

Table of Contents

- [***International coalition of rights groups across Muslim societies condemns whipping of two women in Malaysia***](#)

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International coalition of civil society groups across Muslim societies—from Algeria, Indonesia, Kazakhstan, Kyrgyzstan, Malaysia, Mali, Pakistan, Palestine, Turkey and beyond—condemn the whipping of two women for “attempted sexual relations” which was carried out on 3rd September 2018 by the Sharia High Court in Terengganu, Malaysia.

CSBR (04.09.2018) - <http://www.csbronline.org/?p=2224> - The [Coalition for Sexual and Bodily Rights in Muslim Societies \(CSBR\)](#), and the undersigned organizations and individuals from across Muslim societies, condemn in no uncertain terms the public whipping of two women for “attempted sexual relations”, which was carried out on 3 September 2018 by the Terengganu Shariah High Court in Malaysia.

The two women, aged 22 and 32, pleaded guilty on 12 August 2018 to attempted “musahaqah” (sexual relations between women) under Section 30 of the Shariah Criminal Offences (Takzir) (Terengganu) Enactment 2001. They were sentenced to RM3,300 in fines and given the maximum sentence of six strokes of caning.

By taking no action to condemn this violence or prevent the whipping, the Malaysian Federal government is complicit in the violation of its citizens rights as guaranteed under its own Federal Constitution, national laws, as well as its obligations under international human rights law.

From the beginning, the women were denied a fair trial, as they had no representation at the time of their sentencing. It is abhorrent that the whipping was carried out at all, and that it was done in direct violation of Section 289 of the Criminal Procedures Code that prohibits corporal punishment for female prisoners of any age.[1] Further, the women were subject to this humiliating and degrading punishment in public, in front of a crowd of approximately 100 witnesses.[2] These violations of dignity threaten the constitutional rights and human rights of all Malaysians. The public whipping is a clear tactic by the court adding fuel to the escalating intimidation, harassment and violence against LGBT people in Malaysia over the last month.[3] If state shariah courts are permitted to target one community in this way, then other individuals and groups in Malaysia are also at risk of the same kind of inhuman treatment.

We believe that state-imposed violence against women cannot ever be condoned, and that there can never be any justification for such inhuman and degrading punishments. Whipping is a clear form of cruel, inhuman and degrading treatment or punishment, which is prohibited under international law in Article 7 of the ICCPR. Accordingly, “*It is the duty of the State Party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by Article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity*”.[4] Allowing the discriminatory treatment and punishment of these women by a sharia court is also a violation of Malaysia’s obligations under CEDAW.

Further, there is no consensus at all on the punishment of whipping under Muslim jurisprudence, and many Muslim countries across the world forbid whipping as a fundamental violation of human dignity. We believe that all forms of penalisation and criminalisation of consensual same-sex relationships are in contradiction to Islamic principles of justice and equality.

We amplify the call made by the **Joint Action Group on Gender Equality (JAG) Malaysia** that the government “conduct a comprehensive review of the Shariah Criminal Offences laws of this country, with a view to repeal such laws, thus enabling all Malaysians to be governed by a single Penal Code under federal administration”, and that the “Shariah Criminal Offences laws to be repealed on the grounds that they have no basis in Islamic legal theory and practice”.[\[5\]](#)

We amplify the call made by **Coalition of Malaysian NGOs in the UPR Process (COMANGO)**, endorsed by 52 Malaysian NGOs, that the government “eliminate all forms of cruel, inhuman or degrading treatment or punishment in the criminal justice system including the practice of whipping and caning”, and ratify and accede to the UN Convention Against Torture as part of this commitment.[\[6\]](#)

We stand in unequivocal support of LGBT people in Malaysia, and their fundamental rights to live with dignity and free from persecution and violence.

We call on the Prime Minister Mahathir Mohamad and the Pakatan Harapan government to take immediate action to end the escalating persecution of LGBT communities in Malaysia, and to uphold their own manifesto “to make [Malaysia’s] human rights record respected by the world” (Promise 26), as well as the PM’s Independence Day speech that guaranteed “justice for all the people, irrespective of race or religion” and promised “Malaysia will remain strong and progressive whatever the differences, contradictions and suspicions that may arise.” [\[7\]](#)

SIGNED

1. Coalition for Sexual and Bodily Rights in Muslim Societies (International)
2. Association Femmes Leadership et Développement Durable-AFELDD (Mali)
3. Association of Women Lawyers (Malaysia)
4. Bebaak Collective (India)
5. Beyond the Hijab (Singapore)
6. Bishkek Feminist Initiative (Kyrgyzstan)
7. Canadian Council of Muslim Women (Canada)
8. ESITIZ–Equality Watch Women’s Group (Turkey)
9. Fethiye Women’s Solidarity Association (Turkey)
10. Forum for Dignity Initiatives-FDI (Pakistan)
11. GAYa Nusantara Foundation (Indonesia)
12. Indian Muslims for Secular Democracy (India)
13. Indonesian Women’s Association for Justice-APIK (Indonesia)
14. International Women’s Rights Action Watch-Asia Pacific (International)
15. KAOS-GL (Turkey)
16. Kazakhstan Feminist Initiative-‘Feminita’ (Kazakhstan)
17. Kirmizi Biber Association (Turkey)
18. Malaysian Atheists and Secular Humanists (Malaysia)
19. Maruf Foundation (Netherlands)
20. Muntada—The Arab forum on Sexuality, Health and Education (Palestine)
21. Muslims for Progressive Values (International)
22. PELANGI Campaign (Malaysia)
23. Persatuan Kesedaran Komuniti Selangor-EMPOWER (Malaysia)
24. Projek Dialog (Malaysia)
25. Rural Women’s Association-Alga (Kyrgyzstan)

26. Sayoni (Singapore)
27. Transmen of Malaysia (Malaysia)
28. Women Against Violence (Palestine)
29. Women for Women's Human Rights–New Ways (Turkey)
30. Women Living Under Muslim Laws (International)
31. Women's Aid Organisation (Malaysia)
32. Women's Initiative for Citizenship and Universal Rights (Algeria/France)
33. Women's Party (Turkey)
34. Anissa Helie, Professor (Algeria/US)
35. Cynthia El Khoury, independent feminist (Lebanon)
36. Evelyne Accad, Professeur Emerite (Lebanon/US)
37. Khawar Mumtaz, Women's Rights Advocate (Pakistan)
38. Marieme Helie Lucas, Secularism Is A Women's Issue (Algeria/France)
39. Meerim Ilyas, Urgent Action Fund for Women's Human Rights (Kyrgyzstan/US)
40. Pragna Patel, Director-Southall Black Sisters (UK)
41. Sabina Faiz Rashid, Dean-BRAC University School of Public Health (Bangladesh)
42. Sabra Zahid, Attorney at Law (Sri Lanka)
43. Samia Allalou, Mediterranean Women's Fund (Algeria/France)
44. Sheena Baharuddin, Performance Artist (Malaysia)
45. Yasmin Rehman, Women's Rights Activist (UK)
46. WUNRN - Women's UN Report Network