



MALAYSIA

RACIAL DISCRIMINATION

REPORT 2016



Compiled And Prepared By:
PUSAT KOMAS
Non-Discrimination Programme
komas Malaysia

MALAYSIA RACIAL DISCRIMINATION REPORT 2016

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of Racial Discrimination***

**Compiled and prepared by:
PUSAT KOMAS
Non-Discrimination Programme
Malaysia**

Contact:
PUSAT KOMAS
A-2-10, 8 Avenue, Jalan Sungai Jernih 8/1,
Seksyen 8, 46050, Petaling Jaya,
Selangor Darul Ehsan, Malaysia.
Tel/Fax: +603-79685415
Email: info@komas.org
Web: www.komas.org

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GLOSSARY

1MDB	1 Malaysia Development Berhad
BN	Barisan Nasional (National Front)
BTN	Biro Tatanegara (National Civics Bureau)
CCTV	Close Circuit Television
CEO	Chief Executive Officer
COAC	Center for Orang Asli Concerns
DAP	Democratic Action Party
EC	Election Commission
GLC	Government-linked Companies
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IRF	Islamic Research Foundation
IS	Islamic State
ISMA	Ikatan Muslimin Malaysia (Malaysian Muslim Solidarity)
JAKIM	Jabatan Kemajuan Islam Malaysia (Malaysian Islamic Development Department)
JPNIN	National Unity and Integration Department
MAMA	Malaysian Maid Employers Association
MARA	Majlis Amanah Rakyat
MCA	Malaysian Chinese Association
MCCBCHST	Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism
MIC	Malaysian Indian Congress
MPKB	Majlis Perbandaran Kota Baru (Kota Baru Municipal Council)
NCC	National Consultative Council
NGO	Non-Governmental Organizations
NUCC	National Unity Consultative Council
OKU	Orang Kurang Upaya (Disabled Persons)
PAS	Pan-Malaysian Islamic Party
PEMBINA	Persatuan Islam National (National Islam Association)
POCA	Prevention of Crime Act
PPIM	Persatuan Pengguna Islam Malaysia (Muslim Consumers Association of Malaya)
SDG	Sustainable Development Goal
STPM	Sijil Tinggi Persekolahan Malaysia (Malaysian Higher School Certificate)
SUARAM	Suara Rakyat Malaysia (Malaysia People's Voice)
SUPP	Sarawak United Peoples' Party
TITAS	Tamadun Islam dan Tamadun Asia (Islamic and Asian Civilization Studies)
UDHR	Universal Declaration of Human Rights
UMNO	United Malays National Organization
UPR	Universal Periodic Review
UTM	Universiti Teknologi Malaysia (Technology University Malaysia)

EXECUTIVE SUMMARY

Incidences of racial discrimination in Malaysia continues to be quite high in 2016. As the grand corruption 1 Malaysia Development Berhad (1MDB) scandal continues to be scrutinized by the Malaysian public and the rest of the world, the Malaysian government seemed to have reneged on several of its substantive promises to promote national unity and social cohesion in the country. For instance, the 1-Malaysia concept and the formation of the National Unity Consultative Council (NUCC) introduced by Prime Minister, Datuk Seri Najib Razak to promote national unity have ceased to exist since then. Alarming, racism has in fact become more pronounced and being increasingly used as a tool to divide and rule.

The Malaysia Racial Discrimination Report 2016 highlights 10 trends of racial discrimination in Malaysia as follows:

1. Racial Discrimination in the Education Sector
2. Racializing Criminality
3. Racism in the Business Environment
4. Discrimination based on Dress Code and Service Delivery
5. Groups, Agencies and Individuals that use provocative racial sentiments
6. Political Groups, Hate Speech and Racial Statements
7. Entrenched Racial Discrimination among Malaysians
8. Racial Discrimination in the name of Religion
9. Racial Discrimination in other Industries
10. Xenophobic Behavior

In 2016, incidences of racial discrimination reared its ugly head most prominently during the Elections. For instance, during the Sarawak State Election when racial politics was used to garner votes. Political leaders who often claimed to be opponents of racial politics had also used the racial card to trump their political adversaries.

Religious moral policing has also increased and become more rampant. This has caused a greater rift between the Muslims and non-Muslims as there were cases when non-Muslims were forced to adhere to certain requirements set by certain state governments. Notable incidences include the directive of allowing only Muslim maids into Malaysia and also the investigation and fine on non-Muslim store owners in Kelantan for putting up posters that were deemed “sexy” by the Kota Baru Municipal Council (MPKB). This new trend is not only worrying but it highlights the inherent danger of overreach of bureaucratic Islamic institution in discriminating others.

The Malaysia Racial Discrimination Report 2016 as in the previous year’s report aims to highlight issues of racial discrimination in Malaysia and will try to emphasize the severity of racial discrimination in the country. It will also present certain efforts made by the Malaysian government to promote national unity in the country.

This document is also intended as an important tool to facilitate engagement with relevant stakeholders including government agencies, non-governmental organizations (NGOs),

educational institutions, academicians and political parties. It is also a useful document to help raise awareness and public education on the worrying state and extent of racial discrimination in the country.

Furthermore, this report will also try to shed light on the extent the Malaysian Government has fulfilled recommendations made by other Member States in the 2013 United Nations 2nd cycle Universal Period Review (UPR) process for Malaysia to further strengthen national unity and social cohesion in the nation.

This document also makes mention about the Malaysian government's commitment towards the implementation of the Sustainable Development Goals (SDG) especially Goal No. 10 targeting among others, to "ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard."

The incidences of racial discrimination are compiled from mainstream and online media sources, Report Racism Mobile Application, reports from the members of the Working Group on the Ratification of ICERD (International Convention on the Elimination of All Forms of Racial Discrimination) and from secondary sources such as accounts and views from individuals in social media (unverified sources). These cases provide clear examples of violations of basic rights which are enshrined in the Federal Constitution of Malaysia.

Although they do not encompass all the incidences of racial discrimination in Malaysia, we are optimistic that the Malaysian people would continue to contribute reports and enhance the contents of the annual "Malaysian Racial Discrimination Report".

DEFINITION OF RACIAL DISCRIMINATION

The ICERD defines racial discrimination as:

"Any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".¹

¹ Article 1, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

RACIAL DISCRIMINATION IN MALAYSIA TODAY

Discrimination based on ethnicity in education, health care, finance, workforce and welfare continued on an upward trend mainly attributed to the prevailing culture of racial politics practiced and exploited by different parties of the political spectrum and landscape in Malaysia since its Independence in 1957 and its formation in 1963.

In 2013, the Malaysian government, recognizing the seriousness of racial discrimination initiated the setting up of the National Unity Consultative Council (NUCC) which carried the mandate to prepare a national blueprint for national unity and social cohesion. Unfortunately, the NUCC's report to the Malaysian Prime Minister was not made public and the council was disbanded after completing their tasks with no clear indication of what will happen to the recommendations.

The Malaysian government has also agreed to fulfill recommendations to further strengthen national unity and social cohesion in the nation made by other member States in the United Nations 2013 Universal Periodic Review (UPR) Second Cycle process. Malaysia has also shown its keen interest and commitment to implement the Sustainable Development Goal (SDG). In fact, one of the Goals in the SDG encompasses elements to further strengthen national unity and social cohesion in the nation. Over the years, the government has tried to increase its efforts in promoting national unity and social cohesion.

However, recent incidents of racial discrimination, racism and strained ethnic relations within the Malaysian society have increasingly surfaced over the years despite the Prime Minister's numerous assurances and claims at home and abroad that the government promotes moderation in the country.

The emergence of the Internet and social media platforms has provided more open spaces and platforms for widespread expression of racial sentiments and hate speech (inciting violence, hatred, or discrimination against other persons and groups, particularly with reference to their ethnicity, religious beliefs, gender or sexual orientations, language, national origin or immigration status).

Many are also critical of the Malaysian authorities for their lack of enforcement and actions towards overt and public declarations of racist sentiments and statements especially those made by racial supremacist groups.

EFFORTS TO PROMOTE NATIONAL UNITY IN MALAYSIA IN 2016

The Malaysian government has recognized the seriousness of racial discrimination and has made several initiatives to promote national unity and social cohesion and to combat racial discrimination.

On 16 September 2010, the Malaysian government had launched the '1 Malaysia' program which called for the cabinet, government agencies, and civil servants to strongly emphasize ethnic harmony, national unity and efficient governance. A national campaign was mounted and a wide range of activities were conducted to promote national unity and social cohesion.

For example, the National Civics Bureau (BTN) was instructed to use its courses and seminars to educate present and future civil servants, politicians, and community leaders about 1 Malaysia and promote national unity. Furthermore, national and private television channels had also incorporated ideas from 1 Malaysia into numerous TV programs.

Introduction of the National Harmony Bill

In January 2016, the Minister in the Prime Minister's Department in charge of national unity, Tan Sri Joseph Kurup announced then that the draft of the National Harmony Bill was in its final stage of completion and was to be presented to the Cabinet in the near future.

He said then that "The Act is not to simply prosecute or punish those found guilty but it is more to create awareness and to educate people not to do anything that could affect the country's harmony". He also added that to ensure the bill realizes its goals, views from various parties such as non-governmental organizations and political parties were gathered².

Tan Sri Joseph Kurup also highlighted then that he had hoped that the proposed National Harmony Bill would not become controversial and could be accepted by the public and political leaders as the bill would pave the way to unite the people. Unfortunately, it was reported that the proposed National Harmony Bill was different from what was proposed in the National Unity Consultative Council³.

Proposal to form the National Consultative Council (NCC2)

In October 2016, Tan Sri Joseph Kurup highlighted then that Putrajaya was mulling to introduce a new law that would make the updated form of the National Consultative Council (NCC2) permanent following calls by prominent leaders in Malaysia to establish a new National Consultative Council under the Council of Rulers⁴.

² Astro Awani, "Draft of National Harmony Bill to be presented to cabinet soon - Kurup" 12 January 2016. See: <http://english.astroawani.com/malaysia-news/draft-national-harmony-bill-be-presented-cabinet-soon-kurup-89122>

³ The Malay Mail Online, "Council behind National Harmony Bills clueless about planned new law" 10 August 2015. See: <http://www.themalaymailonline.com/malaysia/article/council-behind-national-harmony-bills-clueless-about-planned-new-law>

⁴ The Malay Mail Online, "Minister: Government looking to make National Consultative Council permanent" 11 October 2016. See: <http://www.themalaymailonline.com/malaysia/article/minister-govt-looking-to-make-national-consultative-council-permanent>

The National Consultative Council (NCC) was previously set up in 1970 after the May 13, 1969 riots to “establish positive and practical guidelines for inter-racial cooperation and social integration for the growth of a Malaysian national identity”⁵.

Tan Sri Joseph Kurup also revealed that it was Putrajaya’s intention to make the NCC2 more permanent and wanted it to be established by an Act of Parliament. He said that the government was making a deeper study of the idea and holding discussions with the relevant stakeholders and NGOs.

Efforts by the National Unity and Integration Department (JPNIN)

The National Unity and Integration Department (JPNIN) in the Prime Minister’s Department was established on 1st July 1969 with a mission to be the lead agency in preserving, enhancing, and strengthening unity and harmony within Malaysian societies/communities in accordance with the Federal Constitution, National Philosophy and Gagasan 1 Malaysia⁶.

JPNIN has utilized various methods including organizing programs, workshops and courses on national unity, researches on issues related to unity, interfaith camps, open houses during festive seasons, sports competitions among members of the Rukun Tetangga and gotong-royong in communities.⁷

Racial Provocateurs charged in Court

Ikatan Muslimin Malaysia (ISMA) president Abdullah Zaik Abd Rahman was recently charged and convicted under Section 4(1)(c) of the Sedition Act for publishing an article which was racial in nature.

The article entitled “The Coming of the Chinese with the British colonialist a form of Intrusion” was published in 2014 on Isma’s website and had labeled Chinese as intruders⁸. The offense was punishable by a jail sentence of up to three years’ jail or a fine of maximum RM 5,000 or both but he was only ordered to pay a RM2,000 fine upon his conviction.

Limiting Spaces for People to Preach Racial Hatred

In 2016, daily newspaper Sinar Harian had decided to terminate the weekly column of controversial columnist and lecturer, Prof Dr Mohd Ridhuan Tee Abdullah⁹. Ridhuan Tee had been a columnist with the daily for almost 3 years and his views often carried strong racial slants.

⁵ The Star Online, “Nazir: Set up National Consultative Council 2” 1 October 2016. See: <http://www.thestar.com.my/news/nation/2016/10/01/nazir-razak-set-up-ncc2/>

⁶ Department of National Unity and Integration, “Profile”. See: <http://www.jpnin.gov.my/en/jpnin-info/profile>

⁷ Department of National Unity and Integration, “News & Activities”. See: <http://www.jpnin.gov.my/en/gallery-media/news-activities-jpnin>

⁸ The Star Online, “Isma president fined for sedition” 31 August 2016. See: <http://www.thestar.com.my/news/nation/2016/08/31/isma-president-fined-for-sedition-his-article-labelled-chinese-as-intruders/>

⁹ Free Malaysia Today, “Sinar Harian stops Ridhuan Tee’s weekly columns” 20 September 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/09/20/sinar-harian-stops-ridhuan-tees-weekly-columns/>

Isma's official website then claimed that Ridhuan Tee's weekly Monday column had actually been dropped but Sinar Harian's Chief Editor Abdul Jalil Ali defended that change was only procedural as the majority of columnists were retained for only "one or two years"¹⁰.

Sarawak Chief Minister Adenan Satem was seen to have taken a firm stand when he barred Perkasa chief Ibrahim Ali and lecturer Ridhuan Tee from entering Sarawak state because of their extreme views. Adenan stated then that there was no use for Malaysians "to quarrel over race and religion"¹¹.

University Officials Probe Racial Related Issues in Universities

In 2016, a controversial slide presentation which was part of a module used by the UTM's (Universiti Teknologi Malaysia) Islamic and Asian Civilization Studies (TITAS) was exposed. The presentation stated among other things that Hindus considered dirt on their bodies as part of religious practices to achieve "Nirvana". It was also reported that the slide show had contained inaccurate text on Sikhism¹².

A special committee was then formed by UTM to investigate the incident which resulted in the sacking of the lecturer concerned. Higher Education Minister Datuk Seri Idris Jusoh had said that close monitoring would be done on what is being taught to students in universities to avoid similar incidents happening in the future¹³.

Education Ministry Responds to Incidences of Racial Discrimination in Schools

The Education Ministry had swiftly investigated controversial questions in the UPSR (*Ujian Pencapaian Sekolah Rendah* or the Primary School Achievement Test) which was found to contain strong racial overtones. However, it was later found that the questions were fake¹⁴.

The Education Ministry was also reported to be quite responsive in the appointment of a counselor in the school, proposing the transfer of a senior assistant alleged to be involved in racism, and the stationing of police personnel to monitor incidents of racism in a school in Simpang Ampat, Penang¹⁵.

¹⁰ The Malay Mail Online, "Sinar Harian denies dropping Ridhuan Tee due to pressure" 20 September 2016. See: <http://www.themalaymailonline.com/malaysia/article/sinar-harian-denies-dropping-ridhuan-tee-due-to-pressure>

¹¹ The Star Online, "Adenan: Immigration ban to protect state from unsavoury elements" 12 April, 2016. See: <http://m.thestar.com.my/story.aspx?hl=Adenan+Immigration+ban+to+protect+state+from+unsavoury+elements&sec=news&id=%7B9FEED320-1C17-452E-8207-802D31C9B2B1%7D>

¹² The Malay Mail Online, "UTM in the dark over controversial slide creator, source says" 16 June 2016. See: <http://www.themalaymailonline.com/malaysia/article/utm-in-the-dark-over-controversial-slide-creator-source-says>

¹³ New Straits Times, "UTM lecturer sacked over derogatory TITAS slides" 14 July 2016. See: <http://www.nst.com.my/news/2016/07/158173/utm-lecturer-sacked-over-derogatory-titas-slides>

¹⁴ Free Malaysia Today, "Kamalanathan: Racist UPSR question is fake" 8 September 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/09/08/kamalanathan-racist-upsr-question-is-fake/>

¹⁵ Free Malaysia Today, "Ramasamy alleges cover-up of racism in Penang school" 11 April 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/04/11/ramasamy-alleges-cover-up-of-racism-in-penang-school/>

INCIDENCES OF RACIAL DISCRIMINATION IN MALAYSIA IN 2016

1. Racial Discrimination in the Education Sector

In 2016, this report was able to compile 5 cases of racial discrimination in schools as follows:

a. 'Orang Asli' students treated inhumanely in schools

An Orang Asli school girl in Pos Bala, Kelantan was labeled an 'OKU' (*orang kurang upaya* or disabled person) by her even though the child was perfectly normal. It was also reported by an Orang Asli parent that there had been other cases of Orang Asli children being treated similarly and also made to undergo tests for mental illness in the local hospital without their parents' consent. This issue was shared by lawyer Siti Kasim in a Facebook posting about her visit to that village. She also shared that she had then subsequently brought the children to the Universiti Malaya to conduct medical tests and it was found that they did not have any intellectual disability contrary to what was determined by the school¹⁶.

b. Abuse of Orang Asli children in schools

The Center for Orang Asli Concerns (COAC) Coordinator Dr. Colin Nicholas reported that Orang Asli children were often neglected and had unmotivated teachers in schools. He shared that these teachers stationed in rural areas were pressured to show good results and would do anything to eliminate weaker students from sitting for exams so that their poor performance would not affect the overall standing of the total student population. There have also been many instances of abuse such as falsification of medical reports in physical abuse cases which often went unreported or unaddressed. There was also an incident where an Orang Asli student was forced to eat broken glass pieces after unintentionally breaking the window glass panel in a school¹⁷.

c. Racism in Handling of Gangsterism in School

Penang Deputy Chief Minister Prof P. Ramasamy had alleged that there was a cover up of racism by the SMK Bandar Tasek Mutiara school management when an incident of gangsterism had occurred in their school. Ramasamy had accused the headmaster and senior assistant (student affairs) of the school of racism because they were seen to have punished only the ethnic Indian students who were allegedly involved in a fight with Malay students. The two Indian students were expelled from the school but no actions were taken against the Malay students. The Director of the state education Department had only sent a circular to all schools reminding teachers and students to be more sensitive towards each other's races but Ramasamy felt the issue was not properly and justly resolved as the senior assistant and headmaster were not punished for their alleged racist actions against the ethnic Indian students¹⁸.

¹⁶ Says.com, "These 'Perfectly Normal' Orang Asli Kids are Being Labelled as OKU by their School" 21 September 2016. See: <http://says.com/my/news/orang-asli-kids-being-labelled-as-oku>

¹⁷ Free Malaysia Today, "Education of Orang Asli kids being neglected" 22 September 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/09/22/education-of-orang-asli-kids-being-neglected/>

¹⁸ The Malay Mail Online, "Penang accuses education department of covering up school racism" 5 April 2016. See: <http://www.themalaymailonline.com/malaysia/article/penang-accuses-education-department-of-covering-up-school-racism>

Deputy Education Minister, Datuk P. Kamalanathan was reported to have declared the case closed after a counselor was appointed in the school, the senior assistant was proposed to be transferred and police personnel was stationed in the school. He also said that the Ministry would not just listen to one person (referring to Prof. P Ramasamy) on the school matter¹⁹.

d. Inaccurate Information in Academic Books

A STPM (*Sijil Tinggi Persekolahan Malaysia* or Malaysian Higher School Certificate) textbook entitled “Ace Ahead Teks STPM Bahasa Melayu Penggal 1” (2nd edition) had raised controversy when it was found to include a caution: “Tamil words are not very prominent in the Malay language as it was borrowed from other languages such as Greek, Portuguese, English and Eastern languages”.

Hindraf Makkal Sakthi Chairman P. Waythamoorthy disclosed that this was factually and historically inaccurate and could raise concerns in an already polarized nation. He highlighted that this issue has only been brought to the government’s attention after the text book was printed in 2010²⁰.

e. Controversial UTM Slides on other Religions

Controversial screenshots of a series of slides used in a class module bearing the UTM’s logo had gone viral on social media last year. UTM students were taught that Hindus preferred to be “dirty”, and that the presence of Islam taught former Hindu followers “manners in life”. It was also stated that “some Hindu followers believe dirt on the body is a form of ritual which could lead to the attainment of nirvana”.

In addition, another slide claimed that Sikhism is a combination of Hindu and Islam, but its founder had a shallow understanding of Islam. The slides were believed to be part of the *Tamadun Islam* and *Tamadun Asia* (TITAS, or Islamic and Asian Civilisation) module which is compulsory for all undergraduates in public universities. The controversial slides had created a strong backlash and dissatisfaction among people from different faiths²¹.

¹⁹ Malaysiakini, “Racism case in a school in Penang resolved or covered-up?” 11 April 2016. See: <https://www.malaysiakini.com/letters/337354>

²⁰ Free Malaysia Today, “Hindraft raises ‘erroneous’ STPM text with Oxford University”

²¹ Malaysiakini, “UTM to fix erroneous claims on ‘dirty’ Hindus” 13 June 2016. See: <https://www.malaysiakini.com/news/345115>

2. Racializing Criminality

This document did not uncover any specific incidents of criminal acts to justify racial discrimination and to stir up unrest among different races in 2016. However, there has been a clear form of racial profiling in the application of laws in Malaysia.

Based on complaints received and documentation by NGO Suara Rakyat Malaysia (SUARAM) there is substantial concern that there has been a growing trend in which the application of POCA (Prevention of Crime Act 1959) may be tainted with racial profiling in its application. This Act is one of the many laws that permit detention without trial in Malaysia. It is used against first time offenders despite POCA's supposed task of addressing organized crime or serious offences.²²

Under POCA, individuals can be detained without trial for 21 days with a written permission from a police officer not below the rank of Inspector; extended for another 38 days with permission from an Assistant Superintendent or Public Prosecutor; including the initial 24-hours remand, an individual can be detained for not more than 60 days without trial under POCA. Subsequent to the 60-days detention, individuals detained will be sentenced by a Prevention of Crime Board that would decide on whether the individual would be discharged, subjected to restriction order or subjected to 2 years detention order. Apart from the violation of human rights resulting from the absence of fair trial, detainees are often subjected to abuse and on occasion torture during detention²³.

Apart from cases where detention is merely an extension and transfer of detention²⁴ from other security laws²⁵, majority of documented cases involved the detention of ethnic Indian youth²⁶. While there is insufficient evidence to draw a clear conclusion at this juncture, the historical trend of race profiling in the application of Emergency Ordinance (Public Order and Prevention of Crime) 1969 (a law that allows detention without trial in similar manner that was abolished in 2013) where majority of detainee under Emergency Ordinance were ethnic Indian²⁷ (54% of detainee at Simpang Rengam were of ethnic Indian) raises substantial questions on whether there exist an element of racial profiling in the application of POCA.

²² *The Preamble of POCA states that "An Act to provide for the more effectual prevention of crime throughout Malaysia and for the control of criminals, members of secret societies, terrorists and other undesirable persons, and for matters incidental thereto"*

²³ Malaysiakini, "Sanjeevan claims he was tortured in police detention" 19 July 2016, See: <http://www.malaysiakini.com/news/349074>

²⁴ *Transfer of detainees from other security laws such as the Security Offences (Special Measures) Act 2012 is common with minister citing the practice in their statement, ref SUARAM (suaram@suaram.net) for detailed information*

²⁵ *Incidentally, due to the nature of terrorism in the recent years, majority of detainees under other security laws tend to be ethnic Malay and Muslim. Though this is now shifting due to the inclusion of organized crimes related arrests under other security laws*

²⁶ *Barring cases of transfer of detention receive or documented by SUARAM and one peculiar case involving the sale of honorary titles, other cases under POCA largely involve ethnic Indian youth in varying circumstances*

²⁷ Centre for Public Policy Studies, "The Case of Low Income Malaysian Indians" accessed on 7 March 2017. See: http://www.cpps.org.my/resource_centre/Low_Income_Malaysian_Indians.pdf

3. Racism in the Business Environment

a. Pork Burger Issue

Insensitive individuals had complained about food trucks selling pork burgers along the streets in Selangor. The Facebook posting by “Azmy Awang Kelanajaya” had two pictures showing a food truck selling pork burgers and sarcastically criticized the Selangor State government for allowing food truck to sell pork burgers.²⁸

b. Halal Elevators

The chairman of the Malaysian Crime Watch Task Force, Sri Sanjeevan Ramakrishnan had posted on his Facebook a photograph with a sign stating that, “This elevator is only for transporting halal goods only. For non-halal goods, please use the staircase. This elevator is under CCTV surveillance”. This sign was put up at an established hotel in Petaling Jaya which apparently felt that non-halal goods should not be transported by elevators.²⁹

4. Discrimination based on Dress Code and Service Delivery

a. Saree not allowed in the Ipoh City Council Event

An invitation to a special Aidilfitri gathering on July 1 2016 sent by the Ipoh City Council staffs had a strong caution saying that no sarees (Indian traditional dress) were allowed. The Council had then tried to clarify the controversial statement and tried to explain itself. But finally it retracted the ‘no sarees’ invitation card.

b. Racial Discrimination in Service Delivery

A non-Malay customer who had gone to a night market to buy Char Koey Teow (fried noodles) from a Malay hawker was made to wait for 2 other Malay customers who got their food ahead of him even though they had ordered after the non-Malay customer.³⁰ Another similar incident involved a non-Chinese customer who had to wait while several other Chinese walk-in customers were attended to ahead of her.³¹

²⁸ Latifah Abdul Rahman, Facebook Posting, 25 July 2016. See: <https://www.facebook.com/photo.php?fbid=10208384384899745&set=a.2186481014094.2111268.1009084071&type=3&theater>

²⁹ Free Malaysia Today, “Those carrying non-halal goods banished to staircase” 4 April 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/04/04/those-carrying-non-halal-goods-banished-to-staircase/>

³⁰ Free Malaysia Today, “A hawker’s ‘Malay first’ attitude a real slap in the face” 6 October 2016. See: <http://www.freemalaysiatoday.com/category/opinion/2016/10/06/a-hawkers-malay-first-attitude-a-real-slap-in-the-face/>

³¹ Free Malaysia Today, “A hawker’s ‘Malay first’ attitude a real slap in the face” 6 October 2016. See: <http://www.freemalaysiatoday.com/category/opinion/2016/10/06/a-hawkers-malay-first-attitude-a-real-slap-in-the-face/>

5. Groups, Agencies and Individuals That Use Provocative Racial Sentiments

a. *Racist Statement by Dato' Jamal Yunos*

Right before the Sarawak State elections, several political leaders were barred from entering Sarawak. Among those who were barred was the self-declared Red Shirt leader, Dato' Jamal Yunos. He then posted a racist statement in Facebook stating, "I am not allowed to enter Sarawak. The Iban tribe people wearing loincloths could not accept the red shirt hero in Sarawak".

Despite Dato' Jamal Yunos' constant issuance of racist statements, the Deputy Prime Minister Ahmad Zahid Hamidi had stated that Jamal Yunos is not anti-non-Malay as he is made out to be as he had witnessed Jamal's efforts in helping the Chinese and Indians in the constituency. Zahid also cited an incident when Jamal had helped campaigned for the release of two fishermen from Selangor who were arrested by Indonesia authorities for trespassing into the Republic's waters³².

b. *Ridhuan Tee, Columnist and University Lecturer*

On April 4, Ridhuan Tee in his weekly column in Harian Sinar newspapers had expressed dissatisfaction for being blocked from entering Singapore because he was considered a terrorist. He then stated that the reason he was blocked was probably because of his efforts to expose the "ultra kiasu" (*Chinese Hokkien term meaning 'fear of losing'*) and to open the eyes of the Muslims³³. This was a derogatory term he had often used in reference to non-Muslims including Christians and Chinese in general, or anyone whom he considers as anti-Islam.

Ridhuan Tee had also written in his column that Malaysia was too nice to the non-Malays and always took into account their needs but questioned if they were in fact grateful at all to this. He also said that private universities were dominated by non-Malays and questioned where the concept of diversity lay³⁴. He was said the government should stop 'kow-towing' (bowing) to the ethnic Chinese and adopt a tougher stand by abolishing vernacular schools³⁵.

He has also gone to the extent of urging the Kedah Sultan to reclaim Penang from the "ultra kiasu". He claims that the 'rot' caused by the "ultra kiasu" needs to be stopped as Chinese

³² Free Malaysia Today, "Zahid: Jamal Yunos not anti-non-Malay" 31 August 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/08/31/zahid-jamal-yunos-not-anti-non-malay/>

³³ The Malay Mail Online, "Ridhuan Tee: I am 'terror', not a terrorist" 4 April 2016. See: <http://www.themalaymailonline.com/malaysia/article/ridhuan-tee-i-am-terror-not-a-terrorist>

³⁴ Free Malaysia Today, "Tee slams hypocritical 'ultra kiasu' on issue of diversity" 28 March 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/03/28/tee-slams-hypocritical-ultra-kiasu-on-issue-of-diversity/>

³⁵ The Malay Mail Online, "Enough tolerance! Abolish vernacular schools as Chinese 'racist', Putrajaya told" 25 January 2016. See: <http://www.themalaymailonline.com/malaysia/article/enough-tolerance-abolish-vernacular-schools-as-chinese-racist-putrajaya-tol>

companies discriminated against the Malays and has a perception that Malays were an incompetent bunch³⁶.

Ridhuan Tee had also made a statement that 'ultra kiasu' athletes are driven by money and not patriotism. He has questioned why national badminton hero Lee Chong Wei was the only one who received heaps of praise following his silver medal win in the recently concluded Rio Olympics but not athletes like Pandelesa Rinong and Azizulhasni Awang.³⁷

c. *Perkasa's Reaction to MAS CEO Christoph Mueller through the Racial Lens*

Perkasa chief Ibrahim Ali had made a statement calling MAS chief executive officer (CEO) 'rude and insolent' for complaining that many of the airline's staff had nothing to do, or were sleeping on the job and subsequently accused the CEO for implying that Malays are lazy. According to Malaysiakini, Mueller in an interview with German broadcaster *Deutsche Welle* said that many workers were doing nothing when he took over Malaysia Airlines. However, he never made any references to race as claimed by Perkasa. Ibrahim Ali had looked at the statement from the racial lens and pressed the government to sack him for insulting the honor of Malay and Bumiputera workers³⁸.

Ibrahim Ali had also accused the private sector for not employing Bumiputera graduates from public universities, using the "excuse" that they have a poor command of English. He also stated that Chinese companies preferred to employ Chinese and are biased against Bumiputera graduates from public universities. He further stated that Chinese seemed to cooperate with the Chinese in business and they do not give the Malays a chance to do business such as in the construction sector³⁹.

d. *Pre-Bersih 5 rally Threats*

During the country's pre-Bersih 5 rally calling for electoral reforms and end to corruption in government in 2016, anti-rally extremist groups issued numerous racially slanted threats to rally supporters and organizers. A viral Whatsapp message said "*Amaran kepada Cina, lu Orang turun Bersih 5 kami kasi 'Bersih' kaw-kaw!*" (Warning to the Chinese, if you join Bersih 5, we will "clean" you off). There was a picture depicting a machete and a bloodied headless individual wearing a Bersih 5 t-shirt. This was intended to create fear among the Chinese rally supporters from joining the Bersih 5 rally.

³⁶ Free Malaysia Today, "Reclaim Penang from 'ultra kiasu', Tee urges Kedah Sultan 4 April 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/04/04/reclaim-penang-from-ultra-kiasu-tee-urges-kedah-sultan/>

³⁷ Free Malaysia Today, "Tee: 'Ultra kiasu' athletes drive by money, not patriotism" 29 August 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/08/29/tee-ultra-kiasu-athletes-driven-by-money-not-patriotism/>

³⁸ Malaysiakini, "Perkasa furious at ex-MAS CEO, claims he implied Malays lazy" 25 June 2016. See: <http://www.malaysiakini.com/news/346648>

³⁹ Free Malaysia Today, "Perkasa: Private sector biased against Bumiputera grads" 22 June 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/06/22/perkasa-private-sector-biased-against-bumiputera-grads/>

e. Alleged Racial Segregation in the Election Commission's Redelineation Exercise

The Election Commission (EC) had announced its intentions to conduct redelineation in 2016 and the proposed plans had raised concerns that it would create further racial polarization. This is reflected in the racially-mixed Selangor where the electoral constituencies are substantially altered by the EC⁴⁰.

Serdang MP Ong Kian Ming had published data on how the redelineation exercise may change the racial composition in each seat. Malaysiakini in one of its articles had summarized and broken down all 56 state seats in Selangor into five categories, according to the representation of a particular race in the respective seats. Based on the last general elections, Malay voters formed a small minority in five seats, followed by 12 seats with a large majority (20% to 39.9%), 22 with moderate (40% to 59.9%) representation, 13 with a large majority (60% to 79.9%) and four with a super majority (80% and above)

Under the newly proposed EC redelineation exercise, seats where Malay voters comprised 60 to 79.9% (large majority) are expected to increase by more than two-folds from 13 to 27 where seats with less than 20% Malay voters will also increase from five to eight. This means that there will be lesser racially-mixed seats where the Malay representation will either become very small or very large in more than half of all the state constituencies in Selangor.

As for Chinese voter representation, under the proposed redelineation, seats comprising 60 to 79.9% are expected to increase from three to eight where seats with comprises of less than 20 percent Chinese voters will increase from 18 to 26. Meanwhile, constituencies which has 20% to 39.9% Chinese voters will go down from 21 to 14 and seats which has 40% to 59.9% will go down from 12 to seven. The Chinese super majority seats will reduce from two to one⁴¹. Malaysiakini also highlighted that the overall representation of Malays will be boosted, while Chinese representation is to be diluted in the proposed EC redelineation.

Furthermore, seats where there is a small minority of Indian voters will increase from 44 to 45 while seats with a large minority of Indian voters will drop from 12 to 10. The proposed redelineation could possibly favor a particular political party during the elections due to the racial composition.

⁴⁰ Malaysiakini, "How BN benefits from redelineation in Selangor" 22 September 2016. See: <https://www.malaysiakini.com/news/356506>

⁴¹ Malaysiakini, "How S'gor seats will be more racially polarised with EC's redelineation" 23 September 2016. See: <http://www.malaysiakini.com/news/356700>

6. Political Groups, Hate Speech and Racial Statements

Politics in Malaysia have long been race-based with political parties on both sides of the divide especially by the 'Barisan Nasional' (National Front) Government using race and racial issues and sentiments to maintain their power and controlling their constituencies and the voters. Both the ruling government and the opposition had also used the racial card to gain political mileage and to ensure their political survival even though both parties had continuously condemned the usage of racial politics.

a. UMNO Members using Racism as a Political Agenda

On March 28, it was reported that UMNO member Rais Yatim had described the cause fought by Dr Mahathir Mohamad and former Deputy Prime Minister Muhyiddin Yassin as racial in nature and was used as a tool to further extend his political mileage.⁴²

UMNO supreme council member Ismail Sabri Yaakob, in a video recording had said that the Malaysian Federal Constitution does not guarantee that a Malay will be the Prime Minister. Therefore, it is essential for Malays to unite together so that a non-Malay does not become the Prime Minister of the country.⁴³

Federal Territories UMNO Youth Chief Razlan Rafii had said that opposition party DAP disrespected the sensitivities of Malays such as DAP MPs attending a beer drinking event, opposing amendments to Act 355 and slaughtering five pigs in Penang to celebrate DAP's victory with Pakatan Rakyat after the 13th General Election. He also said that DAP only fielded a handful of non-Chinese candidates in elections and further questioned the Malay DAP representatives on their decision to join DAP.⁴⁴

During the UMNO AGM, a Wanita UMNO delegate had questioned the government for appointing non-Malays in top positions in government-linked companies (GLCs) as such actions would have an effect on the opportunities for contractors, consultants and lawyers who are not Malays. She also stated that there are many other qualified Malay professionals who could have easily filled the position.⁴⁵ Another Wanita UMNO delegate had reminded the party that the GE 14 will serve as the most important election because by losing it, it may be the end of Malay politics in the country.⁴⁶

UMNO Youth vice-chief Khairul Azwan Harun had stated that if the Chinese do not accept BN's inclusive spirit, they can expect to face severe backlash and revealed that if more

⁴² *MalaysiaKini*, "Rais Yatim: Dr M not fighting for the Malay cause any more" 28 March 2016. See: <https://www.malaysiakini.com/news/335635>

⁴³ *KiniTV*, "Ismail Sabri: Unite so we don't lose PM post to non-Malays" 21 May 2016. See: <http://www.kinitv.com/video/3390408>

⁴⁴ *Free Malaysia Today*, "FT Umno Youth on how DAP disrespects Malays" 31 August 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/08/31/ft-umno-youth-on-how-dap-disrespects-malays/>

⁴⁵ *The Star Online*, "Wanita delegate: Why appoint non-Malays in top positions in GLCs" 30 November 2016. See: <http://www.thestar.com.my/news/nation/2016/11/30/wanita-delegate-why-appoint-non-malays-in-top-positions-in-glcs/>

⁴⁶ *Says.com*, "9 Controversial Things UMNO Leaders said during their latest Assembly" 1 December 2016. See: <http://says.com/my/news/umno-general-assembly-2016>

Bumiputera-based parties win, the government will start focusing more on the interests of the race group that contributed to the win and may subsequently abolish Chinese schools completely.⁴⁷

b. *Racially Motivated Protest at DAP's headquarters*

On March 31, 2016 Mohd Ali Baharom, who is popularly known as Ali Tinju led a group of about 20 others stormed the DAP headquarters demanding that the party takes responsibility for a Chinese man's allegedly disparaging remarks about Islam. DAP had stated that the party had no affiliation with the said individual but, Ali Tinju insisted that DAP should be responsible because the person is of ethnic Chinese. He also demanded that a Chinese party member should accept his memorandum. The group chanted slogans "*Hidup Melayu*" (Long live the Malays) while holding placards with the images of DAP leaders⁴⁸.

c. *Preacher Dr. Zakir Naik's Presence in Malaysia*

Controversial Islamic preacher Dr. Zakir Naik is being given shelter in Malaysia while there are warrants of arrests for him in India and Pakistan. His speeches have been found to be disrespectful of other religions and have caused racial hatred. His organization the Islamic Research Foundation (IRF) is banned in India and he has been banned from preaching in Bangladesh, Canada and the United Kingdom. His presence in Malaysia has created disagreements between different races in Malaysia.

Several groups such as Malaysian Indian Congress (MIC), Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) and Hindraf were against a lecture where Zakir Naik was slated to speak entitled, "Similarities between Islam and Hinduism". However, groups and individuals such as Perkasa and Ridhuan Tee were quick to refute the criticisms on allowing Zakir Naik to speak and accused them of being disrespectful of the Yang di-Pertuan Agong (Malaysian King), who is the head of Islam in the country and they should steer clear of Islamic affairs.

Penang Deputy Chief Minister 2, Dr. P Ramasamy in a Facebook posting had called for "Satan" Dr. Zakir Naik to be deported from Malaysia and that he is a Muslim preacher and evangelist who had nothing but hatred and contempt for non-Muslims. Dr Zakir's supporters had in turn called for Ramasamy to be sent back to India stating that his insults to Dr. Zakir was an indirect insult to all Muslim scholars had poked the sensitivity of the entire Muslim community⁴⁹.

⁴⁷ Free Malaysia Today, "Chinese may suffer if they continue to support DAP" 30 November 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/11/30/chinese-may-suffer-if-they-continue-to-support-dap/>

⁴⁸ Malay Mail Online, "Ali Tinju blames DAP for random Chinese man's insult against Islam" 31 March 2016. See: <http://www.themalaymailonline.com/malaysia/article/ali-tinju-blames-dap-for-random-chinese-mans-insult-against-islam>

⁴⁹ The Mole, "Muslims hit back at Ramasamy for calling Zakir Naik "Satan", 12 April 2016. See: <http://mole.my/muslims-hit-back-at-ramasamy-fo-calling-zakir-naik-satan/>

d. *The Usage of Racism by the Prime Minister and his Aide in their Speeches*

Prime Minister Najib Razak during an event at the 50th anniversary of Majlis Amanah Rakyat (MARA) had reminded the Bumiputera community that they owe much of their socio-economic success to MARA and urged them to keep UMNO in power to ensure the agency's continued survival. He also stated that keeping UMNO in power is the only way to ensure that the Bumiputera community, particularly the Malays to be able to develop and succeed⁵⁰.

Prime Minister's aide, Tengku Sarifuddin Tengku Ahmad was reported to have said that former Prime Minister Dr. Mahathir had to leave UMNO and solicit Chinese support from the opposition through Lim Kit Siang, a man he previously jailed⁵¹.

e. *MIC Playing the Racial Tune to Transform Community*

MIC President Dr. S Subramaniam was reported to have said that the Indian community needs to unify its voices to transform into a progressive community based on educational improvement and economic empowerment. He also stated that politically it is essential for Indians to set up a political voice by uniting to portray a visible Indian voice.⁵²

f. *Malay Representation in the Bar Council*

Member of Parliaments Kulasegaran and Datuk Seri Noh Omar had a war of words in Parliament with regards to the representation of members in the country's Bar Council. There was a question on the lack of Malay lawyers in the committee despite 60% of the 16,000 lawyers being Malays. Another Member of Parliament, Datuk Ahmad Fauzi Zahari then asked if there should be a quota for the committee⁵³.

A lawyer in the Malaysian Bar, Aidil Khalid had made the endorsement for five candidates for the upcoming Bar Council election on the basis that they support the "Malay-Muslim cause". The open endorsement was made in a WhatsApp message intended for a private group but had soon become viral. However, Aidil Khalid defended his actions stating that the endorsement for the five candidates may be good for the Malay-Muslim cause and did not mention anything against the Chinese, Indian communities to marginalize them and therefore the message cannot be construed to be racist⁵⁴.

⁵⁰ *The Malay Mail Online*, "Najib: Keep Umno in power to preserve MARA, Malay interests" 4 April 2016. See: <http://www.themalaymailonline.com/malaysia/article/najib-keep-umno-in-power-to-preserve-mara-malay-interests>

⁵¹ *Malaysiakini*, "PM's aide: Spurned by UMNO, Dr M woos Chinese through Kit Siang" 26 April 2016. See: <https://www.malaysiakini.com/news/339271>

⁵² *MalaysiaKini*, "Indian voices must unite to transform community, says MIC" 14 April 2016. See: <http://www.themalaymailonline.com/malaysia/article/najib-keep-umno-in-power-to-preserve-mara-malay-interests>

⁵³ *The Star Online*, "A-G to be Bar Council president, suggests MP" 6 April 2016. See: <http://www.thestar.com.my/news/nation/2016/04/06/ag-to-be-bar-council-president-suggests-mp/>

⁵⁴ *The Malay Mail Online*, "Lawyer insists endorsement for 'Malay-Muslim' Bar Council candidates not racist" 3 November 2016. See: <http://www.themalaymailonline.com/malaysia/article/lawyer-insists-endorsement-for-malay-muslim-bar-council-candidates-not-raci>

g. Formation of a New Race-based Political Party

The formation of the new political party, Parti Pribumi Bersatu Malaysia, was racial in nature. Party President and former Malaysian Deputy Prime Minister Tan Sri Muhyiddin Yassin had stated that non-bumiputeras who join the party will only be allowed to second-tier membership and will be termed associate members. They will have the same rights except that they cannot vote nor contest for posts in the party. Furthermore, he stated that the membership is open for all Bumiputera citizens as well as Orang Asli, those from Sabah and Sarawak as stated in the Federal Constitution. He had also stated that the party's main goal would be to defend Islam and the Bumiputera⁵⁵.

h. Racial Politics in the Sarawak Elections

Dr. Annuar Rapae Member of Sarawak State Legislative Assembly was reported by online news portal Malaysiakini to have called on the Muslim community, especially those in Sibu to vote for BN to ensure that a Muslim leader could continue to lead the Sarawak government even though they are not the majority in the state⁵⁶. He was quick to deny charges of using racial issues to garner support by explaining that his words were taken out of context. Malaysiakini has produced a video recording of the statement online⁵⁷.

SUPP President Dr. Sim Kui Hian was reported to have urged the Chinese to back his Party's candidates so that a Chinese representative can be part of the state administration if BN wins the Sarawak polls. He highlighted that a BN government which comprises of only bumiputeras is unhealthy and dangerous. Hence, it is essential to back SUPP candidates in the coming polls⁵⁸.

The late Sarawak Chief Minister Adenan Satem echoed the same sentiment by saying that if the people wanted a Chinese Minister in the government they have to vote for Chinese representatives of BN⁵⁹. He had also told the Chinese community that they have a choice to make when they cast their votes during the elections on whether they want to be in the government or in angry isolation⁶⁰.

Sarawak Chief Minister Adenan Satem was also reported to have said that the opposition was reluctant to see the sub-ethnic group Bidayuh grow stronger because they had objected to the Sarawak redelineation exercise which would result in an increase in two Bidayuh-majority seats.⁶¹

⁵⁵ Malaysiakini, "Other races can be associate members in Dr M's 'bumi only' party" 9 August 2016. See: <http://www.malaysiakini.com/news/351672>

⁵⁶ Malaysiakini, "Don't squander opportunity to lead S'wak, minority Muslims told" 21 April 2016. See: <https://www.malaysiakini.com/news/338689>

⁵⁷ Malaysiakini, "Malaysiakini recalls reporter from Sibu for safety reasons" 24 April 2016. See: <https://www.malaysiakini.com/news/338991>

⁵⁸ Malaysiakini, "SUPP: Bumi-only gov't unhealthy, dangerous for Sarawak" 27 April 2016. See: <https://www.malaysiakini.com/news/339434>

⁵⁹ Malaysiakini, "Adenan: Your choice – Chinese ministers in state cabinet or DAP" 1 May 2016. See: <https://www.malaysiakini.com/news/339855>

⁶⁰ Malaysiakini, "Adenan: Chinese must choose – be in government or in angry isolation. 5 May 2016. See: <https://www.malaysiakini.com/news/340437>

⁶¹ Malaysiakini, "CM: Opposition not keen to see Bidayuh grow stronger. 3 May 2016. See: <http://www.malaysiakini.com/news/340125>

The opposition parties were also playing the racial cards during the Sarawak State Election. PAS President Datuk Seri Abdul Hadi Awang had highlighted that the party wanted the leaders in Sarawak to be Islam bumiputera. He also stated that different races such as the Chinese and Indians can be citizens but they have to be led by an Islamic leader⁶².

DAP member Hew Kuan Yau, known as 'Superman' was shown in a video asking people to vote for the candidate from DAP so that they would be able to screw the Malays and corrupt Malays in Sarawak. But he claimed that the statement was misconstrued by BN cyber troopers to incite the Malays against DAP⁶³.

i. Racial Politics in By-Elections

During the Sekinchan by-elections, DAP had erected billboards carrying images of Prime Minister Datuk Seri Najib, PAS President Abdul Hadi Awang, and MCA chief Liow Tiong Lai, with the slogan, "BN, PAS One Heart One Soul, Racist and Corrupt One and All. In addition, another billboard depicted Sungai Besar UMNO Division Head Jamal Md Yunus carrying the words, "It is not wrong to call Chinese pigs" were also seen during the by-elections. Selangor DAP chief Tony Pua explained that the billboards was to highlight the fact that Jamal as Sungai Besar chief had said that about the Chinese people⁶⁴.

j. Insensitive Posting during a Festive Celebration

Taiping DAP MP Nga Kor Ming had sparked outrage among Malaysians with an oddly American-themed message posted on his Facebook for Hari Raya Aidilfitri. Another image used had likened Hari Raya charity to bribes and chicken feed had sparked outrage among Malaysian netizens calling him insensitive and stupid^{65 66}. The President of Persatuan Islam National (PEMBINA) in response to the issue stated that DAP was a mask to attack Islam⁶⁷.

⁶² Malaysiakini, "PAS mahu hanya bumiputera Islam perintah Sarawak" 5 Mei 2016. See:

<http://www.malaysiakini.com/news/340125>

⁶³ Malaysiakini, "MCA leader raps DAP's 'superman' over 'Let Abdul Aziz screw Malays' 10 May 2016. See:

<http://www.malaysiakini.com/news/340950>

⁶⁴ Malaysiakini, "DAP behind anti-BN, PAS billboards" 8 June 2016. See:

<http://www.malaysiakini.com/news/344565>

⁶⁵ Free Malaysia Today, "Netizens outraged over Nga's American Raya post" 7 July 2016. See:

<http://www.freemalaysiatoday.com/category/nation/2016/07/07/netizens-outraged-over-ngas-american-rama-post/>

⁶⁶ The Malay Mail Online, "Call for Nga Kor Ming to apologize over alleged Aidilfitri insult" 8 March 2016. See:

<http://www.themalaymailonline.com/malaysia/article/call-for-nga-kor-ming-to-apologise-over-alleged-aidilfitri-insult>

⁶⁷ Ismaweb, "DAP 'topeng' untuk mengina Islam" 11 July 2016. See: <http://www.ismaweb.net/2016/07/dap-topeng-untuk-menghina-islam/>

7. Entrenched Racial Discrimination Among Malaysians

a. Daily Racial Stereotypes

In a Facebook posting, an Indian man had shared that when he was buying groceries from a shop and was chatting with a young Malay boy, the boy's mother pulled her son aside and told him not to speak to strangers and referred to the Indian man as a drunken Indian. The man then bought can of SPRITE, gave it to the young boy and then told the mother that "Yes, it is true Indians love drinking but we are also courteous and have high moral standards"⁶⁸.

b. Thaipusam Devotees Slapped and Kicked

A Facebook user had uploaded a video describing how two Hindu devotees who came to celebrate Thaipusam in Penang were slapped and kicked by the bus driver of another race for having accidentally slept at the driver's sleeping quarters. The bus driver beat the devotees and also used vulgar and racist slurs on them. He only stopped when they paid for damages to replace his pillows⁶⁹.

In another incident, an accident victim had refused a doctor's help because he did not want a "Keling" (a derogatory term referring to a person of Indian origin) to touch him. The doctor then decided to move away and proceeded to call the ambulance. She then briefed the paramedic who attended to the injured victim. Once the victim found out she was a doctor, he then stated that, "I didn't know you were a doctor. Doctor can touch"⁷⁰.

c. Penang Mall Criticized for not Putting Up Hari Raya Decorations

A shopping mall in Penang was called racist by netizens for not putting up Hari Raya Decorations. The shopping mall was criticized for deciding not to decorate the mall because it was not worthy in terms of revenue because of the demographics in Penang. However, the mall released a statement stating that there are no elaborate Hari Raya decorations because the central atrium had to undergo renovations soon⁷¹.

⁶⁸ Jan Gregory Hamilton, Facebook Posting, 19 April 2016. See:

<https://www.facebook.com/DimeOverShawties/posts/10153560535337544?fref=nf>

⁶⁹ The Coverage, "Malaysia: Racist Bus Driver Repeatedly Slaps Hindu Devotees with Slipper, Netizens Outraged" 28 January 2016. See: <https://thecoverage.my/news/malaysia-racist-bus-driver-repeatedly-slaps-hindu-devotees-with-slipper-netizens-outraged/>

⁷⁰ Free Malaysia Today, "Accident victim tells doc, 'I don't want a Keling to touch me'" 3 January 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/01/03/accident-victim-tells-doc-i-dont-want-a-keeling-to-touch-me/>

⁷¹ Says.com, "People are Calling this Mall 'Racist' for not putting up Hari Raya Decorations" 29 June 2016. See: <http://says.com/my/news/people-are-angry-because-this-mall-did-not-put-up-hari-raya-decorations>

8. Racial Discrimination in the Name of Religion

a. Imposition of Faiths and Beliefs

The Kelantan Mufti Datuk Mohamad Shukri Mohamad on June 11, 2016 had urged non-Muslims to dress conservatively throughout the fasting month of Ramadan as provocative attire could be haram for surrounding Muslims. He had explained that non-Muslims should be “considerate” and dress appropriately to prevent Muslims from forfeiting their fast and called on the non-Muslims to respect Muslims and dress appropriately. He also urged non-Muslims to refrain from “eating or drinking in front of Muslims during the fasting month”. Even though the Kelantan Mufti’s statement was done in good faith, such statements had created a growing trend of cultural and religious intolerance among the people of different faiths⁷².

A non-Muslim watch retailer was summoned by the Kota Baru Municipal Council (MPKB) over the display of two so-called “sexy” advertising posters, an offence that the retailer was summoned more than 10 times since the 1990s. The shop was raided by MPKB enforcement officers and the owner was ordered to take down the posters as they were deemed too sexy by the council⁷³.

A business operator in Kota Baru was also summoned for putting up posters that did not adhere to the Islamic dress code. A businesswoman who sold skincare products was issued a RM 150 summon by MPKB on July 26 for posters that feature a woman who was not wearing a tudung. She was subsequently given a warning and the posters were eventually removed⁷⁴.

b. Pahang Mufti labelling of non-Muslims as “kafir harbi”

The Pahang mufti Datuk Seri Abdul Rahman had created a controversy for labelling all DAP members as “kafir harbi” (infidels) for opposing hudud laws. Following the criticism, he clarified that he did not simply refer the term to DAP, but anyone who opposes Islam. He further insisted that Muslims must defend their religion from slander⁷⁵. Many Muslims and non-Muslims leaders had criticized the mufti for the remark that could have incited violence and extremism, given the growing influence and presence of militant groups like the Islamic State (IS) in Malaysia.

⁷² The Malay Mail Online, “Cover up during Ramadan, Kelantan mufti tells non-Muslims” 11 June 2016. See: <http://www.themalaymailonline.com/malaysia/article/cover-up-during-ramadan-kelantan-mufti-tells-non-muslims>

⁷³ The Star Online, “Shop fined for ‘sexy’ watch ads” 27 July 2016. See: <http://www.thestar.com.my/news/nation/2016/07/27/shop-fined-for-sexy-watch-ads-hudud-laws-being-imposed-on-nonmuslims-says-mca-man/>

⁷⁴ The Star Online, “Shop fined for displaying ‘indecent’ posters” 9 August 2016. See: <http://www.thestar.com.my/news/nation/2016/08/09/shop-fined-for-displaying-non-syariah-compliant-posters/>

⁷⁵ The Sun Daily, “Pahang mufti slammed for ‘kafir harbi’ remark” 27 June 2016. See: <http://www.thesundaily.my/news/1851426>

c. Directive of No non-Muslim maids for Muslims

A maid agency was stunned by a “new” directive imposed by the Immigration Department barring them from hiring non-Muslim maids. The directive came from the Director General of the Immigration Department and many had questioned the decision as Muslim countries such as Saudi Arabia and Qatar could hire non-Muslims but it was not allowed in Malaysia. Malaysian Maid Employers Association (MAMA) President Engku Ahmad Fauzi stated that religion should not be an obstacle. When you work in an office, you don’t base it on religion and likewise, this should not be the case for the maid in the home⁷⁶.

Perak Mufti Harussani Zakaria had agreed with the Immigration Department’s move to bar non-Muslim maids in order to protect their children’s faith. He quoted an example that maids who have strong Christian backgrounds could “influence Muslim children”. Therefore, Muslims needed to hire Muslim maids because “they could care for and educate our children”. The Malaysian Muslim Consumers Association (PPIM) also supported the policy stating that a non-Muslim Filipino maid would not be able to educate a Muslim child in Muslim practices⁷⁷.

d. Penang Opposition Leader Calls for the Relocation of Taoist Shrine

The Penang Opposition Leader Datuk Jahara Hamid had called for the relocation of a Taoist shrine removed from the recently refurbished Armenian Park. She had questioned the reasons for placing a Datuk Kong shrine (a shrine where Chinese Taoist usually place offerings for blessings) at the park located in the George Town heritage zone as it did not take into account the sensitivities of other races. She further stated that the placement of the shrine may confuse some Muslims. She then proposed the shrine to be relocated to an obscure corner instead of being placed right out in the open. The Komtar assemblyman and the Penang Chief Minister had stated that the park was rebuilt with existing features maintained⁷⁸.

e. Enforced Halal Policy at Eateries

McDonald’s Malaysia had announced that only halal-certified birthday cakes would be allowed at its restaurants in Malaysia as it was the requirements of the halal certification. The management had defended its move by stating that McDonald’s Malaysia would like to ensure the quality, safety and halal aspects of its products. Therefore, they did not allow non-halal birthday cakes to brought into its premises⁷⁹.

⁷⁶ The Star Online, “No non-Muslim maids for Muslims” 15 August 2016. See: <http://www.thestar.com.my/news/nation/2016/08/15/no-nonmuslim-maids-for-muslims-employers-question-rationale-of-directive-but-officials-say-policy-is/>

⁷⁷ Free Malaysia Today, “Non-Muslim maids may influence Muslim children, says mufti” 15 August 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/08/15/non-muslim-maids-may-influence-muslim-children-says-mufti/>

⁷⁸ The Malay Mail Online, “Penang opposition leader wants Taoist shrine moved from park” 13 May 2016. See: <http://www.themalaymailonline.com/malaysia/article/penang-opposition-leader-wants-taoist-shrine-moved-from-park>

⁷⁹ The Star Online, “McDonald’s: Only halal cakes allowed to meet quality and safety aspects” 29 December 2016. See: <http://www.thestar.com.my/news/nation/2016/12/29/mcdonalds-clarifies-only-halal-cakes-in-its-premises/>

Fast food chain company Ninja Joe was condemned for its insensitivity for naming one of its burgers 'P.Ramly' burger. Even though the poster of the product at a shopping mall had clearly stated that it was a pork burger, the Muslim Consumers Association of Malaysia (PPIM) had stated that the name would cause confusion to the public⁸⁰. Subsequently, several of its other fast food chain stores were investigated by the Islamic Affairs Department for misleading, creating misrepresentation or falsely give the impressions that the food was halal or can be consumed by a Muslim even though Ninja Joe was a non-halal food outlet⁸¹.

A pretzel franchise Auntie Anne was forced to rename its "Pretzel Dog" to "Pretzel Sausage" to get a halal certification as it was feared that the term "Pretzel Dog" would create confusion among Muslims⁸².

Chocolate brands Daim and Toblerone were deemed not safe for Muslim consumption as they did not have the Halal certification. Mondelez International, the company behind the production of the chocolates explained that the materials used to produce the chocolates were appropriate and safe to be consumed by Muslims. However, JAKIM had argued that both the chocolate brands were not holders of the Halal certificate⁸³.

The Deputy Minister in the Prime Minister's Department Datuk Dr Asyraf Wajdi Dusuki, wanted the authorities to take action against restaurants with "pork free" labels as it could mislead Muslim customers. He had stated that outlets putting "pork free" labels at their premises did not represent what is meant by halal and only food sold in outlets which carried the halal certificates from the Malaysia Islamic Development Department (JAKIM) could be consumed by Muslims⁸⁴.

f. Calls by Muftis to Demolish Famous Landmarks

Several landmarks in Malaysia were considered 'haram' one of which being Langkawi Island's landmark eagle statue. Perak Deputy Mufti Zamri Hashim explained that it was forbidden in Islam to make full-bodied statues of living creatures such as humans or animals and stated that its demolition is compulsory. Perak mufti Tan Sri Harussani Zakaria added that any living creatures cannot be built as a replica or monument if it is done in a condition

⁸⁰ The Malay Mail Online, "After Muslim complaint, Ninja Joe says will rename 'P. Ramly' pork burger" 25 October. 2016. See: <http://www.themalaymailonline.com/malaysia/article/after-muslim-complaint-ninja-joe-says-will-rename-p-ramly-pork-burger>

⁸¹ The Malay Mail Online, "Ninja Joe's 'P Ramly' burger broke halal food law, Jais says" 27 October 2016. See: http://m.themalaymailonline.com/malaysia/article/ninja-joes-p-ramly-burger-broke-halal-food-law-jais-says?utm_source=dlvr.it&utm_medium=facebook

⁸² Asian Correspondent, "Silly, stupid? No, something sinister in Malaysia's pretzel dog brouhaha" 20 October 2016. See: <https://asiancorrespondent.com/2016/10/silly-stupid-no-something-sinister-malaysias-pretzel-dog-brouhaha/#7WEb7qdueZaGMES3.97>

⁸³ Ismaweb, "Coklat Daim dan Toblerone selamat dimakan orang islam: Pengeluar" 27 December 2016. See: <http://www.ismaweb.net/2016/12/coklat-daim-dan-toblerone-selamat-dimakan-orang-islam-pengeluar/>

⁸⁴ Bernama, "Call for action against food outlets misleading Muslims with "Pork-free" Labelling" 14 February 2016. See: <http://www.bernama.com/bernama/v8/ge/newsgeneral.php?id=1215509>

with all limbs complete⁸⁵. He also declared that the iconic Tugu Negara sculpture (National Monument's construction) as haram in Islam and has labelled it a big sin⁸⁶.

g. Non-Muslim condemned for Eating Breakfast in Car during Ramadan

In a Facebook post, an Indian lady had highlighted her experience on how she was condemned and ridiculed for eating breakfast in her car while stuck in a traffic jam. A motorist had knocked on her car window and yelled at her, "People are fasting la, pig!" He continued, "Don't understand? Are you deaf? Indians should go back to India la!"⁸⁷

9. Racial Discrimination in other Industries

a. Alleged Racial Discrimination in the Malaysia Film Festival (FFM)

Two popular local films, "Ola Bola" (movie inspired by the multiracial Malaysian football team that qualified for the 1980 Moscow Olympics) and "Jagat" (a movie depicting the harsh socio-economic conditions of the ethnic Indians in Malaysia) were disqualified from the Best Picture category from the Malaysia Film Festival (FFM) as the spoken language used in the film were not entirely Bahasa Malaysia. The decision by the FFM to segregate the awards based on language had drawn several criticisms by people. Local comedians had called for a boycott of last year's FFM as the decision to disqualify "Ola Bola" and "Jagat" from the Best Picture category was racially divisive. Prominent individuals such as Datuk Seri Nazir Razak and AirAsia group CEO Tan Sri Tony Fernandes had also supported the move stating that the both movies had depicted racial diversity. However, the Malaysian Film Producers Association (PFM) defended the segregation of awards saying that it was to uphold Bahasa Malaysia in local films⁸⁸.

b. Racial Discrimination in the Entertainment Industry

A recent television program, "MeleTOP" had recently made a parody of a recent performance by popular Malaysian singer Yuna and Usher where they had hugged which sparked criticisms by the conservative Muslim-majority in Malaysia as Malaysia bars hugging, kissing and foul language by performers on stage. In the spoof, a woman acting as Yuna bows in front of a "black-face" comedian who was posing as Usher, instead of hugging him⁸⁹. The action by the television program was a depiction of an intra-racial discrimination where Yuna was continuously criticized for her actions with Usher. Yuna had taken to the social media responding to her critiques stating that, ironically the biggest racism and

⁸⁵ World of Buzz, "Langkawi's Iconic Eagle Statue is Being Labelled as "Haram" 5 September 2016. See: <http://www.worldofbuzz.com/langkawis-eagle-statue-labelled-haram/>

⁸⁶ Malaysiakini, "Perak mufti says 'idolatrous' Tugu Negara is a big sin" 5 September 2016. See: <https://www.malaysiakini.com/news/354761>

⁸⁷ WorldofBuzz, "Orang puasa la, B**i!" as Indian Girl Got Scolded for Eating Breakfast in Car" 18 June 2016. See: <http://www.worldofbuzz.com/orang-puasa-la-bi-indian-girl-got-scolled-eating-breakfast-car/>

⁸⁸ The Malay Mail Online, "Nazir Razak, Tony Fernandes support Malaysian film awards boycott over language segregation" 5 August 2016. See: <http://www.themalaymailonline.com/malaysia/article/nazir-razak-tony-fernandes-support-malaysian-film-awards-boycott-over-langu>

⁸⁹ The New Straits Times, "Astro's show MeleTOP apologises for 'black-face' Usher parody" 5 August 2016. See: <http://www.nst.com.my/news/2016/08/163291/astros-show-meletop-apologises-black-face-usher-parody>

discrimination that she had ever faced was not from the Americans, but from the people of her own race who consistently hurling derogatory remarks against her⁹⁰.

10. Xenophobic Behavior

a. Selective Employment

A Nigerian lady's story was shared in Facebook posting about how she was a victim of xenophobia in Malaysia. She shared that Nigerians were often stereotyped and labeled and often found it hard to rent houses and are also labeled as criminals or prostitutes. They were also often discriminated in employment and have very limited job opportunities⁹¹.

b. Foreigners Banned from Condominiums

Banners stating, "Say No to African People" were spotted at the Waja Apartments in Taman Tun Perak, Cheras. The banner also urged landlords and real estate agents to refrain from renting units to African tenants. Mohamad Sahidan Hassan, chairman of the apartment's management corporation said that the banner was a reflection of the residents' feelings as there were many complaints about the behavior of African tenants who were stated to be rowdy and exhibits inappropriate behavior⁹².

c. Irrational Fears and Treatment of People from China

A Malaysian citizen who was travelling with her dad and wheelchair-bound mother were greeted with an unbelievably rude behavior of a KLIA immigration officer who yelled at her parents to go to another counter. They family told the officer not to shout at them, but strangely she had asked them what was their nationality. They responded stating that they were Malaysians, prompting the officer to explain that she had thought they were from China⁹³.

d. Anger and Irrational Fears against Bangladeshis

A group called Pertubuhan Rapat Malaysia had accused migrant workers of committing rape crimes in Malaysia. There are also groups who intentionally stir up xenophobic sentiments such as posting images of pay slips of Bangladeshi worker with a monthly salary exceeding RM 5,000 and comparing it to the median monthly household income for Malaysians.⁹⁴

⁹⁰ World of Buzz, "Yuna: The Biggest Racism and Discrimination I had was from My Own Race" 21 July 2016. See: <http://www.worldofbuzz.com/yuna-biggest-racism-discrimination-own-race/>

⁹¹ Humans of UNMC, Facebook Posting, 21 March 2016. See: <https://www.facebook.com/humansofunmc/photos/a.957908520893098.1073741828.948113805205903/1333453893338557/?type=3&theater>

⁹² The Star Online, "African tenants at Taman Tun Perak apartments feel hurt by banner put up by Malaysian residents" 21 June 2016. See: <http://www.thestar.com.my/metro/community/2016/06/21/made-to-feel-unwelcomed-african-tenants-at-taman-tun-perak-apartments-feel-hurt-by-banner-put-up-by/>

⁹³ World of Buzz, "WHAT YOU DOING?! YOU LOST??" Shouts Extremely Rude KLIA Immigration Officer to Family" 9 September 2016. See: <http://www.worldofbuzz.com/klia-immigration-officer-extremely-rude-family-shouts-lost/>

⁹⁴ Asian Correspondent, "Uproar over intake of Bangladeshi workers exposes rampant xenophobia in Malaysia" 18 February 2016. See: <https://asiancorrespondent.com/2016/02/uproar-over-intake-of-bangladeshi-workers-exposes-xenophobia-in-malaysia/#uXg2QP8vf7RyfvYi.97>

e. Foreigner Banned from Entering an Event because of his Nationality

Pusat KOMAS received a report about an Algerian man saying he was denied entry into an exhibition of Jewelry – The Malaysian International Jewelry Fair (MIJK SE) held at the Kuala Lumpur Convention Centre. He was asked to present his passport and was ultimately denied entry despite having registered for the event earlier on and had produced the receipt of registration to the organizer. The organizers cited excuses and also stated that only locals were allowed even though other foreigners were allowed to enter.

MALAYSIA FEDERAL CONSTITUTION

The Malaysian Federal Constitution ⁹⁵ has provisions which prohibit racial discrimination in the country, as spelt out in both Article 8 (1, 2) and Article 12.

Article 8 (1 & 2):

- (1) All persons are equal before the law and entitled to the equal protection of the law.*
- (2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.*

Article 12 (1):

Without prejudice to the generality of Article 8, there shall be no discrimination against any citizen on the grounds only of religion, race, descent or place of birth.

Although both these Articles clearly state the principles of equality in the protection of rights of every Malaysian, exceptions can be made based on Article 153 on the Malaysian Constitution.

Article 153 (1):

It shall be the responsibility of the Yang di-Pertuan Agong to safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak and the legitimate interests of other communities in accordance with the provisions of this Article.

This Article also spells out specifically the reservation of quotas for public service positions, scholarships, educational or training privileges and business permits or licenses. However, despite the exceptions, Article 153 has provisions under point (7) and (8) to also ensure the protection of legitimate interests of other communities. For instance:

Article 153 (7):

Nothing in this Article shall operate to deprive or authorize the deprivation of any person of any right, privilege, permit or license accrued to or enjoyed or held by him or to authorize a refusal to grant to the heirs, successors or assigns of a person any permit or license when the renewal or grant might reasonably be expected in the ordinary course of events.

⁹⁵ Article 8 (1, 2) and Article 12 (1) in the Malaysian Federal Constitution

MALAYSIA'S INTERNATIONAL HUMAN RIGHTS COMMITMENT IN ELIMINATING RACIAL DISCRIMINATION

The Malaysian government has signed several important international treaties and agreements to protect the rights of women and children. It is also a party to several important international human rights documents.

Among the treaties signed were the Convention of the Rights of the Child (CRC) ratified in 1995, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified in 1995 and the Convention on the Rights of Persons with Disabilities (CRPD) ratified in 2010. Malaysia is also a party to several declarations such as the Universal Declarations of Human Rights and the ASEAN Human Rights Declaration which was signed in 2012. In addition, the Malaysian government had also shown its commitment to implement the Sustainable Development Goal (SDG).

However, the racial discrimination incidents reported in 2016 continue to reflect the violations on the legislative and policy frameworks of the State at both the international and national level. Incidents and trends on racial discrimination in the year is a strong indicator of Malaysia's deplorable state of racism and dire need for non-discrimination in the country. This alarming situation should convey a strong message to the Government and the Malaysian people that a lot remains to be done in terms of strengthening national unity and social cohesion in the State.

Universal Declaration of Human Rights⁹⁶

Article 2

Everyone is entitled to all the rights and freedom set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any limitation of sovereignty.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 18

Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

⁹⁶ Article 2, 18, 22 and 26 (2) in the Universal Declaration of Human Rights (UDHR)

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 26 (2)

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedom. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Article 27 (1)

(1) Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

ASEAN Human Rights Declaration⁹⁷

Provision 2

Every person is entitled to the rights and freedoms set forth herein, without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status.

Provision 3

Every person has the right to recognition everywhere as a person before the law. Every person is equal before the law. Every person is entitled without discrimination to equal protection of the law.

Provision 9

In the realization of the human rights and freedoms contained in this Declaration, the principles of impartiality, objectivity, non-selectivity, non-discrimination, non-confrontation and avoidance of double standards and politicization, should always be upheld. The process of such realization shall take into account peoples' participation, inclusivity and the need for accountability.

Provision 22

Every person has the right to freedom of thought, conscience and religion. All forms of intolerance, discrimination and incitement of hatred based on religion and beliefs shall be eliminated.

Provision 31 (3)

Education shall be directed to the full development of the human personality and the sense of his or her dignity. Education shall strengthen the respect for human rights and fundamental freedoms in ASEAN Member States. Furthermore, education shall enable all persons to participate effectively in their respective societies, promote understanding

⁹⁷ Provisions 2, 3, 9, 22 and 31 (3) in the ASEAN Human Rights Declaration

tolerance and friendship among all nations, racial and religious groups, and enhance the activities of ASEAN for the maintenance of peace.

Sustainable Development Goals (SDG)⁹⁸

Goal 10 - Reduced Inequality Within and Among Countries

SDG Target 10.2

By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

SDG Target 10.3

Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

Recommendations of the 2nd Universal Periodic Review (UPR)⁹⁹

The Malaysian government accepted the following recommendations in the 2nd Universal Period Review (UPR) in 2013 in full to improve national unity and social cohesion in the State.

Recommendation 146.87

In accordance with national circumstances, continue to strengthen mutual respect and tolerance and different cultures among religions and maintain social plurality while maintain improved family harmony and respect for women (China)

Recommendation 146.88

Continue the implementation of initiatives to strengthen national unity and promote inter-ethnic tolerance and respect (Russian Federation)

Recommendation 146.89

Streamline current measures to address the unique needs of its diverse society (Zimbabwe)

Recommendation 146.90

Enhance its initiatives and programmes to further promote a sense of national unity and pride among all its citizens (South Africa)

Recommendation 146.91

Enhance initiatives on the programme to bolster a sense of national unity (Islamic Republic of Iran)

⁹⁸ SDG Target 10.2 and 10.3 in the Sustainable Development Goals

⁹⁹ Recommendations 146.87, 146.88, 146.89, 146.90, 146.91, 146.92 and 146.93 in the Malaysia Universal Period Review Second Cycle

Recommendation 146.92

Enhance its initiatives and programmes to further instill a sense of national unity and pride among its people (Democratic People's Republic of Korea)

Recommendation 146.93

Continue implementing the positive initiatives introduced under the 1Malaysia concept with a view to strengthen national unity (Democratic People's Republic of Korea)

CONCLUSION AND RECOMMENDATIONS

Combating racism and xenophobia in a multiracial and religious country like Malaysia is a collective effort by multi-stakeholders especially the government willing and ready to engage with civil society organizations, academicians, media, and other sectors of Malaysian society to address this phenomenon.

The Malaysian Government must adhere to and ensure implementation of basic human rights spelled out in the Federal Constitution as well as universally accepted documents such as the Universal Declaration of Human Rights (UDHR). The Malaysian Government should also sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Several aspects have to be addressed especially pertaining to the policy and practices of racism and racial discrimination in Malaysia. Serious attention has to be given to changes in policy and practices to ensure this is achieved in the most effective manner. It is indeed high time to institutionalize a new Malaysia where everyone can feel equal under the Malaysian sun. It means a reorientation of its people and especially the government to respect and engage diversity in a human rights way.

To conclude this 2016 report, the following are some significant recommendations to the Malaysian government.

- The government to lead the initiatives to carry out intense and widespread public and social awareness education through mass campaigns, public information and especially through the formal education system, in order to educate, promote and instill consciousness and eradicate racism and discrimination at all levels of the Malaysian society. Starting from Government Ministers; Parliament members, State Assemblymen; all senior politicians, Town and City mayors and local councilors; Department heads and senior staff members in all government agencies and departments of the civil service and all enforcement agencies must be involved.
- The Government in collaboration with CSOs must continue to diligently and systematically monitor, check and ensure zero tolerance for policy and practices of racism and discrimination in all levels of governance. For instance, high ranking officers must refrain from adopting and behaving in racist manners which is counterproductive to achieving national unity and social cohesion in the nation.
- The government must be willing to impose heavy legal and formal sanctions (in line with international human rights norms) on any government Ministers, senior officers, elected representatives, organizations and groups, individuals, politicians, mass and social media groups who exhibit, racist and discriminatory tendencies and in speech and actions.
- The Malaysian people must be meaningfully engaged and be part of the process of implementing these recommendations. The government should also immediately release its findings and recommendations made in the National Unity Blueprint put forth by the NUCC established in 2013. The people must have access to view the National Harmony

Act proposed by NUCC which balances the right to freedom of expression and the criminalizing of hate speech in adherence to international human rights norms.

- Malaysia has been waiting for far too long for the ratification of the International Convention on the Elimination of Racial Discrimination (ICERD). The ratification of ICERD must be moved fast. ICERD strengthens and commits its members towards the elimination of racial discrimination the promotion of equality and unity among all races and requires them to create mechanisms, change laws and policies to minimize and eradicate racial discrimination and condemn any group or organization that perpetuates it. To date, 176 United Nations member states have ratified ICERD but sadly Malaysia has not ratified the convention. It is also among the 15 countries including North Korea which has not ratified this convention.
- The government must remove reservations on non-discrimination and equal opportunity in the Convention on the Rights of the Child (CRC)¹⁰⁰ particularly Article 2 (1)(2) and 14 (1); and its declaration made upon ratifying the Convention on the Rights of Persons with Disability (CRPD)¹⁰¹.
- The Government must uphold not renege on its promises and declarations to eliminate all forms of intolerance, discrimination and incitement of hatred based on religion and beliefs they have committed to international and regional platforms such as the UPR process in Geneva and the ASEAN Human Rights Declaration.

**REPORT COMPILED AND PREPARED BY
PUSAT KOMAS MALAYSIA
MARCH 21, 2017**

¹⁰⁰ Article 2, 14 (1) in the Convention of the Rights of the Child (CRC)

¹⁰¹ Article 3 (b, e) and 5 (2) of the Convention on the Rights of Persons with Disability

