreaming throughout Malaysia

Following the 2022 elections and the rise of the Malaysian Islamic Party (PAS), which won the most seats of any individual party but was locked out of the governing coalition, growing ethnoreligious nationalism remains a concern throughout Malaysia. In February 2023, youth supporters of PAS in Terengganu [marched](#) purportedly in support of militant Islam. PAS [continued](#) to use social media, such as TikTok, to appeal to supporters for elections in August. Observers have noted that PAS and other political leaders have used TikTok to spread hate speech directed at ethnic and religious minorities. In PAS-controlled states, Shari’a systems police moral issues such as [dress codes](#) and [adultery](#).

## Dual Legal System and State Control of Muslims

Malaysia’s dual legal system acts to propagate and protect official interpretations of Islam. A 2022 lawsuit [filed](#) in Kelantan challenged 20 provisions introduced in the Kelantan Shariah Criminal Code (I) Enactment 2019. The provisions [criminalize](#) certain behaviors for Muslims through the Shari’a system, including premarital pregnancy, giving away a Muslim child to non-Muslims, intoxication, and sodomy. During 2023, around 300 nongovernmental organizations acting through the “Save Shariah Movement” submitted a memorandum in support of Kelantan and its Shariah Criminal Code. Outside the reporting period in February 2024, the Federal Court [ruled](#) in favor of the lawsuit and declared the 16 Shari’a laws in question as “void and invalid” for intruding on federal authority.

Women and girls remained particularly vulnerable in Malaysia’s dual legal system. In November 2023, the Kelantan state government [reported](#) that 533 underage married couples were recorded in Kelantan over the last four years. Consent of a Shari’a court enables Muslim families to bypass the minimum age requirement of 16 years and to marry underage girls.

In May, the Malaysian government [withdrew](#) its appeal—initially filed in 2021—against a High Court ruling permitting non-Muslims to use the word “Allah.”

## Ethnic, Religious, and Gender Issues and Sexual Minorities

State religious departments take an active role to expand and preserve the official Islamic identity of individuals and society. In February, the Perlis Islamic Religious and Malay Customs Council (MAIP) [attempted](#) to intervene in the case of the religious identity of Loh Siew Hong’s children in Family High Court to maintain Islamic religious instruction, despite the individual wishes of the three children and Loh to not enroll in religious classes. In October, the High Court rejected MAIP’s attempt. In March, MAIP [declared](#) Muslims could not participate in activities or visit non-Muslim houses of worship, noting the authorities could punish violators with up to one-year imprisonment or a fine of approximately \$2,000 (10,000 ringgit).

The role of religious departments in advancing the official Islamic identity can negatively affect the rights of ethnic and religious minorities as well as Muslim members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. Throughout 2023, Malaysian authorities continued to use the legal system in the name of defending Islam to [prosecute](#) businesses and to [police](#) social media use. In August, a representative of the government [described](#) being queer as “a perverted lifestyle” that went against the teachings of Islam to justify the detention of eight Ahmadiyya Muslim protesters who were campaigning for LGBTQI+ rights. In November, Johor State [announced](#) it would open the country’s first permanent “rehabilitation center” for individuals found guilty in Shari’a court of same-sex relations in order to [assist](#) “deviant” people to “get back on the right path.”

## Key U.S. Policy

The United States is Malaysia’s third-largest [trading partner](#), and the two countries [maintain](#) strong bilateral ties. In September, the U.S. Navy [concluded](#) its annual multinational humanitarian assistance and disaster relief preparedness mission in Malaysia, where it held nursing and veterinary training for local nurses and students. In fiscal year 2023, the U.S. government [obligated](#) \$6 million in assistance for programs in Malaysia.

In October, U.S. Ambassador at Large to Monitor and Combat Trafficking in Persons, Cindy Dyer, [visited](#) Malaysia to meet with local stakeholders, including the government, to discuss human trafficking. Malaysia [hosts](#) at least 186,490 refugees and asylum seekers originating from Burma, a significant number of whom are fleeing in part from violence targeting their ethnic and religious communities and many of whom are vulnerable to or have been victims of human trafficking. In November, the administration of President Joseph R. Biden [appointed](#) Edgard Kagan as the U.S. Ambassador to Malaysia.

Through the International Visiting Leadership Program and the Young Southeast Asian Leaders Initiative, the United States hosts leaders from Malaysia in programs that often include religious freedom issues. The United States is actively engaged with civil society in Malaysia to promote tolerance and counter violent extremism.