

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT 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.

Questions

- 1. Please provide current information on the treatment of Malaysian citizens of ethnic Chinese decent in Malaysia.**
- 2. Are the Malaysian police and judiciary willing and able to protect ethnic Chinese in Malaysia?**

RESPONSE

- 1. Please provide current information on the treatment of Malaysian citizens of ethnic Chinese decent in Malaysia.**

RRT Country Research has completed a number of Research Responses which provide information addressing the treatment of Malaysian citizens of ethnic Chinese decent in Malaysia. The available information indicates that ethnic Chinese in Malaysia are affected by a general culture of discrimination; forms of state-enforced discrimination which restrict the access of ethnic Chinese to education and employment; and laws which prevent much of the Chinese community, insofar as they practice non-Muslim beliefs, from marriage to members of Malaysia's Muslim community.

- For information on the treatment of Buddhists in Malaysia and for information of a more general nature on the situation of the ethnic Chinese community, see *Research Response MYS17628* of 18 October 2005 (RRT Country Research 2005, *Research Response MYS17628*, 18 October – Attachment 2).
- For information on the manner in which ethnic Chinese are discriminated against in Malaysia in terms of access to education and employment, see *Research Response MYS17186* of 3 March 2005 (RRT Country Research 2005, *Research Response MYS17186*, 3 March – Attachment 1).

- For information on the manner in which Malaysian law proscribes the marriage of Muslim and non-Muslim persons, see *Research Response MYS17627*, of 18 October 2005 (RRT Country Research 2005, *Research Response MYS17627*, 19 October – Attachment 3).

2. Are the Malaysian police and judiciary willing and able to protect ethnic Chinese in Malaysia?

Authorities in Malaysia have recently acknowledged that there often exist significant communication problems between the largely Bahasa speaking ethnic Malays of Malaysia's police and the Chinese communities which they serve. According to a *New Sunday Times* report: "a number of Chinese victims of crime [do] not lodge police reports because they [are] not fluent in Bahasa Malaysia". Reports indicate that the authorities are attempting to rectify the problem. *The New Sunday Times* has reported that "[a] Crime Victim Assistance Team has been set up" "to resolve the problems of some Chinese in Skudai who have faced problems lodging police reports about crime because their command of Bahasa Malaysia is not good". *Antara News* has reported that "Malaysian police in the eastern Sabah state on Borneo island will be made to attend language classes to enable them to communicate in basic Mandarin". The absence of ethnic Chinese police at the station level may also be a problem. On 20 August 2005, the "Deputy Minister of Internal Security Datuk Fu Ah Kiow" observed that "applications by Chinese to join the police [remained] low at the constable level but showed positive signs for the posts of inspector and assistant superintendent" ('3,000 More Police Personnel To Be Recruited' 2006, *Bernama Daily Malaysian News*, 20 August – Attachment 5; 'Help in making police reports' 2006, *New Sunday Times*, 30 July – Attachment 6; 'Malaysian police to learn Mandarin and Arabic languages' 2006, *Antara News*, 28 July <http://www.antara.co.id/en/seenws/?id=17304> – Accessed 11 September 2006 – Attachment 7; see also: 'Team To Assist Crime Victims Lodge Police Reports' 2006, *Bernama Daily Malaysian News*, 29 July – Attachment 8).

The question of whether ethnic Chinese suffer mistreatment in Malaysia, in terms of their treatment by the police and the judiciary, has remained a topic of debate in recent years. A June 2006 report published in Singapore's *Today* has highlighted the view, expressed by a number of commentators and human rights groups, that Malaysia is presently undergoing a process of "Islamisation" which increasingly sees ethnic Chinese, and other non-Malay/Muslim Malaysians, targeted and perceived by Malaysia's police and judiciary as outsiders; noting that "[a] young Chinese couple caught kissing in public were [recently] made to stand trial on charges of indecency" and that "[n]ew rules compel non-Muslim policewomen to wear headscarves in parades". Allegations of an anti-Chinese culture in the police force became particularly pronounced in late 2005 after a number of ethnic Chinese women, who also held Chinese citizenship (two were married to Malaysian men), alleged that "they were forced to strip in an open area and perform squats while being held in a Kuala Lumpur police station last month for allegedly having fake passports – a charge later proved false". In the ensuing controversy, video-footage appeared which was reported to show an ethnic Chinese woman being subjected to precisely this kind of treatment and security authorities stated unapologetically that the practices shown were standard procedure. The government subsequently banned the practice and allegations of an anti-Chinese culture in the police force have been dulled by the revelation that the woman in the video-footage was not ethnic Chinese but "a local ethnic Malay". Even so, the issue resurfaced in March of 2006 with the report that a "61-year-old ethnic Chinese woman [had] claim[ed] that two Malaysian

policewomen ordered her to strip naked and then laughed at her after she was detained for alleged shoplifting”. Further to this, the US Department of State’s most recent report on human rights practices in Malaysia has noted that, in light of statistical imbalances in the number of “Chinese nationals” arrested on charges of prostitution, Malaysia’s police have been “accused of profiling female Chinese nationals as potential prostitutes” (‘A difficult balance to strike; Islam Hadhari, Malaysian PM’s moderate vision, may be backfiring’ 2006, *Today*, 24 June – Attachment 9; for information on allegations of the Chinese women against the Malaysian police, see: ‘Malaysia: Stripping scandal inquiry widens’ 2005, *Asia Media* website, source: *South Morning China Post*, 1 December <http://www.asiamedia.ucla.edu/article.asp?parentid=34741> – Accessed 11 September 2006 – Attachment 10; for information on the interplay between the controversy and allegations of an anti-Chinese culture in the police force, see: ‘Malaysia press fume over video’ 2005, *BBC News* website, 29 November <http://news.bbc.co.uk/2/hi/asia-pacific/4481672.stm> – Accessed 11 September 2006 – Attachment 11; for information on the subsequent revelation that the woman in the video-footage was not ethnic Chinese but “a local ethnic Malay”, see: ‘Malaysian paper apologizes over police nude video story’ 2006, *Asian Political News*, Find Articles website, 6 January http://www.findarticles.com/p/articles/mi_m0WDQ/is_2006_Jan_9/ai_n15991239 – Accessed 11 September 2006 – Attachment 12; for the subsequent March 2003 report that a Chinese woman may again have been subjected to abuse by Malaysian police officers, see: ‘Woman Claims Told To Strip By Malaysian Police’ 2006, *Comtex News Network*, 31 March – Attachment 13; for information on the alleged profiling of female Chinese nationals as potential prostitutes, see section 5 of: US Department of State 2006, *Country Reports on Human Rights Practices for 2005 – Malaysia*, 8 March – Attachment 14).

It should also be noted that the practices of Malaysia’s police continue to be an issue of concern for human rights groups. The Malaysian human rights group, *Suara Rakyat Malaysia* (SUARAM) has observed that, “[d]espite the government’s pledge to reform the police force, unlawful detention, abuse of detainees in custody, corruption and other forms of police misconduct remain extensive”. Further to this, “authorities continue to deprive individuals’ right to justice with laws allowing detention without trial, including the Internal Security Act, the Emergency Ordinance (EO) and the Dangerous Drugs Act (DDA)”. For further information on alleged abuses of human rights standards by the Malaysian police and judiciary, see pages 5 to 8 of Attachment 4 (Suaram 2005, *Malaysia: Civil And Political Rights Report*, <http://www.suaram.net/2005-hr-exec-summ-eng.pdf> – Accessed 11 September 2006 – Attachment 4).

It should also be noted that Malaysia’s security forces have pursued an aggressive campaign against proscribed terrorist, and associated, organisations in recent years. For an overview of this campaign and information on recent arrests, see page 3 to 4 of Attachment 15 (Abuza, Z. 2006, ‘Malaysia Announces the Arrest of 12 Darul Islam Members’, *Terrorism Focus*, vol.3, iss.2, pp.3-4. http://jamestown.org/terrorism/news/uploads/tf_003_022.pdf – Accessed 11 September 2006 – Attachment 15).

List of Sources Consulted

Internet Sources:

Search Engines

Google search engine <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. RRT Country Research 2005, *Research Response MYS17186*, 3 March.
2. RRT Country Research 2005, *Research Response MYS17628*, 18 October.
3. RRT Country Research 2005, *Research Response MYS17627*, 19 October.
4. Suaram 2005, *Malaysia: Civil And Political Rights Report*, <http://www.suaram.net/2005-hr-exec-summ-eng.pdf> – Accessed 11 September 2006.
5. ‘3,000 More Police Personnel To Be Recruited’ 2006, *Bernama Daily Malaysian News*, 20 August. (FACTIVA)
6. ‘Help in making police reports’ 2006, *New Sunday Times*, 30 July. (FACTIVA)
7. ‘Malaysian police to learn Mandarin and Arabic languages’ 2006, *Antara News*, 28 July <http://www.antara.co.id/en/seenws/?id=17304> – Accessed 11 September 2006.
8. ‘Team To Assist Crime Victims Lodge Police Reports’ 2006, *Bernama Daily Malaysian News*, 29 July. (FACTIVA)
9. ‘A difficult balance to strike; Islam Hadhari, Malaysian PM’s moderate vision, may be backfiring’ 2006, *Today*, 24 June. (FACTIVA)
10. ‘Malaysia: Stripping scandal inquiry widens’ 2005, *Asia Media* website, source: *South Morning China Post*, 1 December <http://www.asiamedia.ucla.edu/article.asp?parentid=34741> – Accessed 11 September 2006.
11. ‘Malaysia press fume over video’ 2005, *BBC News* website, 29 November <http://news.bbc.co.uk/2/hi/asia-pacific/4481672.stm> – Accessed 11 September 2006.
12. ‘Malaysian paper apologizes over police nude video story’ 2006, *Asian Political News*, Find Articles website, 6 January http://www.findarticles.com/p/articles/mi_m0WDQ/is_2006_Jan_9/ai_n15991239 – Accessed 11 September 2006.
13. ‘Woman Claims Told To Strip By Malaysian Police’ 2006, *Comtex News Network*, 31 March. (FACTIVA)

14. US Department of State 2006, *Country Reports on Human Rights Practices for 2005* – Malaysia, 8 March.
15. Abuza, Z. 2006, 'Malaysia Announces the Arrest of 12 Darul Islam Members', *Terrorism Focus*, vol.3, iss.2, pp.3-4.
http://jamestown.org/terrorism/news/uploads/tf_003_022.pdf – Accessed 11 September 2006.