**Report on Anti-Muslim Hatred and Discrimination**

**January 11, 2021**

**RE: DISCRIMINATION AND THREATS ON PROGRESSIVE AND FEMINIST MUSLIMS**

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(as members of umbrella organization Alliance of Inclusive Muslims)

**MALAYSIA**

1. **Deconstructing Islamophobia**

"Drawing on the Runnymede Trust definition, Zúquete (2008, p. 323) describes Islamophobia as “a widespread mindset and fear-laden discourse in which people make blanket judgments of Islam as the enemy, as the ‘other’, as a dangerous and unchanged, monolithic bloc that is the natural subject of well-deserved hostility from Westerners.” Considering the breadth and scope of this definition, it’s imperative we consider how "Islamaphobia" may be perpetuated by Muslim leaders, authorities, and ordinary believers intracommunally.

1. **State laws and policies against labeled ‘liberal’ Muslims**
   1. **State fatwas that declared ‘pluralism and liberalism’ are deviant teachings.**
      1. In several states in Malaysia, the Fatwa Councils have issued fatwas that declared pluralism and liberalism as deviant teachings. In 2003 in Selangor, the fatwa also declared Sisters in Islam, a progressive women’s rights organisation a deviant organisation.[[1]](#footnote-1) August 27, 2020 - The 2014 Selangor fatwa that declared Sisters in Islam (SIS) as a deviant organisation for subscribing to "religious liberalism and pluralism" still stands. Justice Nordin also ruled that the High Court does not have the jurisdiction to rule on the case based on Article 121(1A) of the Federal Constitution where such matters should have been referred to the Syariah Court.
      2. Further harms: In 2015, at an international KMU conference of progressive Muslims, religious authorities and police threatened the organizers and hotel staff for details about said conference in an effort to silence progressive faith-based organisations. Certain legal frameworks permit religious authorities and police to raid offices, events, and even prosecute activists within their jurisdiction who have been accused of violating fatwas.
   2. **Banning of books**
      1. May 30, 2012 - Enforcement officers from the Selangor Isla­mic Affairs Department (Jais) raided the office of ZI Publications and seized 180 copies of the banned book Allah, Liberty and Love by Irshad Manji. They also detained the director and owner of the publishing house, Ezra Zaid, in the 11.30am raid yesterday.[[2]](#footnote-2)
      2. December 17, 2020 - Mohd Ezra Mohd Zaid finally walked out of the courtroom a free man today after the Syariah lower court released him from a charge of publishing a controversial book. He had been fighting the case over the past eight years since the book was published by his company in 2012. Syarie judge Shukran Yusof acquitted and discharged Ezra from the charge of publishing 180 copies of the book written by Canadian Irshad Manji.[[3]](#footnote-3)
      3. Further harms: The Ministry of Home Affairs has created a hostile environment of intimidation and is stifling free expression by banning books written or published by liberal Muslims on the grounds that such media is a threat to national security and public order.
   3. **Liberals in the same category as terrorists**
      1. October 27, 2015 - Wasatiyyah” (moderation) in society is necessary to prevent a society from succumbing to the twin enemies of all major religions – liberalism and extremism, Prime Minister Datuk Seri Najib Razak said today.[[4]](#footnote-4)
      2. September 8, 2020 - Prime Minister of Malaysia also President of Pribumi Bersatu Party of Malaysia, Tan Sri Muhyiddin Yassin has claimed today that it is “God’s will” that his party has now allied itself with two other Malay-dominant parties, Umno and PAS—both previously its political enemies. In his policy speech for the third Bersatu Annual General Meeting peppered with verses of Quran and Arabic phrases, Muhyiddin who is also Perikatan Nasional (PN) chairman, said divine will has caused the three parties to band together for the sake of the Malay-Muslim community’s unity. Muhyiddin also promised that PN will fight to return “moderate” Sunni Muslim teachings, which form the basis of the brand of Islam solely recognised by Putrajaya, and to “fight secularism and liberalism”.[[5]](#footnote-5)
      3. Further harms: This measure is not only to group liberal Muslims with ISIS fighters to show their ‘threat’ to Islam and the country, but also to legitimise the use of arbitrary security measures against liberal Muslims.
2. **Doxxing and hate speech against human rights activists and organisations**
   1. **Portal and social media**
      1. Near the 14th general election, a portal called menara.my was created to target liberal Muslim advocates. The content included clickbait headings and maliciously framed language to name and shame liberal Muslims by characterizing them as “infidels and a threat” to Islam and the country. The goals were to incite hatred, anger, and action among the Muslim population to shun the opposition coalition, that, at the time, were fighting for greater societal and cultural freedoms. Most importanly, this has affected the personal lives of liberal Muslim advocates and activits in devastating ways.
   2. **Leading to personal impacts**
      1. Most of the content gained public support not only from social media users but the family members and friends of the targeted activists. Some of the targeted activists have been summoned by the authorities to give statements regarding viral content reported on the portal, and some, including officers of KMU, applied and received temporary asylum abroad. Many have suffered from anxiety, trauma and depression as they go through family pressures, public and authority intimidations, and humiliations. Intimidations and death threats also affect international progressive and feminist Muslim organization MPV, a partner of KMU.

**4. Halal Certification has negative consequences for many Muslims and Non-Muslims**

Drawing upon the Runnymede Trust definition, Islamophobia is described as “a widespread mindset and fear-laden discourse in which people make blanket judgments of Islam as the enemy, as the ‘other’, as a dangerous and unchanged, monolithic bloc that is the natural subject of well- deserved hostility from Westerners.” (Zúquete, J. P. 2008, p. 323)[1]”

However, in Malaysia there is also the problem of unfair discrimination against Muslim individuals and communities by Muslims within the Muslim society, and this can be seen as impinging on the former’s freedom of conscience, expression and choice, especially their rights to civil reasoning and discourse.

The implementation of Halal Certification in Malaysia has resulted what Semati (2010, p. 1) calls it “a single, unified and negative conception of an essentialized Islam,[2] and contributes to Islamophobia as “a form of differentialist racism” as described by Werbner (2005)[3]. The Halal Development Corporation Berhad, formerly known as Halal Industry Development Corporation Sdn Bhd) is a Malaysian federal government agency established on 18 September 2006 under the Ministry of International Trade and Industry (MITI). Touted as the world’s first Government-backed halal industry development corporation.[4] Malaysia Halal Certificate is an official document stating the halal status of products and/ or services according to the scheme run by the Corporation. It aims to set the ground rules for food products or food businesses in Malaysia. The Department of Islamic Development Malaysia (JAKIM ) is the Federal Government agency responsible for the Islamic affairs, overseas halal certification in Malaysia.

Listed below are a few recent cases in which the rights to freedom of conscience, espression and choice of both Muslims and non-Muslims were impinged upon. These case studies which expose only the tip of an iceberg, highlight the problems of Halal Certification in Malaysia that has existed since its inception. It is absolutely crucial for a critical examination of what such policy entails (what is it?), who and how it is being interpreted (what are the key constitutive elements?), and who and how it is being enforced (what are the indicators?). Corrective measures are required to recuperate the value of democracy and social justice for all Malaysians, in the context of a multi-cultural, multi-racial and multi-religious society with a federal constitution that uphold the values of liberty, pluralism and democracy.

**1) Halal meat smuggling cartel case (21 December 2020)[5]:** Corrupt practices and power abuse in the halal trade has been exposed and is being investigated. The public now knows about corruption in the halal business.

The Malaysian Anti-Corruption Commission (MACC) is investigating a cartel which had been caught smuggling imported meat. The commission said the focus of the investigation is to look into allegations that the Customs Department forms to declare imported goods had been forged. Johor MACC director Datuk Azmi Alias confirmed that an investigation is ongoing and called on those with information to come forward. He said the MACC is working alongside the Domestic Trade and Consumer Affairs Ministry, the Veterinary and Customs Department as well as the Malaysian Quarantine and Inspection Services (Maqis) Department over the case. The investigation is being carried out under Section 16 and Section 18 of the MACC Act 2009.

**2) Muslims are not allowed to frequent eateries without halal certification (8 January 2021)[6]:** Exclusion of Muslims from freedom of conscience, and freedom of expression and choice, especially to civil reasoning and discourse.

A local coffee shop, owned by non-Muslims and employing non-Muslim cooks, was “raided” for serving Muslim customers without halal certification. According to Jabatan Hal Ehwal Agama Islam Negeri Sembilan (JHEAINS) and Jabatan Agama Islam Daerah (JAID) Kuala Pilah, Muslims must avoid visiting non-Muslim food premises that do not have a Halal certificate. Both JHEAINS and JAID opinioned that Muslims should only dine at premises with halal certification issued by the Jabatan Kemajuan Islam Malaysia (JAKIM).

**3) Segregation of halal and non-halal sections in supermarket (21 Dec 2020):** Create and contributes to social anxiety toward non-halal products among Muslims within a multi-racial society. Detrimental to cultivating full respect and acceptance for a peaceful coexistence in a multicultural setting, discourage social interaction and coming together between Muslims and non-Muslims with a diverse population.

**a) Auntie Anne’s denied halal certification (October 17, 2016)[7]:** Create and contributes to social anxiety toward language and naming.

The pretzel chain, Auntie Anne’s has been denied halal certification by the Department of Islamic Development (Jakim) for several reasons, including a request to change the name of one of its food items, the “pretzel dog”. Apart from the name change request, Jakim had also demanded that Auntie Anne’s apply for halal certification for their central kitchen. According to a spokesperson at Auntie Anne’s, they had applied for the halal certification for all the 45 Auntie Anne’s outlets under one application, but this was rejected by Jakim and was told to make separate applications for each outlet.

**b) Halal Cakes at MacDonald’s in Malaysia (7 January 2017)[8]:** Create and contributes to social anxiety toward non-halal products within a multi-racial society.

McDonald’s in Malaysia, a foreign food chain, is halal-certified. They practice a 'no outside food allowed' policy, but have made exceptions for birthday cakes as they are important for celebrating special occasions. Birthday celebrations have always been popular, and larger McDonald's outlets have specific areas for children's parties. However, this year, Jakim requires McD’s to ensure all cakes brought into their outlets have to be halal-certified, and lauded the fast food chain's move as a sign of high commitment to ensuring its outlets follow the "halal assurance management system." Following the kerfuffle online, Jakim also released guidelines on ingredients that make a cake non-halal.

**c) Supermarket’s non-halal section (21 December, 2020)[9]:** Create and contributes to social anxiety toward non-halal products within a multi-racial society.

Protest against Jaya Grocer outlet in Eco Grandeur, Puncak Alam. A Member of the Selangor State Legislative Assembly consented to a complaint filed by the Resident Association in a suburb to protest against a neighborhood supermarket for selling alcoholic products in its non-halal section.

**d) Non-halal with Christmas wording (24 December 2020)[10]:** Create and contributes to social anxiety toward non-halal products within a multi-racial society. Detrimental to cultivating full respect and acceptance for a peaceful coexistence in a multicultural setting, discourage social interaction and coming together between Muslims and non-Muslims with a diverse population.

A bakery had refused to write the wording of “Merry Christmas” on a cake, cited that they are in the process of getting a halal certificate, and quoted that an anonymous officer with the Malaysian Islamic Development Department (Jakim) claiming that the halal logo issued by the Halal Management System cannot be used to promote other religions. When the controversy was reported in news, the Religious Affairs Minister in the Prime Minister Department announced that halal-certified bakeries are not prohibited from taking orders meant for non-Islamic religious celebration but the products are prohibited from being displayed in the premises. Despite there are no specific prohibitions for other religious celebrations other than Islam in the Manual Procedure for Halal Certification (Domestic) 2020.

[1] Please refer to Zúquete, J. P. (2008). The European extreme-right and Islam: New directions? *Journal of Political Ideologies, 13*, 321-344.

[2] Please refer to Semati, M. (2010). Islamophobia, Culture and race in the Age of Empire. *Cultural Studies, 24*, 256-275.

[3] Please refer to Werbner, P. (2005). Islamophobia: Incitement to religious hatred—Legislating for a new fear? *Anthropology Today, 21*, 5-9.

[4] Please refer to About Halal Development Corporation Berhad at https://www.hdcglobal.com/about-hdc/

[5] Please refer to “Meat-smuggling cartel busted in raid”, December 3, 2020 at<https://www.thestar.com.my/news/nation/2020/12/03/meat-smuggling-cartel-busted-in-raid>, and “MACC probing 'halal' meat smuggling cartel case”, 21 December 2020 at https://www.thestar.com.my/news/nation/2020/12/21/macc-probing-039halal039-meat-smuggling-cartel-case

[6] Please refer to “JHEAINS pantau premis milik bukan Islam dikunjungi orang Islam (JHEAINS monitors non-Muslim premises visited by Muslims)”, January 8, 2021 at https://www.hmetro.com.my/mutakhir/2021/01/661756/jheains-pantau-premis-milik-bukan-islam-dikunjungi-orang-islam

[7] Please refer to “Auntie Anne’s denied halal certification”, October 17, 2016 at https://www.freemalaysiatoday.com/category/nation/2016/10/17/auntie-annes-denied-halal-certification/

[8] Please refer to “Halal cakes become hot issue at McDonald's in Malaysia”, January 5, 2017 at https://asia.nikkei.com/Business/Halal-cakes-become-hot-issue-at-McDonald-s-in-Malaysia

[9] Please refer to “Supermarket’s non-halal section in Puncak Alam: Initiate dialogue on the issue”, 21 December 2002 at https://aliran.com/coalitions/gabungan-bertindak-malaysia/supermarkets-non-halal-section-in-puncak-alam-initiate-dialogue-on-the-issue/

[10] Please refer to “No halal cert with Xmas wording? Minister clarifies messages fine as long as not for display”, 24 December 2020 at<https://www.malaymail.com/news/malaysia/2020/12/24/no-halal-cert-with-xmas-wording-minister-clarifies-messages-fine-as-long-as/1934761>, and “Bakery’s refusal to write ‘Merry Xmas’ ignites debate”, 25 December 2020 at<https://www.freemalaysiatoday.com/category/nation/2017/12/25/bakerys-refusal-to-write-merry-xmas-ignites-debate/>; and “Halal-certified shops can't display cakes with Merry Christmas greeting, says Jakim”, 25 December 2020 at <https://www.thestar.com.my/news/nation/2020/12/25/halal-certified-shops-can039t-display-cake-with-merry-christmas-greeting-says-jakim>

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1. <https://www.muftiselangor.gov.my/awam/fatwa/fatwa-terkini/362-fatwa-pemikiran-liberalisme-dan-pluralisme-agama> [↑](#footnote-ref-1)
2. <https://www.thestar.com.my/news/nation/2012/05/30/banned-book-seized-by-jais/> [↑](#footnote-ref-2)
3. <https://www.nst.com.my/news/crime-courts/2020/12/650239/ezra-freed-charge-over-controversial-book> [↑](#footnote-ref-3)
4. <https://www.theedgemarkets.com/article/society-will-succumb-liberalism-extremism-without-moderation-says-najib> [↑](#footnote-ref-4)
5. <https://www.malaymail.com/news/malaysia/2020/11/28/in-bersatu-address-muhyiddin-cites-gods-will-for-alliance-with-umno-and-pas/1926994> [↑](#footnote-ref-5)