

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 any information about the relationship between Buddhists and Muslims in Malaysia.**
- 2. Do Muslims force Buddhists to become Muslims, with threat of punishment including death, if they don't?**
- 3. What protection, if any, does the state provide to ensure there is no violence against Buddhists refusing to convert, etc?**
- 4. What is the situation regarding people of Chinese origin and other ethnic/racial groups in Malaysia?**

RESPONSE

- 1. Please provide any information about the relationship between Buddhists and Muslims in Malaysia.**

Specific information on the relationship between Buddhists and Muslims in Malaysia was scarce amongst the sources consulted. Sources cited below suggest that relations between the different religions in Malaysia are good.

Question 1 of RRT Research Response MYS23080 dated 25 August 2003 provides information on the treatment of Buddhists in Malaysia (RRT Country Research 2003, *Research Response MYS23080*, 25 August – Attachment 1).

According to the US Department of State's *International Religious Freedom Report 2004* the "generally amicable relationship among religions in [Malaysian] society contributed to religious freedom" (US Department of State 2004, *International Religious Freedom Report 2004 – Malaysia*, 15 September, Section III – Attachment 2).

An article dated 1 January 2005 in *Christian Today* reports that more than 1000 Muslims, Buddhists, Hindus, Sikhs and Christians attended a multi-faith memorial service in Kuala Lumpur for the victims of the tsunami (Or, Eunice KY 2005, 'All Faiths Join Together in Prayer for Tsunami Victims', *Christian Today*, 1 January http://www.christiantoday.com/news/asia-pacific/all_faiths_join_together_in_prayer_for_tsunami_victims/175.htm – Accessed 27 October 2005 – Attachment 3).

An article dated 16 February 2005 by *Dow Jones* reports that “open friction between Muslims and non-Muslims is rare” in Malaysia ('Malaysia Govt Urged to Establish Religious Issues Panel' 2005, *Dow Jones International News*, 16 February – Attachment 4).

An article dated 7 September 2005 by *Bernama* reports that Chief Minister Tan Sri Abdul Taib Mahmud said that “Malaysians, by and large, have never suffered any serious collision on religious matters due to the existing racial and religious harmony in the country” ('Malaysians Thrive on Racial Harmony and Religious Tolerance', *Bernama*, 7 September – Attachment 5).

2. Do Muslims force Buddhists to become Muslims, with threat of punishment including death, if they don't?

3. What protection, if any, does the state provide to ensure there is no violence against Buddhists refusing to convert, etc?

No information on Muslims forcing Buddhists to become Muslims was found amongst the sources consulted. No information on any state protection available in such a situation was found amongst the sources consulted.

According to the US Department of State's *International Religious Freedom Report* for 2004, 2003 and 2002 there were no reports of forced conversion in Malaysia (US Department of State 2004, *International Religious Freedom Report 2004 – Malaysia*, 15 September, Section II – Attachment 2; US Department of State 2003, *International Religious Freedom Report 2003 – Malaysia*, 18 December, Section II – Attachment 6; and US Department of State 2002, *International Religious Freedom Report 2002 – Malaysia*, 7 October, Section II – Attachment 7).

An article dated 3 February 2005 in *Malaysiakini* reports that a “a group of Orang Asli in Kelantan claim they have been duped and even ‘forced’ in some cases, to convert into Islam by the state Islamic and Malay Customar Council (MAIK)” (Theophilus, Claudia 2005, 'Orang Asli cry foul over ‘forced’ conversion', *Malaysiakini*, 3 February, Suara Rakyat Malaysia (SUARAM) website http://www.suaram.net/display_article.asp?ID=189 – Accessed 25 October 2005 – Attachment 8).

An article posted on Asiafeatures.com on 15 July 2000, cited in an Immigration and Refugee Board of Canada response dated 21 August 2002, provides the following information on conversion to Islam in Malaysia:

There are state-sanctioned Dakwah (missionary) groups who target the Chinese for conversion to Islam. In recent years, there have been several high-profile cases of teenage Chinese girls converting to Islam without the knowledge or consent of their parents. There are

credible reports of peer pressure to convert being applied to non-Muslim students studying in local universities and government boarding schools....

Conversion to Islam is controversial in Malaysia because it implies a switch in ethnic identity. Under the Constitution, a Malay is defined as a Muslim, and therefore converting to Islam in Malaysia is often referred to as “masuk Melayu” (becoming a Malay). Chinese converts are not only expected to adopt a Malay name, but are also expected to cut all cultural and linguistic links with their Chinese backgrounds and there are many cases of Chinese converts who do this. Conversion to Islam is non-reversible under the law (Immigration and Refugee Board of Canada 2002, *MYS39562.E – Malaysia: Update to MYS24409.E of 27 June 1996 concerning discrimination against Malaysians of Chinese descent*, 21 August – Attachment 9).

4. What is the situation regarding people of Chinese origin and other ethnic/racial groups in Malaysia?

Sources cited below suggest that Malays are still given preferential treatment over non-Malays, including the ethnic Chinese, in Malaysia particularly in the areas of education and employment.

An Immigration and Refugee Board of Canada response dated 21 August 2002 provides extensive information on the situation of ethnic Chinese in Malaysia with reference to politics, economics, education, religion and culture. The response is included as Attachment 9 (Immigration and Refugee Board of Canada 2002, *MYS39562.E – Malaysia: Update to MYS24409.E of 27 June 1996 concerning discrimination against Malaysians of Chinese descent*, 21 August – Attachment 9).

Question 2 of RRT Research Response MYS23080 dated 25 August 2003 provides information on the treatment of ethnic Chinese in Malaysia with reference to education, employment and housing (RRT Country Research 2003, *Research Response MYS23080*, 25 August – Attachment 1).

An Immigration and Refugee Board of Canada response dated 22 June August 2004 provides information on the situation of ethnic Chinese in Malaysia. The response is included as Attachment 10 (Immigration and Refugee Board of Canada 2004, *MYS42736.E – Malaysia: Update to MYS39562.E of August 2002 concerning specific examples of discrimination against Malaysians of Chinese descent (June 2002 – June 2004)*, 22 June – Attachment 10).

The US Department of State’s *Country Reports on Human Rights Practices 2004* provides the following information on the situation of ethnic Chinese in Malaysia:

The Constitution provides for equal protection under the law and prohibits discrimination against citizens based on religion, race, descent, or place of birth. In 2001, Parliament unanimously approved a constitutional amendment barring discrimination on the basis of sex; however, discrimination based on some of these factors persisted. For example, government policies gave preferences to ethnic Malays in housing, home ownership, the awarding of government contracts, educational scholarships, and other areas.

...The Government maintained extensive preferential programs designed to boost the economic position of the Malay majority, which remained poorer on average than the Chinese minority. Such preferential programs and policies limited opportunities for non Malays in higher education, government employment, business permits and licenses, and ownership of

land. According to the Government, these programs were instrumental in ensuring ethnic harmony and political stability (US Department of State 2005, *Country Reports on Human Rights Practices 2004 – Malaysia*, 28 February, Section 5 – Attachment 11).

Question 1 of RRT Research Response MYS17186 dated 3 March 2005 provides information on access to education and employment for ethnic Chinese in Malaysia. Question 2 provides information on the treatment of ethnic Chinese in Malaysia (RRT Country Research 2005, *Research Response MYS17186*, 3 March – Attachment 12).

An article dated 14 March 2005 in *The Strait Times* reports that the Malaysian Chinese Association (MCA) has submitted a memorandum to the Malaysian Government calling for more Chinese schools. The article notes that this request has drawn criticism from UMNO leaders:

A ROW has erupted over Chinese schools in Malaysia, pitting the two main partners in the Barisan Nasional government – Umno and the Malaysian Chinese Association – against each other.

The subject of Chinese schools, which use Mandarin as a medium of instruction instead of the Malay used in national schools, remains a political powder keg in Malaysia (Lau, Leslie 2005, 'Call for more Chinese schools sparks protests', *Straits Times*, 14 March – Attachment 13).

An article dated 28 August 2005 by *Agence France Presse* provides information on race relations in Malaysia. The article notes that “the races that make up” Malaysia’s “population have never been further apart”:

Malaysia bills itself as a model of peaceful multiculturalism, but despite nearly half a century of nationhood, the races that make up its population have never been further apart.

Separate schools, separate friends, separate social lives – Malaysia marks 48 years of independence Wednesday but many citizens lament the lack of ties between majority Malays and the Chinese and Indians living alongside them.

...The government does not impose any restrictions on minority races, who are free to practice their own culture, religion and education.

But despite the veneer, years of positive discrimination towards the Malays, designed to address the yawning economic gap with the Chinese community which dominates business, have taken their toll.

Tang Ah Chai, chief executive officer with the Chinese Assembly Hall, a non-profit social organisation, says racial interaction is declining because the minority races feel they are being pushed aside.

“Overall, the people live in harmony but there is some degree of tension due to the feeling of being discriminated against,” he told AFP, adding that “some politicians wipe up this tension to advance their political ambitions.”

... A military-style national service program for 18-year-old youths was introduced last year with the aim of boosting racial integration. Students are chosen at random and taken to camps for up to three months in the hope they will learn team work and absorb each other’s culture.

But the scheme has been plagued with problems, including reports of race-based fighting, riots and extortion which have prompted opposition politicians to call for it to be suspended.

P. Ramasamy, political science lecturer at the National University of Malaysia and an ethnic Indian, describes race relations in Malaysia as “pretty bad”.

As evidence he cites the UMNO general assembly last month, where powerful youth wing leader Hishammuddin Hussein held aloft a keris, a traditional Malay weapon, while his supporters chanted “Long Live Malays”.

“What message did they intend to communicate to the Chinese and Indians in the country. Are they saying, if you challenge us, we will impose violence?” he asks.

Ramasamy said Hishammuddin’s call for the revival of the affirmative action plan known as the New Economic Policy, which for two decades from 1970 gave ethnic Malays a range of advantages, is a step backwards for race relations.

“They are using the issue of race for their own political and economic purposes,” he says (‘Malaysia’s races live peacefully – but separately’ 2005, *Agence France Presse*, 28 August – Attachment 14).

An article dated 2 September 2005 in *The Record* provides information on race relations in Malaysia:

But the government’s long-held goal of creating an integrated Malaysian identity for the nation of 26 million remains elusive.

Intermarriage is rare. Neighborhoods and shopping centers are often identified by ethnic makeup. In movie theater foyers, friends stick to their group, distinguished by language, religion and race.

...A common sight in cities is of Muslim women office workers in head scarves and ankle-length dresses and Chinese women in short skirts eating together an Indian lunch of rice and chicken curry. Chinese restaurants stay open during the Islamic fasting month of Ramadan, and Buddhist and Hindu temples abound, often in close proximity to mosques.

The camaraderie, however, ends after office hours, and co-workers of different races rarely get together with their families or for weekend picnics. Stereotypes abound, with Malays thinking of Indians as dirty and lazy, while the others resent the Malays for the privileges they have under the affirmative action policies, evident in job ads that urge Malays to apply.

“We have a sort of functional interaction in this country because you are forced to work together,” said Chandra Muzaffar, a well-known social commentator of Indian descent. “But we have not been able to bridge that cultural chasm that exists between the communities” (Joshi, Vijay 2005, ‘Bridging ethnic chasm remains elusive for Malaysia; Cultural camaraderie ends after office hours’, *The Record*, 2 September – Attachment 15).

An article dated 1 October 2005 in *The Straits Times* reports that the “biggest winners of the government’s budget for 2006 were: the Malay and bumiputera community – from civil servants to contractors and small businessmen”:

'It seems the revival of the NEP [New Economic Policy] has begun in earnest. The government seems to be still providing crutches,' Mr Lim Guan Eng, secretary-general of the opposition Chinese-based Democratic Action Party, said.

...Recently, Umno Youth had called for the NEP to be revived as it had failed to help Malays attain the target of 30 per cent equity ownership.

Datuk Seri Abdullah made no mention of the NEP in his speech but he pointed out that the equity shareholding target had failed to help increase bumiputera ownership of the economic cake.

Mr Lim was, predictably, scathing in his criticisms. 'By continuing to provide subsidies and crutches, it goes against the government's push for more competitiveness.'

Umno Member of Parliament Nur Jazlan Mohamed brushed aside Mr Lim's comments, however, saying it was part of the government's policy to help bumiputeras.

'It was recently agreed upon by the Cabinet to have a new national agenda that would continue helping bumiputeras as well as non-bumiputeras,' he said (Lau, Leslie 2005, 'Winners: Malay community', *The Straits Times*, 1 October – Attachment 16).

List of Sources Consulted

Internet Sources:

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<http://www.suhakam.org.my/en/index.asp>

Immigration and Refugee Board of Canada http://www.irb.gc.ca/cgi-bin/foliocgi.exe/refinfo_e/query=?realquerydlg

US Department of State website <http://www.state.gov>

Non-Government Organisations (NGO)

Amnesty International (AI) website <http://www.amnesty.org/>

Asian Human Rights Commission <http://www.ahrchk.net/index.php>

Malaysian National Human Rights Society (HAKAM) <http://www.hakam.org/>

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Search Engines

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

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Databases:

Public *FACTIVA* Reuters Business Briefing

DIMIA *BACIS* Country Information

REFINFO IRBDC Research Responses (Canada)

RRT	ISYS	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	FIRST	RRT Library Catalogue

List of Attachments

1. RRT Country Research 2003, *Research Response MYS23080*, 25 August.
2. US Department of State 2004, *International Religious Freedom Report 2004 – Malaysia*, 15 September.
3. Or, Eunice KY 2005, ‘All Faiths Join Together in Prayer for Tsunami Victims’, *Christian Today*, 1 January. (<http://www.christiantoday.com/news/asia-pacific/all.faiths.join.together.in.prayer.for.tsunami.victims/175.htm> – Accessed 27 October 2005)
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5. ‘Malaysians Thrive on Racial Harmony and Religious Tolerance’, *Bernama*, 7 September. (FACTIVA)
6. US Department of State 2003, *International Religious Freedom Report 2003 – Malaysia*, 18 December.
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12. RRT Country Research 2005, *Research Response MYS17186*, 3 March.

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14. 'Malaysia's races live peacefully – but separately' 2005, *Agence France Presse*, 28 August. (FACTIVA)
15. Joshi, Vijay 2005, 'Bridging ethnic chasm remains elusive for Malaysia; Cultural camaraderie ends after office hours', *The Record*, 2 September. (FACTIVA)
16. Lau, Leslie 2005, 'Winners: Malay community', *The Straits Times*, 1 October. (FACTIVA)