

State religious authorities sitting on conversion bills
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Proposed amendments to three bills pertaining to matters of religious conversion will only be tabled in Parliament after the state religious authorities have studied the amendments and come to an agreement, said Minister in the Prime Minister's Department Mohd Nazri Abdul Aziz today in a written reply to R Sivarasa (PKR-Subang).

State religious authorities are currently still studying the proposed amendments, after the Rulers' Conference prevented the bills from being tabled in Parliament last year.

nazri abdul aziz“The government is aware that conversion to Islam by a spouse can raise various inter-religious conflicts, specifically in matters related to custody and determination of the religious status of children below the age of 18 years,” said Nazri (left).

“In relation to that, the government is always giving serious attention to this issue and is working to find the best formula to resolve these disputes arising from religious conversions,” he said.

Sivarasa had asked if the government was ready to bring a solution to the situation when a Muslim converts after marriage, and who attempt to convert their children without the consent of their non-Muslim spouses.

Sivarasa argued that since at the time of marriage neither party was Muslim, the right to determine the religion of their children should be taken jointly, or by whoever receives custodial rights.

Rulers' Conference intervened

In June last year, the government had proposed amendments to the Law Reform (Marriage and Divorce) Act 1976, Administration of Islamic Law (Federal Territories) Act 1993 and Islamic Family Law (Federal Territories) Act 1984 following a cabinet directive in April to stop parents from secretly converting their children after one party had converted to Islam.

hindu indian women and islam and court and judiciaryThe proposed changes would involve procedures on the dissolution of marriage, right to custody of children, maintenance of children and wife, and division of matrimonial assets.

One of the key elements of the amendments was to determine that a child's religion must be in accordance with Article 12(4) of the federal constitution which provided that “the religion of a person under the age of eighteen years shall be decided by his parent or guardian.”

However, at the eleventh hour the Rulers' Conference decided that any amendments to the laws pertaining to matters of conversion and Islam must be referred to the state religious authorities first.

“To comprehensively address the issues arising from religious conversions, the government has asked the attorney-general's chambers to study and propose suitable legislative amendments,” said Nazri in his reply.

“Following that, a special committee comprising syariah and civil legal experts have also

been established by the chambers specifically to study, discuss and find the best approach to solve issues arising from religious conversions.”

Amendments based on feedback

Nazri said that the members of the special committee include muftis (religious scholars), Jakim (Islamic Development Authority) and Malaysian Syariah Council as well as the Women, Family and Community Development Ministry.

Other representatives in the council are the Malaysian Institute of Islamic Understanding (Ikim), syariah and civil legal practitioners, political party representatives from BN component parties as well as academics, NGOs such as the Bar Council, Syarie Lawyers Association of Malaysia, Movement for a Just World, and the Malaysian Consultative Council of Buddhism, Christianity, Hinduism and Sikhism (MCCBCHS).

He added that the amendments were compiled based on the “study and feedback” of the committee members.

However, since the amendments touched on the rights and interests of Muslims, the government had also presented it to the Rulers' Conference on June 29, 2009.

“Following the special meeting's decision, the government has forwarded the proposed amendments to all state Islamic councils to obtain their views and agreement.

“The proposed amendments will only be tabled in Parliament after the state Islamic councils agree,” he added.

The amendments were made following an outcry from various religious community leaders over several prominent cases like M Indira Gandhi and S Shamala.

Former MCCBCHS president A Vaithilingam has also recently urged for a review, telling Malaysiakini that things are not even moving at a “snail's pace”.

“How long can we keep receiving assurances while systems are being abused? Please act now,” he appealed.

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