



**Submission by Humanists Malaysia for the report on freedom of
religion or belief in relation to death and honouring the deceased**

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About Humanists Malaysia

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Greetings from **Humanists Malaysia!**

We are here to advocate for humanism—a democratic and ethical life stance, which affirms that human beings have the right and responsibility to give meaning and shape to their own lives, as defined by Humanists International. We champion **reason, compassion, equity, and human rights** for all Malaysians.

The issues surrounding **freedom of religion or belief (FoRB)**, death, and honouring the deceased are not merely administrative—they touch the very core of human dignity and our multiracial, multi-faith social fabric.

We present the following perspectives on the challenges, impacts, and necessary policy considerations, framed by our commitment to a truly inclusive Malaysia.

1. Challenges and Violations: Freedom of Religion or Belief, Death, and Honoring the Deceased

Malaysia, despite its constitutional guarantees of freedom of religion, presents a complex and often challenging landscape, particularly for those who do not adhere to the official religion. For humanists, atheists, and other non-religious individuals, the challenges are profound and often intersect with the sensitive domain of death.

- **Religious Identification and its Implications:** The indelible mark of the identity of an individual born as a Muslim on national identification cards (MyKad) creates a pervasive system of religious classification. For those born into a Muslim family, even if they later identify as non-religious, the default religious status remains. **Apostasy is criminalized or procedurally blocked** in many states, making it nearly impossible for individuals to legally leave Islam. This has severe implications for non-religious individuals, as their personal and legal lives remain governed by religious laws they do not subscribe to.
- **Death and Disputed Religious Status:** The most harrowing challenges arise upon death. If an individual is registered as Muslim on their MyKad, regardless of their actual beliefs or wishes, their remains are subject to Islamic burial rites. This will occur even if the deceased explicitly expressed a desire for a secular funeral, cremation, or burial according to other traditions. Families, particularly those who are non-religious themselves or whose loved one had embraced humanism, face immense distress when their wishes are overridden by religious authorities. There have been documented cases where religious departments have intervened, sometimes forcibly, to claim the body of a deceased individual believed to be Muslim, despite familial objections or evidence of a secular lifestyle.

- **Lack of Recognition for Non-Religious Funerals:** There is a stark absence of official recognition and provisions for secular or humanist funeral rites. Non-religious individuals and their families struggle to find appropriate venues, officiants, and procedures that align with their worldview. This forces many to either compromise their beliefs by undergoing religious ceremonies or to conduct private, unrecognised rites that lack legal or social standing.
- **Discrimination in Public Spaces:** The broader societal landscape also presents challenges. Non-religious individuals may face social stigma, discrimination, and even ostracization, which can extend to how their passing is acknowledged or commemorated. Public spaces and services often operate under a religious-centric framework, leaving little room for secular expressions of grief or remembrance.

2. Impacts on Affected Families, Communities, Peoples, and Society at Large

The challenges outlined above inflict profound and far-reaching impacts:

- **Emotional and Psychological Trauma:** For families, the loss of a loved one is already a traumatic experience. When this is compounded by disputes over funeral rites, interventions by religious authorities, or the inability to honour the deceased according to their wishes, the emotional and psychological toll is immense. It can lead to prolonged grief, feelings of helplessness, and a deep sense of injustice.
- **Erosion of Autonomy and Dignity:** The inability to choose one's own post-mortem arrangements or to have those choices respected represents a severe erosion of personal autonomy and human dignity. This is particularly poignant for humanists who place a high value on individual agency and self-determination. The struggles faced by atheists, humanists, and minority groups send a chilling message to others: **conform or suffer the consequences.**
- **Division within Families and Communities:** Disagreements and interventions can create deep rifts within families, especially when members hold differing religious or non-religious views. It can also sow distrust between communities and religious authorities, undermining social cohesion.
- **Fear and Self-Censorship:** The fear of post-mortem interventions or disputes can lead non-religious individuals to conceal their beliefs during their lifetime, leading to self-censorship and a stifling of authentic expression. This deprives society of diverse perspectives and contributes to a less open and tolerant environment.
- **Undermining Constitutional Rights:** The practical realities faced by non-religious individuals effectively undermine the constitutional guarantee of freedom of religion or belief. If one's beliefs are not respected even in death, it signals a fundamental flaw in the application of these rights.
- **Loss of Cultural Diversity:** Malaysia is a rich tapestry of cultures and traditions. The imposition of a single religious framework for death rites, even on those who do not subscribe

to it, diminishes this diversity and homogenizes an experience that should reflect individual and communal identity.

3. Consultation with Authorities

Regrettably, Humanists Malaysia, along with other non-religious communities, atheists, and sometimes even minority religious groups, experience **minimal to no meaningful consultation** from authorities – whether at national or local levels – regarding regulations, frameworks, policies, and practices related to death and the honouring of the deceased.

- **Lack of Recognition as Stakeholders:** Non-religious organizations and communities are often not recognised as legitimate stakeholders in discussions concerning religious or belief-related matters, including those surrounding death. The prevailing assumption is that all citizens belong to one of the officially recognised religions, or that non-religious views are not significant enough to warrant consultation.
- **Top-Down Policy Making:** Policies and regulations are typically formulated in a top-down manner, often with significant input from established religious institutions, particularly the official religious bodies. The diverse needs and perspectives of non-religious individuals, Indigenous Peoples, or smaller minority groups are frequently overlooked or simply not considered.
- **Absence of Dedicated Forums:** There are no dedicated platforms or mechanisms for non-religious communities to voice their concerns or provide input on these crucial issues. Attempts to engage authorities are often met with bureaucratic hurdles or a lack of understanding & even ignorance regarding humanist or secular perspectives.
- **Focus on 'Inter-Faith' Dialogue (often excluding the non-religious):** While there might be some degree of 'inter-faith' dialogue, these discussions predominantly involve established religious groups and often exclude non-theistic or non-religious worldviews, further marginalizing humanists and atheists.
- **Indigenous Peoples and Minorities:** Even for Indigenous Peoples and various minority groups, consultation on death rites and funeral practices can be inadequate, leading to a disconnect between customary practices and official regulations, sometimes resulting in bureaucratic challenges or cultural insensitivity.

The absence of consultation is a grave concern, as it perpetuates a system that fails to accommodate the diverse needs and beliefs of all Malaysians, leading to avoidable conflicts and distress.

4. Best Practices Observed

While the landscape presents significant challenges, we can look to certain principles and, in some instances, nascent practices or examples from other nations that could serve as best practices for Malaysia:

- **Recognition of Secular Identity and Freedom of Conscience:**
 - **Legal Frameworks for Apostasy:** In countries with similar religious demographics, reforms that allow for the legal change of religious status without punitive measures would be a crucial first step. This affirms an individual's right to freedom of conscience throughout their life, including in death.
 - **Secular Burial Grounds/Crematoria:** The establishment of public, non-denominational burial grounds or crematoria that cater to all citizens, irrespective of their beliefs, is essential. These spaces should allow for diverse ceremonies, including secular memorial services.
- **Advance Directives and Legal Will:**
 - **Enforceable Post-Mortem Wishes:** Strengthening legal frameworks to ensure that an individual's advance directives regarding their funeral arrangements (e.g., in a will) are legally binding and respected, overriding default religious assignments. This empowers individuals to make choices consistent with their beliefs.
 - **Public Awareness Campaigns:** Educating the public on the importance of making such wills and directives, and ensuring they are accessible and easily understood.
- **Inclusive Public Services and Training:**
 - **Training for Public Officials:** Providing training for hospital staff, registry officials, and other relevant public servants on cultural sensitivity and the diverse beliefs surrounding death, including non-religious perspectives. This would help prevent insensitive actions or disputes over remains.
 - **Non-Discriminatory Practices:** Ensuring that all public services related to death and dying are delivered in a non-discriminatory manner, respecting individual choices and avoiding religious imposition.
- **Community-Led Initiatives:**
 - **Humanist/Secular Funeral Celebrants:** Supporting the training and recognition of humanist or secular funeral celebrants who can offer meaningful, non-religious ceremonies that focus on the life and legacy of the deceased, rather than supernatural beliefs.
 - **Community-Based Support Networks:** Encouraging and supporting non-religious communities to establish their own support networks and resources for end-of-life planning and bereavement, providing solace and practical assistance to their members.
- **Open Dialogue and Consultation:**
 - **Multi-Stakeholder Consultations:** Implementing a robust system of multi-stakeholder consultations that explicitly includes non-religious organisations, Indigenous Peoples, and

minority groups in discussions about death, burial practices, and related policies. This ensures that a diverse range of perspectives is genuinely considered.

- **Public Education on Diversity of Belief:** Promoting public education campaigns that foster understanding and respect for the diversity of beliefs and non-beliefs in Malaysia, including how different communities approach death and remembrance.

Final Word: Humanism as a Moral Compass

As Humanists Malaysia, we affirm that every human being—regardless of belief or non-belief—deserves to live and die with dignity. We call on Malaysian authorities to:

- Recognize secular and humanist identities in law and policy.
- Ensure equal access to burial grounds and funeral rites.
- Consult civil society meaningfully, not symbolically.
- Uphold freedom of belief not just in life, but in death.

Because how we honour the dead reveals who we are as a society. And we believe Malaysia can be a society of compassion, reason, and justice.