

ABUSE OF AUTHORITY BY JAWI MUST END

The Joint Action Group for Gender Equality (JAG) is appalled by the latest news of a raid by the Federal Territories Islamic Department (JAWI) of a private charity fundraising event by a transgender community and the unlawful arrest of the event organizer, Ira Sophia. The raid is another addition to the long list of abuses of power and violation of procedure by JAWI in their overzealous moral policing.

The gist of the offences mentioned by the JAWI officers against Ira Sophia, call for an immediate review of the Syariah Criminal Offences (Federal Territories) Act 1997 (SCOA) and the questioning of ethical standards of JAWI enforcement officers. Accusing individuals of being in contempt or defiance of religious authorities for merely standing up for their rights as enshrined in the Constitution, is unconstitutional and unjust.

Moral policing laws have no place in Malaysia as it disrespects a citizen's right to privacy and has been selectively enforced, often on marginalised groups. It is completely unclear whether JAWI has the authority and power to conduct raids, disallow people from leaving a venue, and taking persons into their custody. We are extremely concerned as these are powers akin to police powers. When enforcement powers such as these are provided to authorities, they must be properly regulated and specifically provided for under specific laws, as they impinge upon a person's civil liberties. Where are the laws that regulate JAWI in conducting these activities?

The practice of moral policing also goes against the teachings of Islam which respect one's right to privacy and preservation of dignity. Various verses in the Quran reflect this, such as in Surah al-Hujurat (49:12), "*do not pry into others secrets*" and Surah an-Nisa (4:58), "*when you judge among the people, do so equitably.*"

JAWI's actions are clearly un-Islamic as it was aimed to intimidate and humiliate the transgender community in Malaysia. JAG once again, calls on the state to review the SCOA as the catch-all provisions in the Act have allowed for wide interpretation and abuse by enforcement officers. JAWI or other state religious authorities cannot be

allowed to continuously undermine the Federal Constitution because of the misguided perception that they are guardians of Islam and morality in Malaysia.

6 April 2016

Endorsed by the Joint Action Group for Gender Equality (JAG):

1. Sisters in Islam (SIS)
2. Justice for Sisters (JFS)
3. Women's Centre for Change (WCC)
4. Persatuan Sahabat Wanita Selangor (PSWS)
5. Tenaganita
6. Perak Women for Women (PWW)
7. Association of Women Lawyers (AWL)
8. All Women's Action Society (AWAM)
9. Women's Aid Organisation (WAO)
10. Persatuan Kesedaran Komuniti Selangor (EMPOWER)