

KEY FINDINGS

In 2021, religious freedom conditions in Malaysia trended downward. The 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 increasingly little freedom to practice their religion according to their conscience. Article 160 of the constitution links Malay ethnicity with Islam, which continues to infringe on the religious freedom rights of ethnic Malays.

Malaysia maintains a dual legal system that devolves the maintenance and regulation of Shari'a to the states. Some states use this ability to restrict the freedom of religion or belief for Muslim and non-Muslim residents. Political actors in the federal government have consistently supported these restrictions, including during 2021. [Article 11\(4\)](#) of the constitution provides that state and federal law "may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam." In February, then Minister of Religious Affairs Zulkifli Mohamad Al-Bakri [cited](#) this article in justifying the states' power to formulate laws to prohibit conversion of Muslims. In March, then Deputy Religious Affairs Minister Datuk Ahmad Marzuk Shaary [supported](#) state governments' actions to ensure adherents of religions other than Islam would be limited in propagating their beliefs, also citing Article 11(4).

Throughout 2021, federal and state authorities continued to implement and expand measures that infringe on religious freedom. In May, the Selangor Islamic Religious Council (MAIS) [digitalized](#) *Pendedahan Agenda Kristian* (Exposing the Christian Agenda), a 2014 book that portrays Christians as "enemies of Islam." Curriculum for Muslim students in public schools at the Form 5 level (ages 16–17) includes federally approved material claiming Sunni Islam as the "superior" and only acceptable form of Islam, labeling Shi'a Islam as "deviant." In November, the Sultan of Kelantan, Muhammad V, [consented](#) to the Kelantan Shariah Criminal Code (I) Enactment 2019, allowing it to come into effect. This new code contains 24 provisions that all Muslims in the state

of Kelantan are now obliged to follow, including the criminalization of attempting to convert out of Islam, distorting Islamic teachings, and disrespecting the month of Ramadan. Penalties include imprisonment of up to three years and a fine or corporal punishment. 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.

In early 2021, two judicial decisions asserted the secular courts' purview over certain issues that involve religious freedom. On February 25, Malaysia's Federal Court ruled against Selangor's religious court and [declared](#) that state Syariah laws banning gay sex "against the order of nature" were unconstitutional; however, the judgment does not repudiate federal statutes that criminalize same-sex relations. On March 10, the Kuala Lumpur High Court [overturned](#) a ban on the use of the word "Allah" by certain non-Muslim publications. Another case relevant to religious freedom remained unresolved: on January 11, the High Court [set](#) March 19 as the date to determine whether Ahmadiyya Muslims would be considered Muslim in Malaysia, regardless of how they self-identify. This deadline passed without a ruling. The determination will affect Ahmadiyya Muslims' ability to use Islamic terms in their faith practices and will decide if they are subject to official interpretations of Islam as regulated by the state Shari'a systems.

The leading Malay-majority parties and political institutions continue to be existentially afraid of perceived threats to the supremacy of Islam and ethnic Malays, which has heightened tensions between the secular and Shari'a court systems and inter-ethnic/confessional communities. On March 24, the Malaysian Islamic Party (PAS) pledged to "harmonize" Malaysia's dual-track legal system, arguing that the foundation of Malaysia's legal system was Islamic. On March 28, the president of leading Malay-ethnic party United Malay National Organization (UMNO), Ahmad Zahid Hamidi, [pledged](#) that should the party gain a supermajority in Parliament, it would amend the Federal Constitution of Malaysia to "empower" Shari'a law.

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);
 - Extend training by the U.S. Department of Justice and Department of Homeland Security to their Malaysian counterparts on community-based policing to promote better shared practices on interacting with faith communities and protecting houses of worship and other religious sites; and
 - Urge the Malaysian government to repeal the federal and state-level laws criminalizing blasphemy and apostasy, remove the constitutional link between the ethnic Malay identity and Islam, and release the findings of the special task force investigating enforced disappearances, such as the case of Pastor Raymond Koh.
- The U.S. Congress should:
- Raise Malaysia's ongoing religious freedom issues in any engagement through hearings, meetings, letters, congressional delegation trips abroad, or other actions.

KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [Ahmadiyya Persecution Factsheet](#)
- **Country Update:** [Religious Freedom in Malaysia](#)
- **Religious Prisoners of Conscience Project:** [Pastor Raymond Koh](#)

Background

Malaysia is a highly pluralistic society. Around 61.3 percent of the population identify as Muslim, the vast majority of whom adhere 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.

Malaysia is one of a few multiparty democracies in Southeast Asia. However, throughout 2021, Malaysia continued to experience political instability at the federal level. At the beginning of the year, then Prime Minister Muhyiddin Yassin [suspended](#) Parliament through a declaration of a state of emergency over the COVID-19 pandemic. Before the suspension, observers had [noted](#) the fragility of Yassin’s coalition. When the suspension of Parliament ended in August 2021, at the urging of the king, the Perikatan Nasional coalition collapsed with the resignation of Yassin. On August 20, 2021, the king [appointed](#) Ismail Sabri Yaakob, a member of UMNO, as prime minister.

Continuing Politicization of Ethnicity and Religion

Against the backdrop of this political instability, the leading Malay-Muslim parties, UMNO and PAS, continued to emphasize the ethnoreligious supremacy of ethnic Malays and Islam to garner support. In August, with Yaakob’s appointment as prime minister, UMNO returned as the dominant political power. PAS, as well as other political actors, have [attempted](#) to reorient Malaysia’s secular constitutional foundation based on Article 3(1)’s proclamation of Islam as the official religion. During the long period of UMNO-dominated government from 1957 until 2018, the political branches of government consistently restricted the civil courts, including the Federal Court, with amendments to the constitution that curtailed their authority, especially over religious issues.

Interfaith and Child Forced Marriages

The dual legal system complicates the issue of interfaith marriage and the right to choose or change one’s religion. Children of interfaith marriages are sometimes automatically registered as Muslims on their national identification cards, even if they do not identify as Muslim, placing them in the Shari’a court system to abide by certain rules. In January, the Human Rights Commission of Malaysia (SUHAKAM) [highlighted](#) this issue for indigenous communities in Sarawak where interfaith marriages occur. With strict apostasy laws, official registration as a Muslim limits a person’s ability to identify and practice according to their own faith identity.

Some nongovernmental organizations, including Sisters in Islam, have [reported](#) an increase in child marriages during the pandemic. This may be due in part to the lowered age of marriage for Muslim women, who can legally marry at 16, as compared to non-Muslim women, who cannot marry until 18. In December, the federal Department of Islamic Development (JAKIM) [committed](#) to maintaining this system. There has been ongoing debate as to whether to harmonize the protected rights of women and girls regardless of faith.

Criminalization of Blasphemy and Apostasy

Blasphemy is a criminal act under Articles 295–298A of the Penal Code. In June, a task force within the federal government [proposed](#) modifying laws governing social media to link the “promotion” of “LGBTI [lesbian, gay, bisexual, transgender, and intersex] lifestyles” to laws that target insulting Islam. Such changes affect members of the LGBTI community who either identify as Muslim or, in the case of ethnic Malays, are constitutionally classified as Muslim, equating the expression of their sexual or gender identity to blasphemy and insulting Islam.

On January 6, the Shah Alam Syariah High Court charged [Nur Sajat](#), a trans woman, with bringing contempt to Islam for dressing in clothes that matched her gender identity at a religious event. In March, the Selangor State Religious Authority (JAIS) prompted authorities to find and arrest Nur Sajat for failing to appear in court. In October, Nur Sajat [announced](#) she received political asylum in Australia. In December, the state [auctioned](#) her household items.

Enforced Disappearances of Religious Leaders

The government of Malaysia continued to withhold the report of the special taskforce set up by the former governing coalition Pakatan Harapan to investigate the whereabouts and disappearances of several individuals, including USCIRF’s Religious Prisoners of Conscience [Pastor Raymond Koh](#) and [Amri Che Mat](#). There were no updates in 2021 on their whereabouts or when the report would be made publicly available.

Key U.S. Policy

Malaysia and the United States maintain strong bilateral ties. There is continued partnership in counterterrorism efforts through information sharing, capacity-building programs for law enforcement and judicial authorities, and assistance to improve immigration security and border controls. On December 15, [Secretary of State Antony J. Blinken](#) met with Foreign Minister Saifuddin Abdullah to discuss regional and international issues of mutual interest, which included Malaysia-U.S. bilateral relations, regional security, COVID-19, and other matters.

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, which brings Muslim educational leaders to the United States in part to observe conditions for freedom of religion or belief.