Annex III: Letter to the Malaysian Ministry of Health

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Khyair Jamaluddin, Minister of Health
Ministry of Health, Government of Malaysia
Kompleks E, Blok E1, E3, E6, E7 & E10,
Pusat Pentadbiran Kerajaan Persekutuan,
62590, 62000 Putrajaya, Wilayah Persekutuan
Putrajaya
Malaysia

July 15, 2022

RE: Rights of lesbian, gay, bisexual, and transgender (LGBT) people

Dear Minister Jamaluddin:

We write on behalf of Human Rights Watch and Justice for Sisters to inquire about the Ministry of Health’s work to protect the rights of lesbian, gay, bisexual, and transgender people in Malaysia.

Human Rights Watch is an independent non-governmental organization that monitors and reports on human rights in more than 90 countries around the world, including in Malaysia. Justice for Sisters is a grassroots campaign organized by concerned members of the public to raise public awareness about issues surrounding violence and persecution against the Mak Nyah community in Malaysia. We published a report on human rights violations against transgender people in Malaysia in 2014,1 and undertook follow-up research in recent years. We have prepared another report, which we plan to publish in August 2022. We would like to include the ministry’s perspective in that report, and therefore request your response to the questions below by August 1.

Our research found that officials under successive Malaysian governments have routinely denounced LGBT people, and endorsed discredited conversion practices that seek to change their sexual orientation or gender identity. The criminalization of same-sex activity and gender diversity, as well as persistent anti-LGBT rhetoric and action by state officials, has fostered an environment that encourages widespread discrimination against LGBT people. This persistent hostility threatens the rights to health and privacy and freedoms of expression, association, and peaceful assembly, and puts LGBT people at risk of discrimination, arbitrary arrest and detention, and torture and other cruel, inhuman, and degrading treatment.

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Since 2011, the Federal Islamic Affairs Department (JAKIM) and state Islamic departments have organized a series of retreats for LGBT people, often for transgender women, with the stated objective of bringing them closer to Islam. The retreats, known as mukh hayam, are based on the presumption that sexual and gender minorities are lacking in their understanding of Islam compared to the general population.

More insidious is their underlying intent: using state resources to advance a vision of “natural” that is incompatible with sexual and gender diversity and attempting to manipulate LGBT people into believing they are deviant. The Malaysian government has also sought to justify mukhayyam as an HIV prevention strategy. Malaysia’s National Strategic Plan to End HIV/AIDS, 2016-2030, describes one of the objectives of mukhayyam as encouraging Muslim men who have sex with men (MSM) to “abandon the practice of unnatural sex.”

Given the health ministry’s mandate to protect the health of everyone in Malaysia, we request responses to the following questions.

1. What steps has the Ministry of Health taken to ensure adequate training for all health professionals, including mental health professionals, on sexual and gender diversity and LGBT-affirming services?

2. What steps has the Ministry of Health taken to establish a complaints procedure through which people who experience human rights violations in a healthcare setting, including discrimination, denial of services, or conversion practices aimed at changing their gender identity or sexual orientation, can file complaints and seek support and redress.

3. What steps has the Ministry of Health taken to revise the National Strategic Plan to end HIV/AIDS without discrimination, and will the Ministry of Health denounce the use of mukhayyam as a conversion practice?

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Thank you for your attention to this important matter. Please send your response to Graeme Reid at reids@hrw.org. We look forward to hearing from you by August 1.

Sincerely,

Graeme Reid
LGBT Rights Director
Human Rights Watch

Elaine Pearson
Acting Asia Director
Human Rights Watch

Thilaga Sulathireh
Justice for Sisters