

# PROTECTING PEACE AND HARMONY IN MULTICULTURAL MALAYSIA FOLLOWING THE 2022 - 2023 ELECTION

REPORT OF FINDINGS FROM APHR'S  
FACT-FINDING MISSION TO MALAYSIA

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.



International Panel of  
Parliamentarians  
for Freedom of Religion  
or Belief

The International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB) is a global network of parliamentarians and legislators from around the world committed to combating religious persecution and advancing freedom of religion or belief, as defined by Article 18 of the United Nations Universal Declaration of Human Rights. IPPFoRB focuses on growing a diverse and collaborative global network and building the capacity of parliamentarians to act as agents of change in support of freedom of religion or belief both at home and abroad.

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#### About Cover Photo:

**Above photo:** Participants and contingent from multi national races diversity in Malaysia practicing during full rehearsal for Malaysian Independence Day celebration. Aku Alip/ Shutterstock.com

**Bottom Photo:** Political Party flag decorated during Malaysia State Election. Friko Keiro/Shutterstock.com

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*Fact-Finding Mission Members with Hon. Wong Chen, APHR Board Member, inside Parliament of Malaysia*

**I**n October 2023, the ASEAN Parliamentarians for Human Rights (APHR), with support from the International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB), undertook a fact-finding mission to Malaysia to assess the current state of religious harmony and social cohesion in the country, particularly during and after the general election in 2022 and state elections in 2023. The Mission was launched following a consultation with relevant stakeholders in Malaysia regarding the most pressing issues related to freedom of religion or belief (FoRB) in Malaysia, which includes the rise of conservatism in the country resulting in further discrimination of minority groups and attacks against them, in particular widespread dissemination of hate speech online.

The delegation consisted of three parliamentarians from Southeast Asia, namely Hon. Maria Terezinha da Silva Viegas (MP, Timor Leste), Hon. Mohamed Irshad (former MP, Singapore), and Hon. Amilbahar Mawallil (MP, Bangsamoro, the Philippines). Across three days, the delegation met with civil society organisations (CSOs), faith leaders, Parliamentarians, as well as representatives from the Ministry of Communication and Digital, the Malaysian Communication and Multimedia Commission, the Election Commission, and the National Human Rights Commission of Malaysia. While seeking to deepen its understanding of emerging developments and challenges in Malaysia's FoRB landscape, the fact-finding mission also constituted a crucial platform for sharing and learning of country experiences to improve regional realisation of this fundamental freedom.



This report is divided into three sections in the following order:



**Background of the report**, consisting of a general overview of Malaysia's FoRB landscape, as well as the increase in religious polarisation during recent federal and state elections, in particular the the increase of hate speech in online and offline spaces using race and religion as narrative;



**The Mission's findings on challenges**, both longstanding and emerging, that hinder effective responses in combating hate speech and addressing rifts in race and religious harmony;



**Recommendations for various stakeholders**, including the government of Malaysia, parliamentarians and civil society, to foster and sustain race and religious harmony, and promote a diverse and an inclusive Malaysian society.



APHR Fact-Finding delegation with Hon. Fahmi Fadzil, Malaysia's Minister of Communication and Digital and also APHR member

Malaysia is a diverse and vibrant country in Southeast Asia that is home to a number of races, religions, and ethnic groups. It has a current population of 32.7 million and according to the [latest census](#) conducted in 2020, Muslims constituted the largest proportion of Malaysia's religious demography (63.5%), followed by Buddhists (18.7%), Christians (9.1%), Hindus (6.1%), and others (2.7%). Almost all Muslims practise Sunni Islam of the Shafi'i school.

Known for its tourism tagline "Malaysia Truly Asia," it is a country rich with different traditions, customs, and practices. However, recently there has been an increase in polarization among different communities. This is exacerbated with the use of race and religion in politics. The rise of social media also contributed to the divisions leading to tensions and conflicts.

Malaysia's Centre for Independent Journalism (CIJ), recently published its [findings](#) regarding hate speech during the last 15th General Elections (GE15), highlighting Partai Islam Se-Malaysia



(PAS) and its president Abdul Hadi Awang as prominent propagators of divisive, racist, intolerant, and hate-based narratives. Out of the over 52,000 posts analyzed, race-based narratives emerged as the most prevalent, with over 32,000 posts closely followed by religious narratives. The monitoring uncovered posts advocating direct attacks on non-Muslims. These narratives were widespread across four major platforms: Facebook, TikTok, X (formerly Twitter), and YouTube.

The massive spread of hate speech during GE15 at the end of 2022 in Malaysia has added to the serious problems in maintaining peace and harmony among its people. In that democratic celebration, social media companies found discriminatory and divisive campaigns exceptionally high in number, with social media platform TikTok labelled it as “[high alert](#)”. The information and media landscape has been [highly politicized](#) and often used by various political factions to advance their respective propaganda. This situation has [polarised](#) society over religion and ethnicity,

deteriorated peace and social cohesion, and left minority groups and women bearing the brunt of the impact. For this reason, the United States Commission on International Religious Freedom (USCIRF) included Malaysia on its [2023 Special Watch List](#) of countries where religious freedom needs to be monitored.

Since the 2018 election, [race-based narratives have dominated](#) Malaysian social media political debate before, during, and after elections. Political disinformation is used by competing parties to smear reputations, distort election narratives, affect voting behavior, and threaten electoral integrity. Election campaigns used racial and religious feelings to create gaps between Malays and non-Malays, Muslims and non-Muslims, resulting in increased polarization. Hate speech directed at certain groups has been common in recent elections, with social media being used to push policy or emotion-driven appeals such as the [3Rs \(race, religion, and race\)](#). Social media algorithms amplify messages among Malays and young voters, worsening conservatism, bigotry, and democratic difficulties while undermining religious freedom.

Despite having religious diversity, legal provisions restrict religious freedom in Malaysia. Rights of followers of any branches of Islam other than Sunni are restricted, with those following Shia or other branches subject to arrest for deviancy and also discrimination. Ethnic Malays are constitutionally defined as Muslim<sup>1</sup> and are not entitled to renounce their faith. Individuals seeking to convert from Islam risk discrimination and threats and have sometimes faced apostasy charges. Such criminalization infringes on the freedom to change one's religion, which is an inextricable part of FoRB. The right to proselytise is also not adequately protected in the country's federal and state legislations. While the Federal Constitution protects the right of religious propagation, Article 11(4) enables prohibition of propagation of non-Muslim religious doctrines among Muslims via enforcement of state laws – which, in accordance with international human rights law, are inherently discriminatory, overly broad and in pursuit of an illegitimate aim.

The Islamization policy implemented more than half a decade ago played a significant role in shaping the predominant role of Islam among adherents, current interreligious relations and FoRB in Malaysia. [First commenced in the 1960s through the establishment of \*dakwah\* organisations and the Malaysian National Council for Islamic Affairs, the said policy was aggressively pursued in the 1980s in the backdrop of worldwide Islam revivalism in the 1970s.](#) This agenda established an Islamic bureaucracy that included the civil service, security, and judiciary sectors. Among which noteworthy initiatives mentioned by CSOs and faith leaders included the Inculcation of Islamic Policy implemented within government institutions and the amendment to the Federal Constitution to elevate the Syariah courts to the same level as civil courts. The general [Islamization of education](#) was another pertinent manifestation of the policy, consisting of the establishment of Islamic educational institutions, revision of school curricula to include material on Islamic civilization, as well as financial support to Islamic education in national and religious school systems. These graduates then proceed to hold key positions in public bureaucracy, including the education sector, to strengthen and propagate Islam. Last but not least, [the expansion of the Department of Islamic Development Malaysia \(Jabatan Kemajuan Islam Malaysia - Jakim\)'s powers](#) in law administration standardization and implementation of the state-level enactments such as the Administration of Islamic Law Act facilitate state monopoly on the interpretation of Islam. These initiatives entrenched Islamic revivalism – the practice of Islamic perspectives in all aspects of social and political life – within the country's fabric. Stakeholders also highlighted the substantial role played by schools. The state Islamization policy and PAS schools produced younger generations with problematically high religiosity, as substantiated by worrying 2022 Muslim Youth Survey [findings](#) whereby a startling 82% of Muslim youth aged 15 to 25 that the Quran should replace the country's Federal Constitution, as well as agreement among 72% of respondents that “true Muslims” should unquestionably obey the words of religious leaders.

This historical background is important as recent views gathered from stakeholders are trends concerning the growing conservatism in the country and mainly rooted in some policies, such as the Islamization policy, that have been put in place and became embedded in various institutions.

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<sup>1</sup> Article 160(2) of the Federal Constitution: “Malay” means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom and (a) was before Merdeka Day born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore, or is on that day domiciled in the Federation or in Singapore; or (b) is the issue of such a person”

This conservatism has also recently become evident in the widespread dissemination of hate speech online, including by the younger generation. Unfortunately, religious and conservative views have been used as narratives to advance political mileage during election campaigns. Stakeholders emphasized the importance of addressing hate speech and demonization based on religion, belief, and race, and the need to tackle online harassment while considering its intersection with freedom of expression, and to establish clear boundaries and limits in this context.

## KEY MISSION FINDINGS

### Rising Religious Conservatism Results in Marginalization of Minority and Vulnerable Groups



Mission delegation meeting with Commissioner Derek Fernandez of Malaysia's Communication and Multimedia Commission

Overall, the rising religious conservatism seen in Malaysia corrodes intra and inter-religious pluralism and undermines national unity, impinging on fundamental rights including FoRB of religious minorities. In addition, it also exacerbates discrimination against vulnerable communities.

A mechanism through which the encroachment of FoRB of religious minorities takes place is continued erosion of secularism. Among CSOs and faith leaders, the delegation heard that the state Islamization policy and statements by the [Prime Minister](#) of non-recognition of secularism respectively catalysed and perpetuated this erosion. This longstanding state priority of Islamic tenets over secular systems has been instrumental in undermining the secular foundation of the Federal Constitution, specifically Article 3(1)<sup>2</sup>. CSOs and faith leaders pointed out that although Article 3(1) stipulates Islam as the religion of the Federation, the provision allows for the religious

<sup>2</sup> Article 3(1) of the Federal Constitution: "Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation."



*Consultation meetings and discussions with Civil Society organizations in Malaysia*

nature of state ceremony and does not support the notion of an Islamic state; equally important, secularism does not connote an anti-religious or anti-Islamic state of governance. CSOs and faith leaders cited the controversy on the use of ‘Allah’ as an example of a ForB violation that emerged as a result of the corrosion of secularism. In 2008, [the government banned a Catholic online newspaper, The Herald, for using the word ‘Allah’ in its publications](#). By 2014, [the Federal Court had rejected the Catholic Church’s appeal of the Home Ministry’s ban](#), hence upholding the Court of Appeal’s decision that ruled in favour of the government’s position. This Federal Court decision marked the turning point for the government to reaffirm its commitment to the 2011 ten-point Cabinet solution banning Christians in Peninsula Malaysia from using the ‘Allah’ word.

Mass conversions of the Indigenous Peoples (Orang Asli) and East Malaysian Indigenous communities have also been cited as an issue in Malaysia.

The erosion of secularism is also found to have an effect on businesses, especially those operating within states governed by the current opposition coalition, Perikatan Nasional (PN). A noteworthy example is the recent [non-renewal of licences for gambling businesses in Kedah](#), which are operated by non-Muslims, in the name of preventing the erosion of Islamic values and public morality.

The other mechanism is the weaponization of ‘deviant’ narratives. Minority groups that practise non-mainstream sects such as the Ahmadiyya and Shia are among those victimised by these narratives. Also noted in APHR’s 2019 fact-finding mission, ‘security threat’ and ‘deviant

teachings' narratives continue to be used by law enforcement in justifying its [monitoring efforts of religious groups](#), such as the Ahmadi Religion of Peace and Light. This situation jeopardises intra-religious pluralism.

Another key community affected is the LGBTIQ+ community. GE15 saw prevalent [LGBT-phobic language](#) and weaponization of the community [by politicians to discredit one another](#). Post-election, LGBTIQ+ phobic rhetoric<sup>3</sup> and policies such as more [restrictive concert guidelines](#) by the federal government became concerningly explicit. These attempts to burnish religious credentials only serve to reinforce widespread misconceptions surrounding LGBTIQ+ persons, legitimising state and public exclusion, discrimination, hate speech, and even violence against the community. It is also notable that for these vulnerable groups, other fundamental rights guaranteed by the Federal Constitution are also curtailed. A key example is the freedom of peaceful assembly, as evidenced by the [arrest and detention](#) of eight members of the Ahmadi Religion of Peace and Light for peacefully assembling in solidarity with the LGBTIQ+ community, as well as unwarranted [investigations](#) on a public assembly about women's rights that included LGBTIQ+ groups.

The term 'deviant' is also employed to discourage open discussions involving 'liberal' and 'pluralistic' perspectives within certain contexts. This can pose a challenge to the full realisation of the rights to freedom of opinion and expression, as well as the right to access information. This is evident in bans of publications and media of creative expression, most recently the ["Mentega Terbang" film](#) depicting a female Muslim adolescent exploring conceptions of death by other religions upon finding out that her mother has terminal cancer. Efforts have been made by authorities to suppress voices within civil society that offer differing perspectives from the dominant narrative, as illustrated by the 2014 *fatwa* (a formal ruling or interpretation on a point of Islamic law given by a qualified legal scholar) issued by the Selangor state government. This *fatwa* classified non-government organization, Sisters In Islam (SIS), and any individuals or groups promoting 'deviant ideologies of liberalism and pluralism' as deviating from the established norms. As of 2023, SIS has [filed a bind at the Federal Court to appeal against the Court of Appeal's dismissal of its challenge against the fatwa](#).

Freedom of expression in terms of choice of attire is also curtailed, especially involving women from minority groups. Instances of dress policing in public and even [privately owned business premises](#) were cited, with some cases directly violating fundamental rights such as [access to redress](#) and [healthcare services](#). A worrying overreach by dress policing to violate other rights such as that to participation in recreation and sports is documented in the case of [women gymnasts in Terengganu having to compete for wushu instead due to the state government's prohibition over non-Shariah compliant attire](#).

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<sup>3</sup> Shortly after appointment in January 2023, Prime Minister Anwar Ibrahim stated that the unity government will never recognise the LGBT community, in an attempt to dismiss claims by political rivals that Islam will be ruined under his administration. In March 2023, Local Government Development Minister Nga Kor Ming stated that the government will "never support a single LGBT programme in the country...which promotes hedonistic culture, profanity and free sex", in response to posters featuring male waiters dressed in women's lingerie (promoting the Thai Hot Guy event in conjunction with the opening of a club) that went viral on social media.

## Increase in Polarisation During Elections

On top of increasingly polarised racial rhetoric which has been a longstanding tool exploited by politicians to gain support, the 15th General Election (GE15) also witnessed the unprecedented emergence of religious hate speech. According to the Centre for Independent Journalism’s [findings](#) on hate speech during GE15 across four social media platforms (Facebook, TikTok, Twitter, and YouTube), posts with religious-based narratives ranked second (24.6%) in prevalence.

Highly inflammatory speech was used by politicians and influencers, containing elements of [fear mongering](#) or racial and [religious supremacy](#). Hate speech on the basis of race and sexual orientation also alarmingly scaled up in intensity, with respective examples including warnings of a possible recurrence of the [May 13 riots](#) should Democratic Action Party (DAP) and PH return to power.

Social media companies found discriminatory and divisive campaigns exceptionally high in number, with social media platform TikTok labelled it as “[high alert](#)”. Emotion-driven appeals such as concerning what is known in Malaysia as “3Rs” to refer to Race, Religious, Royalty were amplified via social media algorithms among Malays and especially young voters, worsening existing conservatism and bigotry while undermining religious freedom. While politicians and influencers contributed to problematic hate narratives, hate messages were amplified by social media users themselves. The Malaysian Multimedia and Communications Commission (MCMC) works closely with TikTok and Instagram by relying on their responsibility and speed in removing the offending content to tackle the adverse conditions. A total of [101 fake and provocative news articles were reported and removed during the GE15 campaign](#) in the country. However, while TikTok’s automated system blocked thousands of videos, it was deemed insufficient as hateful content persisted on the platform months after the election.

Economic inequalities between ethnic communities remain salient, having persisted after the Asian financial crisis and significantly worsened because of the pandemic. These disparities fuelled support for ethno-nationalist appeals, which has been leveraged by opportunistic political elites to consolidate voter support. In the case of the Malays, the rhetoric by the United Malays National Organisation (UMNO) framed the [Chinese dominating the economy and that unless Malays unite, they will take over the country that is theirs](#). On a longstanding basis,

| ISSUES                | TOTAL POST     |
|-----------------------|----------------|
| RACE                  | 66,933         |
| RELIGION              | 24,484         |
| ROYALTY               | 14,320         |
| Gender & LGBTIQ       | 7,596          |
| Refugees and Migrants | 3,819          |
| <b>Total Posts</b>    | <b>117,152</b> |



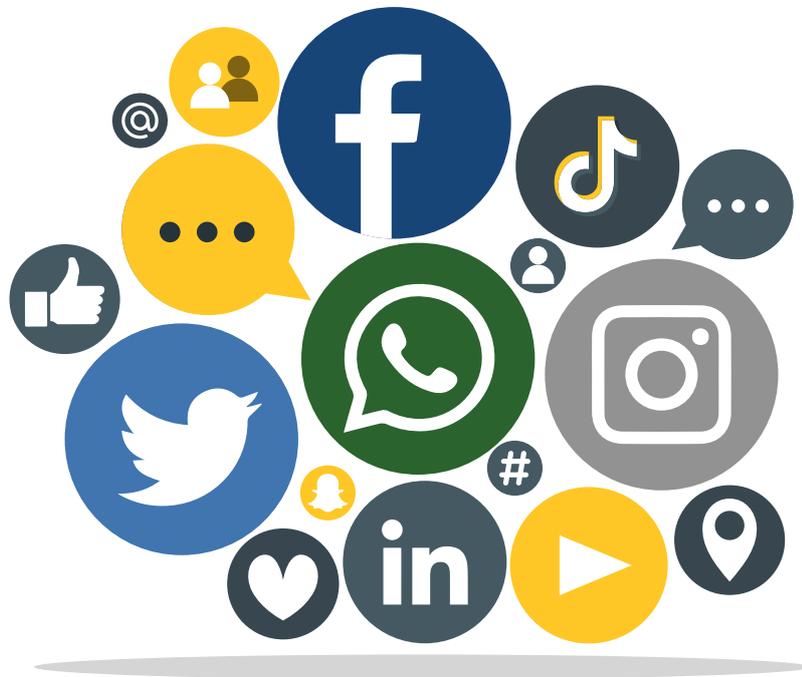
*The Mission holds a roundtable discussion with interfaith leaders in Kuala Lumpur, Malaysia*

UMNO's stronghold consisted of Malay voters from the rural areas and of lower socioeconomic status, via a combination of ethno-nationalist appeal and control of patronage resources. UMNO's image as the protector of Malay rights shattered with the 1MDB corruption scandal and the Malay constituents' confidence in the party waned upon the party's fall in the 14th General Election. For Malay voters, the Perikatan Nasional coalition (PN) (of which PAS is a part of) thus constituted the next best alternative. Another secondary factor that further fuelled conservatism, cited by CSOs, faith leaders, and parliamentarians, was political instability, i.e., namely having four Prime Ministers in four years and having the first-ever hung Parliament after GE15.

CSOs and parliamentarians also brought up the significant role of the problem of malapportionment in facilitating PAS's rise, which inflated slight shifts in overrepresented rural areas into large seat swings. **Although PAS's vote share in the Peninsula was at 18.1% during GE15, which was lower than GE14 (19.4%), the malapportionment bias inflated the party's seat share by eight points to 26.2%.** Prior to GE14 in 2018, the Barisan Nasional coalition (BN; of which UMNO is a part) reaped the benefits of overrepresented rural Malay seats - during the 2013 election, BN retained a **60% parliamentary majority despite having only won 47% of votes.** With **heavy urban-rural migration as a result of urbanisation**, alongside other emerging factors such as the lowering of the voting age and automatic voter registration, the original premise on which malapportionment is based, i.e., the Malays being largely rural and non-Malays being predominantly urban, is no longer fully applicable. This interplay of factors thus contribute to current electoral realities of **Malays living in urban centres, instead of just non-Malays, being marginalised by malapportionment.**

## Social Media Platforms Play Key Role in Fueling Hate Speech in Malaysia

There is mounting concern among all stakeholders, including from a representative from the Malaysian Communication and Multimedia Commission (MCMC) and the Minister of Communications and Digital, the role that social media sites play in exacerbating polarisation, especially TikTok. This is done via algorithmic filter bubbles, whereby users are only exposed to information that reinforces their political views, with little to no exposure to opposing perspectives. The outcome of this self-reinforcing feedback loop is a society that is increasingly segregated along partisan lines, which has the potential of undermining democracy, public institutions, social cohesion, and stability. As observed by media practitioners and civil society monitoring the situation, these echo chambers also create incentives for content creators to share clickbait, disinformation, and hyper-partisan content – not just influencers to improve their follower reach, but also political actors such as Perikatan Nasional who had allegedly spent RM100 million (approximately USD 2.1 million) on TikTok for their online campaign during GE15. It is noteworthy that non-state actors such as influencers played a significant role in propagating disinformation and hate narratives. The extent to which these influencers were recruited by political actors for such efforts is unknown, as not all who are commissioned have paid promotion labels on their posts.





## STATE RESPONSE AND CAPACITY TO ADDRESS HATE SPEECH

### The Freedom of Expression Conundrum

The government has been taking a hard-line stance in addressing discourse linked to the 3R (race, religion, and royalty) in an attempt to preserve national unity and social harmony. This is evident in not only warnings given by key ministers including the [Prime Minister](#), but also swift action taken against individuals including [politicians](#) who have 'played up' such issues. One of the main issues is the continuing use of repressive laws that impinge on fundamental freedoms. CSOs and key human rights groups are firm in their assertion that the Sedition Act 1948 and Section 233 of the Communications and Multimedia Act 1998 need to be repealed as freedom of religion and belief and freedom of expression are mutually reinforcing – the former cannot exist if the latter is not respected. There needs to be a balance between managing the volatile and uncertain socio-political environment (also complicated by the dynamic online spaces) in light of national interests and respecting freedom of expression. On the Sedition Act 1948, the Minister of Communication and Digital emphasised that it remains in place as a function of deterrence, and enforcement of the legislation is low and only confined to criticisms related to the royalty. On Section 233 of the Communications and Multimedia Act 1998, some parliamentarians asserted that MCMC's powers should be made more focused in light of the history of abuse of the legislation by the state to criminalise dissenters from civil society. The MCMC Commissioner, on the other hand, argued that the breadth of the provision facilitates the statutory body's discharge of its functions to regulate online content.

### Absence of Institutionalized Interfaith Dialogue Mechanisms

Current efforts to enhance interfaith understanding and minority group inclusion via institutionalised interfaith dialogue mechanisms unfortunately lack progress. APHR's 2019 [fact-finding mission](#) to assess the FoRB situation in Malaysia upon the ascension of the Pakatan Harapan administration to power found that there was a lack of dedicated federal and state agencies as well as national budget resources for other religions. Among faith leaders and selected parliamentarians, the delegation heard that this situation persisted since then. Faith leaders also expounded the lack of progress by the government in including the voices of minority religious groups in nation-building, citing the recent development of the [inclusion of only JAKIM in the drafting of a national development policy framework based on the Malaysia Madani concept](#). On the other hand, CSOs highlighted the [National Unity Blueprint 2021-2030](#)



The delegation meets with the National Human Rights Commission of Malaysia (Suruhanjaya Hak Asasi Manusia Malaysia - SUHAKAM)

fell short of addressing religious harmony and interfaith understanding within its framework, despite commendable in its emphasis on the Federal Constitution and Rukun Negara and recognition of a shared history.

The 2019 fact-finding mission also described the setup of the Committee to Promote Interfaith Understanding Among Religious Adherents (Jawatan Kuasa Mempromosikan Persefahaman dan Keharmonian Antara Penganut Agama - JKMPKA), comprising adherents from various religions including Islam. Faith leaders argued that this committee was limited in effectiveness, as membership did not comprise of religious leaders, whose roles in improving interfaith understanding would have been substantial. Some who were a part of JKMPKA shared that the narrative of Islamic supremacy within committee meetings was also prevalent, thus effectively curtailing inclusive participation of and perpetuating mistrust felt by minority religious group representatives. The Harmoni Committee that replaced JKMPKA in 2020 was inactive, and just had its [first meeting on 28 October 2023](#). It was announced that they would only meet twice annually.

There are no systematic interfaith dialogues conducted by the State, nor are there national mechanisms that facilitate such dialogues. The 2019 fact-finding mission also acknowledged the commitment by then Minister on National Unity and Social Wellbeing to re-table the National Harmony Bill. There has been no progress on that front since then.

## Key Institutional Gaps in Combating Hate Speech



After discussions with Commissioner Zoe Randhawa of Malaysia's Election Commission (Suruhanjaya Pilihan Raya - SPR)

**T**hrough the delegation's enquiry on the role of selected key institutions in addressing hate speech, it is found that there are systemic gaps that impede effective intervention in this issue.

One such key institution is the National Human Rights Commission of Malaysia (Suruhanjaya Hak Asasi Manusia Malaysia - SUHAKAM). A commendable initiative by the national human rights institution is the Human Rights Best Practices in Schools (*Amalan Terbaik Hak Asasi Manusia di Sekolah - ATHAM*) programme with 468 primary and secondary schools in collaboration with the Ministry of Education since 2006. SUHAKAM representatives stated that disinformation is an emerging priority area that the institution is looking into. On another note, SUHAKAM is seemingly inadequate in its efforts to address persistent gaps in FoRB, including hate speech, using its other functions. It is unknown as to whether SUHAKAM was consulted by the government in the National Harmony Bills, nor the actions taken by the institution in response to individual complaints received on FoRB violations. Based on feedback by CSOs, there has also been a paucity of press statements issued by the institution in response to current FoRB issues over the last two years.

The delegation also engaged with the Election Commission (EC). According to EC representatives, there is limited jurisdiction in addressing online hate speech during elections. While religious hate speech may be applicable under Section 4A(1) under the Election Offences Act 1954 (EOA), enforcement teams that monitor election speeches in assigned constituencies only have jurisdiction when it comes to physical banners or in-person hate speeches. Cases of online hate speech, as well as complaints received from the public through the temporary election monitoring unit (*bilik gerakan*), can only be referred to MCMC and the police for further action. When queried about the possibility of amending the EOA to expand their powers to combat online hate speech, EC representatives emphasised the need to first have consultations with all stakeholders to acquire a holistic understanding of all related issues before undertaking such a decision. The representatives also stated that any legislative amendments should be accompanied with provision of more resources to the EC in manpower, funds and training, in order to ensure the Commission's effective discharge of its broadened mandate. While the EC conducts engagements with social media companies prior to the GE, the matter of concern is limited to disinformation. It is also noteworthy that the onus is still with the social media companies to take down online content.

Last but not least, there is the Malaysian Communications and Multimedia Commission (MCMC). While the statutory body receives referred complaints from the EC during elections and directly from the public regardless of circumstances, it is unable to take down hate speech on social media platforms, as these companies are not registered in Malaysia. While MCMC undertakes regular consultations with social media companies on issues related to online content, a more effective solution would be to have a legislation, or corresponding amendments to the Communications and Multimedia Act 1998, that can hold these companies accountable in their content moderation efforts, with heavy penalties such as bans on operations within the country imposed should there be incompliance with local laws. The MCMC Commissioner asserts that when it comes to hate speech during elections, the EC should be the arbiter, in light of their expertise.

The EC and policymakers (Minister of Communication and Digital and parliamentarians) concurred on the need for multi-stakeholder consultations and collaborations that include civil society in order to effectively tackle hate speech.



## RECOMMENDATIONS



### To the government of Malaysia:

- Ensure that all persons can freely exercise their right to FoRB without interference by the State, as enshrined in the Federal Constitution;
- Cease discriminatory measures that expose any community to greater scrutiny and monitoring from the State as outlined in this report;
- End all forms of intimidation, including the arrest, detention, or forced “rehabilitation” of individuals involved in peaceful religious activities, such as members of communities and individuals, and to release unconditionally those detained or imprisoned for related charges;
- Take steps to end unduly influenced mass conversions by religious groups, and provide appropriate redress;
- Review the Election Offences Act (EOA) to expand the EC’s powers to enforce prohibition against online hate speech during elections, and as a part of that process, undertake consultations with the EC, MCMC, and other relevant stakeholders;
- Review the Communications and Multimedia Act 1998 and other ASEAN intergovernmental mechanisms to mandate compliance of social media companies to local laws and regulations regarding online content;
- Implement reapportionment in line with principles and recommendations provided by the ‘Asia & the Pacific Roundtable Discussion on Boundary Delimitation & Malapportionment: Practice & Solutions’ in November 2023;
- Consider ratifying and upholding international human rights agreements like International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR), along with regional agreements and frameworks like the Cairo Declaration and others, to promote and protect human rights and fundamental freedoms.
- Review the National Unity Blueprint 2021-2030 to detail the relevant operational processes, mechanisms and stakeholders involved for all strategies, as well as to incorporate strategies that enhance religious harmony;
- Set up an inclusive national mechanism, that facilitates regular interfaith dialogues and mediates issues of religion;
- Establish a multi-sectoral coalition consisting of relevant government ministries including the Ministry of National Unity and the Ministry of Communication and Digital, SUHAKAM, EC, MCMC, parliamentarians, faith leaders and civil society representatives, with the mandate of developing multi-pronged approaches to address race and religious-based hate speech in offline and online contexts; and
- Anchor all national policies to the Madani values that not only respect but also are equally participatory for all.



## To Members of Parliament:

- Establish structured engagement with CSOs, among others, through various parliamentary special select committees (PSSC), and ensure that the new PSSC on Human Rights, Election and Institutional Reform prioritizes issues pertaining to freedom of religion or belief;
- Establish parliamentarians-based initiatives to safeguard the principles of freedom of religion or belief and consolidate efforts to counter-extremism;
- Champion and advocate for the principles of freedom of religion or belief, interfaith dialogue, and the values of acceptance and mutual coexistence within the constituencies of parliamentarians.
- Ensure the fair distribution of resources in the national budget to support the welfare of minority religious communities;
- Repeal or substantively amend laws that restrict fundamental freedoms in the name of religion - including Section 377 of the Penal Code, the Sedition Act, and state Syariah enactments – and cease the arrest, detention, and prosecution of individuals under the laws;
- Review laws that have been used to repress freedom of expression, including the Sedition Act 1948 and Section 233 of the Communications and Multimedia Act 1998;
- Ensure that laws introduced and enforced, aimed at curbing racial and religious hatred, are in line with the principles of equality and non-discrimination, and protect persons of all race and religions; and
- Conduct a comprehensive review of the National Harmony Bills, ensuring the active participation of civil society and other relevant communities that may be significantly affected by the legislation.



## To Political Parties

- Refrain from politicizing race and religion in public communications and election campaigns.

## To The National Human Rights Commission (SUHAKAM)

- Concurrently address freedom of religion and belief in activities conducted to address racial and religious discrimination;
- Issue press statements in response to freedom of religion and belief violations experienced by any individual or group, in line with the Universal Declaration of Human Rights and if relevant other core international and regional human rights instruments; and
- Include freedom of religion and belief as a part of the institution's subsequent five-year action plan.

## To CSOs, Faith Leaders, and Other Stakeholders:

- Promote and practise interreligious dialogues and activities with a view of promoting and protecting the principle of freedom of religion or belief;
- Undertake collaborations among different religious groups on shared concerns, namely climate change; and
- Promote responsible and positive religious values in the public and media, while also offering coordinated counter-narratives to combat extremist and intolerant propaganda in the public sphere.



*The Mission delegation during a roundtable discussion with parliamentarians in Malaysia's House of Representatives (Dewan Rakyat)*



## Members of the Mission

### 1 **Hon. Maria Terezinha da Silva Viegas,** Member of Timor Leste National Parliament



Hon Viegas is an agricultural worker who became an East Timorese politician in the National Congress Party for the Reconstruction of Timor Leste. Currently, until 2023, she holds the position of Vice President of the VI National Parliament. She earned her Bachelor's Degree in Agronomy at the University of East Timor, Dili, in 2009. Her parliamentary career began in 2017 when she served as Deputy Legislative Body IV and as Deputy Head of the CNRT (National Congress for Timorese Reconstruction).

In 2018, she was active as Deputy and Secretary of the PN Council of Legislative Body V (CNRT Faction). She also previously represented the national parliamentary group at the Community of Portuguese Speaking Countries (CPLP) parliamentary assembly in 2017. From 2012 to 2017, she served as Minister of State for Parliamentary Affairs, and in 2018, she was elected as a member of the Executive Committee of the Timor Leste Football Federation.

### 2 **Hon. Mohamed Irshad,** Former Member of Parliament of Singapore.



In 2018, Mohamed Irshad was appointed by the President of Singapore as one of the youngest Nominated Member of Parliament and served in the 13th Parliament of Singapore representing the Civic & People sector functional group. During his term, he was a member of the Singapore-South Asia & Sub-Saharan Africa Regional Parliamentary Group. He is also a member of the International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB), ASEAN Parliamentarians for Human Rights (APHR) and The Network for Religious and Traditional Peacemakers.

Mohamed Irshad is also the Founder and President of Roses of Peace (ROP) an interfaith non-profit organisation that seeks to build a harmonious, cohesive, and resilient Singapore. Since its inception in 2012, ROP has effectively reached out to over 100,000 people and engaged over 12,000 youths. The unique programmes of ROP have united the hearts of people across faith, race, nationality, and cultural traditions by building bridges, deepening understanding and strengthening trust.

Professionally, Mohamed Irshad is the Head of Corporate Affairs for ASEAN at Tata Consultancy Services (TCS) a global leader in consulting, business solutions and IT services. He spearheads strategic partnerships, government relations, public affairs and sustainability-related initiatives for TCS across ASEAN. He is also an Adjunct Faculty of Strategy and Entrepreneurship at the Lee Kong Chian School of Business at Singapore Management University (SMU). He holds a Bachelor in Business Management (BBM) and a Master of Science in Communication Management (MCM) from SMU.

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**Hon. Amilbahar Mawallil,**

Member of Parliament, Bangsamoro Parliament, the Philippines



Amilbahar “Amir” S. Mawallil is a legislator, writer, and youth advocate from Tawi-Tawi. He is now an active member of several committees of the parliament of the Bangsamoro Autonomous Region in Muslim Mindanao, including the committees on Accounts, and Finance, Budget, and Management. He has drafted close to a hundred legislative measures, including bills reaffirming Bangsamoro history, and supporting renewable energy, freedom of information, healthcare, and the stewardship of marine resources. Through his work in the legislature and elsewhere, he has pursued his advocacies of good governance, transparency, social inclusiveness, peace, and the protection of democratic spaces.

Before embarking on a political career, he dedicated himself to journalism, writing for national dailies in the Philippines. Additionally, he contributed to the advocacy efforts of a non-governmental organization that focused on grassroots human rights work. Mawallil’s diverse background enriches his role in championing the rights and needs of the Bangsamoro people.

