



Malaysia - Researched and compiled by the Refugee Documentation Centre of Ireland on 4 November 2009

Information on the treatment of Hindus in Malaysia

Section I of the October 2009 *United States Department of State International Religious Freedom Report for Malaysia*, under the heading 'Religious Demography', states:

"The country has an area of 127,000 square miles and a population of 27.7 million. According to 2000 census figures, 60 percent of the population practices Islam; 19 percent Buddhism; 9 percent Christianity; 6 percent Hinduism; and 3 percent Confucianism, Taoism, and other traditional Chinese religions. Other minority religious groups include animists, Sikhs, and Baha'is. Ethnic Malay Muslims account for approximately 55 percent of the population. Three of the five most prominent political parties are organized along ethnic and religious lines. The majority of Christians reside in the eastern states of Sabah and Sarawak." (United States Department of State (Bureau of Democracy, Human Rights, and Labor) *Malaysia: International Religious Freedom Report 2009*)

Section II of the same report, under the heading 'Legal/Policy Framework', states:

"In January 2009 the Selangor state government, under the ruling People's Alliance coalition, allocated \$1.7 million (six million Malaysian ringgit) for non-Muslim places of worship. The federal government, allocated \$125.9 (RM428 million) to build Islamic places of worship, and \$2.4 million (RM8.1 million) to build Christian, Buddhist, Hindu, and other places of worship for minority religious groups between 2005 and 2008." (ibid)

The same section under the heading 'Restrictions on Religious Freedom', states:

"According to the Malaysian Consultative Council of Buddhists, Christians, Hindus, Sikhs, and Taoists (MCCBCHST), the Government restricted visas for foreign Muslim and non-Muslim clergy under the age of 40 as a means of preventing "militant clergy" from entering the country. While representatives of non-Muslim groups did not sit on the immigration committee that approved visa requests, the MCCBCHST was asked for its recommendations in the majority of cases." (ibid)

The same section states under this heading:

"In November 2008 the National Fatwa Council issued a directive to ban Muslims from practicing yoga, claiming that elements of Hinduism in yoga could corrupt their minds and beliefs." (ibid)

The same section, under the heading 'Abuses of Religious Freedom' states:

"In October 2008 the Government banned the Hindu Rights Action Force (HINDRAF), an unregistered umbrella organization for various NGOs focused on ethnic Indian concerns. Although not a religious organization, HINDRAF appealed for redress of perceived government marginalization of ethnic Indians, including the demolition of some Hindu temples. Waytha Moorthy, HINDRAF director, remained abroad citing a fear of arrest if he returned to the country. The Government utilized the Internal Security Act (ISA) to arrest five HINDRAF leaders in December 2007, claiming that their involvement in organizing protests during the previous month served to upset interracial harmony and thus threatened national security. The Government released two of the men in April 2009 with restrictive conditions, including not participating in press conferences, not leaving their area of residence without police permission, and regularly reporting to the police. The other three HINDRAF prisoners who initially refused to accept the conditions and remained detained under the ISA were subsequently released in May 2009.

In April 2009 the Government announced plans to relocate 29 Hindu temples in and around Kuala Lumpur to alternative locations. The Government issued a 30- day notice to temple caretakers to move to the new locations before the existing temples were destroyed. Many of these structures had been constructed on private plantations prior to the country's independence." (ibid)

A September 2009 *Reporters Without Borders* news report states:

"The website www.malaysiakini.com had posted two video clips accessible only to subscribers to the site, the first on 28 August showing demonstrations by Malay Muslims against the building of a Hindu temple in their neighbourhood, in which they spat on and trampled the bloodied head of a cow, an animal sacred to Hindus. The second, on 2 September 2009, featured interior minister, Datuk Seri Hishamuddin Tun Hussein, speaking at a press conference at which he urged demonstrators not to use violence, while defending their right to protest. But in a change of stance, on 3 September, the minister ordered proceedings against the demonstrators." (Reporters Without Borders (24 September 2009) *Malaysiakini website refuses to bow to censorship*)

A September 2009 *Human Rights Watch* news release reports:

"One of the videos, "Temple demo: Residents march with cow's head," taken on August 28, 2009, shows Muslim Malay residents protesting plans to relocate Sri Maha Mariamman Hindu temple to their neighborhood. About 50 people, including several carrying a bloody cow's head, march 300 meters from the state mosque in Selangor to the state secretariat building.

At the state building, the protesters presented their demands and threatened violence against the Hindu community and the Selangor government if the relocation went forward. Some marchers spat on and stomped on the head, an act clearly aimed at Hindus, who regard cows as sacred. The organizers

had not requested a permit as required by Malaysia's Police Act. Police monitoring the event made no move to intervene.

The second video, "Hisham: Don't blame cow-head protesters," recorded Home Minister Datuk Seri Hishammuddin Tun Hussein's news conference on September 2, exonerating the protesters of any wrongdoing. He said: "All they wanted was to voice their unhappiness and the unwillingness of the state government to consider their request. ... This day and age, protests should be accepted in this world as people want their voices to be heard. If we don't give them room to voice their opinions, they have no choice but to protest."" (Human Rights Watch (22 September 2009) *Malaysia: Don't Censor or Harass Independent Website*)

Under the heading 'Political Rights and Civil Liberties', the *Freedom House* 2009 Freedom in the World report for Malaysia, states:

"Individuals may be arrested without a warrant for some offenses and held for 24 hours without being charged. The ISA, in force since 1960, gives the police sweeping powers to hold any person acting "in a manner prejudicial to the security of Malaysia" for up to 60 days, extendable to two years. It has been used to jail mainstream politicians, alleged Islamist militants, trade unionists, suspected Communist activists, ordinary criminal suspects, and members of "deviant" Muslim sects, among others. Hundreds of detainees currently held under the ISA are reportedly denied due process and systematically abused. Five leaders of the Hindu Rights Action Force (HINDRAF) were detained under the ISA after the November 2007 protests, and their applications for early release were rejected in 2008. HINDRAF was banned in November 2008." (Freedom House (16 July 2009) *Freedom in the World 2009 – Malaysia*)

Under the heading 'Detention without trial', the Amnesty International 2009 World Report for Malaysia reports:

"Five leaders of the Hindu Rights Action Force remained detained for organizing rallies against the marginalization of ethnic Indian Malaysians. In March, while in detention, Manoharan Malayalam was elected to the state assembly. In May, the Federal Court dismissed their appeal for habeas corpus saying that their arrest had been lawful. They have since appealed against the decision to the Federal Court. Amnesty International considers them to be prisoners of conscience." (Amnesty International (28 May 2009) *Amnesty International Report 2009 – Malaysia*)

A May 2009 *Amnesty International* news report states:

"The Malaysian authorities released three human rights activists from the Hindu Rights Action Force (HINDRAF) on Saturday 9 May.

The three men were among a group of five HINDRAF activists arrested and detained under the Internal Security Act (ISA) in December 2007 for organizing protest rallies without a permit. Two of them were released on 5 April 2009.

However, reports indicate that one of the detainees, T Vasanthakumar, has had conditions placed on his release, including a ban on speaking to the media and a curfew.” (Amnesty International (11 May 2009) *Three activists released in Malaysia*)

References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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IRIN News

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