

# **DISCRIMINATION AND THREATS ON PROGRESSIVE AND FEMINIST MUSLIMS**

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# Malaysia

## Deconstructing Islamaphobia

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 intra-communally.

## State laws and policies against labelled 'liberal' Muslims

### State provisions and fatwas that declared 'pluralism and liberalism' are deviant teachings.

Often provisions that criminalized 'pluralism and liberalism' in Malaysia takes the form of banning of opinions, insulting Islam, publications contrary to the Islamic law (Sunni-Muslim version of Islamic law) and speaking without *tauliyah*. For example, under Section 7 of the Syariah Criminal Code (I) of Kelantan, a liberal Muslim can be charged for distorting teachings and precepts of Islam. In 2019, activist Maryam Lee was charged under Section 10(a) of the Selangor Syariah Criminal Enactment 1995 for allegedly insulting faith in her book "Unveiling Choice".

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 organization, a deviant organization. August 27, 2020 - The 2014 Selangor fatwa that declared Sisters in Islam (SIS) as a deviant organization 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.

Further harms: In 2015, at an international KIU 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 organizations. 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.

## **Banning of Books**

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. The book was banned by the Ministry of Home Affairs for allegedly encouraging pluralism and secularism. They also detained the director and owner of the publishing house, Ezra Zaid. He was freed in December 2020 after the Syariah lower court released him from a charge of publishing a controversial book after an 8-year legal battle.

In 2015, the Ministry Home Affairs banned four novels written by novelist Faisal Tehrani for allegedly spreading Syiah teachings. The decision was overturned in 2018 by the Court of Appeal since the banning violates Faisal's exercise of freedom of expression under Articles 8(1) and 10(1)(a) of the Federal Constitution.

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.

## **Liberals in the same category as terrorists**

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.

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 the Qur'an 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 recognized by Putrajaya, and to "fight secularism and liberalism".

2021 - Journal of Public Security and Safety under KDN released a journal article defining 'violent extremism' as follows: "The increasing threats of extremism that lead to violent action have compelled several countries to design some comprehensive measures or plans to address the issue.

Violent extremism take in many forms; (i) white supremacy movement, (ii) religiously-inclined terrorism, (iii) overzealous leftists, or even (iv) fanatical human rights groups."

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 legitimize the use of arbitrary security measures against liberal Muslims.

## **Doxxing and hate speech against human rights activists and organisations**

### **Portal and social media**

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 who at the time, were fighting for greater societal and cultural freedoms. Most importantly, this has affected the personal lives of liberal Muslim advocates and activists in devastating ways.

### **Leading to personal impacts**

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 the international progressive and feminist Muslim organization Muslims for Progressive Values, a partner of KMU.

## **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 Islamic Affairs, oversees the halal certification in Malaysia.

Listed below are a few recent cases in which the rights to freedom of conscience, expression, and choice of both Muslims and non-Muslims were infringed on. These case studies, which are 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, how it is being interpreted, and how it is being enforced. 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.

### **Halal meat smuggling cartel case (21 December 2020)[5]**

Corrupt practices and power abuse in the halal trade have 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.

### **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 stated that Muslims should only dine at premises with halal certification issued by the Jabatan Kemajuan Islam Malaysia (JAKIM).

### **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.

### **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 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.

### **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.

### **Supermarket's non-halal section (21 December, 2020)[9]:**

Creates and contributes to social anxiety to 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.

### **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 "Merry Christmas" on a cake, citing that they were in the process of getting a halal certificate, and quoted an anonymous officer with the Malaysian Islamic Development Department (JAKIM) who stated that the halal logo issued by the Halal Management System cannot be used to promote other religions. When the controversy was reported in the 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 the fact that there are no specific prohibitions for other religious celebrations other than Islam in the Manual Procedure for Halal Certification (Domestic) 2020.



# Burundi

## Violent reprisals against human rights-affirming Muslim-minority faith leaders in Burundi:

### **Background:**

The capacity of Muslims across the world—in both Muslim-majority and minority societies and communities—to exercise their rights to freedom of expression and freedom of thought, conscience, and religion, particularly as these rights pertain to the ability to engage in critical analysis of Islamic scripture and promote human rights-affirming narratives of Islam publicly and privately, is diminished and in some cases violently repressed in Burundi. Impediments to the enjoyment of these rights within Muslim societies and communities are exacerbated by the homogenization and dissemination of hegemonic, “mainstream” narratives of Islam that threaten diversity of thought, give credence to fundamentalist and rights-diminishing narratives, and perpetuate stereotypes against Muslims that fuel Islamophobic sentiment globally.

Such narratives comprise the discursive elements of a continuum of violence that ultimately results in reprisals against Muslims who express different world views, including those engaged in promoting and affirming universal human rights norms from within Islam. Oftentimes, victims of these types of reprisals are Muslim advocates, activists, and faith leaders who promote rights affirming narratives of Islam that are perceived to be dissenting, inauthentic, and potentially blasphemous as per majority and prevailing Islamic narratives across Muslim societies and communities. Furthermore, victims of such reprisals often receive no redress by the state and are repeatedly targeted by religious extremists for their advocacy.

### **Imam Khalfan and The Alliance of Imams for the Development of Humanity (AICNDH):**

Imam Khalfan is the Mufti of Bujumbura and the Executive Director of AICNDH, a network of Burundian Imams committed to promoting human rights norms and sustainable development principles within the Muslim communities in Burundi.

AICNDH has been the main implementing partner of MPV's #ImamsForShe Program, which supports and builds the capacity of Imams to advocate for gender equity and the empowerment of women in their communities. Under Imam Khalfan's stewardship, the network has grown from 28 to over 200 women's rights-affirming religious leaders across Burundi, Democratic Republic of Congo, and Rwanda. Additionally, Imam Khalfan's work with AICNDH was integral for the implementation of the #ClubsForShe Initiative, which brought together adolescent and young Muslim women in Burundi to participate in an overnight camp with the aim of equipping them with knowledge and resources to defend their right to education and employment, economic independence, self-determination, and sexual and reproductive health and rights.

On December 26, 2020, Imam Khalfan was poisoned with arsenic while he was imprisoned for two days in a police cell in Bujumbura. He was subsequently released and sent to the hospital in critical condition. He is 36 years old and is married with two young sons. It is believed that two other individuals jailed at the time were also poisoned, as it was reported they both unfortunately passed away.

There have been multiple attempts on Imam Khalfan's life, so much so that the previous Chief Mufti of Burundi, Abdallah Sheikh Sadiki Kajandi, assigned him one full-time military escort. It is believed that Imam Khalfan was targeted because he was appointed Chair of the Election Committee for the election that would determine the next Chief Mufti of Burundi to be held on January 10, 2021. In this capacity, Imam Khalfan has been able to control and challenge attempts at bribery and fraud from a contingent of radical Salafi Imams. Furthermore, the government of Burundi, which had retained a neutral stance on the election and candidates, ultimately decided to endorse Imam Khalfan's candidate citing security reasons. It is clear that Imam Khalfan's advocacy and engagement with the election and Burundian government has made him the target of powerful, well-funded, and extremist Imams who labelled him a dissenter and a threat to the influence they are trying to wield.

## **Recommendations:**

The recommendations below are specific to respect for, protection, and fulfillment of the rights of Muslims and Muslim faith leaders who, for their work and advocacy promoting universal human rights norms and challenging fundamentalisms and extremisms in their societies and communities, are deemed dissenters and targeted by extremists intra-communally.

To this end, MPV recommends that governments:

1. Exercise due diligence in investigating reprisals against Muslim human rights advocates and activists and in trying perpetrators of intracommunal Muslim violence, and offer redress and protection to victims of such violence and reprisals;
  2. Hold accountable religious actors and institutions that incite violence against Muslim human rights activists and advocates;
  3. Create and facilitate knowledge sharing platforms between relevant government agencies and institutions and vetted, human rights-affirming Muslim faith-based organizations with the aim to build the capacity of state actors to assess the internal struggles between the radical and progressive elements of their Muslim communities;
  4. Ensure the inclusion of progressive Muslim perspectives in relevant policy spaces at local and national levels, and create and facilitate Interfaith Advisory Councils that are inclusive of progressive Muslim voices;
  5. Sponsor and endorse progressive Muslim civil society advocacy campaigns that challenge and undermine extremist ideologies in local communities and create an enabling environment in which Muslim human rights advocates and activists enjoy the rights to freedom of expression and freedom of thought and conscience without fear of persecution or discrimination.
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