

**GLOBAL
PLURALISM
MONITOR**



MALAYSIA

Global Pluralism Monitor: Malaysia

by Global Centre for Pluralism

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ABOUT THE SERIES

This report was developed using the Global Pluralism Monitor Assessment Framework. The Global Pluralism Monitor's country assessments are conducted by a team of experts on diversity issues who are either country nationals or have significant experience in the country.

The scores presented in this report should not be interpreted as part of a universal scale or ranking system that applies to all countries in the same way. Instead, scores should be understood as a context-specific indication of the country's progress toward (or away from) a pluralistic ideal. For example, a post-conflict society that still experiences violence – but comparatively less than at the height of conflict – might have a similar score to a society that has been peaceful but has recently experienced a surge in hate crimes. The Global Pluralism Monitor aims to assess countries on their own terms to reflect the highly contextual nature of pluralism: there is no single route to success that all societies must follow.

For more information on the Monitor and its methodology, visit our website at pluralism.ca/monitor.

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ABOUT THE GLOBAL PLURALISM MONITOR

What is pluralism?

Diversity in society is a universal fact; how societies respond to diversity is a choice. Pluralism is a positive response to diversity. Pluralism involves taking decisions and actions, as individuals and societies, which are grounded in respect for diversity.

MEASURING INCLUSION AND EXCLUSION IN DIVERSE SOCIETIES

Living and engaging with differences in society is a challenge all societies face. As inequality, marginalization and divisions rise, building peaceful and inclusive societies is ever more urgent.

Vulnerable groups, including religious and ethno-cultural minorities, Indigenous groups, and women and girls, face ongoing political, economic and social exclusion. To foster more just, peaceful and prosperous societies, these exclusions must be addressed. To take meaningful action, policy makers and practitioners need a holistic understanding of these issues.

Launched by the Global Centre for Pluralism, the Global Pluralism Monitor is a measurement tool that assesses the state of pluralism in countries around the world. Across political, economic, social and cultural domains, the Monitor informs decision-making to address root causes of exclusion and improve the prospects for pluralism.

Enhances existing efforts by governments, civil society and the private sector

The Monitor enables:

- Gap analysis: to assess the state of pluralism in societies and identify areas in which intervention is needed to address exclusion;
- Trends analysis: to track a country's trajectory over time, either towards greater inclusion or exclusion;
- Intersectional analysis: to assess the treatment of women in societies, accounting for intra-group dynamics of inclusion and exclusion;
- Conflict prevention: to identify signs of exclusion and marginalization before crisis becomes imminent;
- Good practices: to identify initiatives that are having a positive impact that could be further developed, or serve as lessons for other contexts.

Approach rooted in both institutional and cultural responses to diversity

The Centre's approach to pluralism focuses on institutions (hardware), cultural processes (software) and the complex interactions between the two. Institutional arrangements – such as constitutions, legislatures, courts, and systems of government – outline the legal and political spaces within which members of societies act. Cultural habits or mindsets shape our perceptions of *who belongs* and *who contributes*, and influence how we interact with one another every day.

The Monitor Assessment Framework is rooted in the interplay between institutional and cultural responses, and measures inclusions and exclusions across political, economic and social dimensions. Its 20 indicators cover the following:

1. Legal commitments in support of pluralism;
2. Practices by state institutions to realize commitments;
3. Leadership towards pluralism from societal actors;
4. State of group-based inequalities;
5. Intergroup relations and belonging.

Informed by expertise and data

A team of national experts on diversity and inclusion in the country uses the Monitor Assessment Framework to produce a country report, drawing on a range of qualitative and quantitative data. The reports offer recommendations for policymakers and practitioners on how to advance pluralism, and offer a basis for dialogue with stakeholders across the society.

Each team of experts is encouraged to define the story *they* want to tell about pluralism. In this way, the reports are grounded in the local realities and designed to have the most potential impact on policy and practice.

The Monitor is guided by an international Technical Advisory Group of leading experts on indices and diversity issues.

GLOBAL PLURALISM MONITOR ASSESSMENT FRAMEWORK

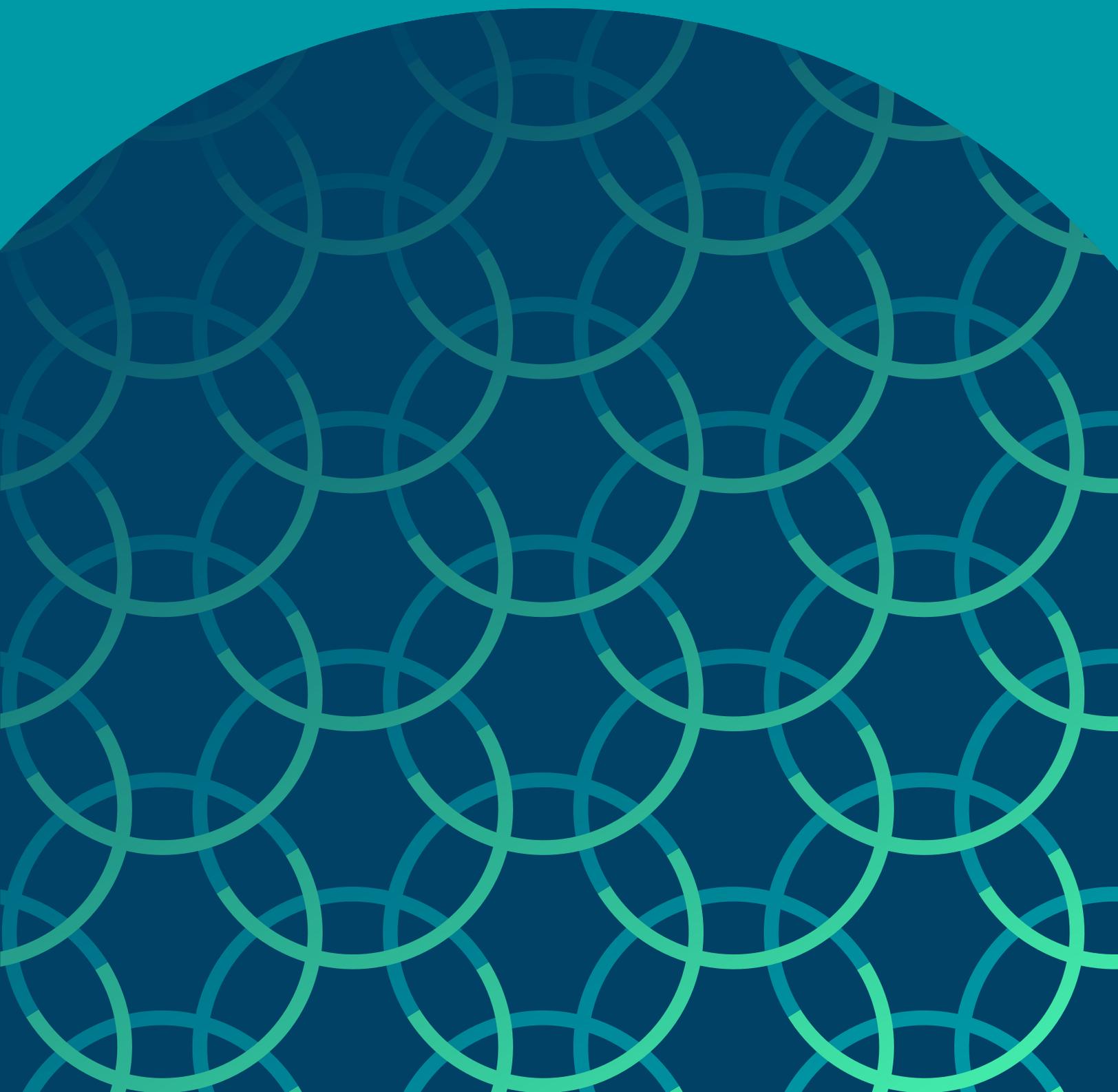
COUNTRY PROFILE

COMMITMENTS	PRACTICES	LEADERSHIP	GROUP BASED INEQUALITIES	INTERGROUP RELATIONS + BELONGING
International Commitments	Policy implementation	Political Parties	Political	Intergroup Violence
National Commitments	Data Collection	News Media	Economic	Intergroup Trust
Inclusive Citizenship	Claims-Making and Contestation	Civil Society	Social	Trust in Institutions
		Private Sector	Cultural	Inclusion and Acceptance
			Access to Justice	Shared Ownership of Society

RECOMMENDATIONS

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EXECUTIVE SUMMARY

Despite affirmative action policies directed to the Bumiputera population at large, the systemic marginalization and lagging economic development of Indigenous Bumiputera has echoed how inclusion into Malaysian society is often elusive for non-Malays.

OVERALL SCORE: 5

Touted for its successful approach to embracing diversity through tolerance and harmony, Malaysia's goal of achieving national unity seems more remote due to the growth of Malay nationalism and Islamization. In discussing Malaysia's constitutional and legal frameworks that can constrain pluralism and affirmative action policies that have resulted in the marginalization of minorities, the *Global Pluralism Monitor: Malaysia* report emphasizes the need for a transition towards a more inclusive concept of nationhood. In focussing on ethno-racial groups, religion and vulnerable groups (non-citizens), the report discusses today's challenges to pluralism.

Affirmative action policies which normalized Bumiputera (Malays and Indigenous groups) receiving special treatment have instead resulted in a festering sense of deprivation and injustice among non-Bumiputera Malaysians that springs from the unequal access to opportunities. Despite affirmative action policies directed to the Bumiputera population at large, the systemic marginalization and lagging economic development of Indigenous Bumiputera has echoed how inclusion into Malaysian society is often elusive for non-Malays. Although Malays have been awarded many benefits and constitute the majority of the population, there is a sense that the position of their race or religion is under threat by ethno-racial minorities. This creates new sources of exclusion in all echelons of society. Thus, social cohesion is characterized as stable tension, and efforts for integrationist policies have veered toward assimilation.

LEGAL COMMITMENTS

Malaysia's international commitments to human rights are lackluster. Malaysia has only acceded to three United Nations treaties, but as a dualist country, these have not been incorporated into national law by the legislature. However, the constitutional framework recognizes the multicultural nature of the country and espouses pluralism under the slogan 'unity in diversity'. Efforts such as the National Unity Blueprint, which seeks to foster harmony, do not clearly spell out requirements for addressing national unity, adding on to the challenges faced by Malaysia.

Citizenship provisions are inclusive regarding race and religion, allowing all citizens to practice their religions in harmony. Notwithstanding, substantial issues exist for marginalized populations when securing citizenship documentation, resulting in a growing statelessness crisis.

PRACTICES AND LEADERSHIP

The Ministry of National Unity oversees pluralist policies, although shortcomings in implementation are derived from the limited scope of national commitments. In contrast to the Ministry's work, the Malaysian Human Rights Commission (SUHAKAM) has stood

out as a voice of moderation and social cohesion. By recognizing the need for continuous work on national unity, inequalities and gaps between Bumiputera, Chinese and Indian populations are consistently tracked. Among these disparities, unequal treatment is perceived and experienced by non-Malay when making claims. Notably, Tamils and Hindus are more likely to be taken into custody, while Malay ethno-racial causes often proceed without obstruction.

There are conscious efforts to promote diversity in political parties, news media and private sector, and the resilience of these actors has carved out spaces for multi-ethnic politics and workspaces. However, vulnerable groups such as women, refugees and migrants are still typically underrepresented and omitted in political discourse. There is also a concerning trend of news media and civil society organizations being censored, investigated and charged in court for publishing commentaries that are unfavourable towards the government. This raises further concerns about Malaysians' ability to hold their government accountable in cases of human rights violations or discrimination against minority groups.

GROUP-BASED INEQUALITIES, INTERGROUP RELATIONS AND BELONGING

The political underrepresentation of minority groups has translated into the limited access to justice and the socio-economic marginalization of women, migrants and Indigenous groups. East Malaysia, predominantly made up of Indigenous groups, has continuously lagged behind the peninsula economically due to problems of inadequate rural infrastructure and poor socio-economic development. Disparities in the quality of education and healthcare have also impacted Indigenous groups across all of Malaysia. Overall, Malaysia has also underperformed in issues of gender equality, failing to bridge the gender gap for economic empowerment and in the provision of social services for mothers.

Despite perceived and experienced unequal treatment, intergroup trust and relations are strong in Malaysia, and most Malaysians regard their country as harmonious. However, tolerance and appreciation for ethno-racial and religious diversity does not necessarily translate into friendship between groups. On the contrary, the centering of Islam in all aspects of society has resulted in the unequal standing of other religions and cultures across the country. For example, Malays are more likely to be discriminatory to other groups. In the Global Centre for Pluralism's *Pluralism Perceptions Survey*, most groups feel strong ties with Malaysia, although Malays score significantly higher than Indians, Chinese Malaysians or non-Malay Bumiputeras.

MONITOR TAKEAWAYS

The report discusses in depth the paradoxical intergroup relations of Malaysia: although quantitative data suggests good intergroup relations, there is a simultaneous high prevalence of experiences and perceptions of discrimination amongst cultural and religious minorities. Despite efforts to visibilize and prioritize efforts for inclusive citizenship and address inequalities, the concept of nationhood in Malaysia is still contested. While being a multi-ethnic and multi-religious country, Malaysia nurtures a National Culture Policy which opens space for multiculturalism while simultaneously centering Islam within

Although the Indigenous people of Sabah and Sarawak are Bumiputera, they are vulnerable to the poor treatment often directed at non-citizens.

Malay culture. In doing so, Islam has become the reference point for the acceptability of other religions and cultures to be part of Malaysia's national culture, positioning other religions on unequal footing. Disparities emerge from the unequal treatment of religious backgrounds. Although there is a lack of data on socioeconomic inequalities delineated by religion, the Monitor report signals how Muslims tend to have greater access to opportunities related to education and income. Even amongst the majority Bumiputera groups, Christian Bumiputera often face exclusion from public services and pressures to convert to Islam, as opposed to their Muslim counterparts.

Malaysia has taken important steps towards the recognition of customary law for Indigenous peoples in Sabah and Sarawak. Nonetheless, these communities are disproportionately impacted by socio-economic inequalities. Being some of the most impoverished communities in Malaysia, they often face difficulties in accessing citizenship documentation, public services and quality education and often see their traditional land rights contested. Although the Indigenous people of Sabah and Sarawak are Bumiputera, they are vulnerable to the poor treatment often directed at non-citizens. Scarce data on vulnerable communities such as these does not only pose a challenge for the evaluation of pluralism in the country, but for the development of meaningful policies that successfully address these disparities.

Overall, discrimination has become one of the most difficult issues to investigate in Malaysia, for multiple reasons. Restrictions on freedom of speech for news media outlets, censure of civil society organizations (CSOs) and persecution of minorities for voicing complaints make it a challenge to be openly critical about inequalities experienced at the hand of the government. With raw data being hard to access, quantifying these inequalities and disparities becomes even more challenging. However, the silences regarding the efficient action to target discrimination and inequalities instead reveal a lack of political will to address preferential policies, citizenship that is not based on mutual respect and a political landscape that has confused inclusivity and integration with assimilation.

RECOMMENDATIONS

The Monitor report's recommendations reinforce what experts, activists and stakeholders have long called for in Malaysia and provide several pathways to pluralism for the country.

- The international treaties already signed and ratified by Malaysia provide the opportunity to revitalize the country's commitment to pluralism. Malaysia could improve the reporting of their state treaties related to diversity and inclusiveness for this effect. These include the Convention on the Elimination of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD).
- Consolidate the authority and resources of policy-making and implementation institutions, especially on national unity and Indigenous peoples' issues. This can also have the effect of addressing 'claims of supremacy' among majority ethnic groups and the concerns of minority groups.

- Civil society and the media currently face obstacles to engaging in inclusive and diverse reporting or activism due to restrictive legislation. Malaysia has the opportunity to further support these non-state actors by reviewing or reforming such legislation.
- Existing economic policies and empowerment programs can effectively reduce ethnic, gender and regional disparities. To further improve the effectiveness of these programs, implementation can be revised to ensure fairness in access to education and diversity in enrollment, address the acute lack of access for vulnerable groups and promote integration.
- Ethnic relations programs and strategies could be reviewed to ensure they promote inclusive values and appreciation for diversity, especially through the education system. This can improve the management of racial tensions and conflicts, safeguard communities' voices and senses of belonging.

COUNTRY PROFILE

Malaysia is a multi-racial, multi-ethnic and multi-religious country in which difference and diversity have been constant national rallying points and sources of tension. The terms “race” and “ethnicity” tend to be used interchangeably in Malaysia, with more reference to culture and lineage than colour. These terms are also multi-layered. Phenotypical traits are differentiable between the Malays and Indigenous peoples, Chinese, Indians and various minority groups, while the language and culture of these groups are also distinctly preserved. These classifications were inherited from colonial rule, or, as in the specific case of the *Bumiputera*, they are part of a post-independence political formulation. With a view to the overlapping and artificial nature of racial, ethnic and subethnic categories, it is sufficient and practical to adopt a hybrid concept of “ethno-racial” groups to demarcate Malaysia’s most salient diversity.

At present, the majority ethno-racial Bumiputera category accounts for 70 percent of Malaysia’s citizens, of which 56 percent are Malays residing predominantly on Peninsular Malaysia, while 14 percent are Indigenous peoples, who are mainly located in Sabah and Sarawak, and the Orang Asli of Peninsular Malaysia. Among the other categories, Chinese (23 percent) and Indians (7 percent) maintain a sizable presence, with the remaining 1 percent consisting of a diverse “Others” category. Three quarters of Malaysia’s total population lives in urban areas and cities, which are also more heterogeneous.¹



Photo: Shutterstock/Naturalism14

Malaysia emerged out of circumstances that have shaped its mode of pluralism and its dynamics of inclusion and exclusion

Malaysia emerged out of circumstances that have shaped its mode of pluralism and its dynamics of inclusion and exclusion. Central to the negotiations leading to Malaya's independence on August 31st, 1957, was the "racial bargain" by elites chiefly representing the Malays, Chinese and Indians. This bargain provided citizenship for residents and guarantees of equality and prohibition of discrimination—alongside special socio-economic provisions for Malays and "legitimate interests" of other communities in Article 153 of the Federal Constitution. Malaysia was established on September 16th, 1963, with the merger of Malaya (subsequently, Peninsular or West Malaysia, terms that are used interchangeably in this report) with Sabah and Sarawak (East Malaysia) to form a new and broader federation. Concomitantly, the category of Article 153 beneficiaries was extended to the "natives of Sabah and Sarawak," who, together with Malays, constitute the Bumiputera category. Four-fifths of Malaysia's population reside in the 11 states of Peninsular Malaysia, with the balance in East Malaysia.

The Malaysia Agreement 1963 (MA63), which sealed the country's foundation, also stipulated various state rights and autonomy for Sabah and Sarawak on matters such as employment, religion and language. Constitutional amendments in December 2021 restored the status of Sabah and Sarawak as constituents of the federation of Malaysia, alongside Peninsular Malaysia. Nonetheless, it remains to be seen whether this act will remedy the erosion of trust in a perceived Peninsula-dominated polity. The lagging economic development of East Malaysia and federal government encroachment, real or perceived, continuously militate against closer regional integration.

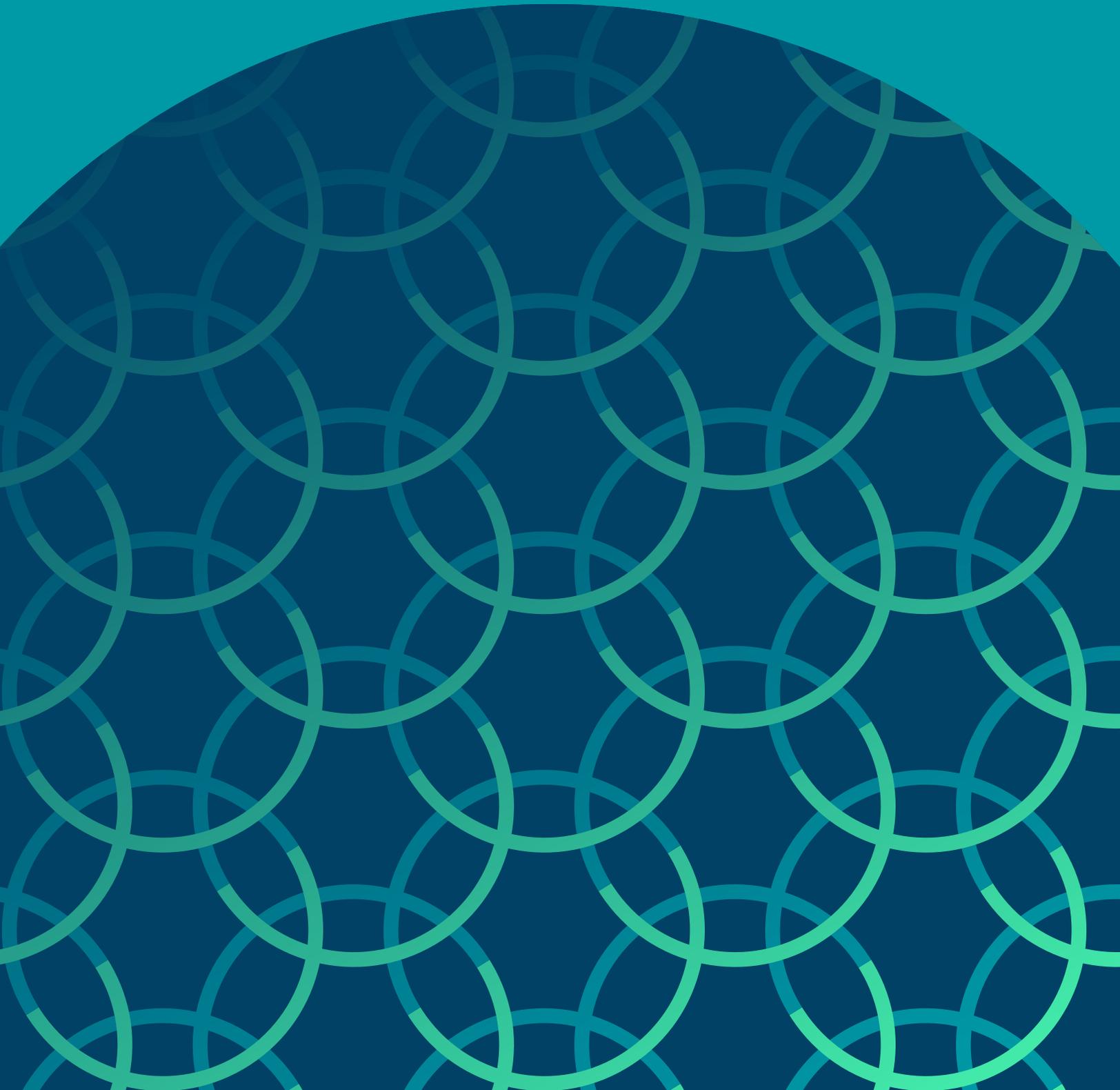
Malaysia's tapestry of multiple religions includes 63.5 percent identifying as Muslim, 18.7 percent as Buddhist, 9.1 percent as Christian and 6.1 percent Hindu.² The Constitution recognizes Islam as "the religion of the federation" while establishing Malaysia as a secular state. The Sultans (the nine royal families in nine Peninsula states) are designated as the heads of Islam in their respective states, and the national kingship (occupied by one of the Sultans on a five-year rotation) serves in this capacity for the states without a ruling monarch and in the federal territories. Most matters related to Muslim practice fall under state-level jurisdiction. The Constitution safeguards religious freedom with certain limits (mainly applying to Muslims), and Syariah (Sharia) courts preside principally over family matters. State and federal governments maintain a religious bureaucracy with substantial scope and powers. The impact of religion on pluralism in Malaysia merits its incorporation as a diversity type in this evaluation.

The interlacing of ethno-racial and religious differences enriches diversity, but it can also amplify tension. The May 13th, 1969, outbreak of ethno-racial violence exposed deep socio-political fractures, and the tragedy constituted a turning point for the state to address Malay concerns. Subsequently, Malay political primacy was consolidated, the ruling ethno-racial coalition was expanded and the New Economic Policy (NEP) was promulgated in 1971. The NEP was a comprehensive program of economic growth, employment generation and poverty reduction, but most pivotally, it expanded and intensified pro-Bumiputera affirmative action to promote the group's upward mobility, urbanization and representation in higher socio-economic echelons. The core of the NEP's programs remains embedded, and its legacy is far-reaching and complicated. Yet, it is fair to say that its policies have contributed to integration and pluralism through fostering equitable representation and intergroup interaction, while also perpetuating tensions arising from unequal socio-economic opportunities for Bumiputeras and non-Bumiputeras. Malaysia is a complex society in which integration and polarization co-exist.

The dynamics of inclusion and exclusion—primarily exclusion—of particular groups warrant the specification of “vulnerable communities” as a diversity type. Their marginalization derives from the absence of citizenship, residency documentation and/or from socio-economic vulnerabilities. “Stateless persons” in Malaysia include Indigenous groups, especially in Sabah and Sarawak, and Indians of marginalized plantation communities. Both are deprived of official citizenship due to a lack of documentation and failure to secure registration immediately after birth. Other communities vulnerable to being stateless include the children of Malaysian women with foreign spouses who were born outside Malaysia, children of undocumented foreigners and children of foreign women who are not legally married to Malaysian citizens. These groups are denied basic opportunities, such as schooling and employment. Refugees, who are not officially recognized as such by Malaysia, face similar deprivations. Migrant workers who are undocumented, especially those in circumstances not of their own volition (for example, migrants recruited for work through false documentation), face various hardships, and even documented workers do not enjoy equal rights as citizens. Data on vulnerable communities are rather scarce, which poses challenges for evaluating the pluralism indicators for this diversity type. The relative brevity of discussion is not commensurate with the significance of vulnerable community issues with regard to pluralism.

Malaysia sustains social cohesion in a status aptly characterized as “stable tension.”³ The 2008 and 2013 general elections saw the end of a two-thirds parliamentary majority long held by the ethno-racial-based Barisan Nasional. This opened more space for the articulation of concerns related to justice, fairness, public accountability and democratic reform, including compliance with international human rights standards. The 2018 general election saw a major shift in Malaysia’s political landscape; ethnic- and religious-based politicians lost to a coalition mainly comprised of multi-ethnic parties. Constitutional provisions and historical precedence lay substantial foundations for multicultural and plural society, but political agendas and unchecked intolerance perpetuate polarization and can inflame ethnic and religious sentiments in public life. Citizens generally have a positive view of inter-ethnic relations and comfortably claim a national identity—as Malaysian—alongside ethno-racial and religious identities. Ethno-racial, religious and regional cleavages remain and will need to be continually, tactfully and effectively managed.

PART I. COMMITMENTS



1. INTERNATIONAL COMMITMENTS

AVERAGE SCORE: 3.5

ETHNO-RACIAL GROUPS | SCORE: 2

RELIGIONS | SCORE: 4

VULNERABLE COMMUNITIES | SCORE: 4

Malaysia is dualistic in its approach to international law; treaties do not decidedly become incorporated into national legislation.

Out of the 11 treaties and conventions within the Global Pluralism Monitor rubric, Malaysia has only acceded to four:⁴

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Convention on the Rights of the Child;
- Convention on the Prevention and Punishment of the Crime of Genocide; and
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.

Furthermore, none of these four conventions have been formally received into the country's legal system, and the ratification of CEDAW and the Convention on the Rights of the Child were made with reservations. Malaysia has ratified CEDAW with reservations based on conformity to Islamic or Syariah law on matters pertaining to the rights of Muslim women in relation to Muslim men, namely on entry into marriage, on rights and responsibilities, on guardianship and adoption, and on personal rights. Malaysia's accession to the Convention on the Rights of the Child was accompanied by reservations on five of the treaty's core articles.⁵

Malaysia is dualistic in its approach to international law; treaties do not decidedly become incorporated into national legislation. Certain law reforms may have been influenced by the accession to the treaties. However, reference to the treaties were not clearly made in the Hansard transcripts of relevant Parliamentary debates.

In 2018, Malaysia announced an intention to accede to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). However, the Alliance of Hope (*Pakatan Harapan*) government backtracked in response to major protest from Malay-Muslim political parties and civil society.⁶ The discourse magnified Article 153's exceptions from the more fundamental equality safeguards articulated in Article 8, and Malaysia preempted an opportunity to clarify its disposition with regard to racial discrimination balanced with reconciling affirmative action through ICERD.

Notwithstanding the travails with ICERD, Malaysia has, since 2001, supported the Durban Declaration and Programme of Action, including the most recent 2021 United Nations (UN) resolutions on combating racism.⁷ Much remains to be done in Malaysia for appreciating diversity and combatting racism, both globally and nationally, but the overall picture is more nuanced. The implications of Malaysia's support for the Durban process at the international level needs to be articulated so that Malaysia's foreign policy commitments are also implemented domestically.⁸

Malaysia has also been active in the UN's Universal Periodical Review (UPR) through which many issues pertaining to human rights are raised. Malaysia has undergone three UPR reviews, in 2009, 2013 and 2018, during which 268 recommendations were received. Malaysia formally accepted 147 of them and will report in 2022 on the progress made. Malaysia received 183 votes from UN member states to take a seat on the UN Human Rights Council for the 2022–24 term. Prior to securing broad support, Malaysia pledged to work towards signing and ratifying the outstanding international conventions related to human rights.

In an international context, Malaysia is actively engaged with the migration of several vulnerable groups. However, this is done without clear and firm accession to the relevant conventions; for example, Malaysia receives a large number of refugees while being ambivalent about the Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees. Malaysia also has a substantial population of migrant workers but has not made a commitment to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

2. NATIONAL COMMITMENTS

AVERAGE SCORE: 4.5

ETHNO-RACIAL GROUPS | SCORE: 5

RELIGIONS | SCORE: 5

VULNERABLE COMMUNITIES | SCORE: 3

The Federal Constitution stipulates rights and protections for citizens of all ethnic communities. Fundamental rights and liberties are established in Articles 1–14, with several exceptions. Most consequentially, the Constitution provides for recognition of the “special position” accorded to Malays and natives of Sabah and Sarawak (i.e., Bumiputeras) through the reservation of socio-economic opportunities in certain areas. The Orang Asli Indigenous peoples of Peninsular Malaysia are not specifically mentioned in Article 153, but provisions for their “protection, well-being or advancement” are permitted under Article 8.⁹

The Constitution provides that Islam is “the religion of the Federation” and allows other religions to be practiced in “peace and harmony” under Article 3(1).¹⁰ The Constitution also guarantees every person’s right to profess their religion. However, Article 11(4) sets out that federal or state legislatures are permitted to enact laws that restrict the propagation of other religions, with the exception of Islam.¹¹ This, together with provisions for the special position of the Bumiputera and the legitimate interests of the other communities under Article 153, and for the national language and the place of other community languages in Article 152, underscores the delicate balancing act Malaysia continually negotiates.¹² Vulnerable group members, who lack official citizenship status or face acute socio-economic disadvantages, are substantially excluded from legal protections or constrained in their access to justice.

Policies that promote pluralism are shaped by symbolic visions and programs that have captured the public imagination, but the policies are also induced, and constrained, by the political milieu.

Since CEDAW's adoption, Malaysia has established a specific Ministry of Women, Family and Community Development and amended the Federal Constitution to include the word "gender" in the provision that prohibits discrimination.¹³ Gender equality has yet to be authoritatively institutionalized; although, in recent years, the government has indicated that legislation and parliamentary oversight will be initiated.¹⁴ As a step towards realizing the rights of children, the government passed the Child Act in 2001, and it developed a National Policy for Children and its Plan of Action for Child Protection in 2009. The appointment of the first Children's Commissioner within Malaysia's Human Rights Commission, for the term 2019–22, is a significant step in the promotion and protection of children's rights.

Policies that promote pluralism are shaped by symbolic visions and programs that have captured the public imagination, but the policies are also induced, and constrained, by the political milieu. Malaysia's unity and integration policy has broadly built on the concept of *Muhibbah* and the slogan "unity in diversity". *Muhibbah*, meaning love in Arabic, is widely adopted to refer to feelings of friendship and camaraderie between races. In 1970, the Principles of the Nation (*Rukunegara*) was established following the May 13th ethnic crisis and has remained a five-pillared national platform for integration reinforced by the consultative nature of its conception and its propagation through the school system. Other notable concepts have left marks but were also more attached to political administrations. In 1991, Prime Minister Mahathir Mohamad's Vision 2020 articulated nine strategic challenges encompassing a united Malaysian nation, a psychologically liberated liberal and tolerant society and economic justice. Prime Minister Najib Razak's 1Malaysia notion ran from 2009 to 2018 with the aim of fostering unity substantiated by key values, including acceptance, meritocracy and loyalty.¹⁵

The past two years have seen significant developments. In February 2021, Malaysia promulgated the National Unity Policy and the National Unity Blueprint 2021–2030 outlining 12 strategies, including language learning, social mediators, the role of education institutions as spheres of integration and commitment to legal action against threats to unity and harmony.¹⁶ However, these initiatives omit a few elements, most saliently the 2018 National Unity Consultative Council's (NUCC) proposals for new legislations such as the Harmony Act to address hate speech, new institutions, such as an independent national unity commission, and mechanisms for community mediation to address conflicts. The Blueprint does not clearly spell out the legislative and institutional requirements for addressing national unity concerns, and it neglects to reference the Federal Constitution's Article 8 on equality.

On the whole, the dynamics of ethno-racial inclusion and exclusion in legislative and policy institutions do not distinctly differ in magnitude from corollaries in religion. Malaysia's commitments pertaining to vulnerable groups, however, are discernibly lacking.

3. INCLUSIVE CITIZENSHIP

AVERAGE SCORE: 4.5

ETHNO-RACIAL GROUPS | SCORE: 7

RELIGIONS | SCORE: 6

VULNERABLE COMMUNITIES | SCORE: 1

The path to citizenship for more recent immigrants and refugees is prohibitively difficult and nearly impossible in practice, whereas for spouses of Malaysian citizens it is a time-consuming and arduous process to complete.

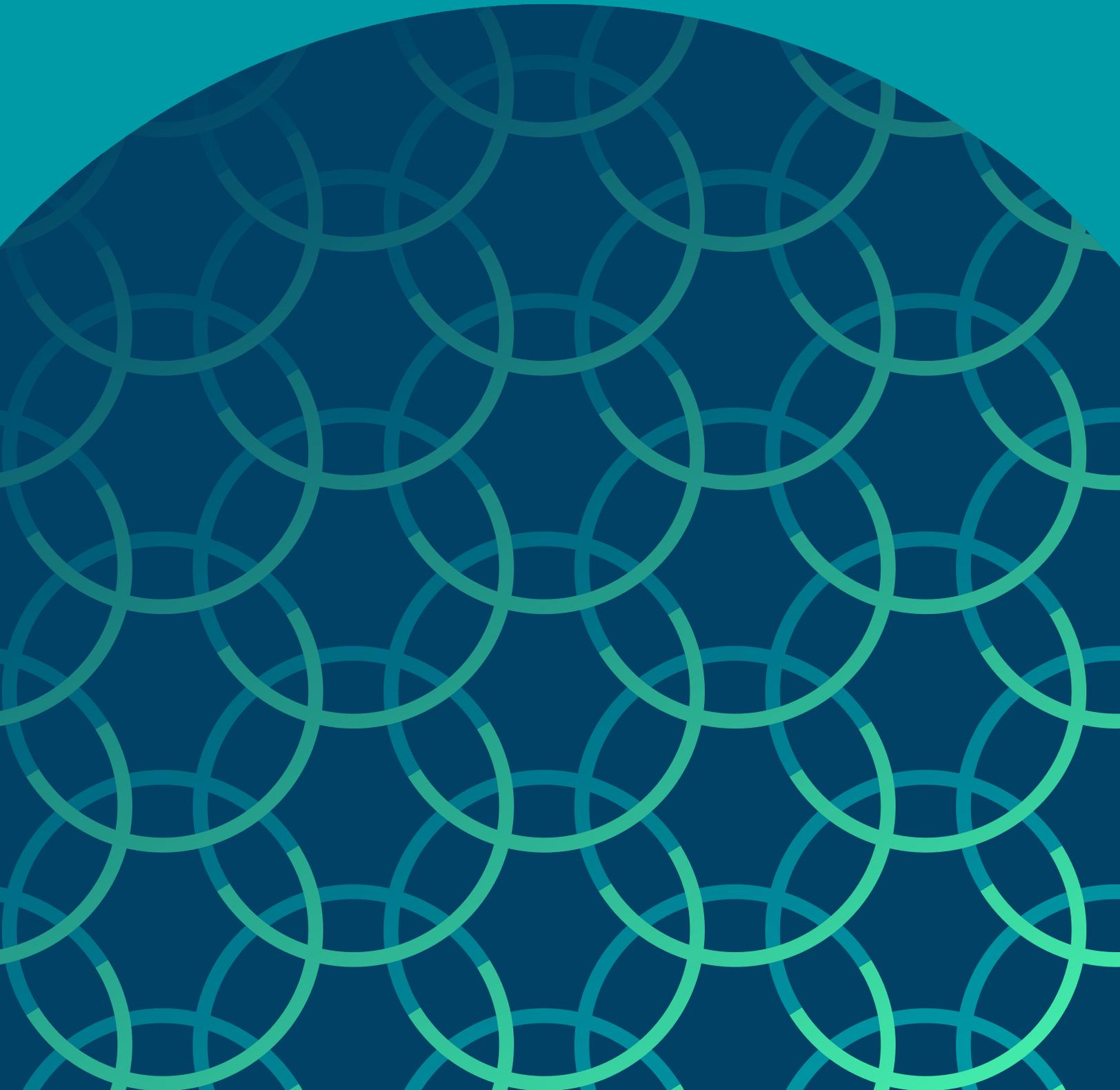
The Federal Constitution provides for citizenship matters in Articles 14–31. There are generally three types of citizenship: by operation of law, by registration and by naturalization. Citizens by operation of law are, briefly, all persons who were citizens “of the Federation” (defined for this purpose as Malaya, Sabah and Sarawak, separately) before September 16th, 1963 (Malaysia Day), and all persons born in Malaysia on or after Malaysia Day with at least one parent being a citizen or permanent resident of Malaysia. Citizenship by registration concerns the acquisition of citizenship by foreign spouses of citizens. Under Article 19, citizenship by naturalization allows application for citizenship by any person over the age of 21 who is not a citizen on the basis that the person has resided in Malaysia for a required period of time, is of good character and has adequate knowledge of the Malay language.¹⁷

Citizenship provisions are clearly articulated in the Federal Constitution and are generally inclusive as far as race and religion are concerned, and they apply equally in East and West Malaysia. However, pockets of communities have experienced exclusion. In the early period prior to independence, immigrant communities were given an opportunity to make Malaysia their home or to return to their homeland. A majority of Chinese and Indian immigrants by August 1957 made Malaysia their home. During this period, non-Malays had to complete a national language test to determine if they could speak Malay. All children born to these parents automatically became Malaysian citizens. However, documentation is important, and keeping birth and identity records is key. Many Indian families living on plantations or in remote interior communities may have delayed birth registration, and thus, subsequent generations face difficulties in showing proof of their origin. Various Indigenous minority communities in Sabah have also struggled acutely with securing citizenship documentation. Non-citizen spouses and children also face inordinate difficulty entering and residing in the country, enrolling in school and working.

The issue of statelessness in Malaysia is serious. The UN High Commissioner for Refugees (UNHCR) indicates that “there are at least 10,000 people in West Malaysia who are denied nationality, with unknown numbers in East Malaysia.” These people are officially denied access to public education and health care and face grave difficulty getting jobs.¹⁸ There are provisions for application by a non-citizen to acquire Malaysian citizenship by registration (under Articles 15, 15A and 16 of the Federal Constitution) or naturalization (under Article 19 of the Federal Constitution).¹⁹ However, the process is challenging, as evidenced by the case of stateless people who have lived in Malaysia for decades. The path to citizenship for more recent immigrants and refugees is prohibitively difficult and nearly impossible in practice, whereas for spouses of Malaysian citizens it is a time-consuming and arduous process to complete.

The Constitution substantively discriminates against women on major citizenship matters, with adverse effects across all diversity types. An application for citizenship on the basis of marriage to a citizen under Article 15 is only available for wives of male citizens not vice versa. Gender discrimination is also starkly institutionalized in citizenship provisions for children born outside Malaysia. Only Malaysian fathers are allowed to confer citizenship on their foreign-born children; Malaysian mothers are denied the same right. In September 2021, the High Court ruled in favour of Family Frontiers, a non-governmental organization (NGO), and six mothers. The NGO's lawsuit sought to declare the relevant portions of the Constitution as discriminatory. The government, which had earlier unsuccessfully applied to dismiss the suit, has appealed the decision to the Appeals Court, which was to hear the case in March 2022. Meanwhile, the previously precluded citizenship applications have been able to proceed. The intersectional presence of gender inequality is most pronounced on citizenship, and hence, it substantially factors into the scoring of this indicator.

**PART II.
PRACTICES**



4. POLICY IMPLEMENTATION

AVERAGE SCORE: 7

ETHNO-RACIAL GROUPS | SCORE: 7

RELIGIONS | SCORE: 7

VULNERABLE COMMUNITIES | SCORE: 7

While institutions and administrative structures have shifted and adapted over time, Malaysia has promoted tolerance, inclusion and pluralism with substantial consistency across the various dimensions of inter-group diversity and conflict.

Malaysia's policy pertaining to integration and pluralism has conventionally been placed under the rubric of "national unity." This distinction set the tone and scope of efforts to pursue these national objectives, followed by an overview of structures and resources committed to these ends.

Governance structures overseeing national unity began in 1969 with the establishment of the Department of National Unity, which was elevated into the Ministry of National Unity and Community Development in 1972. From 1980 to 2018, the responsibility was vested back to a department within the sprawling Prime Minister's Department. In 2020, this department was upgraded again to the Ministry of National Unity.

The presence of these government agencies, together with the co-optation of the agenda for many years under the Prime Minister's Department, reflect sustained commitment but also the subordinate, department-level status of national unity for many decades and its susceptibility to politicization. Among government or statutory institutions, the Malaysian Human Rights Commission (known by its Malay acronym SUHAKAM) has stood out as a voice of moderation, inclusiveness and justice, although its primarily advisory role limits its impact. While institutions and administrative structures have shifted and adapted over time, Malaysia has promoted tolerance, inclusion and pluralism with substantial consistency across the various dimensions of inter-group diversity and conflict. Shortcomings in practice often derive from the limited scope of legislation or policy commitments.

To enhance institutional capacity, and as a result of advocacy by academics and civil society, the NUCC document proposes the establishment of an independent unity commission and community mediation mechanisms with adequate legislative provisions. While the Ministry of National Unity has been active in the promotion of national unity and social cohesion, it has been weak in intervening during moments of conflict and tension. The lack of independent mechanisms to address hate speech, inter-ethnic or religious contestations, and to monitor the speech of politicians, religious leaders and civil activists for racial extremism or inflammatory rhetoric damages community consensus.

Lived experiences differ across communities with regard to equality, impacting on perceptions of being included or excluded. Malaysia-born citizens of minority groups have been denigrated repeatedly as "immigrants," and refugees and migrant workers are often the targets of xenophobic hate speech.²⁰ Section 298A of the Penal Code stipulates that it is a crime to incite disharmony, disunity and enmity on the grounds of religion or racial feelings, but enforcement frameworks and mechanisms have not been developed.²¹ The lack of a national conversation on decency and decorum in public discourses, and the absence of specific legislation overseeing hate speech or incitement of animosity,

compounds Malaysia's inefficacy in curtailing divisive and malicious rhetoric. Proposals for a national Harmony Act by NUCC in 2015 did not materialize.²²

Religious matters in Malaysia are governed at both the federal and state level. The resources and authority of institutions overseeing Islam greatly exceed that of other religions, notably with the Islamic religious departments. These institutions, established independently in each state and the federal territory, typically consist of the Department of the Islamic Religion, Council of Islamic Religion and the Syariah court system.

In the case of Sabah and Sarawak, especially their Indigenous populations, state governments undertake a relatively greater role in socio-economic development and rights protection. There is a federal minister in the Prime Minister's Department overseeing the affairs of East Malaysian Indigenous people. Designated federal agencies also attend to the well-being of the Indian and Orang Asli communities, located under the jurisdiction of the Ministry of National Unity and the Ministry of Rural Development, respectively.

Nonetheless, discontent persists towards the federal government, which is often perceived as being too Peninsula-centric.²³ The unresolved issues arising from statelessness underscore such perceptions. With regard to migrant workers and the associated problem of human trafficking, Malaysia has lacked strategic planning and coordinated action since the 1990s when mass immigration began. Recent years have seen the rollout of three National Action Plans on Anti-Trafficking in Persons (cumulatively spanning 2011–25) and the National Action Plan on Forced Labour (2021–25). The country's success in dealing with these problems will depend on effective and sustained implementation.

5. DATA COLLECTION

AVERAGE SCORE: 4.5

ETHNO-RACIAL GROUPS | SCORE: 6

RELIGIONS | SCORE: 4

VULNERABLE COMMUNITIES | SCORE: 3

The Department of Statistics Malaysia (DOSM) conducts national censuses and surveys of households, individuals, businesses and other entities. DOSM maintains a massive repository of demographic, economic and social data. Government departments and statutory bodies also maintain specific registries of individuals under their purview and occasionally conduct ad hoc surveys. DOSM regularly publishes reports of these survey findings, most of which are free to download online. However, microdata for researchers to conduct their own analyses are generally difficult to obtain.

The NEP set a precedent of measuring, target-setting and monitoring ethnic disparities, chiefly in terms of household income, occupational representation and equity ownership. These indicators have been updated in the five-year Malaysia Plans. Gaps between the Bumiputera, Chinese and Indian populations have been consistently tracked since 1971. However, a few major shortcomings must be highlighted, some of which have permeated

The government has committed to open data principles and publishes statistical summaries, but access to raw data remains highly restrictive, especially for data that inform the problems of inequality and exclusion.

the national statistics infrastructure all along and some that have worsened in recent years. The government has committed to open data principles and publishes statistical summaries, but access to raw data remains highly restrictive, especially for data that inform the problems of inequality and exclusion. Official statistical reports have become more widely disseminated, and data files are also deposited in a data portal (data.gov.my), allowing access to unpublished information, such as foreign work permit numbers. In general, these data are available on an ad hoc basis.

The population census and various surveys apply a classification framework of ethnic groups and subgroups that, importantly, identifies Indigenous communities subsumed within the Bumiputera banner and also differentiates Chinese and Indian populations by language or culture. Nonetheless, statistical reports almost never differentiate the primary Bumiputera, Chinese and Indian categories. Most consequentially, official publications that report demographic or socio-economic outcomes based on ethnicity—including attaining higher education, employment, household income, poverty and ownership—typically reduce the entire Bumiputera population to an overall average. Even population statistics derived from the census, which circumvents the small sample size problem encountered by surveys, have, at most, differentiated Malay and non-Malay Bumiputera but typically report the Bumiputera population as a monolithic whole, without disaggregating into the many subgroups, which vary by language, culture and religion.

The 2010 Census provided population figures of the larger groups of Sarawak (Malay, Iban, Bidayuh, Melanau) and Sabah (Malay, Kadazan-Dusun, Bajau and Murut). The Labour Force Survey Report, one of the very few documents with Bumiputera disaggregated into Malay and non-Malay, ceased this practice after 2013. One-off research has found the most dire socio-economic conditions among the Orang Asli of Peninsular Malaysia, but there is a lack of consistent effort to monitor the socio-economic situation of the community.

Religious identity is an important demographic variable. Data disclosures are limited on dimensions more pertinent to religious pluralism, inclusiveness and freedom, particularly on public funding for religious purposes, personal conversions and the preservation of places of worship.

Various statistical publications (of demographic, economic and social information) have adopted a template of summarizing conditions in Peninsular Malaysia, Sabah and Sarawak. These practices continue, which show, among other things, the continually lagging development in East Malaysian states. Data on migrant workers and refugees, the most vulnerable groups, are distinctly under-reported.

6. CLAIMS-MAKING AND CONTESTATION

AVERAGE SCORE: 5.5

ETHNO-RACIAL GROUPS | SCORE: 7

RELIGIONS | SCORE: 5

VULNERABLE COMMUNITIES | SCORE: 5

While all citizens generally have civil and political rights in Malaysia, some groups' positions and access to political rights are constantly contested by more dominant groups.

Malaysia has made gradual but steady gains in freedom of expression and of assembly, two mediating conditions for groups to express their interests and make claims. The Constitution safeguards rights within bounds, although executive power contained freedoms over many decades. Significantly, the Peaceful Assembly (Amendment) Bill 2019 decriminalized street protest, and the mass media has become less controlled.

While all citizens generally have civil and political rights in Malaysia, some groups' positions and access to political rights are constantly contested by more dominant groups. Malay Muslims constitute the majority of the country's population. However, there is a pervading sense that the position of their race or religion is being threatened or contested, and strident voices often remind the other races, particularly Chinese and Indians, of the "accommodations" that the Malays have made for them.²⁴

Disparities in the official reception of Malay and non-Malay claims can be observed. The Hindu Rights Action Front (Hindraf) protest by ethnic Indians in November 2007 is a clear example of authoritarian suppression of a peaceful demonstration of a specific group's cause. The community's protest of systemic discrimination grew out of simmering grievances and triggering incidents, especially deaths in custody and religious conversion controversies, which disproportionately affect Tamils and Hindus. The government deployed heavy-handed methods of crowd dispersal and arrested protesters, detaining five key leaders for two years without trial.

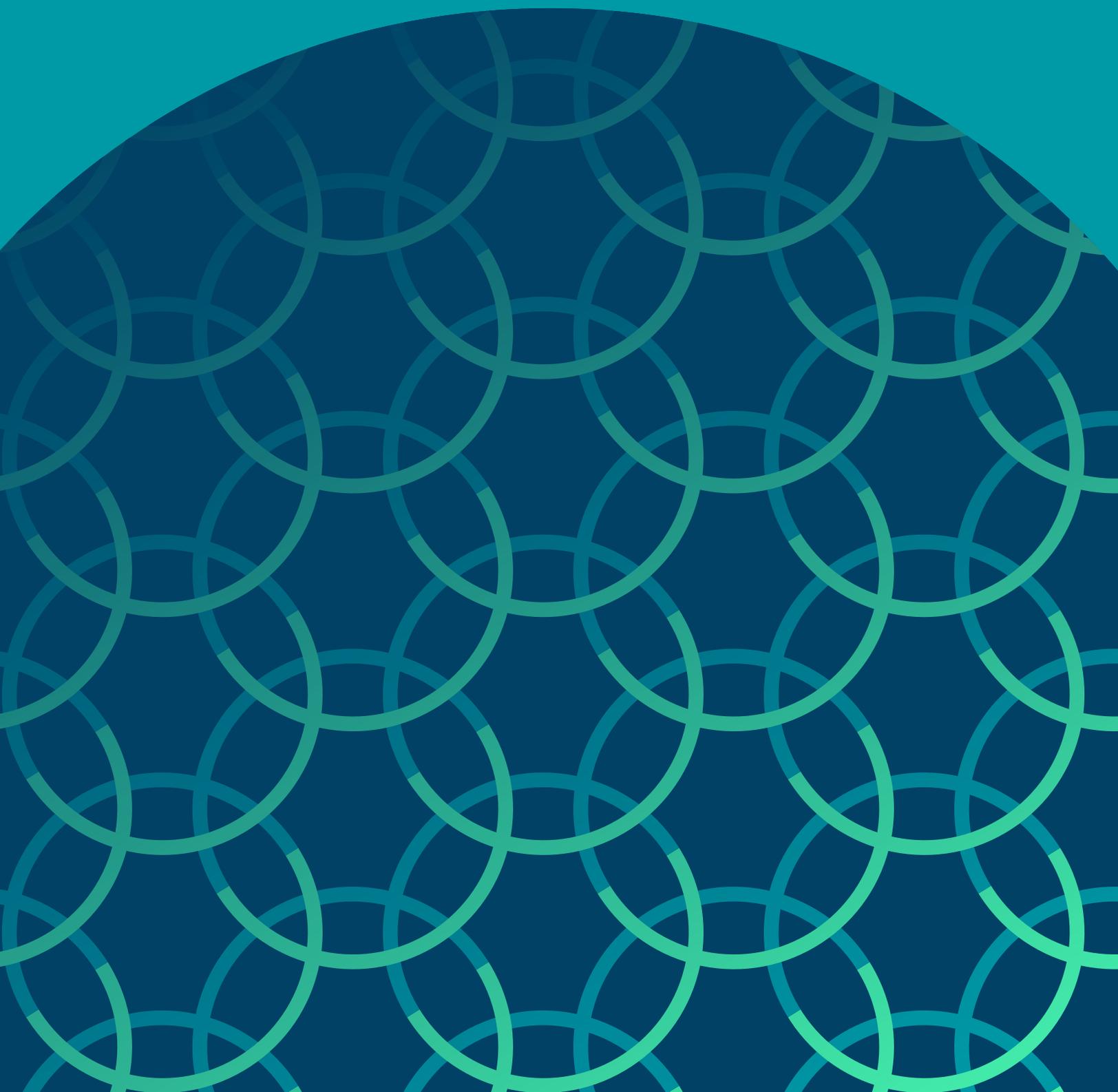
In contrast, gatherings for Malay ethno-racial causes have proceeded with neither obstruction nor censure. In 2019, a Malay Dignity Congress was organized in Selangor to "respond to challenges against Malays." Zainal Kling, the head of the organizing team, stated that many of the questions that had been posed—presumably by other ethnic groups—about Malay/Bumiputera "rights" were challenges to Malay dignity such that they felt "played out, belittled and underestimated."²⁵ Participants of the Congress made a few resolutions, including the abolishment of vernacular schools, for all top positions in government to be held only by Malays, for the reduction of income disparity between Malays and people of other races, and for stricter actions against individuals or groups that interfere with the affairs and issues involving the Islamic religion.²⁶

Religious groups can be considerably organized and influential. Although it is difficult to quantify the extent of their freedom and efficacy in claims-making, various NGOs and/or prominent leaders, particularly those espousing Malay-Muslim causes, are clearly able to exert themselves. Conflicts sometimes arise within a religious category, a striking example of which is the Sisters in Islam (SIS) NGO, which was declared a deviant organization by a religious pronouncement for ostensibly practising liberal ideas and religious pluralism. Furthermore, the Islamic authority has forbidden Muslims to be involved in

inter-faith prayers and the use of Arabic words, such as *Allah* for God, by non-Muslims. The latter prohibition was overturned by the High Court; non-Muslim usage of *Allah* within certain boundaries is legitimated by law.

For causes pertaining to Sabah and Sarawak, the claims-making channels are established, and political will clearly goes a long way, particularly in light of Sarawak's recent success securing the right to extract a petroleum sales tax. Refugees and migrant workers markedly lack channels for making claims. The precarity of their immigration status, not only of those lacking documentation but also documented workers whose work permits are automatically revoked if their employer terminates their contract, precluded them from reporting injustice or raising concerns in general. Civil society has increasingly filled the void, although voices speaking for vulnerable communities are outweighed by commercial interests that tend to be the subject of their complaints.

PART III. LEADERSHIP FOR PLURALISM



7. POLITICAL PARTIES

AVERAGE SCORE: 4.5

ETHNO-RACIAL GROUPS | SCORE: 5

RELIGIONS | SCORE: 5

VULNERABLE COMMUNITIES | SCORE: 4

Many parties are multi-ethnic by constitution and are founded on ideology or a set of principles, such as democracy and justice

For decades, Malaysian politics was dominated by a coalition of ethno-racial parties and shaped partly by religion-based mobilization, with multi-racial and regional parties also in the mix. Coalitions have aligned based on various platforms and compromises. Representation on the basis of ethno-racial, communal or religious identity or regional interests (especially Sabah and Sarawak) have operated most saliently.

The National Front (Barisan Nasional) ruling coalition held power for six decades, with Peninsula-based ethno-racial parties as its linchpin and the United Malays National Organisation (UMNO) exerting hegemonic power. UMNO, the Malayan Chinese Association (MCA, now the Malaysian Chinese Association) and the Malayan Indian Congress (MIC, now the Malaysian Indian Congress) each express the interests of the group they represent as their *raison d'être* while also abiding by broader conceptions of nationalism, an ethic of cooperation and goodwill and the pursuit of common ground in national development. Scholars have commented that post-independence race-based political parties cause an unhealthy political environment in Malaysia because each party heavily focuses on the interest and agenda of its own ethnic group.²⁷ At the same time, the imperatives of building coalitions and reaching out to a wide range of the electorate have induced pluralistic compromises.²⁸

Many parties are multi-ethnic based on the Constitution and are founded on an ideology or a set of principles, such as democracy and justice. These parties, especially the Democratic Action Party (Parti Tindakan Demokratik, or DAP) and People's Justice Party (*Parti Keadilan Rakyat*, known as KEADILAN or PKR), have mostly been in opposition, but they gained a firm foothold in urban, ethnically mixed constituencies. While not necessarily ethno-racial in objectives and manifestos, they can be dominated by particular ethnic groups in membership, such as the mainly Chinese DAP. PKR and DAP have helmed the People's Alliance (*Pakatan Rakyat*) and the Alliance of Hope (*Pakatan Harapan*, known as HARAPAN or PH) coalitions, espousing democratic reforms and more inclusive, non-ethnic policies, but the challenges in retaining power underscore the enduring communal interests that all parties need to respond to along with the difficulty of projecting a multi-ethnic platform in a political milieu still embedded in ethno-racial structures.

Nonetheless, the resilience of multi-ethnic parties has carved out more space for multi-ethnic politics. Their rallying call resounded during the 2018 general election in which the PH coalition of mainly multi-ethnic parties captured the federal government. The PH Cabinet, while having a majority of Malay-Muslim ministers, also had sizable non-Malay representation.²⁹ For the first time, the Indian community had four ministers. Some key appointments, such as the post of finance minister and attorney general, went to non-Malay Muslims. However, this was deemed unacceptable by a substantial section

of the Malay-Muslim community. This contributed to the fall of the PH government by February 2020 and the emergence of a new Malay-centric coalition with a return to Malay-Muslim centrality, albeit with fluid coalitions.³⁰

The Malaysian Islamic Party (*Parti Islam Se-Malaysia*, PAS), another major national party, espouses Islamist political ideology and is heavily subscribed to by Malay Muslims. Its stand on the issue of pluralism and diversity is less clear from party documents and statements, but members of PAS have argued that Islamic teaching is compatible with the reality of a plural society based on Quranic verses.³¹

Sabah and Sarawak maintain their distinct brand of regional politics in which state-based parties have secured footholds and govern each state primarily through Sabah- or Sarawak-exclusive parties (especially in Sarawak) and ally with national parties in the federal parliament. Over the past decade, increasing fissures on the Peninsula have accorded more political leverage to East Malaysian parties, which have become more assertive about their state rights and autonomy.

Marginalized peoples, such as migrants and refugees, lack political representation as non-citizens due to the general omission of immigrants' and non-citizen residents' rights in political discourses.

8. NEWS MEDIA

AVERAGE SCORE: 6.5

A. Representation in the Media | Score: 6.5

ETHNO-RACIAL GROUPS | SCORE: 6

RELIGIONS | SCORE: 7

VULNERABLE COMMUNITIES | SCORE: 6

B. Prominence of Pluralistic Actors | Score: 6.5

ETHNO-RACIAL GROUPS | SCORE: 6

RELIGIONS | SCORE: 7

VULNERABLE COMMUNITIES | SCORE: 6

Malaysia's news media landscape comprises state-owned apparatus and private sector entities. Malaysia's multi-lingual richness receives both official recognition and commercial attention. State media channels under *the* Department of Broadcasting Malaysia (*Radio Televisyen Malaysia*, RTM), paid subscription operators and advertising-funded platforms cater to Malay, Mandarin, Tamil and English audiences. East Malaysians (Sabah and Sarawak) can tune in to radio channels in their respective native languages. In text media, Bernama TV, the government-operated national news agency, also operates in the four languages as does the outreach of daily newsprints and online portals. This

Media practitioners often lament excessive control and partisan state-owned media, and consequently, there are frequent calls for an independent media council.

structure of media facilitates group representation, giving visibility to news presenters and journalists of each language which corresponds with ethno-racial identity, especially for Chinese and Tamil journalism. English, and to a lesser extent Malay, journalism exhibits more diverse lineups. Some news media operate at a subnational level, notably in Sarawak and Sabah.

Media practitioners often lament excessive control and partisan state-owned media, and consequently, there are frequent calls for an independent media council.³² Access to public media channels has opened up in recent years, specifically with political opposition and independent civil society included in the coverage or as commentators. The brief PH administration (2018–20) saw some glimmers of positive reform, but there were subsequent setbacks when the government fell. A pro tem committee to develop a proposal for a Malaysian media council was set up in January 2020.³³ That there was a favourable period for Malaysia's press freedom is reflected in Malaysia's improved score in Reporters Without Borders' World Press Freedom Index in 2019 and 2020, although its position was still only 101 out of 180 countries. In the aftermath of party defections and coalitional reconfiguration in 2020, which overturned the 2018 election, Malaysia regressed. It is now in 119th position.³⁴

In terms of news or commercial media content, Malaysia's track record is mixed. Multiculturalism and inclusiveness feature regularly during cultural and religious festivals, often in the form of uplifting short videos funded by large corporations that can reach a wide audience. News of incidents or public statements that are divisive in their messaging may receive media coverage as matters of public interest. Media outlets generally refrain from propagating inflammatory and discriminatory messages, although they have fallen short in fact-checking and filtering misinformation, as demonstrated in media coverage of protests against ICERD ratification.³⁵

Pro-government predispositions are firmly in place when the stakes are higher, particularly, during elections and pertaining to key policy matters, which may involve ethno-racial, religious, minority groups and East-West Malaysian issues. Media have been censured, investigated and charged in court for publishing news and commentaries unfavourable to the government. More recently, in July 2020, the police announced that they would summon Al-Jazeera reporters for a documentary that was aired by the broadcasting company on the government's arrest of thousands of undocumented migrants during a COVID-19 lockdown. In a related issue, a *South China Morning Post* reporter was called in by the police to be questioned under Section 504 of the Penal Code (on committing insult and provocation) and Section 233 of the Communications and Multimedia Act 1988 (on improper use of network facilities or network service).³⁶ There are also reports of restrictions imposed on media other than "official media" in covering press conferences by ministers on the COVID-19 pandemic.³⁷

Digital media and social media are vigorously contested spaces, with messages of inclusivity and acceptance of diversity and the distribution of inclusive and constructive messages. At the same time, strident ethno-religious rhetoric can propagate easily. Pusat KOMAS, an NGO that methodically monitors racism and racial discrimination, has repeatedly found content sowing racial distrust, ill-will and xenophobia.³⁸

9. CIVIL SOCIETY

AVERAGE SCORE: 5.5

ETHNO-RACIAL GROUPS | SCORE: 6

RELIGIONS | SCORE: 5

VULNERABLE COMMUNITIES | SCORE: 5

While there is space for CSOs to actively operate, restrictive laws are still used to control their presence and activism, particularly in situations in which they are seen as critical of the government.

Civil society has played a vital role in championing the interests of society, articulating complaints, providing checks and balances on government and business and in making policy recommendations. The activities of civil society organizations (CSOs) span a vast range, from welfare services to development projects, service to the rural and urban poor, the elderly and people with disabilities, advocacy (focussed on human rights, gender mainstreaming, race relations, governance/accountability, etc.), and environment and sustainability. While there is space for CSOs to actively operate, restrictive laws are still used to control their presence and activism, particularly in situations in which they are seen as critical of the government. Existing laws such as the Security Offences (Special Measures) Act 2012, which succeeded the Internal Security Act 1960, allow for preventive detention of activists seen as causing a breach of public order. Detainees have shared experiences of being degraded and treated inhumanely.³⁹ The law allows for delayed access to legal counsel for up to 48 hours and detention without trial for up to 28 days pending investigation.

However, social media has made it more conducive to sustain people's movements, including the CSO Platform for Reform, an umbrella network of CSOs and NGOs addressing alternative development concerns. The contestation between government and civil society is distinctly intense on human rights issues such as police brutality, death in custody and arbitrary arrest, ethnic relations and discrimination, corruption and accountability, and electoral and democratic reform.⁴⁰ A few CSOs are devoted to Indigenous peoples' and migrant worker concerns,⁴¹ and gender issues are well articulated by various organizations, including SIS on gender and Islam.⁴²

CSOs also represent more conservative or exclusivist dispositions; clashes and tensions permeate the CSO space. The CSOs and NGOs in the UPR process are illustrative. The Coalition of Malaysian NGOs in the UPR Process (COMANGO)⁴³ represents 54 Malaysian NGOs working on the UPR report, a majority of which are human rights NGOs. Their work has been challenged by another group of NGOs working together under the MuslimUPRO umbrella in the UPR.⁴⁴ COMANGO also took the lead in the 2018 UPR process. However, at this time there was a change in the federal government, and the government had indicated a commitment to further accede to more core human rights conventions. At the same time, Islamic NGOs organized themselves under the Malaysian Alliance of Civil Society Organisations' umbrella in the UPR Process. They cautioned the government that taking "a wholesale treaty ratification approach is not a wise move for Malaysia's foreign policy."

10. PRIVATE SECTOR

AVERAGE SCORE: 4.5

ETHNO-RACIAL GROUPS | SCORE: 4

RELIGIONS | SCORE: 6

VULNERABLE COMMUNITIES | SCORE: 4

There are conscious efforts in the private sector to encourage diversity especially in management and board positions, particularly in large corporations, a substantial portion of which are government-controlled companies.

Malaysia does not, in general, impose diversity or equitable representation requirements on private institutions' student enrollment, private sector workforces or on supply chains. Businesses involved in government procurement, especially small-scale enterprises, need to comply with Bumiputera ownership, directorships and workforce conditions. Since 1971, Malaysia has fixated on the target of 30 percent Bumiputera equity ownership, which is yet to be achieved. In contrast to equity ownership and concomitant wealth transfer policies that are more empirically controversial and susceptible to political patronage, the economic participation of communities through establishing and operating small and medium enterprises (SMEs) is more productive and consequential. Various programs are in place to promote Bumiputera SMEs, and a few initiatives focus on Indians, Orang Asli and women, all of whom are under-represented in this field.

There are conscious efforts in the private sector to encourage diversity especially in management and board positions, particularly in large corporations, a substantial portion of which are government-controlled companies. In April 2014, the Economic Planning Unit (EPU) and the Securities Commission Malaysia (SC) organized the Sustainable and Diversity Roundtable Session. At the event, the prime minister highlighted the need for listed issuers to establish and disclose diversity policies, covering gender, ethnicity and age for board and management.⁴⁵ Later in the year, the SC launched the Malaysian Code for Institutional Investors 2014, which exhorts institutional investors to assess policies, targets and reporting mechanisms with regard to diversity of gender, ethnicity and age. In July 2014, Bursa Malaysia, the stock exchange regulator, issued a circulation document that all publicly listed companies were required to disclose diversity policies covering gender, ethnicity and age for boards and the workforce in relation to annual reports issued on or after January 2nd, 2015. Among the directorships of the 100 largest publicly listed companies in 2019, 42 percent are Chinese, 41 percent Malay and 5 percent Indian.⁴⁶ Data on the ethnic representation on the board and management of all companies, both publicly listed and private entities, are not available, though they are expected to have a higher proportion of Chinese participants. The 2020 Labour Force Survey showed that among employed Malaysian citizens (in the private and public sectors), 39 percent of managers were Bumiputera, 52 percent Chinese and 8 percent Indian. In professional positions, the proportions closely mirrored the population: 68 percent Bumiputera, 24 percent Chinese and 8 percent Indian.⁴⁷

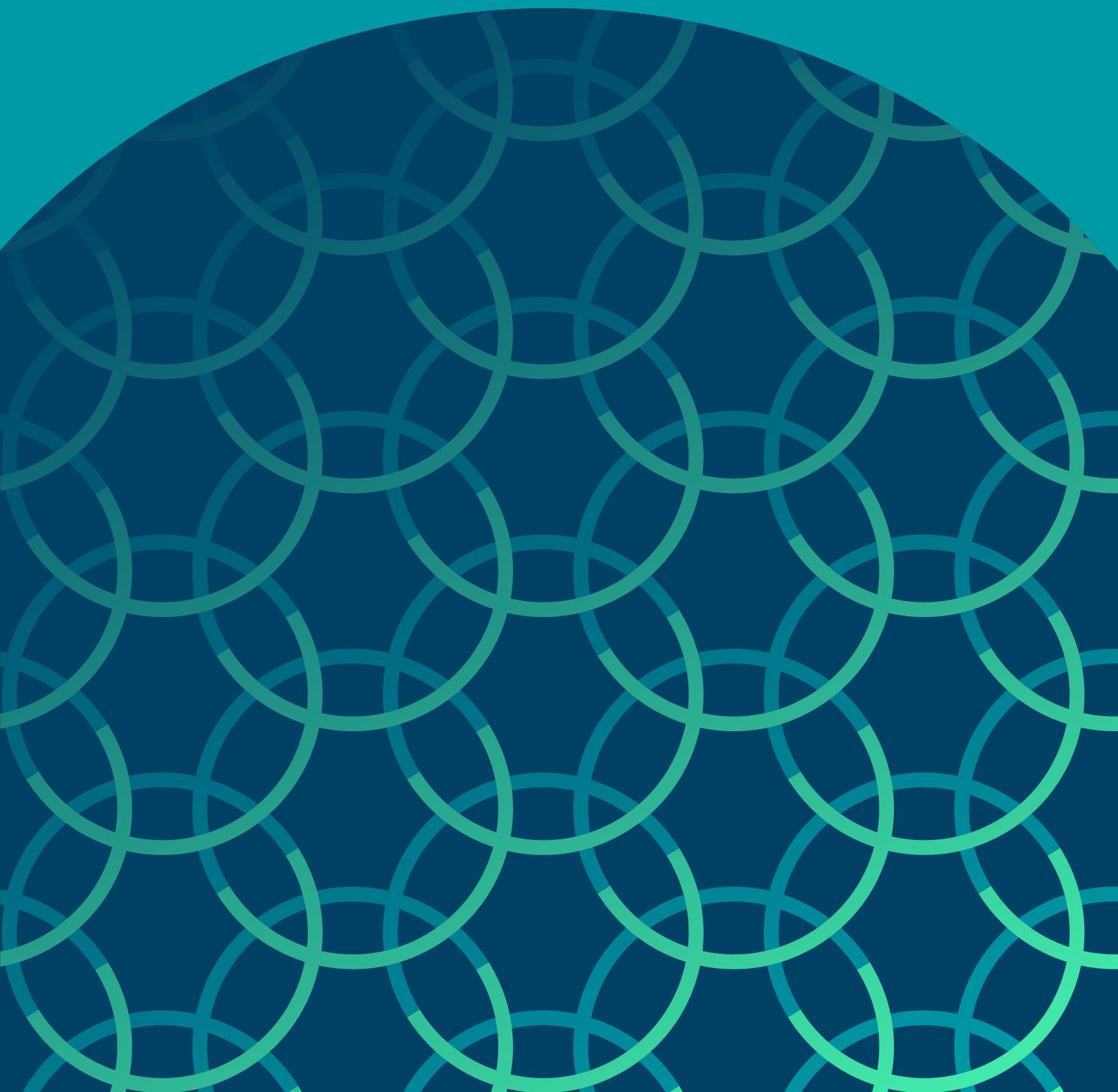
There have been incremental efforts in promoting gender diversity in the workforce, particularly in decision-making positions. In 2011, the government urged listed companies in Malaysia to work toward achieving at least 30 percent women in their decision-making positions by 2016. The 30% Club Malaysia, the country chapter of a global campaign led by chairs and CEOs to increase diversity, equity and inclusion at the board and senior management level, was established in 2015. In December 2016, listed companies reportedly

achieved 29 percent (1,446 out of 5,000) women in top management, excluding the position of CEO.⁴⁸ Other sources have found that, as of June 2021, women form 25.5 percent of the boards of the Top 100 listed companies.⁴⁹

Promotion of religious tolerance or diversity has not featured clearly in the private sector's efforts toward inclusion and diversity. Religious tolerance may be demonstrated through observation of public holidays for the major religious celebrations, during which companies, especially major corporations, may send out well wishes (which are generally well-received) via messages, music videos or short films. Efforts to recognize ethnic diversity may indirectly promote religious inclusiveness due to the interconnectedness between religion and ethnicity in Malaysia. In a similar vein, labour market discrimination is perceived—and observed in field experiment research—as a problem with both ethnic and religious manifestations, although the former is arguably more salient.⁵⁰

Labour market hierarchy is more marked with regard to nationality, specifically regarding low-skilled foreign migrant workers. Migrant workers are concentrated in the lower rungs of the occupational ladder. In 2020, 36 percent of the non-Malaysian employed population worked in routine, elementary jobs at the bottom of the occupational ladder, compared to 8 percent of employed Malaysians.⁵¹ Migrants often endure poor work and living environments, including forced labour conditions that remain prevalent, although Malaysia has committed to root out the problem more concretely and systematically through a national action plan. Refugees are technically not even permitted to work.

PART IV. GROUP-BASED INEQUALITIES



11. POLITICAL

AVERAGE SCORE: 6

ETHNO-RACIAL GROUPS | SCORE: 7

RELIGIONS | SCORE: 7

VULNERABLE COMMUNITIES | SCORE: 4

Politics has been structured along ethno-racial lines for much of Malaysia's history, with Malay, Chinese and Indian parties mainly in West Malaysia and regional parties—many with a distinct ethnic base—in East Malaysia.

Civil and political rights are enshrined in the Federal Constitution and are generally safeguarded for all citizens. The Constitution confers voting rights to all citizens at age 18, and the recently implemented automatic voter registration facilitates participation in elections (voting is not compulsory by law). Section 25 of the Election Offences Act 1954 requires employers to allow their employees to exercise their voting rights without being penalized in relation to their workers' rights. This right is given only on polling day. Employees must ensure that the permission given is only used for the purpose of voting, and the time taken off work must be reasonable. Political parties must be registered with the Registrar of Societies, regulated under the Societies Act 1966. The minister in charge of registering societies (commonly, the Minister of Home Affairs) is vested with the power to approve or decline an application to register. There are circumstances where the minister has rejected an application to register a political party, particularly if the party is considered an opposition party.

Politics has been structured along ethno-racial lines for much of Malaysia's history, with Malay, Chinese and Indian parties mainly in West Malaysia and regional parties—many with a distinct ethnic base—in East Malaysia. The ruling coalition for six decades (1957–2018) revolved around the hegemonic UMNO in alliance with the MCA and MIC, respectively representing Malay, Chinese and Indian interests, joined by East Malaysian parties and a few multi-ethnic parties. Among the Malays (who are constitutionally defined as Muslims and speak the Malay language), political mobilization takes other forms, most saliently along religious lines with the PAS as an established presence. Representation of ethnic group interests is, on the whole, embedded in Malaysia, as well as the site of continuous contest among Malay parties vying for support of Malay-dominant, largely rural electorates, which are over-represented in Parliament. Vulnerable communities have generally lacked a political voice, although their concerns, particularly, statelessness, forced labour, and refugee recognition and well-being, have received more attention in recent years.

It is difficult to summarize how well the political system represents the citizens, and we must avoid overly attributing ethnic "interests" as the motivation for the stark ethnic voting patterns: Malay parties are strongly favoured by Malay voters, and multi-ethnic parties are the overwhelming choice of non-Malay voters. Sabah and Sarawak parties are diverse and less demarcated by ethnicity, although state-based identity politics and the defence of state autonomy weigh heavily in the province. Various other issues, including democratic reforms, economic policy and inclusiveness, surely factor in. A 2020 study by IPSOS to track the achievement of Vision 2020 reported that less than half (44 percent) of Malaysian citizens believe that Malaysia's current political system positively represents the views and interest of its citizens.⁵² Also, while seemingly low in absolute terms, Malaysia fares better than the overall average of 27 percent, based on

27 sampled countries. A very significant disparity in Malaysian politics concerns gender. Women continue to be severely under-represented in politics and decision-making positions. Since its independence in 1957, Malaysia has not even achieved 20 percent for women's representation in Parliament or Cabinet.

A further dimension of political inclusiveness relates to local government structures, specifically the appointment of representatives by the state government, not democratic election. This may preclude minority representation in places—specifically, district-level government—where they constitute a large proportion of the electorate. Malaysia's lack of commitment to local government elections undermines inclusion.

12. ECONOMIC

AVERAGE SCORE: 4.5

ETHNO-RACIAL GROUPS | SCORE: 4

RELIGIONS | SCORE: 6

VULNERABLE COMMUNITIES | SCORE: 4

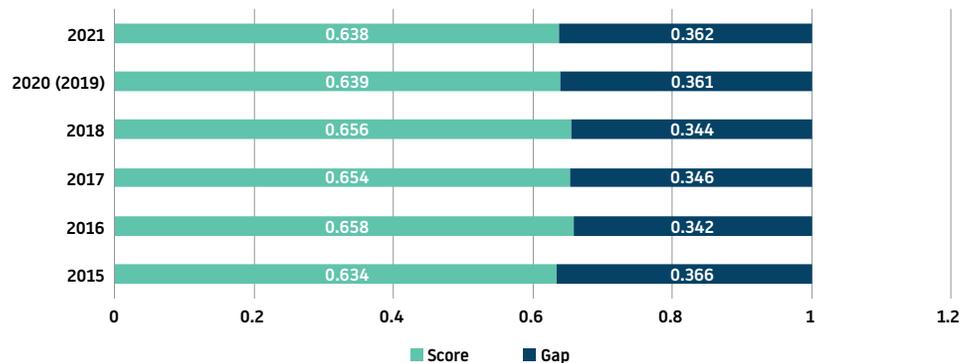
Available evidence of inter-group economic inequality reflects Malaysia's progress in various aspects and the challenges that remain in fostering more equity and inclusion. Household income constitutes the broadest indicator of relative well-being among the three major groups.

The inter-ethnic ratio of average household income nationwide held quite constant across the 1980s and 1990s, but it narrowed steadily from the early 2000s. The income of the average Bumiputera household was 56 percent that of the average Chinese household in 2002; this Bumiputera-to-Chinese ratio increased 0.72 in 2019. Concurrently, the Bumiputera-to-Indian ratio rose from 0.78 to 0.86.⁵³ Urban inequality is a more meaningful indicator because Chinese and Indian households are concentrated in urban areas whereas a substantial portion of the Bumiputera population resides in rural areas where income and cost of living are lower. In 2019, the urban Bumiputera-to-Chinese income ratio was 0.78, and the Bumiputera-to-Indian ratio was 0.95, or near parity. The proportion of households considered poor, in absolute terms, varies from 7.2 percent among Bumiputeras, 4.8 percent among Indians and 1.4 percent among Chinese.⁵⁴ More disaggregated household income data, especially on Bumiputera subgroups, are exceedingly scarce.

Gender-based economic inequalities persist. The gender gap for economic empowerment has not been bridged in the last decade or more. The World Economic Forum has published an annual Global Gender Gap Index (GGGI) since 2006. The gender gap in economic empowerment for women can be seen in Figure 12.1.

Unemployment is relatively low across all groups, though it is slightly higher among Bumiputeras and Indians, and, in recent years, it has been markedly high among Indian youth.

**Figure 12.1
Gender Gap Index for Economic Empowerment – Malaysia**



In 2021 (based on 2020 data), Malaysia ranked 104 out of 156 countries in the GGGI. Malaysia has ranked between 80 to 97 since 2016, so its performance has experienced a discouraging downturn. Additionally, the 2020 Social Progress Index (SPI) shows that Malaysia has underperformed in property rights for women. This is likely due to the different treatment for women and men in Muslim inheritance law. It should be noted that scholars, advocates and financial service providers have examined and provided alternatives to this property division method to offer more equalized outcomes for women.

Unemployment is relatively low across all groups, though it is slightly higher among Bumiputeras and Indians, and, in recent years, it has been markedly high among Indian youth. Biases are difficult to assess, but the public sector and government-linked companies are widely believed to confer preference on Bumiputeras, while making some effort in recent years to increase diversity.⁵⁵ Some field experiment studies have shed more objective light on the subject, in the context of the private sector, by comparing callback rates for interviews between comparably qualified but ethnically differentiated CVs on private sector job openings. Lee and Khalid found that recent male Chinese graduates are five times more likely to get called over Malays with similar credentials.⁵⁶ A 2019 Centre for Governance and Political Studies field experiment found Indian male job candidates fare worse than Malay male candidates in callback rates.⁵⁷

Socio-economic data delineated by religion are scarcer, and even if available, we posit that socio-economic inequalities are structured more along ethno-racial than religious lines. Socio-economic disparities between Muslims and non-Muslims derive from differences in access and opportunity and socio-economic outcomes such as education and income, which significantly correspond with ethnic identity.

East Malaysia has continuously lagged behind the Peninsula in terms of economic development. In 2019, the household income poverty rate was highest in Sabah (19.5 percent), among all states, and third highest in Sarawak (9 percent), compared to 5.6 percent nationally. Other less quantifiable aspects of the East-West divide remain pertinent stemming from fidelity to the MA63 and the rights and autonomies accorded to Sabah and Sarawak. The East Malaysian states' jurisdictions over labour inflows are generally adhered to, but in employment of federal government positions within the states, there are recurrent complaints on the appointment of Peninsular Malaysians instead of Sabahans and Sarawakians. Problems of inadequate rural infrastructure

are more acute in Sabah and Sarawak due to not only the combination of expansive land area and low population density (which stretch public resources) but also federal government dominance of development funds compounded by state governments' lack of autonomy to generate revenue.

The political marginalization of refugees and migrant workers translates into economic marginalization. Data are exceedingly scarce, but refugees are officially prohibited from seeking employment, leaving many engaged in informal employment, which negatively impacts economic opportunity and security. Migrant workers' experiences are heterogeneous; documented workers are entitled to legal protection, but they are often subjected to harsher work conditions. Repeated cases of forced labour underscore the prevalence of economic deprivation among migrant workers.

13. SOCIAL

AVERAGE SCORE: 6

ETHNO-RACIAL GROUPS | SCORE: 7

RELIGIONS | SCORE: 7

VULNERABLE COMMUNITIES | SCORE: 4

It is helpful to put Malaysia's social situation in an international context. In 2020, Malaysia scored 76.96 out of a full score of 100 and ranked 48 out of 163 countries on the SPI after a decade of steadily raising its score. The SPI marks countries based on a score of 0–100, with 100 indicating the highest social progress. Countries are also ranked into six tiers and Malaysia is in Tier 3 (scores between 72–82). The average world SPI score is 64.24. Breaking down the SPI 2020, Malaysia scores relatively high for the categories of Basic Human Needs (88.8; world average, 74.65) and Foundations of Wellbeing (80.5; world average, 60.82), but it scores much lower at 61.6 (world average, 57.25) for Opportunity, which also corresponded with a lower rank of 64th.⁵⁸ This latter section contains the subsections of Personal Rights, Personal Freedom and Choice, Inclusiveness and Access to Advanced Education. Under the Personal Rights subsection, Malaysia was considered to have underperformed by more than 1 point (compared to full scores for each component) in three-out-of-five components: political rights, freedom of religion and property rights for women. In the Inclusiveness subsection, Malaysia was underperforming on the issue of equality of political power by social group, equality of political power by gender (by less than one score) and acceptance of the LGBTQ+ community. It was also reported that Malaysia underperformed in women with advanced education.

Education indicators shed some light on relative access and attainment among major groups. Ethnically delineated data are very scarce, but one source is the share of the labour force with tertiary-level qualifications, which in 2018 stood at 34 percent for Bumiputeras, 30 percent for Chinese and 29 percent for Indians. Disparities with the Bumiputera category are quite stark; in 2013 (the most recent report with this disaggregation), 31 percent of the Malay labour force had attained tertiary education, compared to only 18 percent of non-Malay Bumiputera counterparts. At the primary and secondary

On vulnerable groups, such as single mothers, the Orang Asli and LGBTQ+, the report affirms that these target groups face complex challenges in receiving health services, with them being left behind as a result.

levels, enrollment rates do not vary substantially across groups on aggregate. However, pockets of marginalized Malaysian communities suffer higher school attrition rates. The Orang Asli are acutely left behind educationally. Within the community, only 30 percent completed secondary school in 2008, compared to the national average of 72 percent.⁵⁹ Disparity in education quality measured by international standardized test results, especially between urban and rural areas, disproportionately affects Indigenous groups. Little is reported about the children of migrant workers enrolling in schools, although documented persons should qualify for admission. Refugee children are excluded from accessing public schools.

Another aspect of the education system is the role of institutions, especially basic schooling, in promoting interactions and fostering pluralistic outlooks. Enrollment in Malaysia's primary schools is segmented. In 2000, 92 percent of Chinese students were enrolled in government-funded Chinese vernacular schools instead of in mainstream schools. This proportion increased further to 96 percent in 2010. Concurrently, the share of Indian students in Tamil vernacular schools increased from 47 percent to 56 percent. A significant share of Malay students attend religious schools. In the mainstream national schools with instruction in the Malay language, 97 percent were ethnically Bumiputera (Malays and natives of Sabah and Sarawak).⁶⁰ Vernacular schools are a distinct Malaysian heritage and have become more heterogeneous with Bumiputera students also in attendance. There is a widespread sense that the education system falls short in fostering integration, but the underlying causes are complex.⁶¹ Most secondary school students attend national schools, which are more ethnically diverse and more representative of the surrounding neighbourhoods, while some enroll in independent Chinese schools and in government residential schools, which are mostly reserved for Bumiputeras.

In terms of health, more women than men among working age individuals are experiencing anxiety and depressive disorders.⁶² There are disparities in access to health care between workers in formal and informal employment sectors (most workers in the informal sector are women). Foreign workers are vulnerable to health issues due to legal and financial barriers in accessing health care services.

A substantial review on addressing nutrition, health and well-being was undertaken by the Malaysian CSO SDG Alliance through the report they submitted to the Economic Planning Unit (EPU) in preparation for the 2021 Voluntary National Review report by Malaysia for the High Level Political Forum on SDGs, with specific reference to poor, vulnerable and migrant/refugee communities.⁶³ On vulnerable groups, such as single mothers, the Orang Asli and the LGBTQ+ community, the report affirms that these target groups face complex challenges in receiving health services, with them being left behind as a result. The urgency to end all forms of discrimination against all women and girls everywhere is of the utmost importance for universal access. On migrants and refugees, their substantial exclusion from the system was highlighted. There is a need to ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices.

In response to the limited protection afforded to refugees, UNHCR has initiated closer collaboration between these vulnerable communities and local communities, with key initiatives such as community-based protection and access to services through new partnerships between UNHCR, CSOs and refugee communities. Another example of CSO partnership with refugee communities is the partnership between the Malaysian Medical

Relief Society (MERCY Malaysia) and the World Health Organization serving refugees and asylum seekers with inexpensive or free health care, health education and promotion, mental health care and childhood vaccination.

14. CULTURAL

AVERAGE SCORE: 6.5

ETHNO-RACIAL GROUPS | SCORE: 7

RELIGIONS | SCORE: 5

VULNERABLE COMMUNITIES | SCORE: 7

In practice, cultural and religious diversity are recognized and celebrated, but it is fair to say that minority groups feel significant dissatisfaction with uneven treatment, both perceived and experienced.

Malaysia has constantly grappled with the challenge of providing space for expression of the country's tremendous cultural and religious diversity, particularly for the numerous ethnic and subethnic minorities, in the context of the nation's Malay-Muslim majority.

Malaysia's National Culture Policy was formulated in 1971 for the purpose of providing "guidelines in designing, formulating and sustaining the national identity of Malaysia in the world."⁶⁴ The policy was constituted in the aftermath of the May 13th, 1969 racial riots considered by leaders at the time to be the result of the absence of a single national identity for the multi-ethnic population.⁶⁵ The policy was preceded by a National Culture Congress in August 1971, which discussed and debated various aspects of culture in Malaysia. The 1971 Congress released three basic principles that were adopted into policy:⁶⁶

- 1) The national culture must be based on the Indigenous culture of the region (which significantly contributed to Malay civilization and culture).
- 2) Suitable elements from other cultures in Malaysia may be accepted as part of the national culture.
- 3) Islam is an important component in the formulation of the national culture.

As a first principle, the emphasis is given to Malay culture, which is seen as a historically and geopolitically significant influence on the cultures of the region. The second and third principles, while opening space for multiculturalism, stresses the role of Islam in guiding the acceptability of the cultures beyond the Malay culture.⁶⁷

In practice, cultural and religious diversity are recognized and celebrated, but it is fair to say that minority groups feel significant dissatisfaction with uneven treatment, both perceived and experienced. Major Muslim, Buddhist, Hindu and Christian events, and a number of cultural festivals, are observed as national or state holidays, which forges bonds and goodwill. At the same time, public disapproval has also been expressed by religious leaders or on social media toward entering places of worship of other faiths. The school history curriculum has also been impugned for under-appreciating religions besides Islam and recognizing that minority groups have contributed to nation-building.⁶⁸

An assessment by the UN Special Rapporteur (SP) in the field of cultural rights provides helpful insights. In 2017, the Malaysian government invited the SP to visit the country with a view “to identify, in a spirit of cooperation and constructive dialogue, good practices in, and possible obstacles to, the promotion and protection of cultural rights in Malaysia.”⁶⁹ The SP found that there is generally a commitment to promoting diversity of culture in Malaysia from a governance perspective. However, there may still be issues on centering “the notion of inclusion of all of Malaysia’s cultures, religions and traditions on an equal footing” and on “othering” some cultures. This includes the continued privileging of Bumiputera resulting in “othering” those not in the group, the lack of attention to cultural access for persons with disabilities and discriminatory effects of socio-cultural practices that treat women differently from men.⁷⁰ The government had also informed the SP that the policy was being revised to integrate the 2030 Global Agenda for Sustainable Development, which presumably would have included addressing inequality issues in various targets (in sustainable development goals 4, 5, 10, 11 and 16). However, civil society leaders indicated to the SP that they had not been meaningfully informed or engaged in this review process. In April 2021, however, the Minister of Tourism, Arts and Culture announced that the National Culture Policy 2021 would be launched within the year. No further information about the launch was available at the time of writing this report.

15. ACCESS TO JUSTICE

AVERAGE SCORE: 5

ETHNO-RACIAL GROUPS | SCORE: 7

RELIGIONS | SCORE: 5

VULNERABLE COMMUNITIES | SCORE: 3

Pluralism in the legal system has caused considerable grey areas in personal and family law and often adversely affects women’s access to justice.

Malaysia’s legal system is historically and constitutionally plural. This unique legal pluralism comes in the forms of the different systems of personal laws (also known as family laws or matrimonial laws) for Muslims, people of other faiths and natives of Sabah and Sarawak. For non-Muslims, excluding natives of Sabah and Sarawak, marriages and related matters are regulated by federal law whereas these matters are regulated for Muslims and natives of East Malaysia by state laws where each state has independent jurisdiction. The separate administration of Islamic justice between the states also means that any law reform involves negotiations between the federal and state governments and amongst the states themselves.⁷¹ Customary laws are enforced on natives of Sabah and Sarawak on matters related to marriage and native customs.⁷²

Pluralism in the legal system has caused considerable grey areas in personal and family law and often adversely affects women’s access to justice. In the case of a religious conversion to Islam by one party to a marriage, the exclusive application of Syariah to Muslims allows for a spouse who converts to Islam to renege on their marital responsibilities, while the non-converting party will not have access to the Syariah courts; moreover, the ordinary courts (applying the personal law for non-Muslims) cannot accept

Indigenous rights, particularly to land, have been contested for many years, with landmark gains for Indigenous groups, notably, the recognition of native customary land and oral histories, but there are continuous battles against commercial encroachment on native land.

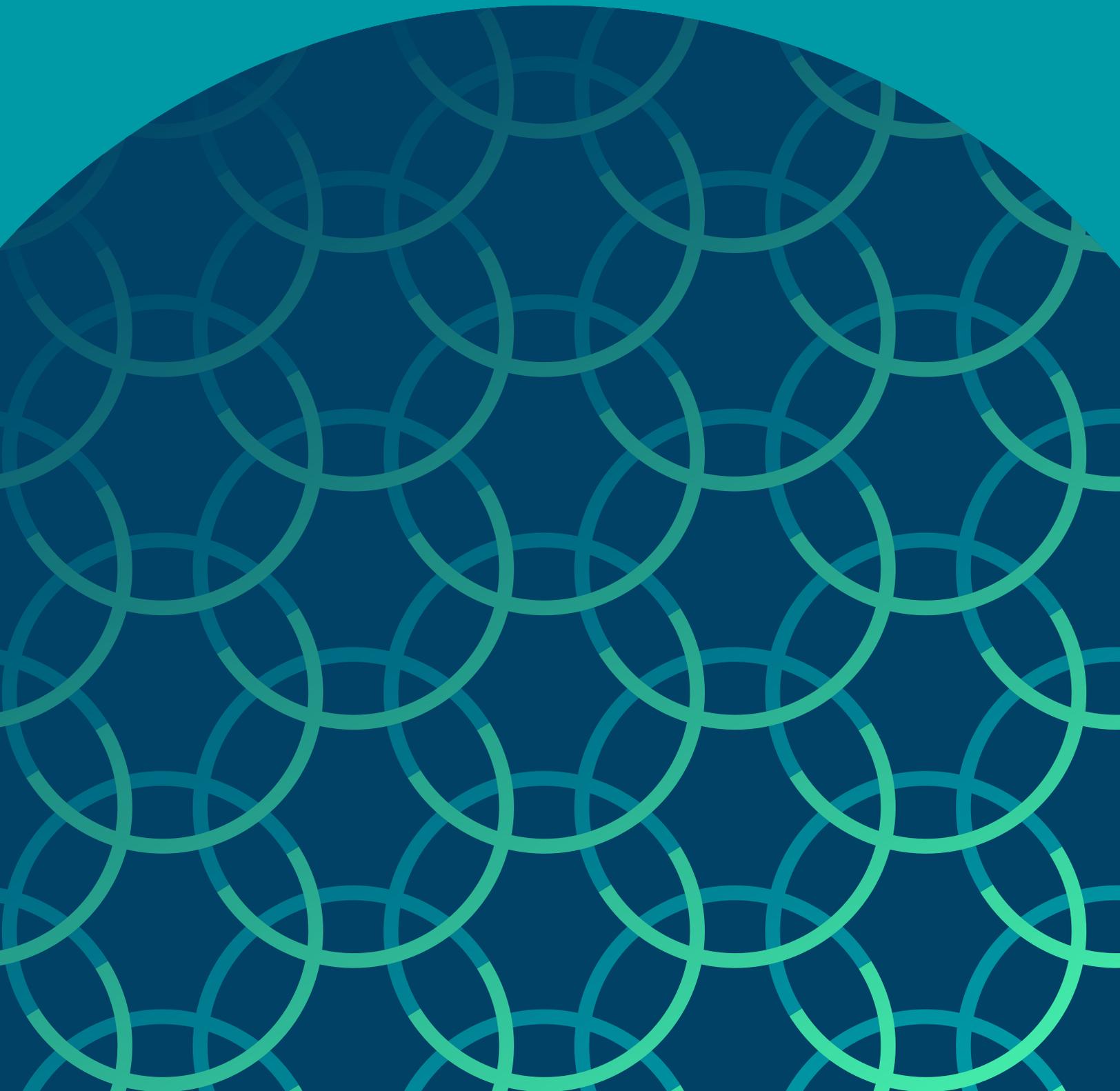
jurisdiction of a case against the converting party. Unilateral conversions of minors—by one parent rather than both—have occurred. This can be problematic when this results in the non-Muslim parent losing custody of children. Through Article 12(3), the Federal Constitution provides that “no person shall be required to receive instruction in or take part in any ceremony or act of worship” of a religion other than their own.⁷³ In Article 12(4), the Constitution further states that the religion of a minor (person under the age of 18) is to be decided by their parent or guardian.⁷⁴ The use of the singular form for “parent” means that where a parent unilaterally decides on the religion of their child, conflict may ensue where the other parent disagrees with this decision since the law is silent on the requirement of consent from both parents. In 2018, the Federal Court made a landmark judgement on the interpretation of Article 12(4) in *Indira Gandhi a/p Mutho v. Pengarah Jabatan Agama Islam Perak & Ors*. In this case, the Federal Court held that, based on the interpretation principle in the 11th Schedule of the Constitution, “parent” represents both the singular and plural forms of the word, especially where both parents exist. Thus, it is unconstitutional for one parent to singly convert a minor to their religion. In addition, the court stresses that the parent with custody (in this case, the plaintiff) should be able to exercise an equal if not dominant influence in the life of their child. Since the Indira Gandhi decision, however, state authorities in charge of Islam continue to endorse unilateral conversions of children made by a parent. In a 2019 case, a father converted his five children to Islam without the knowledge of his ex-wife, in which the ex-wife applied for a judicial review against the Selangor Islamic Religious Council for registering the conversion, which the High Court granted. The Federal Court further upheld this decision upon appeal and referred to the Indira Gandhi case as a binding precedent.⁷⁵

In the 2019 report of the SP in the field of cultural rights, the impact of the plural legal and court systems, particularly on women and children, was duly highlighted. However, it was also noted that some “fairer balance between gender equality and recognizing cultural and religious identities” was possible because the overall legal system allowed for recourse to constitutional challenge and, in principle, prohibits “dehumanization, violations of dignity or injuries to the physical or mental well-being of women.”

Access to justice partly depends on the issues at hand or the persons seeking legal recourse. Indigenous rights, particularly to land, have been contested for many years, with landmark gains for Indigenous groups, notably, the recognition of native customary land and oral histories, but there are continuous battles against commercial encroachment on native land.⁷⁶ For migrant workers, pursuing justice against abusive employers is prohibitively difficult. A recent study on legal aid in Malaysia highlighted major barriers in the provision of legal aid services to vulnerable non-citizens.⁷⁷

Besides the judiciary, SUHAKAM, Malaysia’s human rights commission, has, over the past 20 years, played a major role in promoting rights and justice. SUHAKAM has overseen 12 public inquiries on various human rights violations, such as excessive use of force by the police during public assemblies, arrest and detention, deaths in custody and, most recently, on enforced disappearance. The most significant was the National Inquiry into the Land Rights of the Indigenous Peoples in Malaysia. However, the impact of SUHAKAM’s contributions has been limited by government indifference throughout most of its history. Of its 20 annual reports that have been published, only the report from November 2019 has been tabled in Parliament.⁷⁸

**PART V.
INTERGROUP RELATIONS
AND BELONGING**



16. INTERGROUP VIOLENCE

AVERAGE SCORE: 7

ETHNO-RACIAL GROUPS | SCORE: 7

RELIGIONS | SCORE: 7

VULNERABLE COMMUNITIES | SCORE: 7

Incidents of intergroup violence between ethnic, religious or nationality groups are infrequent but have happened several times since independence in 1957.

Incidents of intergroup violence between ethnic, religious or nationality groups are infrequent but have happened several times since independence in 1957. The most significant episode of such violence in Malaysian history is the May 13th, 1969 racial riot, which led to subsequent legislative and executive measures to contain similar violence in the future.

The Kampung Medan clashes of 2001, which left six dead and 40 injured, marked a dark episode in ethnic relations, particularly between Malay and Indian communities. Another way of observing inter-ethnic violent outbreaks across time is by viewing a specific recurrence—in this case, communal clashes between Indian and Malay groups triggered by the demolition of Hindu temples or issues related to the Indian community's religious practices. Through this lens, three incidents emerge:

- The Kerling Temple (1978): An attempted demolition resulted in bloodshed that caused four deaths.
- Sri Maha Mariamman Hindu Temple (2009): A planned relocation with provocative counterprotest by Malay-Muslim extremists, including the display of a severed cow head, which did not escalate to physical violence but caused grievous hurt and public outrage.
- Seafeld Sri Maha Mariamman Temple (2018): Allegedly triggered by a Malay group hired by a landowner to physically intimidate temple devotees and demand that they leave the premises. In the ensuing chaos, a Malay fireman was injured and eventually died in hospital, further inflaming animosities.

There have been a few situations of threatened violence with racial and religious overtones in recent years. In 2015, a case of theft was racialized and caused skirmishes in a shopping mall selling technological gadgets. A Malay youth had stolen a mobile phone from a shop managed by a Chinese salesperson who then apprehended him. Rumours circulated on social media that the Malay youth was cheated by the Chinese salesperson. This caused groups of Malays to go to the mall and assault the salesperson. They also hurt and made racial remarks to other persons around the shop, including journalists from the China Press. In 2016, a viral WhatsApp message threatened Chinese supporters of a rally that was being organized by the Coalition for Clean and Fair Elections (also known as *Bersih* (clean) for short). The message translated to “A warning to the Chinese, if you join the *Bersih* 5 [rally], we will [absolutely] “clean” you!” The message included a picture of a machete and a bloodied headless person wearing a *Bersih* 5 t-shirt.

In 2019, IPSOS Malaysia found that 67 percent of Malaysians were worried about national unity and safety, and this was especially so for the possibility of inter-ethnic violent conflict. This concern amounted to a rise of 12 percentage points from 2018. However, at the same time, the majority (61 percent) of Malaysians were confident that the government would be able to provide sufficient security and protection in the event of such violence.⁷⁹

17. INTERGROUP TRUST

AVERAGE SCORE: 6.5

ETHNO-RACIAL GROUPS | SCORE: 7

RELIGIONS | SCORE: 7

VULNERABLE COMMUNITIES | SCORE: 5

Trust is difficult to gauge, but there are a few sources that indicate how groups regard each other. Al-Ramiah, Hewstong and Wölfer enquired into how “favourably” Peninsular Malaysians view their “in-group” (the ethnicity and religion they identify with) versus the obverse: their “out-group.”⁸⁰ Respondents had significantly more favourable attitudes towards their in-group than their out-group friends. However, the study also found that the levels of intergroup anxiety towards out-groups are generally low for all three ethnic groups. The Merdeka Center’s 2015 investigation, which focussed on interpersonal contact, reported a majority of Malaysians meeting “fairly frequently” with people of a different ethnicity.⁸¹ The quality of interaction is consequential. These two major surveys underscore the importance and scope of promoting positive inter-ethnic contact, which can foster favourable attitudinal change in all ethnic groups and contribute to more edifying inter-ethnic relations.⁸² Such findings should also be taken with circumspection; responses to surveys may imbibe the political rhetoric and social conditioning that is more contentious than lived interpersonal relations.

Intergroup trust is intertwined with perceptions of intergroup relations. The Merdeka Center’s (2015) survey found the vast majority of Malaysians regarded the country as harmonious, with 75 percent rating ethnic harmony as “good” or “very good” and 90 percent reporting no observation of ethnic or religious incidents.⁸³ Thirteen percent believed that ethnic relations had “remained the same,” and only 6 percent selected “bad.” At the same time, the degree of openness in interaction with or acceptance of other ethnicities varies by economic or political context. Positions of power are especially prone to being viewed through ethnic lenses. The survey specifically reported that Malays are largely not ready to accept a non-Malay as prime minister, while they are comfortable with non-Malay neighbours, schoolmates, business partners and physicians.

In 2021, IPSOS generated insights through the Global Centre for Pluralism’s *Pluralism Perceptions Survey* on the extent to which Malaysians are comfortable relating with persons of a different ethnicity or religion, notably in a supervisory relationship that entails some workplace hierarchy.⁸⁴ Large proportions of all groups (specifically, 83 percent of Malays, 84 percent of other Bumiputeras and 92 percent of Chinese and

Generally speaking, trust between religious groups is also quite substantial. In 2021, three quarters of Malaysians trust people from other religions, with no significant variation across religious groups.

Indians) declared being comfortable with a supervisor of a different race or ethnicity. The same question asked on religious lines similarly found 89 percent of Muslims, 90 percent of Buddhists and 84 percent of Christians agreeable with a supervisor of a different religion.

Generally speaking, trust between religious groups is also quite substantial. In 2021 the *Pluralism Perceptions Survey* reported that three quarters of Malaysians trust people from other religions, with no significant variation across religious groups.⁸⁵ However, Al-Ramiah, Hewstone and Wölfer found that positive dispositions toward in-groups and out-groups are larger among Muslims—among whom 90 percent view fellow Muslims positively but only 35–40 percent of persons of other faiths.⁸⁶ Among Buddhists and Hindus—the other religions with adequate samples—the gaps are much smaller (70 percent had positive views of people of their own religion, 45–55 percent positive views of people of other religions). All faiths report very few personal experiences of negative/bad interactions. Indeed, Muslims report the least amount of negative interaction, which makes it all the more striking that other faiths would be viewed rather unfavourably.

East Malaysians' circumspection toward Peninsular Malaysia possibly explains a noticeable trust deficit, specifically between other Bumiputeras and Malays. While other Bumiputera respondents overwhelmingly (81 percent) trust fellow Orang Asli, a substantially smaller majority of 60 percent deemed Malays as trustworthy. Attitudes toward immigrants are also starkly less positive. Among all respondents, only 46 percent regarded immigrants as trustworthy. The converse relationship of vulnerable communities' trust vis-à-vis Malaysian people, as distinct from the government and authorities, is difficult to gauge. Presumably, such sentiments are relatively more favourable, given that CSOs have filled in gaps in social services and employment created by official policies.

Issues that indicate intergroup distrust continue to surface in Malaysia. Many of the key incidents indicating this are reported in the KOMAS annual documentation of racial discrimination. In 2020, a state legislative member from an urban constituency in Selangor sent a memorandum to the management of the local Jaya Grocer outlet asking it to remove the market's non-Halal liquor section. The legislative member argued that the section was offensive to the Muslim customers who form the majority of local residents. The grocer's management deferred to this memorandum and closed the section. However, this action also received rebukes from several persons of other faiths who felt that the rights of non-Muslims were not considered.⁸⁷ In 2019, the Ministry of Education announced a plan to make Arabic calligraphy (*Khat* or *Jawi*) a compulsory subject for all primary school Year Four pupils. Dong Zong, a Chinese education group, protested and claimed that the government was attempting a form of "Islamization" through the school system. The government then retracted the plan, making the lesson optional. However, a consequence of this incident was that Malay-Muslim politicians openly criticized the Chinese and chastised them for being ungrateful for the accommodations made by the Malays.⁸⁸

18. TRUST IN INSTITUTIONS

AVERAGE SCORE: 4.5

ETHNO-RACIAL GROUPS | SCORE: 5

RELIGIONS | SCORE: 4

VULNERABLE COMMUNITIES | SCORE: 4

Surveys have shown that Malays tend to feel protected and treated fairly to a greater extent, compared to Chinese and Indians.

The question of Malaysians' trust in institutions is complex. Voters turned out at a high rate of 83 percent (of registered voters) for the 2018 general election. This high participation rate is observed across all ethno-racial groups. However, opinion surveys reveal differences in perception of the efficacy of democracy. In 2021, the *Pluralism Perceptions Survey* found that about three quarters of Malays and other Bumiputeras agreed with the statement "democracy works very well," compared to only two fifths of Chinese and Indian respondents.⁸⁹

Trust derives from the extent to which groups feel their interests are being represented in governance and policy. Surveys have shown that Malays tend to feel protected and treated fairly to a greater extent, compared to Chinese and Indians. Al Ramiah, Hewstone and Wölfer found considerably higher proportions of Malays than Chinese and Indians believe that their group interests are protected by the government and perceive economic policies as fair.⁹⁰ A major issue in this context is the over-representation of Malays in the public sector and the community's dominance, especially in top administrative positions. Accordingly, Chinese respondents indicated a higher inclination to emigrate.

Research that differentiates religious affiliation is scarcer, but we can glean some insight from the Merdeka Center's 2015 survey.⁹¹ This survey found group differences in perception of fairness in the economic system, particularly in providing opportunities to succeed. Notably, a near majority of Muslim Bumiputeras considered the system to be fair, but only one third of non-Muslim Bumiputeras held the same view, with a sizable majority regarding the system as unfair. The fair/unfair breakdowns by these categories, as well as the conventional ethno-racial groupings, are Muslim Bumiputera (48 percent, 42 percent), non-Muslim Bumiputera (33 percent, 58 percent), Malays (46 percent, 46 percent), Chinese (9 percent, 85 percent) and Indian (29 percent, 67 percent). We should emphasize that such public opinion is context-specific and time sensitive. Nonetheless, these intergroup disparities likely persist, even if the magnitudes vary.

The *Pluralism Perceptions Survey* inquired more directly about Malaysians' degree of "trust" in institutions.⁹² With regard to the police and law enforcement, a marked difference emerged in the numbers expressing trust that the police will enforce the law "fairly and equally," between Malays and other Bumiputeras (79 percent and 76 percent, respectively), and Chinese and Indians, of whom only 54 percent shared the same position. Similar patterns surfaced on the question of the equality and fairness of the justice system. However, there is overall greater trust, and lesser disparity, in the health system's capacity to protect patients during a health crisis, with 87 percent of Malays, 85 percent of other Bumiputeras and 70 percent of Chinese and Indians expressing such perspectives.

Whereas Muslims likely feel that the legal system, which partly comprises Islamic courts, and the official religious apparatus safeguard their interests, adherents of other faiths find less reason to place confidence in public institutions.

The lack of trust in the police has a longer history. The 2005 report of the Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police highlighted abuse of power and corruption as rampant problems.⁹³ The Commission recommended a series of reforms including the establishment of an independent police complaints commission, which, to date, the government has failed to do despite several attempts and repeated calls from civil society. Repeated cases of death in police custody and ongoing enforced disappearance cases, in which a SUHAKAM inquiry concluded that the police are accountable, underscore this crisis of confidence.

On these questions, the *Pluralism Perceptions Survey* finds parallel patterns between Muslim and other religions. The proportions are closely aligned. Muslims express more trust in the police and the justice system compared to Buddhists and Christians. The independent effects of ethno-racial identity and religious identity are difficult to ascertain statistically due to the convergence of Malay and Muslim identity. It suffices to draw out plausible motivations for religious affiliation to differentiate levels of trust. Whereas Muslims likely feel that the legal system, which partly comprises Islamic courts, and the official religious apparatus safeguard their interests, adherents of other faiths find less reason to place confidence in public institutions.

We do not observe significant East-West divides related to trust in institutions. Sarawakians, indeed, appear to place more confidence in non-partisan institutions, such as the election commission.⁹⁴ The *Pluralism Perceptions Survey* found no significant difference between East and West Malaysia and other regions in the trust respondents place in the police, justice and health systems.⁹⁵

19. INCLUSION AND ACCEPTANCE

AVERAGE SCORE: 4.5

ETHNO-RACIAL GROUPS | SCORE: 5

RELIGIONS | SCORE: 5

VULNERABLE COMMUNITIES | SCORE: 4

Our evaluation draws on surveys that inform the intergroup interactions, attitudes and perceptions of Malaysians, and observations of socio-economic outcomes, most notably incidents that detract from inclusiveness, mutual respect and acceptance. Amity between groups generally holds, but tolerance and peaceful co-existence do not necessarily translate into friendship and integration. Al-Ramiah, Hewston and Wölfer found that Peninsular Malaysians rarely have “good friends” of other ethnicities.⁹⁶ Malaysians also generally express tolerance and appreciation for ethno-racial and religious diversity, while simultaneously maintaining differing stances toward practices and institutions that impact national integration. Considerable majorities of Al Ramiah, Hewstone and Wölfer’s respondents supported diversity in living spaces, with 60 percent of Malays, 70 percent of Chinese and 78 percent of Indians agreeing with the creation of more racially mixed neighbourhoods.⁹⁷

While perceptions and experiences of discrimination shape Malaysians' sense of inclusion, they are among the most challenging issues to investigate.

In 2012, Husin, Malek and Gapor found that in urban housing areas, all respondents were able to identify the religion and ethnicity of their neighbours, and more than 75 percent reported having interacted with, and accepted invitations from, their multi-ethnic neighbours.⁹⁸ About two thirds of the respondents also indicated an acceptance of their neighbours' cultural and religious practices. Yet, in another 2012 study about predictors of racial and religious discriminations among Malay and Chinese Malaysians, it was found that an exhibition of discrimination was much higher amongst the Malays compared to the Chinese on the issue of not wanting people of other races and religions to be their neighbours.⁹⁹

Affirmative action and Malaysia's multiple education streams stand out among the issues characterized by intergroup polarization and policy contention. Al Ramiah, Hewstone and Wölfer reported a much higher "level of comfort" toward Malays receiving special privileges among Malays (averaging 4 on a 1–5 scale) compared to Chinese and Indians, who average close to 2.¹⁰⁰ Similarly, in 2010 and 2022, the Merdeka Center found overwhelming Malay/Bumiputera support for the continuation of "special rights and privileges" due to their status as "original inhabitants," as well as a perceived need for such help.¹⁰¹ The ethno-racial communities are concentrated in either Malay-language national primary schools, or Chinese- or Tamil-language vernacular schools. The Malaysian Education Blueprint reported that 97 percent of Bumiputera students and 96 percent of Chinese students are enrolled in the national schools and Chinese vernacular schools, respectively.¹⁰² Opinions starkly correspond with ethnicity: only 20 percent of Chinese agreed with the idea of dissolving vernacular education, compared to 47 percent of Indians and 60 percent of Malays. All groups have attained high enrollment rates, and vernacular schooling embodies the country's multicultural and multi-lingual heritage, but Malaysia must continually negotiate the complexities of these parallel education streams.

While perceptions and experiences of discrimination shape Malaysians' sense of inclusion, they are among the most challenging issues to investigate. Self-assessed experiences of group discrimination appear to be greater than personal experiences. Based on Al Ramiah, Hewstone and Wölfer's findings, about half (46 percent) of the Malay respondents felt that their racial group was highly discriminated against, but almost two-thirds of the Chinese (65 percent) and Indian (67 percent) respondents felt this.¹⁰³ However, a much lower 7 percent of Malays and Chinese have felt personally discriminated against, but the proportion of Indians, at 18 percent, is more than double the rate. The *Pluralism Perceptions Survey* findings point to a rather positive outlook in fairness of employment opportunity.¹⁰⁴ The proportion of individuals feeling that they are equally likely to be employed or promoted as any other group with comparable skills were, for hiring, Malays 82 percent, other Bumiputera 89 percent, Chinese and Indians 77 percent; and for promotion, Malays 80 percent, other Bumiputera 85 percent, and Chinese and Indians 73 percent.

These findings suggest differences in the perception of public sector versus private sector preferential treatment. Chinese and Indians plausibly have, in the background, unequal access to public higher education and employment or business opportunities in assessing discrimination against their group. Having more education may also add to awareness or assertiveness. *Pluralism Perceptions Survey* respondents with higher education qualifications and earning a higher income are more likely to perceive they have been ethnically discriminated against.¹⁰⁵

Documented incidents of racism and bigotry serve as further reference points. The cases are not voluminous but are presumably more widespread, and their recurrences show that underlying tensions can erupt, often due to a convergence of political and social circumstances.¹⁰⁶ In 2017, *The Star* newspaper uncovered discriminatory practices in the property market in Malaysia where a number of property owners or agents had rejected further inquiries about their property because of the race or nationality of the potential tenants.¹⁰⁷ In 2018, similar cases were also documented by Pusat KOMAS based on reports made to them from individuals who had experienced the issue.¹⁰⁸

It is important to note that exclusion can also be felt within ethnic groups, such as along class or geographic lines, and that negative experiences involving race and religion are more likely to gain public attention compared to positive experiences. This is in the same vein of the *Pluralism Perceptions Survey* findings that perceptions of discrimination exceed personal experience of it. Aspirations for the future also may differ from sentiments toward the present. This forward-looking perspective, particularly of Malaysian youth, strongly supports inclusion and acceptance.¹⁰⁹

20. SHARED OWNERSHIP OF SOCIETY

AVERAGE SCORE: 4.5

ETHNO-RACIAL GROUPS | SCORE: 5

RELIGIONS | SCORE: 5

VULNERABLE COMMUNITIES | SCORE: 4

This evaluation of the complex notion of shared ownership references three elements: identity and belonging, political representation and cultural inclusion. Ownership of society entails citizens and residents meaningfully identifying with Malaysia, feeling good about this identification and expressing a sense of belonging. In 2021, the *Pluralism Perceptions Survey* found high levels of self-identification among all groups but more differences between groups in terms of positive sentiments and relations with regard to this identity and even greater difference in the perception of being viewed as Malaysian by other Malaysians.¹¹⁰

Specifically, to the questions of whether respondents identify or see themselves as Malaysian, 95 percent of Malays responded affirmatively as did 86 percent of other Bumiputeras and 94 percent of Chinese and Indians. On further questions, whether one is “glad I am Malaysian” or “feels strong ties with Malaysia,” a gap opens up between Malays and other minority groups, with the share answering positively as follows: Malays 94 percent, other Bumiputeras 85 percent and Chinese and Indians 84 percent. Tellingly, to the statement “Other people in Malaysia think I am Malaysian just like them,” a still high 91 percent of Malays agreed, compared to 79 percent of other Bumiputeras and 74 percent of Chinese and Indians. The *Pluralism Perceptions Survey* also inquired about change in the sense of belonging, finding again that Malays tend to hold a more positive view, with 51 percent saying their sense of belonging has increased, 29 percent saying it has not changed and 16 percent noted a decrease. In contrast, only 31 percent of other

Bumiputeras identified an increase, while 56 percent noted no change and 9 percent a decrease, and for Chinese and Indians, the largest share (39 percent) observed that their sense of belonging has decreased in recent years, with only 19 percent saying that it has increased and 37 percent noting no change. Ethno-racial disparities in perspectives toward emigration are also rather stark. Al Ramiah, Hewstone and Wölfer posed the prospect directly: among their respondents, approximately 16 percent of Malays, 37 percent of Indians and an astonishingly higher 49 percent of Chinese indicated a strong desire to emigrate from Malaysia.¹¹¹

The 2021 *Pluralism Perceptions Survey* assessments of political representation and voice reveal similar ethno-racial patterns, albeit with a lesser Malay vs non-Malay gap. Eighty percent of Malays, 71 percent of other Bumiputeras and 74 percent Chinese and Indians consider that their “views [are] represented by one major political party,” while 81 percent of Malays, 83 percent of other Bumiputeras and 72 percent of Chinese and Indians agree that “People like me have an adequate say in the direction of this country.”¹¹²

On the question of belonging to Malaysia, responses by religion broadly parallel those of ethno-racial categories. The proportions reporting “increased / not changed / decreased” are markedly more positive for Muslims (50 percent/29 percent/17 percent) than Christians (27 percent/38 percent/27 percent) and Buddhists (24 percent/29 percent/43 percent). As for political representation, 80 percent of Muslims, 77 percent of Christians and 72 percent of Buddhists feel that at least one major party shares their views. However, when investigated further to gauge intensity, some differentiation emerges. Even proportions of Muslims agree and somewhat agree (40 percent each), whereas respondents of other religions appear more tentative, notably Buddhists (28 percent agree, 44 percent somewhat agree) and Christians (26 percent agree, 51 percent somewhat agree).

The East Malaysia aspect recurs in calls for autonomy, even secession, from Malaysia, but such platforms have yet to gain decisive momentum. Recent constitutional amendments recognizing Sabah and Sarawak as distinct entities alongside Peninsular Malaysia, and formalizing MA63 as a national foundation stone, are positive landmarks. Research shows that concerns related to religion, particularly the Christian population, remain salient. Among rural Christian Bumiputera, there is a pervasive feeling of relative exclusion from public services, relative to Muslim Bumiputera communities, and anxiety toward attempts by certain quarters to convert their children to Islam.¹¹³ Migrants and refugees remain largely excluded from shared ownership of society, above all those who are stateless.

RECOMMENDATIONS

I. COMMITMENTS

1. International Commitments

- Open discourses with multiple stakeholders about acceding to ICERD and various conventions relating to rights and vulnerable groups.
- Improve on reporting of state obligations of currently acceded treaties related to diversity and inclusiveness (e.g., CEDAW, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities).

2. National Commitments

- Review and reform laws and policies that hinder equality and inclusiveness, and introduce new laws and policies to strengthen diversity, equality and inclusiveness and to counter hate speech and racism.
- Formally accept international treaties that have been acceded to as part of domestic law and improve on data collection for reporting to the relevant committees of the treaties.

3. Inclusive Citizenship

- Amend the Federal Constitution that discriminates against women on the issue of citizenship and reform relevant administrative rules and procedures; clarify the role and scope of group-targeted policies related to Article 153.
- Resolve the persisting problem of statelessness.

II. PRACTICES

4. Policy Implementation

- Consolidate authority and resources of policy-making and implementation institutions, especially on national unity and Indigenous peoples issues.

5. Data Collection

- Enhanced reporting of granular data capturing, *inter alia*, ethnic, subethnic and gender variations.
- Open national survey microdata for research.

6. Claims-Making and Contestation

- Increased and continuous engagement addressing “claims of supremacy” among ethnic groups and concerns of minority groups.

III. LEADERSHIP FOR PLURALISM

7. Political Parties

- Political parties should resolutely address diversity and inclusiveness and build coalitions through pluralistic engagement.
- Strengthen parliamentary oversight of the executive branch of the government.

8. News Media

- Review and reform laws restricting media freedom to allow for more diverse and inclusive reporting and commentaries.

9. Civil Society

- Review and reform laws restricting diverse and inclusive civil society activism.
- Foster partnerships in a whole-of-nation approach to sustainable and inclusive development.

10. Private Sector

- Continued government engagement with the private sector to adopt and implement policies that promote diversity and inclusiveness, and prohibit unfair discrimination.

IV. GROUP-BASED INEQUALITIES

11. Political

- Improve gender equality in politics.
- Redress rural bias in the electoral system.

12. Economic

- Formulate economic policies and empowerment programs that more effectively reduce ethnic, gender and regional disparities.

13. Social

- Effectively pursue fairness in access to education and diversity in enrollment.
- Enhance the role of education institutions in promoting integration.

14. Cultural

- Review cultural policies to be more ethnically inclusive.
- Conduct stakeholder dialogues related to the proposed National Culture Policy 2021.

15. Access to Justice

- Address specific concerns related to impact of pluralistic family law on women and its religious ramifications.
- Consolidate SUHAKAM and give proper recognition to SUHAKAM's findings.
- Address the acute lack of access for vulnerable groups.

V. INTERGROUP RELATIONS AND BELONGING

16. Intergroup Violence

- Improve management of racial tensions and conflicts.

17. Intergroup Trust

- Review and improve ethnic relations programs and strategies.
- Inculcate inclusive values and appreciation for diversity, especially through the education system.

18. Trust in Institutions

- Improve democratic processes.
- Restore trust in the justice system, particularly with regard to the police.
- Establish independent community mediation institutions.

19. Inclusion and Acceptance

- Create youth programs that encourage open racial/ethnic/religious engagements.
- Foster open and constructive dialogue on policies promoting the participation of ethnic groups and women.

20. Shared Ownership of Society

- Safeguard communities' voices and senses of belonging.
- Promote a credible national vision that is inclusive and pluralistic.
- Safeguard East Malaysia rights and autonomy, consistently and meaningfully.

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- 59 percent – "As the original inhabitants of this country, Malays / Bumiputra should continue to be accorded with special rights and privileges"
 - 40 percent – "People should be treated and accorded the same rights in Malaysia regardless of race or religion"
 - 72 percent – "Malays/ Bumiputras need all the help that they can get to move ahead so programs like the NEP should be welcomed"
 - 21 percent – "Assistance such as the NEP doesn't help Malays/ Bumiputra in the long run as it makes them dependent" (see, Merdeka Center, *Political Values Survey 2010* (Bangi: Merdeka Center for Opinion Research, 2010))
- One decade later, the 2022 survey found exceedingly high levels of Malay popular support for "Malay special rights", with 81 percent agreeing with the view, "Malay special rights and privileges are a core feature of our society and should stay in place forever" (see, Merdeka Center, *Perception Towards ICERD and Ethnic Relations in Malaysia: 24 February – 20 March 2022* (Bangi: Merdeka Center for Opinion Research, 2022)).
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