



ASIA PACIFIC
TRANSGENDER
NETWORK

"Because it makes people believe in the lie that it is possible to pretend to be something you're not. Just so that you can, you know, have a day in heaven or whatever."

CONVERSION THERAPY PRACTICES IN

Malaysia

COUNTRY SNAPSHOT

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About This Snapshot

The Asia Pacific Transgender Network (APTN), together with its country partners, embarked on an ambitious yet much-needed research project earlier this year to study the various forms of conversion therapy practices being implemented against trans and gender diverse people in India, Indonesia, Malaysia and Sri Lanka. At the outset, this evidence-generating project aimed to explore how, through the documentation of their personal narratives and lived experiences, trans and gender diverse people in these countries have been subjected to conversion therapy practices. Further, it sought to investigate how the existing national legal, policy, and programmatic frameworks create an enabling environment for these harmful practices to thrive. The study also aimed to explore how religion and socio-cultural values fuel or promote interventions aimed at changing an individual's gender identity and expression, or sexual orientation, and how these interventions manifest in familial or communal spaces. The evidence presented in this research initiative is informed by data and insights collected through key informant interviews with members of trans communities, health professionals, legal and policy experts, academic and religious scholars, and LGBTIQ human rights defenders. Details of the research methodologies are available in the regional report.

This snapshot features a summary of key findings of the research and offers a preliminary reflection on the driving factors and actors behind conversion therapy practices in each of the four countries. It also presents recommendations for relevant legal, policy and programmatic change to address conversion therapy practices and provide protection to trans and gender diverse individuals against these harmful interventions. A more detailed analysis of our research findings is presented in the regional report.

This snapshot aims to inform the discussions taking place at the national stakeholder meetings being held between December 2020 and January 2021 in each of the four countries. We expect additional recommendations and insights to come forward from these meetings and they will be incorporated in the regional report, due to be released in the second quarter of 2021.

Executive Summary

Malaysia is a country in Southeast Asia of approximately 32.7 million people.¹ Of these, 61% are Muslim.² Malaysia is politically and socially conservative, with 77% of the population viewing religion as “very important”³, and the particular brand of Islam being described as, *inter alia*, supremacist and puritanical.⁴ To illustrate, women removing hijabs attract social stigma and social media attacks⁵, Islamic leaders encourage arrests of transgender (trans) women⁶, and political leaders openly denounce LGBTI people.⁷ The media, with the exception of a couple of local English-language outlets, is overwhelmingly homophobic and transphobic, fuelling the idea that LGBTI people require cure.

Conversion therapy practices (CTPs) refer to any sustained effort intended to “modify a person’s sexual orientation, gender identity, or gender expression”.⁸ 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.⁹ 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).¹⁰

1 Demographic Statistics, Malaysia, First Quarter 2020,” Department of Statistics, accessed September 17, 2020, https://www.dosm.gov.my/v1/index.php?r=column/cthemecByCat&cat=430&bul_id=aFYzVj3anNyQytHZGxzcUZxTG9Ydzo9&menu_id=LopheU43NWJwRWVVSZklWdzQ4TlhUUTo9.

2 R Hirschmann, “Perceived and Actual Share of Muslim Population in Malaysia 2018,” Statista, December 12, 2019, <https://www.statista.com/statistics/953765/malaysia-perceived-and-actual-share-of-muslim-population/>.

3 “The Age Gap in Religion Around the World,” Pew Research Center, June 13, 2018, <https://www.pewforum.org/2018/06/13/how-religious-commitment-varies-by-country-among-people-of-all-ages/>.

4 Riaz Hassan, *Inside Muslim Minds* (Melbourne: Melbourne University Press, 2008), 49–54 and 286–287.

5 Jia Vern Tham, “3 Malaysian Women Reveal What It’s Like to Remove the Hijab,” SAYS, May 7, 2019, <https://says.com/my/news/the-ft-mufti-says-dehijabing-is-a-choice-here-s-what-former-hijabis-have-to-say-about-it>.

6 “Malaysia: Minister’s Order to take action against the Transgender Community must be revoked,” ICJ, July 15, 2020, <https://www.icj.org/malaysia-ministers-order-to-take-action-against-the-transgender-community-must-be-revoked/>.

7 Bernama, “We are Free to Reject LGBT, other Unsuitable Western Influences – Dr Mahathir,” New Straits Times, June 18, 2019, <https://www.nst.com.my/news/nation/2019/06/497206/we-are-free-reject-lgbt-other-unsuitable-western-influences-dr-mahathir>.

8 Lucas Ramon Mendos, *Curbing Deception: A World Survey on Legal Regulation of So-Called “Conversion Therapies”*, (Geneva: ILGA World, 2020), 17.

9 Josina Bothe, *It’s Torture, Not Therapy: a Global Overview of Conversion Therapy: Practices, Perpetrators, and the Role of States*, (International Rehabilitation Council for Torture Victims: Copenhagen, 2020), https://irct.org/uploads/media/IRCT_research_on_conversion_therapy.pdf.

10 *Hijrah Diri – Homoseksualiti* (e-book) https://play.google.com/store/apps/details?id=com.app_hijrahhaqq.layout&hl=en_GB&gl=US&showAllReviews=true.

8 (62%) *stated that a parent or parental figure had tried to change their sexual orientation or gender identity*

4 (31%) *mentioned that they had been subjected to conversion therapy either by religious authorities or institutions.*

7 (54%) *trans people mentioned being subjected to conversion therapy from multiple sources*

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.¹¹

For this report, we interviewed thirteen trans people (six trans men and seven trans women) and eight key informants, which included activists, a psychologist, lawyers, and progressive Islamic scholars. Of the thirteen trans people interviewed, eight (62%) stated that a parent or parental figure (for instance, a foster parent) had tried to change their sexual orientation or gender identity, whereas four (31%) mentioned that they had been subjected to CTPs either by religious authorities or a religious institution. Seven (54%) trans people mentioned being subjected to CTPs by multiple sources.

¹¹ Jia Vern Tham, “Here's How Malaysia ‘Cures’ LGBTs With Conversion Therapy,” SAYS, December 20, 2018, <https://says.com/my/news/here-s-how-malaysia-cures-lgbts-with-conversion-therapy>.

Conversion Therapy — Practices (CTPs) in Malaysia

Responses from the interviewees for this report make it clear that parents and/or family members are the most frequent perpetrators of CTPs in Malaysia. The CTPs adopted by parents and/or family members included “corrective” beating and behavioural conditioning, such as being asked to wear an attire traditionally associated with the sex assigned to them at birth. Some of our respondents also reported how parents and the *Mukhayyam* programme subjected trans women to strenuous physical activity and sports, under the pretext that these would make them more conventionally masculine.

“I was beaten and stabbed in my face, near my eyes, with scissors, and I was beaten to an inch of my life because my brother’s intention was to kill me, [just] because he had a sibling that was a trans woman.”¹²

“During Raya (Eid) I was forced to wear baju kurung (traditional Malay attire worn by females). On the first day you can change (clothes) but then if you go out visiting then you need to wear that baju (kurung) the entire day. Even now mum doesn’t allow [me to wear male clothing].”¹³

¹² Interview with one of the respondents.

¹³ Interview with one of the respondents.

“[At] the start of the (Mukhyyam) programme, I gave it the benefit of the doubt and was optimistic, because I wanted to learn Islamic studies. But when I was going through the programme, I felt rather shocked because we were given instructions to do certain tasks so we wouldn’t be able to wear our female clothes. We were forced to climb hills, through the jungle, and we were abandoned at certain ‘checkpoints’ supposedly so that we would become a man with a tough soul. We were asked to play football, and follow tough sports.”¹⁴

“[At] a very young age, I was forced to do work, work that were men’s jobs. At [the] very young age of 10, I had to follow [my dad]. I was forced to pull the grass rolling machine to cut the grass, I had to climb up trees to trim the trees... I even had to

repair the house or plumbing; he would force me to do that work and he even forced me in school to take up sports which I didn’t like, football and hockey, [and if I didn’t do that] every day I would get beaten up when he came back home after drinking. So to avoid that, I had to play sports.”¹⁵

CTPs in Malaysia are enabled by an environment of criminalisation, widespread social conservatism, transphobic media and political leaders, official government documents, and pseudo-academic articles published in unaccredited journals. Trans people are subject to arrests, fines, and judicial corporal punishment under a number of sharia provisions that cover both sexual orientation and gender identity. For example, as the law treats trans men as women, and because it criminalises homosexuality as well, they may be charged for engaging in musahaqah (sexual activity between women), attracting fines of up to RM 5,000 (USD\$1,200), imprisonment of up to three years, or judicial corporal punishment of up to six strokes of a cane, or a combination of the three.¹⁶ Trans women are subject to arrests and/or fines under state sharia laws that criminalise “a man (who wears) a woman’s attire or poses as a woman for immoral purposes.”¹⁷

¹⁴ Interview with one of the respondents.

¹⁵ Interview with one of the respondents.

¹⁶ Enakmen Kesalahan Jenayah Syariah (Takzir) (Terengganu) 2001 (Syariah Criminal Offences Enactment (Terengganu)), s30, http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen/State_Enact_Ori.nsf/100ae747c72508e748256faa00188094/089a6047d6694e25482570dd000ce51d?OpenDocument.

¹⁷ Ibid, s33; Enakmen Kesalahan Jenayah Syariah (Takzir) (Selangor) 2001 (Syariah Criminal Offences Enactment (Selangor)), s30, http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_enactment_Ori_lib.nsf/8e791863d5e2682548256faa00184cce/3ffa86163fb77e904825760b0005ce09?OpenDocument.

Perpetrators

Religious Institutions (mosques, temples, churches)

Governmental Islmaic authorities

School principles, teachers

Islamic healing clinics

Mental health professionals such as psychiatrists, psychologists, and counsellors

Parents

Siblings and other family members

In addition to the active promotion¹⁸ of CTPs— including the state-funded *Mukhayyam* programme— by the state, the media fuels the idea that trans people are deviant by using transphobic terms such as “pondan” (effeminate man)¹⁹ and stating that LGBTI people are “damaging to communities”.²⁰

“There is a place for compassion and for understanding, and also, I think it’s important for people in the media to understand the impact that they have on not just individual people but also society and how society perceives [trans people]. I think that a lot of media [outlets] need to understand the role and power that they have on this. The problem is that some media in this country are more than happy to spread the idea that conversion therapy is okay, [and] that trans people are wrong. And I think that it’s done on purpose, to forward an agenda, maybe because Islam has been politicised in this country.”²¹

The transphobic messages being broadcast by the media are further bolstered by transphobic statements by political and religious leaders, which include statements by two-time Prime Minister Mahathir Mohamad that claim that Malaysia is free to reject LGBTI people.²² 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.”²³

In July 2020, the Minister in charge of religious affairs stated that he had given JAWI, the Federal Territories Islamic Religious Department, “full licence to carry out its enforcement actions” against trans people, and asserted that these would include arrests and religious education so that they would “return to the right path”.²⁴ In July 2020, the Mufti of the Pulau Pinang stated that LGBTI people “brought deviant culture to the country” and were “a type of threat to religious values”, and declared that “this deviant behaviour can be prevented not just via legal measures, but also via effective nurturing and teaching”.²⁵

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,²⁶ which was published in a domestic social and behavioural science journal helmed by an individual with a PhD in Construction Project Management.²⁷ Another such academic article surveyed counsellors in Malaysia and stated that homosexuality was a result of a lack of love.²⁸

18 Petah Wazzan Iskandar and Mohd Nasaruddin Parzi, “Program Mukhayyam Pulih Golongan LGBT,” *Berita Harian*, July 23, 2015, <https://www.bharian.com.my/bhplus-old/2015/07/69741/program-mukhayyam-pulih-golongan-lgbt>.

19 Nadia Shaiful Bahari, “Dulu pondan, tapi bila meninggal dunia jenazah diusung anak tahfiz (Once a trans woman, but when she died her body was carried by the son of a person who memorised the Quran),” *mStar*, July 10, 2018, <https://www.mstar.com.my/lokal/semasa/2018/07/10/kematian-pondan-yang-ditangisi>.

20 Petah Wazzan Iskandar and Mohd Nasaruddin Parzi, “Program Mukhayyam Pulih Golongan LGBT.”

21 Interview with a respondent, a trans man, 33

22 *Bernama*, “We are Free to Reject LGBT, other Unsuitable Western Influences – Dr Mahathir”

23 Parliament of Malaysia, *Penyata Rasmi Parlimen Dewan Rakyat – Parlimen Keempat Belas Penggal Ketiga Mesyuarat, Kedua, Official Hansard Parliamentary House of Representatives – Fourteenth Session, Third Term, Second Meeting, August 3, 2020*, <https://www.parlimen.gov.my/carian.html?str=LGBT&uweb=web&submit=CARI>.

24 “Malaysia: Minister’s Order to take action against the Transgender Community must be Revoked,” *ICJ*.

25 Mahani Ishak, “Cegah LGBT dengan Undang-Undang, Tarbiah,” *Berita Harian*, July 12, 2020, <https://www.bharian.com.my/berita/nasional/2020/07/709994/cegah-lgbt-dengan-undang-undang-tarbiah>.

26 Mohd Izzat Amsyar Mohd Arif, et al., “Misconduct of LGBT in the Malaysian Law: Law as the Mechanism of Obliteration and Control,” *Journal of Advanced Research in Social and Behavioural Science* 13, no.1 (2018): 19–34.

27 See http://www.akademiabaru.com/arsbs_editorialboard.html.

28 Siti Hajar Jamal, et al., “Counselors Experiences in Handling the Counseling Session on the Gay and Lesbian Clients: Factors Causing the Occurrence

This was published in a journal with only four issues, with a Chief Editor and Managing Editor who do not seem to have digital footprints.²⁹

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 *Mukhyyam* programme's CTPs, was doxxed by hundreds and hundreds of conservative Muslims on Twitter and harassed by government authorities.³⁰

“[You can’t] talk [about] conversion therapy without fear, I don’t think so. For the time being, you can talk to certain non-government organisations. But if you post your opinion on conversion therapy on the [social] media, I’m afraid that the society in general would not accept it and post negative comments on their opinion, and not only that, it would incite the religious authorities to come up with new laws.”³¹

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 CTPs for this report. 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. In contrast, a number of major global medical professional bodies and associations have made statements against CTPs. The Independent Forensic Expert Group, for instance, has declared that “conversion therapy is inconsistent with the fundamental ethical principles and professional duties of health professionals... it is clear that conversion therapy is a form of cruel, inhuman, or degrading treatment when it is conducted forcibly on individuals or without their consent and may amount to torture”.³²

Similarly, the American Medical Association has stated that conversion therapy and “efforts to” convert someone’s sexual or gender identity “represent a significant risk of harm”.³³ The Royal College of General Practitioners has asserted that “being LGBT is not a disease, it is not a mental illness and it doesn’t need a ‘cure’”.³⁴ The American Academy of Child and Adolescent Psychiatry states that such “conversion therapies” (or other interventions imposed with the intent of promoting a particular sexual orientation and/or gender as a preferred outcome) lack scientific credibility and clinical utility. Additionally, there is evidence that such interventions are harmful. As a result,

of Gay and Lesbian Behaviour,” *Journal of Qualitative Social Sciences* 1, no. 1 (2019): 1–11.

29 See <http://asianscholarsnetwork.org/journals/index.php/jqss/issue/view/5>.

30 Matthew Bugher, “Malaysia: End Harassment of Critic of Government’s Stance on LGBTQ+ Issues,” *Article 19*, August 6, 2020, <https://www.article19.org/resources/malaysia-end-harassment-of-critic-of-governments-stance-on-lgbtq-issues/>.

31 Interview with Nicole Fong, human rights activist.

32 Independent Forensic Expert Group, “Statement on Conversion Therapy,” *Journal of Forensic and Legal Medicine* 72, no. 101930 (2020), <https://doi.org/10.1016/j.jflm.2020.101930>.

33 American Psychiatric Association, ‘APA Reiterates Strong Opposition to Conversion Therapy’ (15 November 2018) <https://www.psychiatry.org/newsroom/news-releases/apa-reiterates-strong-opposition-to-conversion-therapy>.

34 Royal College of General Practitioners, “College Condemns ‘Conversion Therapy’ for LGBT Patients,” *Royal College of General Practitioners*, July 3, 2018, <https://www.rcgp.org.uk/about-us/news/2018/july/college-condemns-conversion-therapy-for-lgbt-patients.aspx>.

What fuels conversion therapy?

Transphobic statements by political and religious leaders

Ministry of Education guidelines on corporal punishment for LGBT children

Sharia laws criminalising 'cross-dressing' and same sex sexual conduct

Widespread social conservatism

Transphobic media reporting

State funded conversion therapy

Lack of condemnation by medical professional bodies

Laws criminalising sex work

conversion therapies should not be part of any behavioural health treatment of children and adolescents.³⁵

Redress may, however, be available through legal actions. Interviews conducted with lawyers for this report indicated that recourse is available through the Federal Constitution, the Penal Code, and potentially through the Child Act. New Sin Yew, advocate and solicitor at Bon Advocates, spoke about how harm suffered by a child through CTPs could be dealt with under Section 31(1)(a) of the Child Act 2001 which involves the ill-treatment, neglect, abandonment, or exposure of children:

*"Whatever the motivations or objectives behind subjecting a transgender child to conversion therapy may be, as long as it can be proven medically and scientifically that such conversion therapy would cause "substantial and observable impairment of the child's mental or emotional functioning", any person who perpetrates or causes or exposes the transgender child to the perpetration of conversion therapy would be guilty of an offence under Section 31(1)(a)."*³⁶

Michelle Yesudas, Senior Legal Advisor for an international NGO, described how the Federal Constitution could be used by victims who are subject to CTPs against their will:

"Article 5 of the Constitution on liberty of the person applies, as well as various provisions of the Penal Code, including Section 503 on criminal intimidation,

*covering any person who threatens another to do an act which he is not legally bound to do, such as conversion therapy. In addition, if a person is undergoing conversion therapy against their will, it is already a crime. A person has their liberty in Malaysia and any law depriving that is unconstitutional."*³⁷

A number of government documents endorse and fuel conversion therapy. The Ministry of Health in 2017 released the Guideline on the Management of Problems related to Gender and Health in Health Clinics³⁸ which medicalises trans people and their identities as occurring due to gender dysphoria, and describes that teens with 'gender issues' in particular may have 'symptoms' such as having conflicts with their families, having been raped, or exhibiting aggressive behaviour.³⁹ The report recommends that teens with 'gender issues' be subject to physical examinations, including examination of genitalia, recording of sexual history, and investigatory tests which may include chromosomal abnormality tests and MRIs to observe the condition of the pituitary gland.⁴⁰ The guideline also recommends that teens that are 'struggling with gender issues could benefit from the services of school counsellors, mental health specialists, and/or religious leaders'.⁴¹ This report is endorsed in its opening pages by Director-General of the Ministry of Health, Dr Noor Hisham Abdullah, who states that the Guideline is the Ministry of Health's 'early step towards helping health professionals to identify and manage problems of gender confusion at all age levels'.⁴²

35 American Academy of Child and Adolescent Psychiatry, "The AACAP Policy on 'Conversion Therapies'," American Academy of Child and Adolescent Psychiatry, February 2018, https://www.aacap.org/aacap/policy_statements/2018/Conversion_Therapy.aspx.

36 Interview with New Sin Yew, Advocate and Solicitor, Bon Advocates.

37 Interview with Michelle Yesudas, Senior Legal Advisor.

38 Ministry of Health, "Garis panduan Pengendalian Masalah Kesihatan Gender di Klinik Kesihatan," 2017, https://www.researchgate.net/publication/314228943_GARISPANDUAN_PENGENDALIAN_MASALAH_KESIHATAN_GENDER_DI_KLINIK_KESIHATAN.

39 Ibid, 23.

40 Ibid, 24-25.

41 Ibid, 27.

42 Ibid, iii.

The Ministry of Education also endorses the perpetration of conversion therapy via corporal punishment in schools. Via a 2003 circular letter to Directors of Education for each state, which to our knowledge has not been rescinded or updated, the Ministry states that ‘caning is part of the educational process’, and recommends different types of caning based on the severity of the offence.⁴³ Annex B of the circular letter details ‘severe offences’ such as committing sex outside marriage, sodomy, unnatural relations (offence 16) and participating in sex work, becoming a bohsia (juvenile female participating in immoral activities, usually with men), bohjan (juvenile male participating in immoral activities, usually with females), or pondan (effeminate male) (categorised as offence 17).⁴⁴ The circular recommends that students found to have committed these severe offences be caned on the clothed buttocks using a light cane with a maximum of 3 strokes of the cane.⁴⁵

Last but not least is the 2013 Manual on Trans Women and Islam(Manual)⁴⁶ by the Department for Islamic Development (JAKIM) which sets out the protocols and procedures for the *Mukhayyam* government-funded conversion program. The manual sets out, inter alia, that per a national fatwa, gender affirmation surgery is haram, or forbidden. The manual uses the Arabic word mukhannas (effeminate men) to refer to trans women, stating: “Male mukhannas are described as those who have soft and seductive voices, like women.”⁴⁷ It is also

43 Office of the Director-General of the Ministry of Education, “Surat Pekeliling Ikhtisas Bil 7/2003: Kuasa Guru Merotan Murid (Professional Circular Letter 7/2003: the Authority of Teachers to Cane Students),” October 29, 2003, Reference KP(BS) 8591/Jld.XVIII (7), <https://www.moe.gov.my/pekeliling/1970-surat-pekeliling-ikhtisas-bilangan-7-tahun-2003-kuasa-guru-merotan-murid/file>.

44 Ibid.

45 Ibid.

46 Jabatan Kemajuan Islam Malaysia (Department of Islamic Development Malaysia), “Manual Islam & Mak Nyah (Manual on Islam and Transgender Women),” 2013, http://www.islam.gov.my/images/ePenerbitan/Manual_Islam_dan_Mak_Nyah-2.pdf.

47 JAKIM (Jabatan Kemajuan Islam Malaysia – Department of Islamic Development Malaysia), Manual Islam & Mak Nyah (Manual on Islam and Transgender Women) (2013), http://www.islam.gov.my/images/ePenerbitan/Manual_Islam_dan_Mak_Nyah-2.pdf.

punctuated with numerous hadith, setting the tone for the manual. One such hadith describes the case of a male person ‘resembling a woman’ being brought by a disciple before the Prophet, with a request that the transgender person be exiled to a different district, or murdered. The hadith describes the Prophet’s response: “Verily, I am prohibited from killing people who pray.”⁴⁸ This response does not, therefore, seem to preclude killing of transgender people who don’t pray, nor does it preclude exile as a punishment for being trans. Quoted later in the manual is a hadith from Riwayat al-Bukhari, where the Prophet surmises: “There is no disease that Allah has created without having also created its cure.”⁴⁹

On Page 179 of the Manual are suggested activities for a Mukhayyam camp – and this includes jungle walks, navigating hanging bridges and dark caves, and may include rafting or kayaking, and it recommends that these activities occur for four hours on a Thursday.⁵⁰ On the Friday morning, it recommends the showing of a film about death. On each day of a recommended course, trans people wake up in the early hours of the day and sleep at 11:00 pm.⁵¹

The Manual is rife with internal inconsistencies, juxtaposing language that endorses violence, ‘cure’ and/or exile of transgender people, with language that supports the development of a ‘loving community’ through ‘volunteerism led by religious leaders’.⁵² It further recommends *istighfar* (the act of asking forgiveness from God) as a method of *berubat* (treatment or cure) to keep Satan away, to bring peace, and to avoid bencana moral (moral disasters).⁵³ The

48 Jabatan Kemajuan Islam Malaysia (Department of Islamic Development Malaysia) (note 6) 31.

49 Ibid, 51; Sahih al-Bukhari 5678, <https://sunnah.com/bukhari/76>.

50 Ibid, 179.

51 Ibid.

52 Ibid, 158.

53 Ibid, 82.

Manual recommends that the ‘family institution’ should control the behaviour of children that tend towards softness, and that educational institutions identify and monitor students that have ‘soft personalities’.⁵⁴ The manual further dubs these students as ‘softies’.⁵⁵ The Manual uses stigmatising and judgmental language, but at the same time recommends that religious officers ‘build trust and close relationships with trans clients and local communities’.⁵⁶

Academics and progressive religious scholars have asked for a re-examination of how transgender people are seen and how they are subject to conversion therapy. Barmania and AlJunid in their 2017 study on transgender women in Malaysia state that ‘the spectrum of religious views shows that there is a window of debate that could be explored further’,⁵⁷ and that an ‘independent scholastic review of Islamic jurisprudence on transgender women in Malaysia seen through a prism of compassion, mercy and health.’⁵⁸ Dr Afiq M Noor, an independent researcher with a PhD in Islamic Studies and Gender, and who is trained in classical Islamic texts, described how hadith used to persecute transgender women had been misinterpreted, and that those who are ‘transgender by nature’ shouldn’t be subject to conversion therapy:

"When you read the hadith, you need to understand the context and the background of the hadith. In the classical term we call it "sabab al wurud", that is, the historical fact behind that. And in the Quran and the hadith, they talk about "mukhannas". For example, there are two hadiths, [one] from Aishah, the wife of the Prophet and [one] from Ummu Salamah, another wife of the Prophet, which mention about (sic) mukhannas. Mukhannas is an "effeminate man" according to those [hadiths], and according to Imam An-Nawawi, in his book Syarah Sahih Muslim and Ibn Hajar al-Asqalani in Fatah Al Bari, they divided mukhannas into two categories. The first one is "min ashli al khilqah", or they occur naturally like that. And the second one is a little "bi al takkaluf", sort of like a poser. And according to An Nawawi. if you are within the first category, you are born like that. You can live your life normally and there's no sin for you."⁵⁹

54 Ibid, 161.

55 Ibid.

56 Ibid, 171.

57 Sima Barmania and Syed Mohamed Aljunid, "Transgender women in Malaysia, in the context of HIV and Islam: a qualitative study of stakeholders' perceptions," BMC International Health and Human Rights 17, no. 30 (2017), <https://doi.org/10.1186/s12914-017-0138-y>.

58 Ibid.

59 Interview with Dr Afiq M Noor, Independent Researcher, PhD in Islamic Studies and Gender.

Summarised Analysis of Findings

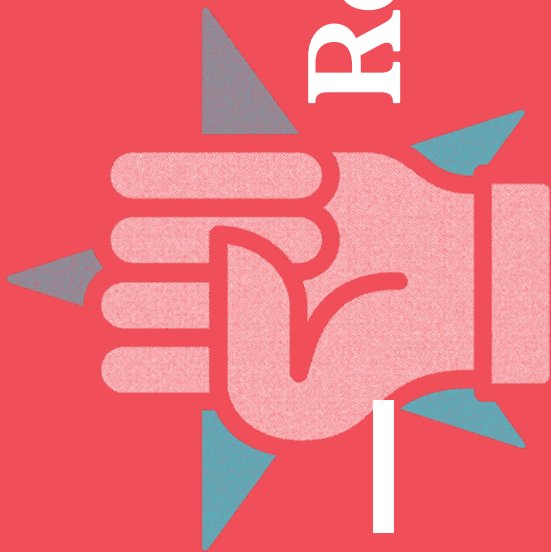
Based on the testimony of trans respondents and key informants, it is clear that CTPs are widespread in Malaysia and that they are fuelled by, inter alia, transphobia and inaccurate information propagated by the press and political figures, laws that criminalise trans people, and religious beliefs that are rooted in the view that a trans person is being deviant. A number of key informants, consistent with recommendations in the BMC International Health and Human Rights,⁶⁰ believed that there was a way to engage in a review of Islamic jurisprudence to introduce an approach to trans people based in compassion, but that this change would take decades before it shows concrete results.

It is also apparent that schools and other educational institutions reinforce transphobic beliefs through the threat of punishment and by funding and encouraging anti-LGBTI research. There has been a proliferation of anti-science journal articles published through unaccredited local journals that inflict and encourage harm towards trans people. This is described in greater detail in our larger report.

Evident also from the testimonies of trans people and key informants was the severe harm inflicted on individuals who had been subjected to CTPs, whether through state-sponsored programmes, “corrective” beatings by family members, or repeated verbal abuse by parents. Also evident was that there was little redress for trans people—SUHAKAM was perceived to neither have the resources nor the independent authority to run proper investigations on complaints of CTPs. In addition, none of the medical professional associations, unlike their major counterparts across the globe, have made statements condemning CTPs, giving mental health professionals, in particular, free rein to impose CTPs upon trans people. Almost all respondents spoke of the need for the media to present more accurate information and to take more responsibility in terms of the harms resulting from CTPs. In other words, respondents felt that the media should present a viewpoint that is more compassionate of trans people in general.

⁶⁰ Sima Barmania and Syed Mohamed Aljunid, “Transgender Women in Malaysia, in the Context of HIV and Islam: A Qualitative Study of Stakeholders’ Perceptions.”

Recommendations



The following recommendations are formulated not only from the insights of trans people and other key informants but also from recent recommendations compiled from accredited academic journals. Potential duty holders are specified in parentheses.

1. A full investigation of harms resulting from CTPs in the Malaysian context, and the establishment of a database of the CTPs faced by trans people [SUHAKAM, academic institutions, think tanks]
2. An independent scholastic review of Islamic jurisprudence on trans people in Malaysia [Progressive Islamic scholars, NGOs, and academics]
3. Media articles grounded in evidence and compassion, highlighting how CTPs harms trans people and communities [All media outlets]
4. Statements from medical and psychiatric professional bodies against CTPs, as a matter of urgency, stating that conversion therapy is harmful and practitioners are violating medical ethics [Malaysian Medical Association, Malaysian Medical Council, Malaysian Psychiatric Association]
5. A commitment to rigorous scientific standards and a clear denouncement of studies promoting CTPs [Academia, Deans and other administration of universities]
6. More funding (including funding of advocacy and emergency response) for community programmes to enable them to better support at-risk trans people [Donors, philanthropic organisations]
7. Pressure from key diplomatic missions and international organisations on the Malaysian government to ban CTPs [Diplomatic missions, international organisations]
8. Ban on corporal punishment for LGBTI children; release of a circular banning CTPs in schools. [Ministry of Education]

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The Asia Pacific Transgender Network (APTN) is a regional trans-led network that is working towards the advancement of trans rights in the Asia Pacific region through research and evidence generation, legal, policy and programmatic advocacy, and public campaigning.

APTN engages with a range of partners across Asia and the Pacific to support, organise, and advocate for fundamental human rights including gender identity; access to justice and legal protections; and comprehensive gender-affirming healthcare and policies. For a decade, APTN has grown to become a credible platform and voice for transgender people in Asia and the Pacific, working to ensure that their needs and rights are represented politically, socially, culturally and economically. The network serves as a platform for transgender people to advocate for access to health, legal gender recognition, legislative reform, social justice and human rights, and to exchange information and strategies with each other.

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