



**Submission for Malaysia's United Nations  
Human Rights Council's Universal Periodic Review 2018**

**Title: Religious Rights of LGBT people need to be respected.**

**Introduction: Islamic Medical and Health Practitioner Association of Malaysia (I-Medik)**

1. Islamic Medical and Health Practitioner Association of Malaysia (**I-Medik**) is made up of registered medical, dentist, pharmacy, nurses and other healthcare practitioners. Established in 2013, I-Medik is dedicated in voicing up the Islamic point of view relating to various medical issues and organizing programs encompassing character building, community health enrichment, research and humanitarian aids. I-Medik is also updated with current health issues concerning the society and playing an active role in bridging the modern medicine with religious and cultural values.

**LGBT's rights to religious practise**

2. The lesbian, gay, bisexual and transgender (LGBT) community has reported that they are religiously discriminated by certain segments of the community. The spiritual need is also a form of religious rights to LGBT community which has been consistently denied.<sup>1</sup> Issues of sexual orientation and gender identity should be addressed in accordance to religious guidance.
3. Studies in Malaysia showed that 80% of transgender in Malaysia are Muslims.<sup>2</sup> Yet initiatives by the Islamic Development Department of Malaysia (JAKIM) was met with vehement criticism by certain groups.<sup>3</sup>

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<sup>1</sup> I Was A "Mak Nyah" And Rehab Made Me See How Far I Have Strayed Away From My Religion, Retrieved from <http://malaysiandigest.com/frontpage/282-main-tile/577124-i-was-a-mak-nyah-and-rehab-made-me-see-how-far-i-have%20strayed-away-from-my-religion.html>

<sup>2</sup> Teh YK. HIV-Related Needs For Safety Among Male-To-Female Transsexuals (Mak Nyah) in Malaysia. SAHARA: Journal of Social Aspects of HIV/AIDS Research Alliance, 5 (4) (2008) 178-85; and Wei CL, Baharuddin A, Abdullah R, Abdullah Z, Ern KPC. Transgenderism in Malaysia. Journal of Dharma, (2012).

<sup>3</sup> <http://www.themalaymailonline.com/malaysia/article/jakims-spiritual-camp-tried-to-change-us-lament-muslim-transgenders#fUwj104Ep7WdWkGm.97>

4. We are concerned that this is a form of denial and discrimination against the religious rights of LGBT persons. JAKIM should organize more all-rounded programmes on the LGBT community.<sup>4</sup>
5. The manual *Islam and Mak Nyah* aims to remove stigma and discrimination surrounding the LGBT people. However, it lacks guidelines and information on gender sensitization for Islamic authorities. The guidelines is important because previous studies have suggested that fusion of religious elements could benefit people in term of psychologically and physical health.
6. There have also been attacks against academics and institutions dedicated in studying and advocating religious and health rights of LGBT persons.<sup>5,6,7</sup>
7. Previous studies have suggested that fusion of religious elements could benefit people in terms of psychological and physical health, thus attaining a happier, more meaningful life. The testimonies of the application of religion as a protector for the health in general and mental health in particular have been shown in different studies.<sup>8</sup>
8. A study revealed that religious beliefs enhanced healthy behaviours and decreased risky ones in these groups even more than the effect it exerted in the group of heterosexuals.<sup>9</sup> In as much as the experience of rejection by religious communities and religion authorities is perceived concurrently, the individual resorts to build spirituality free of religion for him/herself.<sup>10</sup> Spiritual needs are also a form of religious rights for LGBT community and should not be denied to them.

### **Discrimination against transgender at workplace**

9. Transgender in Malaysia face discrimination in terms of employment, that as many as 86.6% of them are reportedly working as sex workers. Involvement in sex trade exposes them to sexual transmitted diseases particularly HIV infection. The high prevalence of selling sex worsen the social stigma the community has already suffered from.<sup>11</sup>

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<sup>4</sup> UM students want LGBT programmes to be more balanced. <https://www.themalaysianinsight.com/s/18441/>

<sup>5</sup> McCullough ME, Willoughby BL. Religion, Self-Regulation, And Self-Control: Associations, Explanations, And Implications. *Psychological Bulletin*, 135 (1) (2009) 69.

<sup>6</sup> Elifson KW, Klein H, Sterk CE. Religiosity And Hiv Risk Behavior Involvement Among "At Risk" Women. *Journal of Religion and Health*, 42 (1) (2003) 47-66.

<sup>7</sup> Miller WR, Thoresen CE. Spirituality, Religion, And Health: An Emerging Research Field. *American Psychologist*, 58 (1) (2003) 24.

<sup>8</sup> Safavifar F, Eftekhari M, Alavi K, Negarandeh R, Jalali AH, Eftekhari M. Religious experiences of Iranian transgenders: A qualitative study. *Med J Islam Repub Iran* 2016 (8 June). Vol. 30:385.

<sup>9</sup> Hatzenbuehler ML, Pachankis JE, Wolff J. Religious climate and health risk behaviors in sexual minority youths: A population-based study. *American journal of public health* 2012;102(4):657-63.

<sup>10</sup> Yip AK. Queering religious texts: An exploration of British non-heterosexual Christians' and Muslims' strategy of constructing sexualityaffirming hermeneutics. *Sociology* 2005;39(1):4765.

<sup>11</sup> Gibson BA, Brown S-E, Rutledge R, Wickersham JA, Kamarulzaman A, Altice FL. Gender Identity, Healthcare Access, And Risk Reduction Among Malaysia's Mak Nyah Community. *Global Public Health*, (2016) 1-16.

## Discrimination regarding approaches to overcome HIV in LGBT

10. It is a concern that men having sex with men (MSM) or gay and transgender people (TG) represent the populations most affected by AIDS epidemic with HIV infection rates exceeding 5%. This data for 2014 was as reported in “Global AIDS response progress report Malaysia 2016 in ending AIDS by 2030” (Malaysia Global AIDS). It was 8.9% to be exact in MSM and 5.6% in TG.<sup>12</sup> This rate was higher than the HIV rate of infection in the normal population which is 0.4 to 0.1%.
11. More recently, data in 2016 showed homosexuals predominate the number on new HIV infection cases. There were 1553 new cases of HIV in homosexuals and bisexuals, as compared to 1311 heterosexuals. 40% of those transmitted through homosexuals and bisexuals are in the age group of 19-29 years old, many are students. While 31% are made of adult age from 30-39 years old.<sup>13</sup>
12. These HIV cases especially among LGBT were rejected by religious communities. This rejection was experienced by the LGBT community especially those who had more intimate relations with the institutions associated with religion. So far, this experience has been studied in the sexual minorities in Christian societies.
13. In a study, it was found that the fact of religious authorities tackling homosexuality through Islamic penal codes will reduce the HIV cases.<sup>14</sup> The comprehensive study in Malaysia verifies this status of religion rejection in order to overcome the HIV in LGBT.<sup>15</sup>

## Rights for academic freedom

14. It is a concern that rights for academicians to research and intervene issue in LGBT have been denied. As example, a new research academy founded in USIM focusing on LGBT predicament has been maligned to give harmful misconceptions and biased opinions against LGBT at which the academy main objective is to help the LGBT community to face their challenges in society.<sup>16</sup>
15. The Action Plan to Address Social Ills (LGBT Behaviour) 2017-2021 in collaboration with 22 strategic partners including government agencies<sup>17</sup> is one the positive resolutions. Since the launch of the Action Plan, in collaboration with Islamic NGOs,

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<sup>12</sup> KKM. National Strategic plan: Ending AIDS 2016-2030. Ministry of Health Malaysia, Putrajaya: 2015.

<sup>13</sup> Berita Harian. 4 Disember 2017. Punca jangkitan penyakit kelamin meningkat.

<sup>14</sup> AbuKhalil Aa. Gender boundaries and sexual categories in the Arab world. *Gender Issues* 1997;15(1):91-104.

<sup>15</sup> Ishak MSBH, Haneef SSS. Sex Reassignment Technology: The Dilemma of Transsexuals in Islam and Christianity. *Journal of religion and health* 2014;53(2):520-37.

<sup>16</sup> <https://www.themalaysianinsight.com/s/35865/>

<sup>17</sup> Listed partners include, the Ministry of Education, Ministry of Women, Family and Community Development, and Ministry of Youth and Sports, Ministry of Health, Jabatan Kehakiman Syariah Malaysia; Lembaga Penduduk dan Pembangunan Keluarga Negara (LPPKN); Institut Kefahaman Islam Malaysia; Yayasan Dakwah Islamiah Malaysia; Jabatan Agama Islam Seluruh Malaysia.

JAKIM has launched a 'self-help' e-book on solving sexual orientation and gender identity, and developed treatment and rehabilitation modules for LGBT community.<sup>18</sup>

16. The plan is important because previous studies have suggested that treatment and rehabilitation is a good approach that could benefit people psychologically. Researches and interventions on LGBT as well as educational institutions being said as a source of violence towards LGBT and gender diverse or gender non-conforming students<sup>19</sup> are an absolute misperception.

#### 17. **Recommendations:**

- I. To provide gender sensitization and human rights trainings to religious authorities.
- II. For religious authorities to formulate guideline on gender sensitization.
- III. To educate the Malaysian communities to respect the religious rights of the LGBT community.
- IV. To ensure no discrimination in entrepreneurship incentive loans in starting business or assistance in getting job to get out from sex trade.
- V. To provide more counselling facilities for HIV infected personnel.
- VI. To permit educational institutions and academician freedom for research and development among LGBT community.

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<sup>18</sup> <http://www.sinarharian.com.my/nasional/jakim-buka-pusat-perlindungan-pesakit-hiv-aids-guna-kaedah-islam-1.105193>

<sup>19</sup> <http://m.themalaymailonline.com/what-you-think/article/public-funds-must-not-be-used-to-create-harmful-educational-environments-ju>