

# MALAYSIA RACIAL DISCRIMINATION REPORT 2019

PREPARED AND COMPILED BY:  
PUSAT KOMAS, MALAYSIA



# **LAPORAN DISKRIMINASI KAUM MALAYSIA 2019**

*LAPORAN DISUSUN DAN DISEDIAKAN OLEH:  
PUSAT KOMAS  
NON-DISCRIMINATION PROGRAMME  
Malaysia*

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# **GLOSARI**

ABIM	Muslim Youth Movement of Malaysia
ASLI	Asian Strategy and Leadership Institute
Bersatu	Malaysian United Indigenous Party
BFM	The Business Station
BN	National Front
Bumiputera	Malays and the Natives of Sabah and Sarawak
CM	Chief Minister
DAP	Democratic Action Party
Dewan Rakyat	House of Parliament (Lower Division)
Dong Zhong	The United Chinese School Committees Association of Malaysia
DPM	Deputy Prime Minister
EC	Election Commission
GAMIS	Malaysian Muslim Students Coalition
HRDF	Human Resources Development Fund
IDS	Institute for Development Studies
ISMA	Muslim Association of Malaysia
JAKIM	Malaysian Islamic Development Department
JAKOA	Department of Orang Asli (Indigenous Peoples) Affairs
JPIP	Unity Issues Management Committee
Khat	Arabic Calligraphy
LTTE	Liberation Tigers of Tamil Eelam
MCA	Malaysian Chinese Association
MIC	Malaysian Indian Congress
MP	Member of Parliament
MTEM	Malay Economic Action Council
Mufti	Islamic Jurist
NGO	Non-Governmental Organisation
PAP	People's Action Party
PAS	Malaysian Islamic Party
PH	Hope Alliance
PKAUM	University Malaya Academic Staff Union
PM	Prime Minister
PKR	People's Justice Party
PUTRA	Malaysia Mighty Bumiputera Party
SMK	National Secondary School
UKM	National University Malaysia
UM	University Malaya
UMMAH	Malaysian Muslim Solidarity
UMNO	United Malays National Organisation
Uyghur	Native to the Xinjian ethnic minorities
VC	Vice Chancellor
ZUNAR	Zulkiflee SM Anwar Ulhaque

# **PRAKATA**

Tanpa mengambilkira pertukaran kerajaan yang memerintah, kita tetap berharap untuk suatu pendekatan yang sistematik dalam mencari jalan untuk mengatasi masalah perkauman yang sukar di Malaysia dan untuk memperkasa perpaduan dan perpaduan sosial. Kami menyeru kerajaan baharu untuk meneruskan usaha-usaha yang telah dimulakan sebelumnya dan bekerja keras untuk menamatkan legasi memalukan ini yang telah menghantui Malaysia sejak beberapa dekad yang lalu.

Pilihan Raya Umum ke-14 merupakan pergeseran di pelbagai peringkat dalam mengubah Malaysia untuk menjadi lebih baik, terutama dalam hal reformasi institusi yang bertujuan untuk memperkuuh kualiti demokrasi, pemerintahan yang baik dan hak asasi manusia. Rakyat Malaysia telah menyeru agar Malaysia bebas dari diskriminasi - sama ada bangsa, agama, bahasa atau bentuk lain. Selain itu, terdapat tuntutan yang khusus terhadap kerajaan untuk mereformasi undang-undang yang mampu mengekang penggunaan ucapan berbaur kebencian, sambil mempertahankan hak kebebasan bersuara. Timbul keperluan mendesak berbanding sebelumnya untuk kerajaan menujuhkan Suruhanjaya Bebas untuk Keharmonian berdasarkan saranan Majlis Perundingan Perpaduan Nasional (NUCC), yang disokong oleh kerajaan terdahulu.

Laporan Diskriminasi Kaum Malaysia 2019 oleh Pusat KOMAS telah masuk tahun ke-5 penerbitannya pada tahun ini, yang menunjukkan bahawa insiden diskriminasi kaum di Malaysia terus meningkat. Malangnya, perkauman semakin ketara dan semakin digunakan sebagai alat politik untuk memecahbelahkan masyarakat kita. 7 pola diskriminasi kaum di Malaysia telah dikenalpasti, yang merangkumi diskriminasi di sektor pendidikan, sektor perniagaan dan industri lain, mengkaumkan perbuatan jenayah, ucapan kebencian dan penggunaan sentimen perkauman yang provokatif. Diskriminasi kaum juga menampilkan kejelikannya dalam tempoh berkempen pilihan raya. Seperti yang disaksikan sebelumnya, masih ada sebilangan individu dan kumpulan sayap kanan yang terus memarakkan api sentimen perkauman.

Laporan ini disediakan dengan tujuan untuk menyimpan rekod Malaysia mengenai tingkahlaku kita dalam menguruskan isu diskriminasi kaum. Laporan Diskriminasi Kaum Malaysia adalah usaha kecil untuk merakam pola diskriminasi kaum di Malaysia, tetapi ia tidak mendakwa dapat merangkumi pandangan menyeluruh mengenai isu-isu yang dilaporkan di Malaysia. Dalam laporan ini, Pusat KOMAS, untuk pertama kalinya, memantau ucapan-ucapan Ahli Parlimen dalam sidang Parlimen. Sangat mengejutkan, kita mendapati pemimpin negara kita yang terhormat telah turut terlibat untuk ucapan berbaur penghinaan di Dewan Rakyat.

**JERALD JOSEPH  
PENASIHAT  
PUSAT KOMAS**

# **RINGKASAN**



# **EKSEKUTIF**

Tahun 2019 menjadi tanda detik pemerintahan tahun yang kedua oleh Kerajaan Pakatan Harapan (PH) selepas pertukaran kerajaan daripada Kerajaan Barisan Nasional (BN), yang telah memerintah negara selama 60 tahun lalu. Kerajaan PH telah memberikan harapan kepada seluruh rakyat Malaysia dengan janji-janji untuk mewujudkan sebuah Malaysia yang inklusif, sederhana dan dihormati di seluruh dunia. Aspirasi ini tertulis dalam Teras 5 dalam manifesto PH, di mana ia menjanjikan untuk melaksanakan dasar dan program yang menyatupadukan negara, mewujudkan masyarakat yang inklusif dan menjaga keharmonian Malaysia yang berbilang kaum dan agama. Di bawah Kerajaan PH, ada beberapa peningkatan yang menunjukkan kejayaan dalam komitmen kerajaan untuk menegakkan kebebasan bersuara dan bereksresi. Namun, kebebasan ini dimanfaatkan oleh individu, kumpulan dan parti politik oportunistis dengan menggunakan ruang baharu ini untuk menyebarkan perkauman.

Berdasarkan pemerhatian eksploratori oleh Pusat KOMAS mengenai insiden diskriminasi kaum di Malaysia pada tahun 2019, terdapat **sedikit penurunan** dalam *kedua-dua usaha memerangi diskriminasi kaum dan memperkasa perpaduan nasional* dan *jumlah laporan media dan insiden diskriminasi kaum di Malaysia*. Walau bagaimanapun, terdapat sedikit peningkatan penggunaan perkauman dan isu agama oleh pemain politik. Kumpulan-kumpulan ini akan mencari peluang untuk disebut sebagai juara bangsa dan etnik mereka sendiri. Dalam proses ini, tindakan dalam memperjuangkan asal-usul bangsa dan etnik masing-masing dengan cara yang salah menjadi penyebab terhadap tuntutan tentang penyisihan dan sekatan dalam pengiktirafan yang setara dengan etnik lain di Malaysia. Kejadian ini dapat dilihat pada kedua-dua belah lawan politik. Malah, dapatan dari laporan ini juga menunjukkan bahawa jumlah insiden dan kes diskriminasi kaum tertinggi pada tahun 2019 berpunca dari politik perkauman dan agama.

Selain daripada itu, insiden diskriminasi kaum juga didapati berlaku di beberapa sektor lain seperti pendidikan, harta benda, pekerjaan dan media sosial. Perilaku Xenofobik juga didokumentasikan dalam laporan ini. Insiden ini dikategorikan dalam Laporan Diskriminasi Kaum Malaysia 2019 dalam tujuh gelaja aliran yang berlainan tentang diskriminasi kaum di Malaysia seperti berikut:

1. Politik Kaum dan Agama
2. Hasutan Kaum dan Agama
3. Perkauman dalam Pendidikan
4. Perkauman dalam Sektor Lain
5. Perkauman di Media Sosial
6. Perkauman di Parlimen
7. Perilaku Xenofobik

Untuk merakam insiden diskriminasi kaum, laporan ini mendokumentasikan kes diskriminasi kaum seperti yang dilaporkan di media, serta laporan langsung melalui aplikasi mudah alih Pusat KOMAS ReportRacism MY. Disebabkan laporan ini merupakan pemerhatian eksploratori, ia hanya mengulas maklumat dan data yang sudah tersedia. Walaupun banyak pihak yang mungkin akan mempertikaikan insiden-insiden yang telah berlaku ini, mungkin mendakwa insiden yang dilaporkan oleh media telah disensasikan, kita percaya bahawa berita yang dilaporkan dan diperoleh melalui aplikasi mudah alih tidak boleh diabaikan kerana ia sangat penting untuk kes-kes seperti ini didokumentasikan. Disebabkan laporan ini berfungsi sebagai pemerhatian eksploratori, dapatan daripada laporan ini tidak semestinya berfungsi sebagai indeks; tetapi sebagai indikasi mengenai isu diskriminasi kaum di Malaysia.

Kami percaya bahawa usaha ini dapat menggerakkan negara ke hadapan untuk mencapai piawai kesatuan nasional yang tinggi yang diimpikan oleh nenek moyang dan generasi sebelum kita. Laporan ini dilakukan bukan hanya untuk memastikan insiden diskriminasi kaum dapat didokumentasikan dengan tepat sebagai peringatan bahawa ia benar-benar berlaku, tetapi ia juga mendorong kita untuk mencari jalan yang mampu mengatasi masalah ini.

Selain daripada itu, laporan ini juga diharapkan dapat menjadi alat penting untuk memudahkan hubungan dengan pihak berkepentingan yang berkaitan seperti agensi kerajaan, parti politik, institusi pendidikan, ahli akademik dan badan bukan kerajaan (NGO). Pendokumentasian insiden diskriminasi kaum ini juga dapat membantu meningkatkan kesedaran dan mendidik masyarakat mengenai keadaan yang membimbangkan dan jangkauan diskriminasi kaum di negara ini. Seterusnya, disebabkan dokumen ini juga mengandungi informasi mengenai usaha-usaha yang dilakukan oleh pelbagai individu, kumpulan dan agensi untuk memperkasa perpaduan nasional dan perpaduan sosial, usaha tersebut dapat dicontohi atau diperluaskan.

Insiden diskriminasi kaum serta usaha untuk memperkasa perpaduan nasional dan perpaduan sosial disusun dari sumber media dalam talian arus perdana, aplikasi mudah alih Pusat KOMAS ReportRacism MY dan sumber sekunder seperti akaun dan pandangan dari individu di media sosial. Kes-kes ini memberikan contoh yang jelas mengenai pelanggaran hak asasi yang termaktub dalam Perlembagaan Persekutuan Malaysia dan berdasarkan piawaian antarabangsa mengenai diskriminasi kaum.

Walaupun ia tidak merangkumi semua insiden diskriminasi kaum di Malaysia, kami optimis bahawa rakyat Malaysia dari semua lapisan masyarakat akan memberi sumbangan pada Laporan Tahunan Diskriminasi Kaum Malaysia dan dengan itu dapat membantu meningkatkan isi kandungannya.

# **DEFINISI DISKRIMINASI KAUM**

===== “ =====

**“SEBARANG PERBEZAAN,  
PENGECUALIAN, SEKATAN ATAU  
PILIHAN BERDASARKAN RAS,  
WARNA KULIT, KETURUNAN ATAU  
KEWARGANEGARAAN ATAU  
KETURUNAN ASAL ETNIK  
TERSEBUT YANG MEMPUNYAI  
MAKSUD ATAU KESAN YANG  
BERSIFAT MENAFIKAN ATAU  
MEROSAKKAN PENGIFTIRAFAN,  
KEBAHAGIAAN ATAU AMALAN,  
KESETARAAN, HAK ASASI DAN  
KEBEBAAN DALAM POLITIK,  
EKONOMI, SOSIAL, BUDAYA ATAU  
SEBARANG BENTUK  
KEHIDUPAN AWAM”.**

===== ” =====

**ARTIKEL 1, KONVENSYEN ANTARABANGSA  
PENGHAPUSAN SEMUA BENTUK DISKRIMINASI KAUM**

**USAHA UNTUK  
MEMPROMOSIKAN  
PERPADUAN  
NASIONAL DI  
MALAYSIA 2019**

Berdasarkan pemantauan di media pada tahun 2019, banyak usaha dan inisiatif yang dilakukan oleh kerajaan, ahli politik, individu berpengaruh dan rakyat biasa Malaysia untuk menangani isu diskriminasi kaum dan untuk memperkasa perpaduan nasional. Tindakan seperti itu sangat terpuji kerana tindakan dan suara positif ini diperlukan untuk mengatasi peningkatan diskriminasi kaum di Malaysia pada hari ini.

## **1. Racist landlords, watch out: Govt to draft anti-discrimination law**

*Date: 28 January 2019*

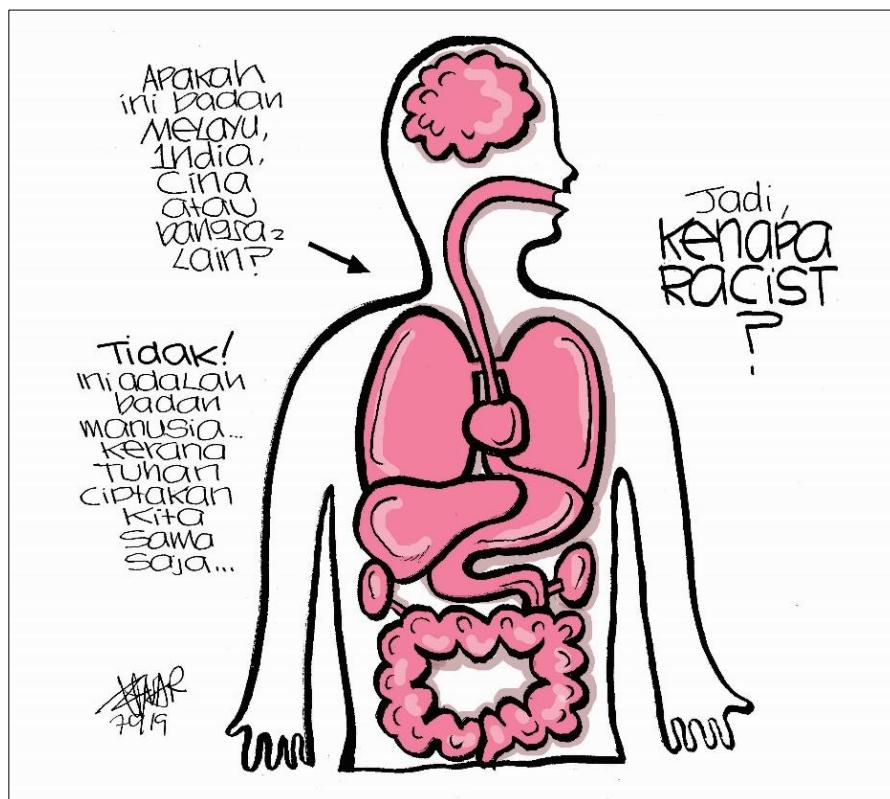
The government is looking into drafting new legislation to protect tenants against discrimination based on their ethnicity when seeking a place to rent, says Housing and Local Government Minister Zuraida Kamaruddin.

"The new law will include provisions against discrimination in accordance with international law," she told reporters after unveiling the new National Housing Policy (2018-2025) on Monday (Jan 28).<sup>1</sup>

## **2. EC considers deleting race section on electoral roll**

*Date: 11 March 2019*

The chairman of the EC, Azhar Azizan Harun in a radio interview with the BFM had indicated that the EC is considering the removal of the race box on the electoral roll as part of the EC's reform agenda.<sup>2</sup>



<sup>1</sup> The Star Online, "Racist landlords, watch out: Govt to draft anti-discrimination law", 28 January 2019. See: <https://www.thestar.com.my/news/nation/2019/01/28/racist-landlords-watch-out-govt-to-draft-anti-discrimination-law>

<sup>2</sup> The Malaysian Insight, "EC considers deleting race section on electoral roll", 11 March 2019. See: <https://www.themalaysianinsight.com/s/139608>

**3. Affirmative action a flop, make it needs-based, says Sabah think-tank chairman**

*Date: 3 April 2019*

Tan Sri Simon Sipaun, chairman of IDS (Sabah think-tank) has claimed that the affirmative action policy is a failure. He described that this policy only benefits the elite few and has caused divisions in the society. Furthermore, he claimed that the race- and religion-based affirmative action is not conducive to the creation and maintenance of genuine national unity and integration.<sup>3</sup>

**4. KJ needles Kulasegaran on 'our race must vote Streram' ceramah**

*Date: 12 April 2019*

A video of Human Resources Minister M. Kulasegaran's *ceramah* in Tamil, appealing for the Indian community's votes in tomorrow's Rantau by-election, has caught the attention of Khairy Jamaluddin.

In the 58-second clip, which has Malay subtitles, Kulasegaran tells the audience that he would be embarrassed if Indian voters do not vote for Pakatan Harapan candidate Dr S Streram. What can we tell the cabinet? 'Those fellows' will say, 'Dei, he (UMNO acting chairperson Mohamad Hasan) is of a different race, different religion, but the Tamils (Indians) voted for him. Think carefully (about this). "I have come to Rantau so many times, there are so many Chinese shops, so many Malay shops, but I do not like to eat (in these places)...

"We go to Tamil (Indian) shops. Why? Because this our community," he added.

*Malaysiakini* has verified that the Malay translation of Kulasegaran's speech is accurate. According to the video, the minister was speaking at Harapan's ceramah in Bandar Ekar last night.<sup>4</sup>

**5. Minister: Law against racist housing practices to be tabled by year end**

*Date: 14 April 2019*

Minister of Housing and Local Government Zuraida Kamaruddin in an interview with the Sunday Star had indicated that a new bill called the Residential Tenancy Act, which aims to curb discriminatory practices in housing, primarily aimed to protect both landlords and tenants from racial discrimination is expected to undergo its first reading in Parliament by year end.<sup>5</sup>

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<sup>3</sup> Free Malaysia Today, "Affirmative action a flop, make it needs-based, says Sabah think-tank chairman", 3 April 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/04/03/affirmative-active-a-flop-make-it-needs-based-says-sabah-think-tank-chairman/>

<sup>4</sup> Malaysiakini, "KJ needles Kulasegaran on 'our race must vote Streram' ceramah", 12 April 2019. See: <https://www.malaysiakini.com/news/472073>

<sup>5</sup> Malay Mail, "Minister: Law against racist housing practices to be tabled by year end", 14 April 2019. See: <https://www.malaymail.com/news/malaysia/2019/04/14/zuraida-law-against-racist-housing-practices-to-be-tabled-by-year-end/1743097>

## **6. Don't single out any one race in blaming crimes, CM Shafie tells rep**

*Date: 16 April 2019*

Datuk Seri Mohd Shafie Apdal had rebuked the Apas (Sabah state constituency) assemblyman Datuk Nizam Abu Bakar Titingan who alleged that the Bajau Pelauh (sea gypsy) community have been providing information to 'invaders' from neighbouring countries. In response to the allegation, Datuk Seri Mohd Shafie Apdal, the Chief Minister of Sabah had claimed that it wrong to blame crimes and problems on any one race. Instead, it is important to first obtain the right information and convey it to the relevant authorities for thorough investigations to be conducted. If it is proven true, the state government will then follow up with the necessary actions.<sup>6</sup>

## **7. Khairy raps UMNO for letting rep's 'foreigner' remark slide; MCA Youth demands retraction**

*Date: 18 April 2019*

Khairy Jamaluddin (former UMNO Youth chief) had criticised his party, UMNO, for excusing Kemayan (Pahang state constituency) assemblyman Mohd Fadli Osman's remarks for calling students from Chinese and Tamil vernacular schools, "foreigners" during the Pahang state assembly sitting. He had also expressed his unhappiness over party secretary-general Tan Sri Annuar's Musa who claimed that the comment was simply Fadli's personal opinion and did not represent the party's views. Additionally, Nicole Wong (MCA Youth chief) also criticised the UMNO state assemblyman for his racist remarks and demanded Fadli to retract his statement and apologise to the whole Malaysian.<sup>7</sup>

## **8. Championing one race will destroy all, warns Dr Mahathir**

*Date: 1 May 2019*

Prime Minister Dr Mahathir Mohamad assured that the government is willing to reorient its approaches to discard inefficient methods and adopt the mentality of giving equality to all although it is a work in progress. However, he cautioned that any attempts to advance the agenda of particular race or religious groups at the expense of others will lead to the destruction of all.<sup>8</sup>

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<sup>6</sup> *The Star Online*, "Don't single out any one race in blaming crimes, CM Shafie tells rep", 16 April 2019. See: <https://www.thestar.com.my/news/nation/2019/04/16/dont-single-out-any-one-race-in-blaming-crimes-cm-shafie-tells-rep/>

<sup>7</sup> *Malay Mail*, "Khairy raps UMNO for letting rep's 'foreigner' remark slide; MCA Youth demands retraction", 18 April 2019. See: <https://www.malaymail.com/news/malaysia/2019/04/18/khairy-raps-umno-for-letting-reps-foreigner-remark-slide-mca-youth-demands/1744542>

<sup>8</sup> *The Malaysian Insight*, "Championing one race will destroy all, warns Dr Mahathir", 1 May 2019. See: <https://www.themalaysianinsight.com/s/151462>

**9. Anwar objects to PAS leader's call to end vernacular schools**

*Date: 22 June 2019*

PKR president Anwar Ibrahim says he strongly objects to a PAS Muslimat vice-chief, Salamiah Mohd Nor, who called for the government to end the vernacular school system during the PAS general assembly in Kuantan. Anwar claimed that this view was not at all suited for Malaysia and viewed that those who do not see the need to be proficient in other languages were not getting on with the times.<sup>9</sup>

**10. DAP man jabs UMNO, MCA on PAS 'end vernacular schools' call**

*Date: 22 June 2019*

A DAP leader has called on UMNO and MCA to state their stand on a call by the PAS women's wing to end the vernacular school's system. Kerk said the remarks were against the culture of diversity in Malaysia.

He said politicians in a "new Malaysia" should put the people's interest first instead of trying to divide them. He said the Federal Constitution guaranteed the right of other races to learn their mother tongues including in vernacular schools.<sup>10</sup>

**11. PAS Youth chief: Make Mandarin, Tamil compulsory in primary schools**

*Date: 23 June 2019*

According to PAS Youth chief Khairil Nizam Khirudin in his winding-up speech at the 65<sup>th</sup> PAS general assembly, he suggested that both Mandarin and Tamil should be taught as mandatory subjects at all national primary schools in a bid to boost national unity, while, at the same, time, respect the supremacy of the Federal Constitution.<sup>11</sup>

**12. MCA wants anti-Mandarin PAS leader probed for sedition**

*Date: 25 June 2019*

MCA wants police to open investigations under the Sedition Act against a PAS leader who advocated for an end to vernacular schools. The Women's Wing chief of the party, Heng Seai Kie, said the remarks could cause racial conflict.

"Such views are extremist and contemptuous of the Federal Constitution, which protects the rights and interests of every Malaysian to mother tongue education." "If such views are to be expanded, it would surely instigate racial conflicts, society fallout and jeopardise national unity," Heng said in a statement today.<sup>12</sup>

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<sup>9</sup> Malaysiakini, "Anwar objects to PAS leader's call to end vernacular schools", 22 June 2019. See: <https://www.malaysiakini.com/news/480782>

<sup>10</sup> Malaysiakini, "DAP man jabs Umno, MCA on PAS 'end vernacular schools' call", 22 June 2019 See: <https://www.malaysiakini.com/news/480785>

<sup>11</sup> Malaysiakini, "PAS Youth chief: Make Mandarin, Tamil compulsory in primary schools", 23 June 2019. See: <https://www.malaysiakini.com/news/480832>

<sup>12</sup> Malaysiakini, "MCA wants anti-Mandarin PAS leader probed for sedition", 25 June 2019. See: <https://www.malaysiakini.com/news/481055>

### **13. Don't sow enmity towards Islam - Perlis mufti to Muslims**

*Date: 30 June 2019*

Perlis mufti Mohd Asri Zainul Abidin has warned against sowing enmity towards Islam following criticism of Finance Minister Lim Guan Eng over a Chinese couplet hung up in his office. "We may not agree with someone over certain things; however, we must be fair," Asri said in a Facebook post today.

Asri warned that by doing so, non-Muslims would assume that Islam teaches its adherents to hate without reason. Asri did not explicitly mention which incident he was referring to, but his Facebook post included a link to a *KiniTV* video in which Lim defended the presence of the couplet in his office.<sup>13</sup>

### **14. Nga: New Malaysia should 'move away from race-based politics'**

*Date: 8 July 2019*

Perak DAP chief Nga Kor Ming (photo, above) is urging the Pakatan Harapan government to shift away from race-based politics in shaping a new Malaysia. His call comes after the controversy following Prime Minister Dr Mahathir Mohamad's surprise proposal for all Malay-based parties in the country to join Bersatu, including the latter's former party UMNO. Additionally, he claimed that it is time for Malaysia to move away from race-based politics and create a new Malaysia.<sup>14</sup>

### **15. Shafie: Don't fight over Race and Religion. Sabahans must unite**

*Date: 20 July 2019*

Conflicts arising because of race and religion should be avoided to ensure that every race are able to contribute to the state's development. Chief Minister of Sabah, Datuk Seri Mohd. Shafie Apdal told that it is the people who will suffer if race and religion conflicts persist, who subsequently demand the people to unite as fellow Sabahans.<sup>15</sup>

### **16. Senator wants answers over lower number of Indian students for matriculation**

*Date: 25 July 2019*

MIC Senator, T. Mohan has raised questions over the reduction in the intake of Indian students for matriculation programme which sees a decline from 1,804 in 2018 to 1,212 students this year. He further alluded it is a practise of racism if the numbers were deliberately reduced.<sup>16</sup>

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<sup>13</sup> Malaysiakini, "Don't sow enmity towards Islam - Perlis mufti to Muslims", 30 June 2019. See: <https://www.malaysiakini.com/news/481760>

<sup>14</sup> Malaysiakini, "Nga: New Malaysia should 'move away from race-based politics'", 8 July 2019. See: <https://www.malaysiakini.com/news/482919>

<sup>15</sup> Borneo Today, "Shafie: Bersatulah rakyat Sabah jangan gaduh pasal bangsa, agama", 20 July 2019. See: <https://www.borneotoday.net/shafie-bersatulah-rakyat-sabah-jangan-gaduh-pasal-bangsa-agama/>

<sup>16</sup> Malaysiakini, "Senator wants answers over lower number of Indian students for matriculation", 25 July 2019. See: <https://www.malaysiakini.com/news/485366>

## **17. Avoid religious disputes: CM**

*Date: 26 July 2019*

Datuk Seri Mohd Shafie Apdal requested the people of Sabah to focus on Sabah's future development instead of dwelling into racial and religious sentiments. The Chief Minister acknowledged religion is an individual's matter and should not be used to dispute or divide the people.<sup>17</sup>

## **18. Affirmative action policy to continue based on needs, not race, says Anwar.**

*Date: 26 July 2019*

PKR president Anwar Ibrahim reassured that affirmative action policy would focus on needs rather than race. Commenting on the necessity for affirmative action, he claimed that the old affirmative action policy is obsolete and should be dismantled but should be replaced with a firm commitment based on needs involving the government and private sector. The policy must help everyone with equal rights that includes people from the rural areas and the poor around the nation.<sup>18</sup>

## **19. Bowing to racial groups no way to govern nation, says Rafidah**

*Date: 7 August 2019*

Policymakers must not bow to extreme groups if they are serious about nation-building, said former minister Rafidah Aziz in her keynote address at a forum by the Perdana Leadership Foundation in Putrajaya. She mentioned that as long as we pander to groups with ulterior motives that are not for national development, the nation will never be a nation for all Malaysians.<sup>19</sup>

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<sup>17</sup> Daily Express, "Avoid religious disputes: CM", 26 July 2019. See: <http://www.dailyexpress.com.my/news/138367/avoid-religious-disputes-cm/>

<sup>18</sup> Free Malaysia Today, "Affirmative action policy to continue based on needs, not race, says Anwar", 26 July 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/07/26/affirmative-policy-to-continue-based-on-needs-not-race-says-anwar/>

<sup>19</sup> The Malaysian Insight, "Bowing to racial groups no way to govern nation, says Rafidah", 7 August 2019. See: <https://www.themalaysianinsight.com/s/173848>

## **20. Racial provocations are 'time bombs' waiting to explode, ruler says**

*Date: 1 September 2019*

Sultan Nazrin Shah of Perak in the Peral level Maal Hijrah in Ipoh claimed that the political climate in the country after the 14<sup>th</sup> General Elections was getting hotter through the acts by political leaders from the government and the opposition. He claimed that the act of instilling the feeling of hatred between the races and religions are committed more often. Sultan Nazrin claimed that such situations are very unhealthy and would place the nation in a dangerous and worrying situation, further stating that the heated climate must be immediately brought down and the acts of instilling racial feelings and spreading the feelings of enmity between the religions must be stopped without delay. He also hoped that Malaysia would be placed under trustworthy and sincere leaders who would carry the voice of moderation, voice of reason and friendship, so that the people of various races and religions in this country could live in peace and harmony.<sup>20</sup>

## **21. Mujahid: 'Hate, enmity' in one corner, 'Islamophobia' in the other**

*Date: 4 September 2019*

De facto Religious Affairs Minister Mujahid Yusof Rawa has warned that opposing sentiments concerning Islam have taken hold in the country, aided by "opportunistic politicians". "[...] The country is being dragged into one corner with hate and enmity, while it is being dragged into another corner by unfounded worries over all things associated with the Malay and Islam brand. "The two (sides) often clash and flood public narratives with the incidents, decisions and statements uploaded onto social media of late,"

He was referring to the government themes for both celebrations - '*Sayangi Malaysiaku: Malaysia Bersih*' (Love Our Malaysia: A Clean Malaysia) and '*Negara Rahmah, Ummah Sejahtera*' (A blessed country, a peaceful community) - which were meant to portray a sense of inclusivity and a love for the country.<sup>21</sup>

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<sup>20</sup> Malaysiakini, "Racial provocations are 'time bombs' waiting to explode, ruler says", 1 September 2019. See: <https://www.malaysiakini.com/news/490253>

<sup>21</sup> Malaysiakini, "Mujahid: 'Hate, enmity' in one corner, 'Islamophobia' in the other", 4 September 2019. See: <https://www.malaysiakini.com/news/490391>

## **22. Buy Malaysian products first, not Muslim-made, Saifuddin says**

*Date: 9 October 2019*

Domestic Trade and Consumer Affairs Minister Saifuddin Nasution Ismail today urged the people to buy Malaysian products instead of focusing only on goods made by Bumiputera-owned businesses, the main thrust of the recent "Buy Muslim-made First" (BMF) campaign. He said his ministry was focusing on healthy competition to ensure that the people get quality items at reasonable prices.

"We encourage competition, not discrimination, not price monopolies.

"The price has to be competitive," he said, adding that there should be no compromise regarding halal products. Prime Minister Dr Mahathir Mohamad subsequently said he disagreed with the campaign and that such acts would only be done by people with shallow thinking.<sup>22</sup>

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<sup>22</sup> Free Malaysia Today, "Buy Malaysia Products first not muslim made", 9 October 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/10/09/buy-malaysian-products-first-not-muslim-made-saifuddin-says/>

### 23. UM academics stand by convo protest student

Date: 16 October 2019

PKAUM released a statement supporting Wong Yan Ke's solo protest at his convocation ceremony against the university's involvement in the Malay Dignity Congress. They claimed that they supported the student's right to express himself even though they disagreed with the platform through which he had chosen to do so. Additionally, they claimed that the vice-chancellor had failed to promote racial tolerance and unity at UM by engaging in the organisation of the congress in Shah Alam.<sup>23</sup>



<sup>23</sup> Free Malaysia Today, "UM academics stand by convo protest student", 16 October 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/10/16/um-academics-stand-by-convo-protest-student/>

## **24. VC's Malay congress speech defied Malaysian unity, says UM Law Society**

*Date: 18 October 2019*

The University of Malaya's (UM) Law Society has chided its vice-chancellor (VC) for his speech at the Malay Dignity Congress. The group claimed that Datuk Abdul Rahim Hashim's call for Malay political dominance during his speech goes against the provisions in the Federal Constitution and has sparked concerns in the multicultural society.

"The vice-chancellor in his speech was adamant in ingraining the idea of upholding Malay dignity which does not just go against the aspirations of equality laid down in the Federal Constitution but also regrettably implies that other citizens who are non-Malay should be inferior in the political landscape. We are of the opinion that prominent figures such as the prime minister and vice-chancellor, who are representatives of a multicultural society, should always carry the idea of racial equality and stand up against any form of prejudice or discrimination," it said.<sup>24</sup>

## **25. Pro-Malay policies grounded in colonial racist narrative, says academic**

*Date: 19 October 2019*

Sharifah Munirah Alatas, of UKM, had claimed that the government policies favouring the Malays have their origins in a racist narrative first promoted by the British colonialist who depicted the community as lazy. This tactic have resulted in two opposing phenomena where majority of Malays have gradually learnt to be very accommodating of leadership and secondly, a majority of non-Malays feel progressively alienated from society despite their contribution to the development of the country. She also claimed that the education ministry fails to understand that more emphasis on science, technology and engineering in higher education will not attract businesses and foreign investment if the society continues to be mired in moral, religious, racial and ethnic tensions.<sup>25</sup>

## **26. Govt has set up committee to tackle sensitive, racial issues**

*Date: 29 October 2019*

Deputy Law Minister in the Prime Minister's Department Mohamed Hanipa Maidin had informed the parliament that the government has set up JPIP to manage and pacify tensions related to sensitive and racial issues at the national level. He also claimed that the committee served as an official forum to identify issues and polemics that could threaten the unity and harmony of the community.<sup>26</sup>

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<sup>24</sup> Malay Mail, "VCs Malay congress speech defied Malaysian unity, says UM law society", 18 October 2019. See: <https://www.malaymail.com/news/malaysia/2019/10/18/vcs-malay-congress-speech-defied-malaysian-unity-says-um-law-society/1801589>

<sup>25</sup> Free Malaysia Today, "Pro-Malay policies grounded in colonial racist narrative, says academic", 19 October 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/10/19/pro-malay-policies-grounded-in-colonial-racist-narrative-says-academic/>

<sup>26</sup> Malay Mail, "Govt has set up committee to tackle sensitive, racial issues", 29 October 2019. See: <https://www.malaymail.com/news/malaysia/2019/10/29/govt-has-set-up-committee-to-tackle-sensitive-racial-issues/1804913>

## **27. UMNO Youth slams minister over 'racist, chauvinistic' speech**

*Date: 5 November 2019*

Youth chief Asyraf Wajdi Dusuki had criticised Human Resources Minister Kulasegaran for stating that he will be embarrassed if the Indian voters did not support Pakatan Harapan's candidate in Rantau Dr. Streram Sinnasamy.<sup>27</sup>

## **28. Fighting racism with cartoons, Zunar releases new book**

*Date: 6 November 2019*

Cartoonist Zulkiflee SM Anwar Ulhaque declared that racism degrades the mind and is a major obstacle to nation-building efforts. In hoping to drive this message home through a book titled "Cartoons against racism". He claimed that the book is published in the midst of raging fires of racism and prejudice, stoked daily by certain groups and political parties.<sup>28</sup>



<sup>27</sup> Free Malaysia Today, "UMNO Youth slams minister over 'racist, chauvinistic' speech", 5 November 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/11/05/umno-youth-slams-minister-over-racist-chauvinistic-speech/>

<sup>28</sup> Malaysiakini, "Fighting racism with cartoons, Zunar releases new book", 6 November 2019. See: <https://www.malaysiakini.com/news/498809>

## **29. Let's eradicate poverty without looking at race - Daim**

*Date: November 27, 2019*

Former finance minister Daim Zainuddin in a conference held by Asli on "Poverty in Malaysia: Reality vs Perception" had emphasised that the issue of poverty in Malaysia must be recognised and addressed by the government without viewing it from a racial lens. He claimed that racial and religious diversity was a strength and something to be built on. Poverty can be eradicated provided if we tell ourselves that we are Malaysians first and lambasted those who tried to play up divisive issues and distract from building bridges and solving problems.<sup>29</sup>

## **30. Don't allow racial issues to fester, become a cancer - DPM**

*Date: 1 December 2019*

Deputy Prime Minister Wan Azizah Wan Ismail, in her speech at the Pandan Parliamentary Deepavali open house in Pandan Indah, said the values of unity should always be nurtured and racial issues should not be allowed to fester and become a cancer that will weaken the unity of the people in this country. She claimed that the people should practice tolerance, accept the religious and racial differences and stated promoting goodwill and unity should always be prioritised.<sup>30</sup>

## **31. Students get together in Muhibah Camp to overcome racial distrust**

*Date: 16 December 2019*

Seventy-six students from different educational backgrounds got together at a three-day camp organized by educationist group Dong Zong and Islamic NGO, ABIM, in a bid to overcome racial distrust as a way forward for a better Malaysia. Some of these students never had friends from other races or religions due to their educational background and/or surroundings while others have friends from another race but rarely keep in touch due to cultural barriers. However, by the end of the camp, the camp participants had a better understanding and knowledge of other cultures and religions after going through various modules.<sup>31</sup>

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<sup>29</sup> Malaysiakini, "Let's eradicate poverty without looking at race - Daim", 27 November 2019. See: <https://www.malaysiakini.com/news/501459>

<sup>30</sup> Malaysiakini, "Don't allow racial issues to fester, become a cancer - DPM", 1 December 2019. See: <https://www.malaysiakini.com/news/501920>

<sup>31</sup> Malaysiakini, "Students get together in Muhibah Camp to overcome racial distrust", 16 December 2019. See: <https://www.malaysiakini.com/news/503748>



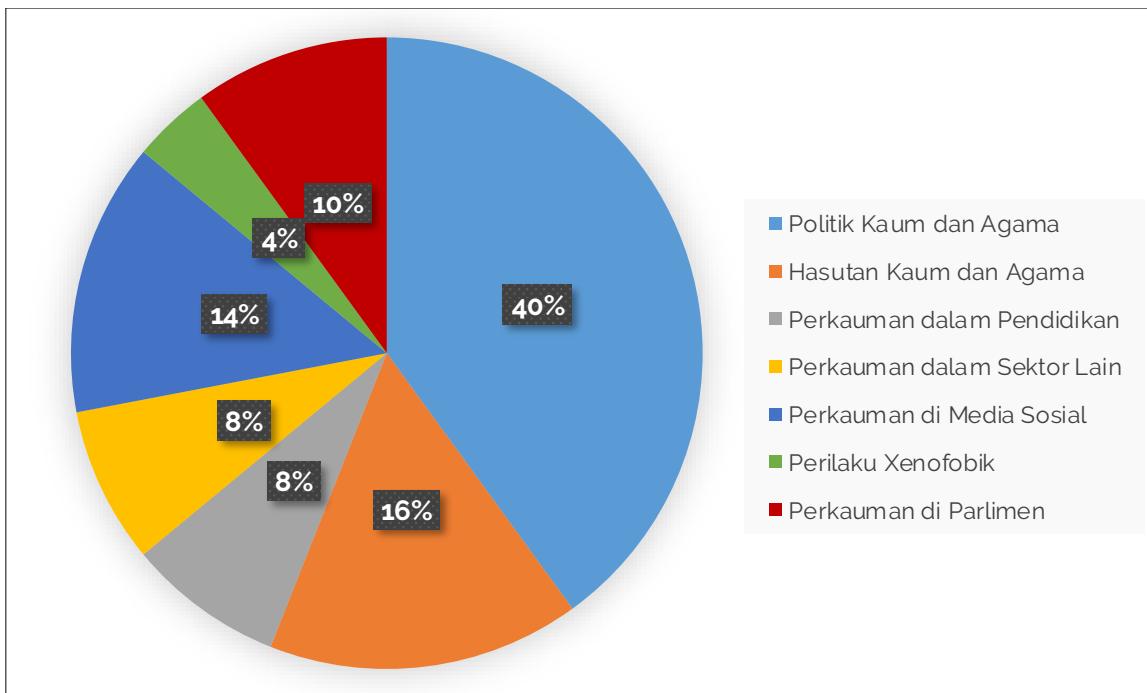
### 32. Why no action against those threatening spectres of May 13, asks Zaid

Date: December 29, 2019

Former federal minister Zaid Ibrahim has questioned the police for their inaction over threatening remarks by Gamis president Saifullah Baiduri who warned of bloody May 13, 1969 riots as long as Dong Zong still exists. They further claimed that Dong Zong is a "pus within the nation's unity", and had urged the home ministry and police to ban the Chinese group, accusing it of opposing nationalistic government policies. Zaid criticised the police for their lack of action as Dong Zong's congress was forced to cancelled and be trampled by threats of violence by those who use force and promise a riot like a repeat of May 13. He claimed that Malaysia is now at a stage where the Malay and Muslim groups will be encouraged to continue their harassment on the non-Malays due to the weakness in the country's security apparatus to maintain public order. He also added that such provocation should not be tolerated as it glorifies rioting and destruction of life and property.<sup>32</sup>

<sup>32</sup> Free Malaysia Today, "Why no action against those threatening spectres of May 13, asks Zaid", 29 December 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/12/29/why-no-action-against-those-threatening-spectre-of-may-13-asks-zaid/>

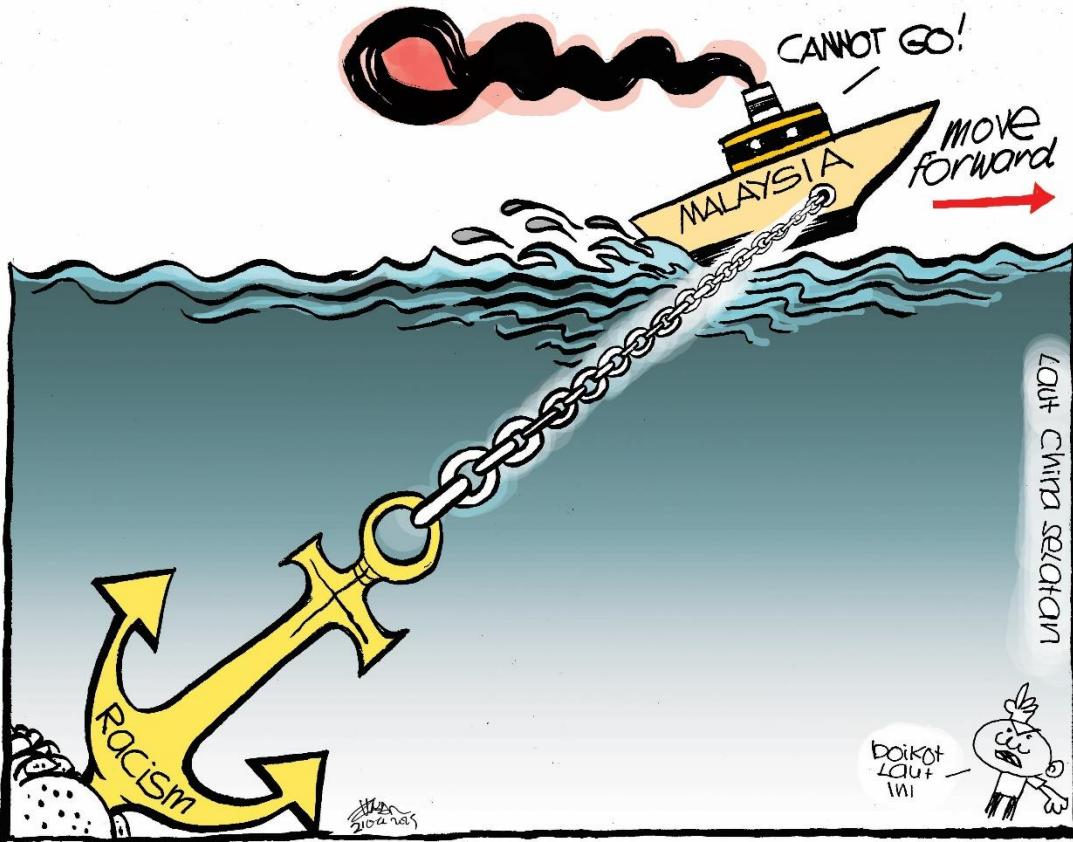
# **KEJADIAN DISKRIMINASI KAUM DI MALAYSIA PADA 2019**



Rajah 1. Butiran kejadian diskriminasi kaum pada 2019

Tahun 2019 telah menyaksikan sedikit penurunan dalam insiden diskriminasi kaum yang dilaporkan di Malaysia. Walau bagaimanapun, penurunan ini tidak menunjukkan peningkatan dalam keadaan; sebaliknya, ini boleh dikaitkan dengan jumlah pilihan raya kecil yang berlaku pada tahun 2018. Pilihan raya kecil ini menunjukkan peluang dan platform yang terhad untuk penggunaan propaganda perkauman dan agama pada tahun 2019. Ringkasan pecahan insiden dapat dilihat di Rajah 1.

Analisis data mengenai jumlah insiden yang dilaporkan dalam Laporan Diskriminasi Kaum Malaysia 2019 menunjukkan bahawa politik perkauman dan agama mempunyai jumlah insiden diskriminasi antara kaum tertinggi. Ia sebenarnya merupakan 41% daripada jumlah kejadian. Selain itu, 10% kejadian yang dilaporkan termasuk *perkauman di parliment*. Oleh itu, dapat diandaikan bahawa sejumlah 51% insiden diskriminasi kaum dapat dikaitkan dengan penggunaan kaum dan agama oleh ahli politik. Tambahan pula, insiden hasutan kaum dan agama oleh kumpulan, individu dan agensi tertentu merupakan 17% daripada jumlah insiden yang dilaporkan. Kumpulan-kumpulan ini telah berkali-kali menunjukkan kecenderungan mereka untuk menyokong agenda parti politik tertentu. Oleh sebab itu, dapatan kajian menunjukkan bahawa isu perkauman dan keagamaan digunakan terutamanya dalam arena politik bahawa ia telah menjadi pusat perkauman di Malaysia.



Selain itu, 15% daripada insiden diskriminasi kaum pada tahun 2019 juga dirakam di **media sosial** di mana ia digunakan sebagai platform oleh individu dan kumpulan untuk melontarkan perkauman di bawah penyamaran. Selepas itu, **perkauman dalam pendidikan** dan **perkauman di sektor lain** masing-masing merupakan 8% daripada insiden ini, sementara **xenofobia** pula membentuk 2%. Walau bagaimanapun, penting untuk diperhatikan bahawa dapatan yang ditonjolkan dalam laporan ini berdasarkan pada pengimbasan media dan laporan yang diterima oleh aplikasi mudah alih Pusat KOMAS ReportRacism MY dan oleh itu menunjukkan keadaan di lapangan.

# **POLITIK KAUM DAN AGAMA**

Amalan politik berasaskan kaum dan agama telah wujud sejak penubuhan Malaysia. Pelaku politik dan parti telah mengeksplotasi isu kaum dan agama untuk mendapatkan kepentingan politik dan untuk memastikan kelangsungan politik mereka. Parti-parti politik ini dianggap sebagai pejuang kelompok kaum tertentu untuk memastikan penguasaan kawasan dan pengundi mereka. Dalam konteks laporan ini, insiden di mana pelaku politik atau pihak yang menggunakan agama *untuk menjustifikasi segala bentuk perbezaan, pengecualian, pembatasan atau keutamaan berdasarkan kaum, warna kulit, keturunan, atau asal usul kebangsaan atau etnik yang bertujuan untuk membatalkan atau mengganggu hak asasi manusia dalam apa juar lingkungan kehidupan awam* telah dimasukkan. Walau bagaimanapun, pertimbangan secara teliti telah dilakukan dalam proses menyemak insiden kerana baik kaum maupun agama di Malaysia adalah saling berkaitan dan mudah disalahtafsirkan. Berikut adalah laporan berita yang dihuraikan di mana pelaku dan parti politik memanfaatkan politik kaum dan agama.

## **1. Hadi: PAS-UMNO critics like 'Jews' who must be battled to save the country**

Date: 1 April 2019

PAS President, Abdul Hadi Awang has labelled those who oppose the cooperation between PAS and UMNO as "Jews". He was responding to the criticisms that their collaboration would turn Malaysia into a Taliban state, believed to be alluding to DAP leaders.

"When UMNO and PAS unite, they are accused of wishing to go to war with other races. (Our accusers are) like the Jews who did not want Muslims to be united during the Prophet's time.

"This is a disease we must fight. Let's join forces and send the enemy to hell," Hadi was quoted telling a gathering in Sabak Bernam, Selangor, to canvass for support for the BN candidate in the Rantau by-election.<sup>33</sup>

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<sup>33</sup> Malaysiakini, "Hadi: PAS-UMNO critics like 'Jews' who must be battled to save the country", 1 April 2019. See: <https://malaysiakini.com/news/470329>



## 2. 'Don't vote Keling' banner in Rantau - Mat Hasan denies it's BN

Date: 6 April 2019

Banners containing the word 'keling' (a derogatory remark against ethnic Indians) with the image of Pakatan Harapan candidate Dr. S Streram appeared during the Rantau by-election. Amongst others there were also slogans that says "This heritage land is our land,"

"Don't give him power," "Come rise Negeri Malays," "Let us shake him up, prove we are true sons of Rantau."

According to *Bernama*, Streram has also expressed concern over his safety because the slogan "Ganyang Samo Dio", which literally meant 'Crush (destroy) him', could be interpreted as an instruction to 'beat' him.<sup>34</sup>

<sup>34</sup> Malaysiakini "Don't vote Keling banner in Rantau - Mat Hasan denies it's BN", 6 April 2019. See: <https://malaysiakini.com/news/47119>

**3. UMNO - PAS coalition to counter DAP, says Tok Mat**

*Date: 11 April 2019*

Rantau candidate Datuk Seri Mohamad Hasan declared the alliance between UMNO and PAS signals they are ready for a war against the non-Malays and the political landscape allegedly dominated by DAP. In his speech, he claimed the Malays and Muslims are struggling to live in their own country because Malaysia doesn't have sufficient funds to sustain our economy as the investors are withdrawing due to their lack of faith in the current government.<sup>35</sup>

**4. Choose Mat Hasan because Malay majority in Rantau, says Hadi**

*Date: 12 April 2019*

PAS President had informed the people of Rantau should vote-in Mohamad Hasan (BN Candidate) as their representative in the upcoming by-election because it is a Malay-Muslim majority constituency. However, he also claimed that the coalition would not marginalize the non-Muslim and non-Malay community because Islam instructs to treat everyone fairly.<sup>36</sup>

**5. Ibrahim Ali unveils new party, Putra, to fight for race and religion**

*Date: 9 May 2019*

A Malay-Muslim based party was launched by Ibrahim Ali meant for those looking for a political party that would not compromise on issues related to the Bumiputra and Islam.

He said that the party, called Putra for short, was to fight for the rights, well-being of the country, Islam and race

"We will not compromise (unlike) many main political parties after they win elections.

"Even though the Federal Constitution defends the religion, race, and country, they (political parties) compromise (on these aspects)," he said.<sup>37</sup>

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<sup>35</sup> Malay Mail, "UMNO - PAS coalition to counter DAP, says Tok Mat", 11 April 2019. See:

<https://www.malaymail.com/news/malaysia/2019/04/11/umno-pas-coalition-to-counter-dap-says-tok-mat/1742349>

<sup>36</sup> The Malaysian Insight, "Choose Mat Hasan because Malay majority in Rantau, says Hadi", 12 April 2019. See:

<https://www.themalaysianinsight.com/bahasa/s/147287/2019/04/12/Choose-Mat-Hasan-because-Malay-majority-in-Rantau,-says-Hadi->

<sup>37</sup> The Star, "Ibrahim Ali unveils new party, Putra, to fight for race and religion", 9 May 2019. See:

<https://www.thestar.com.my/news/nation/2019/05/09/ibrahim-ali-unveils-new-party-putra-to-fight-for-race-and-religion/>

## **6. PM: Harapan needs to address race issues to beat UMNO-PAS**

*Date: 28 May 2019*

Speaking at a press conference today, Tun Dr Mahathir defended recent controversial statements by Education Minister Maszlee Malik, and stressed that talking about racial issues did not mean one was being racist.

"He (Maszlee) spoke a little about race, this does not mean he is racist," he said.

"In our party (Bersatu), many people talk about race. Those with Indian heritage will talk about the Indians, the Chinese from DAP will talk about the Chinese, the Malays will talk about the Malays, the Ibans about the Ibans and the Kadazans about the Kadazans.

"But they are all Malaysians, you cannot question their nationality. Race is different."<sup>38</sup>

## **7. Hadi: Prioritize faith before integrity**

*Date: 21 June 2019*

Having integrity is an important character trait but PAS president Abdul Hadi Awang today said the priority should always be given to electing Muslim leaders. In his policy speech at the 65th PAS Muktamar, Hadi said a person with integrity but does not have faith in Allah SWT will have no standing in the afterlife.

"Prioritize faith before integrity, because there is no value to integrity without faith.

"Pick Islam first before integrity, which remains an integral trait," Hadi said.<sup>39</sup>

## **8. PAS delegate warns of 'Lee Kuan Yew reincarnated' in DAP**

*Date: 22 June 2019*

PAS central delegate from Selangor has warned Malay-Muslims against threats from the DAP which he insisted was a "reincarnation" of Singapore's PAP under the republic's late prime minister Lee Kuan Yew. Selangor PAS election director Roslan Shahir Mohd Shahir cautioned that unless PAS and UMNO cooperate as the two largest Malay-Muslim political parties, Malaysia is doomed to turn into a "second Singapore" with no regard for special rights for Malays and Bumiputera. "We Malay-Muslims who are entrusted to lead Malays, Chinese, Indians, Muruts, Ibans, Orang Asal and others... we need to unite our strengths".<sup>40</sup>

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<sup>38</sup> Malaysiakini, "PM: Harapan needs to address race issues to beat Umno-PAS", 28 May 2019. See: <https://www.malaysiakini.com/news/477750>

<sup>39</sup> Malaysiakini, "Hadi: Prioritize faith before integrity", 21 June 2019. See: <https://www.malaysiakini.com/news/480542>

<sup>40</sup> Malaysiakini, "PAS delegate warns of 'Lee Kuan Yew reincarnated' in DAP", 22 June 2019. See: <https://www.malaysiakini.com/news/480697>

**9. PAS leader urges Dr M to join PAS-UMNO in saving Malays' future**

*Date: 6 July 2019*

Former PAS youth chief invited PM to join both PAS and UMNO in preserving the future of the Malays. He also concurred with Dr Mahathir's assessment that if the Malays are strong and united, then all planning, agendas and focus, especially in the economic sector, individual development and raising living standards can be achieved with excellence.

"After nearly 62 years of independence, the Malays are still left behind, be it economically, in education, or individual development".<sup>41</sup>

**10. Waytha launches Malaysian Advancement Party for Indian interests**

*Date: 16 July 2019*

Minister of National Unity and Social Well-Being launched a political party to advance the interests of the Indian community in Malaysia in the political, economic, educational, cultural, religious and social spheres. As a people's movement, he claimed that the party will ensure that it plays a crucial role for the Malaysian Indian community with effective representation, with renewed hope and opportunities.<sup>42</sup>

**11. Minister: Malays compromised too much with 'racists', time to rise up**

*Date: 14 August 2019*

Entrepreneur Development Minister Mohd Redzuan Md Yusof has upped the ante amid rising tension among ethnic communities over a number of sensitive issues, claiming that Malays have compromised too much with "racists" and urged them to rise up.

"It is time for Malays to rise up and defend Malay culture before it is destroyed," he was quoted as saying by *Utusan Malaysia*.<sup>43</sup>

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<sup>41</sup> *Malay Mail*, "PAS leader urges Dr M to join PAS-UMNO in saving Malays' future", 6 July 2019. See: <https://www.malaymail.com/news/malaysia/2019/07/06/pas-leader-urges-dr-m-to-join-pas-umno-in-saving-malays-future/1768858>

<sup>42</sup> *Malaysiakini*, "Waytha launches Malaysian Advancement Party for Indian interests", 16 July 2019. See: <https://www.malaysiakini.com/news/483999>

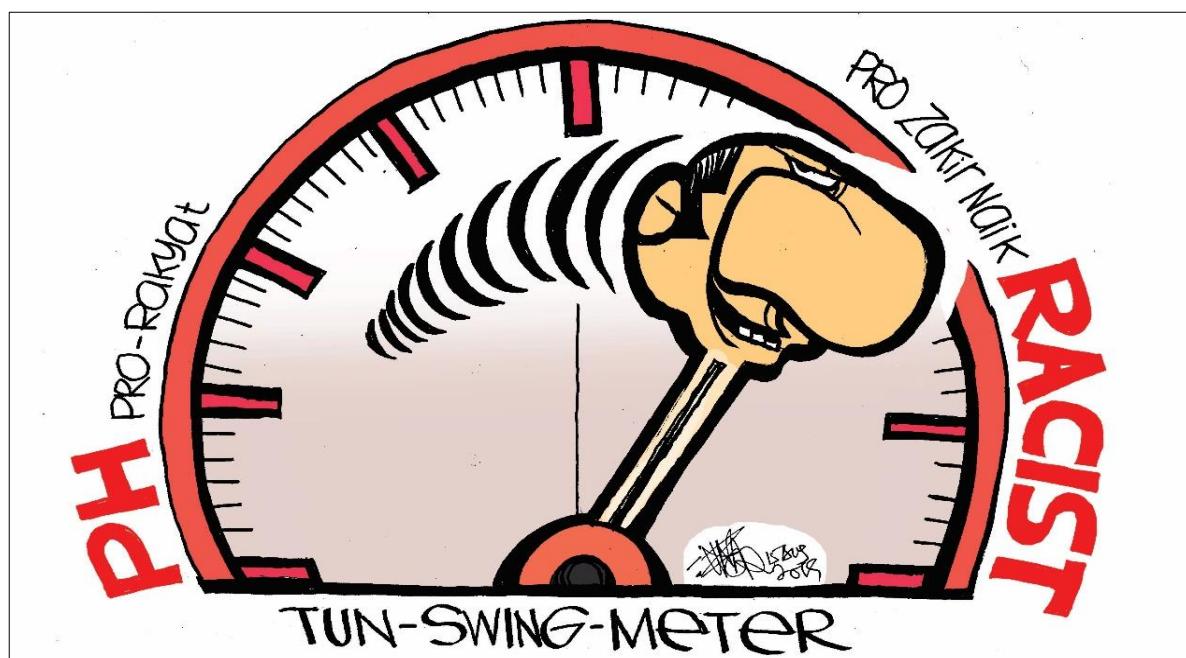
<sup>43</sup> *Malaysiakini*, "Minister: Malays compromised too much with 'racists', time to rise up", 14 August 2019. See: <https://www.malaysiakini.com/news/487876>

## 12. Those who want Zakir Naik expelled are enemies of Islam: Nik Abduh

Date: 15 August 2019

PAS central committee member Nik Abduh Nik Aziz said no non-Muslims would attempt to expel controversial preacher Zakir Naik from this country unless they were enemies of Islam. His statement via Facebook post today came amidst a controversy courted by the preacher following his remarks on Malaysian Chinese and Indians during a talk in Kelantan last week. Nik Abduh also trained his guns on Muslims who wished for Zakir to be expelled.

Zakir had remarked that Hindu Malaysians seemed to trust the Indian government more than Prime Minister Dr Mahathir Mohamad, while he also suggested that "old guests", referring to the Chinese, "go back." However, Zakir stressed that his statement on the Hindu community had been misquoted.<sup>44</sup>



<sup>44</sup> Malaysiakini, "Those who want Zakir Naik expelled are enemies of Islam: Nik Abduh", 15 August 2019. See: <https://www.malaysiakini.com/news/488111>

### **13. Stop calling Malays 'racist', patience has its limits, says Hadi**

*Date: 25 October 2019*

PAS president Abdul Hadi Awang today warned against accusing the Malays of racism, saying there are double standards at play in the application of the "racist" label.

He said the Malays have always been at the receiving end of such labels although they had only demanded what was rightfully theirs. "Only Malays who are too stupid, weak in their faith and who are spiritually lost are not aware to the point that they lose their identity in their own land," the Marang MP said in a statement today.

He also said the Malays had opposed the colonialists and rejected working with them, "This is different from the other races who were brought here and were ready to become their workers and slaves, be it officers or coolies," he added.<sup>45</sup>

### **14. Putra insists will contest Tanjung Piai if BN fields non-Malay candidate**

*Date: 29 August 2019*

The Tanjung Piai Parti Bumiputera Perkasa Malaysia (Putra) today reiterated its stand and confirmed that it will be contesting in the constituency's coming parliamentary by-election if Barisan Nasional (BN) fields a non-Malay candidate.

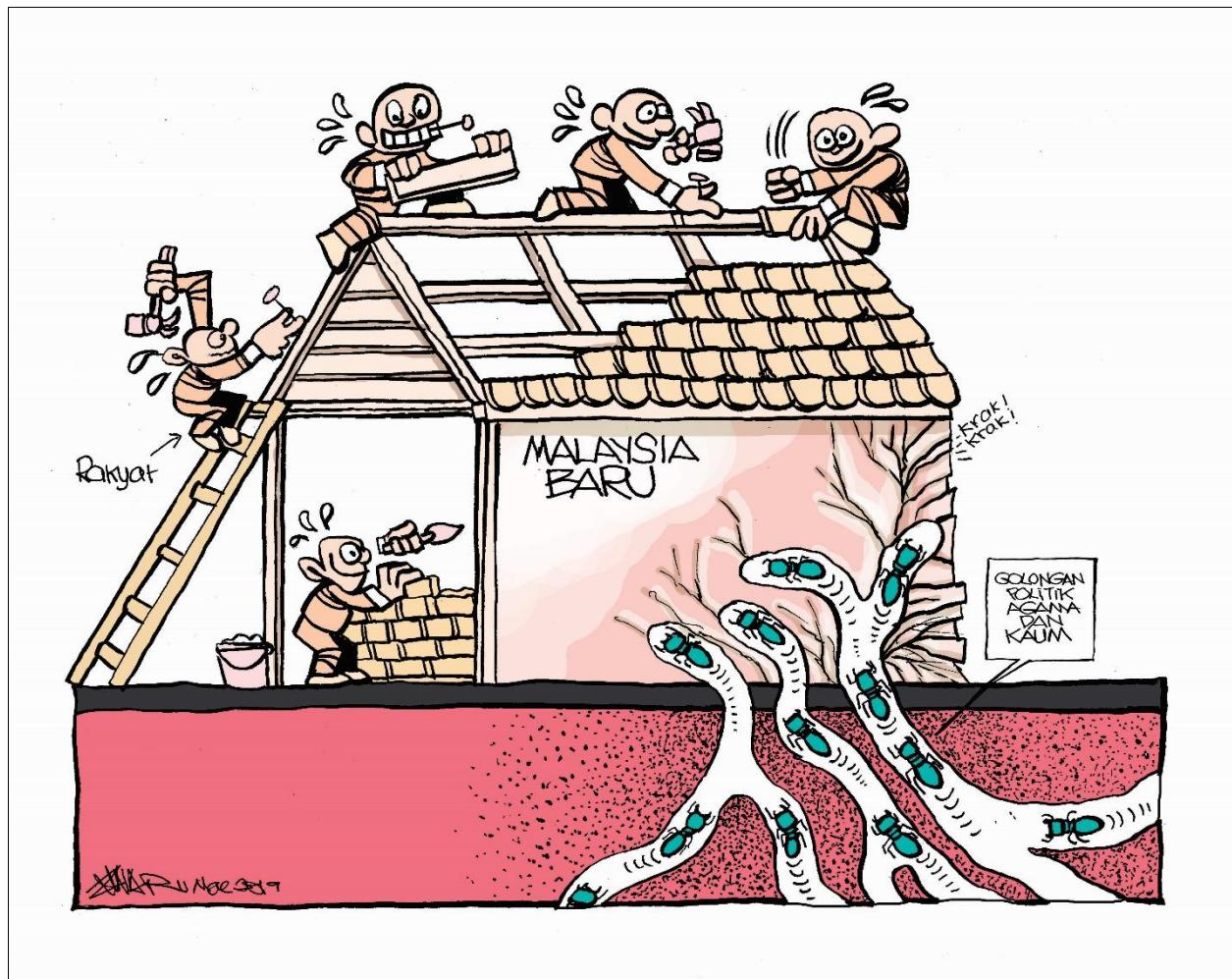
"Tanjung Piai's sentiments is not about having a young or old candidate as I believe it is more racial in nature.

"As the majority of voters in Tanjung Piai are Malay, Putra is keen to contest a Malay candidate if BN pushes forward with a non-Malay one," he said.<sup>46</sup>

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<sup>45</sup> Free Malaysia Today, "Stop calling Malays 'racist', patience has its limits, says Hadi", 25 October 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/10/25/stop-calling-malays-racist-patience-has-its-limits-says-hadi/>

<sup>46</sup> Malay Mail, "Putra insists will contest Tanjung Piai if BN fields non-Malay candidate", 29 August 2019. See: <https://www.malaymail.com/news/malaysia/2019/10/29/putra-insists-will-contest-tanjung-piai-if.bn-fields-non-malay-candidate/1804815>



## **15. Ka Siong tells BN-PAS crowd: Not all Chinese are racists like 'that party'**

*Date: 7 November 2019*

BN and PAS joined forces last night in a joint *ceramah* in support of MCA's candidate for the Tanjung Piai by-election. The event, which featured PAS president Abdul Hadi Awang, UMNO president Ahmad Zahid Hamidi and MCA president Wee Ka Siong.

In his speech, Wee took veiled swipes at DAP, which it labelled as 'that party', saying that unlike them, MCA had never insulted Malays, Islam or the royal institution.

"Not like that party, which asked Malays to screw Malays."

"This is not good. Whatever our religion, we must respect one another, which is why I want to say, MCA is different from other parties which allegedly represent the Chinese community."

"I just want to say, not all Chinese are racist. A small number may have different assumptions, perceptions or ideologies, but they believe in this country. There are Chinese who have the Malaysian spirit," he said to applause from the crowd.<sup>47</sup>

## **16. Johor bicycle tragedy: Zahid questions court acquittal of driver**

*Date: 7 November 2019*

UMNO president Ahmad Zahid Hamidi has claimed that the law is being abused under the watch of the Pakatan Harapan government and attorney-general Tommy Thomas.

Speaking at a *ceramah* in Tanjung Piai last night, one case Zahid questioned was Johor Bahru Magistrate's Court's acquittal of a woman on a charge of reckless driving, leading to the death of eight teenage cyclists in 2017.

While Zahid did not mention the woman's race, criticism of the court ruling has been focused on her Chinese ethnicity. After the ruling, social media was aflame with allegations that because she was Chinese or "bangsa DAP" (DAP race), they managed to buy or influence the judge's decision.<sup>48</sup>

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<sup>47</sup> Malaysiakini, "Ka Siong tells BN-PAS crowd: Not all Chinese are racists like that party", 7 November 2019. See: <https://www.malaysiakini.com/news/498904>

<sup>48</sup> Malaysiakini, "Johor bicycle tragedy: Zahid questions court acquittal of driver", 7 November 2019. See: <https://www.malaysiakini.com/news/498899>

## **17. Guan Eng slams Tuan Ibrahim as ‘unethical’ over non-Muslim rights**

*Date: 10 November 2019*

The deputy president of PAS, Tuan Ibrahim Tuan Man, was described today as a dishonest and unethical politician by DAP secretary-general Lim Guan Eng, who accused Tuan Ibrahim and his party of calling for policies that would end the rights of non-Muslim and non-Malay Malaysians.

Speaking at the Selangor DAP convention today, Lim said Tuan Ibrahim had denied that PAS and UMNO leaders had made such calls which affected the right of non-Malays or non-Muslims to hold Cabinet positions; the teaching of mother-tongue languages in vernacular schools; alleging that the finance ministry had taken over JAKIM (Malaysian Islamic Development Department); and by calling for a boycott of non-Muslim products and businesses.<sup>49</sup>

## **18. ‘Vote Muslim First’ flyer distributed at PH Talk, Syed Saddiq says its sabotage**

*Date: 13 November 2019*

A flyer promoting the Pakatan Harapan candidate Kaimaine Sardini, uses the ‘Buy Muslim first’ campaign was distributed at a talk today. The flyer was placed at approximately 1000 chairs in the program that was held in Kukup Laut. The flyer displays the halal logo at the back with the words “Buy Islam products campaign”. We will purchase as long as the person is a Malay Muslim.

In a quick response, the head of the Youth Wing of Bersatu, Syed Saddiq Syed Abdul Rahman claims that the distribution of the flyer is a sabotage. “This is not the stand of PH! I have checked with the organizer and nobody is aware of this. We suspect it is an act of sabotage.”<sup>50</sup>

## **19. Commotion in Dewan over racist accusation against DAP**

*Date: 18 November 2019*

A commotion arose in the Dewan Rakyat today after an opposition MP accused DAP of making racially tinged speeches. Deputy Education Minister Teo Nie Ching (PH - Kulai) had been responding to an additional question by Mohd Shahar Abdullah (BN - Paya Besar) on whether the government allowed such speeches in schools. “We don’t allow anyone to give racially tinged speeches in schools,” she said. Other MPs from Barisan Nasional then joined the fray, with Noh Omar (BN - Tanjung Karang) accusing Teo of misleading the house. Ariff then asked Noh Omar to write to him stating the facts of how Teo had misled the house.<sup>51</sup>

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<sup>49</sup> Free Malaysia Today, “Guan Eng slams Tuan Ibrahim as ‘unethical’ over non-Muslim rights”, 10 November 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/11/10/guan-eng-slams-tuan-ibrahim-as-unethical-over-non-muslim-rights/>

<sup>50</sup> Malaysiakini, “Vote Muslim First flyer distributed at PH Talk, Syed Saddiq says its sabotage”, 13 November 2019. See: <https://www.malaysiakini.com/news/499719>

<sup>51</sup> Free Malaysia Today, “Commotion in Dewan over racist accusation against DAP”, 18 November 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/11/18/commotion-in-dewan-over-racist-accusation-against-dap/>

## **20. Hadi defends 'Malay world' remark, tells other races to be grateful to Malays who came first**

*Date: 29 December 2019*

PAS president Datuk Seri Abdul Hadi Awang defended today his earlier remark aimed at ethnic Chinese educationists that they were living in a "Malay World" by asserting that the other Malaysian races should be grateful to the Malays who were the first occupiers of the land.

Hadi said that those who oppose the initial form of Bahasa Melayu were neo-colonialists and could be deemed enemies of Islam, calling for a *jihad*.

He claimed that past colonialists were against Bahasa Melayu and had sought to prevent its spread but had not interfered with the use of Chinese or Tamil script locally.

"Other races should respect and be grateful for the permission by the Malay race who were first to step foot in this Malay World. The existence of other races in Tanah Melayu is because of the situation created during the colonial times," he said in his Facebook page, using the pre-Malaysia term of "Tanah Melayu" or "Malaya for the" peninsula.<sup>52</sup>

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<sup>52</sup> Malay Mail, "Hadi defends 'Malay world' remark, tells other races to be grateful to Malays who came first", 29 December 2019. See: <https://www.malaymail.com/news/malaysia/2019/12/29/hadi-defends-malay-world-remark-tells-other-races-to-be-grateful-to-malays/1823049>

# **HASUTAN KAUM DAN AGAMA**

Sebelum ini, kategori ini disebut sebagai “**kelompok, agensi dan individu yang menggunakan sentimen kaum dan agama yang memprovokasi**”; namun, dalam laporan ini, kategori ini dinamakan semula sebagai **hasutan kaum dan agama**. Insiden yang dimasukkan dalam kategori ini merangkumi laporan berita tentang kelompok, agensi dan individu (bukan sebahagian daripada parti politik) yang mungkin boleh menimbulkan kebencian antara kaum dan agama. Sama dengan kategori “politik kaum dan agama”, insiden di mana kelompok, agensi dan individu yang menggunakan agama untuk menjustifikasi tindakan diskriminasi perkauman mereka dimasukkan dalam kategori ini.

## **1. Malay economic body defends Azmin's pro-Bumiputra stand**

*Date: 8 March 2019*

A coalition of Malay NGOs has defended Economic Affairs Minister Azmin Ali's call to focus on the Malay and Bumiputra agenda. At a press conference, the Malay Economic Action Council (MTEM) said Azmin's call should not be turned into a political issue, adding it was the only way to reduce the income and wealth gap between the races.

“All MTEM members and the Bumiputra economic community fully support any leader who does not hesitate to defend and fight for the Bumiputra economic agenda,” MTEM chief executive Ahmad Yazid Othman said.<sup>53</sup>

## **2. Schools infuriates parents for an order for Muslim students to join a Hindu celebration.**

*Date: 30 January 2019*

A posting from Ismaweb claimed that they have received shocking information from parents with regards to the Ponggal celebration that has been widely celebrated by some schools in the Klang Valley, Negeri Sembilan or other states. The web then continues to report that it has found that Muslim students were forced to participate in this celebration by participating in activities like decorating the ‘kolam’ with coloured rice or flour.

The reporting then continues to highlight that the high school, (SMK) ‘forces’ the Muslim students to celebrate even though the school consists of a majority of Muslim students. In addition to that, Muslim teachers were also mentioned to be participative in the Ponggal celebration. The report also mentioned to not use the celebration as an excuse for ‘racial unity’ whilst the laws of Islam are left aside.<sup>54</sup>

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<sup>53</sup> Free Malaysia Today, “Malay economic body defends Azmin's pro-Bumiputra stand”, 8 March 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/03/08/malay-economic-body-defends-azmins-pro-bumiputera-stand/>

<sup>54</sup> Ismaweb, “Schools infuriates parents for an order for Muslim students to join a Hindu celebration”, 30 January 2019. See: <https://www.ismaweb.net/2019/01/30/ibu-bapa-marah-sekolah-arah-pelajar-islam-sertai-acara-agama-hindu/>

### **3. Muslims being bullied by Pakatan, says Perlis mufti**

*Date: 29 April 2019*

Perlis Mufti Mohd Asri Zainul Abidin has labeled Pakatan Harapan led-government as bullies for arresting Muhammad Zamri Vinoth Kalimuthu, allegedly because insulting Hinduism.

Asri in a Facebook post said there were various statements made by individuals who are in the government who insulted Muslims and caused racial tension but were only called to give their statements.<sup>55</sup>

### **4. Malaysia is for Malays, says Perlis mufti**

*Date: 16 August 2019*

Perlis Mufti Mohd Asri Zainul Abidin has criticised those he claims disregard the dominance of the Malays in Malaysia, saying the idea that all races are equal in moulding a nation's identity does not exist in practice even in the advanced West. "A country has its identity. China is for Chinese, is India for the Chinese too? No, it's for the Indians," he said in a lecture at a mosque last night.

"What about Malaysia, *Tanah Melayu*? If China is for the Chinese and the Indian sub-continent is for the Indians, can *Tanah Melayu* be for all?

Malaysia, on the other hand, said Asri, has given leeway to different communities to set up their own vernacular schools.<sup>56</sup>

### **5. UMMAH claims liberalism, Christianization are 'clear threats' to Islam**

*Date: 25 August 2019*

Gerakan Pembela Ummah has highlighted several issues which purportedly pose an existential threat to Islam, such as liberalism and Christianization.

In his opening speech at the Ummah convention in Kuala Lumpur today, chairperson Aminuddin Yahya said "enemies" have seized the opportunity to oppress Malay-Muslims because they have fractured into smaller groups.

"The liberal movement has openly attacked the religious institution in the country, which they labelled as a waste of people's money and does not bring any good to the country's development".<sup>57</sup>

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<sup>55</sup> *The Malaysian Insight*, "Muslims being bullied by Pakatan, says Perlis mufti", 29 April 2019. See: <https://www.themalaysianinsight.com/s/151145/2019/04/29/Muslims-being-bullied-by-Pakatan,-says-Perlis-mufti>

<sup>56</sup> *Free Malaysia Today*, "Malaysia is for Malays, says Perlis mufti", 16 August 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/08/16/malaysia-is-for-malays-says-perlis-mufti/>

<sup>57</sup> *Malaysiakini*, "Ummah claims liberalism, Christianization are 'clear threats' to Islam", 25 August 2019. See: <https://www.malaysiakini.com/news/489384>

## **6. Malaysia belongs to Malays, Shah Alam congress warns ahead of Dr. M's speech**

*Date: 6 October 2019*

The chief organizer of the Malay Dignity Congress had reminded other communities of their social contract with Malays, saying it was the basis of giving them citizenship which could be suspended if they break the agreement. Quoting verses from the Quran, Zainal Kling said Malays, who he claimed "inherited the country for over 5,000 years", could always suspend their social contract with non-Malays, adding that they were the rightful owners of the land.

"If people want to continue to transgress the agreements in the Federal Constitution, then perhaps the Malays have to return to Allah's words in the Surah At-Taubah", he said. He said Malaysia is for Malays just as Thailand is for the Thais, China for the Chinese, and India for the Indians.<sup>58</sup>

## **7. Kulasegaran practices 'Indian first, Malay out' ethics**

*Date: 8 October 2019*

M. Kulasegaran, a DAP Minister, was claimed to have practiced racial sentiments when he prioritizes the Indian community in his ministerial department.

According to the report from the web portal, Sabahkini<sup>2</sup>, the governmental agency under his ministry, Human Resource Development Fund (HRDF), is now monopolized by a majority of Indians while many Malay staffs have been retired.

One of the examples given were the election of the new Chief Executive Officer (CEO) of HRDF, Elanjelian Venugopal which was done without an interview. Additionally, top positioned staffs that are not of Indian descent were either pressed until they quit or their contract have not been renewed to give way to his cronies. It was also reported that Indian staffs with records of bribery cases are still maintained.<sup>59</sup>

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<sup>58</sup> Free Malaysia Today, "Malaysia belongs to Malays Shah Alam congress warns ahead of Dr. Ms speech", 6 October 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/10/06/malaysia-belongs-to-malays-shah-alam-congress-warns-ahead-of-dr-ms-speech/>

<sup>59</sup> Nthqibord, "Kulasegaran practices 'Indian first, Malay out' ethics", 8 October 2019. See: <https://nthqibord.com/2019/10/08/kulasegaran-didakwa-amal-dasar-indian-first-malay-out/>

## **8. We would be like the Uyghur if the “chauvinistic party” rules our country**

*Date: 21 December 2019*

It is highly possible that the Ilams in Malaysia will receive the same fate as the minority ethnic in China which is the Uyghur Islam if the “chauvinistic party” continues to rule the administration of the country in totality.

A member of the Islamic movement (ISMA), IR Muhammad Lukman Al Hakim, says that the Islam in Malaysia have to remain united in ensuring that the Malay domination as well as Islam in the political scenario to avoid the same possibility.

In providing further information, Muhammad Lukman also mentioned that a lot of the actions and stand of a “chauvinistic party” is anti-national besides instilling hate in Islam. He mentioned that this worrying matter should be taken seriously by Muslims since there is a rise in the hate towards Islam in the nation.<sup>60</sup>

# **PERKAUMAN DALAM PENDIDIKAN**

Tindakan diskriminasi kaum juga berlaku dalam sektor pendidikan di Malaysia. Pada tahun 2019, beberapa dasar diperkenalkan oleh kerajaan Pakatan Harapan yang dianggap sebagai mengganggu pengiktirafan, keseronokan atau pelaksanaan hak asasi manusia dan asas kebebasan kelompok lain dalam sektor pendidikan. Ini telah mencetuskan beberapa kontroversi dan kerenggangan..

## **1. Education minister whipped for 'behaving like UMNO politician'**

*Date: 17 May 2019*

Education Minister Maszlee Malik's remarks linking the continuation of the matriculation quota to unfair employment practices in the private sector with regard to the Bumiputera is shocking, Penang Deputy Chief Minister II P Ramasamy said.

"He is saying as long as the private sector, in other words, Chinese employers, are recruiting on the basis of knowledge of Mandarin, then the government will maintain the present matriculation quota.

He replied, "If we want to change, if we say in 'Malaysia Baru' there is no need for a quota system and so on, then we must also make sure job opportunities are not denied to Bumiputera just because they don't know Mandarin."<sup>61</sup>

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<sup>60</sup> Ismaweb, "We would be like the Uyghur if the chauvinistic party rules our country", 21 December 2019. See: <https://www.ismaweb.net/2019/12/21/kita-jadi-seperti-uyghur-jika1/>

<sup>61</sup> Malaysiakini, "Education minister whipped for 'behaving like Umno politician'", 17 May 2019. See: <https://www.malaysiakini.com/news/4764659>

**2. 'End vernacular schools, don't let Mandarin become second language'**

*Date: 22 June 2019*

Muslimat PAS, the women's wing of the Islamist party, said it is unwilling to see Mandarin become a second language for Malaysians.

"Dewan Muslimat has one hope - we are unwilling for Mandarin to become a second language.

"We want the second language to be that of the Quran and Sunnah which have been neglected for generations, causing some Muslims to become ignorant about the Quran." Salamiah said the education system should be based on the Quran. "We do not want education to separate knowledge from religion," she added.<sup>62</sup>

**3. Indigenous people quit school due to bullying and being mocked at**

*Date: 27 July 2019*

A forum consisting of teachers, an activist and the Director General of JAKOA, Juli Edo that was discussing on mater pertaining to the Indigenous community today concluded that bullying, discrimination and fear of losing their identity are a few factors that causes the kids of the community to quit school.

According to the Department of Indigenous People Affairs (JAKOA), the rate of dropouts from high school in the community is on the rise and has reached 51.06 percent in the year 2018.

The panel in the forum also shared how the kids of the community were called with derogatory terms and have been physically bullied in school because of their identity.<sup>63</sup>

**4. Amid *khat* controversy, Dr M says 'racist' Dong Zong opposes everything**

*Date: 12 August 2019*

Prime Minister Dr Mahathir Mohamad has branded Dong Zong "racist" after it claimed the government's move to introduce *khat* in schools was a form of "Islamization". The Chinese educationist group recently launched a petition against the teaching of Jawi calligraphy to Standard Four pupils despite the Education Ministry's decision to making the lesson optional and halving the number of pages.<sup>64</sup>

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<sup>62</sup> Malaysiakini, "End vernacular schools, don't let Mandarin become second language", 22 June 2019. See: <https://www.malaysiakini.com/news/480710>

<sup>63</sup> Malaysiakini, "Indigenous people quits school due to bullying and being mocked at", 27 July 2019. See: <https://www.malaysiakini.com/news/485660/2019/07/27/Orang-Asli-berhenti-sekolah-kerana-dibuli-dan-dihina>

<sup>64</sup> Malaysiakini, "Amid *khat* controversy, Dr M says 'racist' Dong Zong opposes everything", 12 August 2019. See: <https://www.malaysiakini.com/news/487664>

# **PERKAUMAN DALAM SEKTOR LAIN**

Amalan diskriminasi kaum juga diperhatikan dalam sektor lain, seperti sektor harta tanah dan pekerjaan. Sebilangan rakyat Malaysia ditolak untuk mendapat peluang yang sama disebabkan oleh keutamaan kaum tertentu yang menjadi pilihan individu dan kelompok. Insiden dalam kategori ini antara lainnya adalah laporan yang diperoleh melalui aplikasi mudah alih Pusat KOMAS ReportRacism MY dan melalui pengimbasan media.

## **1. Housing market: Rental racism**

*Date: 31 January 2019*

Already, the amount of time spent and effort looking for a suitable or practical place to rent according to one's budget is daunting. It gets more arduous when landlords don't want tenants of certain ethnicity. Rental discrimination is common in Malaysia.

A survey involving more than 1,000 Malaysians by YouGov Omnibus revealed that 62% of respondents, aged 18 and above, have encountered advertisements with specific racial requirements when looking for a place to rent. If one opines that this is prevalent only in the cities, you are wrong.

One in particular which went viral recently was about a Chindian man who almost secured a room to rent when the landlord, at first, thought he was Chinese. The landlord later rejected him when he told the former that one of his parents is Indian.<sup>65</sup>

## **2. In 'liberal' Bangsar, race still matters to landlords**

*Date: 11 March 2019*

Landlords in a middle-class settlement like Bangsar rejects potential tenants due to their ethnicity. It is also reported that the "Middle Eastern and African" or black tenants are less likely to get a house there.<sup>66</sup>

A reader and professional, Suriani Ariff, told *Malay Mail* her enquiries to real estate agents with a view to renting a condominium unit in Bangsar within the RM2,500 to RM3,000 price range were met with rejections, allegedly because she is Malay and that the landlords prefer tenants who are ethnic Chinese or white expatriates over Malays or Indians.

"We got a new government in 2018 and my God, we still have the same problem. Racism is institutionalized in Malaysia, you cannot change this overnight, it's going to take more than a few generations.

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<sup>65</sup> New Straits Times, "Housing market: Rental racism", 31 January 2019. See: <https://www.nst.com.my/opinion/leaders/2019/01/456080/housing-market-rental-racism>

<sup>66</sup> Malay Mail, "In 'liberal' Bangsar, race still matters to landlords", 11 March 2019. See: <https://www.malaymail.com/news/malaysia/2019/03/11/in-liberal-bangsar-race-still-matters-to-landlords/1731215>

### **3. Former anti-discrimination officer becomes a 'discrimination victim'**

*Date: 31 October 2019*

In an ironic twist, a former anti-discrimination officer has claimed that his efforts to rent a room very likely proved futile because of his ethnicity. Ilaiya Barathi Paneerselvam, 26, said that after nearly four weeks of searching for a room in Penang, no one wanted to rent it to him.

Barathi said that after answering more than 20 advertisements online and being told the rooms were "unavailable", he felt his ethnic makeup was a factor.

"I was stunned at first, but later I got angry, as most of the property owners in Penang appear to be comfortable with Chinese, Malays, or even expatriates. Just look at the ads on these websites," he said.<sup>67</sup>

### **4. Employment: "Chinese only"**

*Date: 3<sup>rd</sup> November 2019*

A report that was lodged at our Report Racism application was based on a job advertisement that was placed at a jewellery store in Paradigm Mall. What was shocking was the fact that the advertisement clearly stipulated that it is open for female Chinese applicants only.<sup>68</sup>

## **PERKAUMAN DI MEDIA SOSIAL DI KALANGAN RAKYAT MALAYSIA**

Selama bertahun-tahun, media sosial telah menjadi platform buat rakyat Malaysia untuk menyebarkan perkauman dan menghasut kebencian di bawah penyamaran. Terdapat banyak insiden perkauman di media sosial yang dirakam dalam laporan ini. Aplikasi mudah alih Pusat KOMAS ReportRacism MY juga telah menerima beberapa laporan pernyataan diskriminasi perkauman di media sosial.

### **1. Racist remark made with an intention to hurt**

*Date: 7 January 2019*

A report lodged with Pusat KOMAS' Report Racism mobile application had alleged that an individual, who had admitted that he was racist, had called for the user of the account to their God for help. The individual also expressed that he wished to see that happen so that he would be able to punch the user.<sup>69</sup>

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<sup>67</sup>Free Malaysia Today, "Former anti-discrimination officer becomes a discrimination victim", 31 October 2019. See: <https://www.freemalaysiatoday.com/category/nation/2019/10/31/former-anti-discrimination-officer-becomes-a-discrimination-victim/>

<sup>68</sup>Report obtained from the KOMAS Report Racism Mobile Application

<sup>69</sup>Report obtained from the KOMAS Report Racism Mobile Application

**2. Hate speech and calling for ethnic cleansing.**

*Date: 25<sup>th</sup> January 2019*

A report was lodged by an individual who alleged an individual on Facebook for demeaning and instilling hate on the Sabahans. The individual had purportedly promoted ethnic cleansing in the comment section.<sup>70</sup>

**3. Insulting a particular race and ethnic group with derogatory remarks**

*Date: 3<sup>rd</sup> March 2019*

A report had highlighted the usage of the derogatory terms 'Keling' and 'Pariah' to refer to the Indian ethnic group in the comment sections of the posts by Harian Metro Online and Oh My Media. Additionally, a particular comment also used the word 'Jakun' to insult another user.<sup>71</sup>

**4. Racist and derogatory remarks made in a work chat group**

*Date: 14<sup>th</sup> March 2019*

A report had shown a screenshot of an individual making racist comments about a fellow colleague. The individual accused the colleague of being a thief and called said colleague a 'keling estate' who is hungry for power. Despite these messages being posted in the work chat group, there was no response from the other colleagues with regards to this incident.<sup>72</sup>

**5. Racist remarks against Malaysian model Amelia Henderson**

*Date: 13 June 2019*

Malaysian model, Amelia Henderson of Sri Lankan and Scottish parentage was taken aback when among 1,300 comments which included congratulatory messages, two comments had claimed that she is not Malaysian. The comments stated, "You're not Malay, the Malaysian people should stand up to foreigners like you". Another comment also read, "Maybe some high echelons people is paying you to say this for social engineering. Put it this way... YOU ARE NOT MALAY."<sup>73</sup>

**6. Exchange of racist insults on the Facebook Messenger platform by Malaysian netizens.**

*Date: 26<sup>th</sup> July 2019*

A report was lodged where it highlighted an exchange of comments made by two users. The users proceeded to use foul language and made racist remarks against the complainant via the Facebook Messenger platform.<sup>74</sup>

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<sup>70</sup> Report obtained from the KOMAS Report Racism Mobile Application

<sup>71</sup> Report obtained from the KOMAS Report Racism Mobile Application

<sup>72</sup> Report obtained from the KOMAS Report Racism Mobile Application

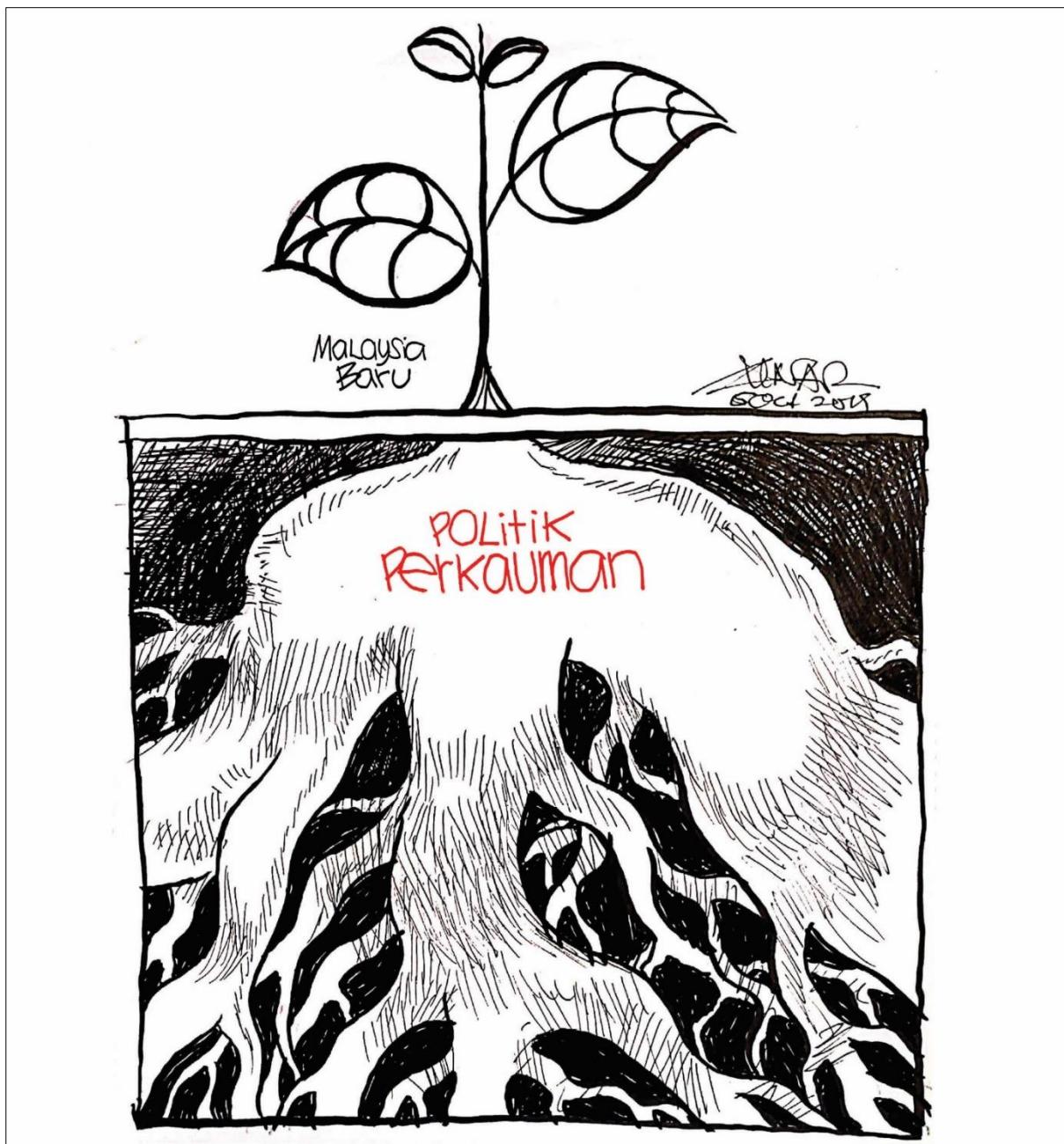
<sup>73</sup> Malay Mail, "Racist remarks against Malaysian model Amelia Henderson", 13 June 2019. See: <https://www.malaymail.com/news/showbiz/2019/06/13/racist-remarks-against-malaysian-model-amelia-henderson-what-makes-a-real-m/1761780>

<sup>74</sup> Report obtained from the KOMAS Report Racism Mobile Application

**7. Call to boycott a product made by an Indian-owned business.**

Date: 23<sup>rd</sup> August 2019

A lodged report had referenced a post made by an individual in a Facebook Group named "Gabungan Anak Terengganu", which called for all Muslim consumers to boycott a sauce produced by an Indian business owner. The user then went on to a particular ethnic group with the death of the late Malaysian firefighter Muhammad Adib Mohd Kassim.<sup>75</sup>



<sup>75</sup> Report obtained from the KOMAS Report Racism Mobile Application

# **PERKAUMAN DI PARLIMEN**

Parlimen juga tidak terlepas daripada hasutan kaum dan agama. Berdasarkan pemantauan "Pusat KOMAS" dalam persidangan parlimen pada tahun 2019, beberapa insiden yang menunjukkan perilaku buruk dari pihak Ahli Parlimen berjaya dirakam. Sering kali, ahli parlimen menggunakan isu kaum dan agama untuk menghasut kelompok ahli parlimen yang menentang dan mengganggu prosiding sidang parlimen. Ahli parlimen juga membuat pernyataan yang boleh dianggap sensitif terhadap kaum dan agama (misalnya: "Komunis" dan "Taliban") untuk memprovokasi penggubal undang-undang yang tidak bersetuju. Petikan daripada Hansard parlimen di bawah adalah antara contoh perkauman di Parlimen. Di samping itu, ahli parlimen juga menggunakan tafsiran 'selektif' terhadap peruntukan dalam Perlembagaan Persekutuan untuk menjustifikasi kenyataan mereka yang bersifat perkauman.

## **1. Parliamentary Hansard<sup>76</sup>**

Date: 28 March 2019

*Tuan Nga Kor Ming [Deputy Speaker]:*  
What is the question Rembau?

*Tuan Khairy Jamaluddin Abu Bakar [Rembau]:*  
Is it during the by-election that you have a comprehensive understanding problem, Taliban?

*Tuan Nga Kor Ming [Deputy Speaker]:*  
Retract that statement, Respected Rembau.

*Tuan Khairy Jamaluddin Abu Bakar [Rembau]:*  
Retract what?

*Tuan Nga Kor Ming [Deputy Speaker]:*  
The word Taliban.

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<sup>76</sup> <https://www.parlimen.gov.my/files/hindex/pdf/DR-14102019.pdf#page=6&zoom=100&search=taliban>

## **2. Parliamentary Hansard<sup>77</sup>**

*Date: 14 October 2019*

*Ustaz Haji Ahmad Marzuk bin Shaary [Pengkalan Chepal]: Assalamualaikum warahmatullahi wabaraktu, Mister Chairperson, I would like to start with a verse.*

*"Raya Haji Raya Korban;  
Dari Pontian ke Pulau Sedeli;  
Kamu kata kami Taliban;  
Rupanya kamu pejuang LTTE..."*

*Tuan Cha Kee Chin [Rasah]:  
Stupid. Stupid.*

*Dato' Seri Dr. Shahidan bin Kassim [Arau]:  
Is the Speaker following the ways of a Taliban?*

*Tuan Haji Awang bin Hashim [Pendang]:  
Taliban connotes a student, keen to learn.*

## **3. Parliamentary Hansard<sup>78</sup>**

*Date: 18 November 2019*

*Tuan Sanisvara Nethaji Rayer a/l Rajaji [Jelutong]: If that is the case, this shows that UMNO is racist from before, now and will continue to be forever.*

*Dato' Seri Dr. Shahidan bin Kassim [Arau]:  
Retract that statement if not, you will be classified as a communist.*

*Tuan Sanisvara Nethaji Rayer a/l Rajaji [Jelutong]:  
Mister Chairperson, I am ready to retract my statement.*

*Tuan Sanisvara Nethaji Rayer a/l Rajaji [Jelutong]:  
I would like to ask if PAS showers its blessing on the close relationship between UMNO and the Chinese Communist Party?*

*Tuan Haji Awang bin Hashim [Pendang]:  
Look at this act Mister Chairperson if I whoop him later it will be bad.*

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<sup>77</sup> <https://www.parlimen.gov.my/files/hindex/pdf/DR-14102019.pdf#page=6&zoom=100&search=taliban>

<sup>78</sup> <https://www.parlimen.gov.my/files/hindex/pdf/DR-18112019.pdf#page=117&zoom=100&search=umno%20asis>

#### **4. Parliamentary Hansard <sup>79</sup>**

*Date: 19 November 2019*

*Tan Sri Haji Noh bin Haji Omar [Tanjong Karang]:*

This is an unheard story Respected Minister that may be true. But it is true - look at Article 153, the permission gives advantage to the bumiputera, and if it is allowed with no restriction, I strongly disagree because these opportunities give priority to the Bumiputera over anyone else. I'm not being a racist, Member of Parliament Jelutong, I am only speaking based on Article 153.

#### **5. Parliamentary Hansard <sup>80</sup>**

*Date: 3 December 2019*

*Dato Sri Haji Tajuddin bin Abdul Rahman [Pasir Salak]:*

I would like to ask, that ash, is that the ash of Chin Peng? (Laughs) (referring to Jelutong MP's forehead)

## **PERILAKU XENOFOBIK**

Laporan ini juga dibuat mengenai warganegara luar dan pekerja migran, yang menggambarkan mereka sebagai tidak terlepas daripada menjadi mangsa diskriminasi kaum. Sering kali, mereka menjadi sasaran dan mangsa disebabkan oleh asal usul etnik dan kebangsaan mereka.

#### **1. Behaviour displayed by Cheras restaurant**

*Date: 23 June 2019*

A restaurant in Seksyen 9, Bandar Mahkota Cheras, was reported by a user for displaying xenophobic behaviour. The restaurant was reported to have shunned their African patrons by using derogatory terms. Additionally, a waiter went to the extent of removing the plates from the customer's table without giving any explanation.<sup>81</sup>

#### **2. Behaviour displayed by a Carousel dealer**

*Date: 19 October 2019*

A report was made where it claimed that a seller from an online marketplace application, Carousell, had exhibited hostile xenophobic behaviour. After the complainant provided a feedback to the services provided, the seller criticized on the individual's appearance and his African ethnicity.<sup>82</sup>

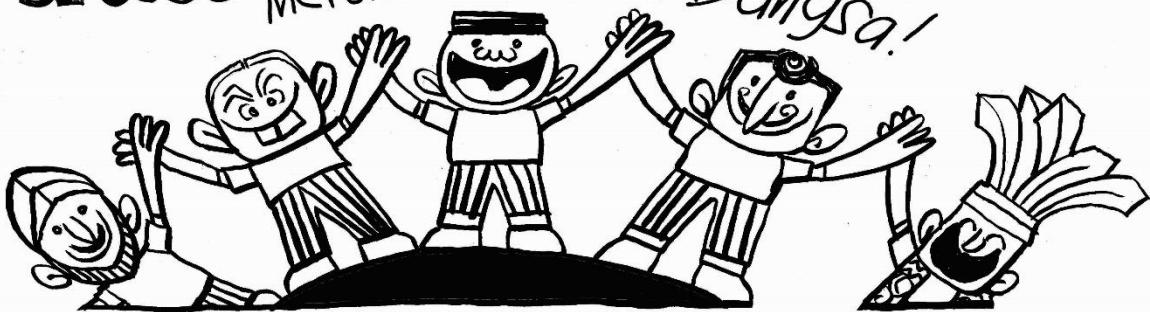
<sup>79</sup> <https://www.parlimen.gov.my/files/hindex/pdf/DR-19112019.pdf#page=99&zoom=100&search=artikel%20153>

<sup>80</sup> <https://www.parlimen.gov.my/files/hindex/pdf/DR03122019.pdf#page=38&zoom=100&search=chin%20peng>

<sup>81</sup> Report obtained from the KOMAS Report Racism Mobile Application

<sup>82</sup> Report obtained from the KOMAS Report Racism Mobile Application

31 OGOS Merdeka!! satu bangsa!



SELEPAS

31 OGOS

Pendatang!

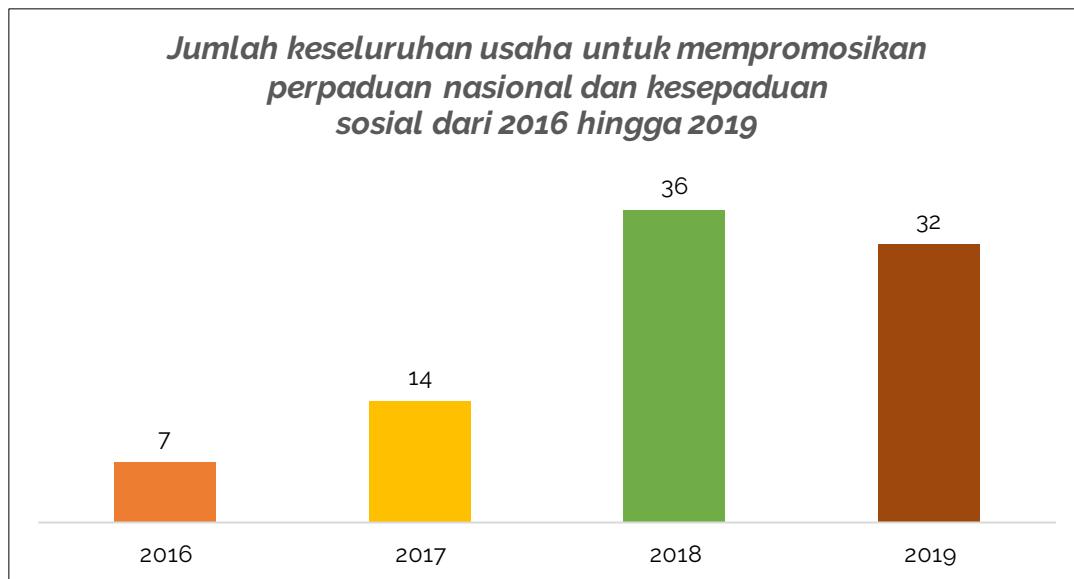


NATIONAL UNITY hanya LIPSTICK kiasam perayaan

# **LAPORAN KHAS: PEMBENTANGAN 5-TAHUN DISKRIMINASI KAUM DI MALAYSIA (2015 - 2019)**

Tahun ini telah masuk tahun kelima penerbitan Laporan Tahunan Diskriminasi Kaum Pusat KOMAS. Gambaran keseluruhan lima tahun ini memberikan maklumat mengenai jumlah usaha yang dilakukan oleh individu, kelompok, agensi dan kerajaan untuk mengatasi masalah diskriminasi kaum di Malaysia. Di samping itu, ia juga memberikan gambaran umum mengenai tren diskriminasi kaum di Malaysia dan jumlah insiden yang didokumentasikan sejak lima tahun yang lalu.

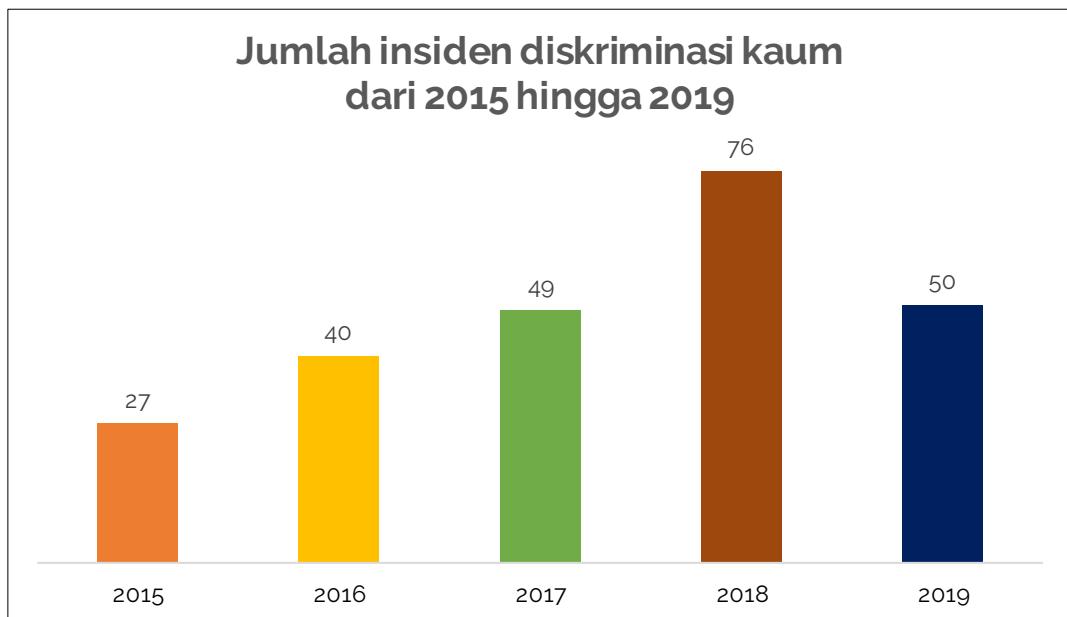
### **Usaha untuk mengatasi diskriminasi kaum dan memperkasa perpaduan nasional**



*Rajah 2. Jumlah keseluruhan usaha untuk mempromosikan perpaduan nasional dan kesepaduan sosial dari 2016 hingga 2019*

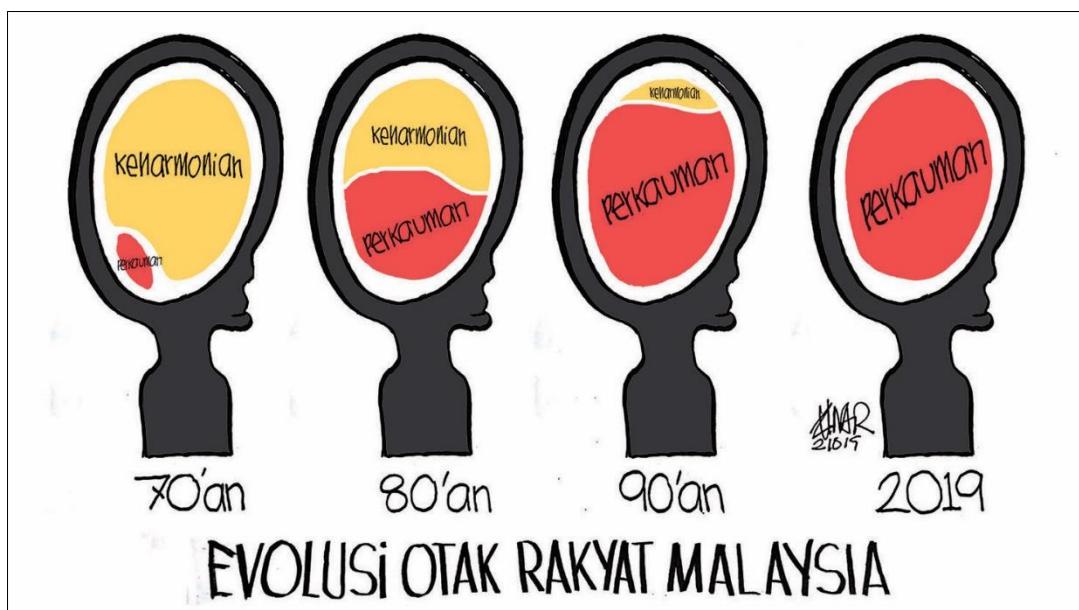
Inisiatif untuk mendokumentasikan usaha untuk memperkasa perpaduan nasional dan kesepaduan sosial bermula pada tahun 2016. Jumlah usaha yang didokumentasikan telah meningkat dua kali ganda pada tahun 2016 hingga 2017, dari 7 hingga 14 usaha. Sementara itu, dari tahun 2017 hingga 2018, terdapat peningkatan mendadak dalam jumlah usaha dari 14 menjadi 36 usaha. Peningkatan ini disebabkan oleh perubahan kerajaan Malaysia dari kerajaan Barisan Nasional (BN) kepada Pakatan Harapan (PH) sebagai kerajaan baharu telah menunjukkan komitmen mereka untuk melaksanakan dasar dan program yang mampu menyatupadukan negara, mewujudkan masyarakat inklusif dan menjaga keharmonian Malaysia yang berbilang kaum dan pelbagai agama. Namun, pada tahun 2019, terdapat sedikit penurunan dalam jumlah usaha yang diambil untuk memperkasa perpaduan nasional dan perpaduan sosial, dari 36 menjadi 32 usaha. Penurunan sedikit ini boleh dikaitkan pada proses pelaksanaan komitmen yang dijanjikan oleh kerajaan PH. Namun, penting untuk diperhatikan bahawa selain janji dan komitmen kerajaan untuk memperkasa perpaduan nasional dan perpaduan sosial, terdapat peningkatan jumlah inisiatif yang dilakukan oleh sesama rakyat Malaysia yang dirakam oleh media. Peningkatan jumlah usaha yang dilakukan sangat disanjung kerana telah memberikan rasa harapan di tengah meningkatnya tahap perkauman dan ekstremisme di negara ini.

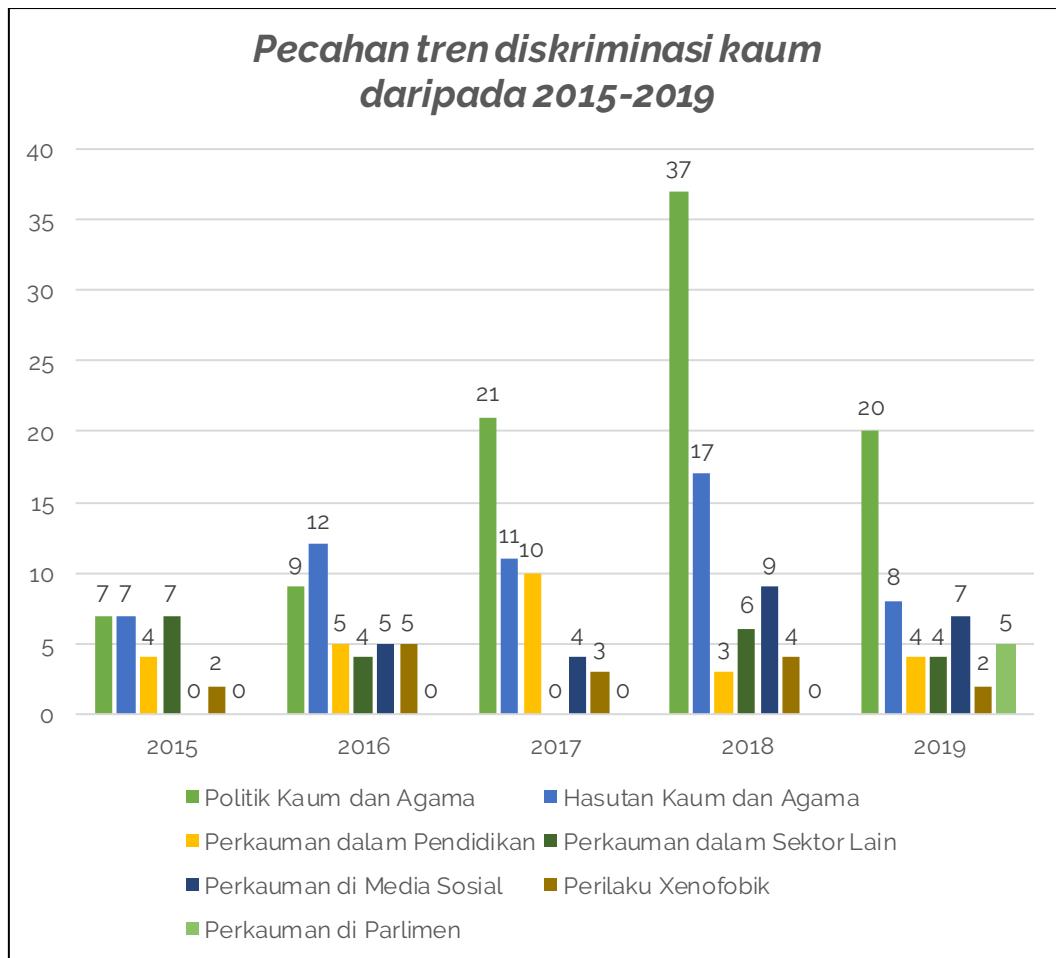
## Insiden diskriminasi kaum



Rajah 3. Jumlah insiden diskriminasi kaum dari 2015 hingga 2019

Jumlah insiden diskriminasi kaum yang dilaporkan oleh media dan melalui aplikasi mudah alih Pusat Komas ReportRacism MY telah meningkat dari tahun 2015. Jumlah insiden diskriminasi kaum mencapai puncaknya pada tahun 2018, di mana sejumlah 76 kes dilaporkan. Peningkatan mendadak dalam jumlah insiden yang dilaporkan dapat dikaitkan dengan Pilihan Raya Umum ke-14 di mana pelbagai pelaku politik dan parti telah menggunakan kad perkauman dan agama untuk mendapatkan sokongan daripada kawasan mereka. Namun, pada tahun 2019, terdapat penurunan jumlah insiden yang dilaporkan. Perincian mengenai tren insiden ditonjolkan dalam Rajah 4.





*Rajah 4. Pecahan tren diskriminasi kaum daripada 2015-2019*

Berdasarkan perincian tren diskriminasi kaum di Malaysia dari 2015 hingga 2019, terdapat peningkatan eksponensial dalam penggunaan politik kaum dan agama. Pada tahun 2015, jumlah insiden politik kaum dan agama adalah 7, dan ia telah disaksikan meningkat secara berterusan pada tahun 2016 dengan 9 insiden; 21 insiden pada tahun 2017; 37 pada tahun 2018; dan 20 pada tahun 2019. Peningkatan dari tahun 2015 hingga 2017 boleh dikaitkan dengan persiapan Pilihan Raya Umum ke-14, di mana penggunaan politik kaum dan agama memuncak ketika Pilihan Raya Umum sedang berlangsung. Politik kaum dan agama juga kemudian digunakan pada tahun 2019, terutama semasa pilihan raya kecil. Selain itu, beberapa pelaku politik dan parti pasca Pilihan Raya Umum ke-14 terus mencetuskan kontroversi dan menghasut kebencian di antara kelompok pelbagai etnik dalam usaha merebut kekuasaan politik.

Sementara itu, jumlah kes yang berkaitan dengan hasutan kaum oleh individu, kelompok dan agensi telah meningkat dari 2015 hingga 2016, dari 7 kes kepada 12 kes, dan dimana ia mengalami sedikit penurunan kepada 11 kes pada tahun 2017. Walaupun bagaimanapun, terdapat lonjakan jumlah insiden dari 2017 hingga 2018, dengan jumlah 17 kes. Terdapat penurunan jumlah insiden kepada 8 pada tahun 2019. Walaupun terdapat penurunan, insiden hasutan kaum terus berlanjut sebagai susulan daripada insiden pada tahun 2018. Individu, kelompok dan agensi ini telah memanfaatkan rasa kegusaran masyarakat pada tahun 2018 dan terus memecahbelahkan masyarakat.

Dari segi perkauman dalam pendidikan, insiden yang paling tinggi dapat dilihat pada tahun 2017 dengan jumlah 10 kes. Sementara itu, perkauman di sektor lain juga berlaku dalam setiap tahun berturut-turut. Seperti yang dapat dilihat dalam laporan pada tahun-tahun sebelumnya, insiden yang berkaitan dengan perkauman di media sosial telah mencapai jumlah kemuncaknya pada tahun 2018 dan kadar berterusan. Peningkatan isu perkauman di media sosial dapat dikaitkan dengan komitmen kerajaan Pakatan Harapan untuk menegakkan kebebasan bersuara. Susulan komitmen ini, rakyat Malaysia telah berbondong-bondong ke media sosial untuk menghasut kebencian dan menyebarkan kecaman di bawah penyamaran, sehingga mengakibatkan peningkatan pada tahun 2018 dan 2019.

Akhir sekali, insiden xenofobia dirakam setiap tahun berturut-turut. Bagaimanapun, insiden ini sering diperoleh melalui aplikasi mudah alih Pusat KOMAS ReportRacism MY dan bukan melalui media. Walaupun jumlah insiden yang dilaporkan mungkin rendah, jumlah kes yang sebenarnya mungkin lebih tinggi. Penting untuk diperhatikan bahawa insiden perkauman di parliment hanya dicatat pada tahun 2019 kerana Pusat KOMAS hanya mula memutuskan memantau proses parliment pada tahun yang sama. Berdasarkan data yang diperoleh sejak lima tahun lepas, ia dapat disimpulkan bahawa isu politik kaum dan agama memainkan peranan yang sangat buruk di Malaysia. Ia sangat penting untuk diperhatikan bahawa model politik "konsosiasionalisme", yang diyakini oleh para pelaku politik bahawa mereka yang mewakili semua kaum di negara ini, masih wujud hingga ke hari ini. Namun, pada hakikatnya, pelaku politik dan parti terus memanfaatkan politik kaum untuk memastikan kelangsungan politik mereka. Walaupun kerajaan Pakatan Harapan telah menunjukkan komitmennya untuk melepaskan diri dari model ini, mereka tidak dapat mengatasi rasa ketidakpuasan hati yang semakin meningkat disebabkan ketakutan mereka untuk kehilangan kuasa. Ini telah menyebabkan kerajaan Pakatan Harapan mengubah pendirian di dalam beberapa keputusan untuk memperkasa perpaduan nasional dan perpaduan sosial, seperti ratifikasi Konvensyen Antarabangsa mengenai Penghapusan semua Bentuk Diskriminasi Kaum (ICERD). Sebaliknya, mereka sangat berhati-hati dalam membuat keputusan dan inisiatif, dan memilih untuk menggunakan politik identiti yang paling mudah dan konvensional.

Walaupun terdapat kekurangan dalam kerajaan Pakatan Harapan, peningkatan mendadak dalam usaha untuk memerangi diskriminasi antara kaum dan juga untuk memperkasa perpaduan nasional dan perpaduan sosial adalah sangat penting. Hasil dapatan menunjukkan bahawa kerajaan Pakatan Harapan dan rakyat Malaysia komited untuk memerangi diskriminasi kaum di negara ini, tetapi menghadapi cabaran daripada individu, kelompok dan agensi yang tidak mengikuti ideologi sedemikian. Oleh itu, jelas bahawa lebih banyak usaha yang diperlukan dari sesama rakyat Malaysia, seiring dengan perubahan dan keputusan kerajaan untuk memastikan diskriminasi kaum dapat dihapuskan di Malaysia.

**PERLEMBAGAAN  
PERSEKUTUAN  
MALAYSIA**

The Malaysian Federal Constitution<sup>83</sup> contains provisions which prohibit racial discrimination in the country, as spelt out in both Article 8 (1, 2) and Article 12.

**Article 8 (1 & 2):**

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

**Article 12 (1):**

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

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

**Article 153 (1):**

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

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

**Article 153 (7):**

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

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<sup>83</sup> Article 8 (1, 2) and Article 12 (1) in the Malaysian Federal Constitution

**KOMITMEN**

**MALAYSIA DALAM**

**PLATFORM**

**ANTARABANGSA**

**TERHADAP USAHA**

**MEMBASMI**

**DISKRIMINASI**

**KAUM**

Kerajaan Malaysia telah menandatangani beberapa perjanjian dan persetujuan antarabangsa yang penting untuk melindungi hak wanita dan kanak-kanak. Ia juga adalah merupakan pihak kepada beberapa dokumen penting buat hak asasi manusia antarabangsa.

Among the treaties signed were the Convention of the Rights of the Child (CRC) ratified in 1995; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified in 1995; and the Convention on the Rights of Persons with Disabilities (CRPD) ratified in 2010. These treaties also outline provisions against racial discrimination.

Antara perjanjian yang ditandatangani adalah Konvensyen Hak Kanak-Kanak (CRC) yang diratifikasi pada 1995; Konvensyen Penghapusan Segala Bentuk Diskriminasi terhadap Wanita (CEDAW) yang diratifikasi pada tahun 1995; dan Konvensyen mengenai Hak Orang Kurang Upaya (CRPD) yang diratifikasi pada tahun 2010. Perjanjian ini juga menggariskan peruntukan penentangan diskriminasi kaum.

Malaysia juga adalah merupakan pihak dalam beberapa deklarasi, seperti Deklarasi Sejagat Hak Asasi Manusia dan Deklarasi Hak Asasi Manusia ASEAN yang ditandatangani pada tahun 2012. Di samping itu, kerajaan Malaysia juga telah menunjukkan komitmennya untuk melaksanakan Matlamat Pembangunan Lestari (SDG). Peruntukan khas daripada deklarasi yang disebut di atas, yang menggariskan komitmen negara untuk memperkasa prinsip tanpa diskriminasi kaum, disenaraikan di bawah.

Malangnya, insiden diskriminasi kaum yang dilaporkan pada tahun 2018 terus mencerminkan pelanggaran terhadap kerangka perundangan dan dasar Negara di peringkat nasional dan antarabangsa. Insiden dan kecenderungan diskriminasi antara kaum pada tahun yang sama adalah indikator yang kuat mengenai keadaan perkauman yang menyediakan di Malaysia dan sangat memerlukan untuk tidak melakukan diskriminasi di negara ini. Keadaan yang membimbangkan ini mesti dapat menyampaikan mesej yang kuat kepada erajaan dan rakyat Malaysia bahawa masih banyak yang perlu dilakukan dalam usaha memperkuuhkan perpaduan nasional dan kesepaduan sosial di Negara ini.

## **Universal Declaration of Human Rights<sup>84</sup>**

### **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)**

*(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.*

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<sup>84</sup> Article 2, 18, 22 and 26 (2) in the Universal Declaration of Human Rights (UDHR)

## **ASEAN Human Rights Declaration<sup>85</sup>**

### **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)<sup>86</sup>**

### **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*

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<sup>85</sup> Provisions 2, 3, 9, 22 and 31 (3) in the ASEAN Human Rights Declaration

<sup>86</sup> SDG Target 10.2 and 10.3 in the Sustainable Development Goals

## **Cadangan dari Tinjauan Berkala Universal (UPR) ke-3**

Cadangan berikut dikemukakan kepada Malaysia pada Kajian Tinjauan Berkala Universal (UPR) ke-3 pada tahun 2018 untuk mengatasi diskriminasi kaum dan meningkatkan perpaduan nasional dan kesepadan sosial di Negara ini.

### **Cadangan 1 (Perjanjian Hak Asasi Manusia)**

*Meratifikasi baki teras perjanjian hak asasi manusia antarabangsa dan memastikan pelaksanaannya adalah betul (Republik Moldova); Memuktamadkan ratifikasi dan menaik taraf instrumen hak asasi manusia yang unggul (Afrika Selatan); Melanjutkan perratifikasi, menaik taraf dan kepatuhan pada dasar, teras hak asasi manusia seperti yang disebutkan oleh delegasi (Sepanyol) Mempercepatkan ratifikasi dan pelaksanaan baki 6 instrumen hak asasi manusia antarabangsa, dengan demikian, secara terbuka menunjukkan komitmen Kerajaan terhadap hak asasi manusia (Cyprus) Mengambil langkah untuk mempersetujui teras Konvensyen antarabangsa mengenai hak asasi manusia dan asas kebebasan yang Malaysia belum menjadi sebahagian daripadanya (Itali) Mengesahkan baki teras perjanjian hak asasi manusia antarabangsa (Lithuania) Meratifikasi dan melaksanakan semua baki teras perjanjian hak asasi manusia (Norway)*

### **Cadangan 3 (Perjanjian Hak Asasi Manusia)**

*Meratifikasi perjanjian utama hak asasi manusia tanpa sebarang reservasi dan mengambil semua tindakan yang diperlukan untuk tujuan ini tanpa berlengah (Finland)*

### **Cadangan 6 (Perjanjian Hak Asasi Manusia)**

*Mempercepat proses ratifikasi instrumen utama hak asasi manusia antarabangsa (Kazakhstan)*

### **Cadangan 7 (Perjanjian Hak Asasi Manusia)**

*Memperkuat kerangka hak asasi manusia, khususnya, dengan memenuhi janjinya untuk meratifikasi teras instrumen hak asasi manusia PBB, seperti Perjanjian Antarabangsa mengenai Hak Sivil dan Politik, Perjanjian Antarabangsa Berkaitan Hak Ekonomi, Sosial dan Budaya, Konvensyen Menentang Penyeksaan dan Hukuman Lain Yang Zalim, Tidak Berperikemanusiaan atau Menjatuhkan Maruah dan Konvensyen Antarabangsa mengenai Penghapusan Segala Bentuk Diskriminasi Kaum, dan Konvensyen Pelarian 1951 (Republik Korea)*

### **Cadangan 8 (Perjanjian Hak Asasi Manusia)**

*Meneruskan usaha untuk mematuhi instrumen undang-undang antarabangsa dalam bidang hak asasi manusia, antara lain, Perjanjian Antarabangsa mengenai Hak Sivil dan Politik, Konvensyen Antarabangsa mengenai Penghapusan Segala Bentuk Diskriminasi Kaum dan Statut Rom di Mahkamah Jenayah Antarabangsa (Romania)*

### **Cadangan 9 (Perjanjian Hak Asasi Manusia)**

*Mempercepat perbahasan mengenai tandatangan dan ratifikasi Konvensyen Antarabangsa mengenai Penghapusan Segala Bentuk Diskriminasi Kaum, Perjanjian Antarabangsa mengenai Hak Sivil dan Politik, Konvensyen Menentang Penyeksaan*

*dan Hukuman Lain Yang Zalim, Tidak Berperikemanusiaan atau Menjatuhkan Maruah, Perjanjian Antarabangsa Berkaitan Hak Ekonomi, Sosial dan Budaya dan Konvensyen Antarabangsa mengenai Perlindungan Hak Semua Pekerja Migran dan Anggota Keluarga Mereka (Turki)*

**Cadangan 10 (Perjanjian Hak Asasi Manusia)**

*Meratifikasi Perjanjian Antarabangsa mengenai Hak Sivil dan Politik, Perjanjian Antarabangsa mengenai Hak Ekonomi, Sosial, dan Budaya, Konvensyen Antarabangsa mengenai Penghapusan Segala Bentuk Diskriminasi Kaum, dan Konvensyen Antarabangsa Menentang Penyiksaan (United Kingdom of Great Britain and Northern Ireland)*

**Syor 15 (Perjanjian Hak Asasi Manusia)**

*Meryertai Perjanjian Antarabangsa mengenai Hak Sivil dan Politik, Konvensyen Antarabangsa mengenai Penghapusan Segala Bentuk Diskriminasi Kaum dan Konvensyen Menentang Penyiksaan dan Perlakuan atau Hukuman Kejam, Tidak Manusiawi atau Merendahkan Lain (Hungaria)*

**Syor 16 (Perjanjian Hak Asasi Manusia)**

*Mengesahkan Perjanjian Antarabangsa mengenai Hak Sivil dan Politik, Perjanjian Antarabangsa mengenai Hak Ekonomi, Sosial dan Budaya dan Konvensyen Antarabangsa mengenai Penghapusan Segala Bentuk Diskriminasi Kaum (Kenya)*

**Cadangan 39 (Perjanjian Hak Asasi Manusia)**

*Menarik balik semua pengecualian kepada Konvensyen Penghapusan Segala Bentuk Diskriminasi terhadap Wanita dan tinggalkan undang-undang diskriminasi terhadap semua wanita tanpa mengira latar belakang etnik atau agama mereka (Norway)*

**Cadangan 131 (Kebebasan Beragama, Intoleransi Agama)**

*Menjamin kebebasan beragama atau kepercayaan kepada semua, yang berpunca daripada intoleransi kaum dan agama, termasuk menentang masyarakat Kristian (Croatia)*

**Cadangan 266 (Migran)**

*Mengambil langkah-langkah yang sewajarnya untuk mencegah dan menghukum segala bentuk keganasan terhadap pekerja migran, termasuk jenayah kebencian dan perkauman (Myanmar)*

**Cadangan 130 (Antara Etnik, Interaksi Antara Agama)**

*Meneruskan pelaksanaan langkah-langkah yang bertujuan untuk memperkuatkan interaksi antara etnik dan antara agama di negara ini (Belarus)*

**Cadangan 265 (Pekerja Migran)**

*Meningkatkan usaha dengan lebih lanjut untuk keterlibatan sosial para pekerja migran, dan integrasi dengan masyarakat tempatan tanpa mengira kaum dan agama mereka (Myanmar)*

# **PENUTUP**



# **SERTA**



# **CADANGAN**



Untuk menangani masalah diskriminasi kaum yang semakin meningkat di Malaysia, usaha kolektif oleh pelbagai pihak bagi memerangi peningkatan frekuensi insiden diskriminasi kaum di Malaysia sangat diperlukan. Tindakan mesti diambil bagi mengatasi peningkatan politik kaum dan agama kerana ia memudarangkan tatanan sosial negara. Pihak berwajib diminta untuk mengambil tindakan tegas bagi mengecam ahli politik dan parti politik yang terus menyebarkan sentimen kaum dan agama yang provokatif dan tidak memberikan janji yang tidak jujur untuk meredakan orang awam. Selain itu, kerajaan mesti menjauhi dasar yang berasaskan kaum, dan sebaliknya mesti melaksanakan dasar dan program yang menyatupadukan negara untuk mewujudkan masyarakat yang inklusif dan menjaga keharmonian negara kita yang berbilang kaum dan agama ini. Selanjutnya, kerajaan mesti meneruskan hubungan terbuka dengan organisasi masyarakat civil, ahli akademik, media dan sektor masyarakat Malaysia yang lain untuk mencari jalan kemungkinan untuk maju ke hadapan bagi menangani dan membasmi diskriminasi kaum di negara kita.

Pertama, kerajaan Malaysia perlu mengeluarkan satu naratif yang jelas untuk mengatasi isu diskriminasi kaum di Malaysia dan tidak mengambil jalan keluar secara mudah dengan bermain mengikut rentak pembangkang. Walaupun kerajaan Malaysia telah membuat keputusan untuk tidak menandatangani dan meratifikasi Konvensyen Antarabangsa Mengenai Penghapusan Segala Bentuk Diskriminasi Kaum (ICERD), usaha untuk merungkai salah faham mengenai konvensyen antarabangsa perlu ditingkatkan. Kerajaan juga mesti mempertimbangkan semula keputusan untuk tidak menandatangani dan meratifikasi ICERD kerana Malaysia dipandang sebagai benteng kehidupan pelbagai budaya. Keputusan untuk tidak menandatangani dan meratifikasi ICERD telah menunjukkan bahawa kerajaan Malaysia membenarkan diskriminasi kaum.

Perhatian serius perlu diberikan pada dasar dan amalan berhubung dengan perkauman dan diskriminasi kaum di Malaysia. Sudah tiba masanya negara kita menginstitusikan Malaysia baharu di mana setiap rakyat Malaysia dilayan sama rata. Kerajaan Malaysia perlu menghormati dan melibatkan keragaman dari sudut hak asasi manusia, sesuai dengan piawai dan norma antarabangsa. Pendekatan ini tidak menghilangkan peruntukan undang-undang yang dilembagakan sebagai dasar tindakan afirmatif kerana diskriminasi positif dibenarkan dengan satu-satunya alasan bagi mencapai kesamarataan.

Untuk merumuskan laporan 2019, beberapa saranan penting diajukan kepada kerajaan Malaysia.

- Kerajaan mengetuai inisiatif untuk melaksanakan pendidikan kesedaran masyarakat dan sosial secara intensif dan meluas melalui kempen massa, maklumat awam dan terutama melalui sistem pendidikan formal, untuk mendidik, mempromosikan dan menanamkan kesedaran serta membasi perkauman dan diskriminasi di semua lapisan masyarakat Malaysia. Bermula dari Menteri Kerajaan, Ahli Parlimen, Ahli Dewan Undangan Negeri; semua Ahli Politik Kanan; Datuk Bandar dan Daerah dan Ahli Majlis Tempatan; Ketua Jabatan dan Kakitangan Kanan di semua agensi kerajaan dan jabatan perkhidmatan awam; dan semua agensi penguatkuasaan mesti dilibatkan.
- Kerajaan dengan kerjasama Pertubuhan Masyarakat Sivil mesti terus memantau secara tekun dan sistematik dan memastikan sifar toleransi terhadap dasar dan amalan perkauman dan diskriminasi di semua peringkat pemerintahan.
- Kerajaan mesti bersedia untuk mengenakan undang-undang yang berat dan sekatan formal (sesuai dengan norma hak asasi manusia antarabangsa) kepada mana-mana menteri kerajaan, pegawai kanan, wakil rakyat, organisasi dan kumpulan, individu, ahli politik, kumpulan media massa dan sosial yang menunjukkan, kecenderungan yang bersifat perkauman dan diskriminasi dalam ucapan dan tindakan.
- Kerajaan mesti terus melibatkan rakyat Malaysia untuk menjadi sebahagian daripada proses pelaksanaan saranan-saranan ini. Akta Harmoni Nasional yang komprehensif yang menyeimbangkan hak kebebasan bersuara dan mengkriminalisasi ucapan kebencian dalam mematuhi norma hak asasi manusia antarabangsa mesti dibentangkan di parlimen.
- Kerajaan mesti menghapuskan reservasi atas tanpa-diskriminasi dan peluang sama rata dalam Konvensyen Mengenai Hak Kanak-Kanak (CRC), khususnya Fasal 2 (1) (2) dan 14 (1, dan deklarasi yang dibuat setelah meratifikasi Konvensyen mengenai Hak Orang Kurang Upaya (CRPD).
- Kerajaan mesti menepati semua janji dan deklarasi untuk menghapuskan segala bentuk intoleransi, diskriminasi dan hasutan kebencian berdasarkan agama dan kepercayaan yang telah mereka janjikan pada platform antarabangsa dan serantau, seperti proses UPR di Geneva dan Deklarasi Hak Asasi Manusia ASEAN.

*LAPORAN DISUSUN DAN DISEDIAKAN OLEH  
PUSAT KOMAS MALAYSIA*

# **TENTANG KOMAS**

Pusat KOMAS adalah organisasi hak asasi manusia di Malaysia yang ditubuhkan pada tahun 1993. KOMAS secara aktif mempromosikan kesaksamaan dan penghapusan semua bentuk diskriminasi kaum di Malaysia. #akubangsamalaysia.

Sejak penubuhannya, KOMAS telah mengadakan bengkel, forum dan persidangan hak asasi manusia untuk memperkasa perpaduan sosial dan perpaduan nasional di Malaysia. Sebagai tambahan, KOMAS mengetuai kempen nasional untuk meratifikasi Konvensyen Antarabangsa mengenai Penghapusan semua Bentuk Diskriminasi Kaum (ICERD) di Malaysia. Sebagai sebahagian daripada usaha untuk meratifikasi ICERD, KOMAS telah melibatkan kerajaan persekutuan, negeri dan tempatan dan mengadakan dialog dengan akar umbi untuk meningkatkan pengetahuan dan kesedaran mengenai isu Diskriminasi Kaum di Malaysia dan kepentingan meratifikasi ICERD.

Pusat KOMAS telah bekerjasama dengan Jaringan Kampung Orang Asli Semenanjung Malaysia (JKOASM) sejak tahun 1993. JKOASM adalah jaringan perkampungan orang asli di Semenanjung Malaysia, yang menyokong isu-isu Orang Asli dan memperkasa masyarakat mengenai hak leluhur dan hak asasi manusia mereka.

KOMAS sentiasa merasa bangga berada di barisan hadapan dalam gerakan masyarakat civil yang lain dalam memperkasa dan meningkatkan demokrasi, kesaksamaan dan hak asasi manusia di Malaysia.

KOMAS telah bekerjasama dengan beberapa gabungan NGO di Malaysia seperti BERSIH 2.0, Gabungan NGO Malaysia (COMANGO) untuk proses Tinjauan Berkala Universal (UPR), Organisasi Masyarakat Sivil Malaysia mengenai Matlamat Pembangunan Lestari (CSO-SDG Alliance), Kumpulan Kerja Meratifikasi ICERD dan Gabungan Bertindak Malaysia (GBM). Selanjutnya, KOMAS juga merupakan peserta yang aktif di peringkat serantau.

KOMAS adalah ahli Forum Asia untuk Hak Asasi Manusia dan Pembangunan (Forum Asia) dan Suruhanjaya Antara Kerajaan tentang Hak Asasi Manusia ASEAN (AICHR) yang diperakui. Sebagai tambahan, KOMAS adalah ahli yang boleh mengundi dalam Pakatan Dunia untuk Partisipasi Rakyat (CIVICUS). KOMAS juga merupakan peserta yang aktif di Persidangan Masyarakat Sivil ASEAN/Forum Rakyat ASEAN (ACSC/APF) dan telah memainkan peranan sebagai urus setia dan urus setia bersama di Malaysia dan Timor Leste pada tahun 2015 dan 2016.



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