



Universal Periodic Review 45th session - Stakeholders Report

Malaysia: The Protection of Migrant Workers, Refugees, and Stateless Individuals

18 July 2023

The World Evangelical Alliance (WEA) is a network of churches in over 140 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

For additional information, please contact Geneva Office of the WEA at geneva@worldidea.org.

The World Freedom Network is a network with a mission to harnesses the strength of Christian communities to combat modern slavery. The World Freedom Network is commissioned by the World Evangelical Alliance (WEA) to serve global, regional and national Evangelical Alliances and equip the wider church to respond to human trafficking in their context. Asia Freedom Network is the Asia arm of World Freedom Network. It is a network that aims to foster collaborations between churches and organisations, to collectively combat slavery in Asia.

The WEA, the World Freedom Network and the Asia Freedom Network present this submission for the Universal Periodic Review on Malaysia. Focused on the protection of migrant workers and refugees, we commend Malaysia's efforts with the National Action Plan on Forced Labour; however, challenges persist in healthcare access, protection for vulnerable groups, and addressing labor law violations. Additionally, statelessness affects thousands, depriving them of essential rights. We propose strengthened partnerships, trauma-informed care, and regional cooperation to address these issues effectively, urging Malaysia to uphold human rights and create a more inclusive society.

1. Protection of Migrant Workers & Refugees

The Government of Malaysia has demonstrated its commitment to enhancing the rights and welfare of migrant workers and refugees through the adoption of the National Action Plan on Forced Labour (NAPFL) in 2021. As of the end of June 2023, Malaysia hosts a registered refugee and asylum-seeker population of approximately 181,560, according to UNHCR data. Among them, approximately 157,730 individuals are from Myanmar, consisting of 105,760 Rohingyas, 23,300 Chins, and 28,670 from other conflict-affected areas or fleeing persecution. The remaining 23,830 refugees and asylum-seekers come from 50 different countries, including Pakistanis, Afghans, Yemenis, Somalis, Syrians, Sri Lankans, Iraqis, Palestinians, and others.

Of the total refugee and asylum-seeker population, approximately 66% are men, while 34% are women. Notably, there are around 49,220 children below the age of 18 among this vulnerable population. These numbers underscore the significant

challenges and complexities faced by Malaysia in providing protection and support to a diverse group of individuals fleeing conflict and persecution from various parts of the world.

Additionally, the Prime Minister has recently fostered collaborations with the Indonesian government to strengthen the protection of migrant workers originating from Indonesia. With approximately 8.2% of Malaysia's population consisting of international migrants, and the country being one of the largest migrant-receiving nations in Southeast Asia from 2018 to 2020, it is crucial to address the following challenges:

- Inadequate access to healthcare for many refugees and migrant workers.
- Women and girls among refugees and asylum-seekers in Malaysia face heightened risks of gender-based violence, trafficking, and exploitation due to the lack of systematic protection and security measures.
- Ineffectiveness in addressing labor law violations, exploitative practices, and misconduct by employers towards refugees.
- Absence of trauma care or aftercare for refugees, particularly those in detention or those who have experienced exploitation.

Recommendations

- Strengthen partnerships between local NGOs, private healthcare and government sponsored healthcare providers to provide for refugees, ensuring comprehensive and accessible healthcare services as well as affordable treatment.
- Develop and implement trauma-informed care programs and counseling services specifically tailored to the needs of refugees, particularly those who have experienced exploitation and/or are in detention.
- Establish a comprehensive monitoring and reporting mechanism to address violations of labor laws and exploitative practices, ensuring that employers are held accountable for their actions towards refugees.
- Enhance collaboration with ASEAN or other regional organizations to develop a coordinated approach to addressing the statelessness issue faced by

refugees, including advocating for a regional mechanism for their protection and assistance.

2. Statelessness

In West Malaysia alone, there are at least 10,000 individuals who are denied citizenship, with an unknown number in East Malaysia. Statelessness deprives people of education, employment, land ownership, and healthcare, putting them at risk of exploitation and abuse.

The Office of Children's Commission (OCC), Human Rights Commission of Malaysia is an independent office that is responsible for empowering and protecting the rights of children as set out in the United Nations Convention on the Rights of the Child (CRC). The OCC has identified statelessness among children as a critical issue in Malaysia. The classification of individuals as "stateless" without proper identification infringes upon Article 8 of the United Nations Convention on the Rights of the Child (UNCRC).

The issue of statelessness in Sabah, Malaysia, is complex due to historical migration patterns. Filipino refugees seeking refuge in the 1970s were issued the "IMM13" special pass, but a change in the ruling party in the mid-1980s led to stricter measures and challenges for those of Filipino descent to obtain proper documentation, resulting in statelessness. Limited access to documentation at state and federal levels has caused the stateless community in Sabah to grow, leading to extreme poverty and potential criminal activities among stateless individuals. The actual number of stateless persons is likely higher than officially reported, emphasizing the urgent need for effective measures to address the statelessness issue in Sabah.

It is important to address this issue effectively:

Recommendations:

- Streamline and expedite the citizenship application process for stateless individuals, ensuring the efficient and fair assessment of their eligibility.

- Develop clear guidelines and standard operating procedures that facilitate the recognition of individuals born to a Malaysian parent or born in Malaysia as citizens, eliminating any ambiguity in the process.
- Launch awareness campaigns and educational programs to inform the public about statelessness, highlighting its impact on individuals and society, and promoting empathy and understanding.
- Establish a centralized database and identity documentation system to accurately track and document stateless individuals, enabling better access to education, employment, healthcare, and other basic rights.
- Strengthen collaboration with international organizations and neighboring countries to address the root causes of statelessness and explore regional solutions for resolving the statelessness issue.
- Urge the Philippines Government to set up a consulate in Sabah, East Malaysia where the number of stateless population of Philippines origin is the largest.

These recommendations aim to address the specific challenges faced by migrant workers, refugees, and stateless individuals in Malaysia, providing concrete actions for the country to respond to and implement effectively.