

Malaysia

Malaysia is a federal, multi-territory constitutional monarchy, split across two land masses: Peninsular Malaysia and East Malaysia. There is a degree of freedom of religion or belief among the significant non-Muslim religious minorities including Christians, Buddhists and Hindus. However, rising attention on the small number (~1%) prepared to identify as non-religious has led government officials and police to threaten atheists and deny that there is a right to express atheism under the Malay constitution. Ethnic Malays are subjected to strict state controls over an enforced, homogenous religious identity, including mandatory Sharia laws, and in two states *hudud* enactments mandating death for “apostasy”. In August 2017 then-government ministers threatened to “hunt down” atheists photographed at an atheist meetup group in Kuala Lumpur.

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
		<p><u>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</u></p>	<p><u>‘Apostasy’ or conversion from a specific religion is outlawed and punishable by death</u> <u>It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed</u> <u>It is illegal or unrecognised to identify as an atheist or as non-religious</u></p>

Constitution and government

Education and children's rights

Family, community, society, religious courts and tribunals

Freedom of expression advocacy of humanist values

The non-religious are barred from some government offices (including posts reserved for particular religions or sects)
State legislation is partly derived from religious law or by religious authorities

Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative

The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism
Systemic religious privilege results in significant social discrimination
Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views
Religious control over family law or legislation on moral matters
It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization

Expression of core humanist principles on democracy, freedom or human rights is severely restricted
'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence

Preferential treatment is given to a religion or religion in general
There is an established church or state religion
Legal or constitutional provisions exclude non-religious views from freedom of belief
State-funding of religious institutions or salaries, or discriminatory tax exemptions

There is state funding of at least some religious schools
Religious schools have powers to discriminate in admissions or employment
Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)

There is significant social marginalisation of the non-religious or stigma associated with expressing atheism, humanism or secularism
Some religious courts rule in civil or family matters on a coercive or discriminatory basis
Discriminatory prominence is given to religious bodies, traditions or leaders
Religious groups control some public or social services

Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted
Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect

Constitution and government

Education and children's rights

Family, community, society, religious courts and tribunals

Freedom of expression advocacy of humanist values

Official symbolic deference to religion
Anomalous discrimination by local or provincial authorities, or overseas territories

Concerns that secular or religious authorities interfere in specifically religious freedoms

Legend

Constitution and government

The Constitution of Malaysia states that Islam is the religion of the country but that other religions may also be practiced in peace and harmony (Article 3). The constitution also provides provides protections for freedom of expression, assembly, and association (Article 10). However, these protections are not absolute, and are subject to wide-ranging exemptions enumerated in several articles. For example, Article 10 includes a provision which allows Parliament to pass laws that restrict these freedoms in the interest of public order, morality and security. The freedoms are further restricted by several other articles, most notably Article 153, which grants the King of Malaysia powers to "safeguard the special position of the Malays". Discussion of these articles, even by members of Parliament, is illegal.

<[agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20\(BI%20text\).pdf](http://agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20(BI%20text).pdf)>

Malaysia has a narrow concept of human rights, having signed only three of the eight legally enforceable human rights treaties, and even then the state asserts constitutional exemptions to these treaties and to the Universal Declaration itself, stating that only "those fundamental liberties provided for" in the Constitution will be upheld. These three treaties are: the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of Persons with Disabilities (CRPD). In 2018, the government pledged to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), but reversed the decision following backlash from groups who fear it could dilute privileges for majority ethnic Malays and threaten Islam's position as the official religion.

<nst.com.my/news/nation/2018/11/434078/why-malaysia-backpedalled-icerd-ratification>

The government's ban on the use of the word "Allah" by non-Muslims in Malay-language Bibles and other Christian publications was upheld on 14 October 2014, the court of appeal overturning a 2009 decision that such a ban was unlawful. The appeals court found that the freedom to practice a religion other than Islam is lawfully limited by Islam's status as the national religion, notwithstanding the constitution's guarantee that "other religions may be practiced in peace and harmony". The full scope of the "ban" on the use of "Allah" by non-Muslims remains unclear, with some officials saying it is limited to the *Catholic Herald*, which was the subject of the case; however, the precedent and basis of the judgment appear to have wider implications. The case has proved a high-profile, ongoing source of tension between religious communities.

The Malaysian judiciary operates on a parallel system of civil and syariah law, the latter governing Muslims. Syariah laws fall under state jurisdiction. In cases of public outrage over child marriages and public canings under syariah laws, politicians have argued that "the federal government is in no position to influence or change" Islamic laws.

<malaysiakini.com/news/441683>

Education and children's rights

Islamic religious education is compulsory for Muslim children in public schools; students from non-Muslim backgrounds are required to take non-religious morals and ethics courses. Minority religion classes may in some cases also be held during the school day. At primary and secondary public schools, student assemblies frequently commence with recitation of an Islamic prayer. In October 2019, several Islamic groups expressed outrage at the reading of a Christian prayer during a student awards ceremony. A police investigation was conducted against the school's faculty, and pending action from the prosecution office.

<nst.com.my/news/nation/2019/10/527739/cops-record-6-statements-christian-school-prayer-fiasco>

Grants are given selectively to private Islamic schools only, on agreement they allow government supervision and adopt a government-approved curriculum. Girls, particularly in peninsular Malaysia, may be required to wear the *tudung* (head covering).

Tahfiz Schools

In April 2017, a 11-year-old school boy suffered abuse at an Islamic religious school in the state of Johor. The boy, along with fellow school children had been whipped on the legs with a water hose by an assistant warden. This case has led to closer scrutiny of 'Tahfiz' schools where students learn to memorize the Koran. These schools are privately run and registered with the state religious department rather than the state education system. "To this day, we do not know who are actually in charge of regulating Tahfiz schools," Noor Azimah Abdul Rahim, chairman of the Parent Action Group for Education, told Reuters. The case follows controversy over a proposed bill that would have introduced stricter forms of the Islamic penal code, including punishments such as whipping.

<independent.co.uk/news/world/asia/malaysia-religious-islamic-school-boy-11-beaten-dies-legs-amputated-a7703096.html>

Recent tragedies of fires, rapes and sexual assaults by teachers have forced the government to declare that all Tahfiz schools must be regulated or shut down. UMNO and PAS, opposition parties who pursue Malay-Muslim supremacist ideals, immediately painted this as an attack on Islam and Malays.

<malaysiakini.com/news/398471>

<malaysiakini.com/news/444272>

Islamic Studies in Public Schools

In order to graduate from secondary school, Muslim students are forced to undertake compulsory Islamic subjects. In August 2018, there was public outcry after it became known that some educational materials in public schools for SPM-taking Muslim students (equivalent to O' Levels/GED) included violent topics.

What appears to be a leaked exam paper on Islamic Studies included a question on the permissible ways to "hit a disobedient wife".

<malaysiakini.com/news/444228>

Shortly after, another image from a textbook on Islamic Studies was leaked. The textbook read that death is a reasonable punishment for murtads (ex-Muslims).

<malaysiakini.com/news/444282>

Children's rights

Child marriages remain an issue in the country, with a significant amount of child marriages occurring yearly.

<girlsnotbrides.org/child-marriage/malaysia>

In June 2018, the marriage of a 41-year-old Malaysian man to an 11-years-old child was posted on social media by his second wife. The Deputy Prime Minister and Minister of Women and Family Development, Datuk Seri Dr. Wan Azizah Wan Ismail, stated that the 11-year-old girl 'consented' to the marriage.

<channelnewsasia.com/news/asia/15-year-old-girl-marriage-to-44-year-old-kelantan-man-wan-azizah-10737948>

After a government's investigation, the man was fined a total of RM 1,800 (USD 434) by the Gua Musang Syariah court for solemnizing a marriage and polygamy without obtaining the court's permission, with each charge comprising a paltry fine of RM 900 (USD 217). The man, however, remains married to the child.

<thestar.com.my/news/nation/2018/07/09/man-fined-rm1800-for-marrying-11-year-old-girl-without-syariah-courts-consent>

Citing the inability of the federal government to intervene on matters of the Syariah courts, the Deputy PM claimed that the Federal Government did not have the power to nullify child marriage as it falls under Islamic Syariah laws. <thesundaily.my/news/2018/07/10/govt-powerless-nullify-child-marriage-it-valid-under-islamic-laws>

As the issue developed, the federal government decided to take a stance to increase the minimum age of marriage to 18 by preparing working papers to raise the minimum age for both Muslims and non-Muslims.

The Mufti of Sabah, Datuk Bungsu Aziz Jaafar, spoke out against it, and suggested lowering the minimum age of marriage to 14 instead, stating that children are 'now more mature and prone to sex earlier', sparking outrage against the Islamic leader.

<says.com/my/news/sabah-mufti-voices-against-18-as-minimum-age-for-marriage-as-children-are-prone-to-sex><malaymail.com/s/1678233/consider-muftis-proposal-on-child-marriage-before-deciding-sabah-cm-says>

Unilateral child Islam conversion

While M. Indira Gandhi won her case at the Federal Court against the conversion of her three children to Islam without her consent, other women were not as fortunate. There are at least three other cases of unilateral conversion of minors to Islam in Malaysia that, as of 2019, have yet to be resolved.

<malaymail.com/s/1565215/other-cases-of-unilateral-child-conversion>

Family, community and society

The "threat" of atheism, humanism and liberalism

In May 2014, Prime Minister Najib Razak labelled "humanism and secularism as well as liberalism" a dangerous threat to Islam and the state. Speaking at the opening the 57th national Quran Recital Assembly, he characterised secular worldviews as dangerous ideologies, saying:

“They call it human rightism, where the core beliefs are based on humanism and secularism as well as liberalism. It’s deviationist in that it glorifies the desires of man alone and rejects any value system that encompasses religious norms and etiquettes. They do this on the premise of championing human rights.”

<themalaymailonline.com/malaysia/article/pm-says-human-rightism-humanism-secularism-new-religion-threatening-islam>

The idea that even divergent opinions within Islam are “deviant” and a dire threat to national security is a frequent accusation made by members of the Malaysian government. IHEU commented at the time:

“This is a sad reflection on Najib’s personal understanding of human rights, in particular his total failure to grasp the scope and necessity of freedom of thought, religion and belief.

“On the one hand he asserts that under Maqasid Shariah he will uphold the welfare of every citizen regardless of religion or other status, and yet in fact he denies the very essence of Article 18 rights: that every citizen must have freedom of thought, freedom of belief, freedom of religion. To rule out what he calls “apostasy” as Najib does, is to completely deny this long-established human right. It is not a matter of interpretation; he simply denies this basic human right to which his country is a signatory. ... These freedoms [of thought and expression] are not an alien agenda, they are a minimum standard for people to be able to live a fulfilled life and are the only way to achieve the progressive country which Najib says he wants to develop.”

— Sonja Eggerickx, then-president of the IHEU

<iheu.org/humanism-and-secularism-are-threat-to-islam-and-the-state-says-malaysian-prime-minister/>

In 2015, the president repeated similar slurs, but with reference to sexual minorities, drawing a direct moral equation between terrorist groups “like the Islamic State” with “lesbians, gay, bisexuals, and transgenders” who call for equality.

<hrw.org/news/2015/08/25/love-not-terrorism-najib>

Government threat to “hunt down” atheists

In August 2017 members of an atheist meetup group affiliated with the Atheist Republic Facebook page posed for a photograph at a social event in Kuala Lumpur. Those in attendance were smiling and making ‘peace’ signs towards the camera. The photograph was circulated widely online, leading to death threats and a government-led witch hunt against members of the group.

The government reportedly planned to launch a “detailed investigation” into whether any Muslims had joined the group. A Deputy Minister in the Prime Minister’s Department Dr Asyraf Wajdi Dusuki asked that the Malaysian Communications and Multimedia Commission (SKMM) should intervene as the group involved “the faith of Muslims in the country”. “If it is proven that there are Muslims involved in atheist activities that could affect their faith, the state Islamic religious departments or Jawi could take action. I have asked for Jawi to look into this grave allegation,” he told reporters.

<themalaymailonline.com/malaysia/article/deputy-minister-probe-underway-on-muslims-joining-atheist-club>

A Minister in the Prime Minister’s Department Datuk Seri Shahidan Kassim said the public should aid authorities in locating groups like the Kuala Lumpur affiliate of Atheist Republic so that action could be taken.

“The (Federal Constitution) does not mention atheists. It goes against the Constitution and human rights... I suggest that we hunt them down vehemently and we ask for help to identify these groups.”

— Datuk Seri Shahidan Kassim

themalaymailonline.com/malaysia/article/atheists-in-malaysia-should-be-hunted-down-minister-says

Inspector General of Police Khalid Abu Bakar warned Muslims or Malays against attending such events, saying that it was not their ‘right to attend’ such atheist events as they were against the Malaysian constitution. The Inspector General went on to say that “the police would scrutinise the existing laws to enable appropriate action to be taken should the atheist group cause anxiety for Muslims.”

thestar.com.my/news/nation/2017/08/17/muslims-attending-atheist-events-may-face-syariah-charges-igp/

thediplomat.com/2017/08/beware-the-war-against-aseans-atheists/

In a statement, International Humanist and Ethical Union president Andrew Copson said that criminalising apostasy contradicts the right to freedom of thought and belief. IHEU also condemned the comments made by Dr Kassim, ‘non-religious people have freedom of thought, freedom of expression and freedom of association, just like the religious and it is his talk of “hunting” human beings... which represents a grave human rights violation.’

iheu.org/iheu-deplores-backlash-hunt-atheists-malaysia/

Claim that atheism is “unconstitutional”

Following the verbal attacks on the Atheist Republic meetup, the liberty to hold or to express atheist views has been targeted by government ministers, claiming atheism is “unconstitutional” and punishable under Sharia and sedition laws. There is no clause prohibiting atheism in the constitution.

themalaymailonline.com/malaysia/article/putrajaya-freedom-of-religion-does-not-equal-freedom-from-religion

Homophobia

In Malaysia, sexual contact between two people of the same gender is illegal. LGBT rights are largely unrecognized in the country, with social attitudes being strongly influenced by Islam, the official religion. Human Rights Watch has stated that “discrimination against lesbian, gay, bisexual and transgender (LGBT) people is pervasive in Malaysia”.

Sections 377A and B of the Penal Code, a British colonial law, criminalizes consensual carnal intercourse between adults. Section 377D criminalizes outrages of decency.

Under the state-administered Shariah law, Liwat (sexual relations between men), musahaqah (sexual relations between women), and ‘male person posing as a woman’ and ‘female person posing as a man’ are also criminalized. 6 states in Malaysia impose maximum penalty of a RM 5,000 fine, 3 years of imprisonment and 6 strokes for musahaqah.

A teenager identified as Navheen was killed on the 17 June, 2017 in a violent attack where he was beaten, burnt and raped for hours allegedly by his classmates. Nhaveen was out celebrating with a friend, when he ran into six or more of his classmates that began to beat the two using helmets, according to reports. It is believed that his classmates had consistently bullied Nhaveen in the past

for being “effeminate” and “gay”. The attack came shortly after the Malaysian Health Ministry had announced a competition encouraging contestants to make anti-gay videos which demonstrated how to prevent homosexuality and deter people from identifying as transgender.

<pinknews.co.uk/2017/06/17/teen-killed-in-vicious-homophobic-attack-where-he-was-beaten-burnt-and-raped-for-hours/>

In March 2017, Malaysian religious police raided the private residence of a lesbian couple, arresting them along with another occupant.

<thestar.com.my/news/in-other-media/2017/03/01/foreigner-caught-for-khalwat-with-two-lesbians/>

The general election in May 2018 was celebrated for ushering in a new era. However, the new government’s first 100 days in power have been marked by increased discrimination, harassment and violent hate crime against the LGBT community.

The previous administration adopted a missionary or dakwah approach to LGBTI+ related issues. This included rehabilitation programmes to change one’s sexual orientation and seminars aimed at ‘understanding the psychological, psychospiritual, psychosocial, and health aspects of LGBTI+ in order to assist others to abandon their behavior’. JAKIM has also initiated a voluntary treatment and rehabilitation programme, ‘Ilaj Wa Syifa’ for LGBTI+ individuals.

The current administration has also adopted two frameworks - taghrib, which means providing assistance to encourage good conduct and tahrib, which means inciting fear to discourage sinful behavior, in order to ‘save LGBT people from sins and sex work and return them to the right path’.

On 18 August 2018, Royal Malaysian Police (PDRM), KL City Hall (DBKL), Federal Territories Islamic Religious Department (JAWI) and the National Anti-Drug Agency (AADK) , jointly raided a club in Kuala Lumpur, known for its LGBT clientele to “mitigate the LGBT culture from spreading into our society”. Twenty men were detained and forced to undergo religious counselling for ‘illicit behavior’ by the Federal Territory Islamic Religious Department of Malaysia (JAKIM).<coconuts.co/kl/news/authorities-raid-bar-claiming-will-mitigate-lgbtq-culture-dpm-says/>

Khalwat raids

Religious authorities, together with the police force, regularly conduct raids on hotels and make arrests for ‘khalwat’ (close proximity) between unmarried Muslims.

On February 2017, a lawfully wedded Muslim couple of three years and the husband’s mother sued the Federal Territories Islamic Religious Department (JAWI) for raiding and arresting them for ‘khalwat’ on 8 January 2017.

<malaymail.com/s/1317013/married-couple-sues-jawi-after-traumatic-khalwat-raid#ujMtggCWUISXmImO.97>

In January 2018, the case was dropped as the couple was unable to sustain the legal costs against the well-funded JAWI, which was allocated RM95 million by the Prime Minister’s Department for the 2017 National Budget. <themalaysianinsight.com/s/20489>

Caning or Corporal Punishment of Muslim Women

Under Malaysian laws, only Muslim women can be subjected to caning as the Criminal Procedure Code prohibits caning women. As a result, Muslim women are disproportionately vulnerable to caning, corporal punishment, and torture.

On 28 September 2018, a 30-year-old single mother who pleaded guilty to offering sexual services to a man, was ordered to be given six strokes of the cane and jailed for six months by the Terengganu Syariah High Court in Kuala Terengganu. The prosecution was conducted by Terengganu Syariah prosecutor Mohd Kahzmizan Abdullah, while the woman was unrepresented

<malaysiakini.com/news/444898>

<youtube.com/watch?v=K-XfBxPI_Jo>

In September 2019, member of Parliament Maria Chin Abdullah was charged with contempt of court for criticizing the syariah courts' unfavourable treatment of women.

<malaymail.com/news/malaysia/2019/09/18/will-pkr-mp-maria-chin-face-contempt-proceedings-shariah-court-to-decide-oc/1791679>

Freedom of expression, advocacy of humanist values

Death for “apostasy”

Despite contradicting federal law, the state governments of Kelantan and Terengganu passed *hudud* enactments in 1993 and 2002, respectively, making apostasy an offence punishable by death.

Despite their long-standing nature, no one has been convicted under these Sharia laws and, according to a 1993 statement by the Attorney General, the rulings could not be enforced without a constitutional amendment. (Amending the penal code is the exclusive prerogative of the federal government).

Enforced religious identity

The constitution defines all ethnic Malays as Muslim and severely restricts what kind of Islam may be practiced in the country.

Every Malaysian citizen over the age of 12 must carry an identification card, a 'MyKad', which must state the bearer's religion. This requirement alone appears to breach the International Covenant on Civil and Political Rights (ICCPT) under which States have no right to demand to know the religion of any of their citizens; a point reinforced by Section 3 of General Comment 22 of the Human Rights Committee: "In accordance with articles 18.2 and 17, no one can be compelled to reveal his thoughts or adherence to a religion or belief." In addition, the government has a history of limiting how citizens can identify their religion.

The Prime Minister reiterated in May 2014 that:

"We [the nation] will not tolerate any demands or right to apostasy by Muslims, or deny Muslims their right to be governed by Shariah Courts and neither will we allow Muslims to engage in LGBT activities".

— Prime Minister Najib Razak

The state sanctioned brand of Sunni Islam is defined and enforced via a central federal authority, as well as a constellation of state authorities, including the parallel Sharia-court systems. Practice of any non-Sunni variant of Islam is prohibited, with Shia Muslims notably targeted by religious enforcement, resulting in arrests of both local and foreign adherents.

<freemalaysiatoday.com/category/nation/2016/10/12/jais-arrests-50-pakistani-shia-muslims/>

In September 2019, state religious authorities, along with special police units, raided a gathering of 50 Shiite Muslims at a private residence. The raid was conducted without any warrants. 8 persons were arrested and charged with “contempt of the Sultan” under Syariah law.

<https://www.msn.com/en-my/news/national/gun-toting-cops-in-masks-treated-us-like-criminals-say-shia-muslims/ar-AAH7hC0?li=AAaD62f>

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”.

However, non-Muslims can legally identify as non-religious by heading to the National Registration Department (NRD) to request for a change in their religious status to ‘tidak ada agama’ (no religion).

Pervasive Sharia and “blasphemy”

The authorities continue to threaten people with prosecution for “insulting” religion and prosecutions are actively made. Several cases brought by the Malaysian Communication and Multimedia Commission (MCMC) were brought in March 2019 (see Highlighted Cases, below).

Articles 295-298A of the Malaysian Penal Code provide penalties for those who commit offenses against religion. The penalties include up to three years in prison or a large fine. Prosecutions for blasphemy usually target those who offend Islam, but an insult to any religion can give rise to prosecution.

Authorities at the state level administer Sharia laws through Islamic courts and have jurisdiction over all Muslims.

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 continue 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.

In July 2017 a state in Malaysia introduced public caning for people who break Sharia law, despite strong criticism from politicians and rights campaigners. The Islamist PAS party approved the law in the Kelantan state assembly, where they are the ruling party. Islamic law is followed throughout the country but it is usually restricted to personal and family issues, and unlike the majority of Malaysia the northern province already has strict Sharia laws in place including a ban on night clubs and cinemas. The majority of the people in Kelantan are Muslims, but there are also Christians, Buddhists and Hindus. Caning was introduced as part of an effort to streamline sentencing under Islamic criminal law, it “can now be carried out inside or outside of prison,” said Kelantan deputy chief minister Mohd Amar Nik Abdullah. “This is in line with the religion, which requires that sentencing must be done in public.”

<https://www.independent.co.uk/news/world/asia/malaysian-state-public-caning-sharia-law-break-islamic-muslim-a7838941.html>

In July 2018, the Malaysian government declared its intention to introduce the Religious and Racial Hatred Act in the near future, in an attempt to protect Islam and other religions in the country from “insult”. The Coalition of NGOs in the UPR Process (COMANGO) has raised concerns about the act, urging the government to be cautious about potential abuses, and to clearly define what constitutes insult and abuse versus legitimate criticism, in order to prevent it from turning into another law criminalizing blasphemy.

<thesundaily.my/news/2018/07/24/religious-and-racial-hatred-act-pipeline-updated>
<malaymail.com/s/1657443/new-religious-and-racial-hatred-bill-should-not-stifle-freedom-of-speech-co>

Just days prior to the announcement, the MCMC had issued a press release detailing its actions against kinds of social media use which it said “disrupts racial and religious harmony”. From February 2018-2019, the MCMC has investigated 47 cases, with 5 individuals being sentenced. The investigations entailed 2,358 requests for information/identity to social media platforms. Other actions taken include the removal of 3,407 social media accounts and 1,163 items of social media content.

<mcmc.gov.my/media/press-releases/mcmc-tangkas-menangani-penyalahgunaan-media-sosial>

Media and political freedoms

Freedom of expression is constitutionally guaranteed but severely restricted in practice. The declining situation in recent years has been described as risking a “political meltdown”.

<theguardian.com/global/2015/oct/30/malaysia-risks-a-political-meltdown-with-its-attack-on-free-speech>

Parliament reformed the restrictive Printing Presses and Publications Act in April 2012. However, the revised law retained the home minister’s authority to suspend or revoke publishing licenses but allowed such decisions to be appealed to judicial review. The amendments also eliminated the requirement that publications and printers obtain annual operating permits. Another legal change in 2012, made owners and editors of websites, providers of web-hosting services, and owners of computers or mobile devices used to publish content online accountable for information published on their sites or through their services.

State broadcasters and publishers reflect government views. Most private publishers and broadcasters are controlled by parties or business groups allied with the government, and they generally censor programming according to government guidelines. Books and films are directly censored or banned for profanity, violence, and political and religious material.

The internet has emerged as a primary outlet for free discussion and for exposing cases of political corruption. The government has responded in recent years by engaging in legal harassment of critical bloggers. The Malaysian Communication and Multimedia Commission (MCMC), an agency responsible in part for regulating the internet, has been known to monitor online content and order outlets or bloggers to remove material it views as provocative or subversive.

Recent years (2016-2017) have seen an increase in arrests in response to social media posts deemed as ‘insulting’ or defamatory towards senior government officials or members of the monarchy.

<freemalaysiatoday.com/category/nation/2017/03/20/superman-arrested-over-beauty-and-the-beast-fb-posting/>

<themalaymailonline.com/malaysia/article/student-arrested-over-facebook-posting-about-adenan>

<straitstimes.com/asia/se-asia/malaysia-police-arrest-man-for-posting-remarks-insulting-johor-princess-on-instagram>

While the government has pledged to repeal these laws, some of them still remain in effect and court cases against individuals are still ongoing. As of March 2019, the government has failed to repeal an anti-fake news law as it had pledged.

In March 2019, the government announced its intention to enact amendments to the Communications Act to “address the abuse of social media”. The Communications Minister claimed

the new laws were needed to be “more effective in addressing issues of racism, religious hate crime and offensive messages on the monarchy institution”.

nst.com.my/news/nation/2019/03/467048/govt-mulls-authorising-mcmc-remove-fake-news-racist-posts-social-media>

Freedoms of assembly and association are limited on the grounds of maintaining security and public order. The Peaceful Assembly Act, passed in late 2011, lifted a rule requiring police permits for nearly all public gatherings. However, other provisions were seen as a bid to restrict rather than safeguard freedom of assembly, including a prohibition on street protests and the levying of excessive fines for noncompliance with this rule. For example, in early 2015 the Peaceful Assembly Act was used to bring charges against peaceful protesters including opposition activists.

hrw.org/news/2015/09/10/malaysia-drop-criminal-cases-against-peaceful-protesters>

Highlighted Cases

In March 2019, **Alister Cogia** (22 years old) was sentenced to almost 11 years imprisonment in March 2019 for blasphemy on social media, via his “Ayea Yea” Facebook account. Three others were being held without bail while awaiting trial for the same charges for “insulting Islam and the Prophet” under the Penal Code and Communications Act. **Mohamad Yazid Kong Abdullah** (52), owner of the “Yazid Kong” Facebook account, pleaded guilty after he was charged in the Criminal Sessions Court. **Chow Mun Fai** (43), operating Twitter account @ALVINCHOW333, faces eight charges. **Danny Antoni** (28), pleaded not guilty to two charges in relation to his personal Facebook account. In a statement about the cluster of cases, Inspector-General of Police Fuzi Harun advised the public not to abuse social media by uploading or sharing any form of provocation touching on religious or racial sensitivities.

freemalaysiatoday.com/category/nation/2019/03/09/1-jailed-another-pleads-guilty-and-2-charged-with-insulting-islam-and-prophet/>

Eric Paulsen, personally non-religious and a recurring, legitimate critic of the government - especially in connection with the imposition of Islamist extremism - has been repeatedly harassed by the authorities. In January 2015 he was arrested and then in February charged with “sedition” for a 9 January tweet which read “Jakim [the Malaysian Islamic Development Department] is promoting extremism every Friday. Govt. needs to address that if serious about extremism in Malaysia.” In March 2015 he was again arrested, for tweeting about merely hypothetical problems in implementing Islamic *hudud* norms in Malaysia. His message read: “Do not simply believe that everything will be okay with hudud implementation - no basis that hudud will run smoothly in Malaysia”. Critical users tagged Inspector-General of Police Tan Sri Khalid Abu Bakar into their angry replies, leading Abu Bakar to announce that Paulsen should “watch his habit and mouth” when discussing sensitive topics such as religion, and asking, “Who is Eric Paulsen to question whether the hudud law is fair or not? ... I will review the tweets he sent out and the police will take action.” The Jakim tweet case is ongoing as of December 2015. Paulsen was arrested and detained but has not been charged in the Hudud tweet case, however several older “sedition” cases against others that were investigated in early 2015 have subsequently been brought to court.

themalaysianinsider.com/malaysia/article/jakim-can-sue-eric-paulsen-for-libel-says-lawyer-bernama>

themalaysianinsider.com/malaysia/article/human-rights-lawyer-eric-paulsen-nabbed-for-sedition-in-kl>

The **Kuala Lumpur “consulate” of the online group Atheist Republic** were targeted in an anti-atheist backlash, following publication in August 2017 of a photograph from a meetup event which went viral. The government said it would launch a “detailed investigation” into whether any

“Muslims” had joined the Atheist Club(!). A Deputy Minister in the Prime Minister’s Department Dr Asyraf Wajdi Dusuki asked that the Malaysian Communications and Multimedia Commission (SKMM) should be involved as it involved “the faith of Muslims in the country” and: “If it is proven that there are Muslims involved in atheist activities that could affect their faith, the state Islamic religious departments or Jawi could take action. I have asked for Jawi to look into this grave allegation.”

<themalaymailonline.com/malaysia/article/deputy-minister-probe-underway-on-muslims-joining-atheist-club>

Another government minister said the public should aid authorities in a “hunt” for atheists so that action could be taken:

“The (Federal Constitution) does not mention atheists. It goes against the Constitution and human rights... I suggest that we hunt them down vehemently and we ask for help to identify these groups.”

— Datuk Seri Shahidan Kassim

<themalaymailonline.com/malaysia/article/atheists-in-malaysia-should-be-hunted-down-minister-says>