

## **Is BN serious about race relations?**

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One wonders if the BN government is capable of reform. Soon after the Prime Minister's promises of reform on Independence Day recently, we have seen new ISA arrests and the new Peaceful Assembly Bill.

Now they have announced the introduction of a Race Relations Act in the coming parliamentary meeting as a replacement for the Internal Security Act (ISA).

They have also announced that there will be an "Anti-Terrorism Act" to replace the ISA.

What exactly have they got in mind? Who will bear the brunt of this new legislation and what has the abolition of the ISA to do with race relations?

First of all, the scribes in the Attorney General's Office must be aware that the UK Race Relations Act (RRA) 1976 has now been superseded by the new and improved Equality Act 2010.

The aim is to bring the RRA legislation in line with European Human Rights legislation and to extend protection to other groups not previously covered, namely, to cover age, disability, gender, religion, belief and sexual orientation.

So why does the BN government not want an Equality Act instead since it is an updated legislation of the 1976 RRA?

If the cap fits...

It is not surprising that Perkasa is objecting to such legislation because "incitement to racial hatred" is a criminal offence under the Act.

Under the Act, there is direct discrimination when "someone is treated less favourably than another person because of a protected characteristic".

The British Criminal Justice & Public Order Act 1994 made publication of materials that incited racial hatred an arrestable offence. These include:

- Deliberately provoking hatred against a racial group;
- Distributing racist material to the public;
- Making inflammatory public speeches;
- Creating racist websites on the internet; and
- Inciting inflammatory rumours about an individual or ethnic group, in order to spread racial discontent.

The UK Public Order Act 1986 defines racial hatred as "hatred against a group of persons defined by reference to colour, race, nationality or ethnic origins".

Section 21 of the Act makes "incitement to racial hatred" an offence to publish or distribute material which is threatening or abusive or insulting if intended to stir up racial hatred..."

"Hate crimes" are criminal acts committed as intimidation, threats, property damage, assault, murder or

such other criminal offence.

They are a type of crime in which the perpetrator is sending a message to the victim and their right to belong to that society. Hate crimes violate the principle of equality between people and deny their right to achieve full human dignity and to realise their full potential.

The impact of hate crimes on the greater community cannot be emphasised enough - the social acceptance of discrimination against particular groups in society is an important factor in causing hate crimes to increase.

Racists who should be dealt with

Clearly, far right racial supremacists who rail about the dominance of their "race" should be reined in by an Equality & Human Rights Commission and dealt with under an Equality Act or the RRA.

Thus, the Umno leaders who were inciting racial hatred and calling for "Chinese blood" at the Jalan Raja Muda Stadium in 1987 before Operation Lalang, would have been the prime target for such a law (see Government White Paper 1988).

So would the mob which organised the "cow head" protest over the relocation of a Hindu temple in 2009.

When racial incidents do happen, such as the May 13 incident and the Kampung Medan incident, the culprits responsible should be swiftly apprehended and charged for murder.

What's the ISA got to do with it?

But what has the Internal Security Act, which allows for detention without trial got to do with race relations?

Well, the BN government has through the years extended the ambit of the ISA to claim that any dissident activity or view is a "threat to national security". *Operation Lalang* was the prime manifestation of this BN logic.

Thus, I like several others during *Operation Lalang* was arrested and detained under the ISA for being a threat to national security.

Among the "allegations of fact", mine were for "calling on participants at a forum to support mother tongue education" and "writing a book entitled '*Polarisation in Malaysia: The Root Causes*'".

One can only suppose that the BN government now wants to replace the ISA with a "Race Relations Act" so that they can use it to deal with people who question these aspects of government policy.

As with the recent Peaceful Assembly Bill, Malaysians should be prepared for some outrageous provisions in this proposed Race Relations Act.

They will say it is modelled after the United Kingdom's RRA but it will end up letting off the far right fascists and making dissidents the usual quarry. I hope they prove me wrong!

An Equality & Human Rights Commission

Our Human Rights Commission should extend its jurisdiction to incorporate an Equality Commission. Its work would be to encourage greater integration and better ethnic relations and to use legal powers to help eradicate racial discrimination and harassment.

Thus, its ambit would cover racist stereotyping in text books and the press; racial discrimination in the public sphere; employment; education; social services; and advertisements.

The independent commission should be empowered to issue codes of practice and invested with powers to conduct formal investigations and to serve notices to furnish information or documents in order to enforce the law.

It would then be up to the Malaysian courts to decide on the legality or illegality of such institutions in Malaysian society since 1971, for example, the Bumiputera-only policy at UiTM and other public institutions; the quota system and its implementation; the discounts for Bumiputeras in various economic transactions and other blatant discriminations.

For sure, if the BN government uses the UK's RRA as a model, they will end up in the dock over the many cases of racial discrimination in our public institutions.

Finally, for an administration to convince Malaysians that it is genuinely keen to institute reforms for better ethnic relations and equality, our country should immediately initiate moves to ratify the Convention on the Elimination of Racial Discrimination (CERD) and the International Covenant on Civil & Political Rights (ICCPR).

Failure to do so will only arouse suspicion that this BN government is merely hectically doing window dressing before the looming 13th general election.

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