



World Directory of Minorities and Indigenous Peoples - Malaysia

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Minorities and indigenous peoples

Main languages: Bahasa Melayu (official), English, Chinese dialects, Tamil

Main religions: Islam (official), Hinduism, Buddhism, Taoism, Confucianism, Christianity, Sikhism, animism

Main minority groups: Chinese 7.4 million (23.4 per cent), Indians 2.2 million ([205,000](#))

Malaysia is ethnically diverse as a result of the long-established human presence in the region as well as its location as a passage for people moving south from ancient times. Ethnic Malays constitute today just over half of the population. The Chinese constitute the country's largest minority at approximately 24 per cent. Indigenous people, broadly grouped as Anak Negeri, Orang Ulu and Orang Asli, are thought to collectively comprise approximately 13.9 per cent of the population.

The vast majority of ethnic Malays are Sunni Muslims of the Shafi'i school of thought, while many of the indigenous communities from Sabah and Sarawak are Christians or Muslims. For their part, most though not all Indians are Hindus, while the Chinese are generally Buddhists or Christians.

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Current issues

Malaysia continues to experience inter-ethnic tensions, particularly during moments of crisis, often actively encouraged by political parties with a vested interest in stoking friction as a distraction from scandals around misgovernance and corruption. This is illustrated by the ongoing investigations of Prime Minister Najib Razak, leader of the ruling Barisan Nasional (BN), who is currently being scrutinized for his role in the 1Malaysia Development Berhad (1MDB) scandal

and stands accused of siphoning over 700 million USD from the 1MDB state development initiative for his own personal use. In the face of these allegations of misconduct, the BN has reverted to using race rhetoric to regain its power in politics in the face of an election that many believe will be called in 2017.

Malaysia has for decades reserved special privileges for the majority ethnic Malay in the face of minority ethnic Chinese and Indians. Politicians have historically used and manipulated issues arising from these policies to garner support from their constituents. Today, the BN is a coalition party that emphasizes cooperation across ethnicities and its membership comes from ethnicity-based parties including the United Malays National Organisation (UMNO), the Malaysian Chinese Association (MCA) and Malaysian Indian Congress (MIC). Yet, at the conclusion of the UMNO general assembly in late 2016, the leading party of the BN coalition, Najib reverted to using ethnic nationalist rhetoric to warn against the 'dangers' that may be brought to the ethnic Malays if the opposition Democratic Action Party were to come to power, whose membership is majority Chinese.

Amidst the pressure coming from the 1MBD scandal, a group of NGOs called the Coalition for Free and Fair Elections (Bersih) has been leading the call against government corruption and to strengthen democracy with the right to citizen dissent. Their protests have sparked an anti-Bersih response movement, referred to as the Red Shirts. The Red Shirt leader is Jamal Yunus, an UMNO division chief. He has accused Bersih of being anti-Malay, anti-Islam and dominated by ethnic Chinese who support the opposition. They have led anti-Bersih street protests that many feared would degenerate into street riots, which in the past have led to attacks on ethnic Chinese. So far Najib has not denounced the racist rhetoric of the Red Shirts.

The role of Islamic law and Syariah courts, whose influence in recent years has grown with significant implications for the country's religious minorities, has been the subject of intense debate in parliament. In October 2016, opposition Pan Malaysian Islamic Party (PAS) president Abdul Hadi Awang tabled a private member's bill for the third time, calling for the amendment of the Syariah (Shari'a) Courts (Criminal Jurisdiction) Act 1965, increased powers of the Syariah courts and harsher punishments in the state of Kelantan. The bill has been referred to as the 'Hudud' bill, referring to punishments for violations of Islamic law, but its supporters deny that full *hudud* would be implemented. UMNO support of the bill has outraged its coalition partners, in particular the Malaysian Chinese Association (MCA) - objections that Najib has dismissed by stating that the bill 'has nothing to do with non-Muslims.' In Malaysia, Islamic law has in fact had many negative impacts on non-Muslims, including issues with converting out of Islam or gaps between the dual system of civil and Syariah court.

Indigenous human rights defenders continue to be targeted. In May 2016, Jannie Lasimbang - an indigenous Kadazan who has served as an independent expert for the UN Expert Mechanism on the Rights of Indigenous Peoples - went to trial on charges of illegal assembly for her role in helping to organise peaceful Bersih rallies in 2015. The charges were considered by many to be judicial harassment, and related to her work as the Secretary General of Jaringan Orang Asal SeMalaysia (JOAS), the largest network of indigenous community organizations in Malaysia which works on, among other things, indigenous peoples' land rights. She was subsequently acquitted of the charges.

The targeting of indigenous activists has also extended beyond arrest and intimidation. In June 2016, for instance, Bill Kayong, an indigenous Dayak, was shot dead in his car in Miri City, Sarawak, an eastern province of Malaysia. Kayong was the secretary for an opposition political party and also worked with the NGO Persatuan Dayak Sarawak (PEDAS), protecting indigenous peoples' ancestral land rights against the onslaught of forest encroachment by logging, palm oil and other development initiatives. Stephen Lee Chee Kiang, the head of a plantation company that

Kayong had brought an indigenous land rights claim against, was subsequently charged as the main suspect in his murder.

Large-scale development projects have been a persistent threat to indigenous peoples' land rights, though there have been some important milestones where indigenous activism has successfully stalled the expropriation of ancestral lands. In March 2016, a permit for land that was earmarked for the Baram Hydro dam - a 1200 MW project proposed for an area in Sarawak that is 90 per cent Kenyah, Kayan and Penan customary land, and set to displace an estimated 20,000 people - was revoked. However, though the return of earmarked land to its indigenous owners is a welcome step, opponents of the dam still feared that the project could easily be restarted.

Malaysia also hosts a large number of Rohingya, a persecuted Muslim minority in Burma/Myanmar, many of whom end up seeking asylum in Malaysia. By mid-2017, there were over 58,000 UNHCR registered Rohingya refugees in the country, representing more than one-third of the agency's current caseload there. Estimates suggest tens of thousands more are not registered. Their freedom of movement is restricted and they are barred from working or accessing education. Many languish in detention centres or are highly vulnerable to abuses as illegal migrants without legal status; Rohingya women are particularly vulnerable to human rights abuses. In November 2016, UNHCR announced a programme allowing 300 Rohingya to work in the plantation and manufacturing sector, but it is a very small number compared to those in need of legal work.

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Background

Environment

The Federation of Malaysia is made up of 13 states separated by the South China Sea. The majority lie on the Malay peninsula, apart from Sabah and Sarawak in the north-east and north of the island of Borneo, and the federal territory of Labuan - a group of islands off the Borneo coast near Brunei. Its geographic position on the main shipping routes between the Indian, Arab and European civilizations on one side, and the Chinese and Japanese on the other, has also made Malaysia a meeting ground of cultures for thousands of years.

History

Malaysia was for millennia a central part of the Malay world, with many Hindu or Buddhist kingdoms already known to exist in the second century AD. Prior to the arrival of the Malays were other communities who remain to this day: the Negritos are thought to be peninsular Malaysia's first remaining inhabitants, and may have been present in this part of Asia for perhaps 10,000 years or more. Some 4,000 years ago, another group of people moved in from what is generally thought to be south China: these are known as the first Malay people - or Proto-Malays. There may also have been some Mon-Khmer speaking groups moving into the peninsula some 4,000 years ago, who appear to have mixed with the Proto-Malays.

Today's Malays are in the main the descendants of a later Malay influx around 2,300 years ago. More advanced technologically than the Proto-Malays, they appear to have come across the sea, perhaps from Borneo, and displaced or mixed with the Negritos, Proto-Malays and other groups inhabiting the peninsula or Sabah and Sarawak. There are records of Chinese involvement in trade in the peninsula and the region going back to the Tang dynasty. It is clear that by the fifteenth

century there were small Chinese settlements, though large-scale Chinese immigration occurred as a result of British colonial rule in the nineteenth century.

It is likely that Islam first arrived in the region with Arab traders before the tenth century. The first known Malay ruler to convert to Islam in the twelfth century was Sultan Muzaffar Shah I of Kedah. Islam's progress from this point on accelerated, with the state of Terengganu becoming the first Islamic Malay state in 1303. The conversion in 1414 of the Hindu prince Parameswara (who thus became Sultan Megat Iskandar Shah) of Malacca - perhaps one of the most powerful Malay states - was a further milestone in the Islamification of Malaysia.

The European presence became marked in the sixteenth century, with Malacca captured by the Portuguese in 1511 and by the Dutch in 1641. The arrival of the Europeans shattered the political cohesion of the Malay world, which broke up into clusters of sultanates lining the coastal plains of present-day Malaysia, Indonesia and the southern Philippines.

British control in the peninsula started with its first colony in Penang in 1786, and progressed with their gaining control of Malacca by 1824. The entire peninsula would eventually fall under British colonial rule by the end of the nineteenth century. It was during British rule - with the development of tin mining and rubber and other plantations - that the authorities encouraged large-scale Chinese and Indian immigration, particularly from 1880 to 1930. While support for independence grew after the Japanese occupation during the Second World War, there was opposition to British suggestions that Singapore and Malaya should be joined, partially due to opposition from some Malays to recognizing citizenship for ethnic Chinese; the scale of the influx of new migrants until 1930 had resulted in the Malay population representing close to or less than 50 per cent by that point.

It was also immediately after the Second World War that a rebel movement, under the leadership of the Communist Party of Malaya and, according to some, a large number of Chinese, began a guerrilla war to force the British out of Malaya. This insurgency was to continue until 1960, though the Federation of Malaya gained independence in 1957. It was renamed Malaysia when the British territories of Singapore, Sabah and Sarawak joined it in 1963, though Singapore was to leave within less than two years in 1965. Singapore's departure thus ensured that Malays were a majority in the remaining Federation of Malaysia. Ethnic tensions remained high in the early years of independence, as resentment over the Chinese minority's control over parts of the economy was deeply felt by some Malays.

Demonstrations following strong electoral gains by political opposition parties associated with Indians and Chinese minorities in 1969 ran out of control and led to what are known as the 13 May race riots, in which almost 200 people were killed, most of whom were Chinese. This official figure is deemed too low by some observers. The riots were seen as occurring partly because of the economic disempowerment felt by the Malay majority, hence the Malaysian government adopted an 'affirmative action programme' - the New Economic Policy - designed to increase the share of control of the economy by the Bumiputeras ('sons of the Earth'). In the context of Malaysia, this is generally understood to mean ethnic Malays and indigenous communities, though there is some uncertainty as to whether the Orang Asli should or should not be included as Bumiputeras.

Various programmes have since been put in place and most continue to this day, though in more recent years there have been suggestions that some of them - including the position of the Malay language in education - may need to be revised. The various affirmative action programmes, not all of which were part of the New Economic Policy, include quotas for Malays in admission to state universities and granting of scholarships, positions in public employment and a statutory

share of 30 per cent of corporate equity for Bumiputeras, preferential permits for automobile imports, etc.

In addition, the movement towards using Malay, the official language, as the medium of instruction in state schools and universities to the exclusion of English in the 1970s and 1980s resulted in disadvantaging, and even excluding, many minorities, especially Chinese and Indians. While it had the effect of creating a larger Malay professional class, it also tended to disadvantage minorities, who were often not sufficiently fluent in the official language to study at Malay-language universities. As a result, those minority students with the resources and opportunities to study abroad, facing the double obstacles of quotas and language, tended to seek university degrees overseas, especially in Australia and the UK, often emigrating in the process.

Overall, Malaysia has experienced strong economic growth through much of the last few decades, though the benefits have not been distributed equally. While the National Economic Policy expired in 1990, many aspects were retained in the New Development Policy, and various other measures favouring Bumiputeras over other groups in Malaysia remained in place.

Governance

Malaysia is a federal state with a parliamentary system of government. While it holds relatively free multi-party elections - despite a degree of gerrymandering to ensure the political domination of ethnic Malays - the United Malays National Organization (UMNO) has led a coalition of political parties and been in power since 1957. It has a well-developed judiciary and a Constitution which protects a number of basic human rights, at the same time entrenching the 'special' position and rights of the Malay population and Islam as the country's official religion. While freedom of expression and the media is in theory legally protected, in practice the government does exert some restrictions and journalists often exercise a degree of self-censorship.

Islam is Malaysia's official state religion. While the Constitution protects freedom of religion for all, but in practice the government often discriminates against religious minorities. One such example is the long legal battle over the government's ban on the use of the word 'Allah' in Christian publications in the Malay language, which was formally put in place in 2013. Bibles have been seized and destroyed in multiple cases based on this prohibition. Malaysian law imposes a maximum three-year jail sentence for individuals found to have 'insulted' religion or published text or imagery deemed offensive to public 'morality'. This legislation is disproportionately used to clamp down on religious minorities.

A significant minority of non-Muslims are subjected to Islamic law. The country's Islamic Syariah (Shari'a) courts run parallel to Malaysia's judicial system. The courts do not have direct jurisdiction over non-Muslims, but there have been cases in which religious minorities have been affected by Syariah court rulings, including issues with converting out of Islam or gaps between the dual system of civil and Syariah court.

The Department of Islamic Development (JAKIM), under the Prime Minister's Office, has broad authority to determine what constitutes 'un-Islamic' or 'immoral' behaviour and to penalize individuals deemed to be in breach. The body regularly monitors, harasses and prosecutes members of minority Muslim sects for alleged crimes against Islam. In March 2014, over a hundred Shi'a, including a four-month-old child, were detained by authorities for attending a religious ceremony.

Human rights tend to be interpreted through the lens of these constitutional provisions, resulting in non-Muslim and non-Malay minorities and indigenous populations in Sabah, Sarawak and peninsular Malaysia experiencing restrictions and disadvantages in areas such as religion, language, employment, education and land rights. Many aspects of the various affirmative action

programmes and favouritism based on religious, ethnic or linguistic backgrounds may also be discriminatory in international law. The Constitution itself may be discriminatory and violate freedom of religion, as it defines all Malays as necessarily being Muslims and speaking the Malay language.

A number of state policies clearly seek to discourage non-Muslim religious activity and promote conversion to Islam, particularly of indigenous peoples. This has at times taken the form of denying permits to build churches and temples, or a refusal to make burial land available to non-Muslims. Conversions to Islam can also take place by force of law; if a non-Muslim marries a Muslim, the former must convert.

National cultural policy is based on Malay and Islamic traditions. This has created tensions with Chinese and Indians, and with indigenous communities in Sabah and Sarawak, who wish to promote and retain their own languages and cultures.

Although non-Bumiputera minorities continue to suffer significant levels of disadvantage and even discrimination because of the 'special rights' of the Bumiputera, the country's high rate of economic growth has allowed the state to loosen some of its most objectionable affirmative action policies and allowed the larger minorities such as the Chinese and Indians to prosper economically. The strong security apparatus of the state and its frequent use of the Internal Security Act have also ensured that minority rights advocates are kept under control, though there is not the same level of repression that minorities may experience in other neighbouring countries.

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Contacts

General

Aliran Kesedaran Negara

Website: www.aliran.com

Asian Centre for Human Rights

Web site: www.achrweb.org

Asian Human Rights Commission

Website: www.ahrchk.net

Borneo Project

Website: www.borneoproject.org

HAKAM National Human Rights Society

Website: www.hakam.org

Suara Rakyat Malaysia (SUARAM)

Website: www.suaram.net

Transparency International Malaysia

Website: www.transparency.org.my

Women's Aid Organization

Website: www.wao.org.my

Chinese

Malaysian Chinese Association

Website: www.mca.org.my

Suara Rakyat Malaysia (SUARAM)

Website: www.suaram.net

United Chinese School Committees Association of Malaysia

Website: www.djz.edu.my

Orang Asli Aliran

Centre for Orang Asli Concerns

Website: www.coac.org.my

Peninsular Malaysia Orang Asli Association

Website: www.temiar.com/poasm.html

Indigenous peoples and ethnic minorities in Sabah

Kadazandusun Cultural Association

Website: www.kdca.org.my

Kadazandusun Language Foundation

Website: www.klf.com.my

Keruan Association

PACOS/ Partners of Community Organizations

Website: www.sabah.net.my/PACOS

Indigenous peoples and ethnic minorities in Sarawak

Bruno Manser Fonds

Website: www.bmf.ch

Sarawak Campaign Committee

Sarawak Dayak Iban Association

Website: www.sadia.cdc.net.my

Tun Jugah Foundation

Website: www.tunjugahfoundation.org.my

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