



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [International Religious Freedom](#) » [2010 Report on International Religious Freedom](#) » [East Asia and Pacific](#) » [Malaysia](#)

Malaysia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

The constitution provides for freedom of religion but also gives state and federal governments the power to "control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam." The constitution also defines ethnic Malays as Muslim. Civil courts generally ceded authority to Islamic law (Shari'a) courts on cases concerning conversion from Islam, and Shari'a courts remained reluctant to allow for such conversions. Other laws and policies placed some restrictions on religious freedom.

There was no change in the status of respect for religious freedom by the government during the reporting period. Muslims generally may not legally convert to another religion, although members of other religions may convert to Islam. Officials at the federal and state government levels oversee Islamic religious activities, and they sometimes influence the content of sermons, use mosques to convey political messages, and prevent certain imams from speaking at mosques. The government maintains a dual legal system, whereby Shari'a courts rule on religious and family issues involving Muslims and secular courts rule on other issues pertaining to both Muslims and the broader population. Government policies promoted Islam above other religions. Minority religious groups remained generally free to practice their beliefs; however, over the past several years, many have expressed concern that the civil court system has gradually ceded jurisdictional control to Shari'a courts, particularly in areas of family law involving disputes between Muslims and non-Muslims. During the reporting period, Shari'a courts sentenced several individuals to be caned for their infractions, including three women who became the first women reportedly caned in the country. Religious minorities continued to face limitations on religious expression, including restrictions on the use of real property. The government restricts distribution of Malay-language Christian materials and forbids the proselytizing of Muslims by non-Muslims.

There were several reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. Embassy representatives maintained an active dialogue with leaders and representatives of various religious groups, including those not officially recognized by the government.

Section I. Religious Demography

The country has an area of 127,000 square miles and a population of 28.3 million. According to 2000 census figures, 60 percent of the population practices Islam; 19 percent Buddhism; 9 percent Christianity; 6 percent Hinduism; and 3 percent

Confucianism, Taoism, and other traditional Chinese religions. Other minority religious groups include animists, Sikhs, and Baha'is. Ethnic Malay Muslims account for approximately 55 percent of the population. Three of the five most prominent political parties are organized along ethnic and/or religious lines. The majority of Christians reside in the eastern states of Sabah and Sarawak.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for freedom of religion. Article 11 states that "every person has the right to profess and practice his religion," but also gives state and federal governments the power to "control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam." The law allows for citizens and organizations to sue the government for constitutional violations of religious freedom. The constitution provides that federal law has precedence over state law. It also states that issues of Islamic law are state, rather than federal, matters. The constitution establishes the power of the federal judiciary under Section 121(1) by creating two high courts of equal and independent authority -- one in Peninsular Malaysia and one in Eastern Malaysia. However, in June 1988 parliament amended the constitution, adding Section 121(1A) which provides, "the Courts referred to in Clause (1) shall have no jurisdiction in respect to any matter within the jurisdiction of the [Shari'a] courts." This amendment introduced ambiguity about Shari'a versus civil law that has not been resolved clearly. Civil courts generally decided in favor of the government in matters concerning Islam. Article 3 of the constitution states that "Islam is the religion of the Federation" and "Parliament may by law make provisions for regulating Islamic religious affairs." Article 160 of the constitution defines ethnic Malays as Muslim. Civil courts generally ceded authority to Shari'a courts in cases concerning conversion from Islam, and the latter remained reluctant to allow such conversions. The constitution identifies the traditional rulers, also known as sultans, as the "Heads of Islam" within their respective states. Other laws and policies placed some restrictions on religious freedom.

The government maintains an official list of 56 sects of Islam it considers "deviant" and a threat to national security. The government may detain Muslims who deviate from accepted Sunni principles and subject them to mandatory "rehabilitation" in centers that teach and enforce government-approved Islamic practices.

Regulations concerning mosques are administered at the state level rather than by the federal government. Religious authorities at the state level appoint imams to mosques and provide guidance on the content of sermons.

Authorities at the state level administer Shari'a laws through Islamic courts and have jurisdiction over all Muslims. Shari'a laws and the degree of their enforcement vary by state. State governments impose Islamic law on Muslims in some cultural and social matters but generally do not interfere with the religious practices of non-Muslim communities; however, debates continued regarding incorporating elements of Shari'a law, such as khalwat (restricting close physical proximity with the opposite sex), into civil law. Although specific punishments for violation of khalwat vary from state to state it is typically punishable with two years' imprisonment, a fine of \$940 (RM 3,000), or both.

State Islamic religious enforcement officers have the authority to accompany police on raids of private premises as well as public establishments to enforce Shari'a law, including violations such as indecent dress, alcohol consumption, or Muslims in close proximity to members of the opposite sex. The state Islamic authorities did not provide information on the number of raids religious enforcement officers initiated.

Shari'a courts do not give equal weight to the testimony of women. Several nongovernmental organizations (NGOs) dedicated to the advancement of women's rights complained that women did not receive fair treatment from Shari'a courts, primarily in matters of divorce and child custody. The government does not recognize marriages between Muslims and non-Muslims.

Under Selangor state Shari'a law, a Muslim who consumes, makes, sells or offers to sell, displays, possesses, or buys alcoholic beverages is guilty of an offense and may be sentenced to a maximum of two years' imprisonment and/or fined up to \$940 (RM 3,000).

The C
Affair
the U
Exter
cons:
polici

In September 2009 opposition Islamic Party of Malaysia (PAS) Youth Deputy Chief Azman Shapawi announced the party's plan to ban the sale of alcohol in Muslim majority areas in opposition coalition-held states. The opposition-held states failed to approve any such bans during the reporting period; however, there were reports that many convenience stores located in predominantly Malay neighborhoods voluntarily stopped selling alcohol.

The National Fatwa Council has issued a directive to ban Muslims from practicing yoga, claiming that elements of Hinduism in yoga could corrupt their minds and beliefs. The council also has issued a fatwa prohibiting girls from acting and dressing like boys, alleging it encouraged homosexuality and violated Islam . Under the "tomboy" fatwa, girls cannot have short hair, or dress, walk, or act like boys. A fatwa is legally binding, although enforcement depends on the Islamic authorities of each state. There were no reports of enforcement actions taken under either of the fatwas (religious edicts).

Amending the penal code is the exclusive prerogative of the federal government. Despite contradicting federal law, the state governments of Kelantan and Terengganu passed laws in 1993 and 2002, respectively, making apostasy a capital offense. Apostasy is defined as the conversion from Islam to another faith. No one has been convicted under these laws and, according to a 1993 statement by the attorney general, the laws cannot be enforced absent a constitutional amendment. Nationally, Muslims who seek to convert to another religion must first obtain approval from a Shari'a court to declare themselves "apostates." This effectively prohibits the conversion of Muslims, since Shari'a courts seldom grant such requests and can impose penalties on apostates.

State-level Shari'a courts have authority to order individuals who request to convert from Islam or who profess belief in a "deviant" Islamic sect to enter religious rehabilitation centers. The government forbids individuals to leave such centers until they complete the program. The government did not release statistics on the number of persons sentenced to religious rehabilitation centers during the reporting period.

In April 2009 a minister in the Prime Minister's Department announced he was seeking to implement unified Islamic laws to replace the individualized state Islamic laws. There were no developments on the status of this proposal during the reporting period.

The government provides financial support to Islamic religious institutions and more limited funding to non-Islamic communities.

The government prohibits publications and public debates that it alleges might incite racial or religious disharmony and strictly prohibits religious groups from proselytizing Muslims, although proselytizing non-Muslims is allowed.

During the reporting period, the state government in Kelantan, considered the country's most religiously conservative state, led by PAS, maintained its ban on traditional Malay dance theaters. The state also prohibited advertisements showing provocatively dressed women, and enforced headscarf requirements for Muslim women, imposing fines for violations. Kelantan's dress code prohibits Muslim women from wearing clothes exposing more than their faces and hands. The law also stipulates that non-Muslim women should avoid dressing "sexily or indecently." Violators of the dress code face fines up to \$156 (RM 500). Women's rights leaders and the Minister of Women, Family, and Community Development criticized such regulations as overly restrictive. Kelantan regulations also required men and women to form separate lines at supermarkets--although the rule was apparently not enforced. Kelantan courts also fined couples who sat too closely in public areas, such as on park benches.

The Registrar of Societies, under the Home Ministry, determines whether a religious organization may be registered and thereby qualify for government grants and other benefits. The registrar has no consistent policy on registering religious organizations or transparent criteria used as guidelines in making its determination. In cases where the government refused to recognize certain religious organizations, which is required in order to operate legally, these groups sometimes registered under the Companies Act. Examples include Jehovah's Witnesses and The Church of Jesus Christ of Latter-day Saints (Mormons). Registration under the Companies Act confers protections of religious freedom to the extent they are enjoyed by the country's other religious groups but precludes government funding.

The federal and state budgets fund Muslim places of worship because Islam is considered the religion of the federation. Funding for non-Muslim places of worship comes from a special allocation within the prime minister's department or state governments. State governments, however, have exclusive authority over allocation of land and the construction of all places of worship and land allocation for all cemeteries. Minority religious groups asserted that non-Muslim places of worship were poorly funded and that the government made funding decisions on an arbitrary basis. Both federal and state governments often substantially delayed permission to build or renovate non-Islamic places of worship, although they granted approvals to build mosques relatively quickly, according to local NGOs.

The government continued to require all Muslim civil servants to attend approved religion classes, and several government agencies pressured non-Muslim women to wear headscarves while attending official functions. However, this practice was not strictly enforced.

Public schools generally offered Islamic religious instruction, which is compulsory for Muslim children; non-Muslim students are required to take nonreligious morals and ethics courses. At primary and secondary public schools, student assemblies frequently commence with recitation of a Muslim prayer by a teacher or school leader. Private schools are free to offer a non-Islamic religious curriculum as an option for non-Muslims. There are no restrictions on homeschooling. The government offered grants only to private Islamic schools that agreed to allow government supervision and adopted a government-approved curriculum.

National identity cards identify Muslims as such on the card's surface, but for members of other recognized religions, their religious affiliation is encrypted in a smart chip within the identity cards and not printed. Muslims must also carry a special photo identification of themselves and their spouses as proof of marriage. The government uses these cards to determine which citizens are subject to Shari'a law.

The government observes the following religious holidays as national holidays: Muslim Hari Raya Puasa, Hari Raya Qurban, the Birth of the Prophet Muhammad, Awal Muharram, and Wesak Day; Hindu Deepavali and Thaipusam; and Christmas. Good Friday is officially observed in East Malaysia.

Restrictions on Religious Freedom

The government selectively enforced existing legal restrictions on religious freedom. The government banned 56 of what it considered "deviant" interpretations of Islam, maintaining that deviant views endangered national security and could divide the Muslim community. Banned groups included Ahmadiyah, Islamailiah, Shi'a, and Baha'i, among others. The Department of Islamic Development Malaysia (JAKIM) within the Prime Minister's Department established federal guidelines concerning what constitutes "deviationist" behavior or belief, and state religious authorities generally followed these guidelines. With the consent of a Shari'a court, the government may arrest and detain members of "deviationist" groups for "rehabilitation" to the "true path of Islam."

In November 2008 the government announced it was monitoring the Qadiani sect, a branch of the Ahmadiyah movement, which has been active for the last five years. The Selangor Islamic Religious Department (JAIS) declared the group

deviant for having Islamic doctrine differing from the official interpretation. Among other differences, the Qadiani believe followers should perform the Hajj in India. The government warned the group's followers it would take stern action against them; however, no action was taken during the reporting period. In August 2009, local media reported that the teaching was spreading in Selangor state. The government reportedly continued to monitor the movement.

The strict enforcement of Shari'a law has placed additional restrictions on the Muslim population that has been marked by Shari'a courts handing down caning sentences for actions such as alcohol consumption and khalwat. Although caning under Malaysian criminal law is carried out with a half-inch-thick wooden cane that could cause welts and scarring, caning under Shari'a law is reportedly less severe. Under Shari'a law, a smaller cane is used, and the caning official cannot lift the cane above his shoulder, thus reducing the impact. Additionally, the subject is fully covered with a robe so that the cane will not touch any part of the flesh. Local Islamic officials claimed that the idea is not to injure but to make offenders ashamed of their sin so that they will repent and not repeat the offense.

On February 17, 2010, the Home Ministry announced that three Muslim women and four Muslim men who had been found guilty of illicit sex under Shari'a law had been caned on February 9. The canings of the women took place in a female prison in Selangor and were administered by government officials. These were the first reported cases of women being caned in the country. Federal law exempts all women from caning. Local NGOs condemned the punishments. The Malaysian Bar Council issued a press release stating, "given that the Kartika [see below] issue remains unresolved and the public outcry on issues of constitutionality in regards to the fact that corporal punishment is forbidden for women under Section 289 of the Criminal Penal Code, it is indeed shocking that the government has made the announcement only after the punishment has been carried out."

In April 2010 a Pahang Shari'a court sentenced a man to six strokes of the cane and one year's imprisonment for drinking alcohol. In May 2010 the same court sentenced two men to caning and imprisonment for drinking alcohol in public in February. In September 2009 the same court sentenced an Indonesian man to six strokes of the cane and imprisonment for an alcohol offense. The court also sentenced the Muslim waitress who served Kartika [see below] to six strokes of the cane and a fine. She appealed her sentence and the case is pending.

On July 20, 2009, a Pahang State Shari'a court sentenced Kartika Sari Dewi Shukarno to a \$1,560 (RM 5,000) fine and six strokes of the cane for consuming alcohol in July 2008. She was the first Muslim woman to be sentenced to caning. Kartika, who pled guilty, did not appeal the sentence. The Joint Action Group for Gender Equality (JAG), a coalition of five women's rights NGOs including the All Women's Action Society (AWAM), Women's Aid Organization (WAO), Sisters in Islam (SIS), Women's Centre for Change (WCC), and Empower, issued a joint press statement on August 24 stating that the case illustrates how Muslim women are discriminated against in the country. On April 1, 2010, the sultan of Pahang, the head of religion in the state, used his discretionary authority and commuted Kartika's sentence, and instead required 20 days of community service. Kartika completed her community service at a children's home on April 22.

In September 2009 the Selangor Shari'a High Court sentenced an unmarried couple to fines and six strokes of the cane each for the offense of "khalwat" for engaging in sexual activities. On January 4, 2010, local news outlets reported that JAIS conducted raids at budget hotels in Selangor in conjunction with the New Year's Eve celebration and arrested 52 unmarried couples in hotels for violating "khalwat." On April 25, 2010, local newspapers reported that a 21-year-old college student plunged to his death from the fifth floor of an apartment building when he reportedly tried to escape a raid by JAIS agents searching for khalwat violators.

Sisters in Islam (SIS), a progressive NGO with a history of championing equal rights for Muslim women, and which publicly questioned Kartika's sentence, faced apparent retaliation from conservative Islamic NGOs. The latter reportedly filed more than 50 police reports against the organization, accusing it of insulting the Shari'a system, the king, and the constitution. A member of parliament called on the National Fatwa Council to investigate SIS. The National Fatwa Council falls under the

authority of JAKIM and consists of the muftis of each state as well as Islamic scholars. In apparent response, in November 2009 police took statements from SIS employees in connection with an investigation under the Sedition Act. Following an SIS press release questioning the caning of three women for having sex out of wedlock, police also took statements from SIS employees in March 2010 as part of an investigation into alleged violation of the penal code for causing disharmony, disunity, feelings of enmity, hatred, or ill-will, or prejudicing the maintenance of harmony or unity, on grounds of religion. SIS has argued that certain Islamic laws contravene the provisions of the federal constitution that forbid discrimination on the basis of gender.

According to religious groups and local NGOs, approval processes for building permits for places of worship were sometimes extremely slow. Minority religious groups also reported that state governments sometimes used restrictive zoning and construction codes to block construction or renovation of non-Muslim places of worship.

There were instances of local authorities demolishing non-Muslim places of worship, located on government land or plantations converted for development. However, in some cases state governments allocated land elsewhere and covered the cost to construct new places of worship.

In January 2010 the Temerloh High Court in Pahang State ruled that the Temerloh Land and District Office correctly refused to supply water and electricity to an Orang Asli church in Kampung Pasu on the grounds that the building was illegally erected as a place of worship on state land without the approval of the Land Office. A case was brought by two indigenous Christians living in Kampung Pasu seeking judicial review of the office's decision to reject the church's application for water and electric services. The church is reportedly the only building in the settlement without water or electricity. The applicants have appealed the High Court's decision and the case was pending at the end of the reporting period.

According to the Malaysian Consultative Council of Buddhists, Christians, Hindus, Sikhs, and Taoists (MCCBCHST), the government restricted visas for foreign Muslim and non-Muslim clergy under the age of 40 as a means of preventing "militant clergy" from entering the country. While representatives of non-Muslim groups did not sit on the immigration committee that approved visa requests, the MCCBCHST was asked for its recommendations in the majority of cases.

Shari'a courts have never recognized the conversion of ethnic Malays from Islam to another religion. Generally, the only conversions recognized were for nonethnic Malay men and women who had previously converted to Islam for marriage but were seeking to reconvert to their previous religious affiliation after their marriages dissolved.

The government did not consider extending protection to individuals seeking to convert from Islam. Non-Muslim family members, including spouses and children, continued to lose all rights to inheritances in such cases. Courts reviewed on a case-by-case basis the religious status of minors in cases where one parent converts to Islam and the other does not, although courts tended to rule in favor of the converting Muslim parent, and minor children were generally determined to be Muslims in such cases.

The government banned and confiscated religious materials it found deviant. The Publications and Quranic Text Control Division at the Ministry of Home Affairs supervises the publication of religious texts. The government banned 22 books in 2009, at least three due to religious content: *The Jewel of Medina*, *The Trouble with Islam Today*, and *Ibrahim and Sarah*. The use of words Allah (God), Baitullah (House of God), Kaabah (location towards which Muslims pray) and Solat (prayer) are restricted for use by Muslim groups by the Publications and Quranic Text Control Division as the government claimed these words are the sole jurisdiction of the Muslim community.

On March 31, 2010, the government announced that the location of the Warriors Day ceremony, observed on July 31 to commemorate the country's servicemen killed in World War I, World War II, and the Malayan Emergency (1948-60), would

be moved from the National Monument (Tugu Negara) to Putrajaya. The reported reason was a directive from the National Fatwa Council and JAKIM that celebrations at the site of a statue or sculptures of human figures were against Islamic teachings. The annual ceremony included a moment of silence and the laying of a wreath of flowers at the base of the National Monument consisting of bronze figures of soldiers supporting their fallen comrades. The council issued similar fatwas in 1985 and 1997, but no action had been taken until the decision to ban the practice in March 2010. Non-Muslim and some Muslim veterans expressed disappointment with the directive, claiming it turned the commemoration into a religiously divisive situation.

In August 2009 JAIS agents in Selangor state reportedly posed as customers and attempted to purchase beer from a convenience store. When the ethnic-Malay cashier tried to complete the transaction, JAIS issued a summons for him to appear in Shari'a court for serving alcoholic beverages. No further action was taken on this case.

In June 2009 JAIS banned the song "Allah Peduli" (God Cares) reportedly because it was sung by Indonesian Christian Agnes Monica and contained the word "Allah." Muslims playing or singing the song may be fined up to \$312 (RM 1,000) under the Non-Muslim Religious Enactment of 1988. The ban was confined to the State of Selangor. No arrests were reported.

While practices vary from state to state, both the government and the opposition Coalition People's Alliance (composed of PAS, the People's Justice Party, and Democratic Action Party) attempted to use mosques in the states they control to deliver politically oriented messages. Several states controlled by the National Front governing coalition (BN) banned opposition-affiliated imams from speaking at mosques, vigorously enforced existing restrictions on the content of sermons, replaced mosque leaders and governing committees thought to be sympathetic to the opposition, and threatened to close unauthorized mosques with ties to the opposition. In like manner the opposition-controlled state governments of Kelantan, Kedah, Selangor, and Penang reportedly restricted imams affiliated with BN parties from speaking in mosques throughout the reporting period.

Only ethnic Malays, all of whom are considered Muslims by law, and certain non-Muslims in Sabah could be members of the dominant United Malays National Organization within the ruling coalition.

The government continued to monitor the activities of the small Shi'a minority.

In April 2009 JAIS lodged a complaint with police against a YouTube video that allegedly offended Islam. The video content showed a man prostrating himself before a Quranic verse and made fun of the azan, the Islamic call to prayer. No known arrests were made.

The government restricted the distribution of Malay-language translations of the Bible and other printed materials, as well as Christian audio and video materials. Since 2005, then prime minister Abdullah initiated a policy that requires Malay-language Bibles to have the words "Not for Muslims" printed on the cover and may be distributed only in churches and Christian bookshops.

On April 30 a High Court set June 24 to hear the request of the Evangelical Church of Borneo (SIB) for judicial review of the government's ban on use of the word "Allah" after an attempted out-of-court settlement failed. SIB had filed the requests in December 2007 to contest the seizure by the Customs Department of six boxes of Christian educational publications shipped from Indonesia for use in children's Sunday school classes. Although the confiscated books were returned to the church in January 2008, SIB argued that it had the constitutional right to use the word "Allah" in all of its religious publications and practices, and not just within the church, and challenged the government's authority to prohibit the right of non-Islamic religions to import books containing the word "Allah." The case was still pending at the end of the reporting period.

In March 2009 the Malaysian government seized 5,100 Malay-language Bibles and an additional 10,000 in October 2009 because the Bibles contained the word "Allah" as a term for God. The Christian Federation of Malaysia (CFM) asked the government to order release of the Bibles, asserting that the confiscation violated religious freedom rights under the federal constitution. After reports that the government planned to destroy the 5,100 Bibles initially seized, the government clarified that those copies would remain in storage. Local press reported that the government returned the 10,000 Bibles to Christian groups during the 2009 Christmas holidays.

In March 2009 the government reissued a ban on use of the word "Allah" in Malay-language Bibles and other Christian publications. Responding to the ongoing legal battle between the government and the Catholic Church, 10 states issued a fatwa prohibiting non-Islamic use of the word "Allah." In December 2009 the Home Ministry renewed the annual printing permit for the Malay-language version of the Catholic Herald, the Catholic Church's weekly newspaper. In December 2008 the Home Ministry also had renewed its permit with three conditions: cease publishing its Malay-language section (the national language); restrict sales to Catholic Church property; and print a disclaimer on the front page saying the paper is meant only for Christians. Despite these conditions the Catholic Herald continued to use "Allah" to denote God in its Malay-language version, as the Catholic Church has done in the country for more than 400 years. The Catholic Church first filed a lawsuit against the government in February 2008, following the Internal Security Ministry's (which merged with the Home Ministry in 2008) attempted ban against the Catholic Church's use of the term "Allah." The government claimed Christians' use of the term "Allah" in Christian literature could confuse the country's Muslims and draw them to Christianity.

On December 31, 2009, the High Court of Kuala Lumpur held that the government's prohibition on the Catholic Herald's use of the word "Allah" was unconstitutional, ruling in the Catholic Church's favor. The decision fueled opposition among the Malay majority, resulting in attacks on several places of worship. The government immediately filed an appeal and a stay of the court's decision, and on January 4 the trial court issued the requested stay pending a review of the decision by the Court of Appeals. The Catholic Herald did not oppose the issuance of the stay, and the case was pending at the end of the reporting period.

On April 6, 2010, the cabinet announced the formation of a Committee to Promote Inter-Religious Understanding and Harmony to promote better religious understanding and harmony between Muslims and persons of other faiths. On April 14 state muftis demanded the word "religion" be dropped to avoid confusing the public. The minister in charge of religious affairs in the Prime Minister's Department said the muftis felt the word "religion" could confuse Muslims because the National Fatwa Council had issued a decree in 2005 that an interfaith council should not be established. JAKIM Director-General Wan Mohamad Sheikh Abdul Aziz noted that the muftis did not oppose establishment of a forum to promote religious understanding but "they are concerned if parties try to meddle or interfere with religious issues involving Muslims." The president of the Malaysian Consultative Council on Buddhism, Christianity, Hinduism, Sikhism, and Taoism reportedly said his group would wait for the cabinet's decision on the matter. On April 21 the prime minister reportedly held a closed-door meeting with regional Christian leaders to tell them that there was a place in the country for all cultures and religions. At the end of the reporting period, the cabinet had not made a decision on the muftis' request, and no interfaith council had been created.

In April 2009 the government announced plans to relocate 29 Hindu temples in and around Kuala Lumpur to other locations. The government issued a 30-day notice to temple caretakers to move to the new locations or face demolition. Many of these structures had been constructed on private plantations prior to the country's independence. However, the government has not yet relocated or demolished any temples.

Abuses of Religious Freedom

On October 21, 2009, a Shari'a court sentenced a Muslim sect leader to the maximum penalty of 10 years in prison and six strokes of the cane for claiming to be God's prophet. Abdul Kahar Ahmad pled guilty to charges of spreading false doctrine, blasphemy, and violating religious precepts. The court directed that Kahar serve the last six months of his jail term at a faith rehabilitation center in Selangor. Kahar's followers filed an appeal on his behalf.

On November 1, 2009, JAIS arrested former Perlis mufti Mohd Asri Zainul Abidin, a progressive Muslim leader, for giving a religious talk without proper accreditation issued by JAIS. On November 18, Asri was charged under section 119 (1) of the Selangor Islamic Religious Administration Enactment of 2003, which provides for a fine of not more than \$940 (RM 3,000), a maximum jail term of two years, or both upon conviction. He pled not guilty and his case is pending with no trial date set.

In October 2008 the government banned the Hindu Rights Action Force (HINDRAF), an unregistered umbrella organization for NGOs focused on ethnic Indian concerns. Although not a religious organization, HINDRAF appealed for redress of perceived government marginalization of ethnic Indians, including the demolition of some Hindu temples. Waytha Moorthy, HINDRAF director, remained abroad citing a fear of arrest if he returned. The government utilized the Internal Security Act (ISA) to arrest five HINDRAF leaders in 2007, claiming that their involvement in organizing protests the previous month upset interracial harmony and thus threatened national security. The government released two of the men in April 2009 with restrictive conditions, including not participating in press conferences, not leaving their area of residence without police permission, and regularly reporting to the police. The other three HINDRAF prisoners, who initially refused to accept the conditions and remained detained under the ISA, were released in May 2009. Despite the ban, HINDRAF remained an active organization that raised issues of discrimination against the Indian and Hindu communities.

At the end of the reporting period, religious authorities continued to search for Ayah Pin and one of his four wives, the leading members of the "Sky Kingdom," a banned religious group in Terengganu. In December 2008 media reports indicated that Ayah Pin had returned to Malaysia, but the government stated he remained in Thailand. In June 2008 JAIS arrested a man who claimed to be a "messenger from the sky" who had lived for "more than 3,000 years." The man had used his home as a gathering place for his followers. There were no updates on these cases during the reporting period.

Forced Religious Conversion

There were reports of minors converted to Islam in cases where one parent voluntarily converted to Islam and converted the children without the consent of the non-Muslim parent. Shari'a courts usually upheld the conversions of minors despite the opposition of one parent, and the government in most cases did not act to prevent such conversions.

In April 2009 M. Indira Gandhi reported that in the previous month her estranged husband, K. Patmanathan, had converted to Islam, changed his name to Mohd Ridzuan Abdullah, and had forcefully converted her three children, ages one to 12 years, to Islam without her knowledge by presenting their birth certificates to the state religious department in Ipoh, Perak. Gandhi learned of the conversions only after the Shari'a court in Ipoh notified her of its decision to recognize the conversions and granted her husband custody of the children. She appealed the decision in civil court. Following intense public criticism, the federal government announced in April 2009 that if a spouse converts to Islam, the children would follow the faith that both parents agreed to at the time of marriage. The government also stated civil courts were the proper locations for dissolving marriages in the event of a spouse converting to Islam. The Attorney General's Office was directed to review and propose changes to the existing law to prevent future complications when a spouse converts to Islam. The Malaysian Shari'a Lawyers Association and other Islamic groups criticized the government's action, describing it as "an interference of legislative matters" that "threatens the freedom of the courts." In June 2009 the Conference of Rulers, a senior constitutional body, solicited the views of state religious councils before rendering its decision on

proposed amendments to laws on conversion. On March 11, 2010, the High Court rejected Patmanathan's application and granted Gandhi custody of her children. Patmanathan appealed the decision and has retained custody of their youngest child, despite a court order to surrender the child to Gandhi. The case was pending at the end of the reporting period.

A similar case was under review in federal court. Shamala Sathiyaseelan married her husband Jeyaganesh in a Hindu ceremony in 1998. In 2002, Jeyaganesh secretly converted to Islam and then officially recorded conversion of their children to Islam without consulting Shamala. A Shari'a court gave Jeyaganesh custody of the children. Shamala filed her case with the civil court, arguing that she, as a non-Muslim, was not bound by rulings of a Shari'a court and that her children's conversion was void. Shamala fled the country with her children after the civil court granted her custody of them. The case was pending at the time of this report. Jeyaganesh's attorneys reportedly argued that the case was moot since Shamala has fled the country; Shamala's attorneys argued that the court needs to issue a final determination to establish legal precedent.

On April 8, 2010, officials from the Islamic Affairs Department in Negeri Sembilan State arrived at a Hindu crematorium and attempted to claim the body of Raj Kumar Kutty. The officials claimed that Raj Kumar Kutty was born Moideen Kutty Mohd Ali to Muslim parents and that he should be buried in accordance with Muslim rites. However, the family of Raj Kumar Kutty claimed that he had converted to Hinduism in 1990 when he married a Hindu woman and later had children. Family members produced an identity card and marriage certificate to support their claim. An officer from the department said that they considered Raj Kumar Kutty a Muslim and attempted to obtain an order from a Shari'a court declaring him a Muslim. After the department was unable to produce proof he was a Muslim, the remains were cremated in accordance with Hindu customs. If Raj Kumar Kutty had been determined to be Muslim, his estate technically could have been controlled by the State Islamic treasury rather than distributed to his heirs, unless his family converted to Islam. However, there have been cases where the State Islamic treasury has, in its discretion, distributed portions of an estate to non-Muslim family members.

Improvements and Positive Developments in Respect for Religious Freedom

In May 2010 the king nominated the first two women judges to sit on the country's Shari'a courts, a move designed to address the gender imbalance on the religious judiciary.

A group of seven indigenous Orang Asli converts to Christianity sued the Kelantan state government after state authorities in January 2008 demolished a church located on land occupied by the indigenous people. In October 2009 the Kelantan High Court ruled in favor of the indigenous group, deciding that they have the right to use the land to hold church services. The Kelantan state government appealed the High Court's decision.

In July 2008 the government banned the book *Muslim Women and the Challenge of Islamic Extremism*, by Norani Othman, cofounder of SIS. JAKIM urged Muslim women not to read the book, warning it could "create doubt and disharmony among the people in the country." On January 25, 2010, the High Court of Kuala Lumpur lifted the ban, finding the ban unconstitutional.

Section III. Status of Societal Respect for Religious Freedom

There were a few reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

Religious converts, particularly those converting from Islam, may face severe stigmatization. In many cases converts concealed their newly adopted beliefs and practices from their former coreligionists, including friends and relatives.

Anti-Semitic texts, including books such as *The Protocols of the Elders of Zion*, were readily available at street vendors and bookstores throughout the country.

In the wake of the High Court's ruling on December 31, 2009, that the Catholic Herald could use the word "Allah" in its Malaysian-language newspaper, 10 Christian churches, a Catholic convent school, one Sikh temple, one mosque, and three Muslim prayer rooms (Surau) were attacked between January 7 and 21, 2010. Most of the attacks involved hit-and-run-tactics, using poorly made Molotov cocktails, bricks, stones, or plastic bags filled with paint. While most of the attacks did little damage, one Protestant church, the Metro Tabernacle Assembly of God Church in a suburb of Kuala Lumpur, was partially burned and its first floor gutted by fire. The government immediately allocated \$156,000 (RM 500,000) to repair the church and reacted quickly by condemning the attacks and mobilizing police to monitor places of worship. On January 26 unidentified vandals placed boars' heads at two mosques in Selangor State, an act of desecration. Government leaders called on the populace to refrain from retaliation. After this incident no further attacks or acts of desecration were made against places of worship during the reporting period.

On March 22, the Malaysian Assembly of Mosque Youth (MAMY), a conservative Islamic NGO, filed a civil action against SIS to prohibit the organization from using "Sisters In Islam" as the name and identity of the organization. In its affidavit MAMY alleged that the Companies Commission of Malaysia (SSM) officially registered SIS under the name of "SIS Forum (Malaysia)" and not "Sisters in Islam." The NGO also claimed the memorandum of association of SIS did not state its organizational purpose as help for Muslim women but instead that it was a secular-feminist movement supporting equal rights between men and women. MAMY also claimed that the Registrar of Companies controlled and limited the use of the word "Islam," which could not be used without permission from the SSM and other concerned government agencies. The claim added that SIS often issued statements that contradicted the teachings of Islam. On May 27 SIS filed a motion to dismiss the suit against them. The case was pending as of the end of the reporting period.

On April 18 approximately 50 representatives from Islamic NGOs filed a complaint with police against former Perlis mufti Mohd Asri Zainul Abidin and online newsportal Malaysiakini alleging that an article written by the former mufti and published by Malaysiakini on April 4 was seditious. The article titled, "The challenge of the reformist movement," allegedly insulted Islam and the Malay rulers (referring to the sultans of nine states, who serve as kings on a rotational basis) as an institution to govern Islamic matters in the country. The case was pending at the end of the reporting period.

In July 2009 two parishioners of Saint Anthony's Church in Kuala Lumpur filed a complaint with police against two reporters from Al Islam, a magazine published by a company linked with the United Malays National Organization (UMNO). The reporters had pretended to be Christians during a Catholic Mass to investigate allegations that Muslims were being converted. In the article published in May 2009, the reporters admitted to receiving the Holy Communion, which they subsequently spat out and photographed for inclusion in the magazine. Authorities investigated the reporters for a possible penal code violation for causing disharmony, disunity, feelings of enmity, hatred, or ill-will, or prejudicing the maintenance of harmony or unity, on grounds of religion. On February 25 the attorney general dropped the charges and stated no offense had been committed. The magazine subsequently printed an apology on March 6, 2010, also carried in the local press.

In August 2009, 50 Muslim residents in Selangor protested the relocation of a Hindu temple to their residential area by placing a severed cow's head at the front gate of the Selangor State government office. The protesters took turns stepping on the cow's head and threatened bloodshed if the government relocated the temple to their neighborhood. In September 2009 a Sessions court (trial level court) charged 12 persons with sedition as well as damage to the Hindu religion because they had desecrated an animal sacred to Hindus. All 12 pleaded not guilty and were released on bail. They then appeared in a magistrate's court on additional charges under the Police Act of participating in an illegal assembly. They again pleaded not guilty and were released on bail. The trial was continuing as of the end of the reporting period.

The government occasionally suppresses public discussions of controversial religious issues such as religious freedom, conversion of minors, and interfaith dialogue.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

Embassy representatives maintained an active dialogue with leaders and representatives of various religious groups, including those not officially recognized by the government. Embassy programs included visits to the United States for Islamic educators and lecture tours to the country for American Muslim community leaders. The U.S. government also funded civil society grants and exchange grants for representatives of NGOs working to promote greater religious tolerance, respect for diversity, human rights, and openness in the country.

[Back to Top](#)