

## MALAYSIA

### Executive Summary

The constitution protects freedom of religion; however, portions of the constitution as well as other laws and policies placed some restrictions on religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. The constitution gives the federal and state 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.

Muslims may not legally convert to another religion except in extremely rare circumstances, although members of other religions may convert to Islam. Officials at the federal and state government levels oversee Islamic religious activities, and sometimes influence the content of sermons, use mosques to convey political messages, and prevent certain imams from speaking at mosques. The approved form of Islam is Sunni Islam; other teachings and forms of Islam are illegal. The government maintains a dual legal system, whereby Sharia courts rule on religious, family, and some criminal 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 secular civil and criminal court system has gradually ceded jurisdictional control to Sharia courts, particularly in areas of family law involving disputes between Muslims and non-Muslims. Religious minorities continued to face limitations on religious expression, including restrictions on the purchase and use of real property.

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

Embassy representatives maintained an active dialogue with the government and with leaders and representatives of various religious groups, including those not officially recognized by the government.

### Section I. Religious Demography

According to 2010 census figures, 61.3 percent of the population practices Islam; 19.8 percent Buddhism; 9.2 percent Christianity; 6.3 percent Hinduism; and 1.3 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. Several of the 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 protects freedom of religion; however, portions of the constitution, as well as other laws and policies, place some restrictions on religious freedom. Article 11 states that “every person has the right to profess and practice his religion,” but it 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.” 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. The constitution identifies the traditional rulers, also known as sultans, as the “Heads of Islam” within their respective states. 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 but also provides 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 Sharia courts.” This amendment introduced an ambiguity regarding Sharia versus secular law that has not been resolved clearly. Civil courts generally decided in favor of the government in matters concerning Islam. Civil courts generally ceded authority to Sharia courts in cases concerning conversion from Islam, and the latter remained reluctant to allow such conversions.

The government maintains an official, but secret, list of banned 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 Sharia laws through Islamic courts and have jurisdiction over all Muslims. Sharia laws and the degree of their enforcement vary by state. State governments impose Sharia 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 Sharia law, such as khalwat (being in close physical proximity with an unrelated member of the opposite sex), into secular civil and criminal law. Although specific punishments for violation of khalwat vary from state to state, it is typically punishable by some combination of imprisonment up to two years, a fine of RM 3,000 (\$940), or several strokes of the cane.

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 Sharia court to declare themselves “apostates.” This effectively prohibits the conversion of Muslims, since Sharia courts seldom grant such requests and can impose penalties (such as enforced “rehabilitation”) on apostates.

The government provides financial support to Islamic religious institutions, including private Muslim schools that teach a government-approved curriculum and allow government supervision, and more limited funding to non-Islamic communities.

The government prohibits publications, public events, and public debates that it alleges might incite racial or religious disharmony. For example, government officials and religious leaders forbade lesbian, gay, bisexual and transgender rights group Seksualiti Merdeka from holding its annual arts festival in October. The

government strictly prohibits religious groups from proselytizing Muslims, although proselytizing non-Muslims is allowed.

The law does not require mandatory military service, nor does it provide for conscientious objection to military service. The law does not restrict political parties' identification with religious faiths. Voting rights are not affected by religious affiliation.

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

### **Government Practices**

There were reports of abuse of religious freedoms. Through various means, the government promoted Sunni Islam above other religions and other forms of Islam. Law and policy prohibited proselytization of Muslims and prevented conversion from Islam. Minority religions were generally free to practice their beliefs, but sometimes faced limits on religious expression, including on the use of real property. Some non-Muslim places of worship were subject to relocation or demolition, and both Muslim and non-Muslim places of worship were subjected to attacks by vandals. The government exerted influence over the content of sermons and used mosques to convey political messages. Controversy continued over the use of the term "Allah" for God by non-Muslims. Sharia courts had jurisdiction over Muslims, particularly in the area of family law, and sometimes to the detriment of non-Muslim family members in situations such as custody disputes. Government and social pressure operated to encourage Muslims to dress and act in prescribed ways, and there were reports of discrimination based on religious belief or practice.

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. There have been complaints of errors in the designation of religions in the chips. 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 Sharia law.

The government placed or maintained restrictions on some religious customs and sought to enforce certain religious precepts. Observers reported increased use and volume of broadcasts from mosques and other Muslim places of worship or learning over public address systems. The government places some restrictions on religious expression, including with respect to religious teaching, use of religious clothing and symbols, proselytism, and religious publishing.

The government selectively enforced existing legal restrictions on religious freedom. The government maintained a ban on sects that it considered “deviant” interpretations of Islam, maintaining that deviant views endangered national security and could divide the Muslim community. The official list of banned sects has been made secret in recent years, but is believed to include over 50 groups, including Ahmadiyyah, Islamailiah, and Shia, 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 Sharia court, the government may arrest and detain members of “deviationist” groups for “rehabilitation” to the “true path of Islam.” The government continued to monitor the activities of the small Shia minority.

The government nominally forbids religious assembly and worship for “deviant” sects such as Shia and Ahmadiyyah. Members of banned sects are not allowed to speak freely about their religious beliefs. The law strictly forbids proselytization of Muslims by non-Muslims.

The law does not restrict an individual’s allegiance to a religious leader of another nationality. From time to time, public figures, including religious leaders, make statements promoting the supremacy of Islam and condemning efforts – such as the establishment of an interfaith commission or committee – that they believe would place Islam on par with other religions. Many observers complained of underlying discrimination in the areas of education, military, employment, or health services on the basis of religion or belief, but specific examples are not well documented.

The federal and state budgets fund Muslim places of worship because Islam is considered the religion of the federation. Government 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 nongovernmental organizations (NGOs). Some non-Muslim groups asserted that the government built death ceremonial halls in hospitals and high rise apartment developments for Muslims, but not for other religions. 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.

State-level Sharia 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 year. In a written letter to Parliament on June 14, Islamic Affairs Minister Jamil Khir Baharom stated that the total number of applications by Muslims to change their religious status in Sharia court from 2000 to 2010 was 863, of which 168 were approved. He later explained that the Sharia court had determined that the 168 applicants were not Muslims to begin with.

The issue of anti-apostasy laws continued to be discussed during the year. On January 24, an opposition Sabah Progressive Party (SAPP) figure publicly stated that the government cannot arbitrarily move to enforce anti-apostasy laws in Sabah. He was responding to a December 2010 official media report that the Sabah Islamic Affairs Department (JHEAINS) planned to enforce the apostasy law beginning in 2011 as part of its five-year strategic plan, as announced by JHEAINS Director Amri A. Suratman. Catholic Archbishop Murphy Pakiam called on the federal government to intervene, saying that the apostasy law “will create fear.” There were no further reports during the year.

The law and government policy does not restrict changing one’s religious beliefs and affiliation for non-Muslims. Conversion to Islam raises several issues. A non-Muslim wishing to marry a Muslim must convert to Islam before the marriage can be recognized as valid. A minor (defined by federal law as under the age of 18) may not convert to another faith without explicit permission of his or her guardian; however, some states have passed laws providing for conversion to Islam without permission after age 15. Although the constitution provides that federal law takes precedence over state law, in practice many issues of legal conflicts among federal,

state, and Sharia law have not been clearly resolved. The constitution provides that the religion of a minor is decided by his or her parent or guardian.

There were reports of minors being converted to Islam in cases where one parent voluntarily converted to Islam and converted the children without the consent of the non-Muslim parent. Sharia 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. Religious leaders have urged the government to move forward with a proposal to encourage Muslim converts to publicly announce their religious status. Under the proposal, upon a conversion, JAKIM and the National Registration Department (NRD) would automatically document the conversion so that the information would be made available to interested parties in an effort to avoid disputes over the status of Muslim converts upon their death.

The high profile child custody and religious conversion case of M. Indira Gandhi continued without resolution at year's end. In 2009 M. Indira Gandhi reported that her estranged husband, K. Patmanathan, had converted to Islam, changed his name to Mohd Ridzuan Abdullah, and had surreptitiously converted her three children, ages one to 12 years old, 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 Sharia 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 Sharia 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 March 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. In July 2010, the High Court allowed Gandhi's application for judicial review to nullify the children's conversion to Islam. The High Court heard the case on September 15. The case remained pending at year's end.

A similar case was effectively ended during the year when the lawyers for Shamala Sathiyaseelan ceased representing her. Shamala Sathiyaseelan had married her

husband, Dr. Jeyaganesh C. Mogarajah, in a Hindu ceremony in 1998. In 2002, Jeyaganesh secretly converted to Islam and changed his name to Dr. Muhammad Ridzwan and then officially recorded conversion of their children to Islam without consulting his wife. A Sharia 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 Sharia 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. Jeyaganesh's attorneys reportedly argued that the case had been made moot by Shamala's fleeing the country; Shamala's attorneys argued that the court needed to issue a final determination to establish legal precedent. The case had been under review in federal court, but Shamala's attorneys have ceased pursuing the case. Shamala is believed to remain outside the country with her children.

Muslims who wish to convert from Islam face tremendous obstacles because neither the right to leave Islam nor the legal process of conversion is clear. A Muslim who wants to convert to another religion must obtain permission from a Sharia court; however, such courts only extremely rarely grant such permission, opting instead to sentence applicants to rehabilitation until they accept Islam fully. Generally, the only conversions recognized were for non-ethnic Malay individuals who had previously converted to Islam for marriage but were seeking to reconvert to their previous religious affiliation after their marriages dissolved. In Perak, Malacca, Sabah, Terengganu, and Pahang, conversion from Islam to another religion is a criminal offense, punishable by a fine or a jail term. In Pahang, up to six strokes of the cane may also be imposed.

Law and government policy sometimes require and often exert significant pressure on individuals to convert or reconvert to Islam. A non-Muslim who wishes to marry a Muslim must convert to Islam first. The religion of a minor child is decided by his or her parent or guardian. On April 24, the family of student Mohamad Fariz (age 19) referred him to the Kelantan Islamic Religious Affairs Department after he admitted to having converted to Christianity. He subsequently told the Sharia court that he had repented and returned to Islam. The court ordered him to join prayers at the mosque, report to its imam for six months, and report to the Dungun Islamic Religious Office and surrender his passport.

The government and religious authorities continued to take actions that affected individuals' manifestations of their religious beliefs. The government occasionally suppressed public discussions of controversial religious issues such as religious freedom, conversion of minors, and interfaith dialogue.



On June 16 a Shia follower sued the Selangor Islamic Department (JAIS) and an official of publisher *Utusan Malaysia* for defaming him as a “dangerous person” for his involvement in activities that were the subject of a December 2010 JAIS raid on a Shiite congregation in Gombak, Selangor. During the raid, 128 Shia followers were arrested, including an Iranian who was giving a sermon, for potential violations of section 12 (c) of the Selangor Sharia Offenses Act for insulting, questioning, violating, and disobeying a religious decree issued by the state mufti. Two of the individuals also face charges under section 7(1) of the same act for unlawful “teaching, ‘clarification,’ or performance of any rites or actions relating to Islam,” as well as section 13 for “relating, propagating, or spreading views on any issue, teaching or Sharia judgment that goes against fatwas already in force in Selangor.” The Sharia and civil court cases remained pending at year’s end.

In March, Islamic Affairs Minister Jamil Khir Baharom announced during a parliamentary session that Shiites are prohibited from spreading their teachings to others, but are free to practice them. In May, however, religious authorities, joined by at least 20 security personnel, raided a Shiite gathering that was being held to celebrate the birthday of Fatimah az-Zahra, a daughter of the Prophet Muhammad. The Shia community leader, Kamil Zuhairi Abdul Aziz, and three other followers were arrested for preaching Shiism and later released on bail. Their trial is pending.

The government maintained bans on and confiscated religious materials it found deviant. The Publications and Qur’anic Text Control Division of the Ministry of Home Affairs supervises the publication of religious texts. The government did not initiate any new bans on religious books during the year. The use of the 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 Qur’anic Text Control Division, as the government claimed these words are the sole jurisdiction of the Muslim community.

Law and government policy resulted in some discrimination affecting various religious and other interested groups. For example, only ethnic Malays, all of whom are considered Muslims by law, and, in Sabah, certain non-Muslims, could be members of the dominant United Malays National Organization party within the ruling coalition.

The government placed some restrictions on religious assembly and denied legal status to certain religious groups. 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 to use as guidelines in making its determination. In cases where the government refused to grant recognition to 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.

On March 16 a mixed Buddhist/Taoist temple and a Hindu temple that had coexisted side by side on a hillside near Bandar Puteri Jaya were each issued a two-month notice of evacuation by a land developer. The developer carried out a demolition of the Buddhist/Taoist temple on the Buddhist holiday Wesak Day on May 17. Later in May, both of the respective temple committees rejected proposed alternate permanent sites for relocation of the temples because they are situated beneath high-voltage power cables. In prior years, various Hindu temples and cemeteries had been relocated or demolished as a result of an April 2009 government plan to relocate 29 Hindu temples in and around Kuala Lumpur to other locations.

On March 10 a group of Christian Orang Asli ("indigenous peoples") withdrew its legal suit after reaching an agreement with the Pahang state government and local land authority over power and water supply to its church. In 2010 the Temerloh High Court had ruled that the Temerloh Land and District Office correctly refused to supply water and electricity to the church building 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. Two indigenous Christians living in Kampung Pasu filed suit seeking judicial review of the office's decision. The church is reportedly the only building in the settlement without water or electricity. The underlying question of ownership of the land was not resolved.

While practices vary from state to state, many states' religious councils took action to restrict the use of mosques for political purposes. In prior years, both the National Front government and the People's Alliance coalition (composed of the Pan-Malaysian Islamic Party (PAS), the People's Justice Party, and the Democratic Action Party) allegedly attempted to use mosques in the states they controlled to deliver politically oriented messages.

The government restricted the distribution of Malay-language translations of the Bible and other printed materials, as well as Christian audio and video materials. On March 15 the government agreed to release 35,000 imported Bibles seized by customs officials and held for approximately two years at two ports amid a dispute over their use of the word “Allah” as a translation for God. Before being released, the Bibles were required to be stamped with the words “For Christians Only.” In 2005, former Prime Minister Abdullah initiated a policy that required Malay-language Bibles to have the words “Not for Muslims” printed on the cover and that restricted distribution of the Bibles to churches and Christian bookshops.

Controversy over an attempted ban on non-Muslim use of the word “Allah” continued. A long-running and well-known case stemming from the 2007 seizure by the Customs Department of six boxes of Christian educational publications shipped from Indonesia for use in children’s Sunday school classes remained pending at year’s end. The Evangelical Church of Borneo (SIB) continues to seek judicial review of the government’s ban on the use of the word “Allah.” 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.”

A separate case that continued to resonate during the year was the 2008 lawsuit filed by the Catholic Church against a ban by the internal security ministry (which later merged with the home ministry) on non-Muslim use of the word “Allah” in Malay-language Bibles and other Christian publications. With the case pending, the home ministry renewed the Catholic Church’s permit to publish the Catholic Herald (published in Malay, Tamil, and English) on 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 publish its Malay-language version using “Allah,” arguing the Catholic Church had used the word in the country for more than 400 years. In 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. There were attacks on several places of worship. The government immediately filed an appeal of the court’s decision, and in January 2010 the trial court issued a 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 remained

pending at year's end. A vigorous discussion of the "Allah" controversy continued during the year.

The strict enforcement of Sharia law in some states has placed additional restrictions on the Muslim population that has been marked by Sharia 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 Sharia law is reportedly less severe. Under Sharia 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 intent is not to injure but to make offenders ashamed of their sins so that they will repent and not repeat the offense.

Non-Muslim family members, including spouses and children, continued to lose all rights to inheritances in cases of conversion by one spouse to Islam.

Sharia courts do not give equal weight to the testimony of women. Several NGOs dedicated to the advancement of women's rights complained that women did not receive fair treatment from Sharia courts, primarily in matters of divorce, child custody, and enforcement of alimony payments.

State Islamic religious enforcement officers have the authority to accompany police on raids of private premises, as well as public establishments, to enforce Sharia law, including violations such as indecent dress, alcohol consumption, or khalwat. The state Islamic authorities did not provide information on the number of raids religious enforcement officers initiated. On February 14 religious authorities in Kuala Lumpur and Selangor arrested 96 Muslims for khalwat in a Valentine's Day crackdown. The couples were arrested at public parks and hotels and were taken to the state religious department headquarters to record statements. They were subsequently released. On May 17, a former policeman fell to his death from a 16th story hotel room window ledge in Kuala Lumpur as he tried to avoid arrest for khalwat.

The National Fatwa Council, an organization within the prime minister's office whose membership is comprised of state muftis (jurists of Islamic law) and other Islamic scholars, has in the past issued fatwas (religious edicts) on a variety of subjects. A fatwa issued by the National Fatwa Council is legally binding for Muslims in Malaysia's federal territories, but because Islam is a state matter, the

decision to comply with or enforce edicts of the National Fatwa Council rests with each state's religious authorities. Fatwas in recent years have included banning Muslims from practicing yoga (because of Hindu influences), prohibiting girls from acting and dressing like boys (alleging it encouraged homosexuality in violation of Islam), banning smoking, and prohibiting surrogate motherhood. Although originally issued in 2008, the fatwa against surrogate motherhood began to be publicized more widely in March. A Perak mufti also outlawed a traditional 'poco-poco' dance in his state in April, saying it amounted to cult practices and that its cross-shaped movements linked it with Christianity, but National Fatwa Council chairman Abdul Shukor Husin reported that Islamic experts had decided against banning it. In November, National Registration Department Director General Jariah Mohd Said publicly explained the renewed implementation of a 1981 decision of the National Fatwa Council which directs that a child born within six months of marriage is an illegitimate child and is not allowed to have his or her father's name on the birth certificate.

The Selangor Islamic Affairs Council (MAIS) maintained a ban on all non-Muslims from entering mosques and suraus (a small mosque or prayer room) in Selangor without MAIS permission as a result of the 2010 controversy that occurred when a female opposition member of parliament, a non-Muslim, entered a mosque without a proper head covering. In March 2010 the National Fatwa Council ruled that non-Muslims could enter mosques as long as they were properly attired and do not violate the sanctity of the mosque.

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.

The state government in Kelantan, considered the country's most religiously conservative state, maintained its ban on Mak Yong, a traditional Malay dance drama that has been performed for 800 years, due to its animist elements, and on Wayang Kulit, a form of shadow puppetry, because of its Hindu influences and its focus on folklore and mythical characters considered as un-Islamic. Kelantan is led by the Islamic Party of Malaysia (PAS), a member of the federal opposition coalition. The state also prohibited the sale of lottery tickets and advertisements showing what it considered to be inappropriately dressed women. Kelantan also 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 RM 500 (\$156). Kelantan regulations require 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.

Observers reported that many convenience stores located in predominantly Malay neighborhoods, such as in Shah Alam, the capital of Selangor state, voluntarily stopped selling alcohol due to quiet pressure from government and religious authorities. In prior years PAS officials had announced – but not yet enacted – a plan to ban the sale of alcohol in Muslim majority areas in states controlled by PAS and its coalition partners.

On August 3 approximately 30 officers from JAIS raided the Dream Centre Building at the Damansara Utama Methodist Church in Petaling Jaya, Selangor, during an annual thanksgiving dinner hosted by a private charitable organization, Harapan Komuniti, on suspicion of proselytizing to Muslims. The event was attended by about 100 persons from various racial and ethnic backgrounds. On August 15, 12 Muslims who had attended the event were required to give statements to JAIS and were told to appear at the Shah Alam Sharia Court on October 19. On October 10, however, Selangor Sultan Sharafuddin Idris Shah announced that legal action could not be taken against any party because of lack of evidence. He added that the actions of JAIS were correct and did not breach any law enforceable in Selangor and that the 12 Muslims would be subjected to counseling sessions by JAIS to “restore their belief and faith.”

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. Religious teachers in many national schools, particularly in peninsular Malaysia, ensure that Muslim girls wear the tudung (Muslim head covering) at school.

Some religious sites provide accommodations for disabled persons.

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.

### **Improvements and Positive Developments in Respect for Religious Freedom**

On several occasions during the year, both in Malaysia and abroad, Prime Minister Najib reiterated the points made in his 2010 speech delivered to the UN General Assembly calling for a “Global Movement of the Moderates” from all faiths “who are committed to work together to combat and marginalize extremists who have held the world hostage with their bigotry and bias.”

On July 18 Prime Minister Najib met with Pope Benedict XVI and established formal diplomatic relations between Malaysia and the Vatican.

On February 14 Malaysia celebrated for the first time World Interfaith Harmony Week with participation by Prime Minister Najib. The government revived its interfaith committee formed in April 2010, the Committee to Promote Inter-Religious Understanding and Harmony, which was established to promote better religious understanding and harmony between Muslims and persons of other faiths. The formation of the committee had been criticized by the deputy prime minister, the Perak Fatwa Committee, and the Malay-rights NGO Perkasa, among others. A council of muftis objected in particular to the term “Inter-Religious” in the name, saying it would cause confusion among Muslims. The name of the committee was changed to the “Committee for the Understanding and Harmony among Religious Adherents.” Activities of the committee garnered little publicity after the conclusion of World Interfaith Harmony Week in February.

On February 7 Prime Minister Najib announced an allocation of RM2 million (\$660,000) for the building of a cultural center at Batu Caves, an important Hindu temple complex.

In September 2010, a Johor high-court judge awarded damages to members of the Orang Asli Christian Congregation of Kuala Masai for the unlawful destruction of their chapel by government authorities in 2005. The judge ruled that the government trespassed onto Orang Asli Laut land and had no right to tear down the

chapel. The amount of damages awarded is yet to be determined and there were no further reports during the year.

### **Section III. Status of Societal Respect for Religious Freedom**

There were some 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. Women and girls face social pressure to wear the tudung (Muslim head covering). On October 22 approximately 5,000 Muslims participated in the “Himpunan Sejuta Umat” (Gathering of a Million Faithful) rally against apostasy and alleged proselytization of Muslims, organized by Malay-rights NGO Perkasa and intended to unite Muslims against alleged challenges to their faith.

In December Ariff Alfian Rosli reportedly entered into a civil partnership (akin to marriage) with a man in Ireland and said he would fear for his safety if he returned to Malaysia. Muslim groups offered various reactions, from condemning him and filing a police report demanding his arrest, to campaigning for his rehabilitation to restore him to Islam.

In December the Johor police set up a special team to investigate the dumping of several severed pig heads in plastic bags near a mosque. The perpetrators and motive were not clear. About 100 people held a peaceful gathering in front of the mosque to protest against the act. The event was reminiscent of a 2009 protest during which 50 Muslim residents in Selangor had 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 and threatening violence. The “cow’s head” protest continued to resonate in political discourse throughout the year.

At year's end, Raja Muhammad Faizal, 25, and Raja Muhammad Idzham, 23, continued to appeal their sentences for convictions in connection with church arson in 2010. They were each sentenced to five years’ imprisonment after they were found guilty by the Kuala Lumpur Sessions Court in August 2010 for causing mischief by torching the Metro Tabernacle Church in Kuala Lumpur. Eleven churches across Malaysia had been firebombed and vandalized in early 2010 in the wake of the “Allah” controversy.



There were no child marriages reported during the year; however, civil society activists continued to criticize the practice, citing high-profile examples of girls aged 10, 11, and 14 who were married in 2010 and various statements by government officials supporting child marriages as an approved practice in Islam.

The Hindu Rights Action Force (HINDRAF), an unregistered umbrella organization for NGOs focused on ethnic Indian concerns, remained active in raising issues of discrimination against the Indian and Hindu communities, despite remaining subject to a 2008 ban. Although not a religious organization, HINDRAF appealed for redress of perceived government marginalization of ethnic Indians, including the demolition of some Hindu temples.

#### **Section IV. U.S. Government Policy**

Embassy representatives maintained an active dialogue with leaders and representatives of various religious groups, including those not officially recognized by the government. In August the special representative to Muslim communities met with a variety of government officials and civil society representatives in order to promote greater religious tolerance and understanding. Embassy programs also included lecture tours around Malaysia by American Muslim community leaders and imams, events at schools and universities with the ambassador and other embassy officers, musical events, speeches and roundtables with think tanks and civil society, television and other media interviews, programs on entrepreneurship, and an increase in American English teaching assistants in public schools with majority Muslim student populations. The embassy arranged visits to the United States for Islamic educators and hosted several iftar dinners to celebrate the Muslim holy month of Ramadan. The U.S. government also funded civil society grants and exchange grants for representatives of NGOs working to promote religious tolerance, respect for diversity, human rights, and openness.