

2018 REPORT

MALAYSIA RACIAL DISCRIMINATION



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the International Day for
the Elimination of Racial
Discrimination



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GLOSSARY

ABIM	Angkatan Belia Islam Malaysia (Malaysian Islamic Youth Movement)
B40	Bottom 40
Bersatu	Parti Pribumi Bersatu Malaysia (United Native Party of Malaysia)
BM	Bahasa Melayu (Malay language)
BN	Barisan Nasional (National Front)
CAN	Community Action Network
CRC	Convention on the Rights of the Child
CEDAW	Convention on the Elimination of All Form of Discrimination against Women
CRPD	Convention on the Rights of Persons with Disabilities
DAP	Democratic Action Party
FT	Federal Territory
GE 14	14th General Election
GLC	Government-linked companies
Hindraf	Hindu Rights Action Force
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ISMA	Ikatan Muslimin Malaysia
MCA	Malaysian Chinese Association
MCCBCHST	Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism
MCMC	Malaysian Communications and Multimedia Commission

MIC	Malaysian Indian Congress
MPM	Muar Municipal Council
NEP	New Economic Policy
NUCC	National Unity Consultative Council
OIC	Organisation of Islamic Conference
PAS	Pan-Malaysian Islamic Party
Perkasa	Pertubuhan Pribumi Perkasa (Mighty Native Organisation)
PH	Pakatan Harapan (Hope Alliance)
PJ	Petaling Jaya
PKR	Parti Keadilan Rakyat (People's Justice Party)
PSM	Parti Sosialis Malaysia
SDG	Sustainable Development Goals
SFI	St. Francis Institution
SME	Small Medium Enterprises
SPM	Sijil Pelajaran Malaysia
SUHAKAM	Human Rights Commission of Malaysia
UDHR	Universal Declaration of Human Rights
UiTM	Universiti Teknologi Mara (Mara Technology University)
UMMAH	Gerakan Pembela Ummah (Ummah Defender Movement)
UMNO	United Malays National Organisation
UPR	Universal Periodic Review
USM	Universiti Sains Malaysia (University of Science, Malaysia)

EXECUTIVE SUMMARY

Based on the exploratory observation by Pusat Komnas on the incidences of racial discrimination in Malaysia, it was found that there is a rise of efforts to combat racial discrimination and to promote national unity in the year 2018. Numerous efforts could be seen by the new government, politicians, influential individuals and ordinary Malaysians to counter the growing manifestation of racial discrimination. However, the year 2018 has seen an increase in the number of media reports and incidences of racial discrimination in Malaysia.

High numbers of media reports and incidences of racial discrimination were captured especially prior to the 14th General Elections in which political parties from both sides of the divide were found to resort to the use of racial politics to win the political support of the people. Another spike in the number of media reports were spotted at the end of 2018 after the government announced its decision to sign and ratify the International Convention on the Elimination of Racial Discrimination (ICERD).

The Malaysia Racial Discrimination Report 2018 highlights six trends of racial discrimination in Malaysia as follows:

1. Racial Politics and Race-based Party Politics
2. Groups, Agencies and Individuals that use Provocative Racial and Religious Sentiments
3. Racism in the Education Sector
4. Racial Discrimination in Other Sectors
5. Racism in social media among Malaysians
6. Xenophobic Behaviour

In 2018, racial politics was identified to be one of the biggest concerns in Malaysia. The use of racial politics was greatly used by political actors to gain political mileage and to ensure their political survival in the 14th General Elections. Despite the use of racial politics by the Barisan Nasional (BN) government in their electoral campaigns, Malaysians were found to reject the usage of racial politics and have voted for a change of government. The change of the 60 years government is an indication of the Malaysians rejection of the use of racial politics. Even though the use of racial politics was denounced by Malaysians, incidences of racial discrimination continue to persist in the new Malaysia.

In order to capture the incidences of racial discrimination in Malaysia, the Malaysia Racial Discrimination Report 2018 intends to document media reports and incidences of racial discrimination obtained from the Pusat Komnas Report Racism Mobile Application from the period under the old government and the new government (after the 14th General Elections). Even though numerous quarters may decry the incidences reported by the media to not be reflective of the actual situation in Malaysia, we believe that the news reported by the media and obtained via the Report Racism Mobile Application should not be ignored. As the Malaysia Racial Discrimination Report 2018 serves as an exploratory observation of the

incidences of racial discrimination in Malaysia, it does not serve as an index; but, an indication of the issue of racial discrimination happening in Malaysia.

We believe that this effort can move the great nation forward to achieve the high standards of national unity that was dreamt by our forefathers and generations before us. This report is conducted to ensure that the incidents of racial discrimination are recorded and analyzed so that new ways to overcome this issue could be found.

This document is also intended to be an important tool to facilitate engagement with relevant stakeholders including government agencies, non-governmental organisations (NGOs), educational institutions, academicians and political parties. It is also a useful document to help raise awareness and public education on the worrying state and extent of racial discrimination in the country. Furthermore, as this document also contains information on efforts that have been undertaken to promote national unity and social cohesion in the nation, such efforts could also be replicated or improved.

The incidences of racial discrimination and efforts to promote national unity and social cohesion are compiled from mainstream and online media sources, Report Racism Mobile Application, and from secondary sources such as accounts and views from individuals in social media. These cases provide clear examples of violations of basic rights which are enshrined in the Federal Constitution of Malaysia and are based on the definition of racial discrimination.

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

DEFINITION OF RACIAL DISCRIMINATION

Racial discrimination in this report is defined as:

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

In this report, the terms “Bumiputera” (term used to define Malays and the natives of Sabah and Sarawak), “Chinese” and “Indian” were used throughout the entire document to indicate the different ethnic groups in Malaysia.

¹ The Report Racism Mobile Application is a mobile application which was launched by Pusat KOMAS in 2016 with the aim to encourage people to report incidences of racism in Malaysia. The incidences reported are documented in this report and are sent to the Malaysia Human Rights Commission for investigation if the reporter gives his/her consent.

RACIAL DISCRIMINATION IN MALAYSIA TODAY

The year 2018 has seen a historic change in Malaysia in which a 60-year-old ruling government have been democratically changed. The former Barisan Nasional (BN) government was based on a political model called 'consociationalism' in which political elites believed that they represented all the races in the country. However, in reality, the BN government practiced racial politics in order to ensure its political survival.

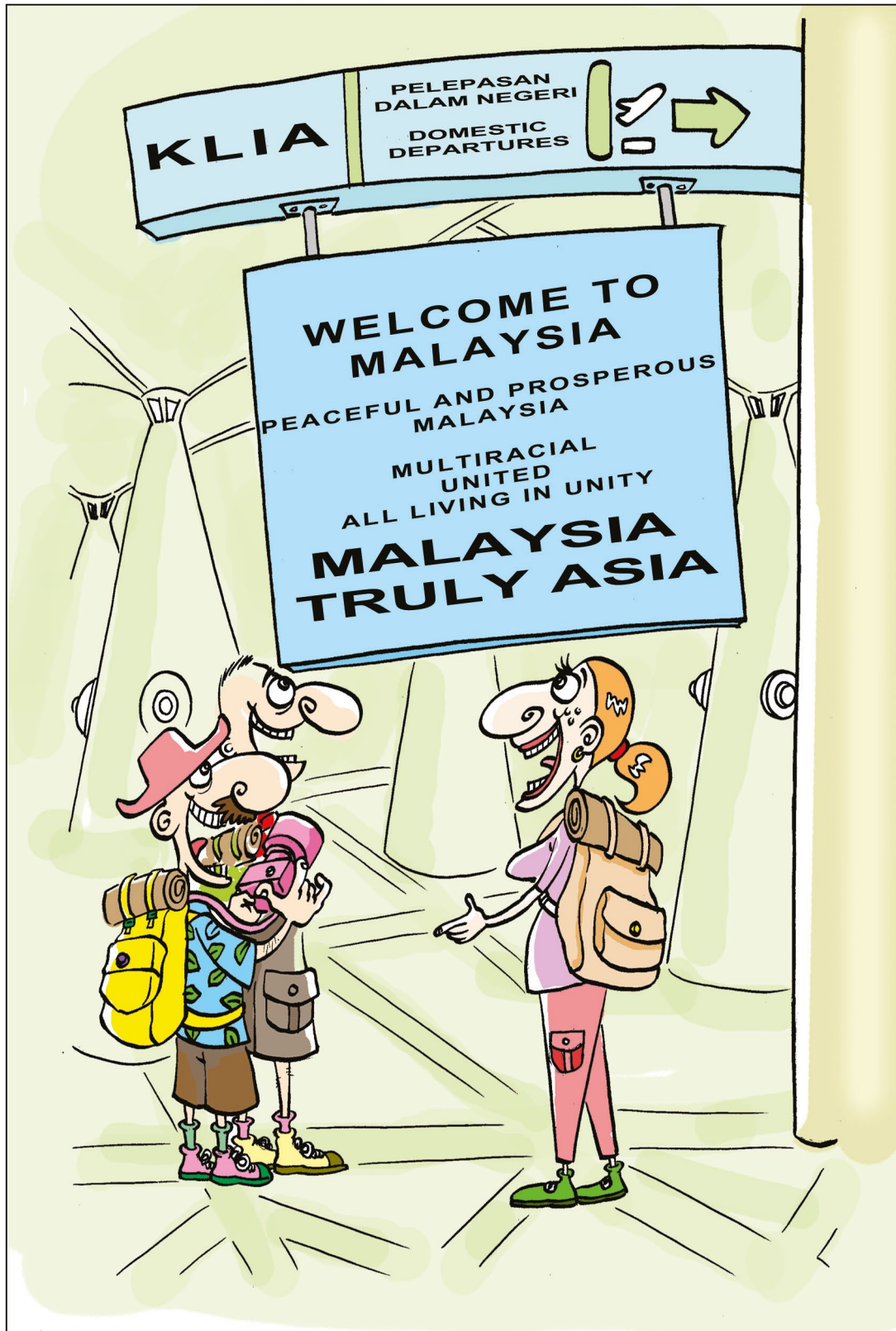
The change of the BN government to the Pakatan Harapan (PH) Government has brought hopes to all Malaysians with its promises to create a Malaysia that is inclusive, moderate and respected globally. This is reflected in Pillar 5 of the Pakatan Harapan manifesto in which the Pakatan Harapan Government promises to implement policies and programmes that unite the nation and create an inclusive society and maintain the harmony of multi-racial and multi-religious Malaysia.

The PH Government had shown several initiatives to promote national unity and social cohesion in Malaysia such as the release of the National Unity Consultative Council (NUCC) Blueprint for public comments and the announcement of the government's commitment to ratify the International Convention on the Elimination of Racial Discrimination (ICERD). However, the government's efforts to ratify the ICERD were met with strong opposition from conservative Malay-Muslim groups and opposition Islamic parties who want their Malay privileges and Islamic superiority to remain. The failure of the PH Government to address the growing manifestation of dissatisfaction among the majority Malay-Muslim groups have led to the backtracking of the PH Government's decision to promote national unity and social cohesion. Following the ICERD incident, the PH Government was found to be extremely careful in making any decisions and initiatives to promote national unity and social cohesion. In fact, some of the PH ministers and leaders resorted to the easiest and the most conventional use of identity politics. The PH government had also decided to play to the tune of the opposition's racial and religious tactics.

In addition, incidences of racism and racial discrimination in the education, property and employment sectors were found to be prominent in the year of 2018. Several incidences of racial discrimination reported to Pusat Komnas via the Report Racism Mobile Application had highlighted racial discrimination in the property sector in which property owners of a different ethnic race did not want to rent out their property to people from another ethnic group. Furthermore, social media had also provided avenues for individuals, agencies and groups to make racially provocative statements which erodes the national unity and social cohesion among the people of the country. Lastly, the issue of xenophobia (attitudes, prejudices and behavior that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity) was also highly reflected in this report.

² Article 1, *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, United Nations

MALAYSIA TRULY ASIA



EFFORTS TO COUNTER RACIAL DISCRIMINATION AND TO PROMOTE NATIONAL UNITY IN MALAYSIA IN 2018

Based on the media scanning, numerous efforts were made by the government, politicians, influential individuals and ordinary Malaysians in the efforts to counter racial discrimination and to promote national unity in Malaysia in 2018. Such efforts are highly lauded as these positive voices are needed in effort to counter the issue of racial discrimination in Malaysia.

1. Zahid rebuffs claim non-Malays did not fight for country **Date: 16th January 2018**

Former deputy prime minister Ahmad Zahid Hamidi acknowledged the contribution of other ethnic groups in the struggle for independence as well as combating communist insurgents.

Citing professional historians, he rebutted to the claims of Ismail Mina Ahmad, the chairman of UMMAH (an umbrella group for Muslim organisations) that only Malays had fought for independence and against communist insurgents as inaccurate. Zahid Hamidi brushed off UMMAH's rhetoric by reminding the unity among Malaysians (Malaya then) was the key to encounter the enemies during colonial times.⁴

2. When a UiTM student stood up for the non-Bumiputra **Date: 17th February 2018**

Universiti Teknologi Mara's (UiTM) Bumiputera-students only policy stirred an unprecedented discussions and debates on public platform questioning the necessity of such exclusiveness. An UiTM student was subjected to racist slurs for his opinion in favour of opening the campus for all races.

Wan Muhammad Alif expressed his support to the admission of non-Bumiputeras as a matter of rights to education. However, his unpopular opinion amongst the students and head commanders drawn extreme hostility eventually to racist remarks slur, which Wan described as a horrifying moment.

This incident was shared by Wan through a Twitter thread which gained many positive and negative attentions. While Wan remained steadfast that his statement was to expose the blatant racism shown by the people in the institution and nothing about Bumiputeras privilege, the attacks did not come to a halt.⁵

³ Declaration on Racism, discrimination, Xenophobia and Related Intolerance against Migrants and Trafficked Persons. Asia-Pacific NGO Meeting for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Teheran, Iran. 18 February 2001.

⁴ Free Malaysia Today, "Zahid rebuffs claim non-Malays did not fight for country" 16 January 2018. See: <https://www.freemalaysia-today.com/category/nation/2018/01/16/zahid-rebuffs-claim-non-malays-did-not-fight-for-country/>.

3. Throw away NEP crutches urges Ex BNM executive
Date: 25th February 2018

Commenting on the New Economic Policy (NEP), the retired Bank Negara deputy manager Rosli Yakop urged the government to replace the 1971's policy with a merit-based system which would benefit the needful Malays. In a forum called "Quo Vadis: Economic Development in Malaysia?"⁶, Rosli criticised that NEP has benefited largely to Malay elites rather than those from the rural areas.

Although the intention of the NEP was to uplift the economy of the Malays, Rosli mentioned that it has failed to accentuate the rapidity of the Malay community's progress. He also responded to audiences' remorse on failing to achieve a united Bangsa Malaysia, or to create a democratic and ethical society, saying the Malaysians do not inculcate the habits of visiting each other, unless of strong friendship or emergency requirements such as admitted in hospital.

4. Culprit Who Made Video of Foreign 'Phantom Voters' in Blue Caps Go Viral to Be Arrested
Date: 4th May 2018

Allegation of Bangladeshi phantom voters entering Malaysia was denied by the Malaysian Communications and Multimedia Commission (MCMC)'s Chief of Operating Officer, Datuk Dr Mazlan Ismail. He explained, those alleged phantom voters were factory workers who happened to wear blue caps with white logo of the factory of they worked.

Dr Mazlan said the individual(s) suspected of speculating and viralling such false information was to be arrested as this sets to create a negative impact on society.⁷

5. No racial quota in recruitment, says navy chief
Date: 7th March 2018

Admiral Ahmad Kamarulzaman Ahmad Badaruddin cleared the air on the alleged racial preferences or state quota of the navy recruitment. In a session called "Admiral on Deck" he emphasised, the navy reckons everyone as Malaysians and lays the invitation for everyone regardless of their ethnicities.⁸

The navy's predetermined selection criteria are not based on racial or demographic lines, but essentials such as academic qualification and physical fitness are not to be compromised in the recruitment process.

6. Fair economic policies can end racial polarisation, says lawyer
Date: 21st March 2018

While affirming Malaysia's racial polarisation as the legacy of British colonialists, Malaysian Bar's Human Rights Committee member, Mansoor Saat established the fact that the biggest

⁵ Free Malaysia Today, "When a UiTM student stood up for the non-Bumis" 15 February 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/02/15/when-a-uitm-student-stood-up-for-the-non-bumis/>

⁶ Free Malaysia Today, "Throw away NEP crutches urges ex BNM exec" 25 February 2018. See: <http://www.freemalaysiatoday.com/category/nation/2018/02/25/throw-away-nep-crutches-urges-ex-bnm-exec/>

⁷ World of Buzz, "Culprits who made video of foreign 'Phantom Voters' in blue caps go viral to be arrested" 4 May 2018. See: <https://www.worldofbuzz.com/culprit-who-made-video-of-foreign-phantom-voters-in-blue-caps-go-viral-to-be-arrested/>

⁸ Free Malaysia Today, "No racial quota in recruitment, says navy chief" 7 March 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/03/07/no-racial-quota-in-recruitment-says-navy-chief/>

challenge for racial unity is the current policies claiming to champion the upliftment of the Malay communities.⁹

Referring to the Malaysian Racial Discrimination Report 2017 by Pusat Komnas, Mansoor suggested that the government should construct inclusive economic policies without any discrimination, including public institutions. There is a need to revamp the education system that embodies element of progressiveness and consistent with the growing technology, said Mansoor. To achieve unity, he told the government must separate religion from public institutions.

7. TM continues to strengthen bumiputera companies
Date: 23rd April 2018

The role of Telekom Malaysia Bhd. (TM) strengthening bumiputera companies in the telecommunication sector was proven to be successful as two such companies achieved the status of 'Jaguh Nasional' (National Champion). The program known as Bumiputera Vendor Development Program (BVDP) has created about 8,000 employment opportunities which 3,000 of them are Malays.¹⁰

8. Muslim youth group tells Anwar to finish what he started
Date: 17th May 2018

Angkatan Belia Islam Malaysia (ABIM), an Islamic youth group with progressive outlook reminds/pleads to Anwar Ibrahim (former president of ABIM) to pursue an egalitarian Malaysia underpinned by civic organisations. Malaysia as a multicultural and multiracial nation must move towards that ideal, expressed by the current president Mohamad Raimi Abdul Rahim.¹¹

9. It's now time for 'Ketuanan Malaysia', says Rafidah
Date: 2nd June 2018

In an interview with the online news portal Malaysiakini, political veteran Rafidah Aziz called for a new concept that is inclusive - Ketuanan Malaysia.

On contrary to Ketuanan Melayu which protects the special rights of Malays, the country needs a rallying point that will evolve Malaysia and Malaysians as 'Tuan' (Leader) in the region.

As an advisory note, she told the politicians to take up the role of uniting the divided people and not to fracture the condition further.¹²

10. Interfaith buka puasa in Petaling Jaya mosque a hit
Date: 4th June 2018

About 100 residents from all walks of life attended a multi-faith breaking of fast event in a mosque in Petaling Jaya (PJ). The objective of the event which was organized by the Malaysian Islamic Youth Movement (ABIM), Pusat Komnas, Community Action Network (CAN) Catholic Church of Assumption and

⁹ Free Malaysia Today, "Fair economic policies can end racial polarisation, says lawyer" 21 March 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/03/21/fair-economic-policies-can-end-racial-polarisation-says-lawyer/>

¹⁰ Utusan Online, "TM terus perkukuh syarikat bumiputera" 23 April 2018. See: <http://m.utusan.com.my/bisnes/ekonomi/tm-terus-perkukuh-syarikat-bumiputera-1.655859#.Wt1Bllslyok.twitter>

¹¹ Free Malaysia Today, "Muslim youth group tells Anwar to finish what he started" 17 May 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/05/17/muslim-youth-group-tells-anwar-to-finish-what-he-started/>

¹² Malaysiakini, "It's now time for 'Ketuanan Malaysia', says Rafidah" 2 June 2018. See: <https://www.malaysiakini.com/news/427976>

Friendship Group of Inter-religious Service was deemed as an eye-opener to the stereotypical views held towards Islam.

The programme managed to bring forward that a diversified Malaysia need to have constant dialogue between the various groups and expose (educate) the positive side of the multicultural, multilingual, multireligious and multicultural Malaysia.¹³

11. Utusan urged to wake up to new realities

Date: 5th June 2018

Two former Utusan Melayu editor, Zainuddin Maidin and Johan Jaaffar horrified to encounter the Malay daily they once led is in “its own cocoon replete with prejudices”.

Manifestation of racial stand that flares up racial sentiments detected in Utusan’s reporting which carries detrimental effect to the harmony of a multiracial Malaysia. Utusan’s behaviour of instilling fear and hostility among the Malays and Muslims in relation to Tommy Thomas appointment as the attorney-general were condemned by both Zainuddin and Johan. The appointment of Tommy Thomas was propagated as an attack towards the rights and privilege of the Malay – Muslim community.

Utusan was reminded to take advantage of the long-absent press freedom to promote the essence of unity under the new Malaysia, and not to be vulnerable to manipulation for the agenda of those who are intended to undermine the newly elected government.¹⁴

12. Petaling Jaya Church hosts interfaith buka puasa event

Date: 8th June 2018

Yayasan 1 Malaysia and the Church of the Assumption organised a buka puasa (breaking-fast) event at a church in Petaling Jaya attended by people from various racial and religious background.

The aim of the programme was to illustrate that fasting is not an exclusive event of Muslims’ but it is an experience that could be shared beyond the boundaries of race and religion. Besides buka puasa, the event attended by 150 people had an interfaith forum which includes the cooking and distribution of bubur lambuk to nearby residences .^{15 16}

13. Top Chinese students get 1,000 places for matriculation programme

Date: 28th June 2018

1000 special places were allocated for outstanding Chinese ethnic Sijil Pelajaran Malaysia (SPM) students from the B40 lower income group for the 2018/2019 matriculation programme by the Education’s Ministry.

¹³ The Malaysian Insight, “Interfaith buka puasa in PJ mosque a hit” 4 June 2018. See: <https://www.themalaysianinsight.com/s/52483>

¹⁴ Malaysiakini, “Utusan urged to wake up to new realities” 5 June 2018. See: <https://www.malaysiakini.com/news/428411>

¹⁵ The Coverage, “Petaling Jaya church hosts interfaith buka puasa event” 8 June 2018. See: <https://thecoverage.my/news/petaling-jaya-church-hosts-interfaith-buka-puasa-event/>

¹⁶ Free Malaysia Today, “PJ church host interfaith buka puasa event” 8 June 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/06/08/pj-church-hosts-interfaith-buka-puasa-event/>

The Minister of Education, Dr Maszlee Malik reaffirms the Pakatan Harapan government's position in assisting to those qualified students but restrained by their socio-economic level. Although the KPM matriculation programme was Bumiputera exclusive, 10 percent of places were opened for non-bumiputera students since 2003. In addition to ensure a healthy competition, the Ministry feels it will also strengthen the national integration and racial unity among the Malaysians.¹⁷

14. Deputy Prime Minister laments racism and extremism permeating Islam
Date: 1st July 2018

Deputy Prime Minister, Dr Wan Azizah Ismail highlighted the crisis of misinterpretations occurring in Islam featuring elements of racism and extremism. She reminds that the new age Islam must rooted to the teachings of Prophet PBUH which ensured unity, equal rights and equal responsibilities for an inclusive society.¹⁸

15. In multi-ethnic Malaysia, PM Mahathir tells young to forget race and be 'pure Malaysian'
Date: 1st July 2018

Prime Minister Dr Mahathir Mohamad aspires for a new Malaysia where the young citizens would grow as "Pure Malaysians" in the years to come. To achieve this, Dr Mahathir asserted the millennials of Malaysia must forget their racial origins and learn to understand each other.¹⁹

16. Saifuddin pledges to push for the ratification of six international human rights conventions
Date: 2nd July 2018

Foreign Minister Datuk Saifuddin Abdullah committed the government's role to effectively promote human rights in Malaysia. To achieve this, he conveys the government's aspiration of signing all the international human rights conventions.

While there are nine conventions, Malaysia has only signed three which are Convention on the Rights of the Child (CRC), Convention on the Elimination of All Form of Discrimination against Women (CEDAW), and Convention on the Rights of Persons with Disabilities (CRPD). Besides that, he hopes to see Malaysia be a part of the United Nation's Sustainable Development Goal (SDG) 2030.²⁰

17. End race-based economic policies, ensure wealth fairly spread to all, says UM professor
Date: 5th July 2018

Tan Sri Dr Kamal Mat Salih, the adjunct professor at Universiti Malaya's Economics Faculty told the Pakatan Harapan government to adopt a new economic model that will fairly spread the wealth regardless of race. To address the real issue of an unequal wealth distribution, he suggested the

¹⁷ Malaysiakini, "Top Chinese students get 1,000 places for matriculation programme" 28 June 2018. See: <https://www.malaysiakini.com/news/431765>

¹⁸ Malay Mail, "DPM laments racism and extremism permeating Islam" 1 July 2018. See: <https://www.malaymail.com/s/1647544/dpm-laments-racism-and-extremism-permeating-islam>

¹⁹ Channel News Asia, "In multi-ethnic Malaysia, PM Mahathir tells young to forget race and be 'pure Malaysian' 1st July 2018. See: <https://www.channelnewsasia.com/news/asia/mahathir-young-malaysians-forget-about-race-10482338>

²⁰ The Star Online, "Saifuddin pledges to push for ratification of six international human rights conventions" 2 July 2018. See: <https://www.thestar.com.my/news/nation/2018/07/02/saifuddin-pledges-to-push-for-ratification-of-six-international-human-rights-conventions/#KGKTIMWsyQopcL8T.99>

Islamic economic model would be able to strike a balance between the profit oriented capitalist model and state-held socialist model which also ensure protection of the environment and minorities. Besides that, according to Dr Kamal, Norway's Social Solidarity Model is also an option but requires heavy taxation to allow the state a greater role to distribute the wealth among its people.²¹

18. Do not be afraid of a non-Islam on the Malaysian judiciary – Amanah
Date: 13th July 2018

Malaysian Muslims are told not to be worried over the appointment of three non-Muslim individuals in the Malaysian judiciary. Dr Hasan Baharom, the vice-president of Amanah said seniority in related field is the factor to be weighed, not necessarily a Malay or Muslim should lead these bodies. Mentalities as such keeps the racial tensions alive.

Dr Baharom was responding to PAS' Nasruddin Hassan who raised concerns regarding the future of Islam and Muslims in Malaysia, especially within legal matters that is now administered by non-Muslims.²²

19. Kadir Jasin: Rude and religious hypocrites are the real threat to race and religion
Date: 13th July 2018

Veteran newsman Datuk A. Kadir Jasin rebuked the claim that the appointment of Tan Sri Richard Malanjum as Chief Justice of Malaysia was a big challenge to Muslims. For him, it is the unethical and not God-fearing Malays are the real threat to race and religion.

Though the Federal Constitution permits to have a non-Muslim as a Chief Justice, it was rather unconventional to do so. Kadir gave an example from the case of the former prime minister Datuk Seri Najib Razak, in which, the judge was the brother of an UMNO assemblyman – the party where Najib Razak was the president. Kadir believes people like Richard Malanjum is not destroying Malays and Islam, but those unethical Malays and non-believer Muslims.²³

20. Government to introduce 3 new Acts to curb racial, religious hatred: Mujahid
Date: 24th July 2018

Minister in the Prime Minister's Department in charge of religious affairs Datuk Dr. Mujahid Yusof Rawa had said that three new bills known as the Anti-Discrimination Act, National Harmony and Reconciliation Commission Act and the Religious and Racial Hatred Act will be introduced to curb the issue of racial and religious hatred in the country. He then stated that discussions on this matter which includes religious experts, academicians and legal experts will be invited to refine these three Bills.²⁴

21. 'No' to racial and religious rhetoric in Seri Setia campaign, says Pakatan's Halimey
Date: 27th August 2018

Pakatan Harapan's Halimey Abu Bakar had stressed that he will not compromise with those who try to stoke the fires of hate and prejudice. He had stated that he will reject any attempt to use racial and religious rhetoric as campaigning tools in the coming Seri Setia polls. He claimed that the harmony in Seri Setia's diverse multi-racial setting cannot be affected by racist attitudes.²⁵

²¹ The Star Online, "End race-based economic policies, ensure wealth fairly spread to all, says UM professor" 5 July 2018. See: <https://www.thestar.com.my/news/nation/2018/07/05/end-race-based-economic-policies-ensure-wealth-fairly-spread-to-all-says-um-professor/#DABvzxvVIDKG0ChI.99>

²² Astro Awani, "Jangan gusar lantikan bukan Islam dalam badan kehakiman-Amanah" 13 July 2018. See: <http://www.astroawani.com/berita-malaysia/jangan-gusar-lantikan-bukan-islam-dalam-badan-kehakiman-amanah-180345>

²³ The Star Online, "Kadir Jasin: Rude and religious hypocrites are the real threat to race and religion" 13 July 2018. See: <https://www.thestar.com.my/news/nation/2018/07/13/kadir-jasin-rude-and-religious-hypocrites-are-the-real-threat-to-race-and-religion/#a18UiGJjKUMARpb1.99>

22. Close racial, religious polarisation gaps, interfaith group tells Putrajaya
Date: 29th August 2018

“Close any racial and religious polarisation gaps”, was the demand of the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) in its Merdeka Day message.²⁶

MCCBCHST congratulated the Malaysians for the smooth power transition, an act that indicates a matured society ready to adapt a two-party system. As the power lies in the hands of Pakatan Harapan, MCCBCHST hopes the new government would ensure necessary steps are taken to uphold the principles of freedom, justice and equality guaranteed in the Federal Constitution.

23. Malays still a focus with class based aid
Date: 3rd September 2018

Responding to Dr Mahathir’s decades-old New Economic Policy, DAP’s Charles Santiago urges the government to shift their affirmative action plans from being race-based to class-based. He illustrated that class-based affirmative action will benefit the Malays most as they make up the majority of the B40 group.²⁷

24. Order to remove Chinese lettering from Muar buildings rescinded
Date: 6th September 2018

The Muar Municipal Council (MPM) revoked its order to remove the Chinese characters on the signboards as well as fronts and pillars of the buildings of a group of traders at Jalan Sisi in Johor.

It is reported that the order of removal was released on the grounds of violating the local advertising laws which was acknowledged by state executive councillor, Tan Hong Pin who dismissed any presents of racial elements but merely enforcing the law.

The order came as a surprise as the shopkeepers inherited the businesses from their forefathers, however they are thankful that it was cancelled.²⁸

25. NUCC Blueprint released for public comment
Date: 14th October 2018

The National Unity Consultative Council (NUCC) Blueprint have been released by the National Unity and Social Well-Being Department (JPNIN) for public comment. The Minister in the Prime Minister’s Department Senator P. Waytha Moorthy said that consultations will be held with the public to gather current feedback from the public on the blueprint. The information obtained will be used to formulate the National Unity Action Plan .²⁹

²⁴ New Starits Times, “Govt to introduce 3 new Acts to curb racial, religious hatred: Mujahid” 24 July 2018. See: <https://www.nst.com.my/news/government-public-policy/2018/07/393890/govt-introduce-3-new-acts-curb-racial-religious-hatred>

²⁵ The Star Online, “No to racial and religious rhetoric in Seri Setia campaign, says Pakatan’s Halimey” 27 August 2018. See: <https://www.thestar.com.my/news/nation/2018/08/27/no-to-racial-and-religious-rhetoric-in-seri-setia-campaign-says-pakatan-halimey/>

²⁶ Free Malaysia Today, “Close racial, religious polarisation gaps, interfaith group tells Putrajaya” 29 August 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/08/29/close-racial-religious-polarisation-gaps-inter-faith-group-tells-putrajaya/>

²⁷ Free Malaysia Today, “Malays still a focus with class-based aid” 3 September 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/09/03/malays-still-a-focus-with-class-based-aid/>

²⁸ The Star Online, “Order to remove Chinese lettering from Muar buildings rescinded” 6 September 2018. See: <https://www.thestar.com.my/news/nation/2018/09/06/order-to-remove-chinese-characters-from-muar-buildings-rescinded/#v4Xw7mf0wo4vgvcU.99>

26. Minister: Government to ratify convention on racial discrimination, five other treaties in Q1 2019

Date: 24th October 2018

Minister in the Prime Minister's Department, P. Waytha Moorthy had highlighted that the government is committed to ratifying the remaining six treaties including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). To do so, he highlighted that the government will hold dialogues with the main stakeholders at the first quarter of 2019 on the ratification of ICERD.³⁰

27. Mujahid: Stop making assumptions about ICERD

Date: 6th November 2018

Minister in the Prime Minister's Department Datuk Seri Dr Mujahid Yusof Rawa had advised the community to stop making extreme assumptions about Malaysia's intention to ratify the ICERD as it can lead to negative perceptions on racial interaction in the country. He also voiced his concern over certain parties who had tried to portray the ICERD issue incorrectly and assured the public that ratification of ICERD would not change the country's entity either from constitutional or cultural point of view.³¹

28. PSM chief: Govt must allay Malay fears before ratifying ICERD

Date: 20th November 2018

Parti Sosialis Malaysia (PSM)'s chairman, Dr. Mohd Nasir Hashim told the government to allay the fears of certain parties before ratifying ICERD. While calling for measures to be taken to address the concerns of the Malays, he stressed the need to implement class-based affirmative actions and a social inclusion agenda which will truly solve the socio-economic disparities in society.³²

29. ICERD issue a mess due to irrational response: Foreign Minister

Date: 26th November 2018

Datuk Saifuddin Abdullah, the Foreign Minister had lamented that the ICERD issue has been derailed by irrational response which disallowed proper debate on the matter to be conducted. He added that there's also misinterpretation and misunderstanding over Article 153 of the Federal Constitution and other provisions).³³

30. Anti-Icerd rally: Guan Eng slams Hadi for 'pitting Muslims against non-Muslims'

Date: 5th December 2018

PAS president Abdul Hadi Awang was lambasted by DAP's secretary-general, Lim Guan Eng, calling Hadi's justification for the gathering against International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as pitting the Muslim majority against the non-Muslim minority.

Guan Eng condemned Hadi's highly provocative remarks that the rally is necessary claiming the non-Muslim MPs of Pakatan Harapan government are higher than the Muslim MPs. Guan Eng questioned

²⁹ Malay Mail, "NUCC Blueprint released for public comment" 14 October 2018. See: <https://www.malaymail.com/news/malaysia/2018/10/14/nucc-blueprint-released-for-public-comment/1682682>

³⁰ Malay Mail, "Minister: Govt to ratify convention on racial discrimination, five other treaties in Q1 2019" 24 October 2018. See: <https://www.malaymail.com/news/malaysia/2018/10/24/minister-govt-to-ratify-six-treaties-including-icerd-in-2019/1686303>

³¹ The Star Online, "Mujahid: Stop making assumptions about ICERD" 6 November 2018. See: <https://www.thestar.com.my/news/nation/2018/11/06/mujahid-stop-making-extreme-assumptions-about-icerd/>

³² The Star Online, "PSM chief: Govt must allay Malay fears before ratifying ICERD" 20 November 2018. See: <https://www.thestar.com.my/news/nation/2018/11/20/psm-chief-govt-must-allay-malay-fears-before-ratifying-icerd/>

³³ New Straits Times, "ICERD issue a mess due to irrational response: Foreign Minister" 26 November 2018. See: <https://www.nst.com.my/news/nation/2018/11/434829/icerd-issue-mess-due-irrational-response-foreign-minister>

the rationale behind Hadi's statement by exhibiting the fact that 63 percent of MPs are Muslims – how Muslim rights are threatened? Hadi was told to preach on national unity instead of trying to further divide the Malaysians.³⁴

31. SUHAKAM will continue to advise the government to ratify ICERD

Date: 9th December 2018

The Human Rights Commission of Malaysia (SUHAKAM) has stressed that they will continue to advise the government to ratify the remaining six international treaties that have yet to be signed by Malaysia. This includes the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) even though the government have decided to not ratify the ICERD.³⁵

32. Time to champion the Malaysian agenda, says academic

Date: 18th December 2018

Political parties need to stop operating along ethnocentric lines and must begin championing the Malaysian agenda, cautioned Ahmad Fauzi Abdul Hamid, professor at Universiti Sains Malaysia.³⁶

He advised the political parties and Malaysians to return to the spirit of the Federal Constitution. The Article 153 is not exclusionary, but it was interpreted and understood in such context by the Malay-centric parties like UMNO. According to Ahmad, agreeing to Article 153 should be translated as a protection to all, meaning that the interests of both Malays and non-Malays comes into account.

33. Gobind: Preserve racial, religious harmony

Date: 23rd December 2018

Communications and Multimedia Minister Gobind Singh Deo called on all Malaysians to preserve the country's racial and religious harmony. In his Facebook posting, Gobind claimed that racial and religious harmony in the country had always served as a source of strength for the nation's progress. He called upon all communities to preserve the harmonious relationship between race and religions and to seek the common grounds between communities.³⁷

34. Joint festival celebrations unite Malaysia

Date: 24th December 2018

Prime Minister, Tun Dr Mahathir Mohammad applauded Malaysians coming together for celebration of various festivals as a manifestation of the "inclusiveness" embedded in the Malaysian culture. He hopes this mutual understanding among Malaysians will be preserved and conveyed to the young generations. These makes Malaysia unique, united and strong in the eyes of the world.³⁸

³⁴ Malaysiakini, "Anti Icerd rally: Guan Eng slams Hadi for pitting Muslims against non-Muslims" 5 December 2018. See: <https://www.malaysiakini.com/news/454849>

³⁵ Berita Harian, "SUHAKAM akan terus nasihat kerajaan ratifikasi ICERD" 9 December 2018. See: <https://www.bharian.com.my/berita/nasional/2018/12/507179/suhakam-akan-terus-nasihat-kerajaan-ratifikasi-icerd>

³⁶ Free Malaysia Today, "Time to champion the Malaysian agenda, says academic" 18 December 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/12/18/time-to-champion-the-malaysian-agenda-says-academic/>

³⁷ New Straits Times, "Gobind: Preserve racial, religious harmony" 23 December 2018. See: <https://www.nst.com.my/news/nation/2018/12/443301/gobind-preserve-racial-religious-harmony>

35. End racism, hate speech, civil society group tells Prime Minister

Date: 31st December 2018

A group of civil society members comprising of human rights activists, lawyers and former civil servants have suggested the prime minister to set "limits" to curb hate speech containing element of race and religion.

Consisting of human rights activists, lawyers and ex-civil servants, the nine-member group criticised the divisive tonality that might be counterproductive to the inter-religious dialogue and harmony. The democratic space for dissent should not be a platform for hate speech, intimidation and threats of violence, the group urged.

In order to specially focus on the bottom 40 income group, the civil societies recommended the establishment of a national consultative council that sets its core for a transformative economy with inclusivity and sustainable development as its main principle.³⁹

36. Differences among ethnicities must be celebrated

Date: 31st December 2018

Ethnic diversity is a factor for celebration, not for commotions says deputy prime minister, Datuk Seri Dr Wan Azizah. She pointed out the room to work for united Malaysia is vast and must always be engaged.

The differences of culture, custom, faith, religion, view and many more should not push us away, instead pull us closer through efforts of learning and understanding the uniqueness and the beauty that exists in different ethnicities.⁴⁰

³⁸ Sinar Harian, "Sambut perayaan bersama satukan Malaysia" 24 December 2018. See: <https://www.sinarharian.com.my/article/3925/BERITA/Nasional/Sambut-perayaan-bersama-satukan-Malaysia>

³⁹ Free Malaysia Today, "End racism, hate speech, civil society group tells PM" 31 December 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/12/31/end-racism-hate-speech-civil-society-group-tells-pm/>

⁴⁰ Sinar Harian, "Perbezaan antara kaum perlu dirai" 31 December 2018. See: <https://www.sinarharian.com.my/article/4939/BERITA/Nasional/Perbezaan-antara-kaum-perlu-dirai>

INCIDENCES OF RACIAL DISCRIMINATION IN MALAYSIA IN 2018

1. RACIAL POLITICS AND RACE-BASED PARTY POLITICS

The practice of racial politics has been prominent since the formation of Malaysia. Political actors have exploited the issue of race to gain political mileage and to ensure their political survival. These groups aimed to be the champions of a particular racial group in order to maintain their power to control their constituencies and voters. Such divisive practices have pitted against Malaysians from different races. This is reflective in the 2018 as the nation held its 14th General Elections.

a) **Choose BN to safeguard wellbeing, Ismail Sabri tells Chinese voters** **Date: 10th February 2018**

The (former) Rural and Regional Development Minister Ismail Sabri Yaakob had highlighted that the plight of the Chinese community will not be championed if they continue to support the opposition. He had urged the Chinese voters to return their support to Barisan Nasional (BN) in the 14th General Election to safeguard their future and wellbeing. Quoting the state Triang constituency as an example, the Chinese community would seek assistance from Malaysian Chinese Association (MCA), Gerakan and himself as their representative would not be able to assist them. He also informed the Chinese community to be wise in making their decision and to avoid electing the wrong representatives in the coming general election.⁴¹

b) **MIC: More good news for Indians** **Date: 20th February 2018**

Malaysian Indian Congress (MIC) president Datuk Seri Dr S. Subramaniam promises the Indian community that they will be given special allocations to buy low-cost houses and posts in the armed forces. He also highlighted that programmes would be launched to increase the intake of Indian personnel in the armed forces.⁴²

c) **Najib: Government will continue giving attention to the Chinese** **Date: 21st February 2018**

The (former) Prime Minister, Najib Tun Razak had stated that the Government will continue to give attention to the needs of the Chinese community to preserve national unity and harmony in the nation. He highlighted that the Government had ensured that the policies that are made are inclusive in nature

⁴¹ *The Malaysian Insight*, "Choose BN to safeguard wellbeing, Ismail Sabri tells Chinese voters" 10 February 2018. See: <https://www.themalaysianinsight.com/s/37286/>

⁴² *The Star Online*, "MIC: More good news for Indians" 20 February 2018. See: <https://www.thestar.com.my/news/nation/2018/02/20/mic-more-good-news-for-indians-community-to-get-housing-aid-as-well-as-increased-intake-in-armed-for/>

in ensuring that every Malaysians needs regardless of their ethnicity can be fulfilled.

He then stated that, since he had taken over the administration, individual taxes have reduced and this has definitely benefited the Chinese professionals. He also stated that on Chinese National schools, the Government will continue supporting the establishment of 10 more Chinese schools in addition to the annual allowance of RM 50 million to upgrade the Chinese schools. He also stated that the Small Medium Enterprises (SME) Chinese community are also given access to funding in several government initiated programmes. He then took a jibe at certain states which chose to isolate the voices of the Chinese communities.⁴³

d) Doctored photo of Pakatan Harapan's leader
Date: 22nd February 2018

A Facebook user named "Ustazah Hamidah" had posted a fake photo of Muslim Pakatan Harapan leaders eating at a table where pork is served. The picture shows the state Pakatan Harapan (PH) chief, Mukhriz Mahathir and Amanah President Mohamad Sabu eating at a table where a roast suckling pig could be seen. The picture captioned, "Nak undi Cina punya pasal sehingga sanggup makan babi. #UndiPas" (Because they want Chinese votes, they would even eat park. #VotePas). Kedah DAP has urged the police to investigate the Facebook user for the doctored photo.⁴⁴

e) Only Barisan Nasional can ensure future of Bumiputeras, rural community — Najib
Date: 3rd April 2018

(Former) Prime Minister Datuk Seri Najib Tun Razak had made a statement that no quarters other than the Barisan Nasional can ensure the future of the Bumiputeras and the rural community including Felda settlers. He claimed that BN had helped nurture them and the opposition had only raised certain issues to confuse the people and make them hate the government. He then stated that the government had struggled to develop the Bumiputera and Felda agendas since his father's period for more than 50 years ago.⁴⁵

f) GE14: Be wary of DAP, Malay voters advised
Date: 13th April 2018

MCA publicity head Datuk Seri Ti Lian Ker had informed the Malay voters to be wary of the DAP which only wants votes so that it can be in power at the federal level after the 14th General Elections (GE 14). He stated that DAP was adopting a strategy to get the Malays to quarrel among themselves.⁴⁶

g) Ismail Sabri: Malay 'special rights' and Islam in jeopardy if vote given to DAP
Date: 13th April 2018

The (former) Rural and Regional Development Minister Ismail Sabri Yaakob have made a statement that every vote for the Democratic Action Party (DAP) is akin to giving power to the Pakatan Harapan (PH)

⁴³ Malaysiakini, "Najib: Government will continue giving attention to the Chinese" 21 February 2018. See: <https://www.malaysiakini.com/news/412888>

⁴⁴ The Malaysian Insight, "Kedah DAP wants police action over doctored photo" 22 February 2018. See: <https://www.themalay-sianinsight.com/s/39245/>

⁴⁵ The Borneo Post, "Only Barisan Nasional can ensure future of Bumiputeras, rural community" 3 April 2018. See: <http://www.the-borneopost.com/2018/04/03/only-barisan-nasional-can-ensure-future-of-bumiputeras-rural-community-najib/>

⁴⁶ The Borneo Post, "GE 14: Be wary of DAP, Malay voters warned" 13 April 2018. See: <http://www.theborneopost.com/2018/04/13/ge14-be-wary-of-dap-malay-voters-advised/>

pact to eliminate the Malay “special rights” and the “uniqueness” of Islam. He reiterated that the concept of Malaysian Malaysia which was championed by DAP aims to eliminate the special rights of the Malays and bumiputera while discarding the uniqueness of Islam.⁴⁷

h) DAP fielding Malay candidates has been expected — Zahid
Date: 19th April 2018

(Former) Deputy Prime Minister Datuk Seri Dr Ahmad Zahid Hamidi had stated that DAP’s decision to field Malay candidates to contest State Assembly seats in Perak is something that has been expected. He claimed that the move to field Malay candidates was done to draw the Malay votes because the DAP realised that the Malays would reject the chauvinistic party.⁴⁸

i) Najib says DAP’s ‘cut-throat tactics’ will be detrimental to Chinese community
Date: 23rd April 2018

Barisan Nasional (BN) Chairman and Prime Minister (former) Datuk Seri Najib Razak had stated that DAP’s “cut-throat” move to contest directly against MCA and Gerakan party leadership would be detrimental to the Chinese community. He further stated that even though the population of the Chinese in Malaysia is 23 per cent, there is only 6 per cent of Chinese members of parliament that support the government. He regarded it to be not sustainable and stated that the government through Malaysian Chinese Association (MCA) and Gerakan have always pushed for the betterment of the Chinese community.^{49 50}

j) Najib: Dr Mahathir being used by DAP to split Malay vote
Date: 27th April 2018

(Former) Prime Minister Datuk Seri Najib Tun Razak had stated that the Pakatan Harapan chairman Tun Dr Mahathir Mohamad is being used by the DAP to split the Malay vote in the 14th General Election. He further questioned the truth to Tun Dr Mahathir’s actions to show that the DAP is good to the Malay community.⁵¹

k) Malay tsunami is strategy to destroy Malay institutions - Shahrir
Date: 2nd May 2018

Tan Sri Shahrir Abdul Samad stated that the Malay tsunami bandied by the opposition was intended to destroy the long-established Malay institutions in the country. He said the political tsunami planned by the opposition began after GE13 with an attack on Malay institutions, important bodies for the Malays such as Tabung Haji, Tabung Angkatan Tentera and FELDA. He further stated that the opposition attack bodies which have Malay interests, which means the so-called tsunami is planned in a manner to strike and destroy the confidence of the Malays in the existing government by attacking the Malay bodies or institutions first.⁵²

⁴⁷ Malay Mail, “Ismail Sabri: Malay ‘special rights’ and Islam in jeopardy if vote given to DAP” 13 April 2018. See: <https://www.malaymail.com/news/malaysia/2018/04/13/ismail-sabri-malay-special-rights-and-islam-in-jeopardy-if-vote-given-to-da/1619502>

⁴⁸ The Borneo Post, “DAP fielding Malay candidates has been expected – Zahid” 19 April 2018. See: <http://www.theborneopost.com/2018/04/19/dap-fielding-malay-candidates-has-been-expected-zahid/>

⁴⁹ Malay Mail, “Najib says DAP’s ‘cut-throat tactics’ will be detrimental to Chinese community” 23 April 2018. See: <https://www.malaymail.com/s/1623195/najib-says-daps-cut-throat-tactics-will-be-detrimental-to-chinese-community>

⁵⁰ Free Malaysia Today, “Don’t buy DAPs Malay tsunami claim, Najib tells Chinese” 23 April 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/04/23/dont-buy-daps-malay-tsunami-claim-najib-tells-chinese/>

⁵¹ The Borneo Post, “Najib: Dr Mahathir being used by DAP to split Malay vote” 27 April 2018. See: <http://www.theborneopost.com/2018/04/27/najib-dr-mahathir-being-used-by-dap-to-split-malay-vote/>

⁵² Bernama, “Malay tsunami is strategy to destroy Malay institutions – Shahrir” 2 May 2018. See: <http://www.bernama.com/state-news/berita.php?id=1583902>

l) Dr Mahathir has mortgaged Malay nationalism for power, says Azalina
Date: 8th May 2018

The (caretaker) Minister in the Prime Minister's Department Azalina Othman Said accused Dr. Mahathir Mohamad of having mortgaged the Malay nationalism. She stated that Mahathir's recent claims that he had a non-Malay political philosophy for a long time were not true and stated that Tun (Dr) Mahathir has been a Malay nationalist from the past but he mortgage Malay nationalism because he wants to get power .⁵³

m) UMNO Youth chief sarcastically congratulates new Chief Justice
Date: 12th July 2018

UMNO Youth chief, Datuk Asyraf Wajdi Dusuki was cynical of Tan Sri Richard Malanjum's appointment as the new Chief Justice, congratulating the Pakatan Harapan's "New Malaysia" is led by Democratic Action Party (DAP) - a Chinese majority party.

Echoing a similar tone, the Parti Islam Se-Malaysia (PAS) denoted (the appointment as a threat to the legal rights of Muslims in Malaysia. They further claimed that the series of appointments made by the Pakatan Harapan government has sparked restlessness among Muslims .⁵⁴

Despite his vast experience in the legal fraternity and being the most senior Federal court judge in the country, Richard Malanjum was attacked by the right-wing groups merely because of his background as a non-Muslim Sabahan.⁵⁵

n) "This is a Malay land" – Pasir Salak MP argues after claiming DAP is unfair to Malaysians
Date: 25th July 2018

Pasir Salak Member of Parliament (MP) Datuk Seri Tajuddin Abdul Rahman accused the Democratic Action Party (DAP) of being unfair to all races. Tajuddin claimed that DAP's support of "Malaysian Malaysia" concept strives for equality. He then stated that if (DAP) wants equality, this means that the poor and incompetent will have to go up against the rich and competent. In response, the Kota Melaka MP reiterated that DAP together with the government do provide help to Malaysia's poor and needy and that everyone should take lessons from the country's history. Tajuddin then stressed that Malaysia's history shows that the country is a "Malay land" .⁵⁶

o) Lokman claims Malays angry because special position and Islam threatened
Date: 25th July 2018

Umno supreme council member Datuk Lokman Noor Adam who is the Barisan Nasional (BN) candidate claimed that the locals in the constituency, especially the Malays are fed up with Pakatan. He claimed that the Malay voters are very angry with Pakatan mainly because the special position of the Malays and

⁵³ Free Malaysia Today, "Dr M has mortgaged Malay nationalism for power, says Azalina" 8 May 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/05/08/dr-m-has-mortgaged-malay-nationalism-for-power-says-azalina/>

⁵⁴ Malaysiakini, "Muslims restless as non-Muslims now 'control' legal system, PAS claims" 12 July 2018. See: <https://www.malaysiakini.com/news/433838>

⁵⁵ Malay Mail, "UMNO youth chief sarcastically congratulates new chief justice" 12 July 2018. See: <https://www.malaymail.com/news/malaysia/2018/07/12/umno-youth-chief-sarcastically-congratulates-new-chief-justice/1651641>

⁵⁶ Says.com, "This is a Malay land" – Pasir Salak MP argues after claiming DAP is unfair to Malaysians" 25 July 2018. See: <https://says.com/my/news/this-is-malay-land-pasir-salak-mp-accuses-dap-of-being-unfair-to-all-races>

Islam are currently under threat. He also stated that the Malays are concerned that some strategic ministerial and government-linked company (GLC) positions are going to non-Malays and cited the recent appointments of Chief Justice Tan Sri Richard Malanjum and Tommy Thomas as the Attorney-General as examples.⁵⁷

p) Islam should lead, says Zahid in first policy speech at UMNO congress
Date: 29th September 2019

Ahmad Zahid Hamidi said that he supported PAS' slogan that Islam should be the supreme power in governing Malaysia. In his presidential address at the Putra World Trade Centre, he stated that it does not mean UMNO would embrace narrow nationalism and racism; but he said that the party also rejected any call for equal treatment of all races as espoused by the "Malaysian Malaysia concept". He stated that UMNO would rise to defend their rights as stated in the constitution.⁵⁸

q) Chaos in Parliament as Waytha Moorthy slammed as 'racist minister'
Date: 19th November 2018

The Minister in the Prime Minister's Department P Waytha Moorthy was labelled as a racist minister when he was wrapping up the 2019 Budget debate for touching on the issue surrounding the International Convention on the Elimination of all forms of Racial Discrimination (ICERD). The Minister had assured that acceding to ICERD will not result in amendments to the Article 153; however, Tan Sri Noh Omar asked the minister to explain an old video clip that the Minister had slammed the government for discriminating against the Indian community. The minister then stated that he had proof that the previous government practised discrimination and this had led to anger amongst the opposition MPs who called him a 'racist minister'.⁵⁹

r) Non-Malays should be thankful to Muslims let them stay, says Hadi
Date: 8th December 2018

Parti Islam Se-Malaysia (PAS) President Abdul Hadi Awang told the non-Malays to be grateful that they were welcomed by Muslims to Malaya despite coming as coolies. He stated that the migrants were brought here by the colonialists and it is the compassion of Muslims that accepted anyone.⁶⁰

s) Mahathir urges Malays, bumiputeras to work harder as opposition stages racial rally
Date: 9th December 2018

Prime Minister Dr Mahathir Mohamad defended the government's decision to not sign the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as positive discrimination is needed to create more opportunities for the Malays to compete with other races in Malaysia.

He claims the political power in the hands of Malays are instrumental because it gives the privilege and power to assist the Malays and Bumiputeras from falling into dire poverty. He used the racial perspective

⁵⁷ The Star Online, "Lokman claims Malays angry because special position and Islam threatened" 25 July 2018. See: <https://www.thestar.com.my/news/nation/2018/07/25/hoping-for-antipakatan-sentiment-lokman-claims-malays-angry-because-special-position-and-islam-threat/>

⁵⁸ Free Malaysia Today, "Islam should lead, says Zahid in first policy speech at Umno congress" 29 September 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/09/29/islam-should-lead-says-zahid-in-first-policy-speech-at-umno-congress/>

⁵⁹ News Straits Times, "Chaos in Parliament as Waytha Moorthy slammed as 'racist minister'" 19 November 2018. See: <https://www.nst.com.my/news/nation/2018/11/432613/chaos-parliament-waytha-moorthy-slammed-racist-minister>

⁶⁰ The Malaysian Insight, "Non-Malays should be thankful Muslims let them stay, says Hadi" 8 December 2018. See: <https://www.themalaysianinsight.com/s/117072>

that the foreigners (indicating Chinese and Indians) are controlling the economy while Malays are left behind although they possess the abilities and intelligence.

He argued that ICERD is not acceptable because it does not give the right to Malays and Bumiputeras to differentiate the treatment to the races in Malaysia, as the other races are not on the same level.⁶¹

t) Bersatu will protect Malay interests – Dr Mahathir
Date: 29th December 2018

Parti Pribumi Bersatu Malaysia (Bersatu) chairman Tun Dr Mahathir states that Bersatu exists as a Malay party because Malays in the country still believe they need a Malay party to protect them and their interests. He further stated that the Malays are scared and they feel threatened. Therefore, they are looking for parties as they prefer a Malay party and that the Malays cannot join Keadilan (PKR) because they do not accept a multiracial party; Amanah who is also a multiracial party and join DAP. Hence, their choice is Bersatu.⁶²

2. GROUPS, AGENCIES AND INDIVIDUALS THAT USE PROVOCATIVE RACIAL AND RELIGIOUS SENTIMENTS

Specific groups, agencies and individuals were found to continuously fan racial and religious sentiments in Malaysia. These groups and/or individuals have often claimed to be champions of a specific ethnic group and have also made provocative statements that threatens national unity. In addition, specific groups, agencies and individuals were also found to justify racially discriminatory actions using religion.

a) Scrap Chinese School, English to foster Unity, says Malay Rights Group
Date: 8th March 2018

A list of demands said to foster national unity was released by the Malay rights group Perkasa, targeting the education sector. Some of the demand includes scrapping out the vernacular schools and to abolish the dual language programme (schools are given the option to teach science, technology, engineering and mathematics subjects in English) taunted as a threat to the status of Bahasa Malaysia (national language).

Perkasa's deputy president who is also Perkasa's education bureau chief recommends the government to brush aside ethnic sentiments and short-term politics. He strongly advocated for a single stream school that will instil a sense of togetherness from young to eradicate racism. In order to remain intact, united and unsegregated, the medium of teaching must be changed to Malay from English. English language lowers the status of Bahasa Malaysia into optional language.⁶³

b) NGO Coalition accuses Malaysia's new government of 'sidelining' Malay majority
Date: 27th July 2018

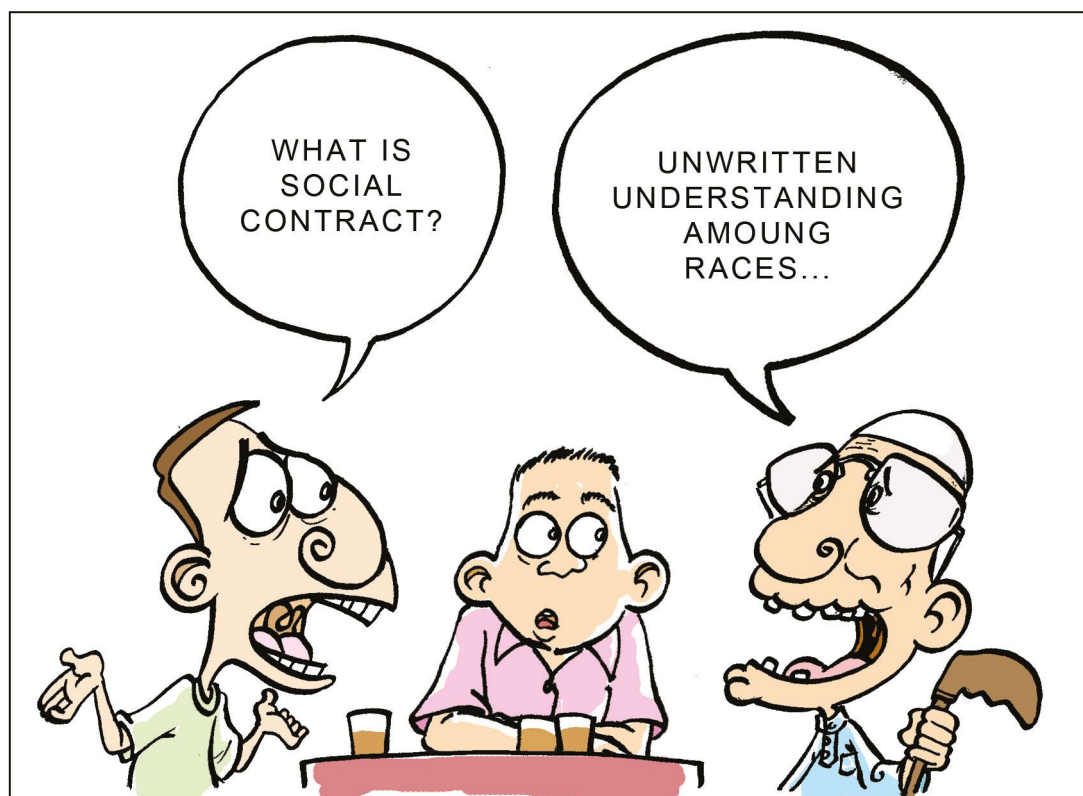
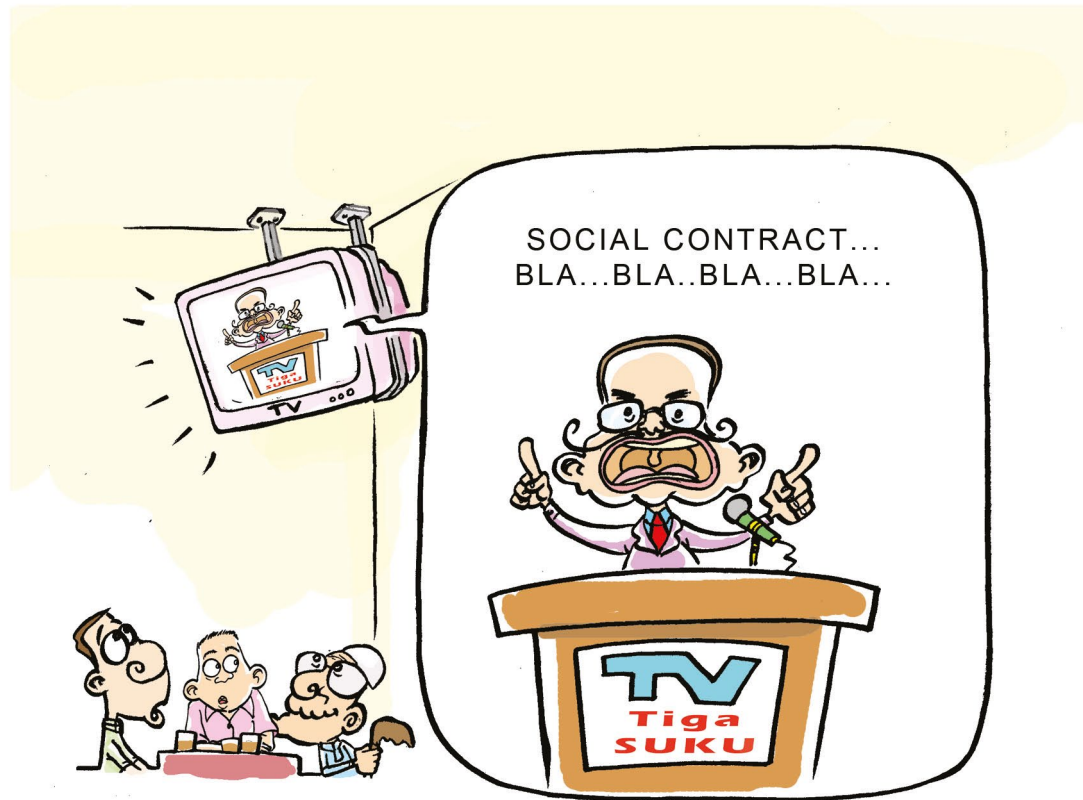
A loose coalition of 350 Malaysian NGOs called Gerakan Pembela Ummah (Ummah Defender Movement) had accused the Prime Minister Mahathir Mohamad of marginalizing the nation's Muslim majority and warned that recent appointments of non-Malays to high-ranking positions could fuel Malay anger. They

⁶¹ The Straits Times, "Mahathir urges Malays, bumiputeras to work harder as opposition stages racial rally" 9 December 2018. See: <https://www.straitstimes.com/asia/se-asia/mahathir-urges-malays-bumiputeras-to-work-harder-as-opposition-stages-racial-rally>

⁶² The Borneo Post, "Bersatu will protect Malay interests – Dr M" 29 December 2018. See: <http://www.theborneopost.com/2018/12/29/bersatu-will-protect-malay-interests-dr-m/>

⁶³ The Malaysian Insight, "Scrap Chinese schools, English to foster unity, says Malay rights group" 8 March 2018. See: <https://www.themalaysianinsight.com/s/41772/>

WHAT IS THIS "CONTRACT" ALL ABOUT?



also condemned the three laws proposed against discrimination and religious hatred as pieces of legislation meant to suppress the Malays and Islam. They then criticized the appointments of Tommy Thomas as the country's attorney-general, Richard Malanjum as the chief justice minister and Liew Vui Keong as the minister in the Prime Minister's Department claiming that these appointments may fuel the Malay anger.⁶⁴

c) 'Bumiputera rights, national language should be the government's agenda'
Date: 15th September 2018

Datuk Seri Abdul Hadi Awang, the president of PAS has requested the issues of Bumiputera rights and the national language (Malay) are prioritised in the Pakatan Harapan's agenda. He has also implied the government should be transparent with issues related to the amendment of the Federal Constitution and the position of Islam as stated in the constitution.⁶⁵

d) Ridhuan Tee criticise Anwar of masking himself with faith of other religions
Date: 4th October 2018

Prof Dr. Ridhuan Tee Abdullah, the independent preacher criticised Datuk Seri Anwar Ibrahim for wearing a turban which carries religious connotation among the Sikh community. Dr. Ridhuan says the symbol of the sword featured in the turban signifies the power of the God who controls the whole universe which is contradictory to Islam. However, he mentioned Islam does not restricts its believers from entering or visiting the places of worship of other religions, but he lamented Anwar's behaviour as "unreasonable" – criticising it as a desperate attempt to win the votes.⁶⁶

e) Keep Quiet! Said Ridhuan Tee to the MCA Women's Bureau
Date: 14th October 2018

The chairlady of Malaysian Chinese Association (MCA), Heng Seai Kee was told to 'shut up' by the preacher, Prof Dr. Ridhuan Tee for questioning the public canning of a woman in Terengganu. He dismissed her of being incompetent as she is neither an expert nor belongs to religious group. Dr. Ridhuan says it is not the role of parties like MCA or non-Muslims to interfere in the affairs of Muslims and the Syariah court.⁶⁷

f) Dangerous ICERD, wanting to create equality between religions
Date: 16th November 2018

The secretary of Majlis Syura Ulama PAS, Datuk Dr. Nik Muhammad Zawawi Salleh stressed that none of the ethnic groups in Malaysia were mistreated or discriminated under the leadership of Barisan Nasional government. He was praising Malaysia's existing system as superior to ICERD's principles. He referred the Chinese community as an example of a successful system that allows them to control the Malaysian economy. However, he was worried that ICERD would create an enormous space to other religions to demand greater rights than Islam itself.⁶⁸

⁶⁴ Benar News, "NGO Coalition accuses Malaysia's new government of 'Sidenlining' Malay Majority" 27 July 2018. See: <https://www.benarnews.org/english/news/malaysian/malaysia-politics-07272018173848.html>

⁶⁵ Ismaweb, "Hak Bumiputera, bahasa kebangsaan perlu jadi agenda kerajaan" 15 September 2018. See: <https://www.ismaweb.net/2018/09/15/hak-bumiputera-bahasa-kebangsaan-perlu-jadi-agenda-kerajaan/>

⁶⁶ Ismaweb, "Ridhuan Tee kritik Anwar pakai lambang keimanan agama lain" 4 Oktober 2018. See: <https://www.ismaweb.net/2018/10/04/ridhuan-tee-kritik-anwar-pakai-lambang-keimanan-agama-lain/>

⁶⁷ Ismaweb, "Diam kamu! Kata Ridhuan Tee kepada Wanita MCA" 14 Oktober 2018. See: <https://www.ismaweb.net/2018/10/14/diam-kamu-kata-ridhuan-tee-kepada-ketua-wanita-mca/>

⁶⁸ Ismaweb, "ICERD bahaya, mahu wujud persamaan antara agama" 16 November 2018. See: <https://www.ismaweb.net/2018/11/16/icerd-bahaya-mahu-wujud-persamaan-antara-agama/>

g) Dr Low Yong San: Non-Malays do not have the rights to demand for the ratification of ICERD

Date: 17th November 2018

Non-Malays do not possess any concrete reasons to support or demand the ratification of International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), says Dr. Low Yong San, the Science Politics lecturer from Universiti Sains Malaysia (USM).

According to Dr. Low, there are two important things the non-Malays need to comprehend before raising demands such as the ICERD ratification. Firstly, the Malay states (negeri-negeri Melayu) in Malaya were ruled by the Malay royalties. Secondly, during colonial times, the British has acknowledged the special rights of Malays going by the fact that they were the early settlers of Malaysia. He further commented the discriminatory nature of Article 153 of Federal Constitution was an agreement made between Malays and non-Malays for accepting the non-Malays as citizen of Malaysia (then Malaya).⁶⁹

h) Is this China or Malaysia?

Date: 25th November 2018

Responding to the Malacca's Chief Minister, Adly Zahari's statement, independent preacher Ridhuan Tee Abdullah says the national language must be Malay because this is Malaysia, not China.

The issue arose from a job vacancy advertisement by the Hospital Pakar Putra which prioritise nurses who is able to speak Chinese. The Chief Minister requested to not overblow the issue, however attracted criticism from likes of Dr. Ridhuan Tee.⁷⁰

i) ICERD: There are many enemies of Islam in the government

Date: 25th November 2018

Gerakan Pembela Ummah (UMMAH) will continue the planned rally against the ratification of ICERD. Its chairman, Haji Aminuddin Yahaya said the rally is pertinent because the enemies of Islam is still roaming within the government although the government has halted the ratification.⁷¹

j) 'DAP could not accept this nation is Malays' rights'

Date: 25th November 2018

Vice-president of Ikatan Muslimin Malaysia (ISMA), Abdul Rahman Mat Dali says DAP could not accept that this country is the rights of the Malays and Islam as its official religion. Hence, their struggle is merely to deny the identity of Malaysia which are Malays and Islam.⁷²

k) Ibrahim Ali: We will 'run amok' to protect Malay rights

Date: 2nd Dec 2018

The Malay rights group Perkasa explained themselves for using the phrase that they will 'run amok' if the rights of the Malays and Malay rulers are questioned or undermined. Perkasa's president says they will take necessary actions permitted under the rule of law on those who offended the Malays.⁷³

⁶⁹ Ismaweb, "Bukan Melayu tiada hak tuntutan ratifikasi ICERD: Dr Low Yong San" 17 November 2018. See: <https://www.ismaweb.net/2018/11/17/1bukan-melayu-tiada-hak-tuntutan-ratifikasi-icerd-dr-low-yong-san154176/>

⁷⁰ Ismaweb, "Ini negara China atau Malaysia" 25 November 2018. See: <https://www.ismaweb.net/2018/11/25/ini-negara-china-atau-malaysia/>

⁷¹ Ismaweb, "ICERD: Ramai musuh Islam berkeliaran dalam kerajaan" 25 November 2018. See: <https://www.ismaweb.net/2018/11/25/icerd-ramai-musuh-islam-berkeliaran-dalam-kerajaan/>

⁷² Ismaweb, "DAP tak boleh terima tanah air ini hak Melayu" 25 November 2018. See: <https://www.ismaweb.net/2018/10/14/di-am-kamu-kata-ridhuan-tee-kepada-ketua-wanita-mca/>

UNDER THE PROTECTION OF THE CONSITUTION



"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".

3. RACISM IN THE EDUCATION SECTOR

Racism has seeped through even at the education sector in Malaysia. Schools and universities are a vital platform to build the character and instill important values to the future leaders of Malaysia. However, in 2018, several incidences of racial segregation were reported within the education sector.

a) Attempts to bully the Malays **Date: 30th May 2018**

A memorandum submitted by the Hindu's Right Action Force (HINDRAF) to the Pakatan Harapan government demands the UiTM's intake should be opened to all races. The demand rallied numerous criticisms, saying it as an attempt to bully and deny the rights of Malays, who are the majorities in this country.

Former UiTM's vice-chancellor, Tan Sri Dr. Ibrahim Abu Shah appealed to the alumni, UiTM students and the Malays to resist the demand made by HINDRAF. The current political climate of Malaysia, according to Dr. Ibrahim, would enable the minorities to violate the rights of the majority Malays, therefore, the Malays must unite to defend their rights entitled under the Federal Constitution.⁷⁴

b) When segregation begins in schools **Date: 25th November 2018**

SMK St Francis (formerly known as St Francis Institution – SFI) is one of the few schools that has built an alternatively smaller second canteen with a signboard that reads “Kantin Melayu” (Malay canteen), entirely for the Malay Muslim students and staffs. The main canteen and the Malay canteen have two different operators with separate sets of plates, cutlery and even astonishingly, different bins. Malay Muslim students are prohibited from entering the non-Muslim canteen which the Ustaz (religious teachers) supervise.

The principals from some of these schools stated that it is a decision made to the comfortability of Muslim staffs and parents. Tay Kim Chee, principal of SMK (P) Methodist says the staffs and parents prefer for a Muslim operator to serve their food although the main canteen is also providing halal food.

Denying the segregation claim, Malacca State Education Department director Abu Bakar Saharim says it is merely putting more options on the table.⁷⁵

c) Indian student was reported of being bullied by Malays **Date: 30th November 2018**

A report was lodged by an individual via Pusat KOMAS' application, allegedly a group of Malays were bullying an Indian student forcing him to say “Keling Babi” (a derogatory remark on Indians). Failing which, he was threatened of physical assault.⁷⁶

⁷³ Free Malaysia Today, “Ibrahim Ali: We will ‘run amok’ to protect Malay rights” 2 December 2018. See: <https://www.freemalaysia-today.com/category/nation/2018/12/02/ibrahim-ali-we-will-run-amok-to-protect-malay-rights/>

⁷⁴ Utusan Online, “Cuban buli Melayu” 30 May 2018. See: <http://www.utusan.com.my/berita/nasional/cubaan-buli-mel-ayu-1.681835#ixzz5K0pum0pP>

⁷⁵ The Malaysian Insight, “When segregation begins in schools” 25 November 2018. See: <https://www.themalaysianinsight.com/s/113851>

⁷⁶ Report obtained from the KOMAS Report Racism Mobile Application

4. RACIAL DISCRIMINATION IN OTHER SECTORS

Racial discrimination was also found to be rife in other sectors apart from the education sector. This is reflective in the reports received by Pusat KOMAS via the Report Racism Mobile Application. Among the other sectors in which specific racial preferences was found to be prominent were in property sector and in job applications.

a) Racist treatment in property rental
Date: 15th May 2018

A lady enquiring about a property for rental in Shah Alam had to face a racist housing agent. Her conversation with the house agent over Whatsapp shows the agent was not willing to rent his place to Indians, but preferably Chinese or Malay. The complainant was appalled and indignant of the racism displayed by the agent.⁷⁷

b) Man was denied rental for a home because of his ethnicity
Date: 19th May 2018

An Indian man who was looking for a place to rent was denied because of his ethnicity. The scheduled meeting was abruptly cancelled by the agent/advertiser upon hearing his Indian name. A message was sent by the agent/advertiser which says the owner is wishful to rent his property for expatriates only. Instead of a proper assessment, the complainant says his ethnicity was used to eliminate his application.⁷⁸

c) Racial preferences in job advertisement
Date: 8th June 2018

A job advertisement was reported of emphasising racial preferences, opening the vacancy for Malays and Chinese only. The complainant received it in a circulated WhatsApp message, which as an Indian, he felt marginalised.⁷⁹

d) Student denied house rental for being an ethnic Indian
Date: 10th June 2018

A student lodged a report complaining about a house owner in Penang who refused to rent the house to the student because she is an ethnic Indian. Although the house owner did not mention of racial preferences initially, the house owner later informed the student that she's looking for solely Chinese tenants. The complainant felt disappointed of the unfair treatment she had to face just because of her ethnicity.⁸⁰

e) Student denied interview for being Indian
Date: 2nd November 2018

A student made a report alleging she was denied an interview because of her ethnicity, being Indian. The complainant says it is demotivating to see that the new era of Malaysia is still operating in a

⁷⁷ Report obtained from the KOMAS Report Racism Mobile Application

⁷⁸ Report obtained from the KOMAS Report Racism Mobile Application

⁷⁹ Report obtained from the KOMAS Report Racism Mobile Application

⁸⁰ Report obtained from the KOMAS Report Racism Mobile Application

⁸¹ Report obtained from the KOMAS Report Racism Mobile Application

shallow-minded system of racism. It is also mentioned in the report that the company refused the interview because the Indian quota has finished.⁸¹

- f) **No room in Penang, man turned down by landlords for not being 'Chinese' enough**
Date: 31st December 2018

Divyang Hong a "Chindian" (mix of both Chinese and Indian parentage) was refused of tenancy because he was not a pure Chinese according to the landlords that he contacted to secure a room for rental.⁸²

5. RACISM IN SOCIAL MEDIA AMONG MALAYSIANS

Racism was found to be deep seated even within the ordinary Malaysians. The emergence of social media had shed light to numerous racially discriminatory incidences in Malaysia. What is worse, ordinary Malaysians had resorted into the usage of social media in the guise of anonymity to make racially discriminatory statements.

- a) **Insulting words against the Indian community in Facebook**
Date: 7th April 2018

Some Malaysian Facebook users were found to be using insulting words on the Indians. The report was made due to the provocative tone which carries abusive words that condescends the Indian community. The complainant is depressed encountering the racist slurs on Facebook.⁸³

- b) **Discriminatory Facebook comments on news articles**
Date: 14th June 2018

A man lodged a report describing a news published in Free Malaysia Today titled "Politicians, royalties is shocking expose of multi-billion medicine monopoly" was manipulated by a person who shared in his Facebook with a remark that says "How bumiputera has fucked us up...". The complainant feels the remark was misleading and Malaysians should not pin point certain ethnic groups.⁸⁴

- c) **Racial slur on Pos Laju tracking system stirs unhappiness in Johor**
Date: 10th July 2018

In a viral-ed video and snapshot of two women claiming a Pos Laju employee had typed a racial slur into its online postal tracking system became a sensation in the social media. The two women managed to identify the alleged individual, but it evolved into a heated argument. Later, the staff gave in and apologised for his racist slur to those women.⁸⁵

- d) **"I Am Racist To Accept Your Grandma As Our Citizen" – Anjing & Ayamkan Cina!**
Date: 20th November 2018

Reacting to the issue of a beer promoter in a hypermarket confronted by a man known as Edi Rejang,

⁸² Free Malaysia Today, "No room in Penang, man turned down by landlords for not being 'Chinese' enough" 31 December 2018. See: <https://www.freemalaysiatoday.com/category/nation/2018/12/31/no-room-in-penang-man-turned-down-by-landlords-for-not-being-chinese/>

⁸³ Report obtained from the KOMAS Report Racism Mobile Application

⁸⁴ Report obtained from the KOMAS Report Racism Mobile Application

⁸⁵ Malay Mail Online, "Racial slur on Pos Laju tracking system stirs unhappiness in Johor" 10 July 2018. See: <https://www.malaymail.com/news/malaysia/2018/07/10/racial-slur-on-pos-laju-tracking-system-stirs-unhappiness-in-johor/1650892>

lawyer Azam Aziz took his Facebook in defense of Edi. Azam wrote that Edi should have said “Yes I am fucking racist to accept your fucking grandma as our citizen, cool, enough is enough”. This offensive remark was reported because as a Malaysian Chinese living in Malaysia, this has a severe impact on the complainant .⁸⁶

e) ‘Edi Rejang’ says sorry to beer promoter, Malaysians
Date: 21st November 2018

A man identified as Edi Rejang went viral since a video of himself confronting a beer promoter in a Giant hypermarket in Ampang Point was posted in his social media account. The video shows that he was scolding alleging her of giving free beer samples to everyone regardless of their faith. Attracted a severe backlash, the man later posted an apology video saying his actions were spontaneous and not meant to be racist .⁸⁷

f) Provocative video to pit against different ethnic groups
Date: 27th November 2018

A report was lodged to Pusat KOMAS by an individual over a video, believed to be a Malay man provoking the Malays to fight back the Chinese and Indians in Malaysia. The man in the video has also used racist slurs and abusive language towards the Chinese and Indian communities, demanding them to return to China and India respectively. The complainant is concerned of the consequences if this video manages to influence the Malays .⁸⁸

g) Facebook page calling Malays to register themselves as voters before the country is destroyed by the DAP
Date: 22nd December 2018

A report was lodged over a Facebook posting in a page called “Mpkk Pengkalan Cicar” (Cicar Based MPKK). The posting was calling the Malays to register themselves as voters before the country is destroyed by the Democratic Action Party (DAP). The complainant made the report as the content of the posting has provocative and misleading remarks which is detrimental to the social harmony .⁸⁹

h) Facebook posting which denigrates DAP as a Chinese racist and radical party
Date: 29th December 2018

A report over a Facebook posting which denigrates DAP as a Chinese racist and radical party was lodged by an unnamed individual in the application developed by Pusat KOMAS. The report was made after the post was shared in local community groups which manipulates the fact to the advantage of certain groups. The complainant is worried of such postings which features racist overtones that could instil social disharmony .⁹⁰

⁸⁶ Report obtained from the KOMAS Report Racism Mobile Application

⁸⁷ The Malaysian Insight, “Edi Rejang says sorry to beer promoter, Malaysians” 21 November 2018. See: <https://www.themalaysianinsight.com/s/112902>

⁸⁸ Report obtained from the KOMAS Report Racism Mobile Application

⁸⁹ Report obtained from the KOMAS Report Racism Mobile Application

⁹⁰ Report obtained from the KOMAS Report Racism Mobile Application

i) Facebook posting questioning the Chinese for not supporting businesses conducted by Malays
Date: 30th December 2018

A Facebook user came across a Facebook posting of a man, believed to be a Malay, named Aminullah Sidek as instigating racial tensions among Malaysians. Aminullah was questioning the Chinese for not supporting businesses conducted by Malays, while the Malays do not have such racial preferences. The report was lodged to Pusat KOMAS as the posting was deemed unsuitable for a multiracial Malaysia.⁹¹

6. XENOPHOBIC BEHAVIOUR

Reports on the issue of xenophobia has become more prominent in 2018. Foreigners and migrant workers who are living in Malaysia are often targeted and victimized by Malaysians.

a) Xenophobic treatment in room rental
Date: 13th April 2018

An African student from Eritrea, East Africa was asked of her skin colour during her conversation to secure a place for rental. The complainant mentioned no one should have to consider skin colour as a factor which she labelled as a primitive interaction a person faces with a housing agent in Malaysia.⁹²

b) Foreigner threatened and harassed by Grab driver
Date: 29 April 2018

A foreigner had made a request on Grab informing the driver that she had two strollers. The driver accepted the ride and subsequently called her and refused to take the ride. The driver then insulted the foreigner by calling her “shitty foreigner” and threatened to attack by saying “(I will) slap you in the face”.⁹³

c) KLIA2 Security Guard Told Chinese Tourists To “Balik China” Because They Couldn’t Speak BM
Date: 6th September 2018

Chinese tourists who were asking for directions to the KLIA2 flight transfer were told by the security guard to “go back to China” because they were unable to speak Bahasa Malaysia (BM). The security guard was quoted to say, “I don’t understand Mandarin, speak BM. If you’re not good at speaking BM, go back to China!”.⁹⁴

d) Xenophobic Banner at Amarin Condominium, Balakong
Date: 30th November 2018

A banner stating, “Do Not Rent To African Negro” was found hanging at Amarin Condominium in Balakong informing residents not to rent their property to African Negros.⁹⁵

⁹¹ Report obtained from the KOMAS Report Racism Mobile Application

⁹² Report obtained from the KOMAS Report Racism Mobile Application

⁹³ Report obtained from the KOMAS Report Racism Mobile Application

⁹⁴ Says.com, “KLIA2 security guard told Chinese tourists to “Balik China” because they couldn’t speak BM” 6 September 2018. See: <https://says.com/my/news/a-klia2-security-guard-told-chinese-tourists-to-go-home-because-they-couldn-t-speak-bm>

⁹⁵ Report obtained from the KOMAS Report Racism Mobile Application



SPECIAL REPORT: RACIAL AND RELIGIOUS POLITICS IN THE 14TH GENERAL ELECTIONS

During the 14th General Elections, leaders of political parties and candidates for the 14th General Elections were found to have promoted feelings of ill-will between different races. This is an offense under the Election Offences Act, Section 4a (1) which states that:

“Any person who, before, during or after an election, directly or indirectly, by himself or by any other person on his behalf, does any act or makes any statement with a view or with a tendency to promote feelings of ill-will, discontent or hostility between persons of the same race or different races or of the same class or different classes of the population of Malaysia in order to induce any elector or voter to vote or refrain from voting at an election or to procure or endeavour to procure the election of any person shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand ringgit or to both such imprisonment and fine.”

The Working Group for the Ratification of International Convention on the Elimination of All Forms of Racial Discrimination (ICERD-WG) which is part of PEMANTAU have identified several incidences where leaders of political parties and candidates of the 14th General Elections have constantly use race and religion as a political tool to garner votes from the members of their constituency. The ICERD-WG had managed to identify 23 incidences of leaders and prominent personalities using racial and religious politics prior to the 14th General Elections. However, it is imperative to note that this report is not exhaustive and it does not cover all incidences of the usage of racial politics in the 14th General Elections. Instead, it encompasses incidences that were reported via media (print, online, tv, social media), to Pemantau and through the Report Racism Application.

1. Suggestion by parties to dissolve the Royal Malay Regiment because it does not fulfill the concept of “Malaysian Malaysia” – Datuk Seri Najib Razak **Date: 30 March 2018**

Datuk Seri Najib Razak had called upon the people to make a wise and smart choice by choosing a government which has politically stable and understands the country’s history as a government which is lacking of those attributes would lead to the destruction of the nation. He further stated that there are parties who do not understand the country’s history who suggests for the dissolution of the Royal Malay Regiment because it does not fulfill the concept of “Malaysian Malaysia”.⁹⁶

2. Is it worth to vote for Pakatan Harapan? – Tan Sri Shahrir Abdul Samad **Date: 8 April 2018**

In an Utusan interview prior to the 14th General Election, Tan Sri Shahrir Abdul Samad had used the issue of religion and ethnicity in his critique of the opposition. He had highlighted that the manifesto of Pakatan Harapan did not cater for the Malays and questioned whether they would be able to trigger a Malay Tsunami in the coming General Elections. In addition, he also commented that even though Islam is stated as the official religion of Malaysia in the Federal Constitution, the interpretation of the

⁹⁶ Utusan Online, “Ada mahu bubar RAMD kerana konsep ‘Malaysian Malaysia’ – Najib”, 30 March 2018. See: <http://www.utusan.com.my/berita/nasional/ada-mahu-bubar-ramd-kerana-konsep-malaysian-malaysia-najib-1.638537>

Constitution depends on those who are in power.⁹⁷ He further stated that even though Pakatan Harapan's manifesto states that it will defend Islam as the religion of the country, it is not sufficient as we do not know how they would interpret it.

3. DAP's Game – Songkok and the Eye Symbol – Kamil Maslih **Date: 10 April 2018**

In an Utusan Malaysia column, a columnist had cautioned the Malays not to be deceived by DAP in the coming General Elections. In the column, the columnist stated that DAP had come to the level where they are willing to do anything to ensure that they will be in power such as sacrificing their rocket logo and to adopt PKR's logo in the general election. The columnist then stated that DAP's main motive is to trap the Malays to vote Pakatan Harapan as they are able to gain the confidence of the majority Chinese voters.

The columnist then cautioned the Malays to be wary of DAP's agenda and stated that the party will not separate itself for the Malaysian Malaysia agenda to ensure equal rights as stated in the Federal Constitution. The column further criticized DAP by stating that the DAP representatives were disrespectful for not wanting to wear the national costume and songkok in the opening ceremony of the Sarawak State Assembly.⁹⁸

4. Chinese will vote for BN in GE 14 – Datuk Raymond Tan Shu Kiah **Date: 10 April 2018**

Datuk Raymond Tan Shu Kiah had highlighted his confidence that the Chinese community would give Barisan Nasional another mandate in the 14th General election. He had highlighted that BN had an excellent track record in managing the state and national affairs for the wellbeing of the people regardless of the race.

He then stated that the Sabah state government has helped the Chinese community by providing encouragement and support in the area of Chinese education. He stated that the Chinese independent schools in Sabah are getting financial support consistently and the financial support is not getting any lesser. He further stated that the Sabah state government had allocated almost RM 300 million to non-Muslim schools and houses of worship in the last 10 years. At the end of the statement, he highlighted that when people are too happy with their lives, they tend to forget who are behind all those efforts and hard work to make their state and country a better place to live in and these people were never credited for their accomplishments.⁹⁹

5. DAP fields inexperienced Malay candidates – R. Vellasamy **Date: 12 April 2018**

According to the former Pantai Sepang Baharu DAP leader, R. Vellasamy, he claimed that the DAP had purportedly fielded inexperienced Malay DAP leaders. He claimed that this is done to allow the DAP central leadership to control and provide them with instructions on what to do if they win their constituency they are contesting.¹⁰⁰ He further claimed that the decision by the central leadership of DAP is done to ensure that the Malays at the rural areas will vote for them. He stated that this is done to confuse the voters and further asserted that DAP is using the racial sentiment for their own benefit.

⁹⁷ Utusan Online, "Berbaloikah undi PH?" 8 April 2018. See: <https://www.utusan.com.my/rencana/utama/berbaloikah-undi-ph-1.644156>

⁹⁸ Utusan Online, "Permainan DAP – songkok dan lambing mata" 10 April 2018. See: <https://m.utusan.com.my/berita/politik/permainan-dap-songkok-dan-lambang-mata-1.646055>

⁹⁹ Borneo Post Online, "Chinese will vote for BN in GE14 – Raymond", 10 April 2018. See: <http://www.theborneopost.com/2018/04/10/chinese-will-vote-for-bn-in-ge14-raymond/>

¹⁰⁰ Utusan Online, "DAP sengaja letakkan calon Melayu tiada pengalaman", 12 April 2018. See: <https://www.utusan.com.my/mobile/berita/politik/dap-sengaja-letakkan-calon-melayu-tiada-pengalaman-1.647419>

6. Malay 'special rights' and Islam in jeopardy if vote given to DAP – Datuk Seri Ismail Sabri Yaakob
Date: 13 April 2018

UMNO supreme council member Datuk Seri Ismail Sabri Yaakob had stated that every vote for DAP is akin to giving power to the Pakatan Harapan (PH) pact to eliminate the Malay "special rights" and the "uniqueness" of Islam. He had stated that the concept of Malaysian Malaysia championed by PH aims to eliminate the special rights of the Malays and bumiputera and urged voters not to be tricked by DAP.¹⁰¹

7. Beware DAP's 'Christian evangelists' – Tengku Adnan Tengku Mansor
Date: 14 April 2018

Tengku Adnan Tengku Mansor had cautioned the civil servants against the influence of DAP whom he claimed is a chauvinist party where most of its leaders are evangelists. Tengku Adnan then claimed that if the DAP members are Catholics, he would have believed them; however, he stated that they are evangelists, new Christians and this may pose to be a problem. He also claimed that this is not the first time the DAP is accused of being a Christian evangelist party and further quoted PAS Youth chief Muhammad Khalil Abdul Hadi who stated that a vote for Harapan would be a vote for DAP, whose movements were shadowed by the Christian evangelist agenda.¹⁰²

8. MARA will continue to exist as long as UMNO, BN in power – Datuk Seri Najib Razak
Date: 15 April 2018

Datuk Seri Najib Razak had stated that Council of Trust for the Bumiputera (Majlis Amanah Rakyat, MARA) will continue to exist as long as UMNO and Barisan Nasional (BN) is in power. He claimed that MARA's existence is based on his party's constitution where the rights of the Malays and Bumiputera will be championed to realise the struggle of the Malays and Bumiputera. He further stated that UMNO champions Malay-Bumiputera institutions which is different from the opposition's concept of "Malaysian Malaysia".¹⁰³

9. Chinese treated as 2nd and 3rd class citizens – Chong Zhemín
Date: 16 April 2018

In a Facebook posting that was shared, DAP candidate Chong Zhemín was found to be making a racist statement. He had claimed that the Chinese raised are treated as 2nd and 3rd class citizens because the Government had provided preferential treatment to the Malays and Bumiputera even though the Chinese had also contributed a lot by paying taxes in the country.¹⁰⁴

10. Be Careful About DAP's "Ala Coloniser's" Democracy – Datuk Seri Mohamed Khalid Nordin
Date: 17 April 2018

Datuk Seri Mohamed Khalid Nordin during the officiating of the Perbadanan Islam Johore Dialysis Centre and the launch of the Johor Wakaf Fund Entrepreneur Loan Scheme had cautioned the people of Johor to be aware of the DAP's "Ala Coloniser's Democracy" tactics in gaining support ahead of the 14th General

¹⁰¹ MalayMail, "Ismail Sabri: Malay 'special rights' and Islam in jeopardy if vote given to DAP", 13 April 2018. See: <https://www.malay-mail.com/s/1619502/ismail-sabri-malay-special-rights-and-islam-in-jeopardy-if-vote-given-to-da>

¹⁰² Malaysiakini, "Beware DAP's 'Christian evangelists'; Ku Nan tells civil servants", 14 April 2018. See: <https://www.malaysiakini.com/news/419797>

¹⁰³ FreeMalaysiaToday, "Mara terus wujud selagi UMNO, BN berkuasa, kata Najib", 15 April 2018. See: <http://www.freemalaysiatoday.com/category/bahasa/2018/04/15/mara-terus-wujud-selagi-umno-bn-berkuasa-kata-najib/>

¹⁰⁴ WakeUp Malaya Facebook Posting, 16 April 2018. See: <https://www.facebook.com/wakeupmalaya/videos/1662120960569315/>

Elections.

He stated that the DAP had repeatedly claimed that they were not interested in becoming top leaders or number one leaders and are not interested in taking the political power of the Malays; but, every day, their focus is to ensure that seats held by the Malays were seized. He further added that the DAP is willing to do all this, even though their identity, their logo, their names, had to be changed and mortgaged to ensure that they win and are in power.¹⁰⁵ He further stated that DAP's tactics are similar to the British who had continuously said that they do not even want to become our leaders, and just want to be advisers; but, the fact is, the British advisors were very powerful and determined in all the affairs of the Malays and Islam.

11. Usage of Religious Politics to Garner Votes – Ustaz Ahmad Duzuki
Date: 20 April 2018

Ustaz Ahmad Duzuki in a Facebook posting had questioned the faith of Muslims who do not vote for Islamic candidates. In his post, he had raised a question to those who were purported to not support Islamic candidates, "When you are asked in your grave, what is your religion? Can we answer "Islam" when we were against "Islam" when we were alive?"¹⁰⁶

12. Chinese will suffer from DAP's 'direct contest' strategy against MCA and Gerakan – Datuk Seri Najib Razak
Date: 23 April 2018

Datuk Seri Najib Razak had claimed that DAP's "cut-throat strategy" of contesting directly against MCA and Gerakan and Gerakan is a big mistake. He said that if the strategy is successful, it would be detrimental to the Chinese community as there is a need for a strong representation in the Government. He further claimed that there are only 6% of Chinese representatives in Parliament which supports the Government; which in the long run, will work against the Chinese community.¹⁰⁷

13. Dr. Mahathir used by DAP to split the Malay votes – Datuk Seri Najib Razak
Date: 25 April 2018

In a tweet by Datuk Seri Najib Razak, he had claimed that Dr Mahathir was actually used by the DAP to split the Malay votes. He further stated that it is not true and questioned whether the DAP is good to the Malays or Islam.¹⁰⁸

14. A Communist Grandchild Candidate: An Open Letter to DAP – Hata Watari
Date: 25 April 2018

Hata Watari a member of Damansara DAP had written an open letter declaring his decision to not support DAP because the party did not appreciate the support of the Malays who have supported DAP. In his open letter, he had stated that the decision to field Jamaliah Jamaludin, the grandchild of Shamsiah Fakeh (who was a communist) as a candidate is absurd. He further questioned the decision by stating that how does the Malays accept DAP who does not consider the feelings of the family members

¹⁰⁵ *Malaysian Digest*, "Be Careful About DAP's 'Ala Coloniser's' Democracy – Johor MB", 17 April 2018. See: http://www.malaysian-digest.com/frontpage/29-4-tile/733465-be-careful-about-dap-s-ala-coloniser-s-democracy-johor-mb.html?utm_source=dlvr.it&utm_medium=twitter&utm_campaign=malaysiandigest

¹⁰⁶ Ustaz Ahmad Duzuki Facebook, 20 April 2018. See: <https://www.facebook.com/UstazAhmadDusuki/posts/1711893365524231>

¹⁰⁷ *The Star Online*, "Najib: Chinese will suffer from DAP's direct contest strategy against MCA and Gerakan", 23 April 2018. See: <https://www.thestar.com.my/news/nation/2018/04/23/najib-chinese-will-suffer-from-daps-direct-contest-strategy-against-mca-and-gerakan/>

¹⁰⁸ *Najib Razak's Twitter*, 25 April 2018. See: <https://twitter.com/NajibRazak/status/989353376755281920>

who were killed by the Malay communist during the emergency period. He further questioned DAP's decision and have stated that DAP should have gotten the feedback and reaction from the Malay members before naming Jamaliah Jamaludin as a candidate in the 14th General Elections. At the end of his open letter, he called upon the Malays to reject DAP in the elections stating that DAP's decision to field the grandchild of a Malay communist as disrespectful.¹⁰⁹

15. How Non-Muslim will Dominate Pakatan Harapan's Government – Dr. Kamarul Yusoff
Date: 26 April 2018

In a Facebook post, Dr. Kamarul Yusoff have provided an analysis and a breakdown on how Pakatan Harapan would be dominated by non-Muslims. He had stated that Lim Kit Siang had claimed that Pakatan Harapan has to win 120 seats out of the 222 seats to have a simple majority. Kamarul Yusoff then stated that in Lim Kit Siang's speech, Pakatan Harapan is aiming to win 66 non-Muslim seats which are higher than the 54 seats expected to be won by Muslim Member of Parliament. He then concluded that the Pakatan Harapan's Government will be dominated by non-Muslims.¹¹⁰

16. Free Burial Cost for Indians in Bagan Datuk – Datuk Seri Zahid Hamidi
Date: 26 April 2018

Ramesh Rao, the President of Pertubuhan Minda dan Sosial Prihatin (PMSP) had claimed that Datuk Seri Zahid Hamidi is ready to bear the burial cost of Indian voters in Bagan Datuk. In a Twitter post, he had stated that "Everything is free!! Good news for the Indians in #Bagandaturuk – If there is a death, the entire cost – coffin – cremation will be covered by the member of parliament of #Bagandaturuk."¹¹¹

17. Sad day if no Chinese reps in government – Datuk Seri Najib Razak
Date: 27 April 2018

Datuk Seri Najib Razak had made a statement that it would be a sad day if there is a small or no Chinese representation in the cabinet or government in a message to Chinese voters if they reject Barisan Nasional candidates. He had claimed that if the Chinese candidates were rejected and the people had voted for someone else, the coalition would not be able to appoint Chinese leaders into the Cabinet. He then stated that it is important to have a strong Chinese representation in the government as the lack of Chinese leaders would weaken the representation. He then advised the Chinese voters not to make the same mistake like what happened in the last general elections.¹¹²

18. Indian representative in Kedah EXCO if MIC candidate wins – Datuk Seri Ahmad Bashah
Date: 27 April 2018

Datuk Seri Ahmad Bashah had reminded the Indians in Kedah to ensure that the MIC representative to win to ensure that they would be able to represent them in the state EXCO meeting. He claimed that this is important to ensure that the Indian voice can be heard by the Kedah state government.¹¹³

¹⁰⁹ Malaysiakini, "Calon cucu komunis: Surat terbuka untuk DAP" 25 April 2018. See: <https://www.malaysiakini.com/news/421550>

¹¹⁰ Kamarul Yusoff Facebook, 26 April 2018. See: <https://www.facebook.com/kamarul.yusoff.7/posts/1893426327368083>

¹¹¹ Berita Daily, "Kos pengebumian percuma untuk kaum India di Bagan Datuk", 26 April 2018. See: <https://www.beritadaily.com/peti-mayat-percuma-untuk-kaum-india-jika-zahid-menang-bagan-datuk/>

¹¹² The Star Online, "Najib: Sad day if no Chinese reps in government" 27 April 2018. See: <https://www.thestar.com.my/news/nation/2018/04/27/najib-sad-day-if-no-chinese-reps-in-government/>

¹¹³ Malaysiakini, "Wakil India dalam exco negeri Kedah jika calon MIC menang – Bashah", 27 April 2018. See: <https://www.malaysiakini.com/news/421792>

19. DAP is a party which belittles Islam and ignores the Malay rights in the country – Dira Abu Zahar

Date: 27 April 2018

Former actress Dira Abu Zahar whom had entered politics and is now the Puteri UMNO Malaysia exco had criticized Wardina Safiyyah, a famous personality for making statements which are unfavorable to Barisan Nasional.

Dira in responding to Wardina's statements questioned Wardina's knowledge on DAP's mission. She claimed that DAP is a party which is led by leaders who belittles Islam and ignores the rights of the Malays in the country. She further stated that DAP's Malaysian Malaysia agenda may influence Islam's position as the official religion of the country. She further stated that DAP had shown their true colors by rejecting any agenda which are in line with Islam and have challenged the Muslims by rejecting RUU 355.¹¹⁴

20. 'Malay Tsunami' Opposition's strategy to destroy Malay institutions – Tan Sri Shahrir Abdul Samad

Date: 1 May 2018

Tan Sri Shahrir Abdul Samad had claimed that the Malay tsunami banded by the Opposition was intended to destroy the long-established Malay institutions in the country. He stated that the political tsunami planned by the Opposition begun after GE 13 where Malay institutions such as the Tabung Haji, Tabung Angkatan Tentera and Felda were attacked.

He claimed that the opposition attacked these institutions which are closed to the hearts of the Malays as had made numerous allegations to these institutions. He stated that he opposition attacks the bodies which have Malay interests to destroy the confidence of the Malays in the existing government .^{115 116}

21. DAP has nothing to offer Malays – Datuk Seri Mohamed Khaled Nordin

Date: 2 May 2018

Datuk Seri Mohamed Khaled Nordin had called upon the people of Johor especially the Malays to reject the DAP as the party does not offer anything for their advancement. He said that DAP was noted for opposing any initiatives taken for the advancement of the Malays and policies by the government to help the community. He provided an example where DAP has always criticized the Islamic Financial Policy (IFP) and all matters related to it without any explanation whatsoever. He then claimed that DAP is against Islamic approaches when DAP disagrees with the Islamic approach in trade and are found to be constantly finding fault with the Malaysian Islamic Development Department and the IFP.¹¹⁷

¹¹³ Malaysiakini, "Wakil India dalam exco negeri Kedah jika calon MIC menang – Bashah", 27 April 2018. See: <https://www.malaysiakini.com/news/421792>

¹¹⁴ Malaysiakini, "Dira kata Wardina tak kenal DAP", 27 April 2018. See: <https://www.malaysiakini.com/hiburan/421905>

¹¹⁵ Malaymail, "Malay tsunami – opposition's strategy to destroy Malay institutions, Felda chief says" 1 May 2018. See: <https://www.malaymail.com/s/1626306/malay-tsunami-oppositions-strategy-to-destroy-malay-institutions-felda-chie>

¹¹⁶ Astro Awani, "Tsunami Melayu pembangkang mahu musnahkan institusi Melayu – Sharir" 1 May 2018. See: <http://www.astroawani.com/berita-politik/tsunami-melayu-pembangkang-mahu-musnahkan-institusi-melayu-shahrir-174267>

¹¹⁷ MalayMail, "DAP has nothing to offer Malays, Khaled Nordin says" 2 May 2018. See: <https://www.malaymail.com/s/1626298/DAP-has-nothing-to-offer-Malays-Khaled-Nordin-says>

22. DAP has 'Grade A' seats, will dominate Bersatu' – Ku Abd Rahman Ismail
Date: 3 May 2018

At a ceramah at the village of Teroi last night, BN state assembly seat candidate, Ku Abd Rahman Ku had warned that DAP is contesting at seats which are akin to Grade A chicken eggs while Bersatu contests in many Grade D seats. He further claimed that if DAP wins all the Grade A seats, they will be able to lead the party. He then stated that even in the previous parliament, 65% of the opposition's MPs were non-Muslims and the number increased to 70% when PAS left the coalition. He then compared the opposition to the BN parliamentarians by claiming that the opposition is non-Muslim majority and the BN government a Muslim-majority and the BN government will be able to take care of Islamic affairs and Malay rights.¹¹⁸

23. Islam will be tarnished if opposition chosen – Tengku Razaleigh Hamzah
Date: 5 May 2018

Tengku Razaleigh Hamzah had claimed that Islam will be tarnished if the opposition governs the country after the 14th General elections because their manifesto allows conversion. He had stated that the Pakatan Harapan's manifesto is dangerous as those who are Islam are able to convert to other religions. He then called upon the people not to vote for the opposition as the country will be in a mess if such situation occurs.¹¹⁹

In the exploratory observation of the usage of racial and religious politics by politicians, it was found that a huge number of incidences of the usage of racial and religious politics reported stemmed from the attacks from the Barisan Nasional coalition on the Pakatan Harapan coalition which are focused on the Democratic Action Party (DAP).

In addition, it was found that social media was used as the medium to propagate racially and religiously political messages. Several social media accounts such as the Friends of Barisan Nasional, Penerangan UMNOHQ, Ledang PPBM Youths and Supporters of Gagasan Sejahtera were spotted to disseminate messages that are racially and religiously political.

For example, the twitter account Penerangan UMNOHQ were found to tweet the following, DAP racist, DAP champions LGBT and DAP destroys the Islam religion. Are these the leaders we want?.¹²⁰ In another case, the Facebook account of Friends of Barisan Nasional were found to share a video which purportedly highlight the facts that DAP wants to destroy the Malay sultanate.¹²¹ Similarly, Ledang PPBM Youths were found to post a picture stating, "Dear voters in DUN Gambir, do you want to continue voting for MIC's representative now? Have you forgotten UMNO-BN's promise to return the majority Malay seat to UMNO in GE 13?".¹²² However, it is important to note that numerous social media accounts which were also found to continuously propagate racial and religious politics during the 14th General Elections were unable to traced upon the completion of the 14th General Elections.

The high usage of racial and religious politics in the 14th General Elections to win the political support of the people is a grave violation to the Election Offences Act, Section 4a (1). It is hoped that the new government could give a serious attention to the policy and practices to address this issue to ensure that racism and racial discrimination does not happen in Malaysia. It is timely for Malaysia to institutionalise a new Malaysia where every Malaysians are treated equally. It is important for the new Malaysia to respect and engage diversity in a human rights way, in congruence with international standards and norms.

Report compiled and prepared by
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¹¹⁸ Malaysiakini, "DAP has "Grade A' seats, will dominate Bersatu", 3 May 2018. See: <https://www.malaysiakini.com/news/422790>

¹¹⁹ Berita Harian, "Islam tergadai jika pilih pembangkang", 5 May 2018. See: <https://www.bharian.com.my/berita/nasional/2018/05/421395/islam-tergadai-jika-pilih-pembangkang>

¹²⁰ Penerangan UMNOHQ twitter, 30 April 2018. See: <https://twitter.com/PenUMNOHQ/status/990859217249566721>

¹²¹ Friends of BN – Barisan Nasional Facebook, 30 April 2018. See: <https://www.facebook.com/frensofbn/videos/10155936162664998/>

¹²² Pemuda PPBM Ledang Facebook, 23 April 2018. See: <https://www.facebook.com/PemudaPPBMLedang/photos/a.222134038541406.1073741829.221678715253605/227039184717558/?type=3&theater>

MALAYSIA FEDERAL CONSTITUTION

The Malaysian Federal Constitution¹²³ has provisions which prohibit racial discrimination in the country, as spelt out in both Article 8 (1, 2) and Article 12.

Article 8 (1 & 2):

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

Article 12 (1):

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

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

Article 153 (1):

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

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

Article 153 (7):

Nothing in this Article shall operate to deprive or authorize the deprivation of any person of any right, privilege, permit or license accrued to or enjoyed or held by him or to authorize a refusal to 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.

¹²³ Article 8 (1, 2) and Article 12 (1) in the Malaysian Federal Constitution

MALAYSIA'S INTERNATIONAL HUMAN RIGHTS COMMITMENT IN ELIMINATING RACIAL DISCRIMINATION

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

Among the treaties signed were the Convention of the Rights of the Child (CRC) ratified in 1995, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified in 1995 and the Convention on the Rights of Persons with Disabilities (CRPD) ratified in 2010. These treaties also outline provisions for no racial discrimination.

Malaysia is also a party to several declarations such as the Universal Declarations of Human Rights and the ASEAN Human Rights Declaration which was signed in 2012. In addition, the Malaysian government had also shown its commitment to implement the Sustainable Development Goal (SDG). The specific provisions of the abovementioned declarations which outlines the state's commitment to promote non-racial discrimination are highlighted below.

However, the racial discrimination incidents reported in 2018 continue to reflect the violations on the legislative and policy frameworks of the State at both the international and national level. Incidents and trends on racial discrimination in the year is a strong indicator of Malaysia's deplorable state of racism and dire need for non-discrimination in the country. This alarming situation should convey a strong message to the Government and the Malaysian people that a lot remains to be done in terms of strengthening national unity and social cohesion in the State.

UNIVERSAL DECLARATION OF HUMAN RIGHTS¹²⁴

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.

ASEAN HUMAN RIGHTS DECLARATION¹²⁵

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.

¹²⁴ Article 2, 18, 22 and 26 (2) in the Universal Declaration of Human Rights (UDHR)

¹²⁵ Provisions 2, 3, 9, 22 and 31 (3) in the ASEAN Human Rights Declaration

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)¹²⁶**Goal 10 - Reduced Inequality Within and Among Countries****SDG Target 10.2**

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

SDG Target 10.3

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

RECOMMENDATIONS FROM THE 3RD UNIVERSAL PERIODIC REVIEW (UPR)¹²⁷

The following recommendations were presented to Malaysia at the 3rd Universal Period Review (UPR) in 2018 to overcome racial discrimination and to improve national unity and social cohesion in the State.

Recommendation 1 (Human Rights Treaties)

Ratify the remaining core international human rights treaties and to ensure their proper implementation (Republic of Moldova); Finalise the ratification of and accession to outstanding core human rights instruments (South Africa); Advance in the ratification, accession and adhesion to the basic, core human rights treaties as mentioned by the delegation (Spain) Expedite the ratification and implementation of the remaining 6 international human rights instruments, thereby, publicly indicating the Government's commitment to human rights (Cyprus) Take steps to accede to the core international Conventions on human rights and fundamental freedoms to which Malaysia is not part yet (Italy) Ratify the remaining core international human rights treaties (Lithuania) Ratify and implement all remaining core human rights treaties (Norway)

Recommendation 3 (Human Rights Treaties)

Ratify key human rights treaties without reservations and take all the necessary actions to this end without delay (Finland)

Recommendation 6 (Human Rights Treaties)

Accelerate the process of ratification of the key international human rights instruments (Kazakhstan)

Recommendation 7 (Human Rights Treaties)

Strengthen its human rights framework, in particular, by fulfilling its pledge to ratify core UN human

¹²⁶ SDG Target 10.2 and 10.3 in the Sustainable Development Goals

¹²⁷ Recommendations 1, 3, 6, 8, 9, 10, 15, 16, 39, 130, 131, 265, 266 in the Malaysia Universal Period Review Third Cycle

rights instruments, such as the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and International Convention on the Elimination of All Forms of Racial Discrimination, and the 1951 Refugee Convention (Republic of Korea)

Recommendation 8 (Human Rights Treaties)

Continue the efforts of adhering to international legal instruments in the field of human rights, inter alia, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Rome Statute on the International Criminal Court (Romania)

Recommendation 9 (Human Rights Treaties)

Speed up its deliberations on the signature and ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Covenant on Economic, Social and Cultural Rights and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Turkey)

Recommendation 10 (Human Rights Treaties)

Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, and the International Convention against Torture (United Kingdom of Great Britain and Northern Ireland)

Recommendation 15 (Human Rights Treaties)

Join the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Hungary)

Recommendation 16 (Human Rights Treaties)

Ratify International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (Kenya)

Recommendation 39 (Human Rights Treaties)

Withdraw all reservations to the Convention on the Elimination of all Forms of Discrimination against Women and abandon discriminatory laws against all women regardless of their ethnic or religious background (Norway)

Recommendation 130 (Interethnic, Interreligious interaction)

Continue the implementation of measures aimed at strengthening interethnic and inter religious interaction in the country (Belarus)

Recommendation 131 (Freedom of religion, Religious Intolerance)

Guarantee freedom of religion or belief to all, stemming racial and religious intolerance, including against the Christian community (Croatia)

Recommendation 265 (Migrant workers)

Increase further efforts for social inclusion of migrant workers, and integration with local community irrespective of their race and religion (Myanmar)

Recommendation 266 (Migrants)

Take necessary measures to prevent and punish all forms of violence against migrant workers, including hate crimes and racism (Myanmar)

CONCLUSION AND RECOMMENDATIONS

To address the growing issue of racial discrimination in Malaysia, collective efforts by multi-stakeholders are needed to combat the rising incidences of racial discrimination in Malaysia. The new government of Malaysia must uphold its ultimate promise to Rebuild This Nation and Fulfill the Hopes of all Malaysians who have voted them into power. The new government should move away from race-based policies and implement policies and programmes that unite the nation to create an inclusive society and maintain the harmony of the multi-racial and multi religious Malaysia. The new government should continue its open engagement with civil society organisations, academicians, media and other sectors of Malaysian society to find possible ways forward to address the growing issue of racial discrimination in Malaysia.

Firstly, the Malaysian government needs to come out with a clear narrative to counter the growing issue of racial discrimination in Malaysia and not take the easy way out by playing to the tunes of the opposition. Even though the Malaysian Government had made its decision to not sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), efforts to dismantle the misconceptions of the international convention needs to be worked on. The Government should also reconsider its decision to not sign and ratify the ICERD as Malaysia is viewed as the bastion of multicultural experience. The decision to not sign and ratify the ICERD have provided an indication that the government of Malaysia condones racial discrimination.

Serious attention needs to be given to the policy and practices to address the issue of racism and racial discrimination in Malaysia. It is timely for Malaysia to institutionalise a new Malaysia where every Malaysian is treated equally. The Government of Malaysia needs to respect and engage diversity in a human rights way, in congruence with international standards and norms. This approach does not take away any legal provisions that were instituted as affirmative action policies as positive discrimination is allowed for the sole reason of getting equality.

To conclude the 2018 report, several significant recommendations are proposed to the Malaysian government.

- The government to lead the initiatives to carry out intense and widespread public and social awareness education through mass campaigns, public information and especially through the formal education system, in order to educate, promote and instill consciousness and eradicate racism and discrimination at all levels of the Malaysian society. Starting from Government Ministers, Parliament members, State Assemblymen; all senior politicians, Town and City mayors and local councilors, Department heads and senior staff members in all government agencies and departments of the civil service and all enforcement agencies must be involved.
- The government in collaboration with CSOs must continue to diligently and systematically monitor, check and ensure zero tolerance for policy and practices of racism and

discrimination in all levels of governance.

- The government must be willing to impose heavy legal and formal sanctions (in line with international human rights norms) on any government Ministers, senior officers, elected representatives, organisations and groups, individuals, politicians, mass and social media groups who exhibit, racist and discriminatory tendencies in speech and actions.
- The Malaysian people must be meaningfully engaged and be part of the process of implementing these recommendations. The people must have access to view the National Harmony Act proposed by NUCC which balances the right to freedom of expression and the criminalising of hate speech in adherence to international human rights norms.
- The government must remove reservations on non-discrimination and equal opportunity in the Convention on the Rights of the Child (CRC)¹²⁸ particularly Article 2 (1)(2) and 14 (1); and its declaration made upon ratifying the Convention on the Rights of Persons with Disability (CRPD).¹²⁹
- The government must uphold and not renege on its promises on its manifesto. The government should also uphold all promises and declarations to eliminate all forms of intolerance, discrimination and incitement of hatred based on religion and beliefs they have committed to international and regional platforms such as the UPR process in Geneva and the ASEAN Human Rights Declaration.

**REPORT COMPILED AND PREPARED BY
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¹²⁸ Article 2, 14 (1) in the Convention of the Rights of the Child (CRC)

¹²⁹ Article 3 (b, e) and 5 (2) of the Convention on the Rights of Persons with Disability



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