



COUNTRY OF ORIGIN INFORMATION KEY DOCUMENTS

MALAYSIA

22 DECEMBER 2009

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1. Preface

- i This Country of Origin Information Key Documents (COI Key Documents) on Malaysia has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. It provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The COI Key Documents includes information available up to 1 December 2009. It was issued on 17 December 2009.
- ii The COI Key Documents is an indexed list of key reports, papers and articles produced by a wide range of recognised external information sources. It does not contain any UKBA opinion or policy.
- iii For UK Border Agency users, the COI Key Documents provides direct electronic access to each source referred to in the document, via a link on the source numbers in the index and list of sources. For the benefit of external users, the relevant web link has also been included, together with the date that the link was accessed.
- iv As noted above, the documents identified concentrate mainly on human rights issues. By way of introduction, brief background information on Malaysia is also provided. Please note, this background material is not intended to provide a summary of the material contained in the documents listed.
- v This COI Key Documents and the documents listed are publicly disclosable.
- vi Any comments regarding this COI Key Documents or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service

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2nd Floor B Block
Whitgift Centre
15 Wellesley Road
Croydon CR9 1AT
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- vii The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>

- viii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>
- ix Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Background information

Full Country Name: The Federation of Malaysia

Area: Total area 329,758 sq km (127,317 sq miles)

Population: 27.5m (2008)

Capital City: Kuala Lumpur (population: 1.5m), Putrajaya (Administrative capital)

People: Bumiputra (mostly Malays) (66%), Chinese (25%), Indians (8%). Others (1%)

Languages: Bahasa Malaysia (Malay) is the national language. Other languages include Chinese, Tamil and Iban. English is widely used.

Religions: Muslim 55%, Buddhist 17%, Taoist 12%, Christian 7%, Hindu 7% Animist/Other 2%

Currency: Ringgit Malaysia (RM)

Major Political Parties: "Malaysian political parties are distinguished more by their differing racial compositions than by competing political philosophies. The Government has been dominated since Independence by the Barisan Nasional (BN), a coalition of the United Malays National Organisation (UMNO), Malaysian Chinese Association (MCA), Malaysian Indian Congress (MIC), plus a series of smaller parties (mainly from the East Malaysian states of Sabah and Sarawak and reflecting their complex ethnically mixed populations).

The main opposition parties are the Democratic Action Party (DAP), the Pan-Malaysian Islamic Party (PAS), and Parti Keadilan Rakyat (PKR - People's Justice Party). These three parties formed the loose coalition 'Pakatan Rakyat' after the March 2008 elections."

Government: "Constitutional Monarchy: the King (Yang di-Pertuan Agong) is drawn on a rotating 5-year basis from the Sultans and hereditary rulers of the states of the Malay Peninsula."

Head of State (Agong): HM Al-Wathiqu Billah Tuanku Mizan Zainal Abidin Ibni Al-Marhum Sultan Mahmud Al-Muktafi Billah Shah

Prime Minister: Datuk Seri Najib Tun Razak

Foreign Minister: Datuk Anifah Aman

Membership of International Groupings/Organisations: "Malaysia is a member of the Commonwealth, the UN, the Asia-Europe Meeting (ASEM) and the Asia Pacific Economic Co-operation (APEC). Malaysia is also the current Chair of the Organisation of Islamic Conference (OIC), the Non-Aligned Movement (NAM), and the Association of Southeast Asian Nations (ASEAN)". (Foreign and Commonwealth Office (FCO), Country Profile: Malaysia, last updated on 13 May 2009) [1]

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GEOGRAPHY

The FCO Country Profile for Malaysia, last updated on 13 May 2009, stated that "Malaysia has two geographically distinct areas. 11 of its 13 states are in Peninsular Malaysia, bordering Thailand and Singapore. Sabah and Sarawak, as well as the federal territory of Labuan, form East Malaysia on the north of Borneo, bordering Indonesia and Brunei." [1]

The United States Department of State (USSD), Consular Information Sheet for Malaysia, updated on 22 July 2009 noted:

"There is also a federally administered set of territories: the capital city of Kuala Lumpur, the administrative center of Putrajaya, and the island of Labuan. Malaysia is a

multi-ethnic country of 27 million people. Malays form the predominant ethnic group. The two other large ethnic groups in Malaysia are Chinese and Indians. Islam is the official religion and is practiced by some 60 percent of the population. Bahasa Malaysia is the official language, although English is widely spoken.” (USSD [2f]

MAP



<http://www.thecommonwealth.org/YearbookHomeInternal/138656/> [44]

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RECENT HISTORY

The FCO Country Profile for Malaysia, last updated on 13 May 2009, noted the following events under ‘Recent History:

- “1957: Independence for the Federation of Malaya (mainland Peninsular states).
- 1963: Formation of the Federation of Malaysia, comprising the Federation of Malaya, Singapore, Sabah and Sarawak.
- 1965: Singapore left the Federation.
- 1969: Inter-racial riots led to the introduction in 1971 of 20-year New Economic Policy (NEP) aimed at alleviating causes of the tension through enhancing the bumiputra (Malay) economic position.
- 1971 – Present: Country experienced rapid economic growth and industrialisation (with a major but temporary downturn in 1997/98).
- 1981: Dr Mahathir Mohamad became Prime Minister.
- 1997/1998: Asian Economic Crisis.
- 1999: General election returned the Barisan Nasional to power with a reduced, but still two-thirds majority.
- 2003: Dr Mahathir stepped down; succeeded by his Deputy, Abdullah Badawi
- 2004: General election on 21 March resulted in a landslide win by the UMNO-led Barisan Nasional coalition.
- 2008: General election on 8 March: Barisan Nasional coalition returned to power, but with a much reduced simple majority.

- 2009: Abdullah Badawi stepped down; succeeded by his deputy, Najib Razak.” [1]

The FCO Country Profile for Malaysia noted:

“The Federation of Malaya achieved independence in 1957 under its first Prime Minister, Tunku Abdul Rahman, who oversaw the introduction of the country's multi-ethnic coalition style of government, led by the majority Malays with a Westminster style of constitution. The Federation of Malaysia, formed in 1963, comprises the Malay Peninsula and the Borneo territories of Sabah and Sarawak. The country embodies a mixture of races and cultures resulting from successive migrations and exposure to external religious and cultural influences. Immediately after its formation, the Federation faced hostility from Indonesia (known as the period of 'Confrontation') and British, Australian and New Zealand help was again called upon. Relations thereafter improved notably after Soeharto's assumption of power in Indonesia, assisted by the formation in 1968 of the Association of Southeast Asian Nations (ASEAN) of which Malaysia was a founder member.” [1]

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RECENT EVENTS AND POLITICAL DEVELOPMENTS

The United States Department of State, Country Report on Human Rights Practices 2008, Malaysia (USSD report 2008), noted that “Malaysia is a federal constitutional monarchy with a population of approximately 26.9 million. It has a parliamentary system of government headed by a prime minister selected through periodic, multiparty elections. The United Malays National Organization (UMNO), together with a coalition of political parties currently known as the National Front, has held power since independence in 1957. The most recent national elections, in March [2008], were conducted in a generally transparent manner and witnessed significant opposition gains. The opposition complained of the ruling coalition's exploitation of the powers of incumbency and domination of the mainstream media. Civilian authorities generally maintained effective control of the security forces.” [2a] (Introduction)

The USSD Report 2008 also noted:

“Opposition parties were unable to compete on equal terms with the governing National Front coalition, led by the ethnic Malay UMNO party, which has held power at the national level since independence in 1957, because of significant restrictions on campaigning, freedom of assembly and association, and access to the media. Nevertheless, opposition candidates campaigned actively, and in the most recent national elections, held on March 8 [2008], the opposition parties captured 82 of 222 parliamentary seats and 198 of 505 state assembly seats, winning control of five out of 13 state governments. For the first time since 1969, the opposition's electoral success denied the ruling coalition a two-third majority in Parliament, blocking the government's ability to amend the constitution at will.

Political parties could not operate without restriction or outside interference. The lack of equal access to the media was one of the most serious problems encountered by the opposition in the March national elections and in the subsequent by-election. Opposition leaders also claimed that the election commission (EC) was under government control and lacked the independence needed to carry out its duties impartially...There were numerous opposition complaints of irregularities by election

officials during the campaign; however, most observers concluded that they did not substantially alter the results. NGOs and opposition party leaders lodged allegations of illegally registered "phantom" voters, reportedly brought in from other districts to vote in tightly contested districts; inflated voter rolls; nonregistered voters using fictitious names or the names of dead voters still listed on the voter rolls; and noncitizens registered to vote." [2a] (Section 3d)

The FCO Country Profile for Malaysia, last updated on 13 May 2009, reported:

"Elections are held every five years. The Barisan Nasional coalition was returned to power on 8 March 2008, but with a much reduced simple majority. For the first time since independence, the ruling alliance, which won the 21 March 2004 general election by a landslide, lost its two-thirds majority of the seats in Parliament, and five of 13 federal states to the three opposition parties, which together formed the Pakatan Rakyat coalition."

"On 3 April 2009 former Prime Minister Datuk Seri Abdullah Ahmad Badawi stepped down from his post. He has been replaced by Datuk Seri Najib Tun Razak of the Barisan Nasional Party, previously the Deputy Prime Minister." [1]

Jane's Sentinel, Country Risk Assessments, Malaysia (last updated on 5 October 2009) observed:

"The outcome of the March 2008 elections has led to a protracted period of low level instability. While the most important election result since the country gained independence in 1957 was achieved peacefully and without any serious suggestions of electoral fraud, many Malaysians remain uneasy over the country's political direction. The Pakatan Rakyat opposition coalition now controls four of the country's 11 states (with another in dispute), and the dominant United Malays National Organisation (UMNO) has been left in disarray, with its various factions vying for influential positions. Opposition leader Anwar Ibrahim pledged to oust the government by September 2008, largely by convincing East Malaysian members of parliament to switch their allegiance. All the opposition requires is some 20 seats in order to force UMNO - the core of Malay nationalism - into opposition. While this gambit failed, such tactics threaten to reignite inter-communal tension, pitting Malays fearful of losing ground against the other ethnic groups. Although no government in Malaysia has ever been replaced by an opposition movement, the ruling coalition appears to have become increasingly paranoid in the aftermath of the general elections, fearful that a number of smaller parties within the National Front (Barisan Nasional: BN) are on the verge of defection. Anwar's arrest in July 2008 on sodomy charges was widely perceived as a reaction to his increasing political power."

"Anwar Ibrahim's political resurrection was central to the outcome of the 2008 elections. By mid-2008 Anwar became the de facto leader of the Pakatan Rakyat opposition coalition - comprising Anwar's People's Justice Party (Parti Keadilan Rakyat: PKR), the ethnic Chinese Democratic Action Party (DAP) and the conservative Islamic Party of Malaysia (Parti Islam se-Malaysia: PAS) - that controls five of the country's 11 states (Kedah, Kelantan, Penang, Perak, Selangor and most of the seats in Kuala Lumpur). During the elections, Anwar was able to split the Malay vote and attract considerable Indian and Chinese voters away from the ruling National Front (Barisan Nasional: BN), signifying that Malaysia's ethnic-based power-sharing model, which depends on the majority Malay community retaining political hegemony, may be beginning to fragment." [55] (Executive Summary)

ECONOMY

GDP: US\$195bn (2009 EIU estimate)

GDP per head (Nominal): US\$6,721 (2007)

GDP per head (Purchasing Power Parity): US\$13,314 (2009 estimate)

Annual Growth: 2007: 6.3% (actual); 2008: 4.6% (actual)

Inflation: 2007: 2.0% (actual); 2008: 5.4% (actual)

Major Industries: Electronics, Petroleum & LNG, Chemicals, Textiles, Palm Oil, Timber, Tourism

Major Trading Partners: USA, EU, Singapore, Japan and China

Exchange Rate: £1=5.26 Ringgit - variable (April 8, 2009)

(FCO Country Profile, 13 May 2009) [1] On 1 December 2009 the approximate exchange rate was £1 = 5.5 Ringgit (XE Currency Converter) [56]

The FCO Country Profile for Malaysia, last updated on 13 May 2009, observed that:

“Malaysia is one of South East Asia's more successful economies and one of UK Trade and Investment's High Growth Markets. Recent GDP growth has raised per capita income to US\$6,721 in 2007 (close to double that in PPP [purchasing power parity] terms based on 2009 estimates), transforming a commodities-based economy into one with a large, export-orientated manufacturing sector. Apart from a minor blip during the financial crisis of 1997-1998 the economy has continued to grow robustly since then: most recently by 6.3% in 2007 and 4.6% in 2008. Nowadays the services sector (rising to nearly 46.6% of GDP in 2007) is increasingly important; while both commodities (palm oil and rubber) and oil and gas remain substantial sectors and benefited from record high prices in 2008.

Since the Asian financial crisis, Malaysia has made good progress in reforming its banking and financial system. Local banks have been consolidated and there is phased liberalisation to allow greater competition. Malaysia has developed its Islamic Finance capability and is now a major hub in the Asia Pacific region. The Government has also progressively dismantled the exchange and other controls imposed during the Asia Crisis - including abandoning the Ringgit peg to the dollar in July 2005 in favour of a managed float.” (FCO Country Profile, 13 May 2009) [1]

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HUMAN RIGHTS

OVERVIEW

The USSD report 2008 stated:

“The government generally respected the human rights of its citizens; however, there were problems in some areas. The government abridged citizens' right to change their government. Some deaths occurred during police apprehensions and while in police custody. Reported abuses by members of the People's Volunteer Corps (RELA) included rape, beatings, extortion, theft, pilfering homes, destroying UN High Commissioners for Refugees (UNHCR) and other status documents, and pillaging refugee settlements. Other problems included police abuse of detainees, overcrowded immigration detention centers, use of arbitrary arrest and detention using the Internal Security Act (ISA) and three other statutes that allow detention without trial, and

persistent questions about the impartiality and independence of the judiciary. The government arrested a prominent opposition leader on politically motivated charges of consensual sodomy. The government also arrested other opposition leaders, journalists, and Internet bloggers apparently for political reasons. The government continued to detain without trial five leaders of an ethnic Indian civil rights group. The civil courts continued to allow the Shari'a (Islamic law) courts to exercise jurisdiction in cases involving families that included non-Muslims. The government continued to restrict freedom of press, association, assembly, speech, and religion. Trafficking in persons remained a problem. There were credible allegations of immigration officials' involvement in the trafficking of Burmese refugees. Longstanding government policies gave preferences to ethnic Malays in many areas. Some employers exploited through forced labor migrant workers and ethnic Indian-Malaysians. Some child labor occurred in plantations." [2a] (Introduction)

Amnesty International's (AI) 2009 Annual Report noted:

"The government tightened control of dissent and curtailed the right to freedom of expression and religion. Bloggers were arrested under the Sedition Act, and the Printing Press and Publications Act (PPPA) was used to control newspaper content. Ten people were arbitrarily arrested and detained under the Internal Security Act (ISA). Security forces continued to use excessive force while the establishment of an independent police complaints misconduct commission was postponed. Immigration personnel and volunteers conducted mass arrests of migrant workers. At least 22 people were sentenced to death. The number executed was unknown." [11a]

Human Rights Watch World Report 2009 observed:

"Hopes that Malaysia's human rights climate would improve following elections in March 2008 proved unfounded...National Front leaders continue to insist that Malaysia's multiethnic society is too fragile to sustain genuine freedom of assembly and expression or full due process rights for all suspects. The government continues to use outdated repressive laws and regulations to silence its critics and extend its rule. One such critic is former Deputy Prime Minister Anwar Ibrahim, now leading the opposition coalition People's Alliance. In what was widely viewed as a politically motivated attempt to discredit him, police charged him with consensual sexual relations with a male aide in August 2008. The People's Volunteer Corps, a largely volunteer paramilitary force, continues to commit abuses against undocumented migrants, refugees, and asylum seekers." [5a]

Jane's Sentinel, Country Risk Assessments, Malaysia (last updated on 5 October 2009) observed:

"Although a largely pro-Western, fully-fledged parliamentary democracy, Malaysia is often regarded as a 'soft authoritarian' state, which has attempted to differentiate itself from liberal democracies in the West. There is little independence in national media, the arts are heavily censored in line with the country's Islamic policies, and a draconian law from the colonial era - the Internal Security Act (ISA) - has been used widely to suppress opposition parties and politicians. Many questions have been raised about the independence of the judiciary, particularly in light of the repeated incarceration of opposition leader Anwar Ibrahim. The former deputy prime minister became a threat to then prime minister Mahathir Mohamad and was jailed between 1999 and 2004 on sodomy charges, only to be arrested again in July 2008 on similar allegations (his trial was due in July 2009 but was delayed). Corruption is also a problem within the

established political system, partly rooted in the policy that enshrines positive discrimination in favour of the ethnic Malay majority.” [55] (Executive Summary)

Jane’s Sentinel, Country Risk Assessments, Malaysia also noted:

“Malaysia's greatest internal security threat stems from fears of inter-communal violence based on memories of the May 1969 race riots in which many hundreds (the Chinese community continues to speak of thousands) died in fighting between Malaysia's two largest ethnic communities. Since then, successive governments have sought to remove the causes of the violence, principally through the 'Bumiputera' ('sons of the soil') policy, which ensures that the majority Malay community's share of national wealth is at least equal to that of the Chinese...There have also been ethnic tensions between the Malays and the Indian minority, particularly in 2006 when local authorities demolished many Hindu temples they claimed were built without permission. There were fears that the ruling coalition's dramatic loss of authority in the March 2008 elections would lead to a a [sic] Malay backlash. Indeed, in the second half of 2009, populist and xenophobic Malay politicians and groups singled out ethnic Chinese and Indian communities in a number of inflammatory statements, raising tensions across the country. Although this has not escalated beyond rhetoric, relations between the country's three main ethnic groups remain strained and Malay nationalism may resurface in the face of deteriorating economic conditions.” [55] (Executive Summary)

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KEY FACTS AND GEOGRAPHY	<p>[1]</p> <p>[2a]</p> <p>[2c]</p> <p>[7a]</p> <p>[10]</p> <p>[17b]</p> <p>[25]</p> <p>[46]</p>	<p>Foreign and Commonwealth Office, Country Profile: Malaysia, last updated on 13 May 2009 http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/malaysia</p> <p>United States Department of State, Reports on Human Rights Practices – 2008: Malaysia, 25 February 2009 http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119046.htm</p> <p>United States Department of State, Background Note: Malaysia, last updated July 2009 http://www.state.gov/r/pa/ei/bgn/2777.htm</p> <p>BBC News, Country Profile: Malaysia, last updated 7 April 2009 http://news.bbc.co.uk/1/hi/world/asia-pacific/country_profiles/1304569.stm</p> <p>Central Intelligence Agency (CIA), The World Factbook, Malaysia, last updated 27 November 2009 https://www.cia.gov/library/publications/the-world-factbook/geos/my.html</p> <p>United Nations Development Programme (UNDP), Malaysia Key facts and figures (accessed 3 December 2009) http://www.undp.org.my/resources/malaysia-facts-and-figures</p> <p>World Bank, Malaysia Country Brief, April 2008 http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/MALAYSIAEXTN/0,,menuPK:324498~pagePK:141132~piPK:141107~theSitePK:324488,00.html</p> <p>Malaysia Information.com (accessed on 3 December 2009) http://www.malaysiainformation.com/countryinfo.htm</p>
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