

### KEY FINDINGS

In 2018, religious freedom conditions in Malaysia trended the same as in 2017, despite some optimism about the potential for overall human rights improvements following a historic change of government in the 2018 general elections. Malaysia has a highly pluralistic society, but some public attitudes and government policies on race, ethnicity, and religion have at times contributed to societal intolerance. In general, the Sunni Muslim majority must adhere to a strict, state-approved interpretation of Islam and have little freedom to practice according to their conscience. Federal and state-level government authorities continued to forbid so-called “deviant” religious minority groups—including Shi’a Muslims, Ahmadiyya Muslims, Baha’is, and the Al-Arqam sect—from assembling or worshiping in public. In addition, deeper, institutionalized barriers to religious freedom remained firmly intact. Ethnic Malays—who are constitutionally defined as Muslim—comprise more than half the country’s population and have benefitted from affirmative action policies. These special privileges are allocated strictly on the basis of ethnicity, and by extension, adherence to Islam. Furthermore, Malaysia’s dual-track legal system includes both civil and Shari’ah courts. When their respective jurisdictions intersect, civil courts usually ceded to religious courts, which means

non-Muslims were sometimes subjected to Shari’ah court rulings. In 2018, Sunni Muslims remained free to proselytize, and the proselytization of Islam to non-Muslims was reportedly widespread in Malaysia’s public school system. Individuals who identify with minority faiths were barred from proselytizing Sunni Muslims and faced possible criminal charges such as caning or imprisonment for attempting to do so. Throughout 2018, non-Sunni Muslims continued to suffer from varying degrees of discrimination, including baseless accusations of extremism and unprovoked acts of vandalism directed at their places of worship. While non-Muslims had little difficulty converting to Islam, Muslims who wished to convert to another religion continued to face persistent legal and administrative difficulties and generally struggled to secure official government recognition of their faith.

Based on these concerns, in 2019 USCIRF again places Malaysia on its Tier 2, where it has been since 2014, for engaging in or tolerating religious freedom violations that meet at least one of the elements of the “systematic, ongoing, egregious” standard for designation as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA).

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Request that the Malaysian government clarify administrative procedures and develop tangible mechanisms for individuals to leave Islam when they choose to convert to another faith;
- Press the Malaysian government to remove the religion field from national ID cards and allow for marriage between Muslims and non-Muslims without conversion;
- Urge the Malaysian government to facilitate independent institutions, including the judiciary, in order to guarantee that everyone residing in Malaysia, regardless of religion or ethnicity, enjoys equal representation before the law and freedom of religion or belief; and
- Urge the Malaysian government to acknowledge all peaceful religious activity as legitimate and cease the arrest, detention, or forced “rehabilitation” of religious minorities, particularly members of Shi’a Muslim, Ahmadiyya Muslim, Baha’i, and Al-Arqam groups, among others, and to release unconditionally those detained or imprisoned for related charges.

## COUNTRY FACTS

### FULL NAME

Malaysia

### GOVERNMENT

Federal Constitutional Monarchy

### POPULATION

31,809,660

### GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Islam (official state religion); other religious groups may be granted registration, excluding those deemed “deviant”

### RELIGIOUS DEMOGRAPHY\*

61.3% Muslim

19.8% Buddhist

9.2% Christian

6.3% Hindu

1.3% Confucian, Taoist, and other traditional Chinese religions

0.4% Other

0.8% None

\*Estimates compiled from the CIA World Factbook

## BACKGROUND

Malaysia has a highly pluralistic society with an expansive range of ethnic, religious, cultural, and linguistic diversity. Nevertheless, some longstanding public attitudes and government policies pertaining to race, ethnicity, and religion that discriminate against minority communities have, at times, contributed to periodic intolerance between and within well-established social groupings. For example, federal and state-level religious authorities have banned a number of so-called “deviant” minority religious groups including Shi’a Muslims, Ahmadiyya Muslims, Baha’is, and the Al-Arqam sect. Also, some individuals have previously objected to public displays of religious iconography outside Hindu and Buddhist temples. The government, along with state-level Shari’ah courts, have authority to send converts from Sunni Islam and members of deviant groups to “rehabilitation centers,” which function as extrajudicial detention facilities. Non-Sunni Muslims can also be prosecuted for apostasy, which can result in fines or prison sentences. In some states, the criminal penalty for apostasy includes caning or even death, although in practice the latter has never been enforced.

In the May 2018 general elections, the Pakatan Harapan coalition (PH) won a simple majority in Malaysia’s lower house of parliament. This outcome ended more than 60 years of Barisan Nasional (BN) rule and

marked the first post-independence regime change in Malaysia’s history. Former BN coalition leader Mahathir bin Mohamad was sworn in as prime minister on May 10 (he previously served as prime minister under the BN government from 1981 to 2003). Despite the optimism resulting from his election and the change of government, Mahathir’s long political career has not been without controversy, some of which was revived in 2018. For example, Mahathir has been accused of making a number of anti-Semitic remarks regarding the global Jewish community and the state of Israel. In August 2018, he claimed anti-Semitism is “a term that is invented to prevent people from criticizing Jews for doing wrong things,” and went on to assert his right to openly criticize anyone.

The Malaysian constitution states that “every person has the right to profess and practice his religion.” However, the constitution also specifies Islam as the “religion of the federation” and grants state and federal government officials the authority to forbid proselytizing to Muslims. While the constitution makes no distinction between Sunni and Shi’a Islam, in practice, Shi’a Muslims experience various forms of discrimination. Malaysian authorities surveil and harass Shi’a Muslims, ban literature that promotes non-Sunni Islamic beliefs, prohibit public worship or assembly, and threaten arrests for observing Shi’a Muslim holidays.

Only Sunni Muslims are free to proselytize unimpeded. Members of all other faiths can only proselytize followers of other minority communities. The act or mere accusation of proselytizing Muslims can result in criminal charges, such as caning or imprisonment. Foreigners are not exempt from this law, and, in November 2018, four Finnish nationals were detained and later deported for distributing Christian materials in public.

Some Sunni Muslims continue to feel alienated or judged when their own practice or interpretation of Islam does not align with official government-approved teachings. Malaysia's constitution grants state and federal governments power to regulate the content of Muslim religious services. In practice this amounts to a strict, state-backed version of Islam with no room for personal interpretation. Most Sunni mosques and imams receive government funding and pre-approved talking points for religious sermons from the federal Department of Islamic Development Malaysia (JAKIM). Government-sanctioned themes sometimes feature pointed critiques of Shi'a Muslim religious doctrine.

The constitutional construct stipulating all ethnic Malays are Muslim has been used to advance social policies—many of which amount to legally mandated religious discrimination—aimed at giving ethnic Malays preferential treatment in order to offset historical economic disparity.

The benefits for Malays include, but are not limited to: set quotas for university admissions, academic scholarships, and civil service jobs; and real estate subsidies for land and property purchases.

While these policies are somewhat controversial, Malays have been reluctant to give up their preferential status. The end result is a mostly unspoken social contract in which non-Malays enjoy the benefits of Malaysian citizenship, but must also accept second-class status in Malaysian society. In October 2018, Prime Minister Mahathir publicly asserted these policies were still necessary to bridge the economic gap between Malays and non-Malays and would remain in place for the foreseeable future. The salience of these affirmative action policies was exemplified in September

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2018, when Prime Minister Mahathir made a commitment at the 73rd United Nations (UN) General Assembly to ratify all unresolved UN conventions. Some Malays feared this would negatively affect their privileged status and, by extension, the supremacy of Islam in Malaysian society. In November 2018, between 55,000 and 100,000 demonstrators rallied in Kuala Lumpur against ratification of the [International Convention on the Elimination of All Forms of Racial Discrimination](#) (ICERD). The Malaysian government ultimately reversed course and chose not to ratify the convention, demonstrating the challenge Malaysian leaders have in addressing policies that touch on issues of race, ethnicity, and religion.

## RELIGIOUS FREEDOM CONDITIONS 2018 Discrimination against Religious Minorities

In recent years—prior to the 2018 general elections—religious minorities and even Sunni Muslims have voiced concern about deteriorating religious freedom conditions throughout Malaysia. The historic change in government ushered in a new wave of optimism, in part underpinned by the PH coalition's campaign promises to improve religious harmony and overall human rights conditions. For example, the PH coalition proposed to repeal the vaguely worded Sedition Act, which in the past the government has used to suppress political and religious dissent. Yet

at the end of the reporting period, the Sedition Act remained in effect. Encouragingly, in August 2018 the new government also took steps to repeal Malaysia's controversial Anti Fake News Act (AFNA), which came into effect ahead of the general

elections and instituted jail terms for the dissemination of so-called "fake news." But the effort was thwarted when in September the opposition-controlled Senate blocked the repeal. This law, too, remained in effect at the end of the reporting period.

In short, many of the PH coalition's campaign proposals with respect to human rights have yet to bear fruit, and in 2018, religious freedom conditions in Malaysia remained largely unchanged. While most Malaysian citizens were free to worship, non-Sunni Muslims continued

to experience varying degrees of discrimination. In January 2018, Mohd Asri Zainul Abidin, the mufti of Perlis, declared that Shi'a Muslims posed a threat to national security, though there is no evidence to suggest that any Malaysian Shi'a Muslims have been linked to extremist groups or implicated in domestic terror attacks.

In the past, vandals have targeted non-Muslim houses of worship, and this practice continued in 2018. Shortly after midnight on January 1, during a late-night worship service to celebrate the new year, assailants detonated an explosive device in front of the Luther Centre, a Lutheran church in Petaling Jaya. Three church-goers were injured in the attack. One week later, a disgruntled civil servant threw two burning water filters at the Kota Bahru Methodist Church and smashed windows at the nearby Arulmigu Siva Subramaniyar Hindu temple; the man was later arrested. The church's pastor claimed it was the second attack to happen that week, and Reverend Hermen Shastri, general secretary of the Council of Churches of Malaysia (CCM), described the attack as "motivated by extremists who are out to stoke the flames of religious intolerance in the country."

In January 2018, Malaysia's highest court ruled that both parents' consent is required to convert a minor from one religion to another. The ruling was unexpected because the government had previously withdrawn a measure that would have prohibited the unilateral conversion of children after giving in to pressure from conservative Muslim groups. This ruling was largely inspired by the M. Indira Gandhi case, a Hindu woman whose former husband converted to Islam, then converted their three children without her knowledge. Malaysia's Federal Court ultimately decided the unilateral conversion of their children was invalid and that Ms. Gandhi should be awarded custody.

In November 2018, rioting occurred outside Seafield Sri Maha Mariamman, a Hindu temple in Selangor, killing at least one person and injuring another dozen. Authorities initially described the incident as a rivalry

between temple factions and went on to arrest 83 Muslim men for their involvement. Details later emerged that these men were likely hired to foment unrest and that the resulting chaos stemmed primarily from an ongoing property dispute. The incident inflamed lingering religious tensions and prompted the government to propose legislation to mandate registration of all existing houses of worship and require local government approval prior to the construction of new religious facilities.

In December 2018, Malaysian Education Minister Dr. Maszlee Malik stirred controversy by urging Muslim religious educators from peninsular Malaysia to preach Islam in Sabah and Sarawak—East Malaysian states with significant Christian populations. After much confusion over the true meaning of his remarks, Dr.

Maszlee later clarified this statement was made in reference to a shortage of Muslim teachers for the local Muslim community, but many Christians believed he was urging Muslim teachers to convert Christians to Islam. His comments were particularly sensitive

because proselytization of non-Muslims is reportedly widespread throughout Malaysia's public school system.

In 2018, Malaysia maintained its dual-track legal system with both civil and Shari'ah courts; non-Muslims have no legal standing in the latter. Shari'ah courts have jurisdiction over Muslims in matters of family law and religious observance, but when the two legal systems intersect, civil courts typically cede to Shari'ah courts. At times this leads to non-Muslims being directly impacted by Shari'ah rulings because they lack the ability to defend themselves or appeal the court's decision. As in previous years, Muslims who wished to convert to another religion were first required to secure approval from Shari'ah courts to declare themselves as apostates. This approval was seldom granted and Shari'ah courts have been known to impose penalties on those who request it, at times even forcibly detaining them at so-called "rehabilitation" camps for attempting to leave Islam.

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Evangelical pastor Raymond Koh's high-profile disappearance—missing since February 2017 when he was abducted in broad daylight—remained unsolved at the end of the reporting period. Malaysia's government-appointed human rights commission, known locally by its acronym SUHAKAM, launched an independent investigation but was forced to cease the inquiry in early 2018 when authorities pressed charges against a man believed to be responsible for Koh's disappearance. Police later stated the man was not directly connected to the crime. SUHAKAM subsequently resumed the investigation and later concluded its inquiry in December 2018 but did not uncover any conclusive evidence regarding Pastor Koh's whereabouts or the details surrounding his abduction before the end of the reporting period. Similar investigations into the disappearances of Shi'a Muslim social activist Amri Che Mat, Pastor Joshua Hilmy, and his wife Ruth Hilmy also made little progress in 2018.

### Hudood Punishments

Some states have pursued efforts to enforce an Islamic penal code, known as *hudood* (also spelled *hudud*), for a number of criminal offenses including apostasy, slander, adultery, and alcohol consumption. The prescribed punishments include flogging or caning and, while never implemented, amputation, stoning, crucifixion, and death. In 2018, the Pan Malaysian Islamic Party (PAS) continued to push for *hudood* penalties for various criminal offenses in the staunchly conservative northern states. By the end of the reporting period, the new government had not yet demonstrated willingness to take up *hudood* measures at the federal level, which would likely require a constitutional amendment.

### Child Marriage

Malaysian civil law permits Muslims to marry at 16 years old while the minimum age to marry for non-Muslims is 18. The law also stipulates that a Muslim's spouse must be Muslim as well, or convert to Islam for the marriage to be legally recognized. In July 2018, a 41-year-old Malaysian man married an 11-year-old Muslim girl in

southern Thailand. State-level authorities in Kelantan fined the man for getting married outside Malaysia, skirting local regulations. The child was abruptly returned to Thailand and placed under the care of a local social welfare department, but it remains unclear if the marriage was ever annulled. The incident sparked widespread condemnation and led to assertions that the new government was failing to protect children's rights under the guise of religious freedom.

In a similar case, in September, a 44-year-old man married a 15-year-old girl in Kota Bharu. The girl's parents approved of the wedding and obtained the necessary permission from a local Shari'ah court. The case generated significant international attention and spurred further government scrutiny. However, Deputy Prime Minister Wan Azizah Wan Ismail admitted there was little the Malaysian government could do because the marriage was approved by a Shari'ah court.

In October 2018, Prime Minister Mahathir issued a directive instructing all state authorities to raise the minimum marriage age for Muslims to 18. This gesture was largely symbolic. According to the constitution, Islamic law falls under the jurisdiction of state-level muftis, and the federal government cannot enforce a legal minimum marriage age for Muslims. The Selangor sultan correspondingly raised the legal Muslim marriage age to 18 in his state, although younger couples

can still apply for marriage if they meet very strict guidelines. Shari'ah courts can still approve child marriages throughout the rest of Malaysia, but by the end of the reporting period five other state governments

had agreed, at least in principle, that the minimum age should be raised to 18.

### ID Cards

All Malaysian citizens over the age of 12 are required by law to carry a national ID card, known locally as a "MyKad." Along with standard fields for personal information, these ID cards also have a required field indicating the person's religion. Muslims' cards state their religion in print; this information is not physically

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displayed for believers of any other faith, but is instead encrypted in the card's smartchip and can only be accessed electronically. Malaysians who have successfully converted to another religion have at times reported difficulty changing this field to reflect their current beliefs. Followers of minority faiths are sometimes incorrectly registered as Muslim due to forced conversions, marriage arrangements, or even clerical errors. Whatever the circumstances, being incorrectly identified as Muslim on the ID card bars an individual from marrying a non-Muslim, subjects them to Shari'ah court rulings, requires that their children attend Islamic schools, and in most instances prohibits conversion to another faith. Inaccurate registration becomes an inherited problem for the person's children and grandchildren.

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## U.S. POLICY

The U.S.-Malaysia bilateral relationship is framed by a Comprehensive Partnership that includes a number of key components: trade, investment, security, environmental cooperation, and educational and cultural relations. In May 2018, the White House issued a [statement](#) from President Donald J. Trump congratulating Mahathir for his swearing in as Malaysia's seventh prime minister. President Trump emphasized the United States' longstanding and robust people-to-people ties, mutual democratic values, and shared economic interests with Malaysia.

In August 2018, Secretary of State Michael R. Pompeo spent two days in Malaysia and [met](#) with Prime Minister Mahathir during a five-day official visit to Southeast Asia. In September, then Secretary of Defense James N. Mattis [hosted](#) Malaysian Defense Minister Mohamad bin Sabu

for a meeting at the Pentagon. They reportedly discussed a wide range of security issues and reaffirmed the importance of the two countries' defense relationship. They agreed to work closely together on maritime security, counterterrorism, humanitarian assistance, and disaster relief, and examined ways to strengthen the existing

partnership based on shared values and mutual interests. A few days later, Prime Minister Mahathir visited the United States for the first time since returning to power.

Throughout 2018, the U.S. Embassy in Kuala Lumpur routinely urged Malaysian government

officials to speak out against religious intolerance and continued to engage with various faith groups to learn more about the challenges they face attempting to practice their religion. As in previous years, in November 2018, the embassy [celebrated](#) International Day for Tolerance, with the ambassador, a Malaysian official, and interfaith religious leaders touring houses of worship "to promote religious freedom, inclusion, and tolerance."

One key issue that continued in 2018 to permeate the otherwise deepening bilateral relationship was the U.S. Department of Justice's ongoing investigation into 1Malaysia Development Berhad (1MDB, a Malaysian investment fund) regarding possible money laundering through the United States. Following former Prime Minister Najib Razak's 2018 electoral defeat, Malaysian authorities raided his residential properties and confiscated assets worth a combined value of approximately \$270 million. The Justice Department supported these measures and conveyed both confidence and enthusiasm that the new Malaysian government would be cooperative as the investigation progresses.