



Home Office

Country Policy and Information Note

Malaysia: Sexual orientation and gender identity or expression

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Executive summary

Malaysia is a culturally and religiously conservative country. The constitution does not specifically protect against discrimination based on sexual orientation, gender identity and expression. Same-sex sexual acts are criminalised through the application of various offences under the penal code throughout Malaysia and under state Sharia laws, applicable to Muslims. There is no available data on the number of lesbian, gay, bisexual, trans and intersex (LGBTI) persons prosecuted for offences under the penal code although sources consider prosecutions to be rare. In general, LGBTI persons are unlikely to be at risk of prosecution under the penal code, although if it were applied it would be disproportionate and discriminatory.

LGBTI persons face harassment, arbitrary arrest and detention and police sometimes perpetrate and condone violence against individuals including in custody.

In general, whilst LGBTI persons face official discrimination, treatment by state actors is not sufficiently serious by its nature and/or repetition, or by an accumulation of various measures which is sufficiently severe to amount to persecution.

Persons who are likely to be able to demonstrate a real risk of treatment by state actors that amounts to persecution are:

- Muslim LGBTI persons accused of same-sex sexual acts who are likely to be prosecuted under Sharia law
- trans persons, particularly Muslims, who are open about their gender identity
- those likely to be forced to undergo conversion therapy practices (CTPs)

Societal attitudes mean there is a negative view of same-sex relationships and a strong social taboo in relation to LGBTI issues among Muslims. LGBTI persons face discrimination, stigma, threats, and violence; including sexual violence from family members which varies depending on their socioeconomic class, religion, place of residence, and how they present themselves. Well-educated, wealthier LGBTI people in urban areas are less likely to have to conceal their sexual orientation from their family and friends.

Violence against trans persons is underreported. They face limited opportunities in official employment and difficulties in accessing healthcare due to transphobia.

In general, whilst LGBTI persons face some societal discrimination this treatment is not sufficiently serious by its nature and/or repetition, or by an accumulation of various measures which is sufficiently severe to amount to persecution.

Trans persons who are open about their gender identity may be at risk of treatment by non-state actors which amounts to persecution. However, this is likely to depend on an individual's socio-economic status, religion, and geographic location.

In general, the state is able but is not willing to offer effective protection.

Kuala Lumpur (KL) is considered more tolerant of LGBTI persons and in general it would be reasonable for a person to relocate there.

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Assessment

About the assessment

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person is likely to face a real risk of persecution/serious harm by state or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity or expression.
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a grant of asylum, humanitarian protection or other form of leave is likely, and
- if a claim is refused, it is likely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

This note provides an assessment of the general situation for gay men, lesbians, bisexual, trans and intersex (LGBTI) persons, as well as those perceived as such. They are referred to collectively as 'LGBTI persons', although the experiences of each group may differ.

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1. Material facts, credibility and other checks/referrals

1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 1.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), Humanitarian Protection and the instruction on [Restricted Leave](#).

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2. Convention reason(s)

- 2.1.1 A person's actual or imputed membership of a particular social group (PSG).
- 2.1.2 Lesbian, gay, bisexual, trans and intersex (LGBTI) persons in Malaysia form a PSG within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.
- 2.1.3 Although LGBTI persons in Malaysia form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.1.4 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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3. Risk

3.1 Risk from the state to LGBTI persons

- 3.1.1 In general, whilst LGBTI persons face official discrimination, this treatment is not sufficiently serious by its nature and/or repetition, or by an accumulation of various measures which is sufficiently severe to amount to persecution. The onus is on the person to demonstrate otherwise.
- 3.1.2 In general, LGBTI persons are unlikely to be at risk of prosecution under the Penal Code, although if it were applied it would be disproportionate and discriminatory.
- 3.1.3 Muslim LGBTI persons accused of same-sex sexual acts are likely to be

prosecuted under Sharia law (which does not apply to non-Muslims) and would, when applied, by its nature be persecutory.

- 3.1.4 A person who can demonstrate they are likely to be forced to undergo conversion therapy practices will be at risk of persecution or serious harm.
- 3.1.5 Article 8 of the Constitution states that all persons are equal under the law and there should be no discrimination against citizens on the grounds of religion, race, descent, place of birth or gender but does not specifically prohibit discrimination on the basis of sexual orientation, gender identity and expression (see [Legal context](#)).
- 3.1.6 The penal code does not specifically refer to same-sex sexual activity but addresses 'carnal intercourse against the order of nature'. This interpretation includes same-sex and opposite-sex sexual acts, with imprisonment of up to 20 years and/or whipping. Acts of 'gross indecency' committed in public or private carry sentences of imprisonment of up to 2 years (see [Legal context](#)).
- 3.1.7 Around 52 different Sharia laws exist across the 13 states and 3 federal territories, applicable only to Muslims (who constitute around 60 percent of Malaysia's 34 million people). Many offences are vaguely defined. For example "liwat", which has a different meaning depending on the state and includes prohibition of sexual conduct between men, anal sex or 'unusual sexual intercourse'. Other offences criminalise "musahaqah" (sexual conduct between women) and sexual intercourse against the order of nature (applicable to both same-sex and opposite-sex sexual acts). Punishments can range from fines to the maximum of RM5,000, around £800, to 3 years imprisonment and caning (see [Sharia \(Syariah\) and customary laws](#)).
- 3.1.8 Government rhetoric towards the LGB community is mixed. Several government officials, particularly from religious affairs departments, have publicly stated that the government does not recognise LGBT practices as lawful and that they are against Malaysia's religious, moral and cultural norms. In January 2021 the deputy minister in the Religious Affairs department called for the enforcement of stricter punishments against LGBT people because they 'need to be cured or corrected with the right approach and effort'. In September 2023 Prime Minister Anwar stated Malaysia would never recognise LGBT rights but equally confirmed the government did not condone 'excessive action or harassment' of the community (See [Official views on sexual orientation and gender identity](#)).
- 3.1.9 Sources often consider the situation for LGBTI collectively. Therefore, the treatment of individual groups is difficult to ascertain. Information often focuses on the experiences of trans women due to their increased visibility in society. Sources indicate that LGBTI persons as a group face harassment, arbitrary arrest and detention and police sometimes perpetrate and condone violence against individuals including in custody. Information on the scale, frequency and severity of incidents of discrimination and violence by officials against LGBTI persons is limited (see [Treatment of gay, bisexual men and intersex persons](#) and [Treatment of lesbians](#)).
- 3.1.10 There is no available data on the number of LGBTI persons prosecuted for offences under the penal code, although sources consider prosecutions to be rare. The government's Department of Statistics (DOSM) published

statistics relating to those arrested for 'unnatural sex' 2020-2022 based on police data. However, the statistics do not state the exact offence (and could include several offences under the penal code) or whether the crime recorded related to an LGBTI person or not and/or same-sex sexual activity. Given the spectrum of offences the figures could cover, they are unlikely to relate solely to those offences that affect LGBTI persons (see [Data on arrest and prosecution](#), [Constitution and statutory laws](#)).

- 3.1.11 The number of arrests for 'unnatural sex' varies between states. There were 10 cases in Kuala Lumpur (KL) in 2022, down from 22 in 2021 and 29 in 2020. Taking the total number of cases in Malaysia in 2022, in the context of 345 million people residing in Malaysia, the risk of arrest for 'unnatural sex' is extremely low (see [Data on arrest and prosecution](#)).
- 3.1.12 Sharia laws are used to punish both Muslim men and women accused of same-sex sexual activity. However, there is no available data to establish the scale and extent of such treatment. It is likely to vary between states. The Malaysian NGO, ARROW, found no cases of arrests of LGBTI persons under Sharia law in the Federal Territory of KL based on media reporting and interviews for its study between 2018 and 2020. Sources indicate that KL is generally more cosmopolitan and accepting of gender diversity than other Malaysian states. Generally, non-Muslims are not at risk from prosecution or affected by the imposition of Sharia law (see [Sharia \(Syariah\) and customary laws](#)) and [State attitudes and treatment](#)).
- 3.1.13 The first legal challenge against Islamic rules prohibiting same-sex sexual acts was won by a Malaysian man in February 2021. He was accused of attempting to have "intercourse against the order of nature" in Selangor state in 2018. Several other defendants in the same case pleaded guilty and were caned as a punishment. The court ruled the Islamic provision used in Selangor state, outside KL was unconstitutional and the authorities had no power to enact the law (see [Constitutional challenges to Sharia law](#)).
- 3.1.14 Conversion therapy practices (CTPs), including rehabilitation, re-education programmes, and religious counselling, aimed at changing a person's sexual orientation or gender identity are promoted by the government particularly in relation to Muslims and exist in several states. According to the Federal Islamic Affairs Department (JAKIM) between 2012 and June 2021 1,733 LGBT people had attended 'Mukhayyam' CTP programs. On 18 October 2023 the Minister for Religious Affairs reported to parliament the government had held 4 'Mukhayyam' camps attended by 220 people. It is generally reported that attendance is promoted, encouraged, or incentivised through monetary payments although there are also some reports of forced attendance after arrest (see [Conversion therapy practices](#) and [Treatment of gay, bisexual men and intersex persons](#), [Treatment of lesbians](#)).
- 3.1.15 The Human Rights Commission of Malaysia (SUHAKAM) was established in 1999 and can inquire into allegations of infringements of human rights. SHUKAM has undertaken several pieces of work on LGBTI issues since 2010 (see [Ombudsman/complaints mechanisms](#)).
- 3.1.16 Protests and rallies are generally able to take place, although organisers can be subject to harassment and police investigation. A widely publicised

Women's Day March asking for greater rights in gender equality and recognition of the LGBTI community was held in KL in March 2023. The police later dropped their investigation of the organisers under the Peaceful Assembly Act and the Minor Offences Act. In July 2023, 8 members of the Ahmadi Religion of Peace and Light were arrested, detained, and released after one day for protesting in solidarity with LGBTI people and investigated by the religious police (JAWI) in relation to sharia offences. At the time of writing, it is not known whether or not the JAWI investigation was concluded (see [Treatment of civil society, NGOs and LGBTI groups](#) and [Gay 'scene' or 'community'](#)).

- 3.1.17 In August 2023 the government banned the possession of watches produced as part of a Pride collection. The offence carries a fine or a maximum custodial sentence of 3 years. Although sources indicate there have been seizures of the products, there are no available statistics to confirm whether there have been any arrests or prosecutions under the law (see [Treatment of civil society, NGOs and LGBTI groups](#)).
- 3.1.18 In KL, LGBTI clubs are generally able to operate without state interference. Malaysia's oldest gay bar, the BlueBoy nightclub, which operated without incident for 30 years, was raided In August 2018. 20 men were detained and ordered by the Federal Territory Islamic Religious Department of Malaysia to have counselling for 'illicit behaviour'. There have been no further reported raids on the BlueBoy and it remains open at the time of writing. Sources indicate Muslims are more likely to be arrested in raids and during disruption to LGBTI events than others in the community (see [Gay 'scene' or 'community' Religious authorities and Arrests and detention of gay men](#)).
- 3.1.19 Civil society organisations advocating for LGBTI persons exist. They generally operate without state interference, although some register as companies to avoid delays and restriction to their activities (see [LGBT groups, civil society, and human rights NGOs](#)).
- 3.1.20 The government through the Ministry of Health (MOH) provides access to STI and HIV related services for men who have sex with men (MSM) and trans women through free community friendly clinics established throughout the country (see [Healthcare](#)).
- 3.1.21 There is limited information on the treatment of intersex persons although religious edict, applicable to Muslims, permits surgery to allow for gender reassignment for intersex persons. In sources consulted there is no information on whether SRS is legal or available to non-Muslims (see [Sex Reassignment Surgery](#)).
- 3.1.22 If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why they do not. Each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 3.1.23 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).
- 3.1.24 Decision makers must also refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Transgender identity issues in the asylum claim](#).

3.2 Risk from the state to trans persons

- 3.2.1 In general, a trans person who is open about their gender identity is likely to be at risk of treatment from the state which by its nature and repetition, or by an accumulation of various measures, is sufficiently severe to amount to persecution.
- 3.2.2 Owing to their often-increased visibility, risk of arrest for trans persons is generally higher than the rest of the LGBTI community. Sharia law applies to Muslims across 13 states and all the Muslim states have laws which prohibit posing as someone of a different gender. In October 2022, 20 Muslims were arrested at a Halloween party for cross-dressing and detained by the Federal Territories Islamic Religious Department but were later released. Non-Muslim trans persons have also been arrested for cross-dressing and are often charged with 'indecent behaviour' and 'importuning for immoral purposes' in public, which is punishable with a fine and up to three months in prison (see State attitudes and treatment).
- 3.2.3 Several trans women have reported that abusive arrests have diminished since an appeals court struck down a state "cross-dressing" law in 2014 and have said that advocacy and awareness raising has restrained some officials (see [Arrests and detention of transgender individuals](#)).
- 3.2.4 Whilst there is a lack of available data on the prevalence of human rights violations by the state against trans persons. According to several sources, Muslim and non-Muslim trans persons face 'systemic' human rights violations and are subject to harassment and violence from police officers and state religious officials including physical and sexual assault. Trans persons, particularly Muslims are particularly vulnerable to arrest during raids and subsequent placement in re-education centres, where conversion therapy practices (CTPs) can be performed. In July 2020, the Minister for Religious Affairs gave permission to the religious police (JAWI) to arrest trans people for re-education purposes (see [Arrests and detention of transgender individuals](#)).
- 3.2.5 Detained trans women are often held in detention facilities designated for men leading to both verbal and sexual abuse by other prisoners and staff (see [Arrests and detention of transgender individuals](#)).
- 3.2.6 Trans persons are, in theory, able to change their name and sex marker on their identity card through the civil courts. Judges have ruled in support of legal gender recognition for trans persons by citing Article 5 of the Federal Constitution, which protects a person's liberty, however the court procedure is difficult and costly and decisions are inconsistent (see [Official discrimination](#)).
- 3.2.7 Trans women often avoid seeking medical treatment in public hospitals due to the requirement that they be placed in male wards. There are prohibitions for Muslim trans persons to have sex reassignment surgery (SRS) in Malaysia. In sources consulted no information could be found about the legality of SRS under federal law or whether it was available in Malaysia for non-Muslims (see Access to services – [Healthcare](#) and [Bibliography](#)).

- 3.2.8 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).
- 3.2.9 Decision makers must also refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Transgender identity issues in the asylum claim](#).

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3.3 Societal treatment of LGBTI persons

- 3.3.1 In general, whilst LGBTI persons face some societal discrimination this treatment is not sufficiently serious by its nature and/or repetition, or by an accumulation of various measures which is sufficiently severe to amount to persecution. The onus is on the person to demonstrate otherwise.
- 3.3.2 Malaysia is a culturally and religiously conservative country and in general there is a negative view of same-sex relationships. There is strong social taboo in relation to LGBTI issues among Muslims (see [Societal norms](#)).
- 3.3.3 Members of the LGBTI community experience varying degrees of discrimination depending on their socioeconomic class, religion, place of residence, and how they present themselves. Well-educated, wealthier LGBTI people in urban areas are less likely to have to conceal their sexual orientation from their family and friends. KL society is generally more accepting of LGBTI persons than it is in Sarawak, Sabah, or the Malaysian East Coast peninsula (see [Societal attitudes](#), [Discrimination and violence against LGBTI persons](#) and [Migration to Kuala Lumpur and Selangor](#)).
- 3.3.4 LGBTI persons face discrimination, stigma, threats, and violence; including sexual violence from family members. Some members of the LGBTI community hide their identity to avoid discrimination and ostracism by their family, who are often the perpetrators of violence against them. Some families have opted to send their children, who identify as LGBTI, to official or private 're-education' centres (see [Societal attitudes](#), [Discrimination and violence against LGBTI persons](#) and Conversion therapy practices).
- 3.3.5 There are very few specific examples of societal violence against LGBTI persons and as there are no official statistics it is difficult to ascertain the scale, frequency, and severity of any incidents. ARROW, a Malaysian NGO in their study on LGBTI persons which included interviews with in-country human rights defenders and community-based LGBTI groups found no reports of violence in the media, social media or in their 17 interviews between 2018-2020 against LGBTI persons in KL or Terengganu (on the East coast), although examples of violence, intimidation, and domestic abuse were found against LGBTI persons in Perak, the other area they studied (see [Discrimination and violence against LGBTI persons](#)).
- 3.3.6 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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3.4 Societal treatment of trans persons

- 3.4.1 In general, trans persons who are open about their gender identity face a risk of societal discrimination and violence which may by its nature and

repetition or by an accumulation of various measures be sufficiently severe to amount to persecution. However, this is likely to depend on a person's socio-economic status, religion, and geographic location. Each case must be considered on its facts.

- 3.4.2 The University of California (UCLA) School of Law survey in 2017 found that of the 500 participants more agreed than disagreed that trans people should be protected from discrimination by the government. However, views around same-sex marriage and allowing gender-reassignment were generally not supported and over half of those surveyed considered that trans people were 'committing a sin' (see [Discrimination and violence against trans persons](#)).
- 3.4.3 Trans persons face violence, blackmail, verbal and physical abuse, discrimination from, and rejection by, their families and members of society, particularly those from a Muslim background where there is strong social taboo in relation to LGBTI issues. Violence against trans persons is underreported, although there have been a few cases covered by the media. Sources often report on the ill treatment of trans women rather than that of trans men, and it is unclear whether this is due to under-reporting or whether such treatment against trans men occurs less frequently. Two thirds of trans women are said to have faced some form of physical or emotional abuse (see [Discrimination and violence against transgender individuals](#)).
- 3.4.4 Trans persons face limited opportunities in official employment and are subject to workplace discrimination. According to a 2019 study by SUHAKAM based on interviews with 64 trans persons in 2016, sex worker was the second most frequent full-time job (20 out of 64). Trans persons face negative representation in the media and even though they are also employed in a range of professions, they are still widely perceived and portrayed as sex workers, which carries stigma in Malaysia (see [Discrimination and violence against trans persons](#) and [Access to services](#)).
- 3.4.5 It can be difficult for trans persons to get access to medical care due to transphobia among healthcare personnel, and a shortage of medical professionals skilled in the health requirements of trans people (see [Healthcare](#)).
- 3.4.6 The level and frequency of discrimination and violence faced by trans persons is likely to differ according to their socio-economic status, religion, geographic location and degree of openness. Trans persons who come from poorer rural areas may be more likely to hide their gender identity than those living in urban areas who are well educated and of a higher socio-economic status (see [Societal norms](#)).
- 3.4.7 If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why they do not. Each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 3.4.8 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).
- 3.4.9 Decision makers must also refer to the Asylum Instructions on Sexual identity issues in the asylum claim and [Transgender identity issues in the asylum claim](#).

4. Protection

- 4.1.1 In general, the state is able but is not willing to offer effective protection. However, each case must be considered on its facts.
- 4.1.2 State authorities have been responsible for harassment, discrimination, and violence, towards LGBTI persons with reports of physical and sexual assaults by police. However, there is also some evidence of the authorities prosecuting the perpetrators of violence against the LGBTI community, although in many instances the police do not consider hate crime as a motive (see [State attitudes and treatment](#)).
- 4.1.3 Despite state actors insisting that the fundamental rights of LGBTI people are protected under the Federal Constitution, are treated equally, and have access to government services and assistance without discrimination, same-sex sexual activity remains illegal. LGBTI persons are arrested for offences related to their gender identity and/or expression, which particularly affect trans persons and Muslims. It would therefore be unreasonable to expect a person identifying as LGBTI to seek protection from the authorities (see [State attitudes and treatment](#)).
- 4.1.4 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).
- 4.1.5 Decision makers must also refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Transgender identity issues in the asylum claim](#).

5. Internal relocation

- 5.1.1 In general, there is a part of the country, namely Kuala Lumpur (KL) where a person would not have a well-founded fear of persecution and it will be reasonable for them to relocate there.
- 5.1.2 Malaysia is around a third larger than the UK with a population estimated to be over 32.7 million. The law allows for freedom of movement which is generally respected. Certain areas are more likely to face restrictions such as in the eastern Sabah and Sarawak States, where more traditional values persist (see [Country Background Note: Malaysia](#) (copy available on request)).
- 5.1.3 Whilst homophobic attitudes are prevalent throughout Malaysia, particularly in more conservative Muslim areas, the federal territory of KL (encompassing the capital city) which has a population of around 8.8 million is considered more tolerant of LGBTI persons. Densely populated KL is more ethnically and religiously diverse than other areas, with a high proportion of younger people and those of working age, with many different nationalities living and working there (see Country Background Note: Malaysia, [Societal treatment](#), [Gay 'scene' or 'community'](#) and [Geography and demography](#) and [Freedom of movement](#)).
- 5.1.4 Sources indicate KL has better access to support services and community groups for LGBTI people compared to other states. This includes services for gay men and trans women affected by HIV, shelters for trans women,

mental health support, and online and offline community support, provided by various NGOs. There is an LGBTI community in existence organising LGBTI marches and rallies and there are LGBTI friendly areas, nightclubs and bars (see [Access to services](#), [Gay 'scene' or 'community'](#) [Migration to Kuala Lumpur and Selangor](#)).

- 5.1.5 Sources indicate that people do internally relocate. This has included trans persons who have been able to move and gain employment in KL. The 2019 SUHAKAM study which surveyed 100 trans persons in 2016 found of the 51 respondents who resided in KL or Selangor having relocated from other areas of Malaysia, 39 did so to seek employment, 32 did for self-autonomy or freedom and 9 for stronger peer support (see the Country Background Note: Malaysia, [Societal attitudes](#) and [Discrimination and violence against trans persons](#) and [Migration to Kuala Lumpur and Selangor](#)).
- 5.1.6 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.
- 5.1.7 Each case must be considered on its facts with the onus on the person to demonstrate why they are unable to relocate to another area.
- 5.1.8 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instructions, [Assessing Credibility and Refugee Status](#) and [Sexual orientation in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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6. Certification

- 6.1.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

About the country information

This section contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

This document is intended to be comprehensive but not exhaustive. If a particular event, person or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

The COI included was published or made publicly available on or before **24 April 2024**. Any event taking place or report published after this date will not be included.

Decision makers must use relevant COI as the evidential basis for decisions.

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7. Legal context

7.1 Constitution and statutory laws

- 7.1.1 Article 8 of the Constitution states that all persons are equal under the law and there should be no discrimination against citizens based on the grounds of religion, race, descent, place of birth or gender in any law but does not specifically prohibit discrimination on the basis of sexual orientation, gender identity and expression¹²³⁴
- 7.1.2 Article 10 of the Constitution allows for the right to freedom of speech and expression by every citizen⁵.
- 7.1.3 The United States Department of State 2023 Country Report on Human Rights Practices: Malaysia (USSD HR Report 2023), published 23 April 2024 noted the law ‘...did not recognize LGBTQI+ individuals, couples, or their families.’⁶
- 7.1.4 The Malaysia Penal Code does not specifically refer to sexuality or same-sex sexual acts but deals with ‘Unnatural Offences’ under section 377 that go against the ‘order of nature’⁷.
- 7.1.5 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), ‘State-Sponsored Homophobia 2020’, 15 December 2020, noted: ‘Under Sections 377, 377A and 377B of the Penal Code “carnal intercourse against the order of nature” is defined as a sexual connection by the introduction of the penis into the anus or mouth of another person and is punished with imprisonment of up to 20 years and/or whipping. Additionally,

¹ Constitute, ‘[Malaysia’s Constitution of 1957 with Amendments through 2007](#)’, 27 April 2022

² ICJ, ‘[Invisible, Isolated, and Ignored Human Rights Abuses Based on Sexual ...](#)’ (page 43), 2021

³ Attorney General’s Chambers, ‘[Federal Constitution](#)’, reprint 15 October 2020

⁴ USSD, ‘[2023 Country Report on Human Rights Practices: Malaysia](#)’ (section 6), 23 April 2024

⁵ Constitute, ‘[Malaysia’s Constitution of 1957 with Amendments through 2007](#)’, 27 April 2022

⁶ USSD, ‘[2023 Country Report on Human Rights Practices: Malaysia](#)’ (section 6), 23 April 2024

⁷ Attorney General’s Chambers ‘[Penal Code](#)’, 30 November 2022

Section 377D punishes acts of gross indecency committed in public or private with imprisonment of up to 2 years.⁸

- 7.1.6 The Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights (OCHCR) to the Human Rights Council Working Group on the Universal Periodic Review dated 13 November 2023 noted ‘The United Nations country team stated that the Penal Code criminalized consensual same-sex relations, imposing a sentence of 20 years in prison and mandatory whipping. The Special Rapporteur on cultural rights recommended that Malaysia repeal all laws that directly and indirectly criminalized same-sex sexual activities and cross-dressing.’⁹

See [Arrests and detention of gay men](#), [Arrests and detention of lesbian women](#) and [Arrests and detention of trans persons](#) for information on the use of these laws in practice.

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7.2 Sharia (Syariah) and customary laws

- 7.2.1 Reporting on Sharia laws the Herald Malaysia Online, a Malaysian Catholic newspaper, noted in an article dated February 2017: ‘Muslims in Malaysia are governed by Islamic personal and family law..., by Article 121 (1A) of the Constitution of Malaysia, today, exclusive jurisdiction has been given to the Syariah Courts in the administration of Islamic laws. The Syariah laws in Malaysia do not apply to non-Muslims.’¹⁰

- 7.2.2 The USSD 2022 Report on International Religious Freedom: Malaysia (USSD-IRF Report 2022), published 15 May 2023, noted:

‘The constitution identifies the traditional rulers, also known as sultans, as “Heads of Islam.” Sultans are present in nine of the country’s 13 states and are the highest Islamic authority within their respective states In the remaining four states and the Federal Territories, the highest Islamic authority is the King...Islamic law is administered by each state and federal territory. The office of mufti exists in every state to advise the sultan in all matters of Islamic law.’¹¹

- 7.2.3 The International Commission of Jurists (ICJ) an international human rights non-governmental organisation, in its report ‘Invisible, Isolated, and Ignored Human Rights Abuses Based on Sexual Orientation and Gender Identity/Expression in Colombia, South Africa and Malaysia’ published in 2021 (The ICJ report 2021) noted:

‘With regard to Syariah criminal offences, a different law for every state penalizes same-sex sexual conduct, regardless of consent. The laws vary in every state and the definitions of the “offences” are either too vague or overbroad. The offences range from “liwat” (sexual conduct between men or anal sex), “musahaqah” (sexual conduct between women), sexual intercourse against the order of nature, either a gender-neutral provision, or

⁸ ILGA, ‘[State-Sponsored Homophobia 2020](#)’ (page 133), 15 December 2020

⁹ OCHCR, ‘[Compilation of information](#)’ (page 9), 13 November 2023

¹⁰ Herald Malaysia Online, ‘[Syariah Laws In Malaysia](#)’, 25 February 2017

¹¹ USSD-IRF, ‘[2022 Report on International Religious Freedom: Malaysia](#)’ (section II), 15 May 2023

provisions for sexual relations between persons of the same gender, or the attempt to commit “liwat”.

‘For example, “liwat” in Perlis [a state in north western Malaysia] is defined as “sexual intercourse between males or between a male and female through the anus”, in Section 2 of the Enactment No. 4 of 1993, Criminal Offences in the Syarak Enactment 1991. In contrast, the offence of “liwat” in Kedah [a state in northwestern Malaysia], is defined as “unusual sexual intercourse between a man and a man or between a man and a woman”, in Section 2 of the Enactment No. 9 of 1988, Syariah Criminal Code Enactment 1988. ‘Meanwhile, a third state, Kelantan [in north eastern Malaysia], defines the crime of sodomy, as “a man who having carnal intercourse with another man, or a man who having an anal intercourse with a woman is committing sodomy”, according to Section 14 of the Enactment No. 13 of 2015, Syariah Criminal Code (II) (1993) 2015. The differences between the definitions of the offences is also evident in the offence of “Musahaqah”, that criminalizes sexual relations between women.

‘In addition, in several states, sexual intercourse “Against the order of nature” are crimes. These offences carry punishments which include fines to the maximum of RM5,000 (1236 USD) [£800¹²], to three years of imprisonment and caning.’¹³

- 7.2.4 The Asian-Pacific Resource & Research Centre For Women (ARROW), a regional non-profit women's organisation based in Kuala Lumpur, Malaysia¹⁴, – published its Monitoring Report: LGBTIQ+ Rights in Malaysia, on 26 January 2021. The study gathered information on experiences and events between 2018 and 2020 including 17 interviews, of which 13 were with human rights defenders or community-based groups that provide services to LGBTIQ persons. It noted that:

‘Under the Kuala Lumpur [capital of Malaysia] Syariah Criminal Offences (Federal Territories Act) 1997, Section 25 criminalizes liwat i.e. sexual relations between male persons; Section 26 criminalizes musahaqah i.e. sexual relations between women; Section 28 criminalizes male person posing as woman...

‘Under the Perak [a northwestern state of Malaysia] Crimes (Syariah) Enactment 1992 Section 53 criminalizes musahaqah i.e. sexual relations between female persons and Section 55 criminalizes men posing as woman...

‘Under the Syariah Criminal Offences (Takzir) (Terengganu [a state on the eastern coast of Malaysia]) Enactment 2001 Section 30 criminalizes musahaqah i.e. sexual relations between any female person and Section 33 criminalizes a male person posing as a woman.’¹⁵

- 7.2.5 A joint report by Outright International, the University of Toronto's Citizen Lab, and the Open Observatory of Network Interference (OONI), dated 10 August 2021, noted: ‘Malaysia ... currently penalizes individuals for “posing”

¹² Xe.com, ‘[5,000 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

¹³ ICJ, ‘[Invisible, Isolated, and Ignored Human Rights Abuses Based on Sexual ...](#)’ (page 47), 2021

¹⁴ ARROW, ‘[About us](#)’, no date

¹⁵ ARROW, ‘[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)’ (pages 19,20 & 21), 26 January 2021

as someone of a different gender. In 2008, the National Fatwa Council issued a fatwa (religious edict) decreeing that “tomboyish behavior” and same-sex relations between women are forbidden acts in Islam.¹⁶

- 7.2.6 ILGA in their report *Trans Legal Mapping Report: Recognition before the law, 2019* published in September 2020, noted in regard to Shariah laws:

‘Numerous Malaysian states criminalise tasyabbuh i.e. “male posing as woman” and “female posing as man”. Five state[s] prohibit: “Any male person who, in any public place, wears a woman’s attire and poses as a woman” Nine states prohibit: “Any male person who, in any public place, wears a woman’s attire and poses as a woman for immoral purposes.” At least three states prohibit: “Any female person who, in any public place, wears a man’s attire and poses as a man.” Sentences range from fines of 1,000 [£160¹⁷] to 5000 [£160¹⁸ - £800¹⁹] ringgit and prison terms of up to three years.²⁰

- 7.2.7 Human Rights Watch (HRW), in its report “‘I Don’t Want to Change Myself’: Anti-LGBT Conversion Practices, Discrimination, and Violence in Malaysia’, 10 August 2022, stated: ‘Malaysia’s state Sharia enactments, which permit the punishment of caning for consensual same-sex relations as well as for gender nonconformity, are among the many laws and policies in Malaysia that discriminate against LGBT people. State Sharia laws, enforced by state Islamic religious departments, are only applicable to Muslims, who account for approximately 60 percent [20.5 million] of Malaysia’s population [34 million²¹].’²²

- 7.2.8 The HRW report further noted: ‘Each state, and the federal territories (composed of Kuala Lumpur and Putrajaya), also has its own Syariah Criminal Offenses Enactment that is enforceable against Muslims. The stated purpose of Sharia enactments is to regulate “offences against precepts of the religion of Islam.” In most states, Sharia legislation criminalizes both consensual same-sex conduct between women as well as men, and gender nonconformity...

‘... Between 1985 and 2019 every Malaysian state and federal territory introduced Sharia criminal enactments containing provisions criminalizing “a man posing as a woman” or “a woman posing as a man”. Malaysia thereby became one of the few countries in the world to explicitly criminalize transgender people. Most recently, Negeri Sembilan amended its law in 2019 to add an offense of “a woman posing as a man” and simultaneously increased penalties; it had previously only criminalized “a man posing as a woman.” From 2008 to 2010, seven states issued fatwas (Islamic edicts) against pengkid, which roughly translates as “tomboy” or “masculine woman.” The fatwas declare that women who have a “masculine appearance or gestures” or a “male sexual instinct” are forbidden in Islam.

¹⁶ Outright International, The Citizen Lab, OONI, ‘[No Access: LGBTIQ ...](#)’ (page 26), 10 August 2021

¹⁷ Xe.com, ‘[1,000 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

¹⁸ Xe.com, ‘[1,000 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

¹⁹ Xe.com, ‘[5,000 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

²⁰ ILGA, ‘[Trans Legal Mapping Report: Recognition before the law, 2019](#)’ (page 88), September 2020

²¹ CIA, ‘[World Factbook: Malaysia](#)’, 18 January 2024

²² HRW, ‘[“I Don’t Want to Change Myself”: Anti-LGBT Conversion , ...](#)’ (Summary), 10 August 2022

...Sharia courts can... impose maximum sentences of three years in prison, fines of up to RM 5,000 (US\$1,559) [£800²³], and whipping of up to six strokes.²⁴

- 7.2.9 Suara Rakyat Malaysia (SUARAM), a human rights organisation in Malaysia²⁵, stated in its Human Rights Report Malaysia 2023 Overview:

‘As of 2023, there are at least 53 state Syariah laws that criminalise LGBT people on the basis of their SOGIE and consensual sexual acts between adults, 8 of which were introduced between 2019 and 2022 in Negeri Sembilan, Kelantan and Terengganu... Additionally, fatwa, guidelines and other measures also regulate and prohibit LGBT expressions, right to self-determination, access to health and religious spaces, and public life, among others.’²⁶

- 7.2.10 The USSD-IRF Report 2022, published 15 May 2023, noted: ‘Under sharia, caning is permitted in every state. Offenses subject to caning, sometimes in conjunction with imprisonment, include consensual same-sex sexual relations and prostitution.’²⁷

- 7.2.11 Freedom House (FH), in its Freedom in the World 2023 report, noted: Some states apply their own penalties to Muslims under Sharia statutes. Transgender people can also be punished under state-level Sharia laws.²⁸

- 7.2.12 The USSD HR 2023 report noted: ‘All same-sex sexual conduct is illegal under both federal law and state sharia provisions... State sharia provisions, enforced by state Islamic religious departments and applicable only to Muslims, permitted caning for acts such as consensual same-sex sexual relations and for the offense of “a man posing as a woman.”’²⁹

- 7.2.13 See [Arrests and detention of gay men](#), [Arrests and detention of lesbian women](#) and [Arrests and detention of trans persons](#) for information on the use of these laws in practice.

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7.3 Constitutional challenges to Sharia law

- 7.3.1 The ICJ report 2021 noted ‘Up to now, the courts have taken conservative approaches in their interpretations of the protective scope of the term “gender” as a prohibited ground of discrimination in the Federal Constitution’s equality clause. Successful applications have been few and far between, as seen in the 2021 Federal Court case that declared the unconstitutionality of Section 28 of the Syariah Criminal Offences (Selangor) Enactment 1995.’³⁰

- 7.3.2 Reporting on the Federal Court’s judgement Malay Mail, a Malaysian local and international news site, noted in an article dated 25 February 2021:

²³ Xe.com, ‘[5,000 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

²⁴ HRW, ‘[“I Don’t Want to Change Myself”: Anti-LGBT ...](#)’ (Criminalization of ...), 10 August 2022

²⁵ SUARAM, ‘[About us – background](#)’, no date

²⁶ SUARAM, ‘[Human Rights Report Malaysia 2023 Overview](#)’ (pages 67-68), 2023

²⁷ USSD-IRF, ‘[2022 Report on International Religious Freedom: Malaysia](#)’ (section II), 15 May 2023

²⁸ FH, ‘[Freedom in the World 2023 – Malaysia](#)’ (F4), 2023

²⁹ USSD, ‘[2023 Country Report on Human Rights Practices: Malaysia](#)’ (section 6), 23 April 2024

³⁰ ICJ, ‘[Invisible, Isolated, and Ignored Human Rights Abuses Based on Sexual ...](#)’ (page 43), 2021

‘Reading out a summary of the unanimous judgment, Chief Justice Tun Tengku Maimun Tuan Mat said the Federal Court granted the order sought by a Malaysian Muslim man who was challenging the constitutionality and validity of Section 28 of the Syariah Criminal Offences (Selangor) Enactment 1995.

‘Section 28 makes it a Syariah offence for “any person” performing “sexual intercourse against the order of nature with any man, woman or animal”, with the punishment being a maximum fine of RM5,000 [£800³¹] or a maximum three-year jail term or a maximum whipping of six strokes or any combination.

‘The order sought by the man and granted by the Federal Court today is for a declaration that Section 28 is invalid on the ground that it makes provision with respect to a matter which the Selangor state legislature has no power to make laws and is therefore null and void.’³²

7.3.3 Amnesty International also reported on the 2021 Federal Court judgement:

‘In her judgment Chief Justice Maimun explained that even though state legislatures throughout Malaysia have the authority to enact offences against the precepts of Islam, such power is still subject to the constitutional limit. The decision means only Parliament, and not state governments, has the authority to make criminal laws similar to Section 28. While the decision was based on the law in Selangor, other states carry similar enactments that would be similarly unconstitutional which now must also be repealed.’³³

7.3.4 The Australian Government, Department of Foreign Affairs and Trade, (DFAT) Country Information Report Malaysia, 29 June 2021 (2021 DFAT Country Information Report Malaysia) noted: ‘In February 2021, a nine-judge panel of the Federal Court unanimously declared that a Selangor syariah law criminalising “unnatural sex” was unconstitutional, with the power to make laws with respect to such offences being reserved to the Malaysian Parliament.’³⁴

7.3.5 The HRW report dated 10 August 2022 noted:

‘In January 2021, the Religious Affairs Ministry called for an amendment to the Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) and the state Syariah Procedure Enactments that would allow for increased sentences and would add new offenses targeting people who “insult Islam and commit Syariah offences by using network facilities, services and applications,” including through “promotion of LGBT lifestyle” and demonstrations of gender diversity online.’³⁵

7.3.6 ILGA in their World Database; Malaysia, noted:

‘In August 2023, the Federal Court began hearing a legal challenge against 20 Syariah provisions in the Kelantan Syariah Criminal Code (i) Enactment (2021). Among the provisions challenged are Sections 14 and 15

³¹ Xe.com, ‘[5,000 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

³² Malay Mail, ‘[Federal Court unanimously declares Selangor Syariah law ...](#)’, 25 February 2021

³³ AI, ‘[Landmark Decision On Section 28 Welcome And Must Lead To Repeal ...](#)’, 25 February 2021

³⁴ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.134), 29 June 2021

³⁵ HRW, ‘[“I Don’t Want to Change Myself”: Anti-LGBT ...](#)’ (Criminalization of ...), 10 August 2022

criminalising same-sex sexual relations. The plaintiffs argue that the State Legislature of Kelantan did not have the power to enact laws on such offences as there are already federal laws covering the same offences, citing the 2021 judgement in the state of Selangor (2021) which struck down the provision banning consensual same-sex acts.³⁶

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7.4 Other legal provisions affecting LGBTI persons

- 7.4.1 There is no legal recognition of same-sex relationships and there are no laws for same-sex couples to adopt children³⁷.
- 7.4.2 According to the 4th Muzakarah [Conference] of the Fatwa Committee National Council of Islamic Religious Affairs Malaysia held on 13-14th April 1982 'a person who was born as a khunsa musykil [intersex] who has two private parts of male and female, it is permitted to undergo operation to retain the most functional private part according to the suitability'³⁸
- 7.4.3 According to information from ILGA in 2019, a name change on the Identity Card is 'nominally possible' done by '1. Application to the National Registration Department to change one's Identity Card. However, outcomes are variable depending on the recognizability of the gender of name, which also includes race/ethnic recognizability. 2. [through] Court application.'³⁹
- 7.4.4 In relation to changing a gender marker, the same report noted it was 'nominally possible with prohibitive requirements' to change the Identity Card through application to the civil courts. Amendments include name, gender marker, and last digit of identity card number [the last number of Identity Card shows gender - odd numbers for male, even numbers for female]⁴⁰.
- 7.4.5 The ARROW report of 26 January 2021, noted:

'According to documentation, research and anecdotal evidence, trans people were able to change the details (name, gender marker and last digit of the serial number in IC) in their legal documents, including the national identification card and birth certificate, between the 1980s and early 2000s, although limited to only post-operative trans people. However, the complex and costly process has become increasingly restrictive over the years, despite legal precedence allowing amendments in legal documents for trans people. In several cases on legal gender recognition, judges have used Article 5 of the Federal Constitution, which grants the liberty of a person to find a ruling in favour of transgender people.'⁴¹
- 7.4.6 ILGA in their World Database; Malaysia, noted:

'In May 2023, the Home Ministry seized a reported total of 164 watches from local Swatch stores for bearing symbols relating to the LGBTQ+ community. The watches were part of Swatch's Pride Collection. Home Ministry officials said that the seizures were initiated due to violations of Section 7(1) of the

³⁶ ILGA, '[World Database: Malaysia](#)', no date

³⁷ Stonewall, '[Global Workplace Briefing 2018 – Malaysia](#)' (The Legal Landscape), 2018

³⁸ HRW, '["I'm Scared to Be a Woman": Human Rights Abuses Against ...](#)', 24 September 2014

³⁹ ILGA, '[Trans Legal Mapping report](#)' (page 87), 2019

⁴⁰ ILGA, '[Trans Legal Mapping report](#)' (page 87), 2019

⁴¹ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (page 18), 26 January 2021

[Printing Presses and Publications Act](#) (1984) which grants the Home Minister unrestricted authority to prohibit items that are deemed "prejudicial to or likely to be prejudicial to public order, morality, [or] security". In August 2023, the Home Ministry published [P.U. \(A\) 236](#) (2023) which is a prohibition order entailing that production, distribution and possession of the LGBTQ+ themed Swatch watches could mean imprisonment for up to 3 years according to the Printing Presses and Publication Act (1984).⁴²

- 7.4.7 NBC News reported in August 2023 that anyone found in possession of Pride Swatch products can face up to three years in jail or a fine of up to 20,000 ringgit (\$4,375) [£3,000⁴³]⁴⁴

See also [LGBT groups, civil society and human rights NGOs](#) and [Official views on sexual orientation and gender identity](#), [Societal norms – Marriage](#)

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8. State attitudes and treatment

8.1 Official views on sexual orientation and gender identity

- 8.1.1 HRW in their report of 10 August 2022, noted after the 2018 raid on BlueBoy gay bar in Kuala Lumpur by religious and police enforcement officials that 'Then-Federal Territories Minister Khalid Samad later released a statement on the motivations behind the raid, saying "Hopefully this initiative can mitigate the LGBT culture from spreading into our society."⁴⁵
- 8.1.2 The 2021 DFAT Country Information Report Malaysia, stated: 'In July 2020, Zulkifli Mohamad Al-Bakri, Malaysia's Minister in charge of religious affairs, announced in a social media post that he had given the Federal Territories Islamic Religious Department authorities "full licence to carry out its enforcement actions" against transgender persons in Malaysia, not just arresting them, but also providing them "religious education" so that they would "return to the right path"⁴⁶
- 8.1.3 The APTN report of 31 March 2021 stated 'In Parliamentary Hansard, as recently as 3 August 2020, the MP of Bachok (a district in the northeast of Malaysia), asked the Minister of Communications and Multimedia to show what efforts had been taken to stop any social media activity that promotes "deviant behaviour of LGBT people and the culture of pornography."⁴⁷
- 8.1.4 The ARROW report of 26 January 2021, noted 'The general attitudes towards LGBTIQ persons are reflected by some of Malaysia's state actors, including ministers, state assembly persons and members of Parliament.'⁴⁸
- 8.1.5 The same ARROW report noted:
- 'Despite the criminalisation of LGBTQ [Lesbian, gay, bisexual, transgender, intersex and queer (persons)] persons under various laws and state-led efforts that target LGBTQ persons, state actors have insisted that the

⁴² ILGA, '[World Database: Malaysia](#)', no date

⁴³ Xe.com, '[20,000 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)', 7 February 2024

⁴⁴ NBC News, '[Malaysia makes owning an LGBTQ Swatch punishable by up to 3 ...](#)', 10 August 2023

⁴⁵ HRW, '["I Don't Want to Change Myself": Anti-LGBT Conversion Practices, ...](#)', 10 August 2022

⁴⁶ DFAT, '[DFAT Country Information Report Malaysia](#)' (paragraph 3.138), 29 June 2021

⁴⁷ APTM, '[Conversion Therapy Practices Against Transgender Persons ...](#)' (page 3), 31 March 2021

⁴⁸ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (page 12), 26 January 2021

fundamental rights of LGBTIQ people are protected under the Federal Constitution, and that LGBTIQ people in Malaysia are treated equally and have access to government services and assistance without discrimination. In a press statement by the Ministry of Women, Family and Community Development on its [Convention on the Elimination of all Forms of Discrimination Against Women] CEDAW review, the government stated that “Malaysia upholds the rights and dignity of all persons in Malaysia [sic]. They also stated that in any case of discrimination, “due process of the law will be exercised accordingly,” in response to questions regarding discrimination against LGBTI persons.⁴⁹

- 8.1.6 A HRW report entitled “I Don’t Want to Change Myself”: Anti-LGBT Conversion Practices, Discrimination, and Violence in Malaysia, 10 August 2022, noted:

‘Officials under successive Malaysian governments have typically coded their approach to sexual and gender diversity in a logic of “prevention” and “rehabilitation,” backed by the threat of punishment. Former Prime Minister Muhyiddin Yassin, who was in office between March 2020 and August 2021, described LGBT people as a threat to Islam, backed by “foreign influences,” and a “disorder” that requires counseling. His religious affairs minister, Zulkifli Mohamad, announced on Facebook in July 2020 that religious enforcement officers had “full license” to arrest transgender people and “counsel” or “educate” them so that they “return to the right path.” The preceding government, led by Prime Minister Mahathir Mohamad, adopted a slightly more conciliatory approach, with his Islamic affairs minister, Mujahid bin Yusof, stating in 2018 that the government would “take proactive measures to curb the growing lesbian, gay, bisexual, transgender (LGBT) issues, and help them to return to the right path and lead a normal life.”⁵⁰

- 8.1.7 The SUARAM Human Rights Report Malaysia 2023 Overview, stated:

‘The Malaysian government, regardless of administration, have adopted varying exclusionary and discriminatory positions and actions in relation to LGBTQ-related issues and human rights. The government’s position is often expressed and reiterated both domestically through Parliament or media agencies, and internationally.

‘For example, in a written Parliament response in May 2023, the current Minister in the Prime Minister’s Department (Religious Affairs) reiterated the general stance by the Malaysian government on LGBTQ-related issues. This position can be summarised as follows:

‘As a country that upholds Islam as the religion of the Federation and that instils moral values based on traditions, culture and religion, the government is firm in not recognizing the lesbian, gay, bisexual and transgender people. “LGBT behaviour” (added by writer) is against religion, morals, Malaysia’s culture and laws, both civil and Syariah laws. ... LGBT communities’ rights to “practise their lifestyle” are subject to the laws that prohibit such acts. Nonetheless, the government does [sic] discriminate against any groups, including LGBT people, in enjoying their human rights as enshrined in the

⁴⁹ ARROW, ‘[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)’ (page 12), 26 January 2021

⁵⁰ HRW, ‘[“I Don’t Want to Change Myself”: Anti-LGBT Conversion ...](#)’ (Summary), 10 August 2022

Federal Constitution, including right to education, right to practise their religion, and right to employment consistent with Article 8(2) of the Federal Constitution.

‘Contrary to the statement by the Minister and the state’s position, LGBT people’s right to education, freedom of religion and employment, among others continue to decline, largely due to the state’s non-evidence and rights-based approach to LGBT-related issues and rights.’⁵¹

- 8.1.8 Human Dignity Trust, a UK-based registered charity and international human rights organisation which focuses on strategic litigation challenging the criminalization of homosexuality around the world noted in a 2023 article:

‘In January [2021], Deputy Minister in the Prime Minister’s Department (Religious Affairs), Ahmad Marzuk Shaary, suggested that stricter penalties could be imposed on LGBT people, arguing that the current punishments are not harsh enough. The Minister stated that he believed it is necessary to amend the existing Syariah Courts Act of 1965 or Act 355, which limits the sentences the Syariah courts can impose, to address “wrongdoings” and allow stricter punishments. The Deputy Minister further noted that all state religious enforcement agencies have been instructed to take against LGBT people who don’t “behave accordingly”.’⁵²

- 8.1.9 In May 2023 the Malay Mail reported on the establishment of a committee, under the government’s Islamic Development Department of Malaysia (Jakim), to address the issue of LGBT Muslims in Malaysia, which met on 11 April 2023. The report noted:

‘The religious affairs minister [Datuk Mohd Na’im Mokhtar] said the committee comprises representatives from ministries, departments, agencies and non-governmental organisations — but no LGBT groups — who will coordinate matters such as education, advocacy, evangelism and enforcement...

“Based on reports and observations, throughout the period from January 2021 until April 2023, there were several programmes and enforcement actions that have been implemented by inter-agencies regarding LGBT issues, they cover aspects of education, prevention and advocacy.

‘The minister insisted that “LGBT practices” are against religion, morality and culture in Malaysia....

‘He was responding to Pokok Sena MP Datuk Ahmad Saad from the Islamist party PAS, who asked Prime Minister Datuk Seri Anwar Ibrahim about the steps taken to prevent the normalisation of “LGBT lifestyle” in the country. Earlier today [23 May 2023], two Perikatan Nasional MPs from PAS said the LGBT community should be considered as suffering from mental health illnesses.’⁵³

- 8.1.10 On 11 September 2023, Justice for Sisters (JFS), a human rights group working on the rights of LGBTIQ and gender diverse persons in Malaysia:

⁵¹ SUARAM, ‘[Human Rights Report Malaysia 2023 Overview](#)’ (pages 73-74), 2023

⁵² Human Dignity Trust, ‘[Malaysia](#)’, 2023

⁵³ Malay Mail, ‘[Insisting Malaysia opposes LGBT](#)’, 23 May 2023

'... expresse[d] concern over the discriminatory provisions in the newly introduced guideline on entertainment activities (concerts) in higher learning institutions under the purview of the Ministry of Higher Education. The guideline introduces:

- 'prohibition of performers based association with LGBT people or actual or perceived sexual orientation, gender identity and gender expression
- 'regulation of attire, hairstyles, accessories, physical interaction, movement of performers
- 'prohibition of symbols and display of support and solidarity with, among others, LGBT people/issues
- 'prohibition and regulation of interactions, including through gender segregated seating arrangements, removal of standing area for attendees

'The guideline is one of the latest developments in the alarming trend of expanding criminalisation, censorship, and state intrusion into all aspects of LGBTQ people's lives. "The guideline shows heightened LGBTQ and gender panic which reinforce the institutionalisation of harmful gender stereotypes and practices. We view this as part of an ongoing trend of discrimination against LGBTQ people and increased restriction on freedom of expression'⁵⁴

8.1.11 The Star, a Malaysian English Language newspaper, in its September 2023 report noted:

'The government will not condone excessive action or harassment against those who are lesbian, gay, bisexual and transgender (LGBT), says Prime Minister Datuk Seri Anwar Ibrahim. However, he added in an interview with ...on Saturday (Sept 23) that Malaysia will never recognise LGBT rights...

'Asked about the recent ban of Swatch's Pride watches [in August 2023] and the possible three-year prison sentence [and / or a maximum fine of RM20,000] for a person found guilty of flouting the ban, Anwar said that he could not defend all the enforcement actions and added that he would like to see that changed...

'The Home Ministry said Putrajaya banned all Swatch products containing LGBTQ+ elements including watches, boxes, wrappers and all other relevant materials.'⁵⁵

8.1.12 NBC News reported in August 2023: 'The Home Ministry statement said the [Swatch] products are "detrimental, or possibly detrimental, to morality, public interest and national interest by promoting, supporting and normalising the LGBTQ movement which is not accepted by the general public."⁵⁶

8.1.13 HRW stated in their report of 11 January 2024 covering events which occurred in 2023 'In January [2023], [Prime Minister] Anwar rejected the idea that LGBT Malaysians would be recognized and protected under his government, saying: "These politicians will say that if Anwar becomes prime

⁵⁴ Justice for Sisters, '[Media Statement: Recall Ministry of Higher Education's ...](#)', 11 September 2023

⁵⁵ The Star, 'No harassment of LGBT community will be allowed, says Anwar', 24 September 2023

⁵⁶ NBC News, '[Malaysia makes owning an LGBTQ Swatch punishable by up to 3 ...](#)', 10 August 2023

minister ... LGBT will be recognized. This is a delusion. Of course, it will not happen.”⁵⁷

- 8.1.14 The USSD HR 2023 report noted that ‘In June [2023] opposition member of parliament Wan Ahmad Fayhsal Wan Ahmad Kamal proposed the country adopt Russia’s anti-LGBTQI+ propaganda law to “protect the nation’s children” from LGBTQI+-related content in social and mainstream media.’⁵⁸

See also [Religious views](#), [Other legal provisions affecting LGBTI persons](#) and [Ombudsman/complaints mechanisms](#)

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8.2 Treatment of gay, bisexual men and intersex persons

- 8.2.1 Sources often consider the situation for LGBTI collectively and therefore the treatment of individual groups is difficult to ascertain. Often information focuses on the experiences of trans women due to their increased visibility in society. Where possible CPIT has attempted to differentiate between the experiences of different groups (see [Treatment of gay, bisexual men and intersex persons](#), [Treatment of lesbians](#) and [Treatment of trans persons](#))
- 8.2.2 Several sources reported in November 2019 that 5 men were sentenced to jail, fines and caning by the Selangor Syariah High Court for attempted sexual intercourse following a 2018 raid on an apartment^{59,60}. Four of the 5 men were caned and released pending appeal of their jail sentence and the fifth was hoping to appeal his entire sentence. A further 6 individuals were due to face trial on the same charges^{61,62,63}.
- 8.2.3 The Nikkei Asian Review, noted in November 2019, ‘... raids are mostly conducted by Islamic authorities targeting Muslims, who are subject to both Sharia and civil law in Malaysia’s dual legal system. “Trans women have been convicted in Sharia courts consistently,” said Siti Kasim, a lawyer and human rights defender, but “never” gay people until recently.’⁶⁴
- 8.2.4 The 2021 DFAT Country Information Report Malaysia, stated:
‘JAKIM and other state religious authorities have occasionally conducted raids on LGBTI events (similar raids reportedly target unmarried heterosexual couples and those suspected of other “non-Islamic behaviour”). ... While the majority of such raids have occurred in public places, state religious officials have also reportedly conducted raids on private premises on occasion, sometimes accompanied by members of the [Royal Malaysia Police] RMP. In-country sources have suggested that authorities conduct such raids as a means of creating income through extorting or blackmailing those targeted.’⁶⁵

⁵⁷ HRW, ‘[World Report 2024 – Malaysia](#)’, 11 January 2024

⁵⁸ USSD, ‘[2023 Country Report on Human Rights Practices: Malaysia](#)’ (section 6), 23 April 2024

⁵⁹ Reuters, ‘[Malaysia sentences five men to jail, caning and fines for gay sex](#)’, 7 Nov 2019

⁶⁰ AI, ‘[Malaysia: Quash ‘despicable’ caning sentence for five men accused of ...](#)’, 8 November 2019

⁶¹ AI, ‘[Malaysia: Caning of four men is a terrible warning to LGBTI people, ...](#)’, 18 November 2019

⁶² The Straits Times, ‘[Malaysian men caned for gay sex under Islamic law](#)’, 19 November 2019

⁶³ Nikkei Asian Review, ‘[Malaysia’s LGBT community under siege as ...](#)’, 20 November 2019

⁶⁴ Nikkei Asian Review, ‘[Malaysia’s LGBT community under siege as ...](#)’, 20 November 2019

⁶⁵ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraphs 3.144, 3.139), 29 June 2021

8.2.5 DFAT also stated:

‘Prosecutions in relation to LGBTI activities have typically been in relation to state-based syariah legislation rather than federal law... In November 2019, the Selangor Syariah High Court convicted five men under syariah-based statutes for attempting to conduct sexual relations ‘against the order of nature’ in a private apartment 12 months earlier. The court sentenced four of the men to six months’ imprisonment, six strokes of the cane, and a fine of MYR4,800 (AUD1,520) [£130⁶⁶], while the fifth man received a sentence of seven months’ imprisonment, six strokes of the cane, and a fine of MYR4,900 (AUD1,550) [£150⁶⁷]. Human rights observers criticised the punishments as a breach of human rights, and noted that the presiding judge had made numerous prejudiced remarks during the case that were unrelated to the facts in issue.’⁶⁸

- 8.2.6 The Straits Times, referring to the legal challenge against Islamic law banning gay sex heard in the Federal Court in February 2021, noted the man who brought the challenge was ‘...among 11 arrested for allegedly having sex at an apartment in 2018. Some have admitted to the offence before an Islamic court and received six strokes of the cane, a fine and jail terms of up to seven months.’⁶⁹ (see [Constitutional challenges to Sharia law](#)).
- 8.2.7 HRW in their report of 10 August 2022, noted ‘Police and religious authorities occasionally undertake joint operations, such as the August 2018 raid on BlueBoy Discotheque Pub, a gay bar in Kuala Lumpur. JAWI [Federal Territories Islamic Religious Department] religious enforcement officials arrested 20 men and sentenced them to Islamic “counseling.”’⁷⁰
- 8.2.8 The USSD report 2023, repeating information from its 2022 report⁷¹, noted: ‘Observers reported violence against LGBTQI+ persons was common, and that police at times perpetrated and condoned such violence, including against individuals in custody.’⁷² The USSD did not provide further detail on the scale and extent of such treatment.
- 8.2.9 The OCHCR Compilation of information dated 13 November 2023 noted . ‘The Special Rapporteur on cultural rights recommended that Malaysia take immediate and effective measures to end hostility and intolerance on the basis of sexual orientation and gender identity and provide meaningful protection to lesbian, gay, bisexual, transgender and intersex persons against all forms of stigmatization, violence and discrimination’⁷³
- 8.2.10 In the Summary of Stakeholders’ submissions to the UN Office of the United Nations High Commissioner for Human Rights (OCHCR) for the Human Rights Council Working Group on the Universal Periodic Review dated 2 November 2023 US organisation the Human Rights Foundation (HRF) stated ‘...that LGBTQ+ persons were vulnerable to harassment, arbitrary

⁶⁶ Xe.com, [‘800 MYR to GBP - Convert Malaysian Ringgits to British Pounds’](#), 7 February 2024

⁶⁷ Xe.com, [‘900 MYR to GBP - Convert Malaysian Ringgits to British Pounds’](#), 7 February 2024

⁶⁸ DFAT, [‘DFAT Country Information Report Malaysia’](#) (paragraph 3.140), 29 June 2021

⁶⁹ The Straits Times, [‘Malaysian wins challenge against Islamic law banning ...’](#), 25 February 2021

⁷⁰ HRW, [“‘I Don’t Want to Change Myself’: Anti-LGBT Conversion Practices, ...”](#), 10 August 2022

⁷¹ USSD, [‘2022 Country Report on Human Rights Practices: Malaysia’](#) (section 6), 20 March 2023

⁷² USSD, [‘2023 Country Report on Human Rights Practices: Malaysia’](#)(section 6), 23 April 2024

⁷³ OCHCR, [‘Compilation of information’](#) (page 10), 13 November 2023

arrest and detention.’⁷⁴

- 8.2.11 CPIT could not find any specific information on intersex persons in the sources consulted (see [bibliography](#)).

See also [Other legal provisions affecting LGBTI persons](#), [Treatment of lesbians](#), [Treatment of trans persons](#), [Data on arrest and prosecution](#)).

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8.3 Treatment of lesbians

- 8.3.1 The 2021 DFAT Country Information Report Malaysia, stated: ‘In September 2018, a syariah court in Terengganu state sentenced two women to six strokes of the cane and a fine of MYR3,300 (AUD 1,045) [£550⁷⁵] after convicting them of allegedly attempting to have sexual intercourse. The caning, which was carried out in a courtroom in front of 100 witnesses, was reportedly the first such sentence to be ordered in relation to a LGBTI-related case since 2010.’⁷⁶

- 8.3.2 In relation to the same case, a HRW report from August 2022 noted ‘The court carried out the caning on September 3 [2018], in public, as one Terengganu official told the press, “to serve as a lesson to society.”’⁷⁷

- 8.3.3 In sources consulted (see [Bibliography](#)) CPIT could find no recent information on the treatment of lesbians specifically.

See also [Other legal provisions affecting LGBTI persons](#), [Treatment of lesbians](#), [Treatment of trans persons](#), [Data on arrest and prosecution](#)).

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8.4 Treatment of trans persons

- 8.4.1 In a June 2019 report HRW recorded that:

‘State religious officials and police officers have [...] physically and sexually assaulted transgender women arrested during raids to enforce Sharia laws that prohibit “a male posing as a female.” ‘Several Malaysian trans women have reported abusive arrests have diminished since an appeals court struck down as unconstitutional a state “cross-dressing” law in 2014. Malaysia’s highest court overturned the ruling on a technicality, but trans women say advocacy and awareness-raising have restrained officials. [...] But even when state agents are not the culprits of violence, they bear responsibility for propagating discriminatory beliefs that may lead to hate crimes and for failing to denounce violence when it takes place.’⁷⁸

- 8.4.2 The 2019 SUHAKAM report, ‘a Study on Discrimination against Transgender Persons based in Kuala Lumpur and Selangor’ which involved 100 trans respondents aged 18-70, noted that 25 trans respondents who were sex workers stated they faced violence from authorities⁷⁹.

⁷⁴ OCHCR, ‘[Summary of Stakeholders’ submissions](#)’ (page 10), 2 November 2023

⁷⁵ Xe.com, ‘[3,300 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

⁷⁶ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.140), 29 June 2021

⁷⁷ HRW, ‘[“I Don’t Want to Change Myself”: Anti-LGBT Conversion Practices, ...](#)’, 10 August 2022

⁷⁸ HRW, ‘[“The Deceased Can’t Speak for Herself.” Violence Against LGBT People ...](#)’, 25 June 2019

⁷⁹ SUHAKAM, ‘[Study on Discrimination Against Transgender Persons](#)’ (pages 51, 64), 2019

8.4.3 The ILGA in their - Trans Legal Mapping Report: Recognition before the law, 2019, September 2020, noted:

'There are reports of police officers arresting trans women under the criminal code that prohibits "public indecency". There is also evidence that trans women, in particular, experience "oppressive and discriminatory treatment from police officers and Islamic religious officers". They are arbitrarily detained, stopped at unauthorised roadblocks, questioned with sexual undertones, humiliated, intimidated and threatened. Shariah laws, or fatwas, are also used against Muslim and non-Muslim people in Malaysia, including trans persons, who have the additional burden of so-called cross-dressing laws designed to control diverse gender expressions as well as gender identities.'

8.4.4 The ARROW report of 26 January 2021, noted:

'...[I]n July 2020, the Minister for Religious Affairs gave full license for JAWI to arrest transgender people for rehabilitation purposes...

'The information gathered in relation to arrests in Perak largely focused on the experiences of trans women. No information available on the arrest and harassment in relation to trans men, queer men and queer women was obtained based on media and social media monitoring as well as via the interviews.

'Based on the interviews, between 2018 and 2020, there were some cases of arrest, mostly involving trans women by the Perak State Islamic Department. The trans women interviewees observed that the Perak State Islamic Department has been patrolling areas where trans women usually gather. In December 2019, a trans woman was arrested by the State Islamic department in Taiping. However, she was released without charges on the same night of her arrest. The reasons for the arrest were unclear, but attributed to being out at night in a sex work hotspot...

'In 2018 [in Terengganu], at least two persons have been subjected to fines and six strokes of cane each for attempt of musahabah under Sections 42 and 30 of the Syariah Criminal Offences (Takzir) (Terengganu) Enactment 2001. They were publicly caned in front of over 100 onlookers in the court. Many netizens used the opportunity to target the LGBTQ community by calling them sinners, immoral, useless, and an embarrassment to the family, amongst other names.'

8.4.5 The 2021 DFAT Country Information Report Malaysia, stated:

'In-country sources report that their increased visibility makes transgender individuals particularly vulnerable to raids by religious authorities and subsequent placement in re-education centres. Transgender women are held in male custodial facilities, and numerous human rights organisations have reported allegations that state religious officials, corrections officers... have subjected transgender women to physical or sexual violence and degrading treatment while in custody'

⁸⁰ ILGA, '[Trans Legal Mapping Report: Recognition before the law, 2019](#)' (page 88), September 2020

⁸¹ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (page 13), 26 January 2021

⁸² DFAT, '[DFAT Country Information Report Malaysia](#)' (paragraph 3.144), 29 June 2021

- 8.4.6 Bertelsmann Stiftung's Transformation Index, BTI 2022 Country Report – Malaysia, 23 February 2022, noted:

'The polarization of Malaysian society with regard to how far religious norms should define daily public life became evident in July 2020, when the minister of religious affairs, Zulkifli Mohamad, publicly encouraged officers of the Federal Territory Islamic Department to arrest transgender people so that they would "return to the right path." In October 2020, a raid against an event organized by transgender women in the state of Kedah led to the arrest of 30 people. These examples indicate that the legacy of the former BN government with regard to the configuration of ethnic and religious relations still plays an important role in Malaysian society.'⁸³

- 8.4.7 HRW in their report of 10 August 2022, noted:

'State Religious Department officials in many of Malaysia's states and federal territories regularly arrest transgender women based on state Sharia enactments that prohibit "a male person posing as a woman" and subject them to various abuses, including assault, extortion, and violations of their privacy rights...

'While state laws against gender nonconforming attire provide for up to three years in prison, many trans women are subjected to "counseling." Emma, a trans woman in Kedah, described such an experience after arrest:

'I've been arrested about seven or eight times. I've never been to court, they always just send me to counseling. In the counseling, they say, "How long are you going to be this way? Think about your parents, how do you think they feel, seeing you like this. How long you going to be a fag like this?" They say, "Why are you like this?" I'll say, "I've always been like this, it's who I am since I was little." "Are you blaming your parents? Why would you do this to your parents?" [State Islamic department] officers do the counseling, at the religious authority building. The counseling lasts five or six hours. We'd be in the building overnight until sunrise, being questioned by the officers, depending on how many of us were arrested that night.'⁸⁴

- 8.4.8 Pink News, an LGBTQ+ [lesbian, gay, bisexual, transgender, queer, and intersex] media platform, reported in an article dated 16 July 2020: 'On 10 July, minister Zulkifli Mohamad Al-Bakri announced on social media that he had given the religious police (Jawi) "full licence to carry out its enforcement actions" against transgender people in Malaysia. He elaborated that his order goes beyond arrests, but also allows police to subject trans people to "religious education" so that they will "return to the right path".'⁸⁵

- 8.4.9 On 29 October 2022, Malaysia's Islamic religious police raided an LGBT Halloween party and arrested and arrested 20 Muslims for cross-dressing. They were taken to the Federal Territories Islamic Religious Department where their details were taken. All 20 were shortly released but were instructed to return the following week for questioning^{86,87}. The USCIRF

⁸³ BTI, '[BTI 2022 Country Report – Malaysia](#)' (pages 19,20 & 21), 23 February 2022

⁸⁴ HRW, '["I Don't Want to Change Myself": Anti-LGBT Conversion Practices, ...](#)', 10 August 2022

⁸⁵ PinkNews, '[Malaysian police given 'full license' to arrest transgender people and ...](#)', 16 July 2020

⁸⁶ DW, '[Malaysia: Religious police raid LGBT Halloween party](#)', 30 October 2022

⁸⁷ VoA, '[Malaysian Authorities Raid LGBT Halloween Party](#)', 30 October 2022

2022 Report stated those detained at the Halloween party were only those whose MyKad cards identified them as Muslims⁸⁸. In sources consulted (see [Bibliography](#)) no further information could be found on what happened after those detained were released pending further questioning.

- 8.4.10 The USCIRF also noted ‘LGBTQI+ community members in other parts of the country reported similar incidents in 2022, indicating that local authorities have repeatedly attempted to disrupt LGBTQI+ events under the pretext of preventing Muslims from attending’⁸⁹.
- 8.4.11 Several sources reported the case of trans woman Nur Sajat who was charged in 2021 under Sharia law with dressing as a woman at a religious event three years earlier, and insulting Islam. She failed to appear at the Sharia court in February 2021 and left Malaysia^{90 91 92}. Sajat claimed physical and sexual violence was used by officers when she was arrested⁹³.⁹⁴ HRW reported after the court arrest warrant was issued Selangor’s state religious department, JAIS instructed 122 officers to find her⁹⁵.
- 8.4.12 The SUARAM Human Rights Report Malaysia 2023 Overview, stated: ‘Justice for Sisters monitoring shows that the police and media are ill-equipped to address and report cases of violence and hate crimes against LGBTQ persons, particularly trans and gender-diverse persons. In the case reported in October 2023, the trans woman was not only misgendered, but the police were also quick to rule out hate crime elements despite the brutal violence and pending lab reports.’⁹⁶
- 8.4.13 On 13 October 2023, Justice for Sisters, reported in a media statement: ‘Justice for Sisters (JFS) expresses concern over the language used by the Royal Malaysian Police (PDRM) and the media in reporting the death of a 30 year old trans woman in Tampoi, Johor. In his statement, which was carried by Bernama and republished by local media, Johor police chief Comm Datuk Kamarul Zaman described the deceased as a “male fully clad in women’s clothing”’⁹⁷
- 8.4.14 Asher and Lyric, a travel research organisation, analysed international data to create the ‘Global Trans Rights Index’. The Index, published in June 2023 assessed the ability of trans persons to live according to their gender identity whilst being safe from discrimination and harm. The 203 countries were ranked from most safe (1) to least safe (203). The areas considered were worker protections, protections against discrimination, criminalisation of violence, transgender legal identity laws and trans murder rates. According to its methodology⁹⁸, the Index used open-source information from ILGA, Human Rights Watch, Wikipedia and Transgender Murder Monitoring. It did

⁸⁸ USCIRF, ‘[2022 Report on International Religious Freedom: Malaysia](#)’ (page 63), May 2023

⁸⁹ USCIRF, ‘[2022 Report on International Religious Freedom: Malaysia](#)’ (page 63), May 2023

⁹⁰ PinkNews, ‘[Being LGBTQ+ in Malaysia: ‘You don’t know who to turn to’](#)’, 18 June 2023

⁹¹ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.140), 29 June 2021

⁹² HRW, ‘[“I Don’t Want to Change Myself”: Anti-LGBT Conversion Practices, ...](#)’, 10 August 2022

⁹³ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.140), 29 June 2021

⁹⁴ PinkNews, ‘[Being LGBTQ+ in Malaysia: ‘You don’t know who to turn to’](#)’, 18 June 2023

⁹⁵ HRW, ‘[“I Don’t Want to Change Myself”: Anti-LGBT Conversion Practices, ...](#)’, 10 August 2022

⁹⁶ SUARAM, ‘[Human Rights Report Malaysia 2023 Overview](#)’ (page 75), 2023

⁹⁷ Justice for Sisters, ‘[Media Statement: Police And Media Need To Be ...](#)’, 13 October 2023

⁹⁸ Asher and Lyric, ‘[Global Trans Rights Index 2023](#)’ (methodology), 5 June 2023

not provide detail on which sources were specifically used in relation to Malaysia. The source noted ‘...there are....fewer resources, studies, and data sources available for trans-specific issues [compared to LGB] around the world, which limits our ability to quantify trans issues.’ The Index ranked Malaysia as the second least safe country (202 out of 203) for trans persons⁹⁹.

8.4.15 The USSD HR 2023 report, repeated information from the 2022¹⁰⁰ report:

‘The Global Trans Rights Index noted trans persons in the country faced significant discrimination and were targeted by police. Authorities often charged transgender persons with “indecent behavior,” as “a man posing as a woman,” or for “importuning for immoral purposes” in public, even if they were not soliciting. A person convicted of a first offense faced a token fine and a maximum sentence of 14 days in jail; sentences for subsequent convictions were fines and up to three months in jail.’¹⁰¹ The USSD report did not provide detail on how many trans persons were charged during 2023. It also did not note whether those referred to as charged ‘often’ were subsequently prosecuted and sentenced and to what extent the penalties referenced were applied. See also [Data on arrest and prosecution](#).

8.4.16 The same USSD HR 2023 report stated: ‘According to local advocates, imprisoned transgender women usually served their sentences in prisons designated for men and both police and inmates abused them sexually and verbally...’¹⁰² The USSD report did not provide further detail on how many trans persons were affected.

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8.5 Data on arrest and prosecution

8.5.1 The Nikkei Asian Review, noted in November 2019, ‘The exact number of convictions [of LGBTI persons] is unknown due to the absence of official figures’¹⁰³

8.5.2 The ARROW report noted ‘...there is a lack of access to statistics and information in relation to LGBTIQ experiences in Malaysia...statistics on arrests of LGBTIQ persons are not up-to-date or easily available.’¹⁰⁴

8.5.3 The government’s Department of Statistics, Malaysia (DOSM), published ‘Crime Statistics Malaysia 2023’ in November 2023. The report contains information on 9 selected areas of crime, one being violence and sexual crime. According to the report, the statistics are based on administrative records obtained from various agencies¹⁰⁵, in the case of violence and sexual crime they have been obtained from the Royal Malaysia Police¹⁰⁶. The figures relate only to cases reported to the police¹⁰⁷. There is no

⁹⁹ Asher and Lyric, ‘[Global Trans Rights Index 2023](#)’, 5 June 2023

¹⁰⁰ USSD, ‘[2022 Country Report on Human Rights Practices: Malaysia](#)’ (Section 6), 20 March 2023

¹⁰¹ USSD, ‘[2023 Country Report on Human Rights Practices: Malaysia](#)’, 23 April 2024

¹⁰² USSD, ‘[2023 Country Report on Human Rights Practices: Malaysia](#)’, 23 April 2024

¹⁰³ Nikkei Asian Review, ‘[Malaysia’s LGBT community under siege as ...](#)’, 20 November 2019

¹⁰⁴ ARROW, ‘[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)’ (page 9), 26 January 2021

¹⁰⁵ DOSM, ‘[Crime Statistics Malaysia 2023](#)’, 2 November 2023 (page 11)

¹⁰⁶ DOSM, ‘[Crime Statistics Malaysia 2023](#)’, 2 November 2023 (page 12)

¹⁰⁷ DOSM, ‘[Crime Statistics Malaysia 2023](#)’, 2 November 2023 (page 195)

information within the source on the nature of such cases, the number of people involved in relation to each case, or the progress of the reported incident (i.e. did it proceed to investigation, arrest, charge, prosecution, conviction, sentence).

- 8.5.4 The report provided statistics on the number of cases of ‘unnatural sex’. The source did not however, provide information on the definition of ‘unnatural sex’ and the specific criminal offence(s) this related to. It may refer to article 377 of the penal code which lists ‘Unnatural Offences’ but this cannot be confirmed (see [Legal context](#) for criminal offences that affect LGBTI persons).
- 8.5.5 The report did not provide information on the sex or gender of the accused person or whether the offence related to same-sex sexual activity or not (see [Legal context](#) for information on offences under the penal code which apply to sexual acts that take place between a man and a woman). The data is broken down by year and state¹⁰⁸ (table compiled by CPIT):

State	Number of ‘unnatural sex’ cases		
	in 2020	in 2021	in 2022
Johor	22	26	18
Kedah	8	6	14
Kelantan	9	11	7
Melaka	12	3	12
Negeri Sembilan	9	7	2
Pahang	12	14	16
Perak	15	10	6
Perlis	3	-	3
Pulau Pinang	17	12	17
Sabah (Includes W.P. Labuan)	9	7	7
Sarawak	7	2	2
Selangor	87	92	70
Terengganu	10	10	15
W.P. Kuala Lumpur (includes W.P. Putrajaya)	29	22	10
Total cases in Malaysia	249	222	199

- 8.5.6 The report explained that ‘unnatural sex’ cases decreased by 0.4 per cent between 2021 and 2022¹⁰⁹.
- 8.5.7 The report provided data on the number of cases of ‘unnatural sex’ where the victim was 18 years and below. In 2020 there were 102 cases, in 2021 there were 62 cases and in 2022 there were 63¹¹⁰. It is not clear whether these cases are included in the overall statistics for ‘unnatural sex’. Given the victims were children, they cannot apply to consensual acts between adults which also come under 377 of the Penal Code ‘Unnatural Offences’ and are therefore unlikely to be in relation to the type of charges LGBTI

¹⁰⁸ DOSM, ‘[Crime Statistics Malaysia 2023](#)’, 2 November 2023 (page 69)

¹⁰⁹ DOSM, ‘[Crime Statistics Malaysia 2023](#)’, 2 November 2023 (page 12)

¹¹⁰ DOSM, ‘[Crime Statistics Malaysia 2023](#)’, 2 November 2023 (page 71)

persons face (See [Legal context](#) for offences which affect LGBTI persons.)

- 8.5.8 The ARROW report noted ‘No cases of arrests [of LGBTI persons] under the Federal Territory’s [of Kuala Lumpur] Syariah laws were reported in the media or recorded through the interviews for this study between 2018 and 2020.’¹¹¹
- 8.5.9 In sources consulted (see [Bibliography](#)) no data on cases investigated and prosecuted under the penal code could be found. No data on cases processed through the Sharia system could also be found.

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8.6 Conversion therapy practices

- 8.6.1 The report by Outright International, the University of Toronto’s Citizen Lab, and OONI, dated 10 August 2021, noted: ‘In late 2018, the Malaysian government began officially promoting so-called “conversion therapy” to allegedly guide Muslim LGBTIQ citizens, especially transgender women, to the “right path.”’¹¹²
- 8.6.2 The Asia Pacific Transgender Network (APTNet) report - Conversion Therapy Practices Against Transgender Persons in Malaysia, 31 March 2021, noted: ‘Conversion therapy practices (CTPs) refer to any sustained effort intended to “modify a person’s sexual orientation, gender identity, or gender expression”. According to the International Rehabilitation Council for Torture Victims, CTP can include talking therapy, ritual or religious cleansing, behavioural conditioning, such as being asked to dress or walk in a certain way, and/or beating or other forms of “corrective” violence. All these forms of CTPs are prevalent in Malaysia.
- ‘CTPs in Malaysia are perpetrated by parents, school systems, religious institutions, and the state, which disguise CTPs as religious education programmes (such as the Mukhayyam programme) or programmes for hijrah diri (self-pilgrimage).
- ‘The practices of these programmes include showing trans women videos about death and dying (to strike the fear of God in them) and forcing them to participate in strenuous physical activity in the hope that it will make them more “masculine”. There are also a number of private Islamic healing clinics which “treat” LGBTI people through the recitation of Quranic verses and the spraying of black pepper seeds over their eyes, purportedly to expel Satan from them...
- ‘As a result of this hostile environment against LGBTI people, trans people have very little recourse for harms experienced as a result of CTPs. Trans people and trans allies are not able to express their views on CTPs without fear, and in fact, face reprisals from the government for doing so. In August 2020, Nicole Fong, an activist who shed light upon the Mukhayyam programme’s CTPs, was doxxed [personal information revealed publicly] by hundreds and hundreds of conservative Muslims on Twitter and harassed by

¹¹¹ ARROW, ‘[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)’ (pages 19), 26 January 2021

¹¹² Outright International, The Citizen Lab, OONI, ‘[No Access: LGBTIQ ...](#)’ (page 26), 10 August 2021

government authorities.’¹¹³

8.6.3 The 2021 DFAT Country Information Report Malaysia, stated:

‘A number of state governments also run re-education programs for LGBTI individuals. The Terengganu [a state on the eastern coast of Peninsular Malaysia] government has reportedly run a “re-education boot camp” or “behaviour corrective program” in Besut for teenage males since 2010, to which boys selected for effeminate behaviour were sent for physical training and religious and motivational classes; while the Negeri Sembilan Religious Affairs Department reportedly held a two-day camp as part of the state’s “Action Plan Against Social Ills of LGBT 2017-2021”. The Selangor State Government also reportedly offers inducement payments to members of the LGBTI community to undergo treatment by any institution, Muslim NGO or group that can “liberate, manage, protect, treat, and rehab [the] community”.’¹¹⁴

8.6.4 A HRW report entitled “I Don’t Want to Change Myself”: Anti-LGBT Conversion Practices, Discrimination, and Violence in Malaysia, 10 August 2022, noted:

‘While officials sometimes claim punitive measures are only used as a last resort, prevention and rehabilitation efforts also result in concrete harms to LGBT people.

“Prevention” takes place in schools, where some students who are perceived as queer or gender nonconforming are forced to undergo mandatory “counseling” sessions. State religious officials have provided workshops to educational institutions and parents on preventing homosexuality and transgender expression. They have also organized events at universities and for the general public that feature self-proclaimed ex-gay and ex-trans people who say they have returned to the “right path” and that other LGBT persons can and should do so as well.

‘In accordance with the belief that LGBT people should be “rehabilitated,” the federal Islamic Affairs Department (JAKIM) and various state Islamic departments run camps, known as mukhayyam, which include sexual orientation and gender identity change efforts, also known as “conversion” practices, targeting Muslim LGBT people. JAKIM boasted in 2018 that 1,450 LGBT people had “recovered” from the “disease” through mukhayyam since the program was initiated in 2012. By June 2021, the government reported that 1,733 LGBT people had attended these programs.’¹¹⁵

8.6.5 The HRW report further stated:

‘Some Christian churches also advance anti-LGBT narratives and conduct conversion practices...Some Christian churches—like state Islamic institutions ... deny they are forcing anyone to undergo conversion practices. For instance, one Chinese Christian church states on its website that it seeks to “assist individuals who desire restoration of their sexual identity to God’s original intention.” The church denies that it conducts “conversion

¹¹³ APTN, ‘[Conversion Therapy Practices Against Transgender ...](#)’ (pages 4- 10), 31 March 2021

¹¹⁴ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3/142), 29 June 2021

¹¹⁵ HRW, ‘[“I Don’t Want to Change Myself”: Anti-LGBT Conversion ...](#)’ (Summary), 10 August 2022

therapy,” emphasizing that individuals are not coerced into participating and maintaining that it helps those who “choose” to give up their “gay lifestyle.”¹¹⁶

- 8.6.6 The Summary of Stakeholders’ submissions to OCHCR dated 2 November 2023 noted ‘JS16 [¹¹⁷] stated that between 2019 and 2023, LGBTI persons had faced increased criminalization [and], state-funded conversion practices’¹¹⁸
- 8.6.7 The SUARAM Human Rights Report Malaysia 2023 Overview, stated:
‘LGBT rehabilitation programmes have intensified and expanded under the Prime Minister’s Department (Religious Affairs), JAKIM and state Islamic departments since 2010. ... Justice for Sisters’ survey found at least 66% of 156 LGBTIQ and gender-diverse respondents had experienced pressure to change their SOGIE by various actors. The study also extrapolated that 1 out of 10 respondents had been forcibly sent to an external party to be corrected. This is consistent with SUHAKAM’s study, which found 15% of 100 trans and intersex respondents who had forcibly been sent to an external party to be corrected.’¹¹⁹
- 8.6.8 The SUARAM Report further added:
‘The Minister in the Prime Minister’s Department (Religious Affairs) periodically provides updates of the government’s “progress” in addressing what it views as the LGBT problem. According to the Minister, between January 2021 and April 2023, the Prime Minister’s Department with other agencies have undertaken a range of activities categorised under four aspects.
- a) **‘Education, prevention and advocacy.** 18 collaborative media, online and offline programmes have been undertaken in collaboration with various government agencies and non-governmental organisations targeting young people and Muslim outreach groups (komuniti dakwah dan tarbiah).
 - b) **‘Research.** Two transgender related studies both focusing on rehabilitation of transgender people were reportedly undertaken within the reported period.
 - c) **‘Dakwah and guidance.** Six activities were undertaken by state Islamic councils, Yayasan Ihtimam Malaysia (YIM), and the hijrah community. The hijrah community refers to ex-LGBT people or LGBT people who may have “changed” or suppressed their sexual orientation, gender identity and gender expression. They may no longer fully identify as “former” aspects of their identities. Some may still do, but only in the safest environments. On 18 October 2023, the Minister reported that the government had held 4 Mukhayyam camps attended by 220 people.
 - d) **‘Action and enforcement.** This includes censorship of the Lightyear animation, investigation of the Women’s March organisers, and

¹¹⁶ HRW, [“I Don’t Want to Change Myself”: Anti-LGBT Conversion ...](#)’ (Summary), 10 August 2022

¹¹⁷ OCHCR, [‘Summary of Stakeholders’ submissions’](#) (page 16), 2 November 2023

¹¹⁸ OCHCR, [‘Summary of Stakeholders’ submissions’](#) (page 10), 2 November 2023

¹¹⁹ SUARAM, [‘Human Rights Report Malaysia 2023 Overview’](#) (page 69), 2023

others.¹²⁰

- 8.6.9 The USSD 2022 Country Report on Human Rights Practices: Malaysia (USSD HR Report 2022), published 20 March 2023 noted: 'In March the Department of Islamic Development released a smartphone app designed to "assist" Muslims who have become "entrenched in LGBTQI+ practices" to return to the "correct ways" as taught in Islamic scripture. Google Play and Apple App stores both removed the app after public complaints.'¹²¹
- 8.6.10 The USCIRF 2022 noted: 'In-country sources report that their increased visibility makes transgender individuals particularly vulnerable to raids by religious authorities and subsequent placement in re-education centres... the JAKIM, in coordination with its state-level counterparts, continued to organize mukhayyams (conversion therapy camps) to target and compel Muslim members of the LGBTQI+ community to undergo "rehabilitation." The government reported that it had subjected at least 1,733 LGBTQI+ people to these programs in 2021, but it has not released numbers for 2022.'¹²²
- 8.6.11 PinkNews reported in June 2023: 'Malaysia's government is cracking down on the LGBTQ+ community. Queer people have faced arrests and forced conversion therapy in what officials term an attempt to stem the "spread of LGBTQ+ culture in society".'¹²³
- 8.6.12 JFS, in September 2023 noted '...the state's increased promotion of LGBTQ conversion practices.'¹²⁴
- 8.6.13 In the Summary of Stakeholders' submissions to the UN OCHCR dated 2 November 2023 ICJ '...recommended that Malaysia abolish discriminatory practices that violated the human rights of LGBT persons, including mukhayyam rehabilitation programmes and any other State-sanctioned programmes aimed at forcibly "converting" LGBT persons.'¹²⁵
- 8.6.14 The USSD HR 2023 report noted:
- 'The federal government funded retreats known as *mukhayyam* (rehabilitation) aimed at LGBTQI+ individuals. In parliament on October 18, Minister in the Prime Minister's Department (Religious Affairs) Mohd Na'im Mokhtar said the Islamic Development Department was working with other ministries to "curb perverse activities such as being a lesbian, gay, bisexual, or transgender person." He added that during the year, 220 persons were involved in mukhayyam programs to provide religious guidance and health awareness. He said the government was "consistent" in its stance that the "practice of LGBTQI+ is unacceptable in the Islamic community."
- There was no information on the extent to which persons attended these retreats voluntarily or were coerced into attending, though anecdotally, some members of the LGBTQI+ community attended these retreats voluntarily. State religious authorities reportedly forced LGBTQI+ persons to participate in "conversion therapy," "treatment," or "rehabilitation" programs to "cure"

¹²⁰ SUARAM, '[Human Rights Report Malaysia 2023 Overview](#)' (pages 70-71), 2023

¹²¹ USSD, '[2022 Country Report on Human Rights Practices: Malaysia](#)' (section 6), 20 March 2023

¹²² USCIRF, '[2022 Report on International Religious Freedom: Malaysia](#)' (page 63), May 2023

¹²³ PinkNews, '[Being LGBTQ+ in Malaysia: "You don't know who to turn to"](#)', 18 June 2023

¹²⁴ Justice for Sisters, '[Media Statement ...](#)', 11 September 2023

¹²⁵ OCHCR, '[Summary of Stakeholders' submissions](#)' (page 10), 2 November 2023

them of their sexuality. “Malaysia’s current rehabilitation and criminalization approaches to LGBT people,” commonly referred to as “returning someone to the right path,” “are based neither in rights nor evidence,” said Thilaga Sulathireh, cofounder of the NGO Justice for Sisters in June.¹²⁶

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8.7 Censorship/monitoring of media and online material

8.7.1 The report by Outright International, the University of Toronto’s Citizen Lab, and OONI, dated 10 August 2021, noted:

‘For LGBTIQ people in Malaysia, the continued conservative Islamist climate results in self-censorship and vigilance about posting... It appears, however, that despite the Malaysian government’s antipathy towards its LGBTIQ citizens, as manifested in its conservative religious and anti-LGBTIQ legal environments, blocking of LGBTIQ websites does not appear to be systematic. In addition to some of the censorship likely being “leakage” over Indonesia, local LGBTIQ sites are not blocked. Nevertheless, the Malaysian LGBTIQ community has many reasons to remain vigilant about posting content potentially perceived as offensive to the government and Islamic authorities and must rely on more secure technologies and platforms for communicating.’¹²⁷

8.7.2 The 2021 DFAT Country Information Report Malaysia, stated: ‘Authorities have banned homosexual, bisexual, transsexual and transgender individuals appearing on state-controlled media since 1994, while media censorship rules ban movies or songs that promote the acceptance of same-sex relationships... authorities have undertaken efforts to restrict LGBTI activities online’¹²⁸

8.7.3 HRW in their report of 10 August 2022, noted:

‘The Malaysian government has long sought to shut down pro-LGBT expression, including in cultural production. The Home Affairs Ministry’s “Guidelines on Film Censorship” prohibit portraying “homosexual and unnatural sex” and “transgender behavior and lifestyle” in films...

‘In December 2020, the Home Ministry banned the book “Gay is OK! A Christian Perspective,” with the ministry’s secretary-general denouncing homosexuality as both illegal and immoral. The author and publisher filed in March 2021 a legal challenge against the ruling, arguing that the ban is unconstitutional. In February 2022, the High Court ruled in favor of the author and publisher and revoked the government’s ban.’¹²⁹

8.7.4 The Human Dignity Trust, in a 2023 article, noted in respect of the same book:

‘In September [2023], the Court of Appeal restored a ban on the book Gay is OK!: A Christian Perspective, which was quashed by the High Court in its February 2022 judgment. The book, authored by Malaysian writer Ngeo Boon Lin, was originally banned by the Home Ministry on the grounds of

¹²⁶ USSD, ‘[2023 Country Report on Human Rights Practices: Malaysia](#)’, 23 April 2024

¹²⁷ Outright International, The Citizen Lab, OONI, ‘[No Access: ...](#)’ (page 28,30), 10 August 2021

¹²⁸ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.138, 3.1.43), 29 June 2021

¹²⁹ HRW, ‘[“I Don’t Want to Change Myself”: Anti-LGBT Conversion Practices, ...](#)’, 10 August 2022

preserving public order, morality and public interest. The Court of Appeal agreed with the government, stating that freedom of expression may be restricted if necessary for reasons such as public order or morality.¹³⁰

8.7.5 The USSD HR 2023 report, repeated information from its 2022 report¹³¹ that: 'Depictions of or speech about LGBTQI+ themes were illegal; during the year several publications were banned for promoting LGBTQI+ culture.'¹³²

8.7.6 Freedom House (FH), in its report - Freedom on the Net 2023 – Malaysia, 4 October 2023, covering events of 2022 stated:

'LGBT+ Malaysians face widespread discrimination and harassment, limiting online content. There is an active podcast catering to LGBT+ listeners, although its hosts remain anonymous for fear of reprisal; several LGBT+ websites are blocked. Anti-LGBT+ statements from government officials may drive self-censorship, as when the Human Rights Commission of Malaysia stated that rights afforded by the constitution are not rights to maintain a lifestyle contrary to societal norms and religion.'¹³³

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8.8 Ombudsman/complaints mechanisms

8.8.1 The Human Rights Commission of Malaysia, noted on its website:

'The Human Rights Commission of Malaysia (SUHAKAM) was established under the Human Rights Commission of Malaysia Act 1999 [Act 597]. Section 2 of this Act defines "human rights" as referring to the "fundamental liberties as enshrined in Part II of the Federal Constitution"...

'The function of inquiring into complaints about human rights infringements is subject to the conditions imposed by section 12 of the Act. Section 12 empowers SUHAKAM to act on its own motion to inquire into allegations of infringement of human rights, in addition to acting on complaints submitted to it. SUHAKAM, however, may not investigate complaints which are the subject matter of proceedings pending in a court of law or which have been finally decided by any court. Such investigations have to cease if the matter being investigated is brought before the courts.'¹³⁴

8.8.2 In a 2019 report on trans persons, SUHAKAM referred to its provisions on promoting awareness of human rights and conducting studies in that respect. It noted the Commission had undertaken several pieces of work on the LGBT community since 2010¹³⁵.

8.8.3 The APTN report of 31 March 2021 stated:

'There is little redress available through human rights or medical professional bodies. The Human Rights Commission of Malaysia, or Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM), which is the national government agency for human rights, has produced research on trans people, but would not comment on [Conversion therapy practices] CTPs for this report.

¹³⁰ Human Dignity Trust, '[Malaysia](#)', 2023

¹³¹ USSD, '[2022 Country Report on Human Rights Practices: Malaysia](#)' (section 6), 20 March 2023

¹³² USSD, '[2023 Country Report on Human Rights Practices: Malaysia](#)' (section 6), 23 April 2024

¹³³ FH, '[Freedom on the Net 2023 – Malaysia](#)' (B7), 4 October 2023

¹³⁴ SUHAKAM, '[About us](#)' (Its Founding Statute), no date

¹³⁵ SUHAKAM, '[Study on discrimination against transgender persons...](#)', (page 2), 2019

SUHAKAM also does not have the resources or independent authority to adequately investigate complaints and penalise those who perpetrate CTPs. According to our research, a key reason perpetrators of CTPs seem to have impunity in the country is the lack of regulation and/or accountability processes around CTPs in medical settings.’¹³⁶

- 8.8.4 SUHAKAM released a press statement on 28 January 2021 in response to proposals to introduce harsher sentences through Sharia Courts for LGBTI persons. The press release stated:

‘SUHAKAM stresses that all individuals, regardless of their sexual orientation or gender identity, should have the same fundamental rights as enshrined in the Federal Constitution including their right to privacy and to live with dignity... SUHAKAM calls upon the Government to reconsider the proposal to amend Act 355 and ensure that it is in line with the international human rights standards. SUHAKAM further recommends that the Government adopt a more compassionate approach by respecting human rights for all through continuous dialogues and awareness raising programmes with the relevant stakeholders.’¹³⁷

- 8.8.5 A search of the SUHAKAM website did not find any more recent information in relation to sexual orientation, gender identity or expression since December 2021¹³⁸

- 8.8.6 In the Summary of Stakeholders’ submissions to the UN OCHCR dated 2 November 2023 The Swiss International Commission of Jurists (ICJ) stated ‘...LGBT persons in Malaysia faced significant barriers to accessing justice when their human rights were violated or abused online and/or offline’¹³⁹

(see also Conversion therapy practices)

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9. Societal treatment

9.1 Societal attitudes

- 9.1.1 The 2021 DFAT Country Information Report Malaysia, stated: ‘There is a strong social taboo against LGBTI issues... Many members of the LGBTI community reportedly hide their identity [online] to avoid harassment, familial ostracism, and/or violence.’¹⁴⁰
- 9.1.2 The same DFAT report noted ‘Sources report society is generally more permissive of people who identify as LGBTI in Kuala Lumpur than they are in East Coast peninsular Malaysia or Sarawak and Sabah.’¹⁴¹
- 9.1.3 The ARROW report of 26 January 2021, noted: ‘The common narratives are ‘LGBTIQ people are Western ideas’, ‘LGBTIQ people are a result of the failure of family institutions’, ‘The state needs to increase punishment to curb the “spread of LGBTIQ”’, and ‘LGBTIQ people need to be cured or corrected

¹³⁶ APTM, ‘[Conversion Therapy Practices Against Transgender Persons ...](#)’ (page 10), 31 March 2021

¹³⁷ SUHAKAM, ‘[Amendments to the Syariah Courts](#)’, 28 January 2021

¹³⁸ SUHAKAM ‘[Results for sexual orientation](#)’v, no date

¹³⁹ OCHCR, ‘[Summary of Stakeholders’ submissions](#)’ (page 10), 2 November 2023

¹⁴⁰ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.143), 29 June 2021

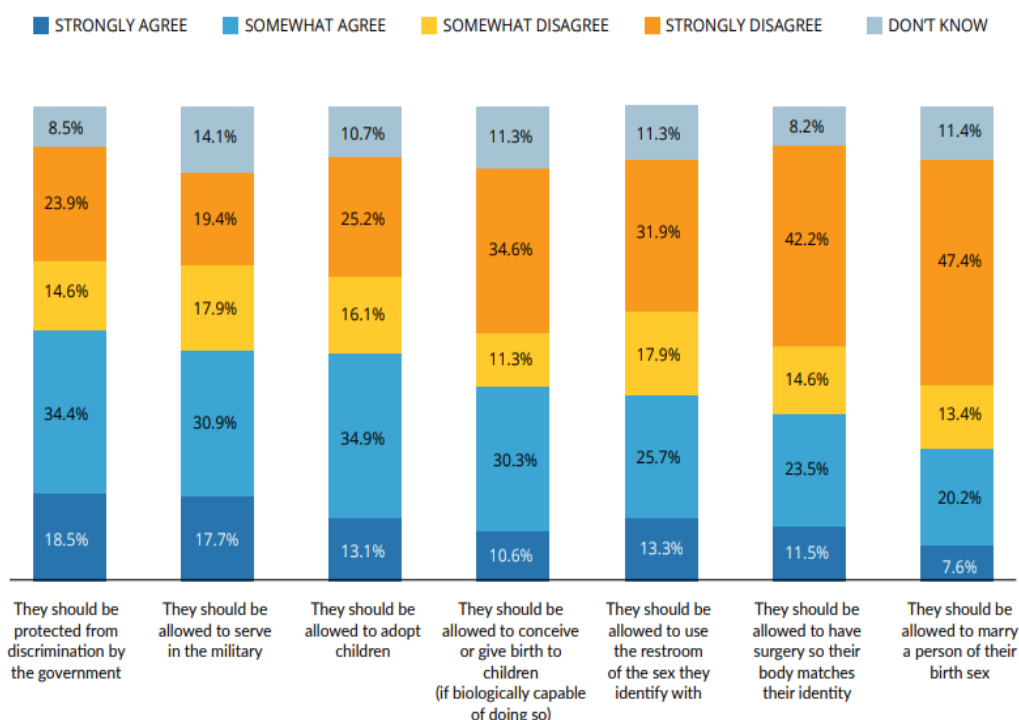
¹⁴¹ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.146), 29 June 2021

with the right approach and effort'.¹⁴²

- 9.1.4 A report by the University of California (UCLA) School of Law, Williams Institute, entitled - Public Opinion of Transgender Rights in Malaysia, September 2020, which gathered data from 500 participants for the 2017 Global Attitudes Toward Transgender People survey about public familiarity with and attitudes toward transgender people in Malaysia, found that:

'More participants agreed than disagreed, strongly or somewhat (52.9% vs. 38.5%), that transgender people should be protected from discrimination by the government. Greater proportions of participants also agreed than disagreed that transgender people should be allowed to serve in the military (48.6% vs. 37.3%) and should be allowed to adopt children (48.0% vs. 41.3%). By contrast, majorities of participants disagreed that transgender people should be allowed to marry a person of their birth sex (60.8% vs. 27.8%) and that transgender people should be allowed to have surgery so their bodies match their identities (56.8% vs. 35.0%). Greater proportions of participants disagreed than agreed with statements that transgender people should be allowed to conceive or give birth to children (45.9% vs 40.9%) and that transgender people should be allowed to use the restroom consistent with their gender identity (49.8% vs. 39.0%). Across all seven items, between 8.2% and 14.1% of participants indicated a response of "don't know."¹⁴³

- 9.1.5 The below chart shows the UCLA findings on the attitudes toward transgender people in society among panel participants as noted above¹⁴⁴.



¹⁴² ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (page 12), 26 January 2021

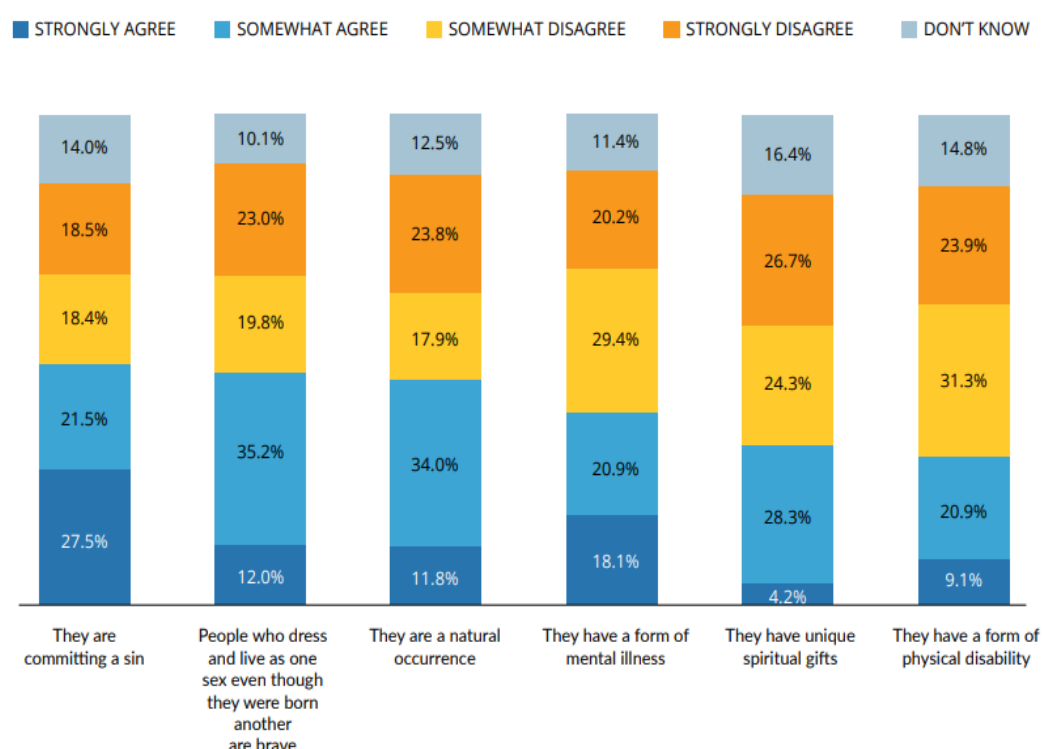
¹⁴³ Luhur, W, and others, UCLA, '[Public Opinion of Transgender Rights ...](#)' (page 6), September 2020

¹⁴⁴ Luhur, W, and others, UCLA, '[Public Opinion of Transgender Rights ...](#)' (page 7), September 2020

9.1.6 The UCLA findings further noted:

'More participants disagreed than agreed (55.2% vs. 30.0%) with the statement that transgender people have a form of physical disability. Similarly, a greater percentage of participants disagreed than agreed with the statement that transgender people have a form of mental illness (49.6% vs. 39.0%). By contrast, a greater percentage of participants agreed than disagreed with the statement that transgender people are committing a sin (49.0% vs. 36.9%).'¹⁴⁵

9.1.7 The below chart shows the UCLA findings on the attitudes toward transgender people among panel participants as noted above¹⁴⁶.



9.1.8 The UCLA findings further noted:

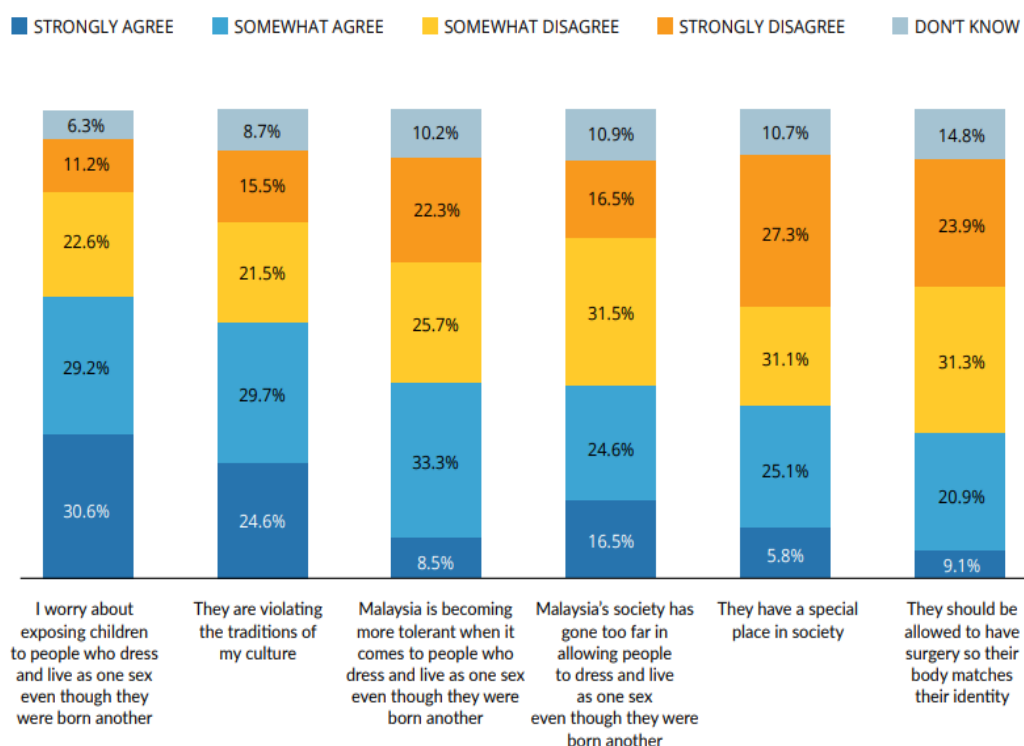
'A greater proportion of participants disagreed than agreed with the statement that Malaysia's society has gone too far in allowing transgender people to dress and live as one sex even though they were born another (48.0% vs. 41.1%). However, majorities of participants agreed with statements that they worry about exposing children to transgender people (59.8% vs. 33.8%) and that transgender people are violating the traditions of their culture (54.3% vs. 37.0%). Additionally, majorities disagreed with statements that they want Malaysia to do more to support and protect transgender people (53.6% vs. 36.6%) and that transgender people have a special place in society (58.4% vs. 30.9%).'¹⁴⁷

¹⁴⁵ Luhur, W, and others, UCLA, '[Public Opinion of Transgender ...](#)' (pages 7-3), September 2020

¹⁴⁶ Luhur, W, and others, UCLA, '[Public Opinion of Transgender Rights ...](#)' (page 8), September 2020

¹⁴⁷ Luhur, W, and others, UCLA, '[Public Opinion of Transgender Rights ...](#)' (page 9), September 2020

9.1.9 The below chart shows the UCLA findings on the attitudes toward transgender people in society among panel participants as noted above¹⁴⁸.



9.1.10 The UCLA report further stated: 'Binary gender roles and responsibilities for men and women are deeply entrenched in the attitudes of Malaysian people, and issues of gender and sexuality are generally regarded as taboo.'¹⁴⁹

9.1.11 In relation to how religious edicts affect public opinion on legal gender recognition, ILGA noted '...fatwas (religious edicts or opinions) on transgender persons issued by the Fatwa Council carry weight in public opinion.'¹⁵⁰

9.1.12 The APTN report of 31 March 2021 in relation to the role of unaccredited publications and their impact on societal attitudes stated:

'[Conversion therapy practices] CTPs and transphobia are also fuelled by academia, with up to 119 academic articles published in unscientific, questionable, and/or unaccredited journals. These include one claiming that law is the "mechanism of obliteration and control" of LGBTI people, which was published in a domestic social and behavioural science journal helmed by an individual with a PhD in Construction Project Management. Another such academic article surveyed counsellors in Malaysia and stated that homosexuality was a result of a lack of love.'¹⁵¹

9.1.13 According to HRW, in their report of 10 August 2022 noted:

'... [T]he lack of [Malaysia's] government response to public pressure to change sexual orientation or gender identity and hate speech against LGBT

¹⁴⁸ Luhur, W, and others, UCLA, '[Public Opinion of Transgender ...](#)' (page 10), September 2020

¹⁴⁹ Luhur, W, and others, UCLA, '[Public Opinion of Transgender ...](#)' (page 12), September 2020

¹⁵⁰ ILGA, '[Trans Legal Mapping Report: Recognition before the law, 2019](#)' (page 87), September 2020

¹⁵¹ APTM, '[Conversion Therapy Practices Against Transgender Persons ...](#)' (page 3), 31 March 2021

people creates a warped public discourse on sexual and gender diversity. Anti-LGBT hate speech is rife on the internet and sometimes amounts to incitement to violence. One group filed a police complaint in 2018 over social media posts suggesting LGBT people should be killed, but it did not result in any investigation.¹⁵²

9.1.14 In May 2023 the Malay Mail reported on the establishment of a committee, under the government's Islamic Development Department of Malaysia (Jakim), to address the issue of LGBT Muslims in Malaysia, which met on 11 April 2023. The report noted: '[The religious affairs minister Datuk Mohd Na'im Mokhtar] insisted that "LGBT practices" are against religion, morality and culture in Malaysia. Despite his assertion, not all religious groups in the country oppose or demonise the LGBT...' ¹⁵³

9.1.15 CNN published an article on 25 July 2023 which reported on the response in Malaysia to UK band 1975's front man kissing a bandmate on stage in Kuala Lumpur. The article noted:

'Within the context of Malaysia's conservative society, Healy's use of profanity and alcohol onstage "builds into the stereotype of how LGBT people are rude, against local norms ... are seen as these people who are not within society," said Thilaga Sulathireh, founder of the Malaysian human rights and transgender advocacy group Justice for Sisters.

'Rose, the drag performer, echoed this point, criticizing Healy for going "on a rant while intoxicated." Homophobia already runs so deep in Malaysia that Healy's attempt at activism might have simply reinforced the public's negative perceptions toward the community, she said. "The majority of the country is ultra-conservative. They don't like us already, and this ... gives them more ammunition to discriminate against us and ostracize our community," she said. "There might be further crackdowns enhanced on the community."¹⁵⁴

9.1.16 The Pew Research Center paper Buddhism, Islam and Religious Pluralism in South and Southeast Asia by Jonathan Evans and others published 12 September 2023 comprised of 1,999 surveys and fieldwork conducted in Malaysia in 2023¹⁵⁵ noted 82% of those surveyed opposed legal same-sex marriage¹⁵⁶.

See also [Censorship/monitoring of media and online material](#) and [Family treatment](#))

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9.2 Discrimination and violence against LGBTI persons

9.2.1 Sources often consider the situation for LGBTI collectively and therefore the treatment of individual groups is difficult to ascertain. Often information focuses on the experiences of trans women due to their increased visibility in society. Where possible CPIT has attempted to differentiate between the

¹⁵² HRW, ["I Don't Want to Change Myself": Anti-LGBT Conversion Practices, ...](#), 10 August 2022

¹⁵³ Malay Mail, ["Insisting Malaysia opposes LGBT"](#), 23 May 2023

¹⁵⁴ CNN, ["White savior complex"](#), 25 July 2023

¹⁵⁵ PEW, ["Buddhism, Islam and Religious Pluralism..."](#) (Methodology), 12 September 2023

¹⁵⁶ PEW, ["Buddhism, Islam and Religious Pluralism..."](#) (page 143), 12 September 2023

experiences of different groups (see [Discrimination and violence against trans persons](#)).

- 9.2.2 The ARROW report 2021, in their section on violence in Kuala Lumpur, noted 'No information is available on...queer women and queer men based on media, social media and [17] interviews' [conducted between 2018-2-2020] interviews]¹⁵⁷.
- 9.2.3 The same ARROW report noted: '... the cases of violence gathered in Terengganu [on the East coast] is limited to experiences of trans women. No information is available on trans men, queer women and queer men.'¹⁵⁸
- 9.2.4 The same ARROW report in relation to its study in Perak, on the West coast noted 'This section includes violence experienced by trans women, queer men, and queer women by unknown persons and gangsters, as well as family members. However, no information is available on trans men. The types of cases reported in Perak, include... Hate crimes and murder... Harassment intimidation and violence... Online violence...Domestic violence... In total, four cases of [domestic] violence, including surveillance and forced marriages, were reported by family members in Perak.'¹⁵⁹
- 9.2.5 The USSD HR report 2022 noted 'A 2018 survey by a local transgender rights group reported more than two-thirds of transgender women experienced some form of physical or emotional abuse.'¹⁶⁰ The USSD did not provide details of the survey, how many people were interviewed or whether the violence referred to related to societal and / or state treatment. The USSD report covering events in 2023 did not contain this information¹⁶¹.
- 9.2.6 The 2021 DFAT report noted:
- 'In addition to the programs run by official bodies, a number of private centres also reportedly offer "treatment" to LGBTI individuals through religious counselling. In-country sources report that some parents elect to send their children to official or private re-education centres for reasons other than identifying as LGBTI, including in cases involving sex before marriage or drug abuse...
- 'Many members of the LGBTI community reportedly hide their identity to avoid harassment, familial ostracism, and/or violence. Reports of violence by family members towards LGBTI individuals are common, and society will generally place the blame for such violence on the individual for provoking it through identifying as LGBTI...'¹⁶²
- 9.2.7 The same DFAT report noted 'The level and frequency of discrimination faced by members of the LGBTI community differs according to their socio-economic status, religion, geographic location and degree of openness. Well-educated urban LGBTI individuals of high socio-economic status are less likely to have to hide their sexuality within their family and social circles

¹⁵⁷ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (section 3.3.4), 26 January 2021

¹⁵⁸ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (section 3.3.4), 26 January 2021

¹⁵⁹ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (section 3.3.4), 26 January 2021

¹⁶⁰ USSD, '[2022 Country Report on Human Rights Practices: Malaysia](#)' (section 6), 20 March 2023

¹⁶¹ USSD, '[2023 Country Report on Human Rights Practices: Malaysia](#)' (section 6), 23 April 2024

¹⁶² DFAT, '[DFAT Country Information Report Malaysia](#)' (paragraph 3.142,3.143), 29 June 2021

than are poorer individuals in rural areas.’¹⁶³

9.2.8 Freedom House noted:

‘LGBT+ users... have been subjected to harassment, homophobic slurs, and hateful content online. A study released in December 2021 found that almost 90 percent of LGBT+ Malaysians surveyed reported being affected in some way by online harassment. In December 2021, a Malaysian actor and TikTok influencer faced online criticism for appearing in a gay romance web series that was used to promote the gay dating app Blued. In March 2021, Nur Sajat, a prominent transgender entrepreneur, received death threats after posting a video on Facebook saying she “does not want to be a Muslim anymore.” Artists who featured drag performers and LGBT+ dancers in music videos have also faced online harassment.’¹⁶⁴

9.2.9 The OCHCR Compilation of information dated 13 November 2023 noted ‘The United Nations country team stated that hateful rhetoric and discriminatory laws had led to a rising tide of incitement to discrimination, hostility and/or violence towards LGBTIQ+ persons.’¹⁶⁵ The source did not however note whether this referred to societal and / or state treatment.

9.2.10 CPIT could not find any specific information on intersex persons in the sources consulted (see [Bibliography](#)).

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9.3 Discrimination and violence against trans persons

9.3.1 The 2019 SUHAKAM report noted that: ‘With regard to the experiences of the respondents who were sex workers, 28 respondents stated they faced violence from clients/customers... and 29 of them from members of public.’¹⁶⁶

9.3.2 The same 2019 SUHAKAM report in relation to respondents who migrated from their home town to Kuala Lumpur and Selanagor noted:

‘...32/51 respondents migrated for self-autonomy/freedom. 17/51 respondents shared that they migrated due to ostracisation by family/community. The migration of 11/51 respondents also contributed by the reason that they enroll in higher learning institutions in Kuala. 9/51 respondents said that they migrated because they believed that they could receive stronger peer support. A trans woman also shared that she migrated from her town to avoid bringing shame to her family due to her gender identity and gender expression.’¹⁶⁷

9.3.3 The ARROW report 2021 in its section on violence in Kuala Lumpur noted:

‘The interviews in Kuala Lumpur document the violence experienced by transgender people, (mostly trans women), by unknown persons, school mates, customers/clients, family members, authorities and members of the public...In January 2019, a trans woman who was a sex worker died from

¹⁶³ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.146), 29 June 2021

¹⁶⁴ FH, ‘[Freedom on the Net 2023 – Malaysia](#)’ (C7), 4 October 2023

¹⁶⁵ OCHCR, ‘[Compilation of information](#)’ (page 9), 13 November 2023

¹⁶⁶ SUHAKAM, ‘[Study on Discrimination Against Transgender Persons](#)’ (pages 51, 64), 2019

¹⁶⁷ SUHAKAM, ‘[Study on Discrimination Against Transgender Persons](#)’ (pages 39, 40), 2019

multiple injuries in Klang, an area slightly outside of Kuala Lumpur. The police said the case was linked to a mobile phone theft and were quick to dismiss that it was related to LGBTIQ issues. However, LGBTIQ advocates questioned whether the perpetrators would act in such a violent way if the victim was not a transgender person. As of August 2020, two cases of murder of trans women in Kuala Lumpur and Johor were recorded. Both cases were reported in June 2020. The case in Kuala Lumpur involved a migrant trans woman.¹⁶⁸

- 9.3.4 The same ARROW report, in relation to Terengganu on Malaysia's West coast noted: 'The cases of violence gathered in Terengganu is limited to experiences of trans women. No information is available on trans men...The types of cases reported in Terengganu include property damage and theft. The perpetrators of violence were unknown due to the lack of investigation and evidence from the scene of crime...'¹⁶⁹
- 9.3.5 The 2021 DFAT Country Information Report Malaysia, stated: '... fellow detainees have subjected transgender women to physical or sexual violence and degrading treatment while in custody...The strict segregation between sexes in mosques means transgender women who are Muslim are also often precluded from accessing places of worship.'¹⁷⁰
- 9.3.6 The same 2021 DFAT report stated: 'Sources told DFAT most transgender individuals from Sarawak and Sabah relocate to Kuala Lumpur for employment (almost exclusively in the private sector) and to escape discrimination.'¹⁷¹
- 9.3.7 The SUARAM Human Rights Report Malaysia 2023 Overview, stated: 'At least two murders of trans women were reported in June and October 2023.'¹⁷²
- 9.3.8 On 13 October 2023, Justice for Sisters, reported in a media statement, after the death of a trans woman in Tampoi, Johor: 'We have observed misgendering, use of pejorative language and other discriminatory comments by members of the public on various social media platforms, including those of news outlets, which are not moderated. These comments and sentiments are worrying, escalating discrimination against an already marginalised segment of the population.'¹⁷³
- 9.3.9 On 20 November 2023, Justice for Sisters, reported in a media statement: 'In Malaysia, at least four cases [of trans women murders] were documented between January and November 2023 through media monitoring and community reporting, double the previous year's figures.
 - '26 January 2023 – a trans woman in Kuala Lumpur was found dead in her home after missing for three days. The police suspected foul play, as there was packed food on the table and her door was unlocked.

¹⁶⁸ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (section 3.3.4), 26 January 2021

¹⁶⁹ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (section 3.3.4), 26 January 2021

¹⁷⁰ DFAT, '[DFAT Country Information Report Malaysia](#)' (paragraph 3.144), 29 June 2021

¹⁷¹ DFAT, '[DFAT Country Information Report Malaysia](#)' (paragraph 3.146), 29 June 2021

¹⁷² SUARAM, '[Human Rights Report Malaysia 2023 Overview](#)' (page 75), 2023

¹⁷³ Justice for Sisters, '[Media Statement: Police And Media Need To Be ...](#)', 13 October 2023

- ‘8 June 2023 – a trans woman was found dead in Selangor in her own home. Although her death appeared as a suicide, bruises were found on her body, face, and arms. Police apprehended a suspect, although the outcome of the case is unknown. Family members spoke out publicly, seeking justice for the death of their daughter. The case was reported in the Tamil media.
- ‘4 July 2023 – a trans woman in Kuala Lumpur was found dead in her home. She was fully clothed and in make-up.
- ‘10 October 2023 – a trans woman was found dead in a pedestrian tunnel in Johor. The police reported blunt trauma to her head and chest. The police ruled out foul play.’¹⁷⁴

9.3.10 CPIT could find no specific information on the treatment of trans men in the sources consulted (see [Bibliography](#)).

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10. Access to services

10.1 Sex Reassignment Surgery

10.1.1 The Asia Pacific Transgender Network (APTN), in its report - Leave No One Behind: Malaysian Transgender at Risk’ 2020, stated:

‘Although there are prohibitions in Malaysia for Muslim transgender individuals to undergo sex reassignment surgery (SRS) several transgender persons underwent sex reassignment surgeries at their own will outside of Malaysia. This prohibition is the result of a fatwa (official legal opinion of Islamic Law) issued in 1982, which is not binding since it was not gazetted in any state. Theoretically, it would mean there is no barrier for transgender persons to undergo SRS, however the issuance of the fatwa was enough to deter healthcare providers from providing such services. As a result, the lack of access to SRS affects both Muslim and non-Muslim transgender Malaysians.’¹⁷⁵

10.1.2 In sources consulted (see [bibliography](#)) no information could be found about the legality of SRS under federal law or whether it was available in Malaysia for non-Muslims.

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10.2 Healthcare

10.2.1 The ARROW report of 26 January 2021, noted:

‘The National Strategic Plan on Ending HIV/AIDS 2016-2030 (NSP) is a roadmap to ending the HIV epidemic by the Ministry of Health (MOH)...

‘There are some HIV related efforts by the MOH that aim to increase access to STI and HIV related services for...[Men who have sex with men] MSM and transgender women ... The outreach programme promotes government health care services and sexual health information and provides referrals to clinics and hospitals for queer men and trans women.

¹⁷⁴ Justice for Sisters, ‘[Media Statement: Transgender Day of Remembrance: ...](#)’, 20 November 2023

¹⁷⁵ APTN, ‘[Leave No One Behind: Malaysian Transgender at Risk](#)’, 2020

‘As a result of this programme, many community friendly clinics have been established all over the country...R, an interviewee from Perak, shared that the community friendly clinics are helpful because they are free of charge and patients do not have to wait for too long to receive consultation. This initiative provides not only financial but mental relief to trans women and queer men accessing healthcare services. Due to misconceptions and stigma against LGBTQ people, other patients in the clinic may assume that the trans women are sex workers. Hence, waiting long hours for medical consultation can be anxiety-inducing for trans women and gender non-conforming queer men...

‘Interviewees noted that specific services, for instance preexposure prophylaxis (PreP), are not readily available in government clinics. There are other options, for example, going to a private clinic, getting a prescription from a doctor and then buying it from a pharmacy, or going to the hospital. However, the price of one bottle is expensive. In Kuala Lumpur, the cheapest price to buy PreP is RM90 [£15¹⁷⁶]; whereas the price from private clinics ranges from RM120 – RM150 [£20¹⁷⁷ - £25¹⁷⁸]¹⁷⁹

10.2.2 The ARROW report of 26 January 2021, further noted:

‘There are community-friendly government clinics and hospitals in Kuala Lumpur for HIV and STI testing, for example the Kuala Lumpur Health Clinic, Ampang Hospital, and Gombak Health Clinics. There are also several private clinics and PTF’s Community Health Care Clinic (CHCC), which sponsors testing kits and gives free testing kits as an alternative...

‘There are at least five community friendly government health clinics in Perak - two in Ipoh, two in Taiping and one in Teluk Intan. They provide blood tests and consultations, among other things...

‘There are at least two community-friendly government health clinics in Terengganu. Both are located in Kuala Terengganu - Klinik Kesihatan Seberang Takir or Hospital Sultanah Nur Zahirah. There is also an [Non-Governmental Organisation] NGO named Karisma which will refer and bring clients to the aforementioned health clinics. The healthcare services the government health clinics provide include HIV and STI tests ...’¹⁸⁰

10.2.3 The 2021 DFAT Country Information Report Malaysia, stated: ‘Transgender women ... often avoid seeking medical treatment in public hospitals due to the requirement that they be placed in male wards.’¹⁸¹

10.2.4 Amnesty International, in its report of 14 November 2022, noted:

‘Transgender people [in Asia] find it difficult to access quality healthcare. Transphobia among healthcare staff, a lack of medical professionals trained in the specific health requirements of transgender people - including the regulation of hormones and other related medicines, many transgender people’s inability to afford private healthcare, and the out of pocket costs of

¹⁷⁶ Xe.com, ‘[90 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

¹⁷⁷ Xe.com, ‘[120 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

¹⁷⁸ Xe.com, ‘[150 MYR to GBP - Convert Malaysian Ringgits to British Pounds](#)’, 7 February 2024

¹⁷⁹ ARROW, ‘[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)’ (pages 26,27& 28), 26 January 2021

¹⁸⁰ ARROW, ‘[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)’ (pages 29 & 30), 26 January 2021

¹⁸¹ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.144), 29 June 2021

public healthcare are key barriers. Most transgender people rely on the internet, other trans people in their communities, and/or clandestine market sellers for advice about medication, transitioning and associated side-effects. As a result, many have high levels of unmet health needs.¹⁸²

- 10.2.5 The Summary of Stakeholders' submissions to OCHCR dated 2 November 2023, in the joint submission by civil society organisations and NGOs (JS10)¹⁸³ noted 'LGBTQI persons lacked access to healthcare services specific to their needs and suffered from discrimination by healthcare providers.'¹⁸⁴
- 10.2.6 OCHCR's Compilation of information dated 13 November 2023 noted 'The United Nations country team... stated that LGBTIQ+ persons continued to face various forms of bullying and intimidation that hindered their access to medical and health care'¹⁸⁵

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10.3 Employment

- 10.3.1 The Constitution stipulates that all people are equal under the law and there should be no discrimination against citizens in employment¹⁸⁶.

- 10.3.2 The ARROW report of 26 January 2021, noted:

'Employment discrimination remains the most concerning area of discrimination for many. The manifestation of such discrimination is unique to the specific population. Transgender women face multiple forms of discrimination based on their gender identity and gender expression. This includes being denied employment opportunities because of their gender identity and gender expression. Meanwhile, queer men are denied fair employment opportunities if they are HIV positive. A queer woman respondent attributed the sexist and misogynistic environment at the workplace coupled with fear of being outed as factors that prevented her from seeking formal employment opportunities.

'Based on the interviews [in Terengganu], employment discrimination happens at two stages: pre-employment and in the workplace. Pre-employment discrimination includes unequal access to employment opportunities due to their SOGIE. Workplace discrimination includes being forced to hide one's identity or conform to cisgender, endosex and heterosexual norms. It could also include facing reprimands and warnings from employers for being pro-LGBTQ or attending an LGBTQ inclusive march. ... Some were even threatened by their colleagues to report them to their employers...¹⁸⁷

- 10.3.3 The 2019 SUHAKAM report noted:

'...sex worker was the second most frequent full time job (20/64) and part time (15/45) job for the respondents. This shows that many respondents had taken up sex work as their source of earnings. The circumstances maybe

¹⁸² AI, "["Pandemic or not, we have the right to live": The urgent need](#)" (page 14), 14 November 2022

¹⁸³ OCHCR, '[Summary of Stakeholders' submissions](#)' (JS10, page 14), 2 November 2023

¹⁸⁴ OCHCR, '[Summary of Stakeholders' submissions](#)' (page 8), 2 November 2023

¹⁸⁵ OCHCR, '[Compilation of information](#)', 13 November 2023

¹⁸⁶ Constitution, '[Malaysia's Constitution of 1957 with Amendments through ...](#)' (Article 8), 27 April 2022

¹⁸⁷ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (pages 8,31,32 & 34), 26 January 2021

due to the denial of employments or rejection of application of respondents based on their gender identity.

‘... many respondents had taken up sex work as their source of earnings, often because of denial of mainstream jobs due to their gender expression ... 35 of the respondents were not allowed to express their authentic gender identity from their employers ... 53 respondents stated that their colleagues tend to ask inappropriate and intrusive questions to them ... Respondents shared that when they dealt with customer at a workplace, 25 of them faced sexual harassment’¹⁸⁸

- 10.3.4 The same SUHAKAM report noted ‘39/51 respondents migrated from their hometown to Kuala Lumpur and Selangor to seek employment opportunities.’¹⁸⁹

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10.4 Education

- 10.4.1 In sources consulted (see [Bibliography](#)) information on access to education could only be found in relation to trans persons.

- 10.4.2 The 2019 SUHAKAM report, ‘a Study on Discrimination against Transgender Persons based in Kuala Lumpur and Selangor’ which involved 100 trans respondents aged 18-70, noted that trans persons:

‘... face challenges ... in assessing [sic] basic public services such as ... education. ... The hate speech and name calling were the rampant experiences shared by the respondents from peers, teachers/lecturers and administrators. ... Bullying incidences is a common experience faced by the transgender persons due to their gender identity, gender expression and/or sexual orientation. ... Sexual violates incidences such as unwanted sexual gestures, language, image, molestation or unwanted touching, threat of rape and rape or coerced sex occurred in educational institutional. The perpetrators of the incidences were from peers and teachers or lecturers. ... The study also shows that the educational system lacks any redress mechanism which transgender children trust, to discuss the unique challenges faced by them.’¹⁹⁰

- 10.4.3 The 2021 DFAT Country Information Report Malaysia, stated: ‘Transgender women are also reportedly denied access to public education upon transitioning ...’¹⁹¹

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11. LGBT groups, civil society, and human rights NGOs

11.1 Registration

- 11.1.1 The 2021 DFAT Country Information Report Malaysia, stated ‘Many civil society organisations register under the Malaysian Companies Act (1973), rather than the Societies Act (1966), to avoid delays and restrictions on their

¹⁸⁸ SUHAKAM, ‘[Study on Discrimination Against Transgender Persons](#)’ (pages 51, 64), 2019

¹⁸⁹ SUHAKAM, ‘[Study on Discrimination Against Transgender Persons](#)’ (pages 39), 2019

¹⁹⁰ SUHAKAM, ‘[Study on Discrimination Against Transgender Persons ...](#)’ (pages 6 & 48), 2019

¹⁹¹ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraph 3.144), 29 June 2021

activities.’¹⁹²

- 11.1.2 The ARROW report of 26 January 2021 noted: ‘There are registered groups that are able to access funding from the Malaysian AIDS Council (MAC), ministries, and other funders. It is important to note that the access to government funding is mostly related to HIV response.’¹⁹³
- 11.1.3 The USSD HR Report 2023, repeating information from its 2022 report¹⁹⁴ noted: ‘Many human rights and civil society organizations had difficulty obtaining government recognition as NGOs. As a result, many NGOs registered as companies, which created legal and bureaucratic obstacles.... Authorities frequently cited a lack of registration as grounds for action against organizations. Some NGOs also reported the government monitored their activities to intimidate them.’¹⁹⁵
- 11.1.4 Freedom House (FH), in its Freedom in the World 2023 – Malaysia report, 2023, although not specifically referring to LGBTI organisations noted ‘...NGOs must be approved and registered by the government, which has refused or revoked registrations for political reasons in the past.’¹⁹⁶

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11.2 Treatment of civil society, NGOs and LGBTI groups

- 11.2.1 The Universal Periodic Review: The Role of Civil Society Organisations in Malaysia, published in the Journal of Administrative Science in 2020, noted: ‘[Civil Society Organisations] CSOs have been proactive in participating in the review process since the first Malaysian UPR cycle, and the number of involved CSOs has increased throughout the three cycles, from 2009 to 2018. The state has opened the door for more engagement in the UPR process by stakeholders, including CSOs, the SUHAKAM, and experts on human rights issues.’¹⁹⁷
- 11.2.2 The 2021 DFAT Country Information Report Malaysia, stated: ‘A number of domestic and international civil society and human rights organisations operate throughout Malaysia. They actively comment on issues such as the legislative environment, law enforcement, the rights of women in Islam and the government’s human rights practices... DFAT assesses LGBTI civil society organisations are generally able to operate unhindered but high-profile work and leaders may be targeted.’¹⁹⁸
- 11.2.3 The same 2021 DFAT Report noted
- ‘Malaysia does not have a national organisation committed to progressing LGBTI rights, but a loose coalition of NGOs and individuals reportedly works to advocate such rights within the framework of broader human rights advocacy. Longstanding official opposition towards the promotion of LGBTI issues in public spaces, which has increased under the ...[former] government, has hampered the effectiveness of such advocacy... In March

¹⁹² DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraphs 3.93 & 3.147), 29 June 2021

¹⁹³ ARROW, ‘[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)’ (page 13), 26 January 2021

¹⁹⁴ USSD, ‘[2022 Country Report on Human Rights Practices: Malaysia](#)’ (section 2), 20 March 2023

¹⁹⁵ USSD, ‘[2023 Country Report on Human Rights Practices: Malaysia](#)’ (section 5), 23 April 2024

¹⁹⁶ FH, ‘[Freedom in the World 2023 – Malaysia](#)’ (E2), 2023

¹⁹⁷ S, Beh, and others, JAS, ‘[Universal Periodic Review: The Role of ...](#)’, (pages 168,169 &170), 2020

¹⁹⁸ DFAT, ‘[DFAT Country Information Report Malaysia](#)’ (paragraphs 3.93 & 3.147), 29 June 2021

2019, the Minister for Religious Affairs criticised the participation of LGBT groups at an International Women's Day march as a misuse of democratic space¹⁹⁹

- 11.2.4 Sources noted the arrest and questioning of several protestors and organisers at the Women's Day March in March 2023 for participating in 'an illegal assembly' and for indecent or insulting words or behaviour. People arrested included those who held pro-LGBTI placards with slogans such as "Trans Women Are Women"^{200 201 202}. SUARAM noted the organisers were accused of failure to provide prior notification at least five days before the assembly, however the police had been notified 6 days prior to the march²⁰³. No further action was reportedly taken against those individuals initially investigated^{204 205 206}.
- 11.2.5 The FH report, 2023, noted: 'Harsh discrimination and criminal restrictions on same-sex sexual relations make it extremely difficult for LGBT+ Malaysians to publicly advocate for their political interests.'²⁰⁷
- 11.2.6 The SUARAM Human Rights Report Malaysia 2023 Overview, stated: 'In 2023, at least two LGBT-inclusive and related rallies or protests were investigated by the police [The Women's March in March 2023 and the Ahmadi Religion of Peace and Light protest in July 2023]. ... Section 14 of the Minor Offences Act is increasingly used as grounds for investigation of the organisers, participants, and monitors of the rallies due to alleged insulting placards, even if they are calling for gender equality, bodily autonomy and rights, protection of LGBT people, among others.'²⁰⁸
- 11.2.7 Sources noted in July 2023 8 members of the Ahmadi Religion of Peace and Light were arrested, detained and investigated, under Section 186 of the Penal Code, Section 14 of the Minor Offences Act 1955, and Section 9(5) of the Peaceful Assembly Act 2012 for protesting in solidarity with LGBTI people. They were also reportedly investigated by the religious police (JAWI) for sharia offences^{209 210 211}. Amnesty noted the individuals were released after one day but remained under investigation²¹². SUARAM noted the outcome of the investigations were unknown²¹³. In the sources consulted (see [Bibliography](#)) no further update on the investigations could be found

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¹⁹⁹ DFAT, '[DFAT Country Information Report Malaysia](#)' (paragraph 3.138), 29 June 2021

²⁰⁰ USSD, '[2023 Country Report on Human Rights Practices: Malaysia](#)' (section 6), 23 April 2024

²⁰¹ ILGA, '[World Database: Malaysia](#)', no date

²⁰² SUARAM, '[Human Rights Report Malaysia 2023 Overview](#)' (page 67), 2023

²⁰³ SUARAM, '[Human Rights Report Malaysia 2023 Overview](#)' (page 67), 2023

²⁰⁴ USSD, '[2023 Country Report on Human Rights Practices: Malaysia](#)' (section 6), 23 April 2024

²⁰⁵ ILGA, '[World Database: Malaysia](#)', no date

²⁰⁶ SUARAM, '[Human Rights Report Malaysia 2023 Overview](#)' (page 67), 2023

²⁰⁷ FH, '[Freedom in the World 2023 – Malaysia](#)' (B4), 2023

²⁰⁸ SUARAM, '[Human Rights Report Malaysia 2023 Overview](#)' (page 67), 2023

²⁰⁹ SUARAM, '[Human Rights Report Malaysia 2023 Overview](#)' (page 67), 2023

²¹⁰ AI, '[The State of the World's Human Rights: Malaysia 2023](#)', 24 April 2024

²¹¹ USSD, '[2023 Country Report on Human Rights Practices: Malaysia](#)' (section 6), 23 April 2024

²¹² AI, '[The State of the World's Human Rights: Malaysia 2023](#)', 24 April 2024

²¹³ SUARAM, '[Human Rights Report Malaysia 2023 Overview](#)' (page 67), 2023

11.3 Gay 'scene' or 'community'

11.3.1 In 2017, a Pride event organised by Taylor's University set to take place in Kuala Lumpur was cancelled due to religious complaints. It was thought that some "pro-Islamist" blogs put pressure on the university because they angered that the event would take place during Ramadan²¹⁴. At the time of publication of this CPIN there had been no Pride events in Malaysia since the cancellation of the event in 2017.

11.3.2 The report by Outright International, the University of Toronto's Citizen Lab, and OONI, dated 10 August 2021, noted: 'Online forums, Twitter accounts, and Facebook groups, have played a crucial role in connecting the LGBTIQ community, while English-language accounts help mobilize transnational activism. Our interviews with in-country activists confirmed that private Instagram, WhatsApp, and Telegram groups are widely used by LGBTIQ people in Malaysia looking to connect with their peers...' ²¹⁵

11.3.3 According to Stuart Haggas, a writer and publicist focusing on travel, entertainment, and the arts, in an undated article for PASSPORT Magazine, a resource guide for LGBTQ travellers²¹⁶, noted: 'Many gay and lesbian Malaysians prefer to be discreet by frequenting chains like Starbucks, or meeting in café-bars in places such as Pavilion Kuala Lumpur, a flagship shopping mall in the Bukit Bintang Shopping District with hundreds of swish stores.'²¹⁷

11.3.4 The ARROW report of 26 January 2021, noted:

'LGBTQ activism and networks [in Kuala Lumpur] are concentrated in the Klang Valley. There are more support services and community groups for LGBTQ people compared to other states. This includes HIV services for gay men and trans women, shelter for trans women, mental health support, and online and offline community support, amongst others, provided by groups of various sizes and registration status...

'The estimated population of Perak [a north-western state of Malaysia] in 2019 is 2.51 million. ... Based on our interviews, there does not seem to be a large community comprising all genders and sexualities in Perak. LGBTQ persons may still be connected to other LGBTQ persons, however, consisting primarily of friends. The general environment that stigmatizes LGBTQ persons does not allow LGBTQ issues to be openly talked about. In turn, it acts as a barrier for LGBTQ persons to meet each other or socialize. ... The interviewees shared that the most common way for people to connect is through social media and WhatsApp groups...

'The estimated population of Terengganu [a state on the eastern coast of Malaysia] in 2019 is 1.25 million. ... The interviewees shared that the LGBTQ people in Terengganu tend to keep to themselves. Despite knowing that there are other LGBTQ people within the proximity, there are no support groups and gatherings whatsoever. Social activities are limited to small gatherings of four to six individuals eating together at restaurants. One of

²¹⁴ Pink News, '[Kuala Lumpur Pride cancelled due to 'religious complaints''](#)', 21 May 2017

²¹⁵ Outright International, The Citizen Lab, OONI, '[No Access: ...](#)' (page 28,30), 10 August 2021

²¹⁶ Passport Magazine, '[About](#)', no date

²¹⁷ Passport Magazine, '[Discovering Kuala Lumpur's Gay Scene and More](#)', no date

main hindrances is the restriction of freedom of expression due to the very low acceptance of LGBTQ people in the state. ... Any existing groups are of a very small number and there is very limited cross interaction. It is difficult for members of the LGBTQ community from different ethnicities to connect due to language barriers and cultural differences.'²¹⁸

11.3.5 The ARROW report of 26 January 2021, further noted:

'...there are non-registered groups, who organize open houses, gatherings, and other social events... There has been a rise in LGBTIQ visibility and activism in the past few years. The founding and banning of Seksualiti Merdeka, an annual sexuality rights festival, in 2008, and the transgender case challenging the constitutionality of Section 66 of the Negeri Sembilan Syariah Criminal (Negeri Sembilan) Enactment 1992 prompted increased trans visibility in Malaysia. The participation of LGBTIQ human rights groups' in the human rights processes and mechanisms, including [Convention on the Elimination of all Forms of Discrimination Against Women] CEDAW and the [Universal Periodic Review] UPR, have also increased with each cycle.'²¹⁹

11.3.6 Archer Magazine, an Australian publication in its article dated 20 December 2022, about the author's experience as a lesbian in Malaysia, creating and posting messages on an Instagram social media account 'I created my first Instagram account where I publicly identified as a lesbian. I regularly posted on the account for months, and then years. I now use it to advocate for LGBTQ+ teens and adults, to call out homophobia among my peers, and to shove (metaphorical) rainbows in people's faces.'²²⁰

11.3.7 CNN published a photo of participants in a Women's Day March asking for greater rights in gender equality and recognition of the LGBTQ community in Kuala Lumpur, Malaysia on March 12, 2023:



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²¹⁸ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (pages 13,14 &15), 26 January 2021

²¹⁹ ARROW, '[Monitoring Report: LGBTIQ+ Rights in Malaysia](#)' (page 13), 26 January 2021

²²⁰ Archer Magazine, 'Being a lesbian in Malaysia: Coming out by not coming out', 20 December 2022

²²¹ CNN, '[White savior complex](#)', 25 July 2023

11.3.8 NBC News reported: ‘In July [2023], the government [cut short a music festival](#) in Kuala Lumpur after the lead singer of British band The 1975 kissed a male bandmate during their performance in protest of the country’s anti-gay laws. Footage of the kiss was posted on social media and sparked a backlash in the country. Malaysia also blacklisted the group from the country.’²²²

11.3.9 Time, a global media platform reporting on current affairs, politics, business, health, science and entertainment across the globe, reported in an article dated 23 November 2023:

‘Just before [British rock band] Coldplay took to the stage in Kuala Lumpur on Wednesday [22 November] night for their final stop of the year on their Music of the Spheres world tour, Malaysian authorities announced that a “kill switch” would be available to the concert’s organizers should they need to pull the plug on the show on account of any misbehavior by the band.

‘In the end, to the relief of the more than 75,000 fans in attendance, the mechanism wasn’t used—but it’s emblematic of the precariousness that now hangs over international performances in Malaysia. The precaution was implemented in response to a July incident by English band The 1975, whose frontman Matty Healy [drunkenly criticized](#) the Muslim-majority nation’s anti-LGBTQ laws and kissed bassist Ross MacDonald on stage in protest. The entire Good Vibes Festival at which the performance took place was promptly canceled and the band blacklisted from playing in the Southeast Asian country again.’²²³

See also [Censorship/monitoring of media and online material](#) and [Treatment of civil society, NGOs and LGBTI groups](#)

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12. Geography and demography

12.1 Kuala Lumpur

12.1.1 Malaysia is around a third larger than the UK²²⁴ with a population estimated to be over 32.7 million²²⁵. The general population of Kuala Lumpur (KL) in 2024 was estimated at 8,815,630 which included KL city and adjacent suburban areas²²⁶. KL city itself had an estimated population in 2022 of 1.9 million²²⁷.

12.1.2 The ARROW report of 26 January 2021 noted ‘The Federal Territory of Kuala Lumpur is the capital of Malaysia, geographically located in the state of Selangor.’²²⁸

12.1.3 Encyclopedia Britannica noted ‘Kuala Lumpur [is the] capital of Malaysia. The city is located in west-central Peninsular (West) Malaysia... It is the country’s largest urban area and its cultural, commercial, and transportation

²²² NBC News, ‘[Malaysia makes owning an LGBTQ Swatch punishable by up to 3 ...](#)’, 10 August 2023

²²³ Time, ‘[Malaysia’s Defining Political Tension Takes the Concert Stage](#)’, 23 November 2023

²²⁴ UK Home Office ‘[CBN Malaysia](#)’ (copy available on request). September 2022

²²⁵ DOSM, ‘[Key findings Population and Housing Census of Malaysia 2020](#)’, 29 May 2022

²²⁶ World Population Review, ‘[KL Population 2024](#)’, no date

²²⁷ DOSM, ‘[Key findings Population and Housing Census of Malaysia 2020](#)’, 29 May 2022

²²⁸ ARROW, ‘[Monitoring Report: LGBTQ+ Rights in Malaysia](#)’ (pages 13,14 &15), 26 January 2021

centre. In 1972 Kuala Lumpur was designated a municipality, and in 1974 this entity and adjacent portions of surrounding Selangor state became a federal territory.²²⁹

- 12.1.4 Encyclopedia Britannica noted 'Malays, who are Muslim, are the city's largest ethnic group. ...however, the non-Muslim Chinese dominate the city and its economy. The mostly Hindu Indian minority... also is substantial.'²³⁰
- 12.1.5 The Key Findings from Malaysia's Population and Housing Census of Malaysia 2020 comparing administrative districts found KL had the second highest number of Muslims by administrative district (0.9 million), the highest number of Buddhists (0.64 million) and the third highest number of Hindus (0.16 million). KL has the highest population density with 8,157 persons per square kilometre²³¹ and is the most populous state (federal territory) for those of working age 15-64 years at 73.5%²³²

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13. Freedom of movement

For general information on freedom of movement within Malaysia including maps and transport links see the [Country Background Note: Malaysia](#).

13.1 Migration to Kuala Lumpur and Selangor

- 13.1.1 The 2019 SUHAKAM report noted the demographics of the 100 respondents in their study:

'69 trans women, 29 trans men (including of one trans masculine) and 2 intersex persons...the majority of the respondents were aged between 18-29 years...

'64 of the respondents were living in Kuala Lumpur and the remaining 36, in Selangor. Out of the 100 respondents, 51 of the respondents who resided in Kuala Lumpur or Selangor had migrated from other states in Malaysia. Majority of the migrated respondents were natives from Perak (10/51). Followed by respondents migrated from Sarawak (9/51), 6/51 respondent migrated from Pulau Pinang, 4/51 respondents migrated from Kedah, Pahang, Johor and Sabah respectively. 3/51 respondents migrated from Kelantan and Negeri Sembilan respectively and 1/51 from migrated from Terengganu...' ²³³

- 13.1.2 SUHAKAM produced a table which shows the reasons people migrated from to Kuala Lumpur and Selangor:

²²⁹ Encyclopedia Britannica, '[Kuala Lumpur](#)', 14 April 2024

²³⁰ Encyclopedia Britannica, '[Kuala Lumpur](#)', 14 April 2024

²³¹ DOSM, '[Key findings Population and Housing Census of Malaysia 2020](#)', 29 May 2022

²³² DOSM, '[Launching report of the Key findings... 2020](#)', 14 February 2022

²³³ SUHAKAM, '[Study on Discrimination Against Transgender Persons](#)' (page39), 2019

Table 1: Reason for migration

Item	Frequency
a) To seek employment opportunities	39/51
b) Self-autonomy/freedom	32/51
c) Ostracized by family/community	17/51
d) To enrol in higher learning institutions in Kuala Lumpur or Selangor	11/51
e) Stronger peer support	9/51

Note: Frequency means number of respondent

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- 13.1.3 The report noted the ethnicity and religion of the respondents who migrated to Kuala Lumpur and Selangor: 'As for the ethnicity, Malays represented the major ethnic of respondents (40) and followed by Indian (24), and Chinese (23)... In terms of religion and faith, the respondents were mostly Muslim (45) followed by Hindu (18), Buddhist (14), Christian (9)...' ²³⁵.
- 13.1.4 The Mixed Migration Centre's Urban Mixed Migration Kuala Lumpur Case Study Briefing Paper dated November 2020 noted 'Refugees and migrants living in KL come from diverse backgrounds...come from various ethnic groups and cultural backgrounds... The heterogeneity of refugee and migrant populations in KL mirrors the heterogeneity of the city itself, which is comprised of various ethnic and religious groups representative of the diverse population of Malaysia.' ²³⁶
- 13.1.5 In sources consulted (see [Bibliography](#)) there was no specific information on the size of the LGBTI migrant population in Kuala Lumpur and Selangor or the size of the general LGBTI community in those areas.

See also [Gay 'scene' or 'community'](#)

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²³⁴ SUHAKAM, '[Study on Discrimination Against Transgender Persons](#)', (page39), 2019

²³⁵ SUHAKAM, '[Study on Discrimination Against Transgender Persons](#)', (pages 40), 2019

²³⁶ MMC, '[Urban Mixed Migration Kuala Lumpur Case Study](#)' (page 14), November 2020

Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

CPIT may provide source assessment and comment on the information provided.

Wherever possible, multiple sourcing is used and the COI compared and contrasted to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
 - Constitution and statutory laws
 - Sharia and customary laws
 - Other legal provisions affecting LGBTI persons (including intersex)
- State attitudes and treatment
 - Arrests and detention of gay men
 - Arrests and detention of lesbians
 - Arrests and detention of transgender individuals
 - Treatment of intersex persons
 - Official discrimination
 - Official views on sexual orientation and gender identity
 - Religious views
 - “Rehabilitation”, including conversion therapy
 - Censorship/monitoring of media and online material
 - Ombudsman/complaints mechanisms
- Societal norms
 - Gender and sexual identity
 - Marriage
- Societal treatment and discrimination directed against LGBTI persons, broken down by specific group if possible.
 - Family treatment
- Access to services, including healthcare, employment and education
- LGBT groups, civil society and human rights NGOs
 - Government recognition of LGBT NGO
 - The situation and treatment of civil society and NGOs
 - Gay ‘scene’ or ‘community’

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Version control and feedback

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **8 July 2024**

Official – sensitive: Not for disclosure – Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: Not for disclosure – End of section

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Changes from last version of this note

Updated country information and assessment.

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Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

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Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support them in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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