



KUALA LUMPUR AND SELANGOR MULTIRACIAL REVERTED MUSLIMS (MRM) STAKEHOLDER REPORT FOR MALAYSIA'S 4TH CYCLE OF UNIVERSAL PERIODIC REVIEW

Executive Summary

1. Kuala Lumpur and Selangor Multiracial Reverted Muslims (MRM) is an Islamic civil society organisation, registered with the Malaysian Registrar of Society PPM-006-14-05022014. Established in 2014, MRM is dedicated to handling issues related to the welfare of born Muslims and Muslim reverts. Over the years, MRM has been receiving complaints from Muslims, especially the reverts on issues like anti-Muslim sentiment or Islamophobia and violation of their freedom right in religion. MRM also plays an active role by clarifying these misconceptions.
2. In Malaysia, Muslim reverts are defined as 'those who embraced Islam and the intention is still weak, and so the granting of zakat is to straighten their faith but if their faith is already strong then they do not have to be given zakat'. Hence, they are vulnerable to discrimination, abuse, and exploitation within their own race.
3. The Organisation of Islamic Cooperation (OIC) defines Islamophobia as "a fear, or more precisely, an excessive fear, against Islam, against Muslims, as well as against anything associated with religion. It also constitutes racism and discrimination in daily life, media, workplace, and political sphere, etc. It rests in the mind, and it reflects in attitudes and could be manifested through violent actions".
4. Malaysia, albeit a Muslim-majority state, ironically there are many instances amounting to Islamophobia that create disturbance to the majority of Muslims. This has been a persistent issue for years and the widespread failure to recognize Islamophobic tendencies by the government from the previous UPR has created an indelible unfair negative stereotyping of Muslims and consequently a deep false excessive fear of Muslims and Islam. In this submission, MRM highlights the surrounding Islamophobia issues in Malaysia among Muslim reverts, media, education, and politics.

Islamophobia Among Muslim Reverts

a. Right to Freedom of Religion or Belief

5. The act of embracing Islam by the Chinese community is sometimes viewed as the act of turning away from one's ethnicity and it is confounded by some false perceptions. They were called 'Jip Huan' means 'becoming Malay' or entering 'an uncivilized race' in the Chinese Hokkien dialect¹. This is among stereotypes towards Muslim reverts in Malaysia and it grows to become Islamophobia.

6. There are reports that the Muslim reverts to practice in secrecy for fear of rejection from their families and peers, and some face extreme physical or mental abuse². There are also some reports expressing their difficulties to perform religious duty at home. Due to such misunderstanding, many Muslim reverts had to conceal their conversion to Islam.
7. Despite accepting a recommendation on the undertaking of administrative, policy, and legislative measures to guarantee freedom of religion and belief for all in Malaysia, consistent with the Constitution³, up until now there is no specific legislation to counter the prejudiced sentiment towards Islam in Malaysia. Rather there are many legislations and policy papers that attempt to promote and preserve harmony and religious diversity; however, it is not specified to encounter this sentiment in Malaysia.

Recommendations:

- i. Enact Anti-Islamophobia Act in line with paragraph 5(f) of the Human Rights Resolution 16/18, which calls for measures to criminalize incitement to imminent violence based on religion or belief.
- ii. Call for the Government to combat intolerance, negative stereotyping, and stigma against Muslim converts, in line with the Human Rights Council Resolution 16/18.

b. Rights to Social Protection

8. Although Malaysia received recommendations from the previous UPR Cycle regarding the right to social protection, there are no specified rights for Muslim reverts. MRM received reports stating the mistreatment given towards Muslim reverts from their own community which forced them to conceal their religious identity.⁴
9. It became precarious when their family members contested over the burial rites of these Muslim reverts upon their deaths. In 2019, there was a dispute among communities about the religious status of a Muslim revert which led them to fight over the corpse.⁵ Although Islamic authorities body, JAKIM built a registry system to remedy problems faced by the Muslim reverts since 2013 called as '*e-muallaf* registry system'⁶, the implementation of the registry was only for certain states and there is no database synchronization between inter-agencies from all states in Malaysia.⁷

Recommendations:

- i. Acknowledge, define, and set guidelines on the act of Islamophobia in regard to the significance of Islam as the religion of the Federation under Article 3(1).
- ii. Pursue the proposal advanced by the Organisation of Islamic Cooperation (OIC) for the introduction of an international law to criminalize all acts of Islamophobia.
- iii. Call for the government to enhance the *e-muallaf* registry system to facilitate inter-agencies collaboration for all states in Malaysia in providing social protection and other welfare services for Muslim Reverts.

c. Right to a Fair Trial for Muslim Reverts

10. Under the present provisions of the Law Reform (Marriage and Divorce) Act 1976 (Act 164), the party who does not convert to Islam may petition for divorce under Section 51. Often a problem that arises for Muslim reverts after divorce is the equal right to the custody and upbringing of their children in civil marriage.
11. In 2022, MRM received a complaint from a Muslim revert who divorced his non-Muslim wife and lost custody of his children.⁸ Sole custody was given to his former wife due to fear of conversion without looking at the ability of the opposite party for the children's welfare. This scenario has become more intricate with the recent Federal court decision in the case of Indira Gandhi in 2018, where the court took a simplistic approach of insisting that the consent of both parents is required before a child could be converted.⁹
12. On the surface, it may seem to ensure equality between both parents in determining the religious upbringing of their children. However, upon closer inspection, it is revealed that such an approach is far too simplistic and would only act to discriminate against one of the parents who convert to Islam.
13. To require a father or a mother to obtain the consent of both parties is nearly impossible when they are already in a divorce proceeding. Such a requirement would amount to stripping away the fundamental rights and the upbringing of the child.
14. This is a direct contradiction to an earlier decision by the Malaysian Federal Court in the year 2008,¹⁰ wherein the court took a more harmonious approach, to allow a parent who reverts to Islam to determine the religious upbringing of his children while according to the non-converting parent the right to objection. Where such an objection is raised, the matter would be resolved by the court on a case-to-case basis, considering all the surrounding facts, the opposing wishes of the parents as well as the paramount interest of the child.

Recommendations:

- i. Ensure welfare and wishes of the children are taken as vital considerations in determining custody between Muslim converts and their non-Muslim spouses.
- ii. Call for the Malaysian Courts to deliberate on the issues of children's religious upbringing based on a case-to-case basis.

Islamophobia in Media

15. Although Malaysia is a Muslim-majority country, there is an ongoing trend by the media to demonize Islam and Muslims under the name of freedom of speech and expression. Numerous Malaysian media outlets, especially online news portals have adopted the Western trend of highlighting Islam and Muslims negatively to create prejudice, fearmongering, and misunderstanding of the faith.¹¹
16. According to the said report, negative media coverage includes giving Islam bad press, the portrayal of morality issues as religious extremism, a smear of public Muslim figures, selective publication and media bias against defense of discriminated Muslims and hate

speech in social media in the name of freedom of speech.¹²

17. In December 2018, The Star used an inflammatory juxtaposition of a Muslim girl donning a prayer grab (telekung) to accompany its report on underage marriage¹³. And in November 2020, The Star repeated the same offense, using the same cover photo in its report¹⁴.
18. Another instance in July 2023, Mandarin media, China Press gave a negative impression by using the headline 'Muslim men are not satisfied with polygamy, like to flirt someone's spouse'. After two days, China Press corrected the headlines after receiving backlash of misquoting the statement.¹⁵
19. Due to negative media coverage, it creates a trend for the media in Malaysia to portray any initiative by the government or its agencies to regulate matters relating to morality and decorum as Taliban-like¹⁶. For instance, the dress code for the public to enter government premises when people do not comply with the rule and regulations enforced by the government¹⁷, some non-Muslim communities tried to quote this event to ridicule Islamic values¹⁸ and relate this event to enforcing Islamic rulings.¹⁹
20. Due to the outgrowing number of hate speech in the media, it not only consequently generates a great amount of hatred, unnecessary fear, and misunderstandings towards Islam. But it also creates consistent friction between Muslims and non-Muslims in Malaysia.
21. It is undeniable that freedom of speech and expression is under the Federal Constitution.²⁰ However, Article 8(2) of the Federal Constitution mentions there shall be no discrimination against citizens on the grounds of religion and race.

Recommendation

- i. Enact Anti-Islamophobia Act in line with paragraph 5(f) of the Human Rights Resolution 16/18, which calls for measures to criminalize incitement based on religion or belief.

Islamophobia in Education

22. Incidents of Islamophobia in the education sector covers the directives by the Ministry of Education (MOE), school regulations, syllabus and timetables, policies and selected activities within the school compounds.
23. In 2019, the Malaysian government planned to introduce a six-page lesson on Jawi khat calligraphy in the Year 4 Bahasa Malaysia textbook for vernacular schools. The proposal was made in order to teach the students to appreciate the Jawi alphabet as Malaysia's cultural heritage.²¹ However, there were groups of people who tried to protest against this proposal by accusing this proposal as an act of Islamization.²²
24. However, on a closer look, the Jawi alphabet was used for centuries prior to the introduction of the Latin alphabet. It was used for everyday purposes and is not exclusive to Islam. Equating the introduction of Jawi khat calligraphy to Islamization is clearly a prejudice toward Islam.

25. In 2019, a Malaysian speaker who give a motivational talk at a Secondary School alleged 'subtle preaching'. This allegation was later denied by the then Minister of Education that there were no elements of racial or religious sensitivities in the talk.²³
26. In 2020, an objection to congregational prayers in MARA schools happened despite it being part of MARA's curriculum since its inception.²⁴ It was falsely portrayed as a new form of religious extremism.²⁵

Recommendation

- i. Call for the Malaysian government not to succumb to irrational prejudice toward Islam. The government should protect the cultural heritage of Malaysia.

Politicized Islamophobia

27. MRM has observed constant targeting of Muslims by political leaders using their position and influences in government to manipulate the sentiments of non-Muslims and spread Islamophobia. Their statements, which are seditious and inciting hatred as well as discrimination towards Muslims have been given leeway without appropriate action.
28. In 2019, a politician, Nga Kor Ming alleged that the political cooperation between UMNO (Malay Party) and PAS (Islamic Party) would turn Malaysia into a state ruled by 'Taliban'.²⁶ In 2022, another politician, Hew Kuan Yew allegedly made a statement that promoted ill-will, discontent, or hostility towards the Malay community.²⁷
29. Fearmongering and mischaracterization of Malay Muslims as extremists, radicals, and immigrants²⁸ can be seen in a government-funded comic due to Malay Muslims merely lending their support to Muslim Uyghurs in China who are being subjected to detention camps.²⁹

Recommendation

- i. Amend the implementation of Section 298 of the Penal Code make the insult of any religion or racial a criminal offence.

¹ Muhamat Kawangit, Razaleigh & Don, Abdul Ghafar & Hanin Hamjah, Salasiah & Md Sham, Fariza & mohd nasir, Badlihisam & Ashaari, Muhamad Faisal & Tibek, Siti & Ismail, Zainab & Endot, I. & Puteh, A. & Ismail, Adawiyah & Ghani, M.Z. (2012) The history of ethnic relationship in Malaysia. *Advances in Natural and Applied Sciences*. 6. 504-510.

² Refer to **Appendix A: Report On Muslim Converts' Interview**.

³ Recommendation 151.135. from Malaysia's Third Universal Periodic Review.

⁴ Refer to **Appendix A: Report On Muslim Converts' Interview**.

⁵Predeep Nambiar (3rd April 2019) *Let My Daughter Stay Buried as a Muslim, pleads Surinder's Mum*. Retrieved from <https://www.freemalaysiatoday.com/category/nation/2019/04/03/let-my-daughter-stay-buried-as-a-muslim-pleads-surinders-mum/>

⁶ *E-muallaf* registry system is a registry system to record their religious status which will help with the distribution of financial assistance (*Zakat*) and their burial rites later.

⁷ Berita Harian (29th March 2022) JAKIM sasar e-muallaf diperluas menjelang akhir 2022. Retrieved from <https://www.bharian.com.my/berita/nasional/2022/03/939781/jakim-sasar-e-muallaf-diperluas-menjelang-akhir-2022>

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- ⁸ Refer to **Appendix A: Report On Muslim Converts' Interview** for more details..
- ⁹ Decision of Federal Court dated 29 January 2018 in the case of **Indira Gandhi a/p Mutho v Pengarah Jabatan Agama Islam Perak & Ors and other appeals** (2018) 1 MLJ 545.
- ¹⁰ Decision of Federal Court dated 27 December 2007 in the case of **Subhashini Rajasingam v Saravanan Thangatory & Other Appeals** (2008) 2 CLJ 1.
- ¹¹ Levent Huseyin (6 Jun 2022) *784,000 Articles show Western Media's anti-Muslim bias over 20 years*, Retrieved from <https://www.dailysabah.com/world/islamophobia/784000-articles-show-western-medias-anti-muslim-bias-over-20-years>
- ¹² MACSA *Inaugural Islamophobia Report 2017-2022* (13 July 2021)
- ¹³ The Star (11 December 2018) *Not all child brides are Muslim*, Retrieved from https://www.thestar.com.my/opinion/letters/2018/12/11/not-all-child-brides-are-muslim/?fbclid=IwAR2cBxTPiG_4YfQ6hOOVfNYV3C-NEvBiVcJBarKRWVA24ynf_MuK2IW6g8
- ¹⁴ The Star (24 November 2020) *NGO calls for more awareness campaigns against child marriages in Sabah*, Retrieved from <https://www.thestar.com.my/news/nation/2020/11/24/ngo-calls-for-more-awareness-campaigns-against-child-marriages-in-sabah>
- ¹⁵ The Merdeka Times (4th July 2023), *Media Bahasa Mandarin Mainkan Sentimen Agama, Islamofobia*, Retrieved from <https://themerdekaitimes.com/news/2023/07/media-bahasa-mandarin-mainkan-sentimen-agama-islamofobia/>
- ¹⁶ Raymond (5 February 2023) Twitter, Retrieved from <https://twitter.com/Raymond07098222/status/1622203580697681923>
- ¹⁷ BFM News (11 March 2023) Twitter, Retrieved from <https://twitter.com/NewsBFM/status/1634559943700529157>
- ¹⁸ BFM News (11 January 2023) Twitter, Retrieved from https://twitter.com/Benny_TehVerito/status/1610513679149301762
- ¹⁹ 李仕强 (25 February 2023) 李仕强：冤魂不散的衣著指南争议, Retrieved from <https://www.orientaldaily.com.my/news/mingjia/2023/02/25/548770>
- ²⁰ Article 10 of the Federal Constitution
- ²¹ Malaysiakini (6 August 2019) *Questions over khat issue?- Education Ministry releases FAQ to clarify*, Retrieved from <https://www.malaysiakini.com/news/486919>
- ²² Malaysiakini (10 August 2019) *Dong Zong insists khat lessons is Islamisation, starts petition*, Retrieved from <https://www.malaysiakini.com/news/487483>
- ²³ Malaysiakini (9th July 2019) *Ramasamy questions if ministry aware of 'subtle preaching' in schools*. Retrieved from [Ramasamy questions if ministry aware of 'subtle preaching' in schools \(malaysiakini.com\)](https://www.malaysiakini.com/news/487483)
- ²⁴ Malaysiakini (23 January 2020) *School association denies parents' claims of excessive religious rituals*, Retrieved from <http://www.malaysiakini.com/news/508130>
- ²⁵ The Star (30 September 2018) *What to do with religious education*, Retrieved from <https://www.thestar.com.my/opinion/columnists/siti-kasim-thots/2018/09/30/what-to-do-with-religious-education-the-right-place-for-theocratic-studies-is-not-in-public-schools>
- ²⁶ Free Malaysia Today (3rd April 2021) *The real reason PPMM, UMNO and PAS can't agree* [The real reason PPBM, Umno and PAS can't agree | Free Malaysia Today \(FMT\)](https://www.fmt.com.my/news/2021/04/03/the-real-reason-ppmm-umno-and-pas-cant-agree/)
- ²⁷ New Straits Times (23rd November 2022) *DAP activist 'Superman Hew' nabbed over GE15 speech*. Retrieved from [DAP activist 'Superman Hew' nabbed over GE15 speech \(nst.com.my\)](https://www.nst.com.my/news/nation/2022/11/23/dap-activist-superman-hew-nabbed-over-ge15-speech)
- ²⁸ New Straits Times (30 July 2018) *Kulasegaran apologises over 'pendatang' remark*, Retrieved from <https://www.nst.com.my/news/nation/2018/07/396005/kulasegaran-apologises-over-pendatang-remark>
- ²⁹ SCMP (22 October 2019) *Malaysia's Mahathir joins criticism of comic book linking Malay Muslim youths to extremism over China's Uyghur*, Retrieved from <https://www.scmp.com/news/asia/politics/article/303393/malysias-mahathir-joins-criticism-comic-book-linking-malay>