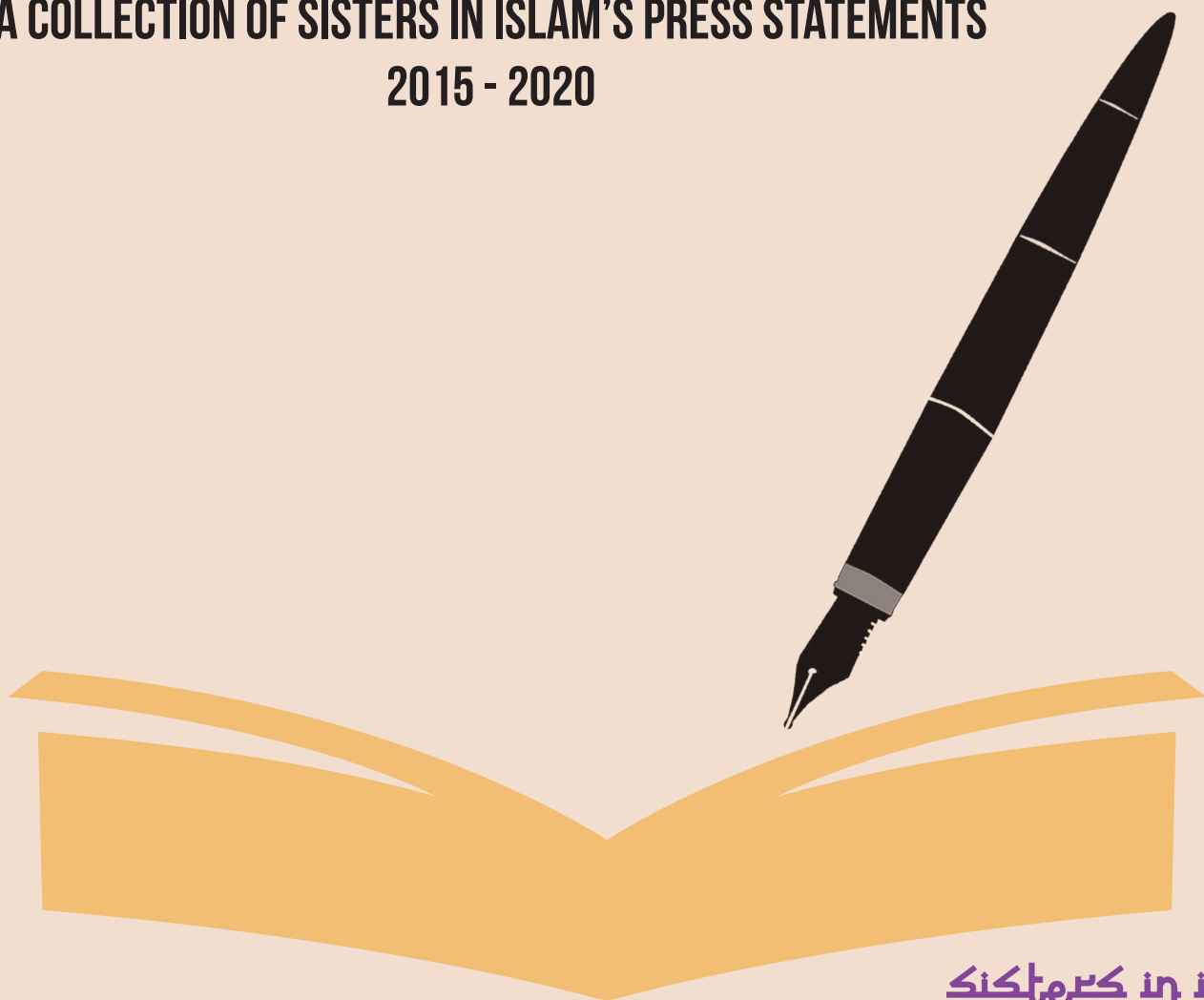


Dear Editor ...

**A COLLECTION OF SISTERS IN ISLAM'S PRESS STATEMENTS
2015 - 2020**



Sisters in Islam

Dear Editor...

Sisters in Islam

Sisters in Islam, 2022

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Executive Director's Message

Since 1990, Sisters in Islam (SIS) has continuously responded to issues through press statements, providing alternative views and critical analysis on current affairs and developments or to new laws and policies introduced in the country. It started with a letter to respond to a Syariah Court's progressive judgement on polygamy and since then, SIS has produced numerous press statements related to progress and regress in Islamic Family Law, Syariah Criminal Offences law, child marriage, female circumcision and other issues on women's rights and overall human rights.

In this book, we have compiled SIS statements ranging from responses to Islamic Family Law, children born out of wedlock, child marriage,

polygamy, Muslim Criminal Law, violence against women, Syariah Criminal Offences Act, RUU355, fundamental liberties and women's autonomy from 2015 to 2020. The statements have been sent to local and some, international media organisations to push for law reforms and provide voices for the voiceless.

We hope that this compilation of press statements will benefit everyone such as researchers, students and the public and inspire many to advocate for justice for women and marginalised communities especially, and on the right to being treated and recognised as equals.

Rozana Isa

Executive Director of Sisters in Islam

Muslim Family Law

1

ISLAMIC FAMILY LAW ACT/ GENERAL

**Standardise Islamic Family Laws for
all states in Malaysia**

16 June 2019

Instead of standardising Syariah criminal laws in the country, Islamic Affairs Minister Datuk Seri Dr Mujahid Rawa and the National Council for Islamic Religious Affairs Malaysia (MKI) should have prioritised ensuring the uniformity of Islamic Family Laws (IFL) and the increase in minimum age of marriage between all states in Malaysia.

The announcement made by MKI yesterday proves that political will and strong leadership are all it takes in order for the process of standardisation to take place.

When Malaysia first introduced the IFL in 1984, it was lauded as being one of the most

progressive in the world. Nevertheless, several rounds of amendments were done since then which not only regressed its ability to protect the interests of women, but also fractured its capability to uphold justice and equality for women.

The current state of IFL in Malaysia is in shambles as it dangerously and unfairly expose women to being victims of the system.

For example, laws amended in 1994 have allowed illegal marriages without the court's permission to be registered upon payment of a small fee. This has resulted in new marriages being secretly solemnised in Thailand. The

current provisions for polygamous marriages continue to cause devastating structural, emotional and economic consequences borne by all family members, including and especially onto children.

Another area that MKI must prioritise and forward for standardisation is the minimum age of marriage for children.

Despite a directive from our Prime Minister Tun Dr Mahathir Mohamad last year, only literally a handful of states have committed towards ending child marriage with many other states refusing. A plan for standardisation which

is led directly by Datuk Seri Dr Mujahid Rawa's office as suggested by MKI will not only pave the way to push this important agenda forward, but also do so in a way which is consultative and therefore binding to all states.

The priority of MKI should be the standardisation of IFL and child marriage for all states in Malaysia. Standardisation and improvements in these areas are important in ensuring justice and equality in Muslim families, which directly contributes to the social and economic strength of our country.

Sisters in Islam (SIS)

National Convention: “Hak Wanita Dalam Keluarga Islam di Malaysia – Makin Kukuh atau Rapuh?” – Menyemak Semula Pindaan Kepada Akta Undang-Undang Keluarga Islam 1984

18 October 2015

1 0 years after the amendments to the Islamic Family Law (Federal Territories) Act 1984 was passed in 2005, Muslim women continue facing discrimination in Syariah courts. The 2005 amendments to the Act received public uproar and concerns raised by women Senators, Members of Parliament, Sisters in Islam (SIS), and other women’s rights NGOs as it further chiseled away the rights of Muslim women in Malaysia.

In response, the government ordered a review of these amendments in early 2006. Several rounds of negotiations were held between SIS and the Joint Action Group for Gender Equality with the Attorney General’s Chambers and the religious authorities. Consensus was reached on several further amendments to redress the gross discrimination against women in the 2005 amendments. The Islamic Family Law (Federal Territories) (Amendment)

Bill 2005 was to be tabled at Parliament in 2009. Unfortunately, the bill was suddenly withdrawn, with the assurance given that it will be submitted again once approval is received from the Conference of Rulers.

However, there has been silence since then, in spite of repeated queries and more promises of action.

Sisters in Islam’s National Convention will provide the platform to revive the discussion on Muslim family law reform. This convention will bring together 200 participants, comprising Members of Parliament, Syariah law experts, law practitioners, judges, Islamic religious authorities, women’s rights activists, single mothers and women heads of households to demand the necessary law reform to ensure justice for Muslim women.

Sisters in Islam (SIS)

CHILDREN BORN OUT OF WEDLOCK

“Bin Abdullah” Case: Uphold the Child’s Right to a Name, Identity and Family

14 February 2020

Sisters in Islam (SIS) views the Federal Court’s decision on the “bin Abdullah” case with mixed concerns. While we welcome the ruling by the Federal Court to remove “bin Abdullah” from a Johor-born Muslim child’s name from his birth certificate, however, we view with great distress and concern for disallowing the father’s name to be a part of the child’s name. Sisters in Islam had hoped for a decision that would have resolved this matter addressing the core issue of the stigmatisation of Muslim children born out of wedlock.

SIS is grateful that Malaysia has religious leaders such as the Mufti of Penang and the Mufti of Perlis who have provided a compassionate approach to this issue so as to take into account the welfare and best interest of the child. We also support the Children’s Commissioner in SUHAKAM who had called for

the Births and Deaths Registration Act 1957 to be amended and applied equally to Muslims and non-Muslims.

The usage of “bin Abdullah” for Muslim children born out of wedlock carries a social stigma as “bin Abdullah” children are often ridiculed, attacked, bullied and targeted. The Federal Court’s decision for removing “bin Abdullah” from the child’s name and disallowing him to carry the father’s name will only lead to a new kind of stigmatisation of the child and other children in a similar situation. Also, it is now an open question as to what the child’s last name should be.

The Islamic Family Law (State of Johor) Enactment 2003 only deals with the issue of paternity or nasab of a father over his child. The definition of a child born out of wedlock as well as the requirement to name these children “bin

or binti Abdullah” are provided in two fatwas of the Majlis Fatwa Kebangsaan of JAKIM. Thus, it is clear that the naming as “bin Abdullah” is not prescribed by law but by a fatwa. SIS has often criticised the far-reaching effects of a fatwa, which sometimes have even more overreaching consequences than the law itself.

The application of a fatwa in such a manner should be scrutinised and subjected to proper consultation, checks and balances, especially when it has a severe impact on the life of a child.

In Malaysia, states have issued their own fatwa on this matter. For example, the Perlis state government has gazetted a fatwa in 2013 that allows children born less than six months from the parents’ marriage date to carry the name of his/her father provided their parents and that the father acknowledges the child. However, the father does not have paternity rights over the child. The late Wahbah Zuhaili, a well-respected Islamic scholar, has stated that it is permissible for the child to be named after the father if he so agrees. This particular argument is in line with upholding the best interest of the child.

Sisters in Islam has time and again called for greater balance in the promulgation of Islamic

laws and fatwas. The most important tenets of Islam – justice, compassion, harmony must be the guiding factor. It is clear that this fatwa on children born out of wedlock causes harm and is not beneficial to the welfare and best interest of the child.

Reference:

Section 111 of the Islamic Family Law (State of Johor) Enactment 2003 provides: “Where a child is born to a woman who is married to a man more than six qamariah months from the date of the marriage or within four qamariah years after dissolution of the marriage either by the death of the man or by divorce, and the woman not having remarried, the nasab or paternity of the child is established in the man, but the man may, by way of li’an or imprecation, disavow or disclaim the child before the Court.”

The definition of a child born out of wedlock is provided specifically under the fatwa. In this case, we quote the fatwa issued by the Fatwa Majlis Kebangsaan (JAKIM):

Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia Kali Ke-57 yang bersidang pada 10 Jun

2003 telah membincangkan mengenai Anak Tak Sah Taraf. Muzakarah telah memutuskan seperti berikut: Anak Tak Sah Taraf ialah:

1. *Anak yang dilahirkan di luar nikah sama ada akibat zina atau rogol dan dia bukan daripada persetubuhan syubhah atau bukan daripada anak perhambaan.*
2. *Anak dilahirkan kurang dari 6 bulan 2 lahzah (saat) mengikut Takwim Qamariah daripada tarikh tamkin (setubuh). Anak tidak sah taraf tidak boleh dinasabkan kepada lelaki yang menyebabkan kelahirannya atau kepada sesiapa yang mengaku menjadi bapa kepada anak tersebut. Oleh itu mereka tidak boleh pusaka mempusakai, tidak menjadi mahram dan tidak boleh menjadi wali.*

This fatwa was preceded in 1981 by a fatwa that deals directly with the naming of a child born out of wedlock. Reference is made again to the Majlis Fatwa Kebangsaan under JAKIM: Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia Kali Ke-1 yang bersidang pada 28 – 29 Januari 1981 telah membincangkan Penamaan Anak Tak Sah Taraf (Anak Luar Nikah). Muzakarah telah memutuskan bahawa anak zina atau anak di luar nikah (anak tak sah taraf) sama ada diikuti dengan perkahwinan kedua pasangan ibu bapanya atau tidak hendaklah di bin atau di bintikan kepada Abdullah.

Sisters in Islam (SIS)

Sisters in Islam Welcomes the Decision of the Court of Appeal

27 July 2017

Sisters in Islam (SIS) welcomes the landmark decision by the Court of Appeal which ruled that a child who was born out of wedlock can take up his father's name and commends the Court of Appeal for exercising compassion and upholding the best interest of the child.

The practice of registering Muslim children's surnames as "binti/bin Abdullah" when they are born less than 6 months of the date of the parents' marriage leads to serious and unjust repercussions on the children's overall upbringing and well-being including their right to receive maintenance from paternal family members, ability to inherit and not to mention the emotional trauma of having to face social stigma at a very tender age and as they grow up.

The National Fatwa Council has issued two fatwa (religious edict) in 1981 and 2003 respectively following the issue of illegitimate child (anak tak sah taraf) that a child cannot be surnamed to his/her father if he/she is born

less than 6 months according to the Islamic Qamariah calendar.

The decision by the Court of Appeal is within the pillars of Maqasid Syariah which is Daruriyyah (Necessity) which relates to the protection of life (nafs). The Quran in Surah al-Ahzab 33:5 states "Call them by (the names of) their fathers: that is more just in the eyes of God." While this is understood to refer to adopted children, it is not impossible to extend the spirit of the verse to recognise the biological fathers of children conceived or born out of wedlock.

This judgment by Justice Abdul Rahman Sebli and the panel of the Court of Appeal embodies the spirit of Adl or Qist (Justice). The best interest of the child must be the primary concern in the formation of all laws, policies and decisions that affect them as upheld by Islamic teachings and universal human rights.

Sisters in Islam (SIS)

POLYGAMY

SIS Menyokong Tindakan Kerajaan untuk Mengekang Pernikahan di Sempadan Thailand

4 Ogos 2016

Sisters in Islam (SIS) menyambut baik saranan Datuk Seri Jamil Khir Baharom untuk mengekang masalah pernikahan rakyat Malaysia di sempadan Thailand bagi mengelak masalah selepas pulang ke Malaysia.

Sudah terbukti bahawa kebanyakan perkahwinan di Thailand membawa masalah lebih kepada rumah tangga daripada kebaikan, kerana ramai yang tidak mendaftar perkahwinan selepas pulang ke Malaysia. Data daripada kajian poligami Sisters in Islam (SIS) mendapati bahawa 32% pasangan yang ditemubual tidak mendaftar perkahwinan setelah pulang ke Malaysia.

Perkahwinan secara rahsia di Thailand membawa kesan negatif bukan hanya pada pihak isteri tetapi juga kepada anak-anak daripada perkahwinan tersebut yang tidak akan mendapat hak di sisi undang-undang keluarga Islam di Malaysia.

Untuk mengelakkan kemudaratan kepada isteri-isteri dan anak-anak setelah perceraian atau kematian akibat berkahwin secara rahsia, Kerajaan Malaysia seharusnya bekerjasama dengan Majlis Agama Islam di Selatan Thailand supaya menjalankan pemeriksaan latar belakang pasangan yang hendak berkahwin di Selatan Thailand bagi memastikan status perkahwinan kedua-dua pihak.

Bagi SIS pula, membawa kembali syarat-syarat berpoligami yang ada di dalam Undang-undang Keluarga Islam 1984 adalah jalan yang terbaik sekali, iaitu:

1. Perkahwinan poligami adalah patut dan perlu.
2. Suami harus mampu dari segi kewangan untuk berpoligami.
3. Suami akan berlaku adil terhadap isteri-isteri.
4. Perkahwinan poligami tidak akan menyebabkan darar syarie (mudarat) kepada isteri sedia ada.
5. Perkahwinan poligami tidak akan merendahkan taraf kehidupan isteri sedia ada.

Selama ini, pelanggaran syarat-syarat tersebut setelah pindaan Undang-undang Keluarga Islam pada tahun 1994 dan 2005, adalah penganiayaan terhadap isteri-isteri dan anak-anak kerana suami-suami tidak dipertanggungjawabkan untuk berlaku adil terhadap tanggungan mereka.

Perkahwinan dalam Islam adalah sebuah institusi di mana kedua-dua pihak menyayangi dan melindungi satu sama lain. Perkahwinan di Selatan Thailand yang kebanyakan adalah untuk berpoligami secara rahsia adalah amat bertentangan dengan objektif utama perkahwinan dalam Islam.

Sisters in Islam (SIS)

SIS Menggesa Mufti Perlis dan Ketua Hakim Perlis untuk Tidak Memudahkan Poligami

7 Jun 2020

Kenyataan akhbar ini adalah respon kepada pos Instagram Datuk Dr. Mohd Asri Zainul Abidin, Mufti Perlis mengenai perjumpaannya dengan YAA Tuan Haji Ibrahim Bin Deris, Ketua Hakim Syarie Perlis pada 6 Jun 2020. Mengikut pos di dalam Instagram Datuk Dr. Mohd Asri yang bernama “drmaza_official,” antara perkara yang dibincangkan bersama YAA Tuan Haji Ibrahim adalah untuk memudahkan poligami di Perlis.

Sisters in Islam (SIS) kecewa dengan pos Datuk Dr. Mohd Asri yang seumpama memandang ringan terhadap isu dan kesan poligami dengan perbincangannya untuk mempermudah poligami di Perlis. Ketika wabak pandemik Covid-19 ini berleluasa, ramai golongan yang terkesan, terutamanya golongan ibu tunggal dan kanak-kanak. Jika Mufti Perlis dan Ketua Hakim Syarie Perlis merasakan bahawa poligami merupakan jalan penyelesaian terhadap masalah yang dialami, ia adalah salah sama sekali kerana realitinya adalah indah khabar dari rupa. Sudah pastinya Mufti Perlis

dan Ketua Hakim Syarie Perlis sedia maklum dengan permasalahan yang dihadapi oleh golongan wanita, ibu tunggal dan kanak-kanak.

Oleh itu, sebagai Mufti Perlis dan Ketua Hakim Syarie Perlis, haruslah Datuk Dr. Mohd Asri dan YAA Tuan Haji Ibrahim menjadi lebih prihatin dengan menekankan isu-isu yang lebih penting seperti hal nafkah anak-anak, keganasan rumahtangga, bantuan kewangan untuk golongan wanita dan ibu tunggal, hak penjagaan anak-anak dan lain-lain serta janganlah menutup mata atau memberikan cadangan yang akan memburukkan lagi keadaan hanya kerana poligami dibenarkan dari sisi agama.

Perbincangan mengenai cara-cara untuk memudahkan poligami di Perlis juga menunjukkan pendekatan yang tidak bertanggungjawab memandangkan praktik dan amalan sedia ada pun banyak lagi yang harus diperbetulkan. Seperti contoh, terdapat kelopongan dari segi undang-undang yang

membenarkan suami untuk berpoligami tanpa kelulusan mahkamah. Ini dapat dilihat menerusi perkahwinan di sempadan Thailand yang apabila pasangan pulang ke Malaysia, mereka sekadar dikenakan penalti dan tidak diharuskan untuk mematuhi undang-undang di Malaysia yang mengambil kira kemampuan suami dari segi kewangan dan masa. Menurut aduan yang diterima menerusi talian Telenisa, kami mendapati terdapat pelbagai kes di mana perkahwinan pasangan tidak berdaftar yang menyebabkan pelbagai masalah iaitu masalah ketika perceraian, status taraf anak dan lain-lain.

Menurut tinjauan yang dilakukan oleh SIS pada tahun 2019, kebanyakan isu perkahwinan poligami berkaitan dengan ketidakupayaan suami untuk berlaku adil dalam menjaga lebih dari satu buah keluarga. Ada suami yang tidak mampu memberikan nafkah yang mencukupi untuk isteri pertama dan anak-anak tetapi, masih berpoligami. Ada juga golongan suami yang mengatakan bahawa dia mempunyai status kewangan yang stabil ketika memohon untuk berpoligami tetapi, apabila diperintah membayar nafkah isteri dan anak-anak, dia merayu kepada pihak mahkamah dengan mengatakan bahawa dia tidak mempunyai kewangan yang stabil dan tidak mempunyai apa-apa aset.

Tinjauan dari SIS juga mendapati bahawa isteri-isteri terpaksa bekerja untuk menampung perbelanjaan keluarga yang lazimnya tidak mencukupi dalam perkahwinan poligami. Tambahan pula, jika dilihat dari segi psikologi dan emosi anak-anak, mereka juga amat terkesan. Hakikatnya, perkahwinan poligami bukan sahaja melibatkan golongan suami dan isteri-isteri sahaja tetapi melibatkan anak-anak di mana kebajikan mereka wajib diambil kira.

Selain itu, tinjauan SIS juga mendapati bahawa hak penjagaan anak seringkali menjadi isu utama ketika berlakunya perpecahan dalam perkahwinan. Pada tahun 2019, Telenisa, klinik bantuan guaman yang memberikan nasihat guaman mengenai perundangan keluarga Islam secara percuma, menunjukkan bahawa terdapat 92 kes berkenaan dengan hak penjagaan anak. Isu lazim yang dikemukakan oleh klien Telenisa adalah hak lawatan anak-anak yang mencatatkan sebanyak 88 kes. Terdapat kenaikan kes pada tahun 2019 berbanding dengan tahun 2017 dan 2018 berkenaan kes hak lawatan. Tinjauan kami juga menunjukkan terdapat penurunan kes mengenai hak jagaan anak-anak iaitu, pasangan mana yang mempunyai hak jagaan anak yang sah mengikut mahkamah. Klien wanita yang pernah berada di dalam perkahwinan poligami juga berkata bekas suami mereka lebih

menekankan permohonan untuk mendapat hak lawatan anak-anak daripada permohonan mendapat hak jagaan anak-anak apabila sudah mempunyai keluarga baru.

Ketidakadilan yang dialami oleh isteri-isteri dan anak-anak dalam perkahwinan poligami boleh dibendung sekiranya pihak berkuasa mengambil perhatian yang serius dalam melaksanakan syarat-syarat yang sedia ada dalam permohonan berpoligami, mengetatkan lagi syarat-syarat yang masih memudahkan berpoligami dan menutup kelongan dari segi undang-undang dan prosedur yang

membenarkan suami untuk berpoligami tanpa kelulusan mahkamah.

Para tokoh agamawan juga mempunyai kewajiban yang besar dan berat untuk membimbing dan menggalakkan umat supaya lebih bertanggungjawab dalam kehidupan berkeluarga yang membawa keadilan dan ketenangan kepada semua ahli keluarga dan bukan ke arah kehidupan keluarga yang rapuh dan mudah binasa, lebih-lebih lagi dalam era pandemik Covid-19.

Sisters in Islam (SIS)

CHILD MARRIAGE

SIS Supports Azalina Othman Said's Statement on Banning Child Marriage

5 May 2020

This statement is in response to Azalina Othman Said's statement on banning child marriage as featured in Malaysia Kini's article published on 4th May 2020: <https://m.malaysiakini.com/news/523966> (Headline: Banning child marriages – Azalina wants Harapan's good work to continue)

Sisters in Islam (SIS) welcomes Azalina Othman Said, Pengerang MP's statement on banning child marriage during her response to a question on whether the Perikatan Nasional government would be successful in banning child marriages and if Umno would support the move.

It is refreshing to see a politician from the current government supporting the efforts to ban child marriage. The issue of child marriage has been long debated and it is a concern if this is not addressed concretely in the short and long term. In January 2020, the Ministry of Women,

Family and Community Development (MWFCD) had launched a 5-year National Strategy Plan to Address the Root Causes of Child Marriage involving 16 strategies and 58 programmes that will be executed by 61 agencies. In addition, just a week before the launch the then-Attorney General had disclosed that the government is studying a proposal to raise the minimum marriage age for Muslims from 16 to 18. SIS hopes that the Perikatan Nasional Government can move swiftly towards legislative reforms necessary to make marriages under the age of 18 illegal.

Child marriage is a harmful cultural practice to children for many reasons. Firstly, the child (who is often a girl child) is deprived of her childhood. She is often denied an education as they are often removed from school hence, perpetuating their experience of discrimination. Particularly, if they are married off to older men, they are incapable of voicing

their concerns, especially when it comes to sexual expectations. This results in early pregnancies which can cause a higher risk of maternal and infant mortality. Other long term health complications may arise as a result of pregnancy and childbirth at an early age, prior to the girl child's body being fully matured. Children who are married young experience a higher degree of domestic abuse and violence.

We urge the Ministry of Women, Family and Community Development (MWFC) to continue their implementation of the National Strategy Plan towards ending child marriage in Malaysia and for the legal marriage to be amended to 18 years without exception. Delays to this amendment will cause more harm to girls and undermine their potential to a better future.

Sisters in Islam (SIS)

Federal Government Must Step In To Uphold Children's Best Interest

19 November 2019

The seven states who refuse to cooperate in banning child marriage – Sarawak, Pahang, Terengganu, Perlis, Negeri Sembilan, Kedah and Kelantan – need to explain to all Malaysians their reasons for their decision. This is despite policymakers, child psychologists, healthcare practitioners, economists and even religious institutions stating the exponential harms caused by child marriages.

In putting the best interest of children first, the Pakatan Harapan government needs to explain what is being done to compel the seven states that refuse to cooperate. Stating that the Federal Government is unable to proceed just because seven states oppose reducing critical national issues to be determined at the state level. As harm to our children is clearly evident, it is the responsibility of the elected Federal Government to step in and act in their best interest.

Sisters in Islam (SIS) is also shocked by the response by Datuk Seri Dr Wan Azizah who said

today that criminal elements in circumstances of grooming children for sexual acts under the Sexual Offences Against Children Act, “cannot be proven.” Dr Wan Azizah also said that it is difficult to determine the sexual crime after a groomed child is married, as “many parents feel that it is good for the child to be married off.”

These responses by the Deputy Prime Minister are not only irresponsible, but deliberately puts the lives and futures of these child victims in grave danger, where laws are supposed to be there to protect them.

While Datuk Seri Dr Wan Azizah Wan Ismail has stated that the draft of the National Strategic Plan to tackle the issue of child marriages is at its final stage, we would like to know if the draft had included engagements with civil society organisations, especially those working on women's and children's rights.

We also want to know if SUHAKAM's Children's Commissioner had been included in the drawing of this strategic plan.

In June this year, the al-Azhar, considered by sunni Muslims to be the highest authority of Islamic jurisprudence, issued a fatwa against child marriage.

The fatwa explicitly states that the age of 18 marks the stage at which a woman can validly express her will to marry. The fatwa also states that marrying after the age of 18 will guarantee that she can enjoy her fundamental rights to childhood, education and the capacity to assume the responsibility of marriage.

Malaysia's neighbours Thailand and Indonesia have legally banned child marriage in December 2018 and September 2019 respectively. Other Muslim-majority countries that have banned child marriage are Egypt, Kenya, Pakistan, Iraq and Jordan.

SIS strongly reiterate our call that the minimum age of marriage must be raised to 18 years old for both boys and girls, Muslim and non-Muslims, with no exceptions.

Sisters in Islam (SIS)

Underage Marriage Continues to Haunt Malaysia

18 January 2019

Sisters in Islam (SIS) is appalled to learn that Kelantan Syariah courts had approved 10 underage marriages between January 2018 and January 2019. When averaged, this indicates that at least one underaged marriage took place almost every month in the state.

It is therefore ironic that Kelantan Syariah Court judge Abu Bakar Abdullah Kutty mentions that, “underaged marriages must be prevented from early on because it is feared that couples will face countless problems.”

We are disappointed that Kelantan and Terengganu has opted to retain child marriage in the states, with Kelantan citing last November that the practice is regarded as a ‘necessity’ in the state.

Such a reckless stance not only reflects an irresponsible government who is willing to endanger the futures of children, it also shows a disregard for the pursuit of education as a

means for economic emancipation among the more impoverished communities in the state.

Kelantan’s further rejection of the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in November 2018 is also a shameful decision, considering Malaysia’s ambition to be a progressive and inclusive country with developed nation status.

PM’s Directive

We are concerned that most states have not made the move to comply with Tun Dr Mahathir Mohamad’s order for all state governments to raise the minimum legal age for marriage to 18 years for both Muslims and non-Muslims.

The Prime Minister issued the directive after chairing the 132nd meeting of the Menteri Besar and Chief Ministers at Perdana Putra in October 2018.

Imperfect Implementation

The Prime Minister's directive was confirmed by Penang's Women, Family, Gender Inclusiveness and Non-Islamic Religion Committee chairperson, Chong Eng. While she announced that the Penang Legislative Assembly has been instructed to process the directive, she mentioned in October 2018 that the Penang Islamic Religious Department (JAIPP) has yet to submit their report for the decision to be finalised.

There has been no official announcement from the Penang government since as to the status of this legislative amendment.

In September 2018, Selangor's Menteri Besar Amirudin Shari announced that amendments to increase the age of marriage in the state was passed by the state legislative assembly. Amendments were made to the Islamic Family (State of Selangor) Enactment and Syariah Court Civil Procedure (State of Selangor) Enactment to raise the marriageable age limit of Muslims from 16 to 18.

According to Amirudin, the new enactments, which would include a set of 'strict' SOPs, were to have come into effect in January 2019. However, until today, there has been no

indication of what criteria has been included in the SOPs.

Earlier this month, the Sabah cabinet agreed to set the minimum age of marriage at 18 in the state, citing that review of the law would involve amending the Native Courts Enactment. Nevertheless, there is no indication if amendments will be made at the state's Syariah level to include Muslim children.

Need to move forward

We are encouraged by how the marriage of an 11 year old Rohingya girl child to a 20 year old man was fazed by a concerned member of the public as well as enforcement and religious authorities in Penang recently.

This incident reflects not only social will to end child marriage in the country but also how anyone can be empowered to play a role in ending the practice of child marriage in Malaysia. This incident should be an impetus to more concerted effort at the state government level towards raising the age of marriage to 18 for all children.

Federal and state governments, and elected representatives including MPs and state assemblymen have the responsibility to

protect the most vulnerable amongst us, including children. This includes keeping them safe from harm, inculcating a positive social mindset, and ensuring that they have the best possible chance of a bright future by prioritising their education. Child marriage poses an obstacle to all the above.

SIS is also concerned of the politicising of the issue of child marriage at the expense of the welfare and wellbeing of the child. We emphasise again the urgency for laws to be amended, and for these laws to include all children, boys and girls, regardless of race and religion, with no exceptions.

Sisters in Islam (SIS)

SIS Against Marrying Off Young Girls to Protect Rapist

2nd January 2016

Sisters in Islam (SIS) is appalled at the suggestion by PAS MP, YB Khairuddin Aman that the solution to the high percentage of underage rape, which is a shocking 52%, is marriage. As a Member of Parliament, it is shocking that YB Khairuddin would undermine the severity and emotional trauma experienced by victims of underage rape cases. His statement, which suggests that underage rape cases are mostly cases of '*suka sama suka*' is both irresponsible and misleading as rape can never be consensual even if an underage girl does not explicitly say no, thus the term 'statutory rape'.

According to Section 375 of the Penal Code, sexual act is defined as statutory rape when a victim under the age of 16 is unable to understand the nature and consequences of that to which she gives consent.

It is a mockery to Islam to say that the solution to statutory rape lies within the religion, which is to marry off children at a young age. Islam does not allow for underage marriages,

especially if it is to the perpetrator himself i.e the underage girl's rapist. Marriage in Islam is about love, compassion, mutual respect and mutual responsibility between husband and wife – it is a union of *mawaddah wa rahmah*. How can there be love and compassion if there is an unfair balance of power between the spouses and a threat of sexual abuse in the marriage. In addition, how can there be *mawaddah wa rahmah* when a marriage is solemnised as a way to absolve a criminal act and the guilt of a perpetrator of rape, as the case of restaurant owner in Sabah, Riduan Masmud who was granted by the Syariah court to marry his 12 year old rape victim.

It is time we view rape as a crime that it actually is and a violation of human rights. Rape is a despicable act that is sinful in Islam and cannot be awarded with marriage. As members of civil society, we hold the responsibility to acknowledge the severity of rape crimes, this including statutory rape and take steps to help create a safer environment for women and girls. It is to the detriment of rape victims and

also society at large to mitigate the severity of statutory rape crimes by encouraging early marriage as the solution. In addition, Malaysia, as a signatory to the Convention of Elimination of all forms of Discrimination Against Women (CEDAW) and Child Rights Convention (CRC) has an obligation to ensure that underage girls

get access to higher education and achieve her potential instead of focusing on marriage as a solution to statutory rape cases, especially if it is a marriage to the very criminal that has destroyed her life.

Sisters in Islam (SIS)

Women's Autonomy



Malaysia Must Protect Girls From Harmful Practices and End Female Genital Mutilation/Cutting

4 February 2019

KUALA LUMPUR: Malaysia should ban Female Genital Mutilation/Cutting (FGM/C), and work with health and religious authorities, and the community to end the practice immediately.

We appeal to the Malaysian Government to enforce laws that protect a woman's right to bodily integrity and autonomy, ahead of the International Day of Zero Tolerance for FGM (Feb 6).

"It has been a year since the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee criticised Malaysia for practising FGM/C," said Sivananthi Thanenthiran, Executive Director of the Asian Pacific Resource and Research Centre for Women (ARROW),

a regional NGO that champions sexual and reproductive health and rights of women and young people. "Committee members from Muslim countries like Egypt asked the Malaysian Government to revisit the 2009 decision by the National Fatwa Committee that made it obligatory, and urged the Government to abolish it."

Rozana Isa, Executive Director of Sisters in Islam (SIS) said, "Islam did not introduce circumcision of girls to the world. Circumcision of girls can be traced back to pre-Islamic traditions. Nevertheless, the modern Islamic world has made a clear stance that FGM, no matter how insignificant, has a clear harm factor and is categorically unIslamic."

Dar al-Ifta al Misriyyah, which is among the

pillars of the religious foundations in Egypt (and includes Al-Azhar Al-Sharif, Al-Azhar University, Ministry of Religious Endowments, and Dar al-Ifta al-Misryyah), had declared all forms of FGM, including female circumcision, to be religiously forbidden from May last year. The organisation said that banning FGM should be a religious duty of all Muslim countries due to its harmful effects on the body. Al-Azhar is considered the authoritative reference for Sunni religious authorities throughout the world, including Malaysia.

In February last year, the CEDAW Committee said that women's rights had regressed in Malaysia, and urged the Government to abolish FGM, which takes place in certain Muslim Malay communities. At the Universal Periodic Review (UPR) in Geneva in November, the Women, Family and Community Development Ministry denied the practice of FGM, but said female circumcision was done on babies as part of a cultural obligation.

FGM refers to all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for cultural or other non-medical reasons. The World Health Organisation (WHO) has identified four types of FGM (details below). In Malaysia, Type 4 – pricking, piercing, incising, scraping or

cauterisation, is common, and reports indicate Type I – also called clitoridectomy, which is the partial or total removal of the clitoris and/or the prepuce, is also common as described by doctors engaged in the practice.

“FGM has long lasting physical and psychological effects on girls. Continuing the practice means further eroding Malaysia's human rights record. We call on the Government to abolish the practice and implement the recommendations of the CEDAW Committee and the UPR. All Malaysian girls and women deserve to grow up free from harmful practices that endanger their health and well-being,” Ms Thanenthiran said.

In conjunction with the International Day of Zero Tolerance for FGM, ARROW will be part of a Facebook Live discussion, End female genital cutting globally: Activists in Conversation, on 6 February (Wednesday) at 2pm GMT. Hosted by the Orchid Project, a UK-based charity, the discussion will include activists from Sahiyo, an India-based NGO, the US, and Kenya, to discuss how action at the grassroots can be supported, to end FGC globally.

Factbox: Types of FGM

According to WHO, Female genital mutilation

is classified into 4 major types

Type I: Partial or total removal of the clitoris and/or the prepuce.

Type II: Partial or total removal of the clitoris and labia minora, with or without excision of the labia majora.

Type III: Narrowing of the vaginal orifice by cutting and bringing together the labia minora

and/or the labia majora to create a type of seal, with or without excision of the clitoris. In most instances, the cut edges of the labia are stitched together, which is referred to as 'infibulation'.

Type IV: All other harmful procedures to the female genitalia for non-medical purposes, for example: pricking, piercing, incising, scraping and cauterization.

Sisters in Islam (SIS)

Don't Judge Women for Their Clothing

18 April 2018

Sisters in Islam (SIS) is extremely concerned about the recent crackdown conducted by the Kelantan Islamic Affairs Department (JAHEAIK) and the Kota Baru Municipal Council (MPKB) on women wearing 'tight,' 'sexy' or 'indecent' attire.

To date, over 20 notices and summonses have been issued against women for the way they were dressed in an operation dubbed 'Ops Sopan.' The operation involved over 90 officers and was held in hypermarkets, hotels and resort areas in Kelantan.

The cruel obsession with women's bodies and the audacious need to control their dressing reflects medieval and backward attitudes of the authorities. This action unfairly implies that women are defective mentally, physically, spiritually and are dangerous to the moral order of the society.

Today, girls are outperforming boys in school and women make up the majority of undergraduates in public universities. Work-

wise, women represent 54.6% of the labour force in Malaysia (Department of Statistics, 2017). Operations such as these completely undermines the accolades that women have worked so hard to earn and reduces their worth to merely their clothing.

Quranic discussions around how men and women should dress centers around the concept of modesty. This is understood first, as an avoidance of access, and secondly, as the covering of nakedness. Surah al-A'raf (7:26) speaks of clothing to cover nakedness and clothing as a thing of beauty. The same verse also tells us that the garment of piety or taqwa is the best of all.

In applying the essence of this verse in our everyday lives, it is important to understand that while covering the body is essential, no amount of material used or discarded can take priority over taqwa or God consciousness.

We are also concerned that this kind of operation also completely discounts the

responsibility of men in ‘addressing’ social ills, as no men were given any notices or summonses for not guarding their modesty i.e. lowering their gaze in public as prescribed in Surah an-Nur (24:30).

All brochures circulated in print and online via social media have also been designed to unfairly target, vilify and warn women and not men of their modesty.

Therefore, should JAHEAIK and MPKB wish to curb social ills, the solution lies not in shrouding, segregation and control of women. Instead, they should make efforts to understand the lived realities of the community which they serve as a whole, as well as systemic roots of social ills. Only then can it be considered acceptable that such an unseemingly large number of public officers be appropriated for such operations.

Sisters in Islam (SIS)

Dress Codes: A Form of Discrimination and Abuse of Power

25 June 2015

Sisters in Islam (SIS) expresses growing concern at the recent events regarding unwarranted dress code enforcement. After the incident at the Road and Transport Department (JPJ), we are repulsed to see the repetition of discrimination in other public buildings. SIS is extremely concerned that this growing policing of women's attire by government officials could make the state of Malaysia even more conservative than what it already is.

The various incidents of dress code enforcements on women is a source of concern as everyday government officials are now taking matters into their own hands and arbitrarily enforcing regulations and even denying service to some women. This type of selective enforcement is completely discriminatory and unnecessary. Especially after Sungai Buloh Hospital Director, Dr Khalid Ibrahim, said the incident was unwarranted as neither the Health Ministry nor the hospital management has any policy to discriminate based on attire. Moreover, Health director-

general, Datuk Dr Noor Hisham Abdullah, also stated that the dress sign is only "advisory".

Whose standard of "decent dressing" is being enforced on all Malaysians? First, the incident at the Road Transport Department, Sungai Buloh Hospital, Selangor State Secretariat, and now the Islamic Religious Department in Pahang (Jaip) has issued a warning that Muslim women must dress decently in public to respect the holy month of Ramadan or face a year of jail time or a fine of up to RM2,000. Religious conservatism in Malaysia is crossing the line as now Malaysians face restrictions on their freedom of movement because of dress codes.

Furthermore, the Qur'an indicates that modesty is founded on the God-consciousness of an individual and others cannot impose that God-consciousness by enforcing the covering or removal of covering. Al-Baqarah, 2:256 states, "Let there be no compulsion in religion". Abdullah Yusuf Ali, an Islamic scholar has eloquently stated that religion depends

upon faith and will, therefore these would be meaningless if induced by force.

SIS is concerned that the growing conservatism that is slowly taking over will only lead to more discrimination of Malaysian citizens. We should learn from the tragedy that occurred in Mecca in 2002, when 15 school girls were murdered because religious police did not allow them to leave a burning building simply because they were not wearing headscarves.

SIS firmly believes that the dress codes in question are based on an arbitrary interpretation of 'decent-dress'. It is evident that this new obsession with women's bodies is not meant to encourage modesty. Instead, the concept of dress codes is clearly being used as a form of control by conservative individuals to deny services to Malaysian women. SIS calls on the government and all public institutions to reeducate their personnel in order to prevent cases in question repeating.

Sisters in Islam (SIS)

Violence Against Women



The Time Must Fit the Crime

23 June 2018

Sisters in Islam (SIS) is outraged on the lax penalty doled out to Mohd Redzuan Zakarian who has been found guilty of molesting his five year old pupil last year.

The victim had complained of experiencing pain on her private parts after returning from religious classes at the accused's house in Sungai Besi on 9 February 2017. The mother examined her daughter and found redness on the victim's genital area before bringing her to a hospital.

The Quran teacher was charged with outraging the girl's modesty and has been sentenced to three months jail and fined RM6,000 in default of six months jail.

While the charge, under Section 354 of the Penal Code, provides for imprisonment of up to 10 years or a fine or whipping or any two of the penalties, upon conviction, the

magistrate's lenient sentence is equivalent to a slap on the wrist and does not do justice in reflecting the severity of the violation.

We trust religious teachers to educate our children on spirituality and magistrates to uphold justice. If neither of us are able to bring about redemption in a despicable case like this, then we are further away than we thought in safeguarding the rights of children in our country and protecting them from violence and harm.

We call for justice for the victim whereby punishment of the perpetrator must fit the crime that has been committed. The ordeal of trauma experienced by such a young victim must be taken seriously into account and reflect that we, as a society, find such vile acts completely unacceptable.

Sisters in Islam (SIS)

Kutuk Perbuatan Lucah, Jadikan Ruang Awam Selamat Untuk Wanita

7 Julai 2017

Merujuk kepada kenyataan di laman sesawang rasmi ISMA (<http://www.ismaweb.net/2017/07/kenyataan-rasmi-isma-berhubung-siaran-portal-fmt-dalam-isu-iklan-shell/>), Sisters in Islam menegaskan bahawa penggunaan imej wanita dalam pengiklanan bukanlah masalah di dalam gambar-gambar di mana iklan pekerja Shell diperlakukan dengan lucah. Perkara yang merupakan masalah di dalam gambar-gambar tersebut adalah perlakuan lucah itu sendiri. Pandangan ISMA mengalihkan beban tanggungjawab perlakuan lucah lelaki-lelaki tersebut terhadap iklan yang memaparkan imej wanita.

Perlakuan lucah terhadap wanita seperti ini tidak patut diterima sebagai hanya suatu gurauan atau perkara yang biasa. Ia mencerminkan pemikiran bahawa wanita dianggap hanya sebagai objek yang boleh dipegang, dibelek dan dicabul sesuka hati dan bukan insan manusia yang mempunyai martabat diri dan patut dihormati. Gangguan seksual dan kekerasan terhadap wanita tidak

berlaku tanpa keadaan atau persekitaran yang menerima pemikiran bahawa wanita boleh diperlakukan sebegitu. Ia menunjukkan keadaan masyarakat yang tidak langsung menghormati wanita.

Tindakan untuk menyembunyikan wanita dari ruang awam atau mengurangkan pilihan dan peluang bagi wanita untuk menduduki ruang awam dengan selamat bukanlah jalan penyelesaian untuk membina dan mengukuhkan ruang yang selamat bagi wanita. Ia menjadi tanggungjawab kita semua sebagai masyarakat di Malaysia untuk membina, memupuk dan mengukuhkan setiap ruang, termasuk ruang pemikiran, ruang fizikal dan ruang maya, sebagai selamat bagi semua dewasa dan kanak-kanak, tidak kira gender atau agama.

Dalam masa yang sama, perbuatan atau kenyataan yang mencabul, menghina atau merendahkan martabat wanita tidak boleh sekalipun diterima sebagai norma masyarakat dan mesti ditentangi dengan sesungguhnya.

Sisters in Islam (SIS) berasa amat kesal atas kejadian ini dan menyeru agar kita semua mengambil langkah proaktif untuk mendidik diri, keluarga dan masyarakat sekeliling

bahawa kaum wanita adalah manusia yang wajar dihormati di setiap ruang, pada setiap masa.

Sisters in Islam (SIS)

Press Statement In Response To Rape Survivors Marrying Their Rapist

5 April 2017

Sisters in Islam is very concerned by the statement made by Tasek Gelugor MP, Datuk Shabudin Yahaya, that a rape survivor will have a better and secure future by marrying their rapist. It is a shocking and deplorable suggestion that undermines the severity and emotional trauma experienced by a rape survivor.

In his statement, he had said that there was “nothing wrong” with a rape victim marrying the rapist and suggested it as a “remedy” to reduce social problems. Morally repugnant, such a statement also reflects how oblivious the MP is of the fact that rape is a crime punishable under Federal Law.

The Penal Code criminalises statutory rape when the victim is under the age of 16, even when it is claimed that she consented to sexual intercourse. Allowing the perpetrator to marry his victim allows him to escape persecution and severely undermines not just a law to protect children but the Islamic principle of justice.

Datuk Shabudin’s statement is divorced from the reality in Malaysia where child marriage has been used by rapists to either avoid or attempt avoiding prosecution. Often, parents of the rape victim are so ashamed that they are directly complicit in influencing the underage girl to marry her rapist.

Suggesting that marriage and statutory rape can be conflated is a mockery to Islam. Marriage in Islam is about love, compassion, mutual respect and mutual responsibility between husband and wife – it is a union of *mawaddah wa rahmah*. How can there be love and compassion if there is an unfair balance of power between the spouses and a threat of sexual abuse in the marriage right from the start? How can there be *mawaddah wa rahmah* when a marriage is solemnised as a way to absolve a crime and guilt of a rapist?

While the Syariah does not provide a specific age vis-a-vis marriage, it talks about maturity as a prerequisite for anyone to enter into marriage. A study by Al Azhar University and

UNICEF on the rights of the child expands on the issue: “There is clearly a difference between attaining puberty and physical aptitude on the one hand, and maturity and the qualification to manage life on the other. Married life necessitates that both husband and wife are enlightened and sensible; it is not, therefore, served by the marriage of children.”

No child aged 9, whether girl or boy, whether possessing more mature physical attributes or

not, can ever be ready for marriage and all the responsibilities it entails. If nothing else, such a child is not able to fend for themselves, let alone a spouse.

SIS therefore reiterates its call for the minimum age of marriage for girls to be reviewed and raised to 18 years, without exception.

Sisters in Islam (SIS)

Pemeriksaan Dalam Perkahwinan Tidak Islamik

27 April 2015

Sisters in Islam (SIS) memandang serius kenyataan-kenyataan yang dikeluarkan mutakhir ini berikutan kempen “*Without Consent*” yang dilancarkan oleh Parti Tindakan Demokratik (DAP) yang cuba mempertahankan pemeriksaan dalam perkahwinan atas nama Islam.

Sebagai agama yang sangat menyantuni wanita, perhubungan suami isteri di dalam Islam dibina atas dasar kasih sayang dan hormat menghormati sebagaimana yang dinyatakan oleh Al-Quran di dalam Surah Ar-Ruum ayat 21:

‘Dan di antara tanda-tanda kekuasaan-Nya ialah Dia menciptakan untukmu isteri dari jenismu sendiri, supaya kamu cenderung dan merasa tenteram kepadanya, dan dijadikan-Nya di antara kamu berdua rasa kasih dan sayang. Sesungguhnya pada yang demikian itu benar-benar terdapat tanda-tanda bagi kaum yang berfikir’

Islam memberikan hak-hak yang sama rata di antara suami dan isteri di dalam perkahwinan

dan menyangkut soal perhubungan seksual, Al-Quran menyatakan di dalam Surah An-Nisaa’ ayat 19: ‘...*dan gaulilah isterimu dengan cara yang makruf...*’

Imam Al-Ghazali sewaktu menyatakan tentang tanggungjawab suami terhadap isteri memetik firman Allah S.W.T di dalam Surah An-Nisaa’ ayat 36 yang menyatakan: “...*Dan berbuat baiklah kepada dua orang ibu bapa, saudara mara, anak-anak yatim, orang-orang miskin, jiran yang dekat dan jiran yang jauh, teman sejawat, ibnu sabil, dan hamba sahaya kamu...*” dan beliau menyatakan bahawa ‘*teman sejawat*’ yang dirujuk oleh Allah di dalam ayat tersebut bermaksud isteri. Beliau selanjutnya menyatakan bahawa menyantuni isteri dengan baik bukan sahaja bermaksud tidak menyakiti mereka secara fizikal, bahkan juga secara emosional.

Pemaksaan kepada isteri untuk melakukan hubungan seksual bukan sahaja satu penderaan fizikal bahkan ia merupakan penderaan emosi yang dilarang oleh Islam.

Kenyataan-kenyataan yang membenarkan pemerkosaan dalam perkahwinan adalah bercanggah dengan objektif Al-Quran yang menjamin kesetaraan hubungan antara suami

dan isteri berdasarkan semangat mawaddah wa rahmah.

Sisters in Islam (SIS)

Muslim Criminal Law

4

SYARIAH CRIMINAL OFFENCES ACT

Spying is Against Islam

5 December 2019

Sisters in Islam (SIS) is appalled by the latest news in Terengganu where six individuals were arrested, imprisoned and summoned by the Jabatan Hal Ehwal Agama Terengganu (JHEAT) for deliberately missing their Friday prayers.

Article 11 in the Malaysia Constitution states that everyone is free to practice their religion. It is therefore unbecoming to see religious bodies like JHEAT failing to uphold these basic values.

This act of moral policing by JHEAT violates the basic tenets of Islam which stand for justice, compassion and peace. The Quran clearly states that no one should be forced into

practicing any religion in its verse, “Let there be no compulsion in religion” [2:256].

“Moral policing” in the name of Islam is a cruel way of showing abuse of power which needs to be addressed and banished. There are many verses in the Quran that rejects this act of spying and backbiting such as, “do not spy on each other behind their backs” [49:12], “do not enter other houses except yours without first asking permission; and if asked to go away, turn back for this is proper for you” [24:27-28] and “when you judge among the people, do so equitably” [4:58]. It was also reported that our Prophet said, “do not go out and search for the fault of others” (Sunan Al Dawood, 2283).

JHEAT's disgraceful act of spying shows an act of misplaced priorities for the country as there are many other pressing issues that need to be addressed more urgently such as poverty, child marriage, female genital mutilation, domestic violence, marital rape and others.

We call for the immediate release of the men who have been charged and for laws to be reformed from being punitive to reformatory,

in line with the spirit of Rahmatan lil Alamin as promoted by Datuk Seri Mujahid Yusof Rawa. Initiatives should instead be put in place to promote greater understanding of Islam as a gentle religion whose followers are compelled to practice willingly out of love for God, instead of out of fear for man.

Sisters in Islam (SIS)

Undercover Council Officers is Abuse of Public Funds

23 May 2019

In reference to this article <https://www.malaymail.com/news/malaysia/2019/05/23/segamat-council-officers-disguise-as-cooks-secretly-photograph-non-fasting/1755545> published in the Malay Mail today.

Sisters in Islam (SIS) is outraged to learn that Segamat Municipal Council (MPS) officers have resorted to disguising themselves as food stall operators, cooks and waiters in a effort to spy on Muslims who are not fasting.

This move not only represents a breach of trust among stalls under the council supervision, but is also an outright misuse of public funds. We would like to emphasize that it is not the responsibility of local councils to become religious police. This act represents a blatant misplace in priorities on the side of the council itself who should instead be focusing on upholding the welfare and dignity of all people whom they serve and who are in need.

This action by the council is shameful and gives the wrong impression of Islam in the eyes of

fellow Muslims and people from other faiths.

The council's sinister strategy of planting 'dark-skinned' officers and taking photos of Muslims buying food and eating in public goes directly against the Holy Quran who tells us to avoid suspicion and not to spy on each other behind each other's backs [49:12].

The council and the religious department should instead uphold the spirit of empathy and kindness during this month of Ramadhan by encouraging the general public to be understanding towards the many Muslims who do not fast for various reasons. The council must also take into consideration that many people work heavy and manual conditions, have health conditions such as diabetes and other chronic diseases, are breastfeeding or are allowed not to fast because of their age.

We are disappointed that while there is a compassionate way of encouraging Muslims to fast, the council and the religious department has opted to take a punitive measure which

tarnishes the name of Islam. We strongly demand that all parties cease this disgraceful

act of spying on the people.

Sisters in Islam (SIS)

SIS Outraged on Caning Sentence Handed to 45-year Old Widow

11 October 2018

Sisters in Islam (SIS) is outraged at the sentence that has been handed to the 45-year old widow who has pleaded guilty to the charge of preparation for the act of prostitution in Kuala Terengganu yesterday. The Terengganu Syariah High Court had ordered the woman to undergo a six-month rehabilitation period at the Baitul Ehsan Women's Protection Centre in Sabak Bernam, Selangor and four strokes of the rotan. Syarie judge Kamalruazmi Ismail, who delivered the judgment, had ordered that the caning be carried out at the Kajang Women's Prison, Selangor.

We are alarmed at how deliberately the caning punishment was instructed by the Syariah High Court in Terengganu for execution in another state completely unrelated to the case. It is also worrying how the Prison Department, which is bound to the Home Ministry and Federal Law, is enabling this act to happen upon women.

We point out also that all the cases that have involved caning sentences in Terengganu since August this year were imposed on women, specifically those from minority groups and in the state of poverty.

SIS is extremely worried that this reflects selective and discriminatory administration of 'justice,' whereby women are systematically targeted and regarded as sources of 'sin.' This blatantly contradicts YB Datuk Dr Mujahid Yusof Rawa's direction to uphold the concept of *rahmatan lil alamin* (compassion for all) as strongly prescribed by the Holy Quran. Furthermore, there is no indication that the men who are involved in these cases are even charged in these khalwat raids.

SIS reiterates our call for an immediate moratorium on all caning sentences as it is clear that caning, in whatever form, is a violation of human rights.

Sisters in Islam (SIS)

Terengganu Sentence Voids Compassion

27 September 2018

Sisters in Islam (SIS) is outraged that the whipping sentence has again been inflicted on a woman by the Kuala Terengganu Syariah High Court today. We are disappointed that civil society organisations' call for a moratorium on corporal punishment has fallen on deaf ears, and that the Federal Government has not taken any action to prevent the normalisation of such a cruel form of punishment in Malaysia.

The woman was sentenced to six lashes and six months in prison under Section 25 of the Syariah Criminal Offences (Takzir) (Terengganu) Enactment 2001, which states that any woman who does an act preparatory to prostitute herself shall be guilty of an offence. As a first – time offender who pled guilty, normal sentencing guidelines dictate that she should not have been given the maximum punishment.

According to media reports, the woman who is a single mother had not received any financial support from her ex-husband and was therefore

unable to support her daughter. The zeal with which the punishment was meted out ignores these circumstances that previously would have mitigated sentencing.

Where is the compassion that lies at the heart of Islamic teachings? It is mentioned in the Qur'an (16:125), "Invite all to the way of the Lord with wisdom and beautiful preaching, and reason with them in the ways that are best and most gracious." Any laws passed under the name of Islam must take into account the most fundamental teachings of the Qur'an based on justice and mercy and the right to preserve human dignity. Even in the verses regarding punishment in the Qur'an (5: 38-39 and 5:33-34), God stressed the qualities of mercy and forgiveness.

What is guiding the Kuala Terengganu Syariah High Court judges' sudden escalation in handing down the maximum punishment?

Proponents of whipping claim that it is done with the intention of educating, and

that it does not cause harm. Today's case clearly demonstrates that the humiliation experienced by women before, during and after the whipping is not considered a relevant factor of their pain, when in fact humiliation is a key aspect of the punishment and causes lasting psychological trauma.

We strongly reiterate that whipping does little, if anything at all, to "educate." In fact, such a punishment, which is void of compassion and mercy, only tarnishes Islam and reinforces

Islamophobic stereotypes that Islam discriminates against women.

We also cannot overlook the fact that there were two people who were arrested; the man who solicited was later released without being charged. Because Section 25 explicitly targets only women as prostitutes, women are disproportionately vulnerable to and affected by this law.

Sisters in Islam (SIS)

No Public Caning in Kelantan

12 July 2017

Sisters in Islam (SIS) is appalled by the decision made by the Kelantan State government to pass the amendments to its Kelantan Syariah Criminal Procedure Enactment 2002, which among others will allow Shariah offenders to be caned publicly.

SIS remain firm in our position against caning as a form of torture under the Universal Declaration Human Rights (UDHR). The Kelantan State government's decision to enforce public caning in the state is a deplorable form of humiliation and shaming. It will brand Malaysia as a country that allows uncivilised punishment which aims at the degradation of human dignity and stigmatisation, rather than rehabilitation. How far away are we from other uncivilised punishments such as stoning being introduced? How far will we allow this to continue before we say this is not Islam, and this is not what we want for our brothers and sisters in Kelantan?

We demand for the Kelantan State government to reveal to us where exactly in the holy Quran does it command punishments such as public caning. Do not deceive the Muslim population

here by brandishing the holy religion of Islam to justify these deplorable actions.

The puritanical brand of Islam that we see in Malaysia today has failed to provide a solution to address the decay of moral and ethical values. Kelantan has witnessed high rates of pornography, rape and incest. Repression, shaming and punishment does not lead to higher Islamic values. This type of approach to 'managing' behaviour in Kelantan will only create an increasingly repressive environment, and unfortunately, as we have seen in Aceh with women and the poor bearing the brunt. In fact in Aceh, the imposition of Shariah laws and punishments have extended to non-Muslims as well.

These repressive laws and corporal punishment (including caning) are justified in the name of Islam. SIS wishes to emphasise that Islam is a religion of compassion. It is mentioned in the Qur'an (16:125), "Invite all to the way of the Lord with wisdom and beautiful preaching, and reason with them in the ways that are best and most gracious." Any laws passed under the name of Islam must take

into account the most fundamental teachings of the Qur'an based on justice and mercy and the right to preserve human dignity. Even in the verses regarding punishment in the Qur'an (5:38-39 and 5:33-34), God stressed the qualities of mercy and forgiveness.

As Malaysians, we demand that the Kelantan State government repeal the amendment in the Kelantan Shariah Criminal Procedure Enactment 2002 and observe Article 5 of the Universal Declaration Human Rights (UDHR)

that no one shall be subjected to torture, cruel or degrading form of punishment. The Federal Government must act or it will be irresponsible in neglecting this issue as one which threatens the nation's values and aspirations. The Malaysian public cannot remain apathetic on this issue anymore. This corruption and use of Islam to deal with social issues is seeping into every aspect of our lives and will destroy the very social fabric on which our forefathers built this great country.

Sisters in Islam (SIS)

Hormati Maruah dan Kehormatan Rakyat Malaysia

10 Disember 2015

Perkembangan dewasa ini menunjukkan semakin ramai dalam kalangan pembela agama atau pengamal undang-undang Syariah yang cepat melemparkan kutukan dan tuduhan yang tidak profesional dan tanpa asas kepada pihak yang berusaha untuk memperbaiki sistem perundangan Syariah di negara ini. Seharusnya, suara progresif yang menyeru ke arah pembaharuan untuk membaik pulih undang-undang, disertakan dengan hujah-hujah yang selari dengan ajaran Al-Quran dan Sunnah Rasulullah, disambut dengan baik kerana ia selaras dengan komitmen kerajaan untuk membanteras gejala ekstremisme dan menjadikan Malaysia sebagai model negara bermajoriti Muslim yang mengamalkan Islam beraliran wasatiyyah.

Oleh itu, Sisters in Islam (SIS) berasa amat kesal apabila kritikan dan tohmahan biadab dilemparkan kepada kumpulan G25 selepas forum awam mereka, *"Islam in a Constitutional Democracy."* Antara kritikan yang dilontarkan kepada kumpulan tersebut termasuklah tuduhan yang kumpulan tersebut

menggalakkan zina berleluasa dan memanggil untuk kumpulan tersebut bertaubat. SIS sekali lagi menegaskan bahawa operasi mencegah khalwat melalui intipan dan menjatuhkan maruah individu adalah bercanggah dengan ajaran Islam. Apatah lagi sudah terdapat kes-kes tangkapan khalwat yang berakhir dengan kematian, malangnya tiada tindakan undang-undang dilaporkan diambil terhadap mereka yang mengakibatkan kehilangan nyawa tersebut.

Akta Kesalahan Jenayah Syariah terutamanya yang berkaitan dengan *'moral policing'* amat bertentangan dengan prinsip keadilan dan hak privasi yang dijamin dalam Islam. Terdapat pelbagai surah dalam Al-Quran yang menunjukkan ini, seperti Surah al-Hujurat (49:12) yang berkata, *"janganlah mencari rahsia orang lain"* dan Surah an-Nur (24:27, 28) yang berkata: *"janganlah kamu masuk ke dalam mana-mana rumah yang bukan rumah kamu, sehingga kamu meminta izin serta memberi salam kepada penduduknya; jika dikatakan kepada kamu 'baliklah', hendaklah*

kamu berundur balik; cara yang demikian adalah lebih baik untuk kamu.”

Tambahan itu, tiada sumber akademik dalam sejarah Islam yang mewar-warkan amalan mengintip dan mencari aib orang lain melalui ‘*moral policing*’. Perbuatan mengintip juga melanggar hak rakyat hidup dalam negara demokrasi sepertimana yang dijamin dalam Perlembagaan Persekutuan Malaysia. Adalah amat dikesali apabila undang-undang jenayah Syariah di Malaysia diimplementasi tanpa mengambil kira prinsip keadilan, hak privasi dan pembelaan maruah individu. Sebaliknya, operasi khalwat dijalankan untuk menjatuhkan maruah individu atas dasar agama. Dan yang lebih dikhuatiri adalah kecenderungan untuk melakukan

serbuan khalwat terhadap mereka yang berpendapatan sederhana dan rendah atau mereka yang dipinggirkan masyarakat.

SIS menyeru ahli pembela agama dan pengamal undang-undang Syariah untuk menerima kritikan konstruktif dan cadangan yang berlandaskan hujah-hujah Islamik dan bekerjasama untuk membaik pulih sebarang kepincangan dalam pentadbiran dan pelaksanaan undang-undang Syariah di Malaysia. Kemaslahatan orang Islam akan lebih terbela apabila kita berpegang teguh kepada ajaran Islam yang membela hak asasi manusia dan menekankan sikap kasih sayang dan keinsafan.

Sisters in Islam (SIS)

RUU355

Why RUU355 is Not a Law with Feminist Ideals

23 January 2017

Contrary to what Deputy Minister in the Prime Minister's Department, Asyraf Wajdi Dusuki claims, feminists should not and will not support the proposed amendments to Act 355 or better known by it's Malay abbreviation, RUU355.

Feminism does not aim to achieve justice and equality through imposing higher punishments. It instead aims to achieve substantive equality by addressing systemic barriers women face daily such as unjust laws, poor implementation of laws and limited access to the justice system due to strained economic conditions, to mention a few. These systemic barriers, unfortunately, are not at all addressed in RUU355.

If PAS and Putrajaya were really concerned about women's rights, they would have supported Sisters in Islam's (SIS) call to amend the present Islamic Family Law Act 1984 (IFL) – a call which SIS and our supporters have

made loud and clear since the inception of this organisation.

Simply increasing punishments for ex-husbands who do not pay maintenance fails to tackle the root of the problems in Syariah courts, such as the provisions in the existing IFL that discriminate against women, poor implementation of the law and the absence of gender sensitivity amongst Syariah court staff. In addition, what evidence have PAS and Putrajaya provided to show that higher punishments will lead to better conditions for women seeking justice in Syariah courts?

If PAS and Putrajaya were really concerned about feminism, they would have supported SIS and other women's rights groups' call to review the present Syariah Criminal Offences Enactment (SCOE), which have mostly been applied to women, trans people and individuals who are of lower economic status. If the existing fine amount of RM5000 under Act

355 is already affecting the livelihood of most transwomen, the passing of RUU355 which proposes a RM100,000 fine, will definitely cause more discrimination against them.

What we urgently need is a complete review of the Syariah legal system, because if we allow RUU355 to be passed without reviewing the existing IFL and SCOE, we will be leaving the doors to potential abuse of power and discrimination wide open.

As the scholar Ibn Qayyim al-Jawziyyah said, “The foundation of Islamic Syariah lies in its practical and egalitarian social ideas which include justice, welfare, mercy and wisdom for all without regards for gender race of nationality, and anything that departs from this is not a part of the Syariah.” Therefore SIS, as a Muslim feminist organisation, reiterate our objection to RUU355 for it is a law that is unfeminist, unjust and most importantly, un-Islamic.

Sisters in Islam (SIS)

RUU355 is a Matter of Concern for All Malaysians

26 November 2016

Sisters in Islam (SIS) unequivocally opposes the proposal to amend Act 355 (RUU355) to increase punishment for syariah crimes to 30 years' imprisonment, RM100,000 fine and 100 lashes of the cane from the present limit of 3 months years imprisonment, RM5000 fine and 6 lashes of the cane.

RUU355 is a bill that will potentially result in more injustices in the long run and paint a bad image of Islam as a punitive religion. The public deserves an explanation of the rationale behind the leap in expansion of punishment from the present limit to the proposed limit. Furthermore, how will the syariah court decide on the proportionality of punishment to be given out under the existing Syariah Criminal Offences Enactment (SCOE) of each state? Will the punishment of the crimes be the same or would they differ from state to state?

Under the existing Syariah Criminal Offences (Federal Territories) Act 1997 (SCOA) there are over 40 offences ranging from possession

of religious publication contrary to Islamic Law to moral crimes such as khalwat (close proximity), both of which carry the maximum sentence of 2 years jail or RM3,000 fine or both. With punishment as severe as 30 years jail, RM100,000 fine and 100 lashes in RUU 355 how will the syariah courts be guided to determine that the punishment will not be disproportionate to the crime?

As it stands, the existing Syariah Criminal Offences Enactment (SCOE) of each state has been implemented in a discriminatory fashion, often targeting minority groups of society and groups of a lower income. For example, khalwat (close proximity) hotel raids have been largely concentrated in budget hotel areas and the process of these raids completely disregard one's right to privacy and dignity. Muslim trans-women have been constantly targeted by religious authorities and inhumanely treated by being placed in male prison, where they are then subject to sexual violence. How will RUU355 ensure that further discrimination will not happen, once the bill is passed?

Bulldozing a law through parliament will not solve the present inconsistencies and conflict of jurisdiction between civil and syariah courts. While proponents of RUU355 insist that the bill will not affect non-Muslims, reality shows that existing syariah laws are already impacting non-Muslims in Malaysia.

The unilateral conversion cases of Indira Gandhi and Deepa Subramaniam are just two examples of the far-reaching impact of the dual legal system in Malaysia. Indira's case has been ongoing for seven years, yet only now discussions on reforming laws pertaining to unilateral conversion of minors have risen. SIS believes that it is irresponsible of politicians to dismiss the fears and concerns of non-Muslims in Malaysia, as they too are equal stakeholders in RUU355.

Systemic weakness of syariah courts must be addressed, instead of focusing on increasing punishments. The status of syariah courts can be elevated by improving the implementation of the Islamic Family Law, which Muslim women have often complained is unjust to them. 2015 statistics compiled by SIS' Telenisa service recorded that the second highest number of cases involved unpaid child maintenance, while the highest was child custody cases.

These cases often continue for years, the main reason is that the ex-husband does not show up to court. Despite this, the syariah courts rarely issue arrest warrant for the men who fail to show up in court, leaving Muslim women bearing the brunt of the injustice.

SIS calls for the state and other proponents of RUU355 to focus on Islam's message of forgiveness and repentance. Allah's forgiveness and mercy (for both men and women) is a constant and recurring theme that is emphasised in the holy Qur'an as stated in Surah Al-Maidah (5:39) and Surah An-Nur (24:5) which read, "...those who afterward repent and amend their conduct, God is Oft-Forgiving, Most Merciful."

Why then are our lawmakers more focused on implementing harsher punishments, without providing space for forgiveness and repentance as promoted in Islam? As citizens, we deserve a proper explanation and justification from law-makers on the effectiveness of retributive justice in reducing "syariah crimes" rather than a blanket explanation that existing punishments are not effective in deterring crimes.

What is abundantly clear is that this proposed legislation has become extremely politicised.

The impact of all these political maneuverings have raised fears and created a divide between Malaysians.

We call upon all Malaysians, Muslims and non-Muslims alike to make your voices heard. Speak to your family, community, your leaders and express to them your concerns

and reservations that this Bill proposes. This is a matter of national interest. All of us have a stake in this. It is time for the voices of the people to come together and reject a future that undermines our unity and threatens our way of life.

Sisters in Islam (SIS)

Kenyataan Media Berkenaan Usul Rang Undang-Undang Peribadi untuk Meminda Akta Mahkamah Syariah 1965

7 April 2015

Sisters in Islam (SIS) melahirkan rasa kecewa dengan tindakan Ahli Parlimen Marang, Abdul Hadi Awang yang membelakangkan dan tidak menghormati Perlembagaan Persekutuan dengan tindakan beliau yang akan membentangkan Usul Rang Undang-Undang Peribadi bagi meminda Akta Mahkamah Syariah (Bidangkuasa Hukuman Jenayah) 1965 untuk meluaskan bidangkuasa hukuman jenayah bagi membolehkan Enakmen Kanun Jenayah Syariah (2) Negeri Kelantan 1993 dilaksanakan.

Kami memandang serius tindakan beliau ini yang ultra-vires dengan Perkara 75, 76 dan 76A Perlembagaan Persekutuan. Kami juga menggesa agar Ahli-Ahli Parlimen supaya menghormati pembahagian bidang kuasa antara Persekutuan dan Negeri serta menghormati dan mendukung Perlembagaan

Persekutuan sebagai undang-undang tertinggi di negara ini.

Kami juga menggesa agar Parti Islam Se-Malaysia dan Kerajaan Negeri Kelantan memberikan lebih tumpuan dan prioriti kepada pembangunan ekonomi negeri dan pembangunan pasca-banjir kerana ia lebih menepati Maqasid Syariah dan tanggungjawab kepimpinan dalam Islam.

Kami sekali lagi menegaskan bahawa pelaksanaan Enakmen Kanun Jenayah Syariah (2) Negeri Kelantan 1993 adalah bertentangan dengan doktrin asas Perlembagaan. Kami berharap agar Usul Rang Undang-Undang Peribadi yang akan dibentangkan pada hari ini akan ditolak.

Sisters in Islam (SIS)

Fundamental Liberties



Upholding International Commitments of the State to Muslim Women's Human Rights

18 October 2019

Sisters In Islam (SIS) conference on Islam Unsundered: Women Rising Against Extremism began its last day with a rousing panel on the imperative need for upholding international commitments of the state to Muslim Women's Human Rights.

The panelists each noted that Muslim Women's and indeed, women's human rights are critical to development as half of humanity can't be lagging behind if we want to progress. In fact, Islamic Values of dignity and compassion are well represented in the International Declaration of Human Rights. Thus, the flawed notion of dissonance between Islam and Human Rights is a tired trope that must be rejected on the basis of our common shared values of humanity.

Jerald Joseph, Commissioner with the Human Rights Commission of Malaysia (SUHAKAM), opened with the similarities between SIS' and SUHAKAM's work for women's human rights. He emphasised the importance of "breaking away from the majority-minority trap as the Malaysian State champions and defends the Rohingya, Palestinians and now Kashmir. "...we are heroes outside but shy away from defending women and minorities in our own country."

Regarding Malaysia's failure to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), after a citizen led protest of Muslim rights NGO's, he highlighted that shortcomings within our education system cause the easy

peddling of disinformation to the vast majority of Malaysian Muslims. He also focused on “the need to see the violence perpetrated on those unseen”, including underprivileged women and statelessness, women in prisons suffering period poverty and migrant women facing abuses of power from corrupt authorities.

Professor Dr. Azza Karam, Senior Advisor on Social & Cultural Development at the United Nations Population Fund (UNFPA), offered a lesser explored perspective for furthering collective action against misogyny and extremism. She expounded on the necessity of engaging intersectional religious leaders as an influential, valuable and critical process for upholding international commitments of the state towards Muslim Women’s Human Rights. Prof. Dr. Azza stated awareness raising through verbal discourse is instrumental to reclaiming narratives of faith, religious jurisprudence and women’s rights from international governments as there’s a concerted multi-religious, multi-government backlash currently underway against progressive religious narratives being highlighted globally in the public sphere.

She shared that the synergy between understanding of Muslim women’s human rights in scripture and Human Rights Law as

never stronger than now. Being intersectional and collaborative across all women, Muslim, Orthodox, Catholic, Evangelical and Hindu suffering under extremism, will be the game changer to strategising for all women’s human rights.

Moderator Melissa Mohd Akhir, Head of Capacity Development at Women’s Aid Organisation (WAO) agreed with Prof. Dr. Azza’s call for combining our strengths as informed, educated women across religions to push back against right wing narratives.

Mary Shanthi Dairiam, human and women’s rights Advocate and founder of IWRAW-Asia Pacific, a Malaysian-based international NGO monitoring global implementation of CEDAW, UN Convention on the Elimination of All Forms of Discrimination against Women, had illuminating insights to CEDAW’s origins. She noted that Malaysian government reservations against Article 2 and 16 of CEDAW being incompatible with local cultural and religious sensitivities as problematic.

In fact, Malaysia attended and agreed with the global gathering at the Vienna 1993 Conference on Human Rights that “women’s and girl’s rights are inalienable, integral and indivisible part of universal human rights.” She

also pointed to CEDAW's drafting at the UN rising from members of the Commission on the Status of Women made up predominantly of women from India, Egypt, Dominican Republic, the Philippines and the USSR.

She concluded with the need for Malaysian and global governments to commit, plan, process and develop benchmarks for achieving universal human rights for not just Muslim women but all women, "as there can be no collective development if women don't develop in parallel."

Melissa Akhir was clear in tying together that "Muslim women's and women's rights globally are at stake and instead of compromising, we must push back the door when it closes on our faces."

SIS stands in solidarity with the necessity for holding governments accountable to international commitments of the state. The quest to achieve universal human rights is for Muslim woman and all women in Malaysia and globally, for all our sisters.

Sisters in Islam (SIS)

Syariah Criminal Laws Abuse Women & Minorities

17 October 2019

Sisters In Islam (SIS) conference on Islam Unsurrendered: Women Rising Against Extremism took a deeper look at the structural flaws of Islamic jurisprudence during the eye opening panel session on Syariah Criminal Law.

Powerful and reflecting lived reality, panelists from Pakistan, Indonesia and Malaysia painted a stark picture of the great injustices, prosecution and persecution which Syariah Criminal Laws subject women and minorities to, while raising the ever important existential quandary of Syariah's relevance within a human rights framework.

Moderator Ratna Osman, former Executive Director of Sisters in Islam, opened the session with the sincere hope that "... because we are better placed, we can actualise Islam in ways not available to our predecessors."

Honourable Justice Professor Muhammad Khalid Masud, Ad Hoc judge, Shariat Appellate Bench, Supreme Court of Pakistan

acknowledged that Islam's unjust Syariah Criminal Laws stem from the conflict of interpreting traditional perspectives in a post modern globalised world.

According to Professor Khalid, "Women as the most vulnerable segment of society face the brunt of extremism." Yet, he also highlighted the diversity and pluralism of women's voices as leaders, pointing out that, "Islam raised the question of women's dignity and human rights 1,400 years ago," and the imperative need for the current generation to press forth for reform of archaic interpretations on issues related to syariah criminal offences.

Professor Dr. Nina Nurmila, Professor of Gender and Islamic Studies at the State Islamic University (UIN) Bandung and Commissioner of Komnas Perempuan, Indonesia, contextualises the basis, impact and reaction to Aceh province's deeply troubling and newly formed Syariah Criminal Laws, which have entrenched rigid, unyielding social and moral expectations of Muslim women, men and even religious

minority groups since 2002.

Suicide, revictimisation of rape victims, non Muslim women flogged for alcohol sale and even erasing Muslim women's economic empowerment through strict social censure of contact between the sexes has been clearly documented.

She linked Aceh's poor socio-economic conditions to women losing their rights under Islam, despite the province being unable to afford execution of convicted persons. Public pressure has however encouragingly resulted in Syariah authorities moving public floggings away from the mosque, while Muslim Women Human Rights Defenders like Balai Syura and civil society movements are active and outspoken in criticising discriminatory Syariah laws and encouraging Acehnese to flout ridiculous policies such as the 2003 mayoral dictate prohibiting women from straddling motorcycles.

Dr. Mohd Faizal Musa, essayist, novelist and researcher at the Institute of the Malay World and Civilisation, National University of Malaysia (UKM), focused on the fierce rejection of Shia Islam by Malaysian Muslim society. He explained that misattribution confused the

true debt of Sunni Islam's revival in Malaysia to the 1979 Iranian revolution. He noted also the quadruple bind of Syariah Criminal Laws Against Shia Muslim minority ethnicity women in Malaysia.

Tracing the roots of wholesale Salafisation, he pointed to much older roots; Majlis Ugama Islam Kelantan's push for rigid Syariah Criminal Laws since its inception in 1917 through traditional clerics from Patani. The 1920's also brought Wahhabi Saudi scholars to Perlis, which resulted in Ahlus Sunnah of Perlis. The Muslim Brotherhood's extremist ideas spread to Kedah, particularly in the 1960's through Egyptian and Syrian members residing in Malaysia. Clearly debunking the misconception that Shia Islam or anti Iranian sentiment has any connection with rising Malaysian Muslim conservatism.

Even Malaysian Muslims favourable opinion for implementing Hudud Laws is a direct outcome of local Islamic academic, the late Dato' Dr. Haji Harun Din's influential resurgence and dakwah work in the 1970's. Dr. Faizal expounded on the need to return to a genuine and compassionate form of Syariah which centres human rights under a compassionate Islam, over the Salafised interpretation which in fact, commits human rights violations, demonising Islam.

Nisha Ayub, Project Director for SEED Malaysia, the first ever Trans Led Non-Government Organisation In Malaysia and listed on BCC's 100 Most Inspirational Women 2019, highlighted the toxicity of current Syariah Criminal Laws on transgender lives in Malaysia.

She pointed out that, “as recently as 1987, transgender individuals were broadly accepted by Malaysian society, in fact, the Malaysian Social Welfare Department funded the Association of Transgender Women, supporting them in both entrepreneurship and social development.”

However, extremism and rising Islamic conservatism since the 1990's has encouraged an increasingly transphobic narrative from the state, religious authorities, politicians and media conflating hate speech on social media from Malaysian netizens and even resulting in the three devastating murders of trans women in 2019 alone.

According to a study by Justice for Sisters, criminalising crossdressing results in 68% of trans women arrested experiencing violence by state religious officers, police and municipal council members. Nisha shared her own heart wrenching experience of being raped as a 21 year old convict, while detained for cross dressing. Heavy fines, constant threats of bodily harm and social ostracisation are other facets of the horrific lived reality for transpersons. Human Rights Watch even lists Malaysia as having the most discriminatory laws in the world against trans women.

In the spirit of Women Rising against Extremism, we must all take heart and move forth in solidarity for reform of Syariah Criminal Laws. Laws are merely man made, not divine and if they're harmful and oppressive they should be changed and reformed, to best reflect the true compassion and beauty of Islam, our religion of peace.

Sisters in Islam (SIS)

Cabaran Kritikal Dihadapi Wanita Berkaitan Kesaksamaan Taraf

15 Oktober 2019

Sisters in Islam (SIS) telah melancarkan tinjauan komprehensif mengenai 'Hak Awam & Peribadi Islam Wanita di Malaysia' pagi ini di Persidangan, Islam Dipertahankan, Wanita Bangkit Menentang Ekstremisme.

Seramai 675 wanita Muslim yang berusia antara 18 sehingga 55 tahun, dari seluruh negara menyediakan maklum balas menyeluruh untuk kaji selidik tersebut. Ia merangkumi kesan-kesan akibat ketidakadilan yang dialami oleh wanita Muslim dalam kehidupan peribadi mereka.

Wan Nuradiah Wan Mohd Rani, Ketua Perkhidmatan Hal Ehwal Awam bagi IPSOS, menonjolkan penemuan utama mengenai wanita dan kesaksamaan. Ini termasuk tekanan yang dihadapi wanita untuk mematuhi norma-norma imej wanita Muslim di Malaysia, sumber ilmu mereka berkenaan pengetahuan agama, ketaatan sebagai kewajiban seorang wanita Muslim, pandangan mereka mengenai poligami, cabaran kepada wanita yang bekerja

dan toleransi sesama bangsa dan agama.

Tumpuan yang diberikan kepada pelbagai peranan wanita sebagai seorang individu, anak gadis, isteri dan pekerja wanita, mendapati bukti ada jurang yang tersembunyi antara harapan wanita Muslim dan kehidupan realiti mereka. Ketidaksaksamaan taraf didapati paling sengit dan amat merunsingkan dalam persekitaran sesebuah keluarga. Sebanyak 83% menyatakan sang suami meninggalkan semua urusan rumah tangga kepada isteri. Sebanyak 82% pula menyatakan wanita atau isteri telah didera secara fizikal dan emosi.

Sebanyak 78% juga mendedahkan isteri merupakan pencari nafkah utama sementara walaupun 82% menyatakan emosi wanita tidak pernah diberikan perhatian. Kekurangan kesedaran dan pendidikan di peringkat kuasa dinamik, menyebabkan wanita mengenal pasti tingkah laku suami yang kasar adalah peribadi dan bukan hasil daripada diskriminasi gender.

Shareena Sheriff, Advokasi Perkhidmatan

Perundangan & Pengurus Penyelidikan SIS menyatakan bahawa “undang-undang telah mengubah norma untuk perlindungan wanita” dan mengesahkan komitmen SIS untuk memberikan hak kepada ibu atas penjagaan anak-anak selepas bercerai atau ‘fiqh’, jenayah perkosaan perkahwinan, pembaharuan undang-undang dalam poligami, perkahwinan kanak-kanak di bawah usia dan berkhitan supaya semua itu dapat membina masyarakat Islam yang adil.

Dengan isu-isu serius yang perlu dilaksanakan, sifat remeh norma patriarkal lebih ditegaskan oleh 80% wanita. Mereka berdepan dengan cabaran berkaitan kesesuaian sosial. Sebanyak 56% mempunyai pengalaman pemantauan moral dan mendedahkan mereka kepada keaiban di tempat awam.

Shareena seterusnya menegaskan keperluan untuk mendidik anak gadis, anak lelaki dan juga lelaki mengenai peranan dan hak yang sama dalam perkahwinan Islam. Ini adalah kerana diskriminasi kini sudah menjadi sesuatu yang normal.

Pensyarah Kanan Dr. Sharifah Shakirah Syed Sheikh menjelaskan, hubungan yang terperinci antara perjuangan sejagat wanita terhadap patriarki, yang berkaitan dengan hasil kajian SIS. Beliau berkongsi hasil penyelidikan berkaitan “nusyuz” yang asasnya menjadi konsep perkongsian hubungan suami dan isteri. Namun 97% wanita yang terbabit dalam kaji selidik tersebut, berpendirian hanya isteri sahaja seharusnya patuh kepada suami mereka.

Beliau memuji dedikasi SIS yang tidak kenal penat lelah untuk mendemokrasikan tafsiran Islam dan membantu wanita Muslim dalam mendapatkan hak-hak mereka dalam rangka sebuah Islam yang penuh kasih dan sayang.

Panel moderator dan Pensyarah Kanan, Dr. Rusalina Idrus merumuskan penyertaan hadirin sebagai sesuatu yang memberangsangkan. Ini semoga dapat diteruskan kesinambungan mendidik dan menyebarkan kesedaran dalam usaha menghadapi cabaran kearah kesamarataan bagi wanita Muslim di negara ini.

Sisters in Islam (SIS)

All Muslims Should Support the Ratification of ICERD

28 October 2018

Prophet Muhammad (peace and blessings be upon him and his family) delivered his last sermon (Khutbatul Wada') on 9 Dhul Hijjah 10AH (9 March 632) at Mount Arafat. One of the most important messages he delivered on that blessed day is to emphasise that Islam is fundamentally against any sort of racial discrimination, regardless of if they are Muslims or not.

All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor does a black have any superiority over a white, except by piety and good action. [Al-Bukhari, 1623, 1626, 6361, Muslim 98, Imam al-Tirmidhi 1628, 2046, 2085, Imam Ahmed Hanbal, Masnud 19774]

The prophet's message essentially underscores verses in the Quran which points out that all human beings as creatures with dignity [17:70] and are intentionally created of various colours [35:27-28].

One of the most popular stories in Islamic tradition is the story of Bilal ibn Rabah (580-640 AD). Born into slavery and dark Abyssinian in appearance, racism and sociopolitical statutes of Arabia at the time had prevented his family from gaining any social eminence.

Nevertheless, Bilal eventually rose to become one of the most trusted and loyal companions of the Prophet. The Prophet even handpicked Bilal to be the first muezzin in Mecca, clearly showing that race is not a factor of importance in the eyes of Islam.

While the Holy Quran had been revealed to Muslims as rahmatan lil mukminin (mercy for the believers) [27:77] [17:82], the Prophet Muhammad has been sent by Allah (s.w.t.) as a rahmatan lil alamin (21:107) which refers to mercy for ALL the worlds.

It is in this light that we must accept that the message of anti-racism, which was carried by the Prophet, encompasses every walk of life for all humankind. In upholding the principles

practiced by the Prophet, it must, therefore, be an obligation for all Muslims to denounce racism, and accept that the most noble of us, in the sight of Allah, are the most righteous amongst us (regardless of tribes or race) [49:13].

The fact that most of the Muslim majority countries of the world, including OIC countries, have ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) clearly shows that the convention does not contradict nor threatens the sovereignty of Islam.

In fact, Article 11 (A) of the OIC Charter 1972 clearly identifies its primary institutional

objective as “to eliminate racial segregation and discrimination.”

There is a clear line between one’s chosen faith and the race into which one is born into, and we must be careful not to dilute one concept into another. Islam is a religion which is racially blind, as there are Muslims from just about every race there is on earth.

In ratifying the ICERD, Malaysia not only reflects its commitment to a harmoniously diverse community but also celebrates the fact that Islam is the official religion of this country – and Islam is against racism.

Sisters in Islam (SIS)

Sarawak High Court Judgment Defends Freedom of Religion in Malaysia

28 March 2016

Sisters in Islam (SIS) applauds the decision by judge Datuk Yew Jen Kie declaring Roneey Rebit a Christian and ordering the National Registration Department (NRD) to change his religion from Islam to Christianity on his identity card. This judgment reaffirms the supremacy of the Federal Constitution, which under Article 11 defends every Malaysian citizen's right to freedom of religion.

Freedom of religion is a right of every citizen of Malaysia and enshrined in our Constitution. As such, it is our duty to honour these rights equally and fairly, without regard to race or religion. Where our legal system provides for the right of conversion, it should not be the case that in reality the practice of these rights are denied, or made nearly impossible, to certain religions or race.

Protecting the sanctity of our Constitution and the law, and acting in the interest of our country and its people, do not conflict with the principles of Islam as Islam is a religion of compassion and tolerance. The Qur'an is clear and consistent in its recognition of the

freedom of religion. Surah al-Baqarah (2:256), "Let there be no compulsion in religion" has been widely interpreted to mean that no one can be compelled to embrace Islam.

Surah an-Nisa (4:137), which reads, "Indeed, those who have believed then disbelieved, then believed, then disbelieved, and then increased in disbelief – never will Allah forgive them, nor will He guide them to a way," shows Islam's acceptance of freedom of religion with no punishment mentioned for anyone converting out of Islam.

SIS welcomes the judgment by Datuk Yew Jen Kie allowing Rooney Rebit to change his religion from Islam to Christianity, because faith cannot be imposed through enforcement. Instead, faith is contingent upon free will. Islam itself means submission to the will of God – not the will of men. This judgment is a reminder to all Malaysians of their right to practice their faith without coercion from the state.

Sisters in Islam (SIS)

Kenyataan Akhbar: Tindakan JAWI Terhadap Nik Raina Nik Abdul Aziz Merupakan Satu Penghinaan Terhadap Perlembagaan Persekutuan dan Bertentangan dengan Prinsip-prinsip Keadilan Islam

16 March 2015

Tindakan Jawi Terhadap Nik Raina Nik Abdul Aziz Merupakan Satu Penghinaan Terhadap Perlembagaan Persekutuan dan Bertentangan dengan Prinsip-Prinsip Keadilan Islam.

Sisters in Islam melahirkan kekecewaan dengan tindakan Ketua Pendakwa Syarie Wilayah Persekutuan dan Jabatan Agama Islam Wilayah Persekutuan (JAWI) yang terus melakukan tindakan intimidasi terhadap Nik Raina Nik Abdul Aziz dan penghinaan terhadap perintah Mahkamah Tinggi dan Mahkamah Rayuan yang telah mengarahkan agar Ketua Pendakwa Syarie Wilayah Persekutuan untuk menarik balik dan membatalkan tangkapan dan pendakwaan terhadap Nik Raina Nik Abdul Aziz. Tindakan Ketua Pendakwa Syarie Wilayah Persekutuan dan JAWI ini bukan sahaja merupakan satu penghinaan terhadap

Perlembagaan Persekutuan bahkan ianya juga bercanggah dengan prinsip-prinsip keadilan di dalam Islam.

Ketua Pendakwa Syarie Wilayah Persekutuan selaku seorang yang memegang jawatan awam adalah tertakluk kepada keputusan semakan kehakiman yang telah diberikan oleh Mahkamah Tinggi Kuala Lumpur pada 22.3.2013 dan Mahkamah Rayuan pada 30.12.2014. Pengabaian terhadap perintah Mahkamah Tinggi dan Mahkamah Rayuan tersebut merupakan satu penghinaan terhadap kedudukan sistem perundangan dan Perlembagaan Persekutuan. Kami menyeru agar Peguam Negara sebagai “*guardian of the public interest*” mengambil tindakan yang sewajarnya terhadap penghinaan mahkamah yang telah dilakukan oleh Ketua Pendakwa Syarie Wilayah Persekutuan dan JAWI ini.

Kami melihat tindakan Ketua Pendakwa Syarie Wilayah Persekutuan dan JAWI adalah bertentangan dengan prinsip-prinsip keadilan Islam dan sekaligus memberikan imej yang negatif kepada pihak berkuasa agama di negara ini secara khusus dan Islam secara umum.

Pendakwaan terhadap Nik Raina Nik Abdul Aziz merupakan satu penyalahgunaan proses Mahkamah dan pendakwaan yang berniat jahat (*malicious prosecution*). Bukankah Al Quran menyatakan – *Sesungguhnya Allah memerintahkan untuk berlaku adil dan berbuat ihsan (Surah Al Nahl 16:90)*.

Nik Raina Nik Abdul Aziz telah diperlakukan seperti seorang penjenayah walaupun beliau

belum dibicarakan oleh Mahkamah Syariah. Ini bercanggah dengan prinsip *Al Aslu Baraah Al Zimmah* – Seseorang itu tidak bersalah sehingga diputuskan oleh Mahkamah – yang menjadi asas kepada sistem pengadilan jenayah di dalam Islam.

Tindakan JAWI ini juga merupakan satu pencabulan terhadap Perkara 5, 8, 10 dan 11 Perlembagaan Persekutuan kerana bertentangan dengan hak kebebasan asasi. Ia juga membuka ruang diskriminasi kepada pekerja-pekerja Muslim yang turut mempunyai kebarangkalian untuk berhadapan dengan pendakwaan seperti yang terjadi ke atas Nik Raina Nik Abdul Aziz.

Sisters in Islam (SIS)

Achievements

6

Zainah Anwar Receives United Nations Malaysia Award 2019

24 October 2019

Zainah Anwar, founding member and first Executive Director of Sisters in Islam received the United Nations Malaysia Award 2019 for contributions to the 2030 Agenda for Sustainable Development in the Human Rights Fundamental Freedoms category, this morning.

The award, which honours outstanding contributions of individuals and organisations embodying the underlying principles of the 2030 Agenda for Sustainable Development, recognises Zainah's decades of hard work and dedication in promoting the rights of women living in Muslim contexts. This includes co-founding two ground-breaking women's groups, Sisters in Islam and Musawah, the global movement for equality and justice in the Muslim family.

This adds to Zainah's impressive list of accolades and recognitions in the area of human rights. In 2018, she was honoured by Harvard Law School as one of the 25 "Women Aspiring Change" globally in the areas of law and policy.

Zainah has also been named by Newsweek and The Daily Beast as one of 150 women "who shake the world", by Women Deliver as one of 100 most inspiring people in championing the rights of women and girls and by the online International Museum of Women as one of the 10 Most Influential Muslim Women at the Global Level

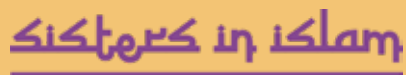
Johor Bahru born Zainah is not only admired among colleagues but is also an inspirational role model for young girls. A trailblazer, she

is a powerful force of change in Malaysia and across the world.

“We at Sisters in Islam (SIS) are proud to be

part of her journey,” said Executive Director Rozana Isa.

Sisters in Islam (SIS)



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