



Promoting Positive Narratives Against Hate Speech Towards Migrants and Refugees in Malaysia

A Toolkit for Parliamentarians | 2023



ASEAN PARLIAMENTARIANS FOR HUMAN RIGHTS

APHR is a regional network of current and former parliamentarians who use their unique positions to advance human rights and democracy in Southeast Asia. We seek to help create a region where people can express themselves without fear, live free from all forms of discrimination and violence, and where development takes place with human rights at the forefront.

Our members use their mandate to advocate for human rights inside and outside of parliaments, regionally and globally. They work closely with civil society, conduct fact-finding missions, and publish recommendations and opinions on important issues affecting the region.

APHR was born out of the recognition that human rights issues in Southeast Asia are interconnected, and from the desire of progressive legislators to work together across borders to promote and protect human rights.

Acknowledgments

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Background

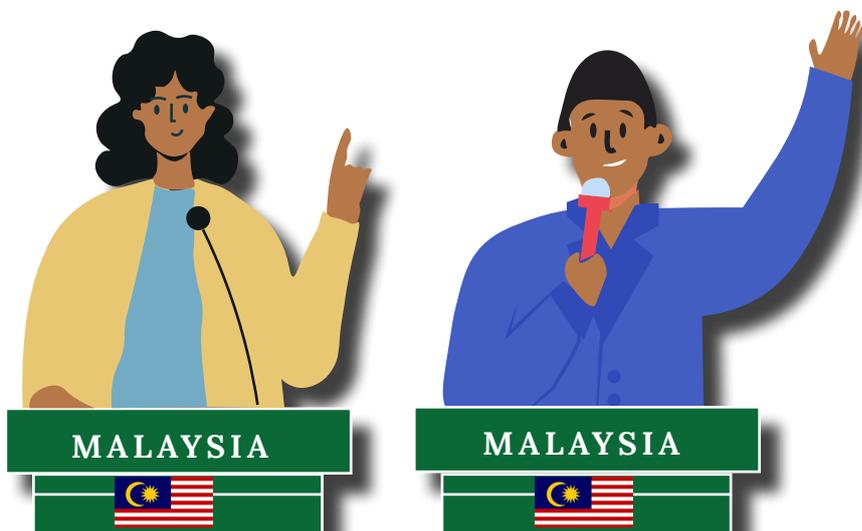
Malaysia is a multi-cultural society that thrives in diversity and respect of people from different cultures, religions, and ethnicities. Due to its diversity, strategic location, developed economy and workforce needs, **Malaysia** is one of the largest migrant-receiving countries in Southeast Asia. However, migration remains a sensitive topic.

A vast majority of Malaysians have **negative perceptions** of migrants and refugees. The Malaysian government's measures of depicting migrants and refugees **as a source of virus transmission** during the COVID-19 pandemic have reinforced public perception that migrants and refugees pose a risk, rather than being at risk. This unleashed a **tsunami of hate and xenophobia** within Malaysia, thereby undermining the values that define Malaysian society: diversity and respect of people from different cultures, religions, and ethnicities.

Mainstream political leaders, such as parliamentarians (MPs), and the media play an important role in the construction of narratives on migration. Political narratives that emphasized the positive role of migrants and refugees in society and economies have proven to be successful in limiting the rise and influence of negative migration narratives.

Purpose of the Toolkit

This toolkit aims to empower Malaysian MPs to take action against hate speech towards migrants and refugees. This toolkit contains information about the migration narratives in Malaysia, the importance of addressing hate speech against migrants and refugees, and recommendations on how MPs can utilize their role to reframe narratives on migration, and thereby spreading positive narratives to address hate speech towards migrants and refugees.



What is hate speech?

There is no international legal definition of hate speech, as the concept of what is “hateful” is still widely disputed, especially with regard to its relation to freedom of opinion and expression, non-discrimination and equality.

The United Nations Strategy and Plan of Action on Hate Speech defines hate speech as “any kind of communication in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, color, descent, gender, or other identity factor”. This definition highlights three important characteristics of hate speech:

1

Hate speech includes verbal and non-verbal expressions, and it can be disseminated offline or online.

2

Hate speech is “discriminatory” (i.e. biased, bigoted, intolerant), or “pejorative” (i.e. prejudiced, contemptuous, demeaning) of an individual or a group of people.

3

Hate speech makes reference to real, purported or imputed “identity factors” of an individual or a group of people in a broad sense, including religion, ethnicity, nationality, race, color, descent, gender, sexual orientation, disability, social or economic origin etc.

Note: The three important characteristics of hate speech are from **“Understanding Hate Speech”** by United Nations.

What is hate speech to Malaysians?



A research study shows that while there are some differences of opinion between people of different ethnicities and religions as to what constitutes hate speech, there is a consensus that speech demonizing, ridiculing, or insulting any religion is considered as “very serious” hate speech, regardless of demographic.

Why is it important to address and counter hate speech towards migrants and refugees?

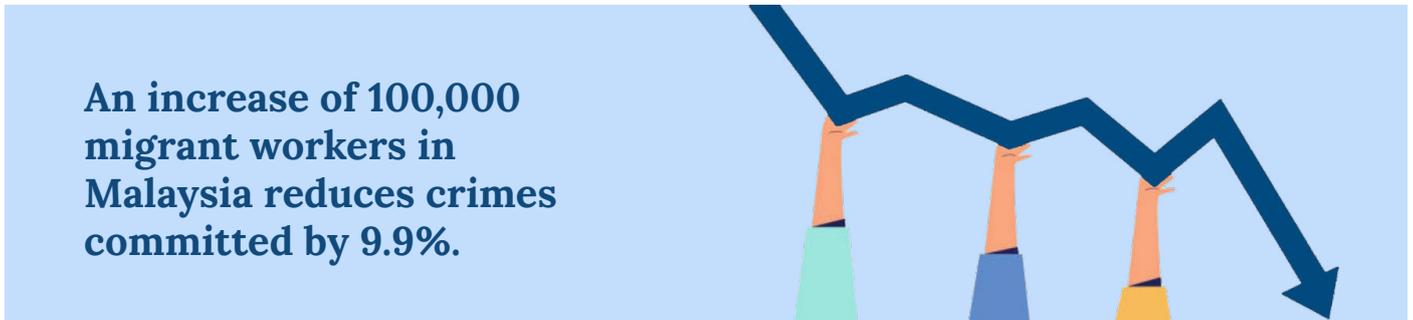
Under international human rights law, all migrants regardless of their status and reasons for migration, are entitled to equal and effective respect, protection, and fulfillment of their human rights. This is consistent with the principle of equality enshrined in Article 8(1) of the **Federal Constitution of Malaysia**, which states that “all persons are equal before the law and entitled to the equal protection of the law”.

Although Malaysia has yet to ratify six out of nine core international human rights conventions, but in 2018, the government **pledged to ratify** the remaining six conventions. Furthermore, as a member of the **United Nations Human Rights Council**, Malaysia is tasked to promote and protect human rights. When Malaysia announced its candidacy for membership at the Human Rights Council, it **committed itself** to “promoting and protecting the rights of vulnerable, marginalized and minority communities in the country.”

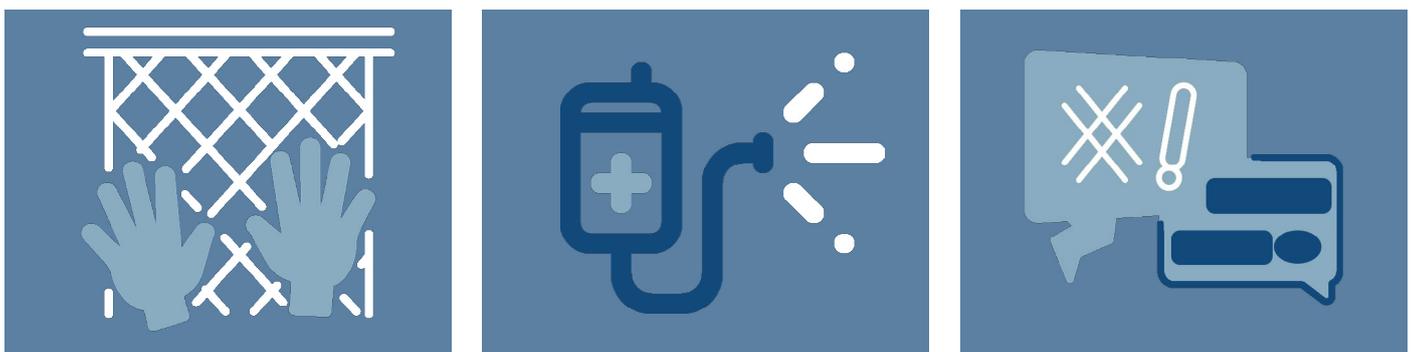
Membership in the Human Rights Council

Malaysia was elected to the Human Rights Council for a three-year term, from 2022 to 2024. Malaysia received 183 votes in the elections held during the 76th Session of the United Nations General Assembly (UNGA).

The majority of Malaysians have **negative perceptions** of migrants and refugees. Migrants and refugees are often blamed for a host of problems, from loss of jobs to crime. According to a **study** conducted in 2019, 83% of Malaysian respondents believed that migrants and refugees have caused the crime rate to go up. However, **evidence** of the causal impact of migration on crime contradicts this belief. In fact, the evidence shows that an increase of 100,000 migrant workers in Malaysia reduces crimes committed by 9.9%.



On the other hand, political discourse in Malaysia has regularly portrayed migrants and refugees as a potential threat to national security and detrimental to the country's long-term social and economic development. This was exacerbated by the COVID-19 pandemic. The government conducted **immigration raids**, **sprayed disinfectant on migrants**, **pushed back boats of Rohingya refugees**, and even **shared an anti-Rohingya migrants poster online**. All of these measures were conducted in the name of controlling the spread of the virus, while the number of COVID-19 cases soared.

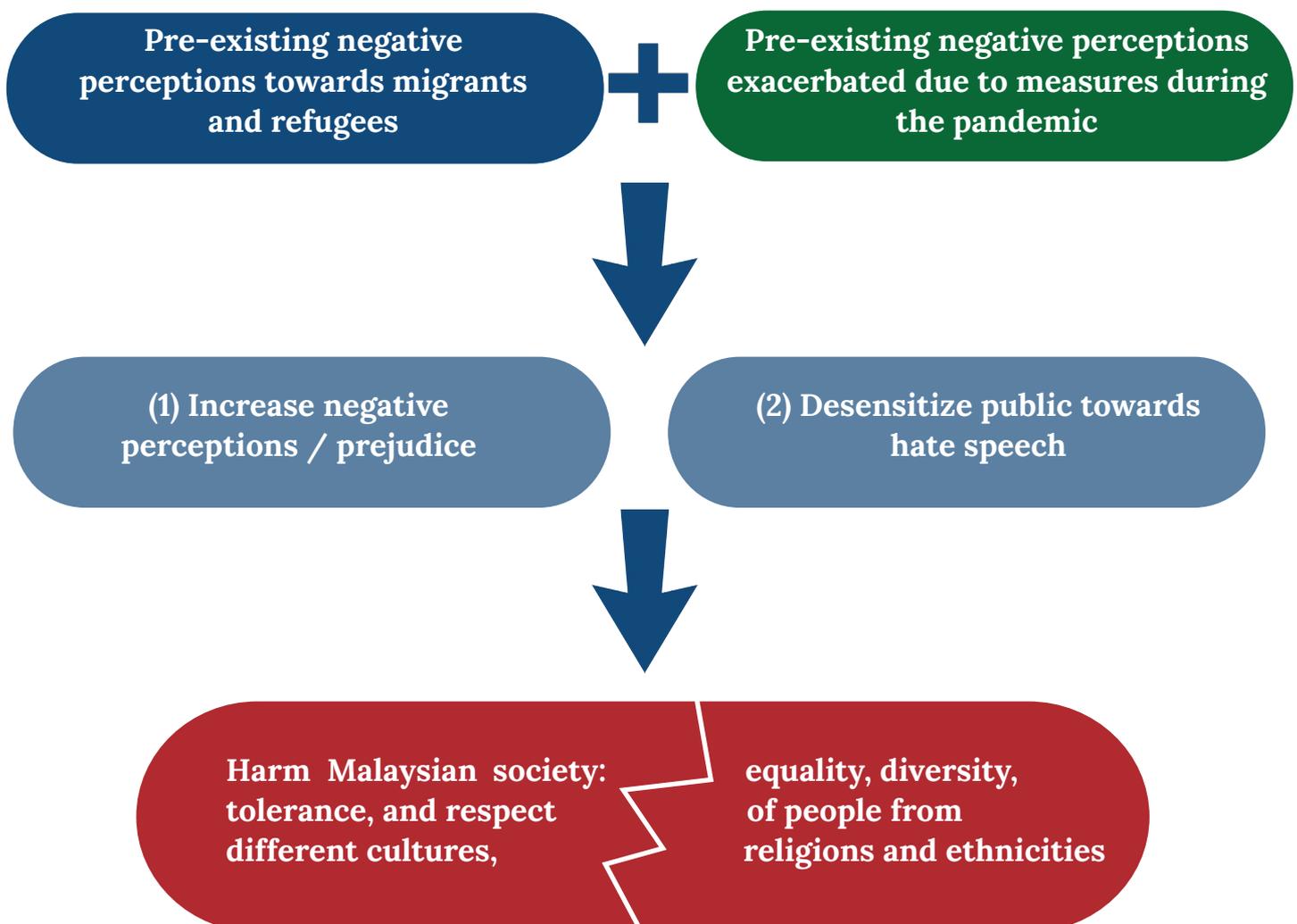


As the government normalized expressions of hate and fear-mongering towards migrants and refugees, the public became desensitized towards hate speech, and there was an increase of negative perceptions and prejudice towards these communities. As a result, Malaysia has seen a **surge in hate speech** against migrants and refugees.

Hate speech is a denial of the values of equality, diversity, tolerance, and not to mention, human rights norms and principles. When migrants and refugees are criminalized and even dehumanized by government policies and rhetoric, the underlying message is that they do not have rights and place within Malaysian society. This process of dehumanization can make it seem acceptable for extremist groups to carry out campaigns of violence, intimidation and incitement to discrimination against migrants and refugees. As a result, and as we have seen, migrants and refugees are amongst the first to be victimized and discriminated against during the pandemic.

Hate speech not only undermines the rights of migrants and refugees but also harms Malaysian society, which prides itself on the values of diversity, harmony, and respect of people from different cultures, religions, and ethnicities. It is therefore crucial to address and counter hate speech towards migrants and refugees, in line with the principle of equality enshrined in the Federal Constitution and the pledges made by Malaysia.

Figure 1: Process of How Hate Speech against Migrants and Refugees Harm Malaysian Society



What are the objectives of promoting positive narratives against hate speech towards migrants and refugees?

Positive narratives aim to:

- ✓ Challenge the harmful perceptions, stereotypes, misinformation and disinformation about migrants and refugees
- ✓ Reach swayable audience who may sympathize with extremist views, and preventing their further involvement
- ✓ Present alternative narratives of migration, and encourage the swayable audience to support human rights-based narratives and speak up against hate speech
- ✓ Reach those who already hold extremist views, and support these individuals in changing their views and behavior



What can MPs do to build positive narratives to address hate speech against migrants and refugees?

- ✓ Build up positive narratives over time. See counter hate speech as a long term process.
- ✓ Use **inclusive terminology** in positive narratives.
- ✓ Publicly denounce intolerance, stereotyping, and instances of hate speech. Early and effective intervention from MPs can deter others from engaging in similar conduct.
- ✓ Express support and kindness to the targeted individuals or groups.



Example: Refrain from using “illegal migrants” or in Malay language, “PATI” or “Pendatang Asing Tanpa Izin” when referring to undocumented or irregular migrants. The term “illegal migrant” should never be used because it denies people of their humanity. A person can never be illegal. This term has been deliberately assigned to undocumented migrants to portray them as underserving of rights. It has adverse impacts on policy and public perception. For more details, refer to **“Why ‘Undocumented’ or ‘Irregular’?”** by PICUM.

- ✓ Emphasize that hate speech is contradictory to the values which Malaysians take pride in, namely equality, diversity, harmony, tolerance, compassion, and respect of people from different cultures, religions and ethnicities.
- ✓ Highlight the shared commonalities and challenges between Malaysians and migrants and refugees.
- ✓ Build partnerships with “non-traditional actors”, such as faith-based organizations, religious leaders and big tech companies, to encourage them to express their support towards migrants and refugees.
- ✓ Explicitly and consistently acknowledge the social and economic contributions of migrants and refugees.
- ✓ Develop a resource bank, and counter those who engage in hate speech with credible counter arguments, information, statistics and other evidence. Before countering arguments with any information or statistics, understand the audience and gauge how certain information may be received and interpreted.



Example: In December 2022, Digital Communications Minister Fahmi Fadzil announced that he will hold meetings with representatives from several social media platforms, including TikTok, to discuss concerns about the spread of hate speech and extremist content on social media.

Example: Migrants and refugees help to alleviate labor shortages, especially in low income jobs. Currently, Malaysia lacks at least 1.2 million workers across manufacturing, plantation and construction sectors.



Example: When using the total number of migrant arrivals to advocate for emergency actions or responses, it may create a sense of “crisis” and lead the audience to opt for the narratives of control, instead of human rights-based narratives. *For more information on how to use statistics and data, read OHCHR’s Toolbox on “Do No Harm” [here](#).*



What else can MPs do to promote positive narratives to address hate speech against migrants and refugees?



In Parliament

- ✓ Meet other politicians, and use this toolkit to encourage the others to build and promote positive narratives against hate speech towards migrants and refugees.
- ✓ Use parliamentary committees and debates to mainstream migrant and refugee issues.
- ✓ Review or amend existing laws to clearly outline the legal requirements for hate speech in line with international human rights standards. This should be done in consultation with experts and civil society working on human rights. The same should be done to any proposed measure or pending legislation.
- ✓ Adopt laws and policies that focus on labor administration and human rights framework, rather than from the standpoint of controlling immigration.
- ✓ Adopt laws and budget to ensure that migrants and refugees have access to essential services, including healthcare, education, and legal services.
- ✓ Encourage relevant Ministries and institutions to develop an integrated referral system for migrants and refugees who experience harassment and/or physical violence arising from hate speech.





In Respective Constituency

- ✓ Meet constituents to understand their perspectives on migration.
- ✓ Engage with migrants and refugees who live in the constituency, and ensure meaningful and effective participation from these communities.

- ✓ Create opportunities for constituents to interact with migrants and refugees who reside in the area, in order to enhance social cohesion between these groups.

- ✓ Support empowerment and education programs for constituents to assist them in identifying disinformation and any form of hate speech about migrants and refugees.



Example: Consult with migrant and refugee communities in the planning and development of services they use in their daily lives, for example, health care services, and evaluate whether these services are inclusive and providing the necessary support to them.



Example: In June 2022, Klang City Council initiated clean-up activities (also known as “gotong-royong” in Malay language) to bring Malaysians together. It was reported that refugee children were excited to participate in the community service as they learned to adapt to Malaysian culture. Other events which may act as a bridge of communication between these groups include food bazaars and sport events.



Engagement with Civil Society and Media

- ✓ Collaborate and engage with civil society to develop a shared understanding of migration issues.
- ✓ Speak out firmly and promptly against media reports that promote hate speech against migrants and refugees.
- ✓ Ensure that any policy measure tackling hate speech directed at the media is not arbitrary. As a fundamental principle, any form of media regulation should be undertaken by bodies that are transparent and independent of political influence.
- ✓ Encourage the media to report on different communities of migrants and refugees and give them an opportunity to speak and to be heard, for the purposes of telling human stories, educating the public and enhancing a better understanding of migrant and refugee issues in Malaysia.

Frequently Asked Questions

Does Malaysia have any specific law to curb hate speech?

No, there is no specific law in Malaysia that regulates or criminalizes hate speech.

Malaysia relies on several laws to curb any act, speech or publication that promotes feelings of hatred, hostility or disharmony. These laws include the Sedition Act 1948, the Communications and Multimedia Act 1998, Penal Code, and the Printing Presses and Publications Act 1984.

Based on a **research**, there are major gaps in these laws, including the lack of a definition of hate speech and a threshold to determine criminal hate speech. The research recommends Malaysia to establish legal frameworks for hate speech that clearly outlines the requirements for criminal hate speech. Any legal framework for hate speech should be in line with international human rights standards. In particular, the right to freedom of opinion and expression, and the right of access to information.

Where are the main sources of hate speech in Malaysia?

According to research, the main sources of hate speech in Malaysia are:

- Social media (Facebook, Instagram, Whatsapp etc)
- Mass media (Online news sites, newspapers, television etc)
- Politicians

Which are the key ministries / government agencies that can help to address hate speech against migrants and refugees?

- Ministry of Communications and Digital
- Malaysian Communications and Multimedia Commission
- Prime Minister's Department - Law and Institutional Reform
- Ministry of Home Affairs
- Ministry of Foreign Affairs
- Attorney General's Chambers

Which are the core international human rights conventions, and which conventions have not been ratified by Malaysia?

1	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)	Status: Not Ratified
2	International Covenant on Civil and Political Rights (ICCPR)	Status: Not Ratified
3	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Status: Ratified

4	Convention for the Protection of All Persons from Enforced Disappearance (CED)	Status: Not Ratified
5	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Status: Not Ratified
6	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)	Status: Not Ratified
7	Convention on the Rights of the Child (CRC)	Status: Ratified
8	Convention on the Rights of Persons with Disabilities (CRPD)	Status: Ratified

For more information relating to the ratification status, refer to UN Treat Body Database [here](#).



Additional Resources

- [United Nations Strategy and Plan of Action on Hate Speech](#)
- [United Nations Guidance Note on Addressing and Countering COVID-19 Related Hate Speech](#)
- OHCHR: [Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence](#)
- OHCHR: [Engaging Religious Actors to Counter Hate Speech, Prevent Incitement to Violence, and Build Peaceful and Inclusive Societies](#)
- OHCHR: [Toolbox on Migration Narrative Change \(2020\)](#)
- OHCHR: [Campaign #StandUp4Migrants](#)
- OHCHR: [Seven Key Elements on Building Human Rights Based-Narratives on Migration and Migrants](#)
- UN Human Rights Council: [Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence against, Persons Based on Religion or Belief](#)
- [United Nations Strategy and Plan of Action on Hate Speech](#)
- [United Nations Guidance Note on Addressing and Countering COVID-19 Related Hate Speech](#)
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- UNHCR: [Countering Toxic Narratives About Refugees and Migrants](#)
- IOM: [Initiatives on Countering Xenophobia and Promoting Migrant Inclusion, Leaving No Migrants Behind in COVID-19 Response](#)
- Ministry of Foreign Affairs' Statement: [Malaysia's Candidature to The United Nations Human Rights Council for the Term 2022-2024, Voluntary Pledges And Commitments](#)
- Ministry of Foreign Affairs' Statement: [Malaysia Elected to the United Nations Human Rights Council for the Term 2022-2021](#)
- APHR's Statement: To tackle COVID-19 Outbreaks, ASEAN MPs Call for More Inclusive Policies for Migrant Workers ([English](#) & [Malay](#))
- APHR's Article: [End Anti-Migrant Rhetoric and Actions, and Protect Everyone](#)



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