Racism, racial discrimination, and xenophobia are pervasive issues globally, affecting millions of lives posing threats to societal well-being. In Malaysia, despite efforts such as promoting national unity through slogans like the 'Malaysian Family', fundamental principles of equality and non-discrimination continue to face challenges. This has led to perceptions of unfair treatment among different ethnic groups, resulting in various forms of racism, racial discrimination, and xenophobia.

The Malaysian Racism Report aims to document and record incidents of racism, racial discrimination, and xenophobia in Malaysia. It provides an overview of these issues, which are often overlooked, and emphasizes their significance in addressing societal cohesion and harmony. The report seeks to inform the public about the prevalence of racism, racial discrimination, and xenophobia in Malaysia and their potential consequences if left unaddressed. While acknowledging potential criticisms regarding the amplification of subtle issues, the report underscores the importance of documenting such incidents due to their potential long-term ramifications. It recognizes these issues' varying trends and complexities, aiming to foster understanding and awareness among Malaysians.

The report expresses hope that the new Malaysian MADANI government and political and public leaders will demonstrate unwavering political will and commitment to address issues of race and religion that have persisted for decades. Urgent efforts are called for to safeguard the social fabric and ensure equitable treatment for all Malaysians. With a goal of being a regional leader in intercultural harmony, Malaysia takes pride in its unique ethnic and cultural diversity. However, racial prejudice and discrimination pose significant challenges to this vision. The report critically analyses the current state of racism in Malaysia, drawing on credible sources to offer insights into its complexities. The report incorporates data from various sources, including the latest Universal Periodic Review (UPR) conducted by the United Nations Human Rights Council (UNHRC) on Malaysia. Concerns raised by the international community regarding racial discrimination, particularly against indigenous communities and migrant workers, are highlighted. Additionally, findings from organizations such as Pusat KOMAS contribute to a comprehensive understanding of the issues marginalized communities are subjected to in Malaysia.

Recommendations from the Committee on the Elimination of Racial Discrimination (CERD Committee) provide a comprehensive framework in assessing Malaysia's compliance. The report serves as a call to action, proposing concrete recommendations to policymakers, civil society organizations, and the Malaysian public. It emphasizes the need for collaborative efforts to dismantle structures and attitudes perpetuating racism. By promoting open
dialogue, inclusivity, and upholding principles of equality, Malaysia can progress towards a more just and equitable society.

While evaluating Malaysia's compliance, the Committee on the Elimination of Racial Discrimination's (CERD Committee) recommendations are taken into account. The study is a call to action, offering specific suggestions to the public of Malaysia, civil society organizations, and policymakers. It highlights the necessity of teamwork in transforming the mindset of individuals and institutions that endorse racism. Malaysia may make strides toward a more just and equitable society by implementing inclusive policies, encouraging progressive conversations, embracing diversity, and promoting equality.

Malaysia can embrace its unique heritage and create a society that honours and respects each and every citizen irrespective of religion, region, gender and class by implementing real reform and a thorough knowledge and awareness of the issue. The report underscores the importance of addressing racism, racial discrimination, and xenophobia thereby providing a roadmap to establish a society free of racism and racial discrimination.

Dr. Ashwini K.P.
UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance
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Executive Summary

The year 2023 marks the first year since the Madani Government came into power. The Prime Minister of the Unity Government, Anwar Ibrahim has vouched that his leadership will continue to protect the people from racism and would end any attempt to use political identity to split the people - guaranteeing that the people - be it the Chinese, Indians and those in Sabah and Sarawak - that this unity government will not allow for these kinds of policies to be put in place. Anwar Ibrahim’s commitment to create a more inclusive environment for all Malaysians is warmly welcomed; but much has yet to be seen if his vision for an inclusive Malaysia can be realised.

The Malaysia Racism Report 2023 continues to monitor and report incidents of racism, racial discrimination and xenophobia that are captured by the mainstream media, racism reports to Pusat KOMAS and secondary sources such as accounts and views from individuals on social media in 2023. It also documents the efforts to combat racism, racial discrimination and xenophobia in Malaysia that are reported in the media. Even though the incidents captured in this report may be an isolated incident and may not be exhaustive of all the cases and/or issues of racism, racial discrimination and xenophobia in Malaysia, the yearly report provides an exploratory observation of the trends of incidents of racism, racial discrimination and xenophobia which may be symptomatic of a larger, significant problem. Oftentimes, these cases are deemed to be significant and credible enough to be highlighted in the media.

In 2023, there has been a decrease in the number of reported incidents of racism, racial discrimination and xenophobia in Malaysia as compared to 2022. A total of 50 incidents of racism, racial discrimination and/or xenophobia were documented. These incidents were categorised into nine different trends respectively:

1. Racial and/or Religious Politics
2. Racial and/or Religious Expressions of Prejudice, Provocation and/or Incitement
3. Racial and/or Religious Discrimination in the Education Sector
4. Racial and/or Religious Discrimination in Sports Sector
5. Racial and Religious Discriminatory Policies
6. Racism and Racial Discrimination in Other Sectors
7. Xenophobia

Meanwhile, a total of 31 efforts to promote unity, combat racism, racial discrimination and xenophobia were recorded. They were grouped into two categories - Governmental Efforts and Responses by Ordinary Malaysians.

This report will also examine the performance of the Madani Government to promote unity, combat racism, racial discrimination, and xenophobia after being in power for a year.
This report highlights a few broad trends of racism, racial discrimination, and xenophobia in Malaysia. These trends may vary from one another, but they are significant enough to be of concern. As this report serves as an exploratory observation and compilation of incidents of racism, racial discrimination and xenophobia that have occurred in Malaysia, it should not serve as an index, but as an indication of the issues of racism in Malaysia.

The fight against racism begins with being informed and aware. We believe that this report can serve as an important document to inform the public about racism, racial discrimination, and xenophobia in Malaysia. We hope this report could encourage new ideas and strategies to overcome this issue. This report is also intended to be an important tool to facilitate engagement with the relevant stakeholders such as government agencies, political parties, education institutions, academicians, and non-governmental organisations (NGOs). This document also outlines Malaysia’s international commitment to promote inclusivity and equality and as such, it is hoped that this document can help to remind the government of its international obligations and promises. We hope that this document can inspire efforts to promote national unity and be replicated by other stakeholders.
Key Concepts & Methodology

| Principle of equality and non-discrimination | A principle which is proclaimed in the first article of the Universal Declaration of Human Rights (UDHR): “All human beings are born free and equal in dignity and rights”, and reiterated in international and regional human rights treaties. This report is grounded by this foundational principle. |
| Racism | There are no universally accepted legal definitions on the term racism. However, the most comprehensive provision on racism is highlighted by Article 4 of ICERD: |

“State Parties condemn all propaganda and all organisations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination.”

The definition of racism in this report will be guided by Office of the United Nations High Commissioner for Human Rights (OHCHR) as set out in their publication Dimensions of Racism:

“...a construct that assigns a certain race and/or ethnic group to a position of power over others on the basis of physical and cultural attributes, as well as economic wealth, involving hierarchical relations where the ‘superior’ race exercises domination and control over others.”

Racism is a broader experience and practice than racial discrimination. It includes racist ideologies, prejudiced behaviour, structural arrangements and institutionalised practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable. Racism is a deep-rooted belief where one group feels superior to another. It can be openly displayed in racial jokes, slurs or hate crimes. Racism can also be deeply rooted in attitudes, values and stereotypical beliefs.

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Racial discrimination

Guided by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), racial discrimination is defined as:

“…any distinction, exclusion, restriction or preference based on race, colour, 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.”

In order to determine whether a particular action is considered to be racial discrimination, the action has to be assessed whether “that action has an unjustifiable disparate impact upon a group distinguished by race, colour, descent, or national or ethnic origin.”

Special Measures

However, special measures “for the purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals’ equal enjoyment or exercise of human rights” are not considered to amount to racial discrimination provided that such measures do not lead to the maintenance of separate rights for different groups, and are not continued once their objective has been achieved.

The United Nations in August 2009 released an explanation note in the form of General Recommendation No. 32, titled “The meaning and scope of special measures in ICERD”, which provides further guidelines and explanations for the implementation of ICERD.

Amongst the conditions for the adoption and implementation of special measures include:

1. Special measures should be appropriate to the situation to be remedied, be legitimate, necessary in a democratic society, respect the principles of fairness and proportionality, and be temporary. The measures should be designed and implemented on the basis of need, grounded in a realistic

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5 Article 1, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
6 CERD, General Recommendation No. 14, paragraph 2. This includes practices that are non-discriminatory in their purpose but have a discriminatory effect. See CERD Concluding Observations on the initial, second and third periodic report of the United States of America, adopted by the Committee during its 59th Session (2001), U.N. Doc. CERD/C/59/Misc.17/Rev.3, on the “the persistence of the discriminatory effects of the legacy of slavery, segregation, and destructive policies with regard to Native Americans.”
appraisal of the current situation of the individuals and communities concerned.

2. Appraisals of the need for special measures should be carried out on the basis of accurate data, disaggregated by race, colour, descent and ethnic or national origin and incorporating a gender perspective, on the socioeconomic and cultural status and conditions of the various groups in the population and their participation in the social and economic development of the country.

Additionally, such actions “should not lead to the maintenance of separate rights for different racial groups” and “they shall not be continued after the objectives for which they have been taken have been achieved”. As such, special measures should, therefore, be carefully tailored to meet the particular needs of the groups or individuals concerned. If the so-called “special measures” do not fulfil these limitations, such actions are deemed to be racially discriminatory.

<table>
<thead>
<tr>
<th>Xenophobia</th>
<th>There is no internationally recognized legal definition of xenophobia. However, according to the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, xenophobia is defined as:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>“… behaviour specifically based on the perception that the other is foreign to or originates from outside the community or nation.”</td>
</tr>
<tr>
<td></td>
<td>Xenophobia exists when “individuals are denied equal rights on account of real or perceived geographic origins of the said individuals or groups, or the values, beliefs and/or practices associated with such individuals or groups that make them appear as foreigners or outsiders.”</td>
</tr>
<tr>
<td></td>
<td>Generally, xenophobia implies discrimination based on the perception of the other as foreign or originating from outside a community or a nation.</td>
</tr>
</tbody>
</table>

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Methodology

Incidents of racism, racial discrimination and xenophobia and efforts to combat them are compiled from mainstream media, racism reports made to Pusat KOMAS and secondary sources such as accounts and views from individuals on social media.

A total of 230 incidents were identified and they were examined against the international standards of racism, racial discrimination and xenophobia as well as Malaysia’s commitment at the international level. Additionally, these incidents illustrate violations to the basic rights enshrined in the Federal Constitution of Malaysia as well as the “National Principles”.
Incidents of Racism and Racial Discrimination

Graph 1. Total Number of Incidents of Racism, Racial Discrimination and Xenophobia from 2015 to 2023.

In 2023, a total of fifty (50) incidents were identified as racism, racial discrimination or xenophobia (refer to Graph 1). Incidents which demonstrated similar themes were grouped together and categorised into trends. Compared to 2022, there has been a decrease in the total number of incidents reported. Racial and/or Religious Politics constitute the highest number of cases reported (31.4%), Racial and/or Religious Expressions of Prejudice, Provocation and/or Incitement (17.6%), Racial and/or Religious Discrimination in the Education Sector (9.8%), Racial and/or Religious Discrimination in Sports Sector (7.8%), Racism, Racial and/or Religious Discriminatory Policies (7.8%), Racial Discrimination in Other Sectors (13.7%), and Xenophobia (11.8%) (refer to Graph 2).

Graph 2. Trends of Racism, Racial Discrimination and Xenophobia
(Note: ‘Others’ category includes Employment, Property, Discrimination in General, Interracial Relationship)
Over the past nine years, incidents related to racial and/or religious politics continue to dominate the scene in Malaysia. Additionally, racism, racial discrimination and xenophobia in other sectors continue to persist. Despite the lower total number of incidents reported as compared to 2022, there has been an increase in the total number of reported cases in other sectors - provocation, education, xenophobia and other areas.
Racial and/or Religious Politics

Politicians frequently manipulate racial and religious tension to maintain power. The ancient notion of “voting for our race so that they would prioritise our needs” is already deeply ingrained. Furthermore, fear was a common strategy used by politicians to maintain followers in their party and divert followers away from their political opponents through misleading statements. A total of 15 incidents were recorded in 2023.

<table>
<thead>
<tr>
<th>Report Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 March 2023</td>
<td>Tun M made a controversial claim saying that Malays do not benefit from the multi-ethnic country as the business sector is dominated by Chinese hence non-Chinese cannot find good jobs.</td>
</tr>
<tr>
<td>4 May 2023</td>
<td>Hadi Awang warned that political power could fall to non-Muslims and non-Malays during the election.</td>
</tr>
<tr>
<td>8 July 2023</td>
<td>Hadi Awang claimed that DAP is using a Malay spokesperson as a means to achieve Chinese goals.</td>
</tr>
<tr>
<td>12 July 2023</td>
<td>Sanusi said that many bribes were given by non-Muslims creating false perceptions which were discriminatory in nature.</td>
</tr>
<tr>
<td>14 July 2023</td>
<td>YB Najwan Halimi made a racist remark against a PSM candidate by calling her ‘Parti India Estet’.</td>
</tr>
<tr>
<td>25 July 2023</td>
<td>Hadi Awang emphasised that Muslims should save their race first as according to the Quran.</td>
</tr>
<tr>
<td>26 July 2023</td>
<td>Tun M called for Malays to go and vote to prevent non-Malays from ruling the Malay states.</td>
</tr>
</tbody>
</table>

16 ‘[9] Nik Aziz Afiq - Edit : Pada Jam 10.48 Malam Tadi Najwan Teh... | Facebook’ <https://www.facebook.com/story.php?story_fbid=0EMNkDqXL7Ld6G8Dkt1r5gjwCpctmW17G1mbdWudK26aUvY0P-EZULC3iqid=1000017299585218&mbid=0&paipv=0&oeav=AFy2655kNyFwGScYkrQz2skDq0mAj1r6m9eUQMCwiPw1szWqQuCnJNzB6maw&ndr> accessed 9 February 2024.
17 “[9] Minda Presiden PAS PERJUANGAN AGAMA DAN... - Abdul Hadi Awang | Facebook.”
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 July 2023</td>
<td>Tun M claimed that Malaysia is not a multi-racial country and it is a Malay country that hosts people from other countries, labelling the non-Malays as ‘pendatang’.</td>
</tr>
<tr>
<td>30 July 2023</td>
<td>Azmin Ali called the Malays to go vote and accused the non-Malay leaders of ridiculing the Malay Muslims.</td>
</tr>
<tr>
<td>30 July 2023</td>
<td>Abdul Hadi Awang posted on his Facebook calling for Muslims to vote for Muslim candidates to preserve political power among the Muslims only.</td>
</tr>
<tr>
<td>30 July 2023</td>
<td>Muhyiddin Yassin accused Anwar Ibrahim for letting non-Malays run the unity government, citing the ‘Allah’ issue as an example.</td>
</tr>
<tr>
<td>2 August 2023</td>
<td>PN Candidate Mohamed Farid Zawawi urged Malays to prioritise Malay candidates to guarantee that Malays remain in power and do not become enslaved like Patani.</td>
</tr>
<tr>
<td>4 September 2023</td>
<td>Tun M called parties led by non-Malays ‘parti pendatang’.</td>
</tr>
<tr>
<td>14 December 2023</td>
<td>Wan Fayhsal challenged Anwar to amend the Federal Constitution ensuring only Malay Muslims were qualified to become the Prime Minister.</td>
</tr>
<tr>
<td>23 December 2023</td>
<td>PM Anwar Ibrahim used a racial slur during a dialogue with university students.</td>
</tr>
</tbody>
</table>

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29 Dr Mahathir Mohamad [@chedetofficial], "MALAYSIA A MALAY COUNTRY 1. Stop Talking about Malaysia Is a Multi-Racial Country. 2. It Is Not. 3. It is a Malay Country Which Hosts People from Other Countries. 4. Many Countries Do This. But These Countries Remain the Land of the Definitive People. DR MAHATHIR BIN...


31 ‘(9) Semalam Saya Bersama Dengan Pimpinan Perikatan... - Abdul Hadi Awang | Facebook’ <https://www.facebook.com/story.php?story_fbid=pbid0qEqGQ2QkR2TzNimiJdpG5YIfUFCrRnr7mzdvyFotRQ2ELkrU1eo1Qlf4nsz44dnFl&id=100044222510324&nbextid=nlf5oz&paipv=08eav=AZ/j4VAq45tG/4iLAIQb-CNAmUmpb6xfyDS3H3feN_owmy8RvSUNPezXHTPEkpcN/eo61s8_rdr> accessed 9 February 2024.


Key Observations & Analysis

Based on the reported cases, race and religion were consistently used by politicians to remain in power and to continue to plant fear within their communities.

Fear mongering is a strategy used by politicians by making false statements and creating false narratives against the opposing party by claiming that the opposition’s victory could be disastrous to the community that they are serving. For example, in the incident of Azmin Ali claiming that Malay Muslims are currently being ridiculed by other races, Azmin Ali’s actions not only spark anger but also fear of the Malay Muslims being ripped off from their dignity. The voters who certainly want to preserve their personal interest will be swayed to vote for the politicians of the same race with the expectation that they will be taken care off.

On a different note, politicians have also made racist remarks against other candidates. For example, Najwan Halimi, a PKR state assembly person, called PSM candidate, Sivaranjani Manickam, as ‘Parti India Estet’. This incident is racist in nature as it degrades the Indian race by equating them to estates as people or classes of poverty. Stereotyping is harmful in daily life, what more when it comes to politics. Stereotyping, when it comes from politicians, can alter their followers' narratives. This will then have a domino effect when it comes to regular Malaysians who follow and believe in him to stereotype their Malaysian Indian friends as people from estates.

It is also difficult when politicians continue to see Malaysia as a “Malay first” country and the Malays being the rightful owners of the land. This narrative was continuously pushed by highlighting the struggles faced by the Malay community and by invalidating the contributions and struggles from the non-Malay communities. Additionally, the economy has not been harsh only on the Malay community, but the non-Malays have equally felt the brunt of it. To say that Malaysia is not a multiracial country is not just tasteless but baseless. As history shows Malaysia is a multi-racial country that was formed on the hard work and unity of all races in Malaysia.

Additionally, a statement from Wan Fayhsal challenging Anwar to amend the Federal Constitution ensuring only Malay Muslims qualify to be the Prime Minister suggests that only Malay Muslims can become the leader of the country. This not only undermines the Federal Constitution, but it further pushes the narrative of Malay supremacy within the context of national governance.

To further enforce this “Malaysia is for Malays” narrative, Wan Fayhsal has also challenged the current Prime Minister to amend the existing Federal Constitution to include a requirement where only Malay-Muslims can hold the Prime Minister position. Politicians have to stop playing the race card as the Malay supremacy ideology can be harmful in the future as this may spark further tension among the Malaysian community.
Racial and/or Religious Expression of Prejudice, Provocation, and/or Incitement

In this section, racism and discrimination is highlighted in any kind of speech, writing or behaviour that attacks or uses pejorative and/or discriminatory language with reference to a person or a group based on their ethnicity, nationality, race, colour and/or descent. The reported incidents also demonstrate racial ideologies and prejudices of the individual, group and/or agencies.

<table>
<thead>
<tr>
<th>Report Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 February 2023</td>
<td>A TikTok user used racial slurs against the Indian community during A R Rahman’s concert.</td>
</tr>
<tr>
<td>1 February 2023</td>
<td>An Indian woman was rejected by a Malay travel agent when finding a holiday package.</td>
</tr>
<tr>
<td>4 May 2023</td>
<td>A Grab driver refused to pick up a passenger, assuming she was drunk only because she was Indian.</td>
</tr>
<tr>
<td>15 June 2023</td>
<td>A netizen left a racist comment saying that Indians could not afford expensive cars on a Malaysian Youtuber’s purchase of a new car.</td>
</tr>
<tr>
<td>26 July 2023</td>
<td>A netizen wrote that Malays are now civilised because they use forks and spoons, criticising the traditional method of eating by using hands.</td>
</tr>
<tr>
<td>1 August 2023</td>
<td>A Facebook user posted a post to poke fun at the indigenous tribes in Malaysia by equating their tribes’ names ‘Jakun’ and ‘Sakai’ as “bangsat” (bastard) and stupid people.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 October 2023</td>
<td>Big Pharmacy released an advertisement for Deepavali mocking Indian people and their culture.</td>
</tr>
<tr>
<td>7 November 2023</td>
<td>Mufti in Perlis tweeted ‘Hitler knew them better’ validating the holocaust over the Israelis who are committing a genocide against the Palestinians.</td>
</tr>
<tr>
<td>22 November 2023</td>
<td>An EPF worker tweeted a derogatory term for Hindus saying the fireworks on Deepavali reminded her of the bombings in Gaza.</td>
</tr>
</tbody>
</table>

**Key Observations & Analysis**

Racist remarks directed at a marginalised group are typically the result of preconceptions and generalisations of negative sentiments toward the entire community. This is known as prejudices or stereotypes. A number of incidents reported above have portrayed disdained comments being made against the Malaysian Indian community. The comments made perpetuated hate towards the community. Majority of the distasteful comments were made during cultural celebrations or events that were attended by the Malaysian Indian community.

These reported incidents alone are enough to show that the cultural differences in Malaysia are not celebrated and tolerated by other races, but it has become a platform for communities to hate, belittle and discriminate against other Malaysians. The lack of tolerance between races can be seen beyond these reported incidents on social media platforms, such as X (formerly known as ‘Twitter’).

Racially stereotypical and prejudicial views do not only manifest during festivals, it is evident even so in daily life situations. One of the reported incidents above highlighted how an Indian woman was turned down by a Malay travel agent because she was Indian. The stereotyped remark made in this incident was that Indians are hard to deal with as they are pushy and difficult. This was shared by the woman online. It is important to reiterate that stereotypes and prejudiced views are enough to spark tension among races as it can lead to distrust among communities. Distrust will then turn into uneasiness between races, pushing them further into their own communities.

Furthermore, a netizen commented that the Malays are now civilised after utilising forks and spoons. This comment appears to be discriminatory against not only Malays, but also other Malaysians, who have traditionally eaten with their hands and have never been considered uncivilised to do so. Furthermore, the advertisement released by Big Pharmacy sparked...
controversy among many people since it mocked the usage of the 'Bindi' to scan medications. “Since 'Bindi' is known for its religious importance, making fun of it is harsh and unacceptable” was a remark made by a fellow Malaysian in response to the large business.

It is rather ironic that Malaysia has been very vocal on the issue of genocide happening in Palestine but have been unkind and racist to their own Malaysians. A mufti in Perlis made a rather anti-Semitic statement justifying the genocide against Jewish people during World War II. No matter how atrocious the Israel crimes are against the Palestinians, to justify a mass genocide that took place in the 1940’s is racist and xenophobic. It is clear that many Malaysians could not differentiate the Zionists from the Jewish people and the lack of education in this area causes more harm than good.

It is important to remember that a majority of the racist remarks were made on social media. This means that remarks as such have the potential to be amplified with a single click and propagated to a large number of people who come from a variety of backgrounds. Not only does this intensification of hatred disrupt the harmony of the nation, but it also has the potential to engrave racial hatred in the minds and views of individuals.
Racial and/or Religious Discrimination in the Education Sector

Racial discrimination in education is the act of discriminating against people from certain races who have the right to an education with equal respect and treatment in the system.

Educational institutions are one of the many places where an individual learns about the world after being in the safe sphere of their parents’ presence. Malaysian students are not excluded from being victims of racist remarks, stereotypes, and/or racial prejudice when they are in a system or institution that implements racist and discriminatory policies. Especially when the teachers themselves, who are looked up to as role models, amplify racism through school rules hence, pushing the students to eventually pick up and conform to the unequal treatment, which is then implemented in their system of thought.

In 2023, five incidents of racism and racial discrimination in the education sector were reported, an increase from three incidents in 2022.

<table>
<thead>
<tr>
<th>Report Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 January 2023</td>
<td>An Orang Asli student was bullied and thrown racist remarks due to his indigenous identity.</td>
</tr>
<tr>
<td>23 January 2023</td>
<td>An all-girls public school in Johor conducted a workshop for the Sijil Pelajaran Malaysia (SPM) students to prepare them for the examination and it was exclusively for its poor-performing Muslim pupils.</td>
</tr>
<tr>
<td>9 February 2023</td>
<td>A student was persuaded by his teacher to convert to Islam if he wanted to join the football’s national team.</td>
</tr>
<tr>
<td>16 May 2023</td>
<td>SMK Convent Ipoh’s students were not allowed to wear sarees and accessories that were associated with them.</td>
</tr>
<tr>
<td>8 September 2023</td>
<td>SMK Convent Kajang prohibited cross-culture attire for the Merdeka/Malaysia Day celebration.</td>
</tr>
</tbody>
</table>


Key Observations & Analysis

Orang Asli students often drop out of school. One of the factors that contributes to the dropouts is discrimination faced in schools. Schools, which are supposed to create a safe environment for students, have unfortunately become a place of unease, unsafe and discomfort for students from the indigenous community. Based on the reports above, a student was bullied merely for belonging to a community different from theirs. This has pushed many students like him to stay silent, further traumatising them.

Besides facing peer pressure, teachers are also contributing factors to racism in school. Teachers in schools have created programmes to assist students from certain races when it comes to their education. To cater to a particular group of students and ignoring the rest just shows biased and unfair treatment. Students are all sent to schools to learn, however, some students are not learning or not getting the assistance they need only because of their race.

Apart from getting the assistance and education they deserve; students also get unsolicited remarks from teachers that they should convert their religion if they want to do better in life and/or if they want opportunities to be bestowed upon them. Pushing such narratives in schools can create an impression that one race and/or religion is better and defies the idea of freedom of religion enshrined in the Federal Constitution. The amplification of religious discrimination in the academic setting would eventually educate students to disrespect one's religion while enforcing the supremacy of one's religion over another.

Schools are supposed to be an institution where students learn how to accept and unite with one another when there are cultural and colour differences. This can be in appreciating attires from different cultures to food. However, in Malaysia, it looks like it has become a breeding ground for hate due to the differences. According to the cases reported, schools have not allowed their students to wear their cultural attires to school on days of celebration. Actions as such portrays intolerance towards the cultures that exist in Malaysia, further dividing communities in schools. This will only continue if there are no comprehensive policies in place to not only train staff in school to look beyond race but to train everyone in that environment to stop breeding hate.
Racial and/or Religious Discrimination in the Sports Sector

Racial prejudice exists in sports when there is a preferential treatment, in terms of race of the athletes being a factor of representation of a team during a competition. In this report, Pusat KOMAS highlights acts of racism committed not only during competition seasons but the acts of racism and discrimination present in the entire sports community in general.

Sports has always been a uniting factor among Malaysians. Malaysians cheer and cry together for the national team to win and raise the flag, Jalur Gemilang while sitting in the same stadium or roadside stalls. Sports give the nation a hope of unity and harmony.

Sports teams in Malaysia, on the other hand, should be the benchmark for unity, as there are members of the team that comprise different races, religions and backgrounds. The team would have to put their cultural differences aside and work together. This includes the process of learning and adapting to each other’s differences in terms of cultures that may come with certain conflicts. However, there is an increase in the number of racism cases reported for sports, from two cases in 2022 to four cases in 2023.

<table>
<thead>
<tr>
<th>Report Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 January 2023</td>
<td>Malaysian football fans made racist comments against Taiwanese pop star Jay Chou due to shortages on tickets for their football game as the original venue was passed for the concert.⁴¹</td>
</tr>
<tr>
<td>28 January 2023</td>
<td>A hockey player, Hanis Nadiah Onn made racist remarks at the A R Rahman Concert, attended by majority Indians, indicating the smell of the stadium must be awful.⁴²</td>
</tr>
<tr>
<td>13 February 2023</td>
<td>Ex-badminton player Guang Yik claimed that badminton players’ performance worsened under the Malay’s management.⁴³</td>
</tr>
<tr>
<td>11 July 2023</td>
<td>A Nigerian shared his experience of being discriminated against during futsal due to his skin colour as Malaysians refused to let him join the team.⁴⁴</td>
</tr>
</tbody>
</table>

Key Observations & Analysis

In the sports category, Pusat KOMAS does not only highlight racism and discrimination from sports players but also from the fans. Sports are extremely important but it is also equally important to be respectful towards others, especially in conflicting situations. Being prejudiced against foreign musicians by leaving racist remarks showcased Malaysians' racism. It is understandable to be frustrated over the lack of tickets to watch your favourite team compete but it is not alright to release that frustration by being racist to another person, in this case, an international singer.

It’s very paradoxical in nature to see sports players being racist. Especially, when the tenets of sports include inclusivity and respect. Based on the reports above, it’s disheartening to see players coming up with prejudiced and stereotyped statements directed at the public. It is acknowledged that stereotyped and prejudiced thoughts are formed from experiences and observations, but it is unjust and unfair to categorise all races into categories (be it good or bad), further distancing themselves from their fellow Malaysians.

Malaysians are well known to be friendly people to other countries. Hence, it is rather bizarre to find experiences of people explaining their experiences with discrimination. Discriminating and excluding a person from playing with or against them on a field is not normal. However, there have been instances where Malaysians refuse to play sports with a person of different nationality. This understanding on race exclusion and the superiority complex has somehow clouded judgment when it comes to being kind and empathetic to other people around us.
Racial and/or Religious Discriminatory Policies

Racism and/or religious discrimination can also manifest in existing policies. In this section, incidents which demonstrate the imposition on one’s religious beliefs onto other ethnic groups are included.

<table>
<thead>
<tr>
<th>Report Date</th>
<th>Description</th>
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<tbody>
<tr>
<td>1 January 2023</td>
<td>The Malacca Islamic Religious Department plans to establish a law on the dress code at Pulau Besar.(^{45})</td>
</tr>
<tr>
<td>26 June 2023</td>
<td>Non-Muslim Kelantanese woman was fined for wearing shorts in public.(^{46})</td>
</tr>
<tr>
<td>14 December 2023</td>
<td>Laundromat segregated Muslim and Non-Muslim washers and dryers.(^{47})</td>
</tr>
<tr>
<td>15 December 2023</td>
<td>Kuala Selangor Municipal Council prepares sarungs for visitors wearing sports attire like shorts, leaving netizens divided.(^{48})</td>
</tr>
</tbody>
</table>

Key Observations & Analysis

In 2023, there have been instances where Malaysians who were not of the Muslim religion were stopped from entering public places because of what they wore. There were dress codes that people had to adhere to be present at public spaces. Comments shared by netizens online on these issues highlighted that they are aware that dress codes exist but stopping people from entering into spaces made for everyone is at what cost? What was the purpose of dress codes at tourist areas like the beach? However, there were also Malaysians that shared their opinion that “if this is against our religion, then you have to follow it as well”. Racism comes hand in hand with unsolicited imposition of religion. When people in authority or of power impose their religion on another person, it can get overwhelming and unfair in a country like Malaysia. Forcing one’s religious beliefs onto others is not an act of racism, but rather an expression of religious intolerance or discrimination. It involves imposing a particular set of beliefs on individuals who may follow different faiths, potentially infringing on their right to religious freedom.


Racism and Racial Discrimination in Other Sectors

Racism exists in common spaces. Malaysians of all races and religions face some form of discrimination in their daily lives. Everyone deserves to be treated equally and fairly in Malaysia regardless of their situation.

<table>
<thead>
<tr>
<th>Report Date</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>15 February 2023</td>
<td>A woman was chased out of the hospital for wearing shorts.⁴⁹</td>
</tr>
<tr>
<td>9 May 2023</td>
<td>A Punjabi man was told to cut his hair and shave his beard if he wanted to work at a 99 Speedmart outlet.⁵⁰</td>
</tr>
<tr>
<td>16 June 2023</td>
<td>SUHAKAM chairperson was alleged to practice racial discrimination in hiring based on an expose by a staff member.⁵¹</td>
</tr>
<tr>
<td>28 August 2023</td>
<td>A woman shared her experience of being rejected as a rent candidate because she is Indian.⁵²</td>
</tr>
<tr>
<td>20 October 2023</td>
<td>A 23-year-old Chinese girl was domestically abused by her own family for being in a relationship with a Malay. ⁵³</td>
</tr>
<tr>
<td>21 October 2023</td>
<td>An Indian woman posted her experience on X after being rejected 300 times to rent accommodation.⁵⁴</td>
</tr>
<tr>
<td>1 December 2023</td>
<td>Malaysian Indians share frustration upon finding out job openings only want Chinese teachers even when the subjects listed are general subjects.⁵⁵</td>
</tr>
</tbody>
</table>

⁵¹ Shahrin Aizat Noorshahrizam, ‘Suhakam Chair to Retract Defamation Suit against Staff after Suaram Warns of Power Abuse | Malay Mail’ (Suhakam chair to retract defamation suit against staff after Suaram warns of power abuse, 16 June 2023) <https://www.malaymail.com/article/2825917> accessed 12 March 2024.
Key Observations & Analysis

Dress Code
A form of common discrimination that takes place in Malaysia is discrimination and racism when it comes to dress codes. There is a common misconception that dress codes have to be strictly adhered to at all times and at places like the hospitals. It is important to have guidelines on how to dress at public places but no one should be stopped from accessing public places at times of emergencies. In the case reported above, a woman was stopped from entering the hospital as she was wearing shorts. The question that arose was is the dress code more important than a person’s access to health facilities. Especially when it is an emergency that requires immediate attention from medical officers and could endanger the life of the patient. Also, the rationality to cover up when a person is wearing shorts for sports seems farcical.

Employment
Racial and religious discrimination exists in the employment sector. This happens when individuals are treated unfairly or disadvantaged due to their race and religion. Discrimination that usually happens in this sector is based on the fact that people are not hired because of their qualifications and/or merits but because of their race. As it has been highlighted in the cases above, not all races have equal opportunities when it comes to work, in both public and private sectors. Racism in employment hurts Malaysians as it strips people from opportunities that are made for them and it can also hurt the economy of the country because of the brain drain.

Interracial Relationships
Interracial relationships are common in Malaysia. They are beautiful yet challenging. Interracial couples deviate from the norm by adapting to one another's new customs and culture, whereas most people are more comfortable to be in a relationship with people of their own race and religion. Interracial relationships are challenging as couples have to get their family to accept their partners. When parents are not willing to accept their cultural differences, a lot of hurtful remarks can be made. In the case reported above, this family took a more painful route by physically and mentally abusing their daughter who has a partner that was of a different race. Many stereotype and prejudice remarks were said to the daughter in hopes that she would call off her relationship. Such remarks are products of stereotype thoughts that were accumulated. This incident shows that racial remarks and prejudices could lead to violence as the deep hatred engrained could be translated into violent actions.
Rental Market
Rental racism has been going on in Malaysia for years. In 2020, an analysis made by a fellow Malaysian found that 45% of rental listings in Klang Valley included the ‘No Indians’ policy in their rental description. This shows that almost half of the property owners practice racism in their rental sector and it is considered as normal. This is a pressing issue that must be placed under the spotlight. Most of the time, landlords of different races refuse to rent out their properties to people from other races as they have ‘preferences’. These ‘preferences’ come from past bad experiences with other renters from a particular race. However, many rental sites have come up with policies and guidelines to avoid and end discrimination in the rental market but to no avail. This act of discrimination did not only present them with difficulties in finding a place to stay but also speaks volumes on internalised racism that Malaysians still face. The public is certainly expecting the Residential Tenancy Act to be tabled, passed, and implemented which will protect both the tenants and the landlords.
**Xenophobia**

Xenophobia stems from prejudiced thoughts. Xenophobia against immigrants is the most prevalent in Malaysia. Malaysia has been receiving immigrants and refugees into her country with open arms. However, between the years 2010 and 2022, Malaysia’s support towards migrant workers declined. Malaysians are more hostile towards the migrants and they are unwilling to engage in practices or behaviours that would support migrants. Malaysia has not ratified the Refugee Convention up till today and the government does not recognise the existence of the refugee community in any official written documents. The refugees are still very much discriminated against and are treated like second-class citizens.

In 2023, five cases of xenophobia were reported in the news, the majority were aimed at the Rohingya refugee community. This can be attributed to the high number of Rohingya refugees in the country.

<table>
<thead>
<tr>
<th>Report Date</th>
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<tbody>
<tr>
<td>20 February 2023</td>
<td>Datuk Seri Dr Ismail Abd Muttalib claimed that there will be negative outcomes from giving ‘too many’ training skills opportunities to the Rohingya refugees.</td>
</tr>
<tr>
<td>4 March 2023</td>
<td>Mohd Sophian made allegations that the Rohinya communities are robbing away the livelihood of Malaysia.</td>
</tr>
<tr>
<td>12 May 2023</td>
<td>A Nigerian share his own experience of being a victim of racism and xenophobia in Malaysia.</td>
</tr>
<tr>
<td>22 December 2023</td>
<td>A medical practitioner claimed the Rohingya refugees are a burden to the country especially in the healthcare sector.</td>
</tr>
<tr>
<td>25 December 2023</td>
<td>A Pick-up truck seen on Malaysian road with a dozen migrants at the back was bullied by Malaysian netizens.</td>
</tr>
</tbody>
</table>

60 ‘Alpha Zaki on TikTok’ (TikTok) <https://www.tiktok.com/@alepza11/video/7315345563485048069?_r=1&_t=8igqG0qTF0> accessed 5 February 2024.
61 “‘Is This M’sia or India?’ - Pickup Truck Seen on M’sian Road With a Dozen People at the Back - WORLD OF BUZZ,” accessed February 16, 2024, https://worldofbuzz.com/is-this-msia-or-india-pickup-truck-seen-on-msian-road-with-a-dozen-people-at-the-back/.
25 December 2023

Villagers of Kampung Plentong Baru requested the enforcement officers to get rid of the Rohingya refugees who are staying in the village. 62

Key Observations & Analysis

Xenophobia has been ingrained and inbred amongst Malaysians over the years. Malaysians believe that immigrants and refugees are contributing factors to the increased rate of crime in the country. Malaysians have an unexplainable fear towards the community as they believe that their situation would push them to commit crimes and endanger more Malaysians. This attitude perpetuates marginalization and dependence, hindering efforts to address displacement and promote inclusion. It underscores the need for policies that recognize refugees’ rights and ensure their protection and meaningful participation in society.

Xenophobia refers to the irrational fear or dislike of people from other countries or cultures. In the context of Malaysia, like in any other country, xenophobic behaviour can manifest for various reasons, often tied to economic, social, or political factors. It is important to note that the perspectives on xenophobia can vary, and not all individuals or communities in Malaysia exhibit such behaviour.

62 "Penduduk Kampung Mohon Bantuan Usir Warga Rohingya | Astro Awani."

24
Efforts to Combat Racism and Racial Discrimination

Malaysians in Combating Racism

Malaysia has and always been promoted for being a multicultural country. A country where different races and religions contribute to the economy, the security and the safekeeping of the nation. It is not easy to live in a country and trust people who come from different backgrounds, let alone different beliefs. Malaysia is one of the few countries where people of different races unite and strive together.

Unity has been a recurrent theme throughout the decades to keep the peace among races. Efforts have been placed and imposed to make sure that Malaysians remain united. An effort that has been made by Malaysians to continue the idea of unity and tolerance in this country is by constantly speaking out on the racism and discrimination that takes place. Nonetheless, this effort is sometimes questioned and scrutinised in bad faith which results in tension and division among Malaysians.

In this harmonious community, the people have helped each other during the hard times and also celebrated with each other during the happy times. Even through all the hard times, Malaysians have supported each other by combating racism and encouraging harmony on their own selves. Below are the events of Malaysians recognising the challenge of being in a multicultural country and the effort of sustaining unity.

<table>
<thead>
<tr>
<th>Report Date</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>20 October 2023</td>
<td>Deepavali clip on Chandran becoming ‘Mr Chan’ to rent a house goes viral.63</td>
</tr>
<tr>
<td>19 November 2023</td>
<td>In bid to tackle racism at its roots, anti-hate speech expert finds a way in children’s books.64</td>
</tr>
<tr>
<td>13 December 2023</td>
<td>Tamil primary school in Perak owes its existence to a Chinese Man who did not collect rent.65</td>
</tr>
</tbody>
</table>

Key Observations & Analysis

As much as it is important to celebrate efforts made to celebrate one another’s culture, it is pivotal to highlight Malaysians who have gone the extra mile to have difficult conversations on racism and discrimination. The first step to combating racism and discrimination is by acknowledging that there are issues as such. In the year 2023, a number of Malaysians have put in the effort to speak on such issues. Raising awareness on racial discrimination is necessary as it will help Malaysians alike to start conversations about it and recognise the struggles faced by other races in Malaysia. This will then lead to the possibilities of dismantling any types of stereotypes and prejudice thoughts that are planted in the minds of Malaysians. It is amazing to witness Malaysians who recognise the problems that come with racial discrimination in the community. Especially when such conversations are considered sensitive and taboo. However, since Malaysians are also making efforts in combating racism, it means a small portion of the people are still aware and very much putting effort to combat it.
## Statements, Commitments, Efforts, or Actions by Institutions or People in Power or with Influence

<table>
<thead>
<tr>
<th>Report Date</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>11 January 2023</td>
<td>King of Perlis commanded the people to live in harmony with each other regardless of background.</td>
</tr>
<tr>
<td>23 January 2023</td>
<td>Anwar Ibrahim urges Malaysia to embrace social justice and reject racial intolerance.</td>
</tr>
<tr>
<td>13 February 2023</td>
<td>YDPA calls for greater racial harmony to prevent extremism.</td>
</tr>
<tr>
<td>13 February 2023</td>
<td>Hannah Yeoh condemns racist remarks made by an ex-badminton player.</td>
</tr>
<tr>
<td>27 February 2023</td>
<td>Anwar Ibrahim calls for more knowledgeable discussion on racism.</td>
</tr>
<tr>
<td>10 March 2023</td>
<td>Anthony Loke calls Tun M to use his influence to help the country rather than playing with racial sentiment.</td>
</tr>
<tr>
<td>19 March 2023</td>
<td>Tan Sri Mohamad Salim Fateh Din from MCMC reminds people to not spread hate on 3R issues on social media.</td>
</tr>
<tr>
<td>21 March 2023</td>
<td>Police reject the accusation of racist elements in the investigation of the ‘Jom Ziarah Gereja’ program.</td>
</tr>
<tr>
<td>18 May 2023</td>
<td>Bukit Aman will establish a special force on the 3R issue.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
</table>
| 28 May 2023 | Zahid Hamid made a promise that the government would not tolerate those who stir up racial, and religious strife.  
| 22 June 2023 | Teresa Kok calls for the need for strong laws and education to fight hate speech.  
| 28 June 2023 | Syed Saddiq tells Tun M that old divisive politics must stop.  
| 2 July 2023  | Sany Hamzan reminds young voters to not be influenced by racial issues.  
| 3 July 2023  | Police advised political parties to not use the 3R issues while campaigning.  
| 4 July 2023  | Syed Saddiq stands with the implementation of meritocracy that would not kill Malays or any race.  
| 13 July 2023 | Azalina Othman will discuss establishing a new act on 3R issues.  
| 15 July 2023 | Anwar Ibrahim ensured the program to end poverty would not focus on only one race.  
| 16 July 2023 | Anwar Ibrahim calls for the people to reject the party that plays with racial sentiment in politics.  
| 16 July 2023 | Anwar Ibrahim assures there will be higher Indian enrolment for TVET programs.  
| 19 July 2023 | Anwar Ibrahim would not let racial influence be played in Malaysia.  
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>19 July 2023</td>
<td>Special force to investigate 3R issues during the election is not to limit freedom.</td>
</tr>
<tr>
<td>5 August 2023</td>
<td>Agong warns against racial polarisation in efforts to uplift a certain race.</td>
</tr>
<tr>
<td>31 August 2023</td>
<td>Datuk R Ramanan urges Tun M to stop making statements that could trigger the harmony.</td>
</tr>
<tr>
<td>14 September 2023</td>
<td>Aaron Ago Dagang stated that Malaysia Day is a reminder that unity is the foundation of the country’s success.</td>
</tr>
<tr>
<td>15 September 2023</td>
<td>Penang has set up the unity affairs unit under Jagdeep Sing Deo’s office.</td>
</tr>
<tr>
<td>20 September 2023</td>
<td>School’s ‘ban’ on students wearing others’ traditional attire under probe.</td>
</tr>
<tr>
<td>22 September 2023</td>
<td>Fadhлина Sidek has launched two guidelines on how to deal with bullying, sexual misconduct, and racism.</td>
</tr>
<tr>
<td>19 December 2023</td>
<td>Justin Wong, Datuk Junz Wong and Alias Sani have urged the federal government to enact laws to stop racial and religious hatred and discrimination.</td>
</tr>
</tbody>
</table>

Based on the incidents above, many people in power in Malaysia, like the King, the Rulers, the Government and politicians have taken steps to address the issue of racism and discrimination in Malaysia. Efforts made by the Madani Government will be highlighted in the special report below.

Politicians, for the most part, have called out other politicians from different parties who continue to use race as a strategy to win support and at the same time have made statements to raise the notion of equality and just within the communities in Malaysia. Some have even gone to the extent of listing out possibilities and efforts of new plans to curb racism in the

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country. Acts and statements as such are helpful as it highlights the urgency to curb racism and discrimination in the country as leaving the problem till late can cause further divide and tension in the country.

The ministers have actively condemned any act of racism and instructed the possible action to be made against the perpetrator. This act is commendable as it shows that racism and discrimination in any sector cannot and should not be tolerated at any instance. Furthermore, it creates an image that racism and discrimination are equally plausible factors that can hinder the community from working together at any opportunity, further straining society and economy in this country.

There were a number of state elections that took place in 2023. During campaigns, a number of politicians have continued to use the race card to sway votes and support. However, some politicians have called out this profanity. They actively make an effort to call for harmony between the people and encourage voting based on meritocracy rather than the race of the candidate. As the amount of hate speech and racial politics were more actively played by the political parties during times as such, ministers took part in controlling the situation by listing out a few possible laws to curb the racism issue triggered by the politicians. Racist and discriminatory statements that were made on social media by politicians were monitored by MCMC.

Out of the state election, few ministers played their roles in mitigating racism by launching guidelines and conventions to focus on the nation’s harmony. For example, the Education Minister, Fadhлина Siddiq, has launched two guidelines to deal with bullying, sexual misconduct, and racism. Although no concrete proof of the success of the program has been made, but the government's efforts in preventing racism and hate speech shall be given the spotlight and applauded.

The police have actively played their role by investigating racist statements and hate speech made by the politicians and the public. Bukit Aman has even established a new specific task force to investigate matters that relate to the 3R. Efforts as such are commendable as there is an awareness that racism and discrimination that continues can harm the nation’s security, severely impacting the people that live in Malaysia. The Rulers have decreed for the people to live in harmony and promote multiculturalism in Malaysian society without discriminating against any ethnicities. As the state election was approaching, the YDPA warned against racial polarisation that lifts one race against another which was commonly used by the politicians during their voting campaigns.

Based on the statements, efforts and actions taken by the people in power, Pusat KOMAS would like to commend their hard work in combating and ending racism and discrimination in the country. However, Pusat KOMAS hopes that more progressive and functional steps are taken in order to end all forms of racism and discrimination in the country and implement more strategies to create a more equal, equitable, fair and just country for all Malaysians.
Recommendations and Conclusion

It is undeniable that it is an arduous task to dismantle the issue of racism and racial discrimination in the country more so when it has been propagated for decades long. Racism has seeped into institutional systems and structures - political, legal, economic, healthcare, and education among others. However, corrective and preventive steps are required to be taken to address the plague of racism and racial discrimination.

The current Racism Report provides an overview of the symptoms of a larger, significant problem. Some may describe the incidents captured may be isolated and may not be exhaustive of all the cases and/or issues of racism, racial discrimination and xenophobia, while some may claim that the cases identified might be a reflection of one’s oversensitivity. However, these cases provide a glimpse of the trends of racism and racial discrimination that are evident in our country today.

Even though efforts have been put in by the government to unite the people, more progressive efforts should be taken by the government in combating institutionalised racism through its structure and system. Malaysia has expressed its commitment to the Vienna Declaration and Programme of Action (VDPA) and Durban Declaration and Programme of Action (DDPA) on elimination of racism, racial discrimination, xenophobia and related intolerance. Hence, more concrete actions by the government are now demanded to be implemented.

As such, immediate actions must be taken to overcome the issue of racism, racial discrimination and xenophobia that continue to erode the social fabric of the nation. We call upon:

1. All politicians to stop trumpeting and togetherness when they themselves revert to the use of racial and religious rhetoric to seize and maintain power.
2. MADANI Government to establish the National Harmony Reconciliation Commission to provide a form of redress to victims of racism and/or racial discrimination. This commission will also promote awareness, educate and make recommendations to the Government for the purpose of national unity.
3. MADANI Government to strengthen existing legal mechanisms such as amending the Penal Code in line with the Rabat Plan of Action and other international standards as well as introducing specific laws to address the issue of ‘3R’ which outlines clear parameters of what constitutes as ‘3R’ offences.
4. MADANI Government to continue conducting large-scale awareness campaigns directed at the general public and potential victims as well as training for the appropriate officials. These campaigns should also include dialogue about issues of racism, racial discrimination and xenophobia to allow people to understand and respect one another.
5. MADANI Government to demonstrate its unequivocal commitment to make significant improvements and advancements to its human rights track record especially in the area of racism, racial discrimination and xenophobia.
Special Report: One Year Report on the MADANI Government’s Efforts to Combat Racism and Racial Discrimination in Malaysia

Malaysia MADANI: Unity Government’s Policy Framework

After the 15th General Elections (GE15), as a result of a hung parliament, a Unity Government was formed, uniting political parties from different divides together. Led by Pakatan Harapan’s president, Anwar Ibrahim, the unity government gave a strong commitment to uplift the dignity of the people of this country.

Setting Aside Differences to Promote Inclusivity and to Reduce Polarization

Prior to GE15, each political coalition made their public declaration of policy and aims which were presented in their manifestos. Specifically on matters related to preserving unity across race and religion, the Pakatan Harapan coalition declared their commitment to eliminate all forms of discrimination especially in the workplace, education and rental sector. Meanwhile, the Barisan Nasional coalition only declared its commitment to provide other ethnic language lessons in schools. GPS expressed their commitment to implement inclusive policies for harmony and social unity while GRS pledged to intensify efforts to promote unity across race and religion in Sabah.

In order to find a common ground between the manifestos of its different component coalitions and parties, the Unity Government formed a secretariat to coordinate the activities in February 2023. Despite the political differences, these component coalitions and parties came together to promote inclusivity and to reduce the ethnic polarization which was exacerbated by GE15. Additionally, the diverse ethnic composition of the Unity Government’s cabinet is reflective of the true essence of multiracial Malaysia.

High expectations are set on the unity government to unite all Malaysians together and to address the issue of racism and racial discrimination more so after the intense use of race and religion by politicians and political parties which have polarized Malaysians along ethnic lines. This was also acknowledged by the Unity Government with the decision to retain the Unity Ministry and to elect YB Aaron Ago Dagang as the Minister of National Unity.

Malaysia MADANI Policy Framework

On January 19, Prime Minister Anwar Ibrahim introduced the Malaysia MADANI policy framework which is based on six pillars - sustainability, prosperity, innovation, respect, trust and compassion, as an effort to steer and restore the country’s dignity and glory at the world stage.

“Malaysia must be known as a Madani nation that is prosperous, fair and rejects any form of cruelty towards any individual or race”.

- Prime Minister, YAB Dato’ Seri Anwar Ibrahim

Prime Minister Anwar Ibrahim has consistently reiterated that the MADANI policy framework introduced by the Unity Government is inclusive and encompasses the interests of all races, religions and regions in the country. The Malaysia MADANI policy framework is welcomed to promote inclusivity and to reduce ethnic polarization in the country. This special report will examine the effectiveness of the implementation of the MADANI policy framework, one year after its introduction to address the issue of racism and racial discrimination in Malaysia.
A Glance at Malaysia MADANI 2023

A. Prime Minister Anwar Ibrahim’s Position on Issues of Racism and Racial Discrimination

Consistent Call for Inclusivity

Throughout 2023, Prime Minister Anwar Ibrahim has been consistent in his call for inclusivity. He has been consistent in calling out against racism - reminding Malaysians to steer clear of racism and that the MADANI government will be a government for all regardless of their race and religion. This is reflected in his assurances to all Malaysians that the government is not selective in its policies - eradication of extreme poverty for all Malaysians.98 Anwar Ibrahim has also called for more intellectual discussions to respond to racism.99 He has also stated that his administration will not tolerate any attempts to incite racial and/or religious sentiments in the country.100 Additionally, Anwar Ibrahim has also reaffirmed the need to move beyond race-based policies to needs-based policies, stating that if the policies were considered to be focused on race, it would create animosity and anxiety among the people.101

“It is not an issue of dismantling (Malay rights and Bumiputera privileges), it is an issue of focusing on areas which are important to them. We cannot talk about pure meritocracy between the rural heartland in Sarawak to the premier schools in Kuala Lumpur”

Anwar Ibrahim’s exclusive interview with The CNBC Conversation, 18 August

Lip Service for Political Expediency?

Despite Anwar Ibrahim’s consistent call for inclusivity and his assurances that there will be no tolerance to incite racial and/or religious sentiments in the country, he was quick to defend the need to retain quota system for Bumiputera students.

In a dialogue session at the Penang Matriculation College, he was asked by a student about whether the student admission quota system (Bumiputera students enjoy a 90% quota for matriculation college enrolment) will be abolished in favour of a meritocratic system. Anwar Ibrahim responded by stating that it is necessary to have knowledge about history and the social contract in Malaysia, adding that providing special aid to outstanding non-Bumiputera students is better than to change the policy. He further added that if he were to remove the racial quota system, he will lose all elections in Malaysia and the minorities will suffer more in the country.\(^\text{102}\) However, Anwar acknowledged that efforts should be taken to ensure that non-Malay/Bumiputera students should also be given a fair chance and not denied to secure a place in local universities, stating that other means to provide more spaces for the non-Bumiputera are necessary so that they are not seen as being side-lined.

In another event, Anwar was also found to refer to the Tamil language as ‘Bahasa Keling’ during a forum with youths at Universiti Pendidikan Sultan Idris (UPSI). His statement has made the Malaysian Indian community upset due to the derogatory nature of the term Keling. Soon after, Anwar apologized stating that the word was only intended as a citation from the book “Hikayat Hang Tuah” and he did not mean to insult any party.

**Treading on the Tightrope**

Even though Anwar Ibrahim has been consistent in his call for inclusivity, he is required to practice extreme care in navigating the intricate issue of race and religion in Malaysia. For instance, when opposition Member of Parliament (MP) Wan Ahmad Fayhsal made a controversial statement by urging the Anwar Ibrahim to amend the Federal Constitution to only allow Muslim Malays to be the Prime Minister of Malaysia, Anwar Ibrahim responded that the post will continue to be helmed by a Malay and asserted that the interests of all citizens, all ethnicities and all regions will be safeguarded and protected.

Similarly in his response to the student in Penang Matriculation College, Anwar Ibrahim has to be careful in his response to the student as his answers may be used as political ammunition by his opposing political counterparts. Hence, he has to take extreme care and precision in addressing the issue. In doing so, Anwar Ibrahim has supported the need for affirmative actions for the poor and marginalized to get equal opportunity and there can never be absolute meritocracy - dealing with issues from a needs-based approach instead of a race-based approach.\(^\text{103}\)


Cautiously Optimistic for an Inclusive Malaysia

Evaluating Prime Minister’s Anwar Ibrahim’s position on issues of racism and racial discrimination in Malaysia, Anwar Ibrahim has been fairly consistent with his messaging to provide equal opportunities to all Malaysians regardless of their race and religion. Even though he was continuously pressured by his political counterparts, he continues to assure the public that he is a Prime Minister for all Malaysians. As he is also required to manage the interest of the component parties within the unity government and the constant attacks by the opposing political parties, we remain cautiously optimistic that Anwar Ibrahim will be able to bring inclusive Malaysia - moving away from the race-based approach to a needs-based approach.

B. MADANI Government’s Response to the Issue of ‘3R’ - Race, Religion and Royalty

Race, religion and royalty has always been a tool used by Malaysian politicians, political parties and affiliated groups to advance their political agenda. However, in response to the growing use of ‘3R’ which has polarized Malaysia along ethnic lines, the MADANI government has left it to the police to investigate any individuals who touch on sensitive 3R matters. This was prominent during the 6 state elections where the MADANI government issued multiple warnings to individuals, groups and agencies to not use 3R in the state elections. Additionally, a specialised police unit (Bukit Aman’s Classified Crime Investigation Unity) was established to investigate such issues.

Archaic Laws which are not in line with International Human Rights Standards

Even though the MADANI government’s stern warning against the use of ‘3R’ is highly commendable, the decision by the government to leave the issue to the police to investigate is questionable as existing laws that can be used by the government to combat the issue of ‘3R’ - Section 233 of the Communications and Multimedia Act 1998 (Act 588), Section 505 of the Penal Code and Section 4(1) of the Sedition Act 1948 (Act 15) may be susceptible to abuse due to the expansive broad scope and definition of what constitutes to be offensive and/or seditious. To illustrate:

Communications and Multimedia Act 1998 (Act 588)

Section 33: Section 233 of the Communications and Multimedia Act stipulates offences of using network facilities to transmit communication deemed to be offensive or could cause annoyance to another person. An office under the section is punishable with up to one-year imprisonment, a fine up to RM 50,000, or both, upon conviction.
Penal Code
Section 505: Whoever makes, publishes or circulates any statement, rumour or report –
(a) with intent to causes, or which is likely to cause, any officer, soldier, sailor or airman in the Malaysian Armed Forces or any person to whom section 140B refers, to mutiny or otherwise disregard or fail in his duty as such;
(b) with intent to cause, or which his likely to cause, fear or alarm to the public, or to any section of the public where by any person may be induced to commit an offence against the State or against the public tranquillity; or
(c) with intent to incite or which is likely to incite any class or community of persons to commit any offence against any other class or community of persons,
shall be punished with imprisonment which may extend to two years or with fine or with both.

Exception - It does not amount to an offence within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.

Sedition Act 1948 (Act 15)
Section 3 (1): A “seditious tendency” is a tendency –
(a) to bring into hatred or contempt or to excite disaffection against any Ruler or against any Government;
(b) to excite the subjects of any Ruler or the inhabitants of any territory governed by any Government to attempt to procure in the territory of the Rule or governed by the Government, the alteration, otherwise than by lawful means, of any matter as by law established;
(c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Malaysia or in any State;
(d) to raise discontent or disaffection amongst the subjects of the Yang di-Pertuan Agong or of the Ruler of any State or amongst the inhabitants of Malaysia or of any State;
(e) to promote feelings of ill will and hostility between different races or classes of the population of Malaysia; or
(f) to question any matter, right, status, privilege, sovereignty or prerogative established or protected by the provisions of Part III of the Federal Constitution or Article 153, 153 or 181 of the Federal Constitution.
Section 4(1): Any person who –
(a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;
(g) utters any seditious words;
(h) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or
(i) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or
shall be guilty of an offence and shall, on conviction, be liable for a first offence to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both, and, for a subsequent offence, to imprisonment for a term not exceeding five years; and any seditious publication found in the possession of the person or used in evidence at his trial shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

Even though the MADANI government is committed to tackle the ‘3R’ issue, the use of archaic laws to combat them is highly questionable, given that the individuals in the MADANI government are strong opposers of the use of these laws to stifle freedom of expression.

Contradicting views within the MADANI Government on the introduction of new laws

Acknowledging the issue, Minister in the Prime Minister’s Department (Law and Institutional Reform) Datuk Seri Azalina Othman Said suggested that a new Act, which may be called the “State and Nation Act” had been presented to the Cabinet and received a positive response.\textsuperscript{104} The move was welcomed by the Communications and Digital Minister Fahmi Fadzil. Similarly, Kuala Selangor Member of Parliament Datuk Seri Dr Dzulkefly Ahmad as well as opposition Member of Parliament for Kota Bahru Datuk Seri Takiyuddin Hassan supported the idea to enact a new law to have a clear guideline on what constitutes an offense.\textsuperscript{105}

However, National Unity Minister Datuk Aaron Ago Dagang claimed that the government had conducted extensive dialogues in July to assess the effectiveness of the existing legislation and explore alternatives; but the government believes that there is no immediate need to introduce new legislation. He also added that the focus is on improving the enforcement of


existing laws as the current laws were already sufficient to deal with and punish anyone looking to instigate 3R issues. This was echoed by the Deputy Home Minister Shamsul Anuar Nasarah who claimed that Putrajaya was of the view that the existing laws were sufficient to handle 3R-related offences.

A Resolute Commitment to Uphold Human Rights Needed

The MADANI’s government’s response to the issue of ‘3R’ is welcomed as they have recognized that if the issue of the use of ‘3R’ is not resolved, it will lead to further polarization of Malaysians across the ethnic lines. Despite the acknowledgment of the issue, the conflicting viewpoints by members of the MADANI government on the need to establish new laws to address the ‘3R’ issue is concerning as the government believes that the current laws were already sufficient to deal with and punish anyone looking to instigate 3R issues. In fact, the Home Minister Datuk Seri Saifuddin Ismail, in 2023, in a parliamentary written reply claimed that the police have opened more than 3,095 investigation papers (IP) related to the issues of 3R on social media between 2020 and 2023 August. He stated that from the total number of cases, 306 IP (10%) were related to royal institutions, 127 (4%) involved racial issues, while 241 (8%) were related to religion. Though IPs were open on these issues, the parameters of the 3R-offences are not clearly outlined.

Additionally, as police reports are the only means to address the issue of ‘3R’, there are no existing mechanisms to resolve the issue related to ‘3R’. In this sense, complaints of unfair discrimination could not be investigated and resolved. As such, the establishment of the National Harmony Reconciliation Commission would be helpful among others, to promote awareness, educate and make recommendations to the Government for the purpose of national unity. The Commission would also be able to constitute an Unfair Discrimination Tribunal to inquire into complaints of unfair discrimination. It would also be empowered to investigate claims of unfair discrimination, and could constitute a Tribunal to compel witnesses to come forward, as well as receive evidence in inquiries. A holistic approach is required to address the issue of ‘3R’ instead of relying on vaguely defined and ambiguous laws.

C. Efforts of the Ministry of National Unity led by the Minister of National Unity, Aaron Ago Dagang

According to the Minister of National Unity, Aaron Ago Dagang, various initiatives to ensure harmony and unity are spelled out under “Ikhtiar 11 (Endeavour 11)” of Budget 2023. These initiatives included allocations of RM 50 million for implementing various national unity and integration programmes as well as the maintenance and repair of non-Muslim houses of worship. Additionally, RM 50 million was allocated to encourage private-sector sponsorship for sports programmes, especially unity-oriented sports and RM 25 million was allocated to intensify cultural and arts activities at the community level. RM 20 million was allocated for unity programmes which are aimed to inculcate noble values among races and RM 20 million for implementing gotong-royong in schools.

This section will examine the efforts of the Ministry of National Unity which is led by the Minister of National Unity, Aaron Ago Dagang. The initiatives highlighted are taken from the Minister’s Facebook updates and the Ministry of Unity’s website.

“Kembara Perpaduan Malaysia MADANI” (Malaysia MADANI Unity Roadshow)

The Kembara Perpaduan Malaysia MADANI was launched on 1st March 2023 at Dataran Muzium Negara, Kuala Lumpur. Under this initiative, three key programmes were conducted. They are Program Semarak Kenegaraan - which promotes unity through the implementation of Rukun Negara (National Principles) to ensure identity and love for the country, Program Semarak Perpaduan - centred within the people’s unity to celebrate difference in culture, education and recreational and Program Komuniti Rahmah - community building to promote harmony and well-being among Malaysians in terms of economy, education, health, nationality, culture and environment. The Kembara Perpaduan Malaysian MADANI initiative is summarized in Figure 1.

Figure 1. Summary of Kembara Perpaduan Malaysia MADANI initiative
According to the summary above, many activities would be conducted under each programme. The activities aim to promote unity and build bridges to promote harmony within the races. The activities are one way to celebrate cultural differences and get the races to unite with one another.

To this extent, the Ministry of Unity has organised several programmes to promote unity. Figure 2 outlines the programmes held by the Ministry of National Unity from February 2023 to November 2023.

**Figure 2. Summary of programmes organised by the Ministry of Unity from February 2023 to November 2023**

Based on the report card of the Minister of Unity, Aaron Ago Dagang, a total of 653 programmes were conducted under the Kembara Perpaduan flagship programme. These programmes were held in 70,320 Kawasan Rukun Tetangga (KRT) locations that involved thousands of Malaysians regardless of their race, age and ethnicities. The ability for the Ministry of National Unity to reach out to a huge number of communities to promote national unity is highly applauded.
“Ini Warisan Kita” (Our Heritage)

The “Ini Warisan Kita” programme focuses on raising awareness on the history of Malaysia. One of the key focuses of this programme is to embrace the history of diversity of the nation through the preservation of the nation’s treasure, traditional clothes, food, handicrafts, and other items. The Ministry of National Unity has collaborated with the museums by having a plethora of exhibitions and events to raise awareness about the formation of the multicultural nation.

Specifically, 13 special exhibitions were organised in museums, a Night Stay Programme was in 25 museums, a 60-year commemoration of the National Museum and Citra Nusa at Museum Programme were organised. Additionally, the ministry has also issued a number of statements to the media emphasising the importance of introducing national history to bridge the gap between different ethnic groups acknowledging that Malaysia is formed based on the diverse group of people. This is done to appreciate the laborious efforts of all Malaysians in building Malaysia as a nation.

“Sambutan Minggu Perpaduan” (Week of Unity Celebration)

The Ministry of National Unity has decided to hold a week of unity in the final week of May every year. In 2023, the week of unity was held across Malaysia from 20th to 27th May, with a wide variety of programmes held. The celebration was held in 16 different places across Malaysia, ranging from two to three days in each location. The activities conducted during the Week of Unity were aimed to reinforce the Malaysian identity. A variety of exhibitions were conducted to depict the diversity of Malaysians and to appreciate all cultures such as their clothing and sports. Additionally, the programme includes an exploration of the Rukun Negara (National Principles) - learning about the essence of the Rukun Negara and how it is an important document to unite all Malaysians under the same oath and belief. Other leisurely events were also conducted such as the screening of a short film portraying the ancestral art of the Gawai Celebration.

Multitude of Programmes to Promote Unity, but is it Effective?

The Ministry of National Unity’s efforts to promote national unity are highly commendable for its ability to reach a wide variety of communities - irregardless of their race, age and ethnicity. Guided by the National Unity Policy which identified 10 issues and challenges that often affect society - ethnicity, religion, social class, education, language, generation gap, gender, politics of federalism, urban-rural space and media, the Ministry of National Unity’s programmes aim to foster, strengthen and preserve unity among the people through the concept of “Unity in Diversity”.

Most of the programmes introduced by the Ministry focus on inculcating a strong sense of patriotism and democracy, and national identity. While most of these programmes demonstrate “Moments of Unity” where people from different groups come together - the inherent issues of racism and discrimination are not addressed. These issues are the biggest contributor to animosity among fellow Malaysians as not everyone is treated the same way or are equally privileged. It is therefore pivotal for government-led programmes to include frequent bargaining, negotiating and mediation to resolve ethnic tensions and misunderstandings.

Additionally, programmes aimed to unite the people through history may be beneficial. The “Ini Warisan Kita” programme which leverages on the visits to the museum is a creative way by the Ministry for youths to learn the importance of preserving national unity as the youths are able to learn the struggles and accomplishments of the ancestors in conflict resolution. However, there are some concerns with the use of history to unite people. There is a possibility of exclusionary narratives being presented in these programmes as Malaysia has a history of using government machinery (National Civic Bureau) to provide one-sided stories. It is therefore important for the Ministry of National Unity to provide more details on the information shared in all these programmes to increase transparency and reduce assumptions and prejudicial thoughts against the government initiatives.

Lastly, the programmes organized by the Ministry of National Unity may seem to be symbolic in nature - organising the programmes just to demonstrate that Malaysians are united. For example, the Ministry encourages the public to wear their ethnic clothes during the Week of Unity; but, some schools prohibit their students from wearing their ethnic clothes during the Independence Day celebration. Though the incident that took place in the school may be isolated, such incidents of racism and racial discrimination may downplay the genuinity of the actions by the Ministry of National Unity. Hence, clear guidelines to minimise racism and discrimination should be streamlined at all levels of governance.

Despite the shortcomings, the efforts by the Ministry of National Unity should not be downplayed. The quick response by the Minister of Unity, Aaron Ago Dagang to denounce Tun Dr. Mahathir Mohamad’s statement to close down vernacular schools to reduce racial divide is also appreciated. In this sense, the Minister of Unity is expected to respond and address issues related to racism and discrimination in order to ensure unity is preserved.
D. Inclusive Appointment to Lead Government-Linked Companies?

The MADANI Government’s administration had also made several political appointments to lead government-linked companies (GLCs) and Statutory Bodies. The appointment of the heads of GLCs and Statutory Bodies drew concerns due to the unclear appointment guidelines and laws, used as a political tool and weakened check and balance mechanisms in GLCs and Statutory Bodies’ decision-making. Due to the lack of transparency and accountability in the appointment processes to these bodies, there may be allegations of racism and racial discrimination in the appointment process to these companies and statutory bodies. Such allegations may persist due to the history of political appointments along racial lines. Therefore, clear appointment guidelines and law should be established in order to ensure no racism in the practice of political appointments.

One Year of MADANI Government, are we on the Right Track?

Examining the MADANI government’s performance in combating racism and racial discrimination, the MADANI government is currently facing an arduous task to tackle the issue of race and religion in the country. This could be attributed to the current political situation where the opposition parties continue to play the ‘3R’ issues to appeal to woo conservative voters. Unfortunately, the politicians from the opposition parties continue to use race and religion as their main political ammunition. The current situation has created a precarious situation for the MADANI government to be extremely careful in its actions to introduce inclusive policies for all Malaysians as they are worried that their efforts could backfire and be manipulated by the opposition parties to claim that the MADANI government is not protecting the interests of the Malays.

Despite the continuous use of ‘3R’ to attack the MADANI government, Anwar Ibrahim remained steadfast in his position that he is a Prime Minister for all Malaysians, safeguarding the interests of everyone regardless of their race and religion. Additionally, in the process of countering the use of ‘3R’ by the opposition party to disparage the MADANI government, the MADANI government had decided to rely on archaic laws such as Section 233 of the Communications and Multimedia Act 1998 (Act 588), Section 505 of the Penal Code and Section 4(1) of the Sedition Act 1948 (Act 15). The prevention of the use of ‘3R’ should be best done through open dialogue rather than through censorship. Furthermore, thresholds should be established to define restrictions of freedom of speech and not through vaguely defined and ambiguous laws. Therefore, clear parameters of what falls under ‘3R’ offences should be established.

The establishment of a National Harmony Reconciliation Commission is also essential to promote awareness, educate and make recommendations to the Government for the purpose of national unity. Issues of discrimination could be inquired and investigated, creating clear mechanisms to address the issue of racism and racial discrimination. We believe that the National Unity Ministry could spearhead the establishment of the said-commission to
address the issue of racism and racial discrimination apart from organizing programmes and events to celebrate the differences of Malaysians. It is now opportune for the MADANI government to create an enabling ecosystem that promotes national unity - improving law enforcement and creating monitoring mechanisms that are essential to addressing the plague of racism and racial discrimination.

Whilst consistent calls for inclusivity are appreciated, the MADANI government still has much more to do to promote national unity. It is time for the MADANI government to demonstrate its unequivocal commitment to make significant improvements and advancements to its human rights track record especially in the area of racism, racial discrimination and xenophobia.
Malaysia’s Federal Constitution

The Federal Constitution of Malaysia is a written constitution that came into force in 1957 and is the supreme law of Malaysia consisting of a total of 183 Articles. The Constitution is an amalgamation of two former pieces of legislation namely the Federation of Malaya Agreement (1948) and the Independence Constitution (1957). The Federal Constitution of Malaysia establishes the Federation as a constitutional monarchy in which the Yang di-Pertuan Agong rules as the Head of State and further established 3 branches of the government i.e., the Legislative arm namely the Dewan Rakyat and Dewan Negara (Senate), the Judiciary led by the Federal Court and the Executive arm led by the Prime Minister and his appointed Cabinet members. It contains specific provisions which safeguards the interest of all Malaysians. This section highlights specific provisions within the Federal Constitution which upholds equality and non-discrimination.

**Article 3**
1) Islam is the religion of the Federation; but other religions may be practiced in peace and harmony in any part of the Federation.

**Article 4**
1) This Constitution is the supreme law of the Federation and any law passed after Merdeka Day which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.

**Article 8**
1) All persons are equal before the law and entitled to the equal protection of the law.
2) Except as expressly authorised by this Constitution there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth 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.
3) There shall be no discrimination in favour of a person on the ground that he is a subject of the Rule, of any State.
4) No public authority shall discriminate against any person on the ground that he is resident or carrying or business in any part of the Federation outside the jurisdiction of the authority.
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-
   a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or
   b) in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside the Federation).

2) Every religious group has the right to establish and maintain institutions for the education of children in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law; but it shall be lawful for the Federation or a State to establish or maintain or assist in establishing or maintaining Islamic institutions or provide or assist in providing instruction in the religion of Islam and incur such expenditure as may be necessary for the purpose.

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.

2) Notwithstanding anything in this Constitution, but subject to the provisions of Article 40 and of this Article, the Yang di-Pertuan Agong shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak and to ensure the reservation for Malays and natives of any of the States of Sabah and Sarawak of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, exhibitions and other similar educational or training privileges or special facilities given or accorded by the Federal Government and, when any permit or licence for the operation of any trade or business is required by federal law, then, subject to the provisions of that law and this Article, of such permits and licences.

7) Nothing in this Article shall operate to deprive or authorize the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him or to authorize a refusal to renew to any person any such permit or licence or a refusal to grant to the heirs, successors or assigns of a person any permit or licence when the renewal or grant might reasonably be expected in the ordinary course of events.
National Principles (Rukun Negara)

The National Principles (Rukun Negara) was introduced on 31 August 1970 by the Malaysian Government to celebrate the 13th anniversary of the nation's independence.

Its inception as a national ideology was deemed as a needed response to the “13 May” incident in 1969, following the general election in Malaysia. The outbreak of riots had resulted in the creation of the National Operations Council (Majlis Gerakan Negara) to restore peace and stability to Malaysia till 1971. Subsequently, the Rukun Negara was utilized to forge national unity among the citizens primarily through instilling its values and principles through education in schools. Presently, this ideology has become a guiding principle to encourage racial harmony and mutual respect.

In the Preamble of the National Principles, Malaysia nurtures the ambitions of:

- Achieving a more perfect unity amongst the whole of her society;
- Preserving a democratic way of life;
- Creating a just society where the prosperity of the country can be enjoyed together in a fair and equitable manner;
- Guaranteeing a liberal approach towards our traditional heritage that is rich and diverse;
- Building a progressive society that will make use of science and modern technology.

Core Values

WE, the people of Malaysia, pledge to concentrate our energy and efforts to achieve these ambitions based on the following principles:

BELIEF IN GOD (Kepercayaan kepada Tuhan)
LOYALTY TO KING AND COUNTRY (Kesetiaan kepada Raja dan Negara)
SUPREMACY OF THE CONSTITUTION (Keluhuran Perlembagaan)
RULE OF LAW (Kedaulatan Undang-Undang)
COURTESY AND MORALITY (Kesopanan dan kesusilaan)

Malaysia presents its candidacy for the membership of the United Nations Human Rights Council for the term 2022-2024 as it is confident that it would be able to serve as a constructive member of the Council. Malaysia is honoured to have been unanimously endorsed by the Association of Southeast Asian Nations (ASEAN) as ASEAN’s candidate to the Council.

If elected to the Human Rights Council, Malaysia pledges to:

I. Take a whole-of-society approach in the promotion and protection of human rights in the country, primarily in the assessment, monitoring and implementation of the Universal Periodic Review (UPR) recommendations
II. Cooperate with the OHCHR and other relevant United Nations agencies towards the promotion of human rights in the country and globally
III. Continue to engage constructively with the Human Rights Council (HRC) and its mechanisms while espousing a moderate and balanced perspective to nurture a spirit of cooperation
IV. Implement policies and legislations that promote and protect the rights of the most vulnerable groups
V. Strengthen efforts to achieve gender equality, women empowerment and eliminate violence against women
VI. Take greater steps in engaging and empowering youth
VII. Develop a National Action Plan on Business and Human Rights
VIII. Intensify efforts to promote a safe, clean, healthy and sustainable environment and improve understanding on the effects of climate change on the enjoyment of human rights
IX. Continue to promote diversity through respect for cultural rights
X. Continue to strengthen human rights institution and mechanism in Malaysia
XI. Continue to engage constructively with all Member States and stakeholders towards the full realisation of the 2030 Agenda for Sustainable Development

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Towards fulfilling these pledges, Malaysia is committed to:

I. Undertaking and promoting a balanced, impartial, universal, non-politicised, and constructive approach to human rights issues at the HRC.

II. Deepening cooperation at the international level in supporting the work of various UN actors and mechanisms involved in the promotion and protection of human rights, including promoting and protecting the rights of vulnerable, marginalised and minority communities in the country.

III. Upholding the principles of a whole-of-society approach by continuing to engage in inter-agency consultations with relevant stakeholders such as the NHRI (SUHAKAM) and Civil Society Organizations (CSOs) in furthering the promotion and protection of human rights for its people.

IV. Continuing to review the implementation of international human rights instruments that Malaysia is party to. The reviews had led to the withdrawal of several reservations to Convention on the Elimination of All Form of Discrimination against Women (CEDAW) and Convention on the Rights of the Child (CRC) in 2010.

V. Engaging closely with the relevant stakeholders on the possibility of signing and ratifying the outstanding international conventions related to human rights, with the aim to achieving a precise and full understanding of the relevant rights and obligations, as well as to consider the possibility of reconciling the standard established by the said instruments with the Federal Constitution and domestic laws.

VI. Intensifying efforts to raise human rights awareness among all segments of the population including the public service, such as law-enforcement officials, members of the judiciary, government officials and other stakeholders.

VII. Improving its monitoring mechanism on the UPR process, by using the National Recommendation Tracking Database developed by the OHCHR. Supporting and implementing the 2030 Agenda for Sustainable Development, particularly in realising the right to development, including support for ongoing efforts aimed at its operationalisation and implementation.

VIII. Sharing best practices with other Member States and interested partners, including on advancing the rights of women, children and persons with disabilities, poverty eradication, health and education.

IX. Working continuously at the regional level with its partners under the ASEAN framework, in particular, with the ASEAN Intergovernmental Commission on Human Rights (AICHR) in the promotion of human rights in the region.

X. Increasing its bilateral collaborations in terms of technology transfer and the exchange of scientists in vaccine development as Malaysia calls for an affordable, accessible and equitable vaccine and embarks on the roadmap of vaccine development and production.

XI. Continuing to work hand in hand with the UN and the WHO in improving the lives of our people. The challenges brought about by COVID-19 compel every
country, including Malaysia to focus on the rights to physical and mental health; the right to social security; the right to education; and the right to an adequate standard of living, including food, clothing, and housing.
Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a common standard of achievements for all peoples and all nations.

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.

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)
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 Declaration

Malaysia as a Member State of ASEAN had reaffirmed her adherence to the purposes and principles of ASEAN as enshrined in the ASEAN Charter, in particular the respect for and promotion and protection of human rights and fundamental freedoms, as well as the principles of democracy, the rule of law and good governance. In doing so, Malaysia has agreed to uphold the general principles which addresses the issues of racism and racial discrimination.

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, 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)

Malaysia together with other 192 world leaders adopted the 2030 Agenda for Sustainable Development (2030 Agenda) at the United Nations General Assembly in New York on 25 September 2015. This is a global commitment towards a more sustainable, resilient and inclusive development, with 17 SDGs and 169 targets. Malaysia has put in place an enabling environment to embrace and implement the 17 SDGs in a systematic and measurable manner. The following outlines the Goals that aim to promote inclusivity and equal opportunity.

**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 from Malaysia’s 3rd Universal Periodic Review (2018)

The UPR is a unique process which involves a review of the human rights records of all UN Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. Under this mechanism, the human rights situation is reviewed every 5 years. The result of each review is reflected in the Final Report of the Working Group, which lists the recommendations the State under review will have to implement before the next review.

Malaysia’s participation in its Third UPR reflects the Government’s commitment to engage with the international community and have continued discourses on human rights. This also demonstrates that Malaysia is open to engage with other UN Member States in a frank, meaningful and robust exchange of views in the field of promotion and protection of human rights such as the accession to international human rights instruments.

Below outlines the recommendations obtained from Malaysia’s Third UPR cycle.108

Recommendation 1, 3, 6, 7, 8, 9, 10, 16, 39
Ratify the remaining core international human rights treaties and ensure their proper implementation, including:

- the International Covenant on Civil and Political Rights
- the International Covenant on Economic, Social and Cultural Rights
- the International Convention on the Elimination of All Forms of Racial Discrimination
- the Convention relating to the Status of Refugees
- the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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<th>Recommendation</th>
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<td>57</td>
<td>Continue efforts aimed at nation-building strategies and the development of a solid legislative, administrative and policy framework, notably to cater for the needs of the vulnerable groups (South Africa)</td>
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<td>67</td>
<td>Continue efforts in maintaining social cohesion in the country (Viet Nam)</td>
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<td>72</td>
<td>Continue efforts towards strengthening community integration through protecting cultural diversity (Iraq)</td>
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<td>76</td>
<td>Continue and strengthen efforts in promoting the culture of mutual respect and peaceful coexistence among different religious communities (Cambodia)</td>
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<td>128</td>
<td>Continue to implement policies on interreligious harmony, to further promote unity among religions and creeds (Bolivarian Republic of Venezuela)</td>
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<td>130</td>
<td>Continue the implementation of measures aimed at strengthening inter-ethnic and interreligious interaction in the country (Belarus)</td>
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<td>131</td>
<td>Guarantee freedom of religion or belief to all, stemming racial and religious intolerance, including against the Christian community (Croatia)</td>
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**Recommendation 265**
Increase further efforts for social inclusion of migrant workers and integration with the local community, irrespective of their race and religion (Myanmar)

**Recommendation 266**
Take necessary measures to prevent and punish all forms of violence against migrant workers, including hate crimes and racism (Myanmar)
The Malaysia Racism Report is an annual initiative by Pusat KOMAS, which began in 2015. The report reflects a concentrated effort in documenting instances of racism and racial discrimination found in media and reports that Pusat KOMAS has received from the public throughout the year.

Want to contribute? Send us your reports to info@komas.org

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