

# MALAYSIA RACIAL DISCRIMINATION REPORT 2015

Launched on March 21, 2016



Compiled and prepared by:  
PUSAT KOMAS MALAYSIA  
Non-Discrimination Programme

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Contact:  
PUSAT KOMAS  
A-2-10, 8 Avenue, Jalan Sg. Jernih 8/1  
Seksyen 8, 46050, Petaling Jaya,  
Selangor MALAYSIA  
Tel/Fax: +603-79685415  
Email: [info@komas.org](mailto:info@komas.org)  
Web: [www.komas.org](http://www.komas.org)

## GLOSSARY

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AVSEC	Aviation Security
BTN	National Civics Bureau
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DAP	Democratic Action Party
FOMCA	Federation of Malaysian Consumers Associations
FRU	Federal Reserve Unit
GST	Goods and Services Tax
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
Isma	Ikatan Muslimin Malaysia (Malaysian Muslim Solidarity)
KLIA	Kuala Lumpur International Airport
KPDNKK	Domestic Trade, Cooperatives and Consumerism Ministry
MBP	Sekolah Berasrama Penuh (Fully Residential School)
MCA	Malaysian Chinese Association
MP	Member of Parliament
MRSM	Maktab Rendah Sains Mara (Mara Junior Science College)
NGO	Non-Governmental Organizations
NUCC	National Unity Consultative Council
PAS	Pan-Malaysian Islamic Party
PERKASA	Persatuan Pribumi Perkasa (Mighty Native Organisation)
Pesaka	National Silat Federation
PPIM	Muslim Consumers Association
Rela	People's Volunteer Corps
RTD	Road Transport Department
SJKC	Sekolah Jenis Kebangsaan Cina (Chinese National-Type School)
SK	Sekolah Kebangsaan (National School)
SMK	Sekolah Menengah Kebangsaan (National Secondary School)
SUK	Selangor State Secretariat
UMNO	United Malays National Organization
UPR	Universal Periodic Review

## **MALAYSIA RACIAL DISCRIMINATION REPORT**

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The Malaysia Racial Discrimination Report 2015 aims to document current alarming trends of racial discrimination in Malaysia. This annual report will compile, highlight and show the severity of racial discrimination incidents in the nation.

It is hoped that this report will give an overview of racial discrimination; raise awareness among the general public; and be used as an important resource for engagement with relevant stakeholders including government agencies, non-governmental organizations, educational institutions, academicians and political parties. It will also serve as a reference material to help facilitate resolution of conflict and help improve race relations and national unity in Malaysia.

Furthermore this report intends to also show to what extent the Malaysian Government has fulfilled recommendations made by other Member States in the 2013 United Nations 2<sup>nd</sup> cycle Universal Periodic Review (UPR) process for Malaysia to further strengthen national unity and social cohesion in the nation.

The cases highlighted in this report are mainly based on reports and findings from mainstream and online media sources. These widely known cases provide clear examples of violations of basic rights which are actually enshrined in the federal constitution of Malaysia.

The list of cases presented is not exhaustive. We truly welcome partners in the NGO community to continue supporting the preparation and writing a more comprehensive compilation of this annual 'Malaysian Racial Discrimination Report' for year 2016 and the following years.

## **DEFINITION OF RACIAL DISCRIMINATION**

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The ICERD<sup>1</sup> (International Convention on the Elimination of All Forms of Racial Discrimination) defines racial discrimination as:

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

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

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

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

**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 on 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 principle of equality in the protecting of rights of every Malaysian, exceptions can be made based on Article 153 of 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.*

The 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 authorise the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him or to authorised a refusal to renew to any person any such permit or licence or a refusal to grant to the heirs, successors or assigns of a person any permit or licence when the renewal or grant might reasonably be expected in the ordinary course of events.*

## **MALAYSIA'S INTERNATIONAL HUMAN RIGHTS COMMITMENT IN ELIMINATING RACIAL DISCRIMINATION**

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The racial discrimination incidences that took place in 2015 had violated several Human Rights standards. This is alarming as such incidences had shown that the Malaysian government had regressed on its promises to strengthen national unity and social cohesion in the State. In fact, along the course of improving Human Rights in Malaysia, Malaysia had ratified several treaties which would help uplift the Human Rights situation in Malaysia.

Among the treaties signed were the Convention of the Rights of the Child (CRC) ratified in 1995 and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in ratified 1995. Malaysia is a party to several declarations such as Universal Declaration of Human Rights and the ASEAN Human Rights Declaration which was signed in 2012. However, the racial discrimination incidences that took place in 2015 reflect the violations on the legislative and policy frameworks of the State at both the international and national level.

### **Universal Declaration of Human Rights<sup>3</sup>:**

#### **Article 2**

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

#### **Article 7**

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

#### **Article 18**

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

#### **Article 22**

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

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<sup>3</sup> Article 2, 18, 22 and 26 (2) in the Universal Declaration of Human Rights (UDHR)

**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.*

## ***MALAYSIA'S POSITION AND RESPONSE TO RECOMMENDATIONS OF THE 2ND UNIVERSAL PERIODIC REVIEW (UPR) IN 2013<sup>4</sup>***

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The Malaysian government accepted the following recommendations in full to improve national unity and social cohesion in the State.

**Recommendation 146.87**

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

**Recommendation 146.88**

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

**Recommendation 146.89**

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

**Recommendation 146.90**

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

**Recommendation 146.91**

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

**Recommendation 146.92**

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

**Recommendation 146.93**

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

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<sup>4</sup> Recommendations 146.87, 146.88, 146.89, 146.90, 146.91, 146.92 and 146.93 in the Malaysia Universal Period Review Second Cycle

## **ASEAN Human Rights Declaration<sup>5</sup>**

### **Provision 2**

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

### **Provision 3**

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

### **Provision 9**

*In the realisation 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 politicisation, should always be upheld. The process of such realisation shall take into account peoples' participation, inclusivity and the need for accountability.*

### **Provision 22**

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

### **Provision 31 (3)**

*Education shall be directed to the full development of the human personality and the sense of his or her dignity. Education shall strengthen the respect for human rights and fundamental freedoms in ASEAN Member States. Furthermore, education shall enable all persons to participate effectively in their respective societies, promote understanding tolerance and friendship among all nations, racial and religious groups, and enhance the activities of ASEAN for the maintenance of peace.*

## **RACIAL DISCRIMINATION IN MALAYSIA TODAY**

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Discrimination based on ethnicity in education, health care, finance, workforce and welfare has been increasing in the Malaysian society in recent years. This trend is mainly attributed to the prevailing culture of racial politics practiced and exploited by different parties of the political spectrum and landscape in Malaysia since its Independence in 1957.

In 2013, the Malaysian government, recognising the seriousness of racial discrimination initiated the setting up of the National Unity Consultative Council (NUCC) which carried the mandate to prepare a national blueprint for national unity and social cohesion. The newly-formed body discussed sensitive topics such as the use of the word 'Allah' by non-Muslims, housing issues, issues concerning Sabah and Sarawak, and Constitutional matters including Malay privileges.

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<sup>5</sup> Provisions 2, 3, 9, 22 and 31 (3) in the ASEAN Human Rights Declaration

Unfortunately the NUCC's recommendations to the Malaysian Prime Minister was not made public and the council was disbanded after completing their tasks with no clear indication of what will happen with the recommendations.

The Malaysian government has also agreed to fulfil recommendations to further strengthen national unity and social cohesion in the nation made by other member States in the United Nations 2013 Universal Periodic Review (UPR) Second Cycle process.

The emergence of the Internet and social media platforms has provided more open spaces and platforms for widespread expression of racial sentiments and hate speech (inciting violence, hatred, or discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status)<sup>6</sup>.

Recent incidents of racial discrimination, racism and strained ethnic relations within the Malaysian society have increasingly surfaced over the years despite the Prime Minister's numerous assurances and claims at home and abroad that the government promotes moderation in the country<sup>7 8 9</sup>.

Many are also critical of the Malaysian authorities for their lack of enforcement and actions towards overt and public declaration of racist sentiments and statements especially those made by right wing pro-Malay rights groups such as PERKASA and ISMA.

## 1. Racial discrimination in the education sector

Racial discrimination has been rearing its ugly head in the education sector for many years and students are not strangers to its damaging effects.

### ***Racist & derogatory remarks by school teachers***

For instance in 2013 the principal of SM Alam Megah in Shah Alam had purportedly lashed out at noisy non-Malay students during a school assembly and told harshly told them "*Balik India dan China*" (Go back to India and China)<sup>10</sup>. Cases like this occurring in a school are very alarming as schools are expected to inculcate respect and tolerance rather than breeding antagonism among different ethnic groups. Unfortunately cases such as these are often unreported in the mass media and online news portals and the authorities tend to shy away from handling these incidents.

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<sup>6</sup> Recommendation no. R(97) 20 on 'hate speech' adopted October 1997 by Committee of Ministers of Council of Europe

<sup>7</sup> The Malaysian Insider, "Najib showcases "moderate Muslim" image as Malaysia vies for a seat on UN Security Council" 28 September 2013. See: <http://www.themalaysianinsider.com/malaysia/article/najib-brings-moderate-muslim-image-to-new-york-as-malaysia-vies-for-a-seat>

<sup>8</sup> Bernama, "No Place for Violent Extremism in ASEAN – Najib" 20 November 2015. See: <http://www.bernama.com.my/bernama/v8/ge/newsgeneral.php?id=1191587>

<sup>9</sup> The Malaysian Insider, "Follow the Prophet's moderate ways, Najib tells Muslims" 25 December 2015. See: <http://www.themalaysianinsider.com/malaysia/article/follow-the-prophets-moderate-ways-najib-tells-muslims>

<sup>10</sup> Malay Mail Online, "Headmistress has apologised for 'Balik India, China' remark, claims MIC" 31 July 2013. See: <http://www.themalaymailonline.com/malaysia/article/headmistress-has-apologised-for-balik-india-china-remark-claims-mic-leader>

On 21 June 2015, a senior teacher from Sekolah Kebangsaan (National type school) Ibrahim in Kedah state made a statement during a school assembly stating that non-Muslim students were reminded not to drink water in class but only in the toilet during the Muslim Ramadan fasting period. He told the non-Muslim students that if they did not have enough water, they could drink pipe water or their own urine<sup>11</sup>.

This incident had sparked angry reactions from non-Muslim parents, and the Malaysian public at large. In fact a Molotov cocktail (home-made incendiary bomb) was thrown into the school compound of the school<sup>12</sup>.

Deputy Education Minister Mary Yap then assured that teacher would be reprimanded and counselled and urged non-Muslim students to avoid eating and drinking in front of Muslim schoolmates during the fasting month as a sign of respect<sup>13</sup>.

### ***Calls to abolish vernacular schools***

During the so-called 'Red Shirt' pro-Malay extremists' protest rally on 16<sup>th</sup> September 2015, some of the protestors carried banners calling to abolish Chinese schools<sup>14</sup> (Hapuskan SJKC). The rally which claimed to uphold Malay dignity had sparked heated debates and hit a chord especially amongst vernacular online and mass media.

The Perak mufti Tan Sri Harussani Zakaria was quoted in a Malay-language daily Sinar Harian stating that the abolishment of vernacular schools would reduce inter-ethnic tension. It was also reported that he had suggested to the Prime Minister and several other Ministers that Tamil and Chinese schools should be closed down because a single-school system would ensure non-Malays would learn the national language. He further questioned the government's reason for trying to pacify other races in the country<sup>15</sup>.

Deputy Prime Minister Zahid Hamidi also supported the idea of getting rid of vernacular schools as he claimed that it would help foster racial unity among Malaysians<sup>16</sup>. However, opposition political party DAP vice-chairman M Kulasegaran stated that the ethno centric political system reinforces the segmentation of ethnic communities into ethno centric schools<sup>17</sup>.

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<sup>11</sup> Malay Mail Online, "Teacher's 'drink urine' joke misunderstood, Kedah Exco claims" 22 June 2015. See <http://www.themalaymailonline.com/malaysia/article/teachers-drink-urine-joke-misunderstood-kedah-exco-claims>

<sup>12</sup> The Star Online, "Molotov cocktail thrown at school in 'drink urine' case" 25 June 2015. See: <http://www.thestar.com.my/news/nation/2015/06/25/molotov-cocktail-thrown-at-school-in-drink-urine-case/>

<sup>13</sup> Malaysiakini, "Avoid eating, drinking in front of Muslim students" 23 June 2015. See: <https://www.malaysiakini.com/news/302837>

<sup>14</sup> Malaysian Digest, "A Vernacular School Where Malay Outnumber Chinese Pupils" 2 October 2015. See: <http://malaysiandigest.com/news/571982-a-vernacular-school-where-malay-outnumber-chinese-pupils.html>

<sup>15</sup> The Malaysian Insider, "Abolishing vernacular schools will reduce ethnic strife, says Perak mufti" 23 September 2015. See: <http://www.themalaysianinsider.com/malaysia/article/abolishing-vernacular-schools-will-reduce-ethnic-strife-says-perak-mufti>

<sup>16</sup> Malay Mail Online, "Racial unity possible if race-based education abolished, Ahmad Zahid says" 1 August 2015. See: <http://www.themalaymailonline.com/malaysia/article/racial-unity-possible-if-race-based-education-abolished-ahmad-zahid-says>

<sup>17</sup> Free Malaysia Today, "Kula: Disunity caused by racial parties, not schools" 27 September 2015. See: <http://www.freemalaysiatoday.com/category/nation/2015/09/27/kula-disunity-caused-by-racial-parties-not-schools/>

DAP MP Zairil Khir Johari commented then that vernacular schools should not be abolished as it has become more multiracial than national schools now by citing an example in Kelantan where the average number of non-Chinese pupils in Chinese schools is at 28%<sup>18</sup>.

The Education Ministry in response announced on 28th. August 2015 that a new module named, 'Bina Bangsa' (nation building) would be introduced to promote racial unity in vernacular schools. He also explained that the module would teach students how to respect each other's faiths and cultures and gave an example stating that, "At least when an ustaz (religious teacher) takes his pupils to 'solat' (prayers), the non-Muslim children will know what it means and respect their Muslim peers' practices<sup>19</sup>.

However, DAP MP Zairil Khir Johari refuted the "Bina Bangsa" module by quoting statistics from the Malaysia Education Blueprint that there is a drop of 6% in non-Bumiputera enrolment in national schools while there is a 12% increase in non-Chinese enrolment in Chinese vernacular schools. Therefore Chinese schools seem to be relatively more multiracial compared to national schools<sup>20</sup>.

Many feel that the issue of vernacular schools should not be politicised<sup>21</sup>, and they also believe that if the government is sincere about fostering a common type of school for all Malaysians, MRSM (exclusively bumiputera Science College), SBPs (fully residential schools) and religious schools should also be closed<sup>22</sup>.

### ***Christian student's wooden cross confiscated***

On 18 June 2015, a secondary school student in SMK Taman Sri Muda, Shah Alam had his personal cross-shaped wooden necklace confiscated by the disciplinary teacher. He was told that the cross-shaped wooden necklace was confiscated because it violated the school rules. His father then lodged a police report and the teacher then apologised to the parent in the presence of five Education Ministry officials<sup>23</sup>. Tamparuli Assemblyman Wilfred Mojilip Bumburing then urged the Education Ministry to explain the so-called 'ruling' the teacher had imposed on the student<sup>24</sup>.

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<sup>18</sup> *The Malaysian Insider*, "All hell will break loose if vernacular schools shut down, say education activists" 28 September 2015. See: <http://www.themalaysianinsider.com/malaysia/article/all-hell-will-break-loose-if-vernacular-schools-shut-down-say-education-act>

<sup>19</sup> *The Malaysian Insider*, "Ministry to introduce compulsory unity module for vernacular schools" 28 August 2015. See: <http://www.themalaysianinsider.com/malaysia/article/ministry-to-introduce-compulsory-unity-module-for-vernacular-schools>

<sup>20</sup> *Malay Mail Online*, "Bina Bangsa module unnecessary as vernacular schools not a barrier to national unity, Education Minister told" 3 September 2015. See: <http://www.themalaymailonline.com/malaysia/article/bina-bangsa-module-unnecessary-as-vernacular-schools-not-a-barrier-to-natio>

<sup>21</sup> *The Malaysian Insider*, "Muslim family slam 'red shirt' calls to abolish Chinese schools" 21 September 2015. See: <http://www.themalaysianinsider.com/malaysia/article/muslim-family-slam-red-shirt-calls-to-abolish-chinese-schools>

<sup>22</sup> OoiKokHin, "So you want to abolish vernacular schools because you want unity?" 26 September 2015. See: <http://www.themalaysianinsider.com/opinion/ooi-kok-hin/article/so-you-want-to-abolish-vernacular-schools-because-you-want-unity>

<sup>23</sup> *Malaysiakini*, "Student's cross necklace seized by school" 23 June 2015. See: <https://www.malaysiakini.com/news/302802>

<sup>24</sup> *Free Malaysia Today*, "Bumburing: Gov't must explain incidents with crucifix" 23 June 2015. See: <http://www.freemalaysiatoday.com/category/nation/2015/06/23/bumburing-govt-must-explain-incidents-with-crucifix/>

On 24th June 2015, a missionary school in Sandakan, SK St. Mary Labuk was allegedly told by Muslim parents and teachers in the Parents Teachers Association to remove newly installed cross outside one of its buildings<sup>25</sup>.

Deputy Education Minister Mary Yap issued a statement stating that the cross would remain on the school wall citing a circular issued by the Education Ministry in June 2013 which stated that Christian mission schools are allowed to retain their ethos and characteristics<sup>26</sup>.

### ***'Orang Asli' pupil tied, kicked for allegedly stealing money***

There has been many experiences of racial discrimination targeted at 'orang asli' (indigenous people) people which were verbally told and were not documented systematically<sup>27</sup>.

On 8th June 2015, a Standard 4 orang asli Standard 4 student, Siti Nur Azdilia, from Sekolah Kebangsaan Kuala Betis was tied and kicked for allegedly stealing money from a teacher's car. She was brought to the teacher's staff room and was kicked and slapped by the teacher and two other male teachers, on her head, back, hands and thighs. A string was also tied around Siti's neck like a leash and dragged to the door where she was kicked and pushed. Her hands were then tied-up and Siti was detained in the staff room until the end of the school session<sup>28</sup>.

A police report was launched following the incident and eight statements from the relevant parties were recorded including the three teachers. However, there were attempts by the headmaster of the school to withdraw the police report and let the school handle the matter internally. To date, the teachers who were behind the abusive actions were still teaching in the school<sup>29</sup>.

## **2. Racialising Criminality**

In 2015 a new trend of racial discrimination became evident when several incidents of criminal acts were used to justify racial discrimination and stir up unrest among different races.

### ***Racialising of Low Yat Plaza Case***

A case of theft which took place at the Low Yat Plaza (popular electronic shopping mall) on 11 July 2015 was spun and made into a racial issue. The Police investigated and later

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<sup>25</sup> Malay Mail Online, "Education Department to probe alleged order on Sabah mission school to remove cross" 24 June 2015. See: <http://www.themalaymailonline.com/malaysia/article/education-department-to-probe-alleged-order-on-sabah-mission-school-to-remo>

<sup>26</sup> Malay Mail Online, "Cross stays on Sabah mission school wall, Putrajaya says" 24 June 2015. See: <http://www.themalaymailonline.com/malaysia/article/cross-stays-on-sabah-mission-school-wall-putrajaya-says>

<sup>27</sup> Quotation from Ms. Tijah Chopil, Chairperson of JKOASM

<sup>28</sup> Free Malaysia Today, "Girl says boy stole teacher's money and gave her RM 2" 6 July 2015. See: <http://www.freemalaysiatoday.com/category/nation/2015/07/06/girl-says-boy-stole-teachers-money-and-gave-her-rm2/>

<sup>29</sup> The Malaysian Insider, "Orang Asli pupil tied, kicked by teachers for allegedly stealing money" 30 June 2015. See: <http://news.yahoo.com/orang-asli-pupil-tied-kicked-051400130.html>

established that the theft of a smart phone had actually taken place but the situation was under control and they denied that the brawl was racially motivated<sup>30</sup>.

Pro Malay groups blamed other ethnic groups for this incident which actually involved a Malay youth having stolen a mobile phone from a shop managed by Chinese sales persons who apprehended the person.

The clear case of theft and thuggery took a racial twist when rumours circulating in social media stating that the Malay youth was cheated and victimised by the Chinese managed shop<sup>31</sup>. A riot ensued the following day when violent mobs of Malays started assaulting Chinese shop assistants and even those who happen to stop at the vicinity of the Plaza. The mob also attacked and verbally abused journalists from the China Press<sup>32</sup>. Groups of mobsters were also seen hurling racist remarks and uttering hate speech during the riot<sup>33</sup>. It was until the arrival of the police Federal Reserve Unity (FRU) that the situation calmed down.

Following the riot, Ali Tinju (President of the Armed Forces Veterans Association) and Papagomo (pro-UMNO blogger) were detained for inciting racial riots at the Low Yat Plaza. Charges against Ali Tinju who was alleged to have made racial remarks during the riot were later dropped by the Attorney-General due to lack of evidence<sup>34</sup>. However, the trial for Papagomo's involvement in the racial riot is still on-going.

### ***The Kota Raya Incident***

An incident of retail fraud at Kota Raya commercial complex on 15 December 2015 was another case where a commercial crime became a justification for racial discriminatory actions. The victim of the incident was detained for four hours by a mobile phone trader when he refused to pay RM 10,000 for the purchase of four mobile phones originally quoted at RM200 per unit. He was forced to withdraw RM5, 000 as partial payment for the total charge.

The man later lodged complaints to several agencies including the Muslim Consumers Association (PPIM) and the Ministry of Domestic Trade, Co-operatives and Consumerism after which the consumer tribunal ordered the mobile shop vendor to return RM 5,000 to the man and for the four mobile phones to be returned to the shop<sup>35</sup>.

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<sup>30</sup> AstroAwani, "Low Yat brawl: How it all started" 14 July 2015. See: <http://english.astroawani.com/malaysia-news/low-yat-brawl-how-it-all-started-65802>

<sup>31</sup> The Star Online, "18 arrested in Low Yat brawl aftermath" 13 July 2015. See: <http://www.thestar.com.my/news/nation/2015/07/13/low-yat-18-arrested/>

<sup>32</sup> The Straits Times, "Malays protect me, says Chinese newspaper journalist injured in Low Yat Plaza brawl" 14 July 2015. See: <http://www.straitstimes.com/asia/se-asia/malays-protected-me-says-chinese-newspaper-journalist-injured-in-low-yat-plaza-brawl>

<sup>33</sup> Malay Mail Online, "Cops arrest military veteran 'Ali Tinju' over racially-charged speech in Low Yat riot crackdown" 14 July 2015. See: <http://www.themalaymailonline.com/malaysia/article/cops-arrest-military-veteran-ali-tinju-over-rationally-charged-speech-in-low>

<sup>34</sup> The Malaysian Insider, "A-G explains why Ali Tinju's sedition charge dropped" 12 November 2015. See: <http://www.themalaysianinsider.com/malaysia/article/a-g-explains-why-ali-tinjus-sedition-charge-dropped>

<sup>35</sup> Malaysiakini, "Tribunal sides with man detained for refusing to buy phone" 17 December 2015. See: <https://www.malaysiakini.com/news/323749>

Two days later on 20<sup>th</sup> December 2015, a group of about 20 people armed with sticks and helmets barged into Kota Raya shopping complex to confront shop owners that allegedly scammed them.

Led by the self-proclaimed Malay rights leader Ali Tinju the violent mob attacked the shop and demanded for refunds to customers for fraudulent transactions made in the past and also urged the public to boycott the mall.

Earlier on, a WhatsApp message was sent in the morning urging people to join the protest to champion the Malays pride<sup>36</sup>. The protest which turned violent left two individuals with minor injuries. Authorities nabbed the suspects of the brawl and it was reported that traders suffered losses amounting to RM 15,000. The case is currently under investigation<sup>37</sup>.

### **3. Racism in the Business Environment**

Racism in the business environment is very prevalent in Malaysia. Groups often use Article 153 in the Malaysian Federal Constitution to justify their assertion as the Article safeguards the special position of the Malays and natives of Sabah and Sarawak and the legitimate interests of other communities by the country's 'Yang di-Pertuan Agong' (King). It also allows a certain proportion of public service positions, scholarships, educational or training privileges and business permits or licenses to be reserved for Malays and natives of Sabah and Sarawak<sup>38</sup>. The original intention of Article 153 was to ensure affirmative action for disadvantaged groups but it has since then been misinterpreted as a special provision to only protect the rights of the Malay ethnic group especially in policies and practices of business.

#### ***Protest against Petaling Street Traders***

On 16<sup>th</sup> September 2015, a so-called 'red shirts' rally was organised and led by Dato Jamal Md Yunos to assert Malay rights and power. In an attempt to calm protestors gathered at the entrance of Petaling Street (Kuala Lumpur's Chinatown with majority Chinese traders) he accused Chinese traders of fraudulent trade practices and promised protestors that he would report vendors operating at Petaling Street, to the Domestic Trade, Cooperatives and Consumerism Ministry and give the Ministry five days to take action against the vendors<sup>39</sup>.

A week later he announced another action at Petaling Street if their demands to the Domestic, Trade, Cooperatives and Consumerism Ministry were not met. Among his demands were for the Ministry to act against the alleged sale of counterfeit goods in Petaling Street and that the traders share a portion of their income with other races and

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<sup>36</sup> Malaysiakini, "Panas protest fails to sizzle, Ali Tinju says he kept it cool" 18 December 2015. See: <https://www.malaysiakini.com/news/323866>

<sup>37</sup> Malaysiakini, "Trouble again at Kota Raya, two injured" 20 December 2015. See: <https://www.malaysiakini.com/news/324034>

<sup>38</sup> AzmiSharom, "Equality and Affirmative Action in the Constitution" from *We Are Convinced – Time for a new Malaysia away from Racism*.

<sup>39</sup> The Star Online, "Himpun 16: Jamal Yunos wants action against Petaling Street vendors" 16 September 2015. See: <http://www.thestar.com.my/news/nation/2015/09/16/red-shirt-jamal-wants-action-petaling-st-vendors/>

stop monopolising the popular tourist destination<sup>40</sup>. He was arrested and detained for a day by the police<sup>41</sup>.

Rural and Regional Development Minister Datuk Seri Ismail Sabri Yaakob spearheaded and established a so-called first Bumiputera-only gadget mall following the Low Yat Plaza case<sup>42</sup>. According to him, customers at Mara Digital would not have to worry about the issue of fake products being sold there. In addition, Ismail Sabri also stated that a bumiputera-owned company would be appointed to manage its tenants and ensure the authenticity of the products sold at Mara Digital<sup>43</sup>.

This same Minister who once held the Agriculture and Agro-Based Industries portfolio also created a national uproar when in a Facebook posting there was a calling for the boycott of Chinese goods because he reasoned that Chinese traders were profiteering from Malays<sup>44</sup>. Numerous police reports were made against Ismail Sabri and he was summoned to the police station to give his statement. Despite his racist utterances and actions, Unity Minister Tan Sri Joseph Kurup defended Ismail Sabri by stating that his comments were “well-intended” and aimed at galvanising consumers to avoid premises that hike up prices indiscriminately<sup>45</sup>.

Sabri also made a racially discriminatory statement in the name of consumerism when he commented that the Health Ministry’s action to ban vaping would kill the vaping industry business generally owned by Malays<sup>46</sup>.

### **Halal supermarket Trolleys**

On 7<sup>th</sup> November 2015, the Domestic Trade, Cooperatives and Consumerism Minister Datuk Hamzah Zainudin was quoted in the Utusan Malaysia Newspaper to have said that the Ministry was considering a proposal to enforce a law to make it compulsory to segregate trolleys into ‘halal’ and ‘non-halal’ used to cart food items in shopping malls. The decision was made to ensure that Muslims would not have to be worried if the food they bought had mixed with non-halal items<sup>47</sup>. The plan was favoured by FOMCA (Federation of Malaysian Consumer Associations) and the PPIM (Muslim Consumers Association). Fomca welcomed

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<sup>40</sup> The Star Online, “Jamal Yunus warns of another Petaling Street rally this Saturday” 23 September 2015. See: <http://www.thestar.com.my/news/nation/2015/09/23/jamal-yunos-says-not-to-blame-for-another-petaling-street-protest/>

<sup>41</sup> Malay Mail Online, “Jamal Yunus arrested over riot warning, police confirm” 25 September 2015. See: <http://www.themalaymailonline.com/malaysia/article/jamal-yunos-arrested-over-riot-warning-aide-confirms>

<sup>42</sup> Malay Mail Online, “All-Bumi ‘Low Yat 2’ to open December with new name, says minister. 23 November 2015. See: <http://www.themalaymailonline.com/malaysia/article/all-bumi-low-yat-2-to-open-december-with-new-name-says-minister>

<sup>43</sup> Malaysiakini, “All Mara Digital products to go through sole bumi company” 4 January 2015. See: <https://www.malaysiakini.com/news/325379>

<sup>44</sup> The Malaysian Insider, “Minister calls for Malay boycott of Chinese businesses to lower prices” 2 February 2015. See: <http://www.themalaysianinsider.com/malaysia/article/minister-calls-for-malay-boycott-of-chinese-businesses-to-lower-prices>

<sup>45</sup> The Malaysian Insider, “Unity minister defends Ismail Sabri over racially tinged FB post” 2 February 2015. See: <http://www.themalaysianinsider.com/malaysia/article/unity-minister-defends-ismail-sabri-over-racially-tinged-fb-post>

<sup>46</sup> The Star Online, “Ismail Sabri: New vape move will kill Malay-dominated industry” 10 November 2015. See: <http://www.thestar.com.my/news/nation/2015/11/10/vapes-ismail-sabri/>

<sup>47</sup> The Malaysian Insider, “Ministry weighing proposal to segregate trolleys for non-halal products” 7 November 2015. See: <http://www.themalaysianinsider.com/malaysia/article/ministry-weighing-on-proposal-to-segregate-trolleys-for-non-halal-products>

the decision and hoped that the government could look at the practicality of the issue while PPIM welcomed the plan stating that this idea would teach Malaysians to respect each other differences.

To date, it was found that the KPDNKK has proposed to set guidelines to segregate halal and non-halal trolleys and has only encouraged supermarket operators to segregate the use of trolleys<sup>48 49</sup>.

#### **4. Discrimination based on dress code in Public Services Delivery**

The wave of religious extremism and discrimination has also been prevalent in the public services sector. Public members were denied services and entry into government offices and access to service counters merely because they were determined to have not adhered to the so-called 'dress code'.

##### ***Toddler denied treatment because mother's pants was too short***

On 6 November 2015 a crying and injured toddler was denied treatment by three government medical facilities because his mother's pants were deemed too short<sup>50</sup>. The two-year old toddler who cut his finger was initially rushed to a 1Malaysia Clinic in Saleng, Johor Baru but since his mother's pants were too short, they were denied entry. The mother then headed to another 1Malaysia Clinic in Bandar Indahpura, Kulai, but was also denied entry there. They then headed to the Kulai Hospital but the toddler would not be treated for the same reason. The mother then headed to a private clinic nearby where the toddler was finally allowed treatment after she had put on a sarong.

After the incident, MCA Vice President Chew Mei Fun urged the Health Ministry to investigate the matter and take appropriate action as it was a clear case of neglect<sup>51</sup>. The issue was highlighted in a Parliament sitting where the Minister in the Prime Minister's Department Azalina Othman clearly stated that government frontline staff should not turn away members of the public even if they are not "appropriately dressed". She was reported to have said that the dress code applied to government staff and not members of the public. Kulai MP, Teo Nie Cheng agreed with Azalina's statement and urged the government to issue a memorandum to ensure patients are given treatment even if the set dress-code was not complied with.

However, MP for Pasir Puteh Nik Mazian Nik Mohamad did not agree with the statements and said that wearing shorts portrayed indecent Western values and not reflective of

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<sup>48</sup> *The Malaysian Insider*, "2 consumer groups give thumbs-up to trolley segregation plan" 8 November 2015. See: <http://www.themalaysianinsider.com/malaysia/article/2-consumer-groups-give-thumbs-up-to-trolley-segregation-plan>

<sup>49</sup> *Free Malaysia Today*, "Halal, non-halal trolley segregation under consideration" 19 January 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/01/19/halal-non-halal-trolley-segregation-under-consideration/>

<sup>50</sup> *The Rakyat Post*, "Two-year-old toddler denied treatment as his mother's pants was apparently too short" 6 November 2015. See: <http://www.therakyatpost.com/news/2015/11/06/two-year-old-toddler-denied-treatment-as-his-mothers-pants-was-apparently-too-short/>

<sup>51</sup> *The Star Online*, "MCA: Probe incident on boy denied medical treatment in Johor" 6 November 2015. See: <http://www.thestar.com.my/news/nation/2015/11/06/mca-probe-incident-on-boy-denied-treatment-due-to-length-of-mums-shorts/>

Eastern values. He further claimed that women dressed in this manner would attract unnecessary attention in a hospital, public places or any other place<sup>52</sup>.

### ***Woman forced to wear a sarong in the Road Transport Department***

On 8 June 2015, a woman was forced to wear a sarong otherwise she would be refused services in the Road and Transport Department (RTD). The woman was there to transfer ownership of her vehicle but when she was at the number counter, she was handed a sarong to wear by the department's officer who told her she would not be entertained otherwise<sup>53</sup>. The woman shared the incident on social media questioning whether the attire she wore had violated the dress code. (She was wearing a knee-length skirt then.)

The RTD public relations officer then stated that they would investigate the matter and further added that people have to dress accordingly upon entering government premises<sup>54</sup>. Transport Minister Liow Tiong Lai explained in parliament that the directive to the woman to wear a sarong was given by a security guard and not the department's officers.

Based on their investigations, the guard had felt the woman would not be able to conduct her dealings at the RTD counters and hence he gave her the sarong to wear. Minister Liow further added that there were no instructions by the RTD that customers should be given a sarong if they do not meet the dress code. He also said that action would be taken on the security guard<sup>55</sup> and there was no "sarong policy" in the RTD<sup>56</sup>.

The Transport Minister's comments were criticised by ISMA president Abdullah Zaik Abdul Rahman who claimed the guard's actions as noble and worthy of praise. He also criticized Liow for his statement to review dress code for public at government offices<sup>57</sup>. The security guard's action was also praised by Rela Director-General who awarded him a letter of appreciation<sup>58</sup>.

### ***Sarong Case in Sungai Buloh Hospital***

On 21<sup>st</sup> June 2015, a woman was refused entry into the Sungai Buloh Hospital because she was wearing shorts then. According to a Facebook posting, the woman narrated that the moment she reached the visitors' gate security guards had stopped her from entering. Her father who was accompanying her was asked to go into the wards to borrow a towel from one of the patients to cover his daughter's legs. She also reported that the security guards told her that the instructions were given by the Health Ministry<sup>59</sup>.

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<sup>52</sup> Malaysiakini, "Women's dress code debate takes centrestage" 25 November 2015. See: <https://www.malaysiakini.com/news/321070>

<sup>53</sup> Malay Mail Online, "Woman made to wear 'bag' for service at RTD" 8 June 2015. See: <http://www.themalaymailonline.com/malaysia/article/woman-made-to-wear-bag-for-service-at-rtd>

<sup>54</sup> The Star Online, "Sarong cover-up is so wrong" 9 June 2015. See: <http://www.thestar.com.my/news/nation/2015/06/09/sarong-coverup-is-so-wrong-public-outrage-over-womans-treatment-by-jpj-officers/>

<sup>55</sup> Bernama, "Guard gave sarong fearing denial of service at RTD" 11 June 2015. See: <https://www.malaysiakini.com/news/301449>

<sup>56</sup> The Straits Times, "No 'sarong policy'. Malaysian minister says in response to furore over dress code" 10 June 2015. See: <http://www.straitstimes.com/asia/se-asia/no-sarong-policy-malaysian-minister-says-in-response-to-furore-over-dress-code>

<sup>57</sup> Malaysiakini, "Sarong gets Liow in knot with Isma" 11 June 2015. See: <https://www.malaysiakini.com/news/301499>

<sup>58</sup> Free Malaysia Today, "Sarong guard gets appreciation letter from Rela" 24 June 2015. See: <http://www.freemalaysiatoday.com/category/nation/2015/06/24/sarong-guard-gets-appreciation-letter-from-rela/>

<sup>59</sup> The Sun Daily, "Sarong case strikes again" 23 June 2015. See: <http://www.thesundaily.my/news/1468948>

Sungai Buloh Hospital Director Dr. Khalid Ibrahim apologised for the incident and clarified that the hospital does not bar any visitors from entering based on what they are wearing. He then encouraged the public to dress decently when visiting patients. He also explained that the incident was caused by a “miscommunication” and a complaint had been lodged against the security guard who gave the instructions<sup>60</sup>.

### ***Journalist refused entry into Selangor State Secretariat (SUK) building***

On 22<sup>nd</sup> June 2015, a News Straits Times reporter and a Klang resident were told to wear sarongs by security personnel before they were allowed entry into the SUK building. The Klang resident decided to cover her legs with a scarf while the reporter entered the building using an alternative entrance.

Klang MP Charles Santiago questioned the moral policing by the security guards<sup>61</sup>. He also took Selangor Chief Minister, Azmin Ali to task by asking him to withdraw such rulings. Selangor State Secretary Datuk Mohammed Khusrin Munawi then issued an apology and assured that there would not be a repetition of such incidents<sup>62</sup>.

### ***Man wearing ‘cute pink shorts’ denied entry at Kuala Lumpur International Airport Lost and Found Office***

On 26 June 2015, it was reported that a man who had left his bag at the KLIA after returning from Taipei with his family was denied entry by the security guard when he went to the AVSEC office to reclaim his bag. In a blog posting, the man highlighted that the security officer had told him to go home and change his clothes as there was a dress code to enter the building and the lost and found baggage office. The man who was shocked that there was such a dress code then stated that he was forced to wear a pair of pants that he could not zip up and shoes without socks because he refused to return home to change.

He also said that as he was leaving the premise, he saw a Caucasian tourist in the same predicament was cursing the officers because he was also wearing shorts and sandals<sup>63</sup>.

## **5. Groups, Agencies and Individuals that use provocative racial sentiments.**

In 2015, racially provocative groups, agencies and individuals were the focus of attention. These groups often make racist statements in the name of protecting the rights of their own ethnic group. Despite such damaging expressions no substantive legal sanctions have been made against them. The government of the day seems to very tolerant of such groups and individuals and even at times seen to be defending their racist behaviours.

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<sup>60</sup> Malaysiakini, “Hospital sorry over ‘wear towel’ rule for woman” 23 June 2015. See: <https://www.malaysiakini.com/news/302792>

<sup>61</sup> The Malaysian Insider, “After RTD sarong incident, duo denied entry into SUK over skirts” 22 June 2015. See: <http://www.themalaysianinsider.com/malaysia/article/after-rtd-sarong-incident-duo-denied-entry-into-suk-over-skirts>

<sup>62</sup> The Star Online, “No sarong rule, guard made own decision, says Selangor state secretary” 22 June 2015. See: <http://www.thestar.com.my/news/nation/2015/06/22/sarong-no-such-ruling-says-selangor-state-secretary/>

<sup>63</sup> The Rakyat Post, “Man wearing ‘cute pink shorts’ denied entry at KLIA’s Lost and Found” 26 June 2015. See: <http://www.therakyatpost.com/viral/2015/06/26/man-wearing-cute-pink-shorts-denied-entry-at-klias-lost-and-found/>

Some of the main groups and individuals using provocative racial sentiments include PERKASA and Isma, and individuals like Ridhuan Tee (Sinar Harian columnist) and Dato Jamal MD Yunos (Chairman of Malay NGOs and Sungai Besar UMNO division chief). Pro government media such as Utusan Malaysia (newspaper) and MyKmu (blog) and agencies such as the BTN also seem to enjoy a free hand in spreading provocative racial sentiments without any repercussions.

This trend of the government's tolerance and inaction towards racist and Malay supremacist groups is stronger and taken to be a clear indicator of the government's support and endorsement on such racially motivated actions. It definitely goes against the Prime Minister's aspirations to achieve the 1Malaysia ideology aimed at promoting national unity and social cohesion in the country. For instance he was reported to have made a statement defending the racist September 16 'red shirt' rally rationalising that the rally was a manifestation of the rise of Malays to defend their dignity and the country's leadership from being condemned and humiliated<sup>64</sup>.

### ***'Red Shirts' rally***

The culmination of this racist and discriminatory trend towards, race, religion and ethnic divide in Malaysia was the 16<sup>th</sup> September 2015 'red shirt rally'. It was very clear that the rally was a tit-for-tat reaction of these groups towards the organising of the Bersih 4.0 rally which had just taken place 2 weeks earlier 29<sup>th</sup> and 30<sup>th</sup> August 2015.

The Bersih 4.0 rally besides calling for electoral reforms was also strongly called for the resignation of Prime Minister Najib. This saw an opportunity for these extremist groups to then accuse Bersih 4.0 of insulting the Malay leaders and ethnic Malays (majority of the population in Peninsular Malaysia). Red-shirt rally spokesperson, Jamal MD Yunos further reiterated that their planned rally was to express 'anti-Bersih' sentiments and also to show solidarity among Malays who have been ridiculed and made fun of by DAP Chinese to the point that they could not take it anymore<sup>65</sup>.

Several senior UMNO leaders were seen participating in the rally. In fact PM Najib had even further defended the "red shirt" rally by stating that the rally was not seditious or racist. He made a statement in the Pesaka Silat (local Malay martial arts group) Assembly in 2015 saying:

"Slapped once, we did not do anything. The second time... nothing... the third time... nothing... but the fourth time had crossed the limit. Malays also have rights. The Malays will stand up when their pride is scarred, when their leader is insulted, condemned and humiliated. It is enough (sic), do not repeat such vengeful acts<sup>66</sup>".

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<sup>64</sup>The Malaysian Insider, "Najib defends 'red shirt' rally, says not seditious or racist" 19 September 2016. See:

<http://www.themalaysianinsider.com/malaysia/article/najib-defends-red-shirt-rally-says-nothing-seditious-or-racist>

<sup>65</sup> Malay Mail Online, "Red Shirt group demands Putrajaya warn Chinese not to mock Malays" 15 September 2015. See: <http://www.themalaymailonline.com/malaysia/article/red-shirt-group-demands-putrajaya-warn-chinese-not-to-mock-malays>

<sup>66</sup>The Malaysian Insider, "Najib defends 'red shirt' rally, says not seditious or racist" 19 September 2015. See:

<http://www.themalaysianinsider.com/malaysia/article/najib-defends-red-shirt-rally-says-nothing-seditious-or-racist>

It was also reported that Chinese journalists were hurled at with racist remarks and provocative banners were being displayed during the rally<sup>67</sup>. At the end of the rally, UMNO supreme council member Annuar Musa read a speech by the Prime Minister who sent his congratulatory message to the participants<sup>68</sup>. Despite racially provocative statements and banners that were visible throughout the entire rally, no actions were taken on rally organizers. Home Minister Ahmad Zahid Hamidi's said the police had conducted investigations and have discovered that the red shirt rally did not have any racial overtones and elements<sup>69</sup>.

### ***BTN, a platform to spread Racism***

In 2015, the BTN (National Civics Bureau) was in fact used to advocate Malay supremacy and incite racism. It was reported widely that presentation slides promoting racism were uploaded onto BTN's website since March but were immediately taken down after it was reported by social media.

The slides gave a detailed breakdown of analysis of electoral seats held by the ruling coalition and opposition parties from 1959 to 2013. It further gave a breakdown of races in terms of support for and opposition to the ruling coalition and opposition political parties. Phrases like 'the Chinese-language Press were daggers to stab the government with news articles promoting the opposition movement were found in the slides. It also had analysis of election results and a detailed breakdown of MPs according to Muslim and non-Muslim and by race and ethnicity.

Furthermore, the slides also showed a breakdown of the richest men in Malaysia (mostly of Chinese ethnicity), the number of Tamil and Chinese vernacular schools in the country and a remark on how Christians who make up 9.1% of the population were granted permission to build a mammoth church. The slides also depict the possibility of the 14<sup>th</sup> General Elections drawing comparison to notorious Cambodia's Pol Pot regime and his 'killing fields', and also attacked young Malay leaders in the DAP and the G25 group of eminent Malays<sup>70</sup>.

However, BTN had denied that they taught course participants to practice racism as the leaked slides were merely research materials. The director of BTN, Datuk Raja Arif Raja Ali further commented that leaked slides were in fact portraying the concept that 'racism' could be used for a 'good purpose' as it can unite a race for good<sup>71</sup>. He also further claimed that the slides were not course materials but were just for research purposes which were not necessarily what was practiced<sup>72</sup>.

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<sup>67</sup>Malaysiakini, "Provocation, racial slurs mar 'red shirts' rally" 16 September 2015. See: <https://www.malaysiakini.com/news/312526>

<sup>68</sup>Malaysiakini, "Himpunan Rakyat Bersatu" 16 September 2015. See: <http://live.malaysiakini.com/himpunanrakyatbersatu/en/>

<sup>69</sup>Today Online, "Nothing racist about 'red shirt' rally, says M'sian Home Minister" 4 November 2015. See: <http://www.todayonline.com/world/asia/nothing-racist-about-red-shirt-rally-says-msian-home-minister>

<sup>70</sup>Free Malaysia Today, "BTN's own slides proof of racism, says Kasturi" 21 June 2015. See: <http://www.freemalaysiatoday.com/category/nation/2015/06/21/btns-own-slides-proof-of-racism-says-kasturi/>

<sup>71</sup>Malay Mail Online, "Racism can unite a race 'for good', BTN says" 15 June 2015. See: <http://www.themalaymailonline.com/malaysia/article/racism-can-unite-a-race-for-good-btn-says>

<sup>72</sup>Malay Mail Online, "BTN: We never taught racism, leaked slides were research" 7 November 2015. See: <http://www.themalaymailonline.com/malaysia/article/btn-we-never-taught-racism-leaked-slides-were-research>

He was also reported to have said that there was nothing wrong with the term 'pendatang' (immigrants) used to describe Chinese and Indians in Malaysia as it was a historical fact<sup>73</sup>.

Prime Minister Najib Razak had dismissed all allegations that the BTN was used to advocate Malay supremacy and racism stating that it was a lie<sup>74</sup>. To date, the BTN is said to be undergoing a rebranding exercise to dispel perceptions that it is racist in nature and content and to redesign its modules to suit current context and needs. The newly appointed Director General Ibrahim Saad said that he would not tolerate any racism and would take stern action against those who resort to racism. He also admitted that in the past some facilitators had exhibited such tendencies and they had been dismissed since then and these were isolated cases<sup>75</sup>.

### ***Isma and its racist responses***

Another example of a group is ISMA which has made several provocative statements throughout the entire Low Yat Plaza incident. During the aftermath of that affair, Isma Information Chief Mohd Hazizi Abd Rahman stated in a Facebook posting that the Low Yat Plaza incident was the angry response toward 'diaspora chauvinists' who insulted and ridiculed Islam and the Malay community<sup>76</sup>. According to Malay Mail Online, Isma did not state who or what the 'diaspora chauvinists' are but they had previously associated the word to non-Muslims particularly the ethnic Chinese and the DAP.

Isma website's senior editor Razali Zakaria in an article accused Gerakan Youth Chief Tan Keng Liang of defending the traders who cheated in the Low Yat incident. He questioned Tan's motives and asked why he did not urge the authorities to arrest the cheats as most Chinese who sell computers and communication equipment at Low Yat Plaza were in the habit of cheating their customers. The article further associated Tan's motives of defending the traders as a means to protect his own race<sup>77</sup>.

### ***Ridhuan Tee, Columnist and University Lecturer***

Controversial columnist and lecturer Prof Dr Mohd Ridhuan Tee Abdullah is not a new figure in fanning racial sentiments. In 2015, he made several controversial statements such as expressing defence of then Agriculture and Agro-Based Industries Minister Datuk Seri Ismail Sabri's statement in a Facebook posting urging the people to boycott Chinese goods as Chinese traders were profiteering from Malays<sup>78</sup>.

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<sup>73</sup> Malay Mail Online, "Pendatang term is just based on historical fact, BTN says" 7 November 2015. See: <http://www.themalaymailonline.com/malaysia/article/pendatang-term-is-just-based-on-historical-fact-btn-says>

<sup>74</sup> Malaysiakini, "Najib says BTN not racist" 17 July 2015. See: <https://www.malaysiakini.com/news/305432>

<sup>75</sup> Free Malaysia Today, "BTN to rebranded to dispel racist perception" 21 January 2016. See: <http://www.freemalaysiatoday.com/category/nation/2016/01/21/btn-to-be-rebranded-to-dispel-racist-perception/>

<sup>76</sup> Malay Mail Online, "Isma blames Low Yat fracas on 'diaspora chauvinists' who mocked Islam" 13 July 2015. See: <http://www.themalaymailonline.com/malaysia/article/isma-blames-low-yat-fracas-on-diaspora-chauvinists-who-mocked-islam>

<sup>77</sup> Free Malaysia Today, "Gerakan's Tan defending cheats, says Isma" 20 July 2015. See: <http://www.freemalaysiatoday.com/category/nation/2015/07/20/gerakans-tan-defending-cheats-says-isma/>

<sup>78</sup> The Malaysian Insider, "Minister calls for Malay boycott of Chinese businesses to lower prices" 2 February 2015. See: <http://www.themalaysianinsider.com/malaysia/article/minister-calls-for-malay-boycott-of-chinese-businesses-to-lower-prices>

In his column, Ridhuan asserted that Ismail's facts were not wrong and further cited the example of his own father, an ethnic Chinese who owned a sundry shop in a Malay kampong (village) who used to mix petrol with kerosene, white rice with brown rice and alter weights and measures to increase profit no matter how wrong it was. Ridhuan also stated that Chinese traders were the ones taking advantage of the lower fuel prices and they are the ones pressuring Ismail Sabri to apologize for his statement<sup>79</sup>.

During the heated debate about the dress code in government offices issue, he was reported to have said in Isma's website that the people who mocked the dress code imposed by federal government agencies are uncivilized rationalising that no religion allows anyone to wear provocative clothes. He further stated that these people should enter churches or temples with just their underwear if they don't believe in dressing etiquette<sup>80</sup>. To date, no actions have been taken on Ridhuan Tee despite his racist remarks and provocations.

### **PERKASA & Its President Ibrahim Ali**

On 4<sup>th</sup> October 2015 during PERKASA's Annual General Meeting in Selayang Ibrahim Ali was reported to have said Chinese only get news from distorted sources which create confusion as well as one-sided information from the DAP and PKR leaders. He was making references to the 'yellow' (Bersih electoral reform group) and 'red' shirt (Malay Supremacist group) phenomenon where racial issues had surfaced saying that Malays are not against all Chinese, but only those who insult Malays and Islam.

He said that Chinese and Malays need each other as Chinese would not be comfortable and safe if the Malays are not united. He added that Chinese know that Malays make up the majority of the population and so Malays are the biggest group of consumers. Hence, it is important for Malays to be united so that they the Chinese can be safe<sup>81</sup>.

## **6. Political Groups, Hate Speech and Racial Statements**

Politics in Malaysia have long been race-based with political parties on both sides of the divide especially by the 'Barisan Nasional' (National Front) Government using race and racial issues and sentiments to maintain their power and controlling their constituencies and the voters. For instance in 2011 in Perak, an opposition leader made a distasteful remark about the Chief Minister describing him as a 'metallic black person'<sup>82</sup>.

In 2015 there were improvements among opposition political parties as there were no significant reports of expressions, utterances and behaviours on racial sentiments, hate speech and provocative racist statements made by their leaders as compared to their counterparts in the ruling coalition especially among UMNO leaders.

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<sup>79</sup> *The Ant Daily*, "Ridhuan Tee has gone too far this time... criticising his late father!" 19 March 2015. See: <http://www.theantdaily.com/Main/Ridhuan-Tee-has-gone-too-far-this-time-criticising-his-late-father>

<sup>80</sup> *Malaysiakini*, "Ridhuan Tee: why not just don underwear to church?" 1 July 2015. See: <https://www.malaysiakini.com/news/303716>

<sup>81</sup> *Malaysiakini*, "Ibrahim: BN must fix misperception among Chinese" 4 October 2015. See: <https://www.malaysiakini.com/news/314501>

<sup>82</sup> *Malaysiakini*, "DAP's Nga apologises over 'metallic black' remark" 30 November 2011. See: <https://www.malaysiakini.com/news/182816>

### **Reactions to the Chinese ambassador's statement**

On the eve of the cancelled 2<sup>nd</sup> 'red shirt' rally scheduled for 26 September 2015 and organized by Jamal MD Yunus, the Chinese ambassador to Malaysia, Dr Huang Huikang visited Petaling Street (Kuala Lumpur's Chinatown) and made a statement that China opposed terrorism and any form of discrimination against race<sup>83</sup>.

Deputy Agriculture and Agro-based Industry Minister Tajuddin Abdul Rahman then warned that he would 'slap' the Chinese in Malaysia if they took their complaints outside of the country. He also stated that the Chinese should stop 'fantasizing' that external powers or a 'Godfather' from China would defend them<sup>84</sup>.

He later denied making such statements but an audio recording of his statement was already uploaded by online news portal Malaysiakini<sup>85</sup>. His actions were then defended by UMNO secretary-general Datuk Seri Tengku Adnan Tengku Mansor by saying that the Deputy Minister was misled by social media and subsequently acted out in anger<sup>86</sup>.

UMNO Youth Leader Armand Azha Abu Hanifah made a statement demanding the Chinese ambassador to Malaysia to explain his statement and for him to apologize for his statement. The UMNO Youth Leader then accused the Chinese community as the ones who were disrupting peace lately by provoking and insulting Malays and their leaders<sup>87</sup>.

### **UMNO Supreme Council member justifies Racism is allowed in Islam**

During the 16<sup>th</sup> September 2015 red shirt rally, UMNO Supreme Council member, Tan Sri Annuar Musa was quoted to have said that racism was allowed in Islam except when it involved oppressing others. He further admitted that that he is racist but based on Islam and then he further quoted a hadith (sayings of a Prophet) on 'Assobiyah' (Arabic term for pride in one's tribe)<sup>88</sup>.

Tan Sri Annuar Musa defended his admission and further claimed that Chinese and Indians are also the same. He posted in the Facebook saying that "Chinese and Indians are among the many races with strong racial tendencies. That is why wherever they go and live, they will form colonies such as Little Indias and Chinatowns. They also fight to preserve their culture, language and education system. Malays are also like that<sup>89</sup>".

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<sup>83</sup> *The Straits Times*, "Malaysia's DPM: Govt wants official explanation from China ambassador over Petaling Street remarks" 1 October 2015. See: <http://www.straitstimes.com/asia/se-asia/malaysias-dpm-govt-wants-official-explanation-from-china-ambassador-over-petaling>

<sup>84</sup> *The Rakyat Post*, "Deputy Minsiter 'threatens to slap' Chinese who complain outside Malaysia" 1 October 2015. See: <http://www.therakyatpost.com/news/2015/10/01/deputy-minister-threatens-to-slap-chinese-who-complain-outside-malaysia/>

<sup>85</sup> *Recording of Deputy Minister's statement*. See: <https://soundcloud.com/user-467501495>

<sup>86</sup> *Malaysiakini*, "Ku Nan: Tajuddin misled by social media, no need for apology" 4 October 2015. See: <https://www.malaysiakini.com/news/314357>

<sup>87</sup> *Malay Mail Online*, "Clarify and apologise, UMNO Youth man tells China after envoy's Chinatown speech" 26 September 2015. See: <http://www.themalaymailonline.com/malaysia/article/clarify-and-apologise-umno-youth-man-tells-china-after-envoys-chinatown-spe>

<sup>88</sup> *The Malaysian Insider*, "I am racist and my racism based on Islam, says UMNO's Annuar Musa" 16 September 2015. See: <http://www.themalaysianinsider.com/malaysia/article/i-am-racist-and-my-racism-based-on-islam-says-umnos-annuar-musa/malaysia/article/i-am-racist-and-my-racism-based-on-islam-says-umnos-annuar-musa>

<sup>89</sup> *Malay Mail Online*, "Defending professed racism, Annuar Musa says Chinese, Indians also the same" 21 September 2015. See: <http://www.themalaymailonline.com/malaysia/article/defending-professed-racism-annuar-musa-says-chinese-indians-also-the-same>

He later retracted saying that he was misquoted and admitted that the Prophet Muhammad condemned racism in Islam. He then twisted again admitting that he was a racist if it is defined as loving one's own race and continued to justify himself by saying he has a strong Malay spirit<sup>90</sup>.

### ***Racialising Statement on GST***

Wanita MCA Chief, Datuk Heng Seai Kie was alleged to have made a racist statement regarding the GST during her interview with China Press. She was reported to have said that the Chinese should support the GST as Malays would need to pay more as the two demographic patterns of the Chinese community, namely being of high income and having few children should be the reasons why they should not oppose GST.

As opposed to the system under the old tax, the Chinese community made up 90% of taxpayers due to their high income status but under the GST which is based on consumption, the Chinese community (low birth-rate) will benefit. She also stated that, since the Chinese community have fewer children, their consumption will be less so GST system is beneficial to them<sup>91</sup>.

However, Datuk Heng later denied and said China Press had racialised her statement on the Goods and Services Tax. She further stated that she is saddened that her remarks on GST during an interview with China Press were spun out of context by opposition parties to recoup votes in retaining Permatang Pauh by-elections. She further stated that there should be no racial profiling related to GST and the opposition should not make this a big issue with the Malay community. China Press had since then apologized to Heng for twisting her statement<sup>92</sup>.

### ***'Malay Unity' and Racism, a political agenda***

PAS has declared that it is willing to bury past differences and cooperate with the ruling UMNO. PAS secretary-general Takiyuddin Hassan stated that PAS' mission was based on Islamic Syariah principles and that the party would be open towards others with the same principles.

He further stated that PAS is ready to be parties for the good of Muslims based on the key word, unity based on Syariah. PAS was also seen to have made an agreement to work together with right-wing group Perkasa on issues related to Islamic and Malay interests<sup>93</sup>.

Prime Minister Datuk Seri Najib Razak in his speech in the UMNO General Assembly 2015 had warned Malaysians against voting for the opposition. He was quoted to have said that

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<sup>90</sup> *The Malaysian Insider*, "Now Annuar Musa says there is no racism in Islam" 23 September 2015. See: <http://www.themalaysianinsider.com/malaysia/article/now-annuar-musa-says-there-is-no-racism-in-islam>

<sup>91</sup> *Malaysiakini*, "GST – Malays will pay more, Heng tells Chinese" 2 May 2015. See: <https://www.malaysiakini.com/news/297069>

<sup>92</sup> *The Star Online*, "China Press apologises to Heng for twisting statement" 6 May 2015. See: <http://m.thestar.com.my/story.aspx?hl=China+Press+apologises+to+Heng+for+twisting+statement&sec=news&id=%7B22BA8D8D-E9EE-4539-9798-A6C67951A5F4%7D>

<sup>93</sup> *The Malaysian Insider*, "PAS and Perkasa forge cooperation for Malay-Islam interests" 13 October 2015. See: <http://www.themalaysianinsider.com/malaysia/article/pas-and-perkasa-forge-cooperation-for-malay-islam-interests>

the people have two options, that is to choose between a coalition led by UMNO or a coalition dominated by the Democratic Action Party (DAP) (Chinese-based party).

He also said that if UMNO is rejected, disaster would take place and the country will be ruled by those who are against the Islamic struggle and those who reject the fight for Malays and Bumiputeras<sup>94</sup>.

On another occasion, Prime Minister Datuk Seri Najib Razak, in an UMNO meeting was quoted to have said that the Malays would be damned without UMNO. He also said that UMNO members were needed to protect the party because if UMNO lost power, the Malays and Islam would be damned<sup>95</sup>.

### ***Former Deputy Prime Minister said Bumiputeras are not racists for claiming their rights***

In 2015 then Deputy Prime Minister Tan Sri Muhyiddin Yassin had made a statement that the Bumiputera majority should not be called racists for demanding what is rightfully theirs. He said the Bumiputera community which made up the majority of residents in the country have been lamenting about their conditions of being sidelined from the country's mainstream economy and have demanded the execution of a policy to protect them. But that did not mean their demands are race-centered.

He further stated that the government would not forsake the needs of other races in its agenda to improve the Bumiputera economy. He also added that failure to safeguard the rights of the Bumiputera would result in conflicts and crises within the country<sup>96</sup>. He further stated that the fair and just distribution of the nation's wealth is important to ensure continued peace, stability and prosperity<sup>97</sup>.

### ***Member of Parliaments and Racially Derogatory Words***

An UMNO lawmaker, Datuk Seri Abdul Azeez Abdul Rahim made a racist remark to an opposition lawmaker who was interrupting him when directing a question to the Deputy Prime Minister Datuk Seri Ahmad Zahid Hamidi. He was reported to have said, "Sit down apek" (old man) and added "balik tongsan" (go back to China)<sup>98</sup>. He later explained that it was in jest claiming that he was once called 'tambi' (Tamil for little brother) but he took it in stride<sup>99</sup>.

## **7. Xenophobic Behaviour**

Apart from inter-ethnic discrimination in Malaysia, xenophobic behaviours were also

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<sup>94</sup>Today Online, "PAS, UMNO set to collaborate for Malay unity" 21 December 2015. See: <http://www.todayonline.com/world/asia/pas-umno-set-collaborate-malay-unity?page=0>

<sup>95</sup>Free Malaysia Today, "Najib: Orang Melayu akan bangsattanpa UMN" 23 August 2015. See:

<http://www.freemalaysiatoday.com/category/bahasa/2015/08/23/najib-orang-melayu-akan-bangsattanpa-umno/>

<sup>96</sup>Malay Mail Online, "Bumis not racist for seeking their due, says Muhyiddin" 17 June 2015. See:

<http://www.themalaymailonline.com/malaysia/article/bumis-not-racist-for-seeking-their-due-says-muhyiddin>

<sup>97</sup>Free Malaysia Today, "DPM: Bumis not racists, only claiming their right" 17 June 2015. See:

<http://www.freemalaysiatoday.com/category/nation/2015/06/17/dpm-bumis-not-racists-only-claiming-their-rights/>

<sup>98</sup>The Malaysian Insider, "Baling MP ordered to retract 'baliktongsan' remark" 4 November 2015. See:

<http://www.themalaysianinsider.com/malaysia/article/baling-mp-ordered-to-retract-balik-tongsan-remark>

<sup>99</sup>Malay Mail Online, "Amid outcry over 'BalikTongsa', UMNO MP says been called tambu" 8 November 2015. See:

<http://www.themalaymailonline.com/malaysia/article/amid-outcry-over-balik-tongsan-umno-mp-says-been-called-tambu>

prevalent in Malaysia. Such forms of discrimination and hostility towards are examples of xenophobic behaviours manifesting among Malaysians today. Furthermore it is common that migrant workers and other low income foreigners are often associated with criminal activities in the country.

### ***Foreigners banned from condominiums***

In 2013, a condominium at Bandar Sri Subang banned 'African' tenants from renting any units in the condominium building complex. A memo was circulated among its residents stating that African tenants caused a lot of nuisance<sup>100</sup>.

Another similar case occurred in a condominium in Shah Alam, Selangor which hung a banner saying "Foreigner, you are not welcome to stay here" in an apparent ban to non-native tenants. A spokesperson said the management of Alam Prima condominium was not against foreigners living there but they were allowed to stay for not more than three months. He said that tenants should inform the management if they wanted to stay for longer periods. He also explained that the no-foreigner policy was implemented to prevent foreigners from being culturally insensitive towards their 98% bumiputera Malay community<sup>101</sup>.

### ***Sabah and Sarawak Chief Justice's remarks on Pakistanis in Sabah***

Chief Justice of Sabah and Sarawak Tan Sri Richard Malanjum was reported to have said that the Immigration and National Registration Departments should determine if the documents held by every Pakistani in the state were in order. He said there are many Pakistanis in the state because it was easy for them to obtain improper documents.

Malanjum was also quoted telling the five Pakistanis in the revision application by the prosecution against the sentence imposed on them for using visas and social visit passes obtained with false particulars not to come to Sabah if they do not have valid documents. He also told them to tell their friends or write a letter about this that Sabah is 'neraka' (hell)<sup>102</sup>.

In response to the situation, a former Sabah lawmaker had demanded that Malanjum apologized for allegedly making racist statements against Pakistanis in the state. The former Libaran MP Datuk Akbar Khan Abdulrahman who is of Pakistani origin said he was disgusted with Malanjum's remarks which implied that each and every Pakistani in Sabah should have their documents examined. He further stated that the racist statement was offensive for Malaysian citizens of Pakistani origin who were born and bred in Sabah<sup>103</sup>. He said that while enforcement and action against illegal immigrants and those who falsified

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<sup>100</sup>Malay Mail Online, "At Subang condo, ban against 'African' tenants" 26 August 2013. See:

<http://www.themalaymailonline.com/malaysia/article/in-subang-condo-ban-against-african-tenants>

<sup>101</sup>The Malaysian Insider, "Condo management refuses to take down foreigners 'not welcome' banner" 2 December 2015. See: <http://www.themalaysianinsider.com/citynews/greater-kl/article/foreigners-can-stay-but-not-welcome-banner-remains-says-condo-management/foreigners-can-stay-but-not-welcome-banner-remains-says-condo-management>

<sup>102</sup>The Malaysian Insider, "Too many Pakistanis in Sabah caught Chief Justice's eye, reports daily" 26 March 2015. See: <http://www.themalaysianinsider.com/malaysia/article/too-many-pakistanis-in-sabah-caught-chief-justices-eye-reports-daily>

<sup>103</sup>The Malaysian Insider, "Chief judge slammed for racist rant against Pakistanis" 28 March 2015. See: <http://www.themalaysianinsider.com/malaysia/article/chief-judge-slammed-for-racist-rant-against-pakistanis>

government documents were welcomed, the people should not condone racism and xenophobia.

## **CONCLUSION**

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It is undeniable that combating racism and xenophobia in a multiracial and religious country like Malaysia is quite a challenge and it takes more than one side to affect substantive changes. It has to be a collective effort by multi-stakeholders especially the government willing and ready to engage with civil society organizations, academicians, media, and other sectors of Malaysian society to address this phenomenon.

Several aspects have to be addressed especially pertaining to the policy and practices of racism and racial discrimination in Malaysia. The Malaysian Government must adhere to and ensure implementation of basic human rights spelled out in the Federal Constitution as well as universally accepted documents such as the Universal Declaration of Human Rights (UDHR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

It has to do more than merely paying lip service towards goals and ideals to wipe out racism and discrimination in the country. Serious attention has to be given to changes in policy and practices to ensure this is achieved in the most effective manner. It is indeed high time to institutionalise a new Malaysia where all can feel equal under the Malaysian sun. It means a reorientation of its people and especially the government to respect and engage diversity in a human rights way.

To conclude this 2015 report, the following are some significant recommendations to the Malaysian government:

- It is very important that the government takes the lead and initiative 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 instil 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 councillors; Department heads and senior staff members in all government agencies and departments of the civil service and all enforcement agencies including the armed forces and so forth.
- The Government in collaboration with CSOs diligently and systematically to monitor, check and ensure zero tolerance for policy and practices of racism and discrimination in all levels of governance. For instance among high ranking officers to refrain from adopting and behaving in racist manners which is counterproductive to achieving national unity and social cohesion in the nation.

- The government in its battle against racism and xenophobia 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 and in speech and actions.
- Law and policies have to be reviewed and the JPNIN must be empowered to be the lead agency to deal with this in a comprehensive manner and not just on a departmental level only. CSOs and independent bodies must be consulted and be part of this process.
- The government should also immediately release its findings and recommendations made in the National Unity Blueprint put forth by the NUCC established in 2013. It is time to openly 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 Malaysian people must be meaningfully engaged and be part of the process of implementing these recommendations.
- Malaysia must be serious in the long overdue ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which commits its members to the elimination of racial discrimination and the promotion of equality and unity among all races and requires them to create mechanisms, change laws and policies to minimise and eradicate racial discrimination and condemn any group or organization that perpetuates it. To date, 176 United Nations member states have ratified ICERD but sadly Malaysia being a member of the Human Rights Council, till now has not ratified the convention. It is also among the 15 countries including North Korea which has not ratified this convention.
- The government must remove reservations on non-discrimination and equal opportunity in the Convention on the Rights of the Child (CRC)<sup>104</sup> particularly Article 2 (1)(2) and 14(1); and its declaration made upon ratifying the Convention on the Rights of Persons with Disability (CRPD).<sup>105</sup> Furthermore not to only hold the application and interpretation of the Malaysian Federal Constitution separately from the CRPD. Incidentally the Malaysian government is signatories to both conventions. Refer to the above mentioned Articles of both conventions below:
- The Government must uphold not renege on its promises and declarations to eliminate all forms of intolerance, discrimination and incitement of hatred based on religion and beliefs they have committed to international and regional platforms such as the UPR process in Geneva and the ASEAN Human Rights Declaration.

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PUSAT KOMAS MALAYSIA  
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<sup>104</sup> Article 2, 14 (1) in the Convention of the Rights of the Child (CRC)

<sup>105</sup> Article 3 (b, e) and 5 (2) of the Convention on the Rights of Persons with Disability