Annex IV: Letter to the Prime Minister of Malaysia

Ismail Sabri Yaakob, Prime Minister
Prime Minister’s Office
Main Block, Perdana Putra Building
Federal Government Administrative Centre
62502 Putrajaya
Malaysia

July 15, 2022

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

Your Excellency:

We write on behalf of Human Rights Watch to inquire about the government of Malaysia’s efforts to protect the rights of lesbian, gay, bisexual, and transgender (LGBT) people in the country.

As you may know, Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries around the world, including in Malaysia. We published a report on human rights violations against transgender people in Malaysia in 2014, 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 your government’s perspective in that report, and therefore request your response to the questions below by August 1.

Malaysia is obligated under international human rights law to protect the rights of everyone in the country, including LGBT people. However, our research found that officials under successive Malaysian governments, including yours, 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.

As you may know, 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 or “rehabilitation” camps, known as mubahayam, are premised 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 purpose: using state resources to advance a vision of “natural” that is incompatible with sexual and gender diversity, manipulating LGBT people into believing they are deviant. Your comments have reflected that as well. In 2021, you told reporters that as of June that year, 1,733 LGBT Malaysians had attended JAKIM mubahayam. You also said: “The government is serious about the issue of LGBT people in the country, as Malaysia is a country that adheres to the religion of Islam. Any individual who violates the law must face action. Nevertheless, at the same time, they need to be guided and be made aware so that they can return to the right path.”

We request responses to the following questions so that they can be reflected in our reporting:

1. What are the government’s plans with regard to repealing sections 377A and 377B of the Penal Code, which criminalize “carnal intercourse against the order of nature,” and 377D, which criminalizes “gross indecency”?

2. What steps has the government taken to instruct relevant ministries to adopt a complaints procedure through which people who experience human rights violations, including discrimination or denial of services on the basis of their gender identity or sexual orientation, or conversion practices aimed at changing their gender identity or sexual orientation?

3. Please explain the rationale of the current appointment of the SUHAKAM commissioners and Malaysia’s commitment in upholding human rights for all persons, including LGBT persons. Some of the commissioners in the past have taken anti-rights positions, namely on the rights of LGBT persons. For example, Mohamad Nordin Ibrahim, former Director-General of Islamic Development Department (JAKIM) has actively campaigned against the rights of LGBT persons.

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

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Sincerely,

[Signature]

Graeme Reid  
LGBT Rights Director  
Human Rights Watch

[Signature]

Elaine Pearson  
Acting Asia Director  
Human Rights Watch