

Background and Framework

Increasing Islamic fundamentalism and extremism renders this thematic report critical to show its implications towards the human rights situations in Malaysia. Since the 2nd UPR cycle in 2013, freedom of religion or belief generally has regressed. Not only has Malaysia failed to improve legal protection for the rights to freedom of religion or belief, but notable changes can be seen in the government's utilization of different provisions in restricting and curtailing freedom to exercise religion or belief or freedom from exercising it or freedom to not exercise any religion or belief.

The wording of Article 11 Federal Constitution¹ (*FC*) of Malaysia being the supreme law of Malaysia confers freedom to exercise one's religion or belief with constitutional limitations. Within a multi-racial, multi-religious society like Malaysia, the limitations seek to instil tolerance and understanding in the differences in its religious practices. However, with the increasing political nature of Islam in Malaysia, we are witnessing different standards imposed between Muslims and non-Muslims. The *FC* itself is being contorted towards this end where many parties have interpreted Article 3 as placing Islam as the religion of the country, and thus has a position of supremacy over other religions practiced by the citizens of Malaysia.

Malaysia's commitment towards freedom of religion or belief

1. Malaysia rejected 3 recommendations in the last UPR review in relation to the freedom of religion or belief,² and the other fully accepted / accepted in principles recommendations are slow in progress. The Government of Malaysia (*GoM*) stand pertaining of Islam would have to be consistent with cultural traditions, religious doctrine and societal norms, and domestic laws and regulations.³

2. Malaysia has yet to accede to the International Conventions on Civil and Political Rights (*ICCPR*) and Economic Social and Cultural Rights (*ICESCR*) despite its pledge in the 2009 cycle to consider ratification,⁴ and numerous calls by different parties.^{5 6} The Human Rights Commission of Malaysia (*SUHAKAM*) highlighted that establishment of a Technical Sub-Committee to study the feasibility of becoming party to several international human rights treaties including *ICCPR* and *ICESCR* by *GoM*,⁷ was expected to conclude its study by 2013 and put forth its recommendations regarding Malaysia's accession to *ICESCR*.⁸ To this date, no official update on the status of the study. In the Government's replies to the UPR Working Group,⁹ Malaysia is not party to the *ICCPR* because Article 10 of the *FC* sufficiently provides for the exercise of the right to freedom of speech, subject to certain restrictions.¹⁰

3. Malaysia prides itself as the proponent of moderation, tolerance and understanding of all religions in Malaysia.^{11 12 13 14 15} With regards to Islam, the Government often cites *wasatiyyah* or the moderation approach.¹⁶ However, this oft-quoted remark is merely a smokescreen and does not reflect the real situations on the ground. In one of the blog entry of the Malaysian Prime Minister, the *wasatiyyah* approach is adopted as government policy, which was passed by the cabinet on 21st June 2016. However, the objective of moderation in Islam was to counter extremism or liberalism in Islamic belief.¹⁷ During the launch of the

moderation policy the Malaysia Prime Minister again reaffirmed that the policy was passed as a measure to prevent Muslims from deviating and becoming liberal.^{18 19}

4. We commend the Government for placing mechanisms for interreligious dialogues, and its commitment to continue its engagement on religious issues.²⁰ Unfortunately the format of interfaith dialogue in Malaysia, often in the form of “intellectual discourse, or in the form of workshop”.^{21 22} Despite fully supporting the recommendations from China²³ and Sudan²⁴, we see the need for a more meaningful, transparent and genuine inter²⁵ and intra-religious dialogues to be adopted at the State level to promote tolerance and understanding of Islam religious minorities.

Religious intolerance

State-sanctioned

5. The Department for Islamic Development Malaysia (**JAKIM**) acts as the central coordinating body for Islamic affairs and provides financial grants to Islamic NGOs such as ISMA, Muafakat and WAFIQ, for purposes of acting as political liaison, research support, logistical support, and endorsements for the work carried out.²⁶ The focus of these Islamic groups is concentrated on opposing the human rights of the LGBT and work against the promotion of gender equality as these fall outside the Cairo Declaration framework.

6. The Malaysian Islamic Strategic Research Institute (**IKSIM**) was established in 2014 under **JAKIM** to advocate for an Islamic state for Malaysia despite the presence of 40% of the population being non-Muslims.²⁷ **IKSIM** claims that the LGBT will undermine the Islamist agenda and destroy Malaysia’s sovereignty.²⁸ Criticisms against the institution falls onto deaf ears, in spite of distinct instances of propagation and promotion and incitement of hatred.^{29 30}

7. In many instances, Friday sermons calling for ‘*jihad*’ against atheists, liberal Muslims,^{31 32} LGBT individuals, human rights defenders to ‘defend’ Islam. Liberalism, pluralism, secularism and human rights are seen as threats to the sanctity of Islam and has been compared to the militant jihadists Islamic State (**IS**) that the State sanctions intolerance on.³³ This is the trend that has since become more visible from 2014 to 2017.^{34 35 36}

8. Non-muslims also bear the brunt of state-sanctioned intolerance. In one instance, the Mufti³⁷ of Pahang called Democratic Action Party (**DAP**), a Chinese dominated political party, as ‘*kafir harbi*’ (non-Muslim infidel). It is believed that those categorised as such can be sentenced to death for being against Islamic principles and going against God.³⁸

9. Following a Court decision in October 2013 that ruled the Arabic word “*Allah*” was exclusive to Muslims, Selangor Islamic Department (**JAIS**) immediately raided the Bible Society of Malaysia and seized 321 pieces of the Malay-language Bibles.³⁹ Citing it is their responsibility to protect the sanctity of Islam, earlier instruction by the Selangor State government to return the seized bibles was ignored.⁴⁰ The matter was only resolved upon interference by the Sultan of Selangor, only then the religious authority agreed⁴¹ to resolve the matter by handing over the seized Bibles to the Association of Churches in Sarawak with a strict conditions that the Bibles are not to be distributed in Selangor.⁴² The refusal by

Selangor religious authority seems to suggest that they have a jurisdiction over the rights of non-Muslims in Malaysia to practice their religion and belief.⁴³

By non-state actors

10. In September 2017, a Muslim-only laundromat in the southern state in Peninsular Malaysia created an outcry in the media for its policy. A response was recorded by Malaysian Prime Minister about a month after the incident.⁴⁴ The Johor Royalty made a swift and strong rebuke against the owner of the laundromat, citing the practice is not acceptable in a multi-religious and multi-cultural country like Malaysia,⁴⁵ the Federal Territory Mufti shared the same sentiment.⁴⁶ However in one news report, the Johor Mufti said he welcomed the initiative taken by the business owner because some Muslims were doubtful in using self-service laundromats.⁴⁷

11. Police reports were lodged towards Subang Jaya assemblyman, Hannah Yeoh regarding her book, *Becoming Hannah: A Personal Journey by Hannah Yeoh* which was launched in 2014. The complainants alleged that the book has elements of ‘persuading, influencing or affecting readers who are not Christians’, and convinced that the book aims to proselyte non-Christians to embrace the religion and urge the authority to take action against her.^{48 49}

12. Despite of some positive responses, these incidents hinted that the government should be looking at its commitment, more seriously, pursuant to the fully accepted recommendation by China,⁵⁰ to address a larger strong sentiment of growing intolerance and fundamentalism that widen rifts between the various religions and sects.

Using mechanism of laws to limit exercise of freedom of religion or belief

13. Shia Muslims is the largest minority group followed by Ahmadi Muslims in Malaysia's 16 predominantly Sunni Muslim society. These minorities are under systematic vilification, prosecution and persecution by the State. Bully and harassment toward these two religious minority groups become significant when those actions get official spaces and recognitions in laws,^{51 52} state funded school text book syllabus, fatwas,⁵³ and state-funded organizations, excluding various other NGOs and NGIs widely.⁵⁴ Attacks also come from non-state actors such as religious scholars.^{55 56 57}

14. Federal and some states religious authorities have issued *fatwa* (edict) declaring Ahmadi^{58 59} and Shia^{60 61} sects of Islam as deviant and apostates groups. In fact, a ban on Shia Islam is currently enforced in 11 out of the 14 states.⁶² They face a lot of human right violations on freedom of religion from practicing, expressing and preaching their beliefs especially in Selangor state.^{63 64 65} Their rituals, weekly Friday prayers,⁶⁶ religious talks, books and symbols were,^{67 68 69} banned, prosecuted and clamped down by state religious authority regularly. Most of the activities were conducted at indoor private spaces. They cannot practice and enjoy their religious rights freely and equally like other citizens.

15. On April 11 2014, a group of Ahmadiyya devotees were arrested at their shop lot in Dolomite Park, Batu Caves by Selangor Islamic Department (*JAIS*).⁷⁰ “They are seeking a court declaration that religious authorities have no jurisdiction over the group since they are not recognised as Muslims according to several *fatwa* issued earlier.”⁷¹ In addition to that, they have also faced bullying and intimidation by government officials outside or near their community building in Batu Caves. Government officials have erected a signboard that labels the Ahmadiyya community as “Qadiani” and the signboard states that “Qadiani is not Islam” to make people stay away from them.⁷²

16. In March 2014, Perak Islamic Religious Affairs Department (*JAIP*) arrested 114 people in Perak who are believed to be Shia Muslims, as they were in the midst of celebrating the commemoration of the birth of Siti Zainab.⁷³ The Malaysian government and media have continued to allow or sanction state-wide *khutbah* (sermons) that preach to Malaysia’s predominant Sunni Muslim community about the dangers of Shiism.⁷⁴

17. Asyraf Wajdi Dusuki, a deputy minister in the Prime Minister’s Department, said on 23 November 2017 that anyone who tries to spread “ideologies and doctrines that promote atheism and similar beliefs, which tarnish the sanctity of other religions, can be charged under the Sedition Act.”⁷⁵ This statement that was made in the Parliament, came after a group of Malaysian atheists, who belong to the Kuala Lumpur chapter of Atheist Republic, surfaced on social media in August 2017. Fundamentalist blogs posted the photo and this was followed by death threats against the group on social media⁷⁶ and a public call was made by a minister for the government to hunt them down and re-educate them in Islam.^{77 78} Last year, Malaysia was rated as “grave violators” of the rights and treatment of the non-religious in the Freedom of Thought Report by the International Humanist and Ethical Union. The report highlighted that it is illegal to advocate secularism or church-state separation in Malaysia, or such advocacy is suppressed; while identifying as an atheist or non-religious is either illegal or unrecognised.”⁷⁹

18. A *fatwa* was issued on Sisters in Islam (*SIS*),⁸⁰ (an NGO advocating for women’s rights within the Malaysian Islamic framework) in 2014 by the Selangor Fatwa Council. The fatwa labelled the organisation as deviant in Islam due to their practicing religious liberalism and pluralism.⁸¹ The fatwa called for the confiscation of *SIS*’ publications; blocking *SIS*’ social media sites; and for the individuals in the organisation to repent and return to the path of Islam. In a report⁸² by the UN Special Rapporteur on cultural rights, she conveyed her abhorrence against the fatwa and recognised it as state level intimidation against a human rights defender. The case is now pending at the Federal Court.

19. Islamic intellectual discourse clamp down recently been under attack as well, not just against the speaker but the organiser too. There was an arbitrary arrest of a Turkish columnist and author, Mustafa Akyol at the immigration checkpoint before he left Malaysia after being a speaker at an event organised by Islamic Renaissance Front (*IRF*). A local NGO⁸³ alleged that he gave a lecture without proper credential by the Religious Department, and Dr Farouk Musa (head of *IRF*) for abetting. Based on this unprecedented incident, it is uncertain whether intellectual discussions will also be regulated, and whether international speakers invited to speak about Islam require specific credentials or recognition from the Malaysian religious authorities.⁸⁴

20. The Federal Court dismissed the appeals of four Muslims to have their applications to apostate,^{85 86} the appellants want a declaration that they are Christians and an order to drop

“Islam” as their religion on their national identity card (MyKad) and other documents. The decision was based on an interpretation of Article 121(1A)⁸⁷ of the *FC*, since apostasy case among Muslims is under syariah courts’ jurisdiction.

21. The State control also extends to other kinds of intellectual products e.g. books that are deemed harmful to public order, morality, security, public opinion, public interest or national interest are banned without detailed justification. “Islam without Extremes: A Muslim Case for Liberty” by Mustafa Akyol and its Malay translation⁸⁸ was banned within two weeks after he was arrested; Assalamualaikum: Observations on the Islamisation of Malaysia by Zaid Ibrahim which was launched in 2015 was only recently banned,⁸⁹ likewise a book that was published in 2015 but only banned in 2017,⁹⁰ on the basis that it was deemed prejudicial to public order is the “Breaking the Silence: Voices of Moderation – Islam in a Constitutional Democracy” a compilation of articles written by G25. All the books were banned under Section 7 of the Printing Presses and Publications Act (*PPPA*). Faisal Tehrani 3-year legal⁹¹ journey has finally ended when the Court of Appeal quashed the Home Ministry decision to ban four books authored by him.⁹²

Conflict between Civil and Syariah courts

22. In relation to the recommendation by Austria⁹³ in the 2nd UPR cycle, the State rejected the recommendation and reaffirms that there is no conflict of competence between the Civil and Syariah Courts in Malaysia.

23. This runs contrary to the numerous cases and comments reported on the news^{94 95} and a call to amend the *FC* to resolve cases in conflicting courts jurisdictions.⁹⁶ In the case of Indira Gandhi, the clash of courts jurisdictions have had negative implications on her pursue of justice to obtain custody of her youngest child, Prasana Diksa whom was converted to Islam and abducted by her biological father since 9 years ago. After the landmark decision by the Federal Court on 29 January 2018, her youngest child is yet to be found and until today has not been returned to her.⁹⁷ The police claimed that the former husband is believed to be in the country,⁹⁸ unfortunately whether the police will finally be able to track him down remains to be seen.

24. The decision on Indira Gandhi case⁹⁹ has clearly established the limitations of the syariah court and the areas where a civil court maintains jurisdiction. The Federal Court held that the inherent supervisory power of judicial review is essential to the role of civil courts as a check and balance mechanism and is fundamental to the underlying principles of the Constitution. Inherent powers of the civil court including power to exercise judicial review, to determine constitutional issues or interpretations of the law - regardless of subject matter.¹⁰⁰ It sets out clearly the position of syariah courts in the Malaysian justice system does not oust the jurisdiction of the civil courts, and that the former is a limited and exclusive jurisdiction court. Hence it must follow that matters that can be heard by the syariah courts must be expressly provided for by the state legislature and this does not extend to judicial review.^{101 102}

Conversions

Unilateral Conversions

25. Malaysia had accepted in full recommendations to strengthen efforts in safeguarding and protecting the rights of women and children.¹⁰³ In this respect, Malaysia's apex court recently made progress where the unilateral conversion of children by one parent was declared void.¹⁰⁴ This nonetheless need to be reflected in the law, specifically to bring back the proposed section 88A in the Law Reform (Marriage and Divorce) Act 1976 to the table and pass it.

Forced Conversions

26. Malaysia had accepted in full the recommendation to strengthen mutual respect and tolerance among religions,¹⁰⁵ and accepted in principle recommendations to continue efforts to combat religious discrimination¹⁰⁶ and to promote and protect rights to worship.¹⁰⁷ In a multi-ethnic, multi-religious and multi-cultural Malaysia, it is important for its people to be able to profess and practise their religion in peace and harmony.¹⁰⁸ This includes freedom to subscribe to one's religion or belief of choice. However, in reality, Malaysia has made little to no progress particularly concerning Islam.

26.1 Wrongful documentation of non-Muslims as Muslims

26.1.1 There have been numerous cases where non-Muslims were wrongfully documented as Muslims in their identity cards. Johann Noordin,¹⁰⁹ a Buddhist since birth and who has never professed Islam was wrongfully documented as a Muslim when the National Registration Department (NRD) inserted the word "Islam" on his identity card when he turned 12. Attempts to remove the word "Islam" from his identity card proved futile as he was told by the NRD to obtain an order from Syariah Court for that purpose¹¹⁰, which is not only tedious and costly but would lead to unnecessary complications as the Syariah Court only has jurisdiction over Muslims (which Johann is not).

26.1.2 A similar case was reported where a woman named Zarena Abdul Majid had her wedding interrupted by officials from the Selangor Islamic Religious Department (*JAIS*).¹¹¹ Zarena stated that she was secretly converted by her father when she was a child and that she had always been a practicing Hindu. While *JAIS* later promised to help her change her religious status and name,¹¹² the incident had already caused unnecessary embarrassment to the family.

26.1.3 In another case, Rosliza Ibrahim, a woman who is an illegitimate child of a Muslim man and a Buddhist woman brought her case to court to be declared as a non-Muslim. She initiated her claim in 2015 and after several rounds at the High Court, the Court of Appeal and back to the High Court to be heard by a different judge, the Judge decided that as she failed to prove there was no marriage between her deceased mother and biological father, she is therefore by way of her father's religion, a Muslim. Hence the appropriate forum to declare herself as non-Muslim in the syariah court. Her case is pending at the Federal Court.¹¹³

- 26.1.4 In all three cases above, while neither of them had actually converted into Islam, the fact that they were wrongfully documented as Muslims meant that they were legally considered as Muslims and were therefore subject to Syariah laws. They were unable to or had restrictions concerning who they could marry and how they could live their life as a Buddhist or Hindu.
- 26.1.5 Some 7,000 Hindus wrongfully documented or registered as Muslims have also been reported. They require legal assistance in order to be rectified.¹¹⁴

26.2 Mandatory conversion by non-Muslims in order to marry Muslim persons. Malaysia prohibits marriage between a non-Muslim and a Muslim.¹¹⁵ This law only applies where there is a Muslim person involved, as, the laws on civil marriage (marriage between non-Muslims) and marriages between Muslims are governed under the separate civil and syariah jurisdictions.¹¹⁶ This means that any non-Muslim person who wishes to marry a Muslim partner, or a partner who is legally recognised as Muslim, would first have to convert to Islam. This position is very unlikely to change and has hindered inter-religious couples from marrying their partners, as well as people like Johann, Zarena and Rosliza above.

Perceived Progress

27. The only perceived progress in this respect can be seen in the case of Rooney anak Rebit, who successfully applied to change his religion from Islam to Christianity.¹¹⁷ However this case does not offer a proper resolution as the decision to allow his application was made by the High Court of Sarawak, a lower court decision as compared to a 2007 Federal Court decision where one Lina Joy's application to renounce Islam was rejected.¹¹⁸

28. In a joint statement by UN rights experts made in 2015, Heiner Bielefeldt, the Special Rapporteur on freedom of religion or belief, reiterated that "The right to conversion has the status of unconditional protection under international human rights law," and that "States must respect everyone's right to conversion as an essential component within freedom of religion or belief by removing administrative obstacles."¹¹⁹

Expansion and encroachment of syariah laws to the justice system¹²⁰

29. Datuk Seri Abdul Hadi Awang, the Marang Members of Parliament, moved a private members bill to amend the Syariah Courts (Syariah Jurisdiction) Act 1965 (*Act 355*) in April 2015. The proposed Act 355 seeks to include amendments that would increase the current sentencing limits of Syariah courts from RM5000 fine, 3 years of imprisonment and 6 lashes to RM100, 000 fine, 30 years of imprisonment and 100 lashes. The *Act 355* has continued to be tabled at every Parliamentary sitting thereon.

30. While the *Act 355* is not per se a hudud bill and despite denial by the Marang Members of Parliament,^{121 122} whose constituent is in Kelantan under the government of the opposition Islamic Party (which has as its mandate establishment of an Islamic state and imposition of hudud laws), and proponents of *Act 355*¹²³ the amendments would effectively be an enabler to hudud laws.¹²⁴ In fact, the states of Terengganu¹²⁵ and Kelantan¹²⁶ have

passed their hudud law enactment, however its enforcement is debilitated by the limited powers of sanction of the syariah courts. Also, the state government of Kelantan in 2017 had approved for caning to be carried out inside or outside of prison by virtue of the Syariah Criminal Procedure Amendment 2002.¹²⁷ This move was further supported by the Federal Ministers,^{128 129} in spite of alleged violations of Article 38¹³⁰ and the Ninth Schedule of the Federal Constitution of Malaysia.^{131 132}

31. A larger concern of the civil society and individuals both Muslims and non- Muslims is the exclusion of the non-Muslims in this debate, on the basis that this is an issue only applying to Muslims and thus non-Muslims do not have the right to speak on this.^{133 134} In some instances, the non-Muslims have been called Islamophobes for daring to question the powers of the syariah courts.¹³⁵ In matters of law and policy, every citizen of Malaysia, whether Muslim or non-Muslim have the right to have their views heard.

Recommendations

Institutional reform

1. Review and/or reform on the powers of state religious departments to avoid abuse of power - governance, transparency and accountability must be features in its obligations to the public
2. Government agencies such as the National Registration Department exercise professionalism and prudence instead of arbitrarily registering a person as a Muslim
3. To uphold secular values in Malaysia

Legal reform

4. To amend the Federal Constitution (*FC*) to ensure full freedom to exercise religion or belief in Malaysia in line with the international standards
5. To sign the core human rights international treaties like, International Covenant on Civil and Political Rights (*ICCPR*) and International Covenant on Economic, Social and Cultural Rights (*ICESCR*)
6. To ensure all citizens of Malaysia have the rights to change religion or belief without impediments in terms of law, policy, and harassments by the State actors and non-state actors
7. To review States laws and policies in respect of renunciation of Islam and/or change of religion by decriminalising such applications and repealing the need for rehabilitation process
8. To expedite the incorporation of relevant section to the Law Reform (Marriage and Divorce) Act 1976 to reflect the prohibition of unilateral conversion of a child by a parent as per the Federal Court decision in *Indira Gandhi*¹³⁶
9. To ensure proposed *Act 355* amendments do not go through and to carefully review the proposal as RM100,000-00 fine, 30 years of imprisonment and/or 100 lashes of whipping for personal sins, as Malaysia has fully accepted the recommendation 146.125¹³⁷ to strengthen measures to prevent all forms of ill-treatment including torture

Awareness

10. Recommend that the Government of Malaysia (*GoM*) extend standing invitations to UN Special Procedures including the Special Rapporteur on freedom of religion or belief on a regular basis
11. Recommend the *GoM* to make strong public statements that condemns prejudicial treatments against religious minorities and non-believers and the parties involved in such activities
12. *GoM* to call for a review of all issued fatwas and determine if they are in line the Federal Constitution and International Treaties
13. We urge the *GoM* to develop a structured interfaith dialogue and enforce a comprehensive, measurable and time-bound action plan¹³⁸ and therefore accept in full the recommendation by Austria.¹³⁹

¹ Freedom of religion 11. (1) Every person has the right to profess and practise his religion and, subject to Clause (4), to propagate it. (2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own. (3) Every religious group has the right— (a) to manage its own religious affairs; (b) to establish and maintain institutions for religious or charitable purposes; and (c) to acquire and own property and hold and administer it in accordance with law. (4) State law and in respect of the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, federal law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam. (5) This Article does not authorize any act contrary to any general law relating to public order, public health or morality.

² Report of the Working Group on Universal Periodic Review – Malaysia, Human Rights Council, 25th Session, 4 December 2013, A/HRC/25/10 146.152. Revise Malaysia’s legislative framework in order to ensure freedom of religion or belief for all (Italy); 146.153 Take concrete steps to implement its commitment to promote and protect the rights of all people to worship in peace and security without discrimination or restriction (Canada); 146.156. Take measures to ensure that all persons, including Muslims, can freely exercise their right to freedom of religion and belief, without interference by the state and including the right to change their religion (Austria);

³ Report of the Working Group on Universal Periodic Review – Malaysia, Human Rights Council, 25th Session, 4 December 2013, A/HRC/25/10.

⁴ National Report Submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council Resolution 5/1 - Malaysia. A/HRC/WG.6/4/MYS/1/Rev.1

⁵ “A modest proposal: A call for Malaysia to sign on to the ICESCR – Edmund Boon Tai Soon”. The Malay Mail Online. 16 December 2015. Available at: <http://www.themalaymailonline.com/malaysia/article/a-modest-proposal-a-call-for-malaysia-to-sign-on-to-the-icescr>

⁶ “Suhakam wants UN treaty on civil, political rights ratified”. The Malay Mail Online. 3 May 2017. Available at: <http://www.themalaymailonline.com/malaysia/article/suhakam-wants-un-treaty-on-civil-political-rights-ratified>

⁷ SUHAKAM Submission to the Universal Periodic Review (UPR) Malaysia, October 2013, para 5. Available at:

<https://drive.google.com/file/d/0B6FQ7SONa3PRXzJWODU4QUM4eU0/view>

⁸ See <http://www.suhakam.org.my/wp-content/uploads/2014/05/SUHAKAM-Statement-to-HRC31-on-Human-Rights-Covenants.pdf>

⁹ Report of the Working Group on Universal Periodic Review – Malaysia - Addendum, Human Rights Council, 25th Session, 4 March 2014, A/HRC/25/10/Add.1

¹⁰ Ibid. Page 6.

¹¹ “Wasatiyyah mampu bendung ekstrem dan liberalisme - Saifulizam Mohamad”. Utusan Online. 14 May 2015. Available at: <http://www.utusan.com.my/berita/nasional/wasatiyyah-mampu-bendung-ekstrem-dan-liberalisme-1.91731>

¹² “Najib: 'Human rights-ism' goes against Muslim values - Ong Han Sean”. The Star Online. 13 May 2014. Available at: <https://www.thestar.com.my/news/nation/2014/05/13/najib-human-rightsism-against-muslim-values/>

¹³ “PM’s adviser: Liberalism as much a threat to Islam as terrorism - Anne Muhammad”. Malaysiakini. 13 April 2017. Available at: <https://www.malaysiakini.com/news/379087>

¹⁴ ‘Government keeping close watch on liberal Muslims - Karen Arukesamy’. The Sun Daily. 17 March 2016. Available at: <http://www.thesundaily.my/news/1731512>

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- ¹⁵ ‘Jakim: Liberals, pluralists have potential to be radicalised - Alyaa Azhar’. Malaysiakini. 26 January 2016. Available at: <https://www.malaysiakini.com/news/328255>
- ¹⁶ The *wasatiyyah* formulation adopted by the Government encompassed core elements such as moderation and balance in all aspects of life, according to the teachings of Islam, and gave importance to excellence, as the basis of administration of the country. This formulation was introduced in June 2016 as the National Wasatiyyah Policy. For further information: The Wasatiyyah Approach and Its Implementation in Malaysia by Malaysian Prime Minister. Available for download at: <http://iwm.jpm.gov.my/iwm/sites/default/files/Najib-BI.pdf>
- ¹⁷ ‘Konsep Kesederhanaan untuk Negara Kekal Aman dan Harmoni’. 27 March 2017. Available at: <https://www.najibrazak.com/en/blog/konsep-kesederhanaan-untuk-negara-kekal-aman-dan-harmoni/>
- ¹⁸ ‘PM wants loyalty, moderation and truth as core fundamentals in country governance - Azura Abas & Hashini Kavishtri Kannan’. News Straits Times. 3 May 2017. Available at: <https://www.nst.com.my/news/nation/2017/05/236246/pm-wants-loyalty-moderation-and-truth-core-fundamentals-country>
- ¹⁹ ‘Use moderation to contain liberal threat, PM’s religious adviser says - Syed Jaymal Zahiid’. The Malay Mail Online. 13 April 2017. Available at: <http://www.themalaymailonline.com/malaysia/article/use-moderation-to-contain-liberal-threat-pms-religious-advisor-says>
- ²⁰ Report of the Working Group on Universal Periodic Review – Malaysia - Addendum, Human Rights Council, 25th Session, 4 March 2014, A/HRC/25/10/Add.1
- ²¹ ‘Inter-Religious Dialogue Models in Malaysia’. Wan Sabri Wan Yusof (Corresponding author), Arfah Ab Majid. GJAT | JUNE 2012 | VOL 2 ISSUE 1 | ISSN : 2232-0474 | E-ISSN : 2232-0482. Available for download at: <http://www.gjat.my/gjat062012/gjat0920120201.pdf>
- ²² ‘Inter-religious Dialogue in Malaysia and Prejudice Reduction: A Preliminary Survey’. Arfah Ab. Majid. Proceeding of the International Conference on Social Science Research, ICSSR 2013 (e-ISBN 978-967- 11768-1-8). 4-5 June 2013, Penang, MALAYSIA. Available for download at: <https://worldconferences.net/proceedings/icssr2013/toc/200%20-%20Arfah%20-%20INTER-RELIGIOUS%20DIALOGUE%20IN%20MALAYSIA%20AND%20PREJUDICE%20REDUCTION%20A%20PRELIMINARY%20SURVEY.pdf>
- ²³ Report of the Working Group on Universal Periodic Review – Malaysia, Human Rights Council, 25th Session, 4 December 2013, A/HRC/25/10. 146.87. In accordance with national circumstances, continue to strengthen mutual respect and tolerance and different cultures among religions and maintain social plurality while maintaining improved family harmony and respect for women (China)
- ²⁴ Report of the Working Group on Universal Periodic Review – Malaysia, Human Rights Council, 25th Session, 4 December 2013, A/HRC/25/10. 146.154. Continue its efforts to promote inter-religious dialogues and reconcile different schools of Islamic thoughts and other religions (Sudan)
- ²⁵ ‘We need better interfaith dialogue - Joshua Woo Sze Zeng’. 3 July 2017. Free Malaysia Today. Available at: <http://www.freemalaysiatoday.com/category/opinion/2017/07/03/we-need-better-interfaith-dialogue/>
- ²⁶ JAKIM is under the purview of Minister Jamil Khir Baharom in the Prime Minister’s Office (PMO). It has received RM8 billion in funding since 1997, and its annual budget has averaged RM1 billion since 2013.
- ²⁷ IKSIM was established on 9 December 2014. According to its official website, Iksim was established to fulfil the wishes of the country’s Muslim community to defend the Malay rulers and uphold Islam as the official religion of the federation. The formation of Iksim was endorsed by the National Council for Islamic Affairs (MKI), JAKIM, the Federal Territory Islamic Council (MAIWP) and various state religious councils. The CEO of IKSIM is Naser Desa who reports directly to the Prime Minister and Minister Jamil Khir.
- ²⁸ See also alleged defamation by IKSIM towards other actors who are Malay and Muslim, including organisations working on rights in Islam, accusing them of being proponents of liberalism, pluralism and the human rights of the LGBT. ‘G25 calls for action against Putrajaya-linked institute - Melissa Darlyne Chow’. 13 December 2017. Free Malaysia Today. Available at: <http://www.freemalaysiatoday.com/category/nation/2017/12/13/sue-iksim-for-defamation-urges-g25/>
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¹²⁷ *Malaysian state introduces public canings for those who break Sharia law* <http://www.independent.co.uk/news/world/asia/malaysian-state-public-caning-sharia-law-break-islamic-muslim-a7838941.html>

¹²⁸ “Don’t criticise Kelantan’s move to introduce caning in public: Jamil Khir”. *The Sun Daily*. 15 July 2017. Available at: <http://www.thesundaily.my/news/2017/07/15/dont-criticise-kelantans-move-introduce-caning-public-jamil-khir>

¹²⁹ “Zahid: Public flogging under Islamic law only for Muslims in Kelantan (Updated) - G. Surach, Amar Shah Mohsen and Rajvinder Singh”. *The Sun Daily*. 13 July 2017. Available at: <http://www.thesundaily.my/news/2017/07/14/zahid-public-flogging-under-islamic-law-only-muslims-kelantan-updated>

¹³⁰ “Former DPM’s son warns Malay Rulers of crisis arising from Shariah Bill”. *The Malay Mail Online*. 26 July 2017. Available at: <http://www.themalaymailonline.com/malaysia/article/former-dpms-son-warns-malay-rulers-of-crisis-arising-from-shariah-bill>

¹³¹ “MCA and Chinese organisations achieve consensus on opposing Act 355 and defend the Federal Constitution—Part I”. *Malaysian Chinese News*. 22 February 2017. Available at: <http://www.malaysianchinesenews.com/2017/02/mca-and-chinese-organisations-achieve-consensus-on-opposing-act-355-and-defend-the-federal-constitution-part-i/>

¹³² “MCA and Chinese organisations achieve consensus on opposing Act 355 and defend the Federal Constitution—Part II”. *Malaysian Chinese News*. 22 February 2017. Available at: <http://www.malaysianchinesenews.com/2017/02/mca-and-chinese-organisations-achieve-consensus-on-opposing-act-355-and-defend-the-federal-constitution-part-ii/>

¹³³ “Hadi: Bukan Islam tidak wajar tentang RUU355 - Datuk Seri Abdul Hadi Awang”. 11 November 2016. *Malaysiakini*. Available at: <https://www.malaysiakini.com/news/362505>

¹³⁴ “Bukan Islam bantah RUU Hadi adalah jahil, kata sayap penyokong PAS - Alyaa Azhar”. 18 February 2017. *Malaysiakini*. Available at: <https://www.malaysiakini.com/news/372903>

¹³⁵ “Penentang RUU355 miliki sikap Islamophobia”. *Utusan Online*. 13 Mac 2017. Available at: <http://www.utusan.com.my/berita/politik/penentang-ruu355-miliki-sikap-islamophobia-1.456303>

¹³⁶ “Minister to bring Indira Gandhi’s case to Cabinet”. Malaysia Outlook. 30 January 2018. Available at: <http://www.malaysiaoutlook.com/2018/01/30/minister-to-bring-indira-gandhis-case-to-cabinet/>

¹³⁷ Report of the Working Group on Universal Periodic Review – Malaysia, Human Rights Council, 25th Session, 4 December 2013, A/HRC/25/10, page 6 paragraph 53 Botswana noted efforts towards accession to international treaties and the fight against corruption, and welcomed improved access to education. It expressed concerns about reports of ill-treatment.

¹³⁸ Oral Statement Delivered by Andrew Khoo on Behalf of Asian Forum for Human Rights and Development (FORUM-ASIA)

<https://www.forum-asia.org/?p=16658>

¹³⁹ Report of the Working Group on Universal Periodic Review – Malaysia, Human Rights Council, 25th Session, 4 December 2013, A/HRC/25/10. 146.155 Continue efforts and engage in a structured interfaith dialogue, including religious minorities (Austria)