

## USCIRF-RECOMMENDED FOR SPECIAL WATCH LIST

### KEY FINDINGS

In 2022, religious freedom conditions in Malaysia remained the same as in 2021. Article 160 of the constitution links Malay ethnicity with Islam, infringing on ethnic Malays' ability to choose their own religion. The government requires all citizens to obtain a religious identification card known as [MyKad](#) through the Ministry of Home Affairs (MOHA), which lists whether they are Muslims. Federal and state governments compel all citizens designated as Muslims to adhere to a strict, state-approved interpretation of Sunni Islam according to Shafi'i jurisprudence. This system essentially prevents Malaysians who are officially labeled as Muslims from changing their religion, with only a few exceptions in recent years involving lengthy court processes. Although the National Registration Department—under MOHA's jurisdiction and responsible for MyKad—is not affiliated with any religious office, it must obtain approval from Islamic affairs departments at the state and/or national level to change a registered Muslim's designation.

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) in effect as a blasphemy law as well. At least five states criminalize apostasy with fines, imprisonment, or detention in a "rehabilitation" center. Politicians have consistently supported these restrictions, including during 2022. In January, Ahmad Marzuk Shaary, deputy minister in the prime minister's Department of Religious Affairs, confirmed the intent of the federal Department of Islamic Development (JAKIM) to continue monitoring online posts for blasphemy. In July, the Federal Territories Islamic Religious Department [detained](#) Siti Nuramira Abdullah under Article 298 for allegedly insulting Islam by removing religious attire at the Crackhouse Comedy Club in Kuala Lumpur. One of the club's founders, Rizal Van Geyzel, was [arrested](#) under Section 4(1) of the Sedition Act and Section 233 of the CMA.

Malaysia maintains a dual legal system that devolves the maintenance and regulation of Shari'a (known domestically as Syariah) to individual state or federal departments. State-led religious departments coordinate with the security services to control and enforce the affairs of Muslims to varying degrees depending on the state, creating restrictions on religious freedom for both Muslim and non-Muslim residents. For example, in early December, Terengganu's state government passed amendments to its Syariah Code which, among other [restrictions](#), placed new regulations on attire for men and women and criminalized pregnancy out of wedlock. Islamic affairs departments and some politicians [justified](#) using Syariah Codes to restrict human rights and individual freedoms as an effort to "protect the well-being" of Muslims.

The phenomenon of unilateral conversions—when a parent converts to Islam and then converts their child, often in an apparent attempt to win custody following a divorce—remains a persistent issue in Malaysia. Children of these conversions who do not identify as Muslim are forced to endure lengthy legal proceedings to change their designated religion to coincide with their beliefs. In February, Loh Siew Hong [regained](#) custody of her three children, who had been unilaterally converted by their father. In April, a High Court [decision](#) finally allowed an unidentified woman to change her religion, concluding an eight-year legal struggle to overturn her unilateral conversion by her father when she was four years old.

Throughout 2022, the government of Malaysia 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.

### 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 and the International Covenant on Civil and Political Rights;
  - Ratify the 1951 Covenant on Refugees and/or develop a law to regulate the Malaysian government's response and obligations to refugees and asylum seekers, many of whom have fled religious persecution in their home countries;
  - Release the Special Taskforce's report investigating cases of enforced disappearances; and
- Prioritize raising religious freedom concerns in all bilateral engagement with Malaysia, including through a visit by the Ambassador at Large for International Religious Freedom with official counterparts and religious leaders in Malaysia.

The U.S. Congress should:

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

### KEY USCIRF RESOURCES & ACTIVITIES

- **Commission Delegation Visit:** Kuala Lumpur in November 2022
- **Podcast:** [The Impact of Malaysia's Dual Legal System on Religious Freedom](#)
- **Factsheet:** [Blasphemy and Related Laws in ASEAN Member Countries](#)

## 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. Article 11(4) provides that state and federal law “may control or restrict the propagation of any religious doctrine or beliefs among persons professing the religion of Islam.”

## Rising Islamism and Its Mainstreaming throughout Malaysia

In 2022, Malaysia’s Malay-majority population, other Muslim communities, and both federal and state institutions continued to experience increased [Islamization](#). Despite a constitutional ban on *hudud* (corporal punishments), several states, including Kelantan, Kedah, and Terengganu, have incorporated them into their legal system to be implemented if the federal ban is removed. Then Prime Minister Ismail Sabri Yaakob’s administration [worked](#) to elevate the position of *tahfiz* institutions—religious schools that are not [obliged](#) to provide formal, nonreligious education alongside their instruction—through legislation to standardize their curriculum and regulations. Around [1,200 such schools](#) exist throughout the country and have [played a role in](#) introducing Malay students to Islamist ideology, heightening the influence of fundamentalist interpretations of Islam, and increasing the risk for radical Islamist groups to establish a presence.

The increased role of Islamist rhetoric and ideology was also present in the Islamic Party’s (PAS) political calls for the strengthening of Syariah and religiously based laws throughout Malaysia. PAS’s coalition earned second place during the 2022 general elections (GE15) in November. In its outreach, PAS utilized social media platforms such as TikTok to spread hateful and inflammatory messages against non-Muslims to motivate its electoral base. Malaysia’s Islamist populist parties have [used](#) social media to stoke religious and populist sentiment against what they characterize as plots to Christianize the country or take rights and privileges away from Muslim Malay communities. GE15 witnessed the collapse of support among ethnic Malays for the traditional United Malay National Organization and a realignment of most of this demographic behind PAS. During the elections, multiple political actors [exploited](#) ethnic and religious concerns in their efforts to mobilize Malay Muslim and other Muslim Bumiputra voters. In November, King Al-Sultan Abdullah [called](#) upon longtime opposition figure Anwar Ibrahim to form a national unity government with some ideologically and geographically disparate parties.

## Dual Legal System and State Control of Muslims

Malaysia’s federal and state governments use the country’s dual legal system to regulate and control the Muslim population. This system emerged in the 1990s and coincided with a rapid bureaucratization of religion. States where PAS controls the government require

individuals to live their lives in accordance with a rigid interpretation of Islam, regardless of their religious belief. They enforce clothing restrictions for men and women and prohibit indigenous practices, such as dancing, and other clothing deemed *haram* (forbidden).

Malaysia’s state-level Syariah systems also [place](#) undue burden on Muslim members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. In several states, religiously based laws criminalize sexual relations for LGBTQI+ people and [permit](#) caning and imprisonment as punishment. In October, JAKIM officers joined the police in [raiding](#) a Halloween-themed party in Kuala Lumpur for the local LGBTQI+ community, detaining only those whose MyKad cards identified them as Muslims. LGBTQI+ community members in other parts of the country reported similar incidents in 2022, indicating that local authorities have repeatedly attempted to disrupt LGBTQI+ events under the pretext of preventing Muslims from attending. Furthermore, the JAKIM, in coordination with its state-level counterparts, continued to [organize mukharyams](#) (conversion therapy camps) to target and compel Muslim members of the LGBTQI+ community to undergo “rehabilitation.” The government reported that it had subjected at least 1,733 LGBTQI+ people to these programs in 2021, but it has not released numbers for 2022.

## Refugees and Asylum Seekers

Malaysia hosts significant numbers of refugees and asylum seekers fleeing violations of religious freedom, such as religious minorities from Burma, Afghanistan, and Pakistan. Since Malaysia is not party to the 1951 Covenant on Refugees, it effectively leaves those fleeing religious persecution and in search of refugee status in a grey legal area, void of protection.

## Key U.S. Policy

The United States is Malaysia’s third-largest [trading partner](#), and the two countries [maintain](#) strong bilateral ties. In March, U.S. Secretary of State Antony J. Blinken [spoke](#) with then Foreign Minister Saifuddin Abdullah via phone to strengthen bilateral relations. The United States [maintains](#) a deep, institutionalized, bilateral military relationship with Malaysia and regularly engages in joint military exercises. The two countries continued to partner on counterterrorism efforts through information sharing, capacity-building programs for law enforcement and judicial authorities, and assistance to improve immigration security and border controls. The United States also [works](#) with Malaysia through regional organizations such as the Association of Southeast Asian Nations (ASEAN). However, neither religious freedom nor broader human rights issues have played a substantial, visible role in such engagement.

Through both 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. In August, then Speaker of the U.S. House of Representatives Nancy Pelosi (D-CA) [visited](#) Kuala Lumpur, accompanied by a congressional delegation, where she [praised](#) Malaysia for its “leadership in ASEAN on repudiating Burma for its deadly crackdown on dissent.”