Dear Mr Philip Alston

The UN Special Rapporteur on extreme poverty

 and human rights.

Thank you for this opportunity to highlight the plight of groups living in extreme poverty in Malaysia. They include

**1. Abandoned babies - - - - - Stateless Individuals**

There are several thousand individuals in Malaysia who were abandoned as babies and brought up in orphanages run by either the government or by private bodies. As citizenship in Malaysia depends on the citizenship status of one’s parents (Articles 14 and 15 of the Federal Constitution which has to be read in conjunction with Part II of the Second Schedule) , these children are not given Malaysian citizenship. Most often the orphanage will procure birth certificates for them, but it will be noted on the Birth Certificate that “citizenship not yet determined”.

The absence of citizenship affects them in many way including

 - difficulty in accessing education. Now they are allowed to attend school, but have to pay extra fees and are not supplied textbooks like other children or supplementary meals. They cannot sit for the major exams at year 9 or year 11 as they do not have an identity card number to register in the system.

 - as they will not be given an identity card when they turn 12, they will not be able to acquire a driving licence or open a bank account.

 - Employment in the formal sector is problematic as employers are not able to register them with the Employment Provident Fund (EPF) or with the Social Security Organisation (SOCSO) which are mandatory requirements for employers in Malaysia. So they are constrained to contract jobs in the informal sector and are not covered by any of the social protection schemes.

 - They are not able to register their marriages as one needs either an Identity Card or a Passport to do so. And if they are women, their children will also be stateless as citizenship of the father does not devolve to the illegitimate child. (Clause 17 of Part II of the Second Schcdule of the Federal Constitution)

 - They will be charged much more when they go to government hospitals for treatment. Virtually free treatment is only for Malaysian citizens and Permanent Residents.

This problem can be easily rectified as there are provisions in the Federal Constitution (Articles 15A and 19(2)) which give adequate power to the government to confer them citizenship. However this is rarely done.

*I am in touch with around 10 such individuals and can arrange face-to-face interviews with a few of them if you wish to hear directly from them.)*

**2. Refugees**

There are at present some 180,000 individuals who have been classified as either refugees or asylum seekers by the UNHCR. The large majority of them are from Myanmar. Smaller numbers are from Sri Lanka and the Middle East. The problems that refugees face include

- Malaysia does not recognize the category of “refugee”. These people are lumped together with other foreigners who do not have travel documents – these are economic migrants who came “legally” to work but ran away from their employers because of abuse. However Malaysian enforcement agencies recognize the UNHCR document that certifies an individual as a “refugee”.

- However even with an UNHCR card, the refugee is not given a work permit to work, but work he or she must as neither the UNHCR nor the Malaysian government give any stipend to refugee families to sustain themselves. So most refugees work in the informal sector and are often bullied by employers – not paid wages properly, no overtime pay, no benefits like sick leave etc. And they can’t complain as they are not supposed to work.

- If they fall ill, they are charged exorbitant rates in government hospitals.

- Their children cannot register in Malaysian schools. The larger refugee communities have set up their own schools in certain areas, but these are poorly staffed.

- As refugees live on the fringes of society, they are open to extortion by the enforcement agencies – immigration officers and the police who often stop and search, bully and collect payments from them. There are also gangs within the refugee communities.

The Malaysian Government fears that if Malaysia is too “kind” to refugees, many more will come here. There are now probably a million Rohingyas in Bangladesh and several hundred thousand Myanmar minorities in Thailand. Malaysian authorities fear an influx of these people. But this fear has to be tempered with the fact that Malaysia now needs millions of foreign workers to power the economy – 2 million are with documents, and another 3 million are “without documents”! Surely we can absorb a few more refugees.

*I have contact with groups that work with refugees. Can arrange meeting with refugee representatives if necessary.*

**3. Orang Asli in Peninsular Malaysia**

The indigenous tribes of Peninsular Malaysia are a small group comprising 180,000 from at least 18 different tribes, many of which have their own language. They live in the hilly interiors, having being driven inland over the past several hundred years by migrants from other parts of the Malay archipelago. They rely on the forests and their whole way of life and culture is based on hunter-gatherer and shifting cultivation type of lifestyle.

Unfortunately, “development” in Malaysia has led to massive logging of our forests. At present, though 54% of Malaysia’s land area is classified as “forest”, this is because forests that have been logged but not converted to other forms of land use are still designated as “forests”. Rubber plantations are also considered “forests”. Unlogged forests only make up about a quarter of the total area designated as “forest” in Malaysia. Deforestation has seriously undermined the economy of the Orang Asli. Their source of food has been affected – not only is there a depletion of game (deer, wild boar) but fish catch plummets once rivers become muddy due to erosion caused by logging. Malnutrition is high among Orang Asli children, and the prevalence of tuberculosis among them is about 4 times more than the national average.

Orang Asli groups have been asking for the land around their village to be gazetted as Orang Asli reserve land and spared from the ravages of “development”. However the State Governments (land in Malaysia is under the purview of the States) have been reluctant to do so as logging is an important source of slush funds for the political elite in each state. (The quantum of premiums going to official State coffers isn’t that big. The kickbacks that politicians receive from the loggers is the main factor driving logging.)

*You should meet representatives from the “Jaringan Kampung2 Orang Asli Semenanjung Malaysia” (the Orang Asli Network of Peninsular Malaysia) as well as other NGOs who have been working with the Orang Asli such as COAC (Centre for Orang Asli Concerns), the Malaysian Bar Council who have filed and won several cases defending Orang Asli rights to communal land, PEKA and other groups.*

**4. Single Mothers from the B40**

According to a reply in Parliament, there are some 250,000 families in Malaysia headed by a woman with at least one school-going child,. Their husbands are either dead, in prison or drug rehabilitation centres, or have absconded. (Altogether there are around 7.5 million families in Malaysia). These single mothers face a monumental task in managing their families because

- wages are low in Malaysia. So single mothers can only make about RM 800 per month as they are not able to work everyday. Sometimes they have to take off time from work to look into matters affecting their children or house. A survey conducted by Bank Negara recently concluded that a single person in Kuala Lumpur would need a minimum of RM 2700 to avoid “poverty”!

- Income support from the Welfare Department and Baitutmal (from Muslim women) isn’t generous. The maximum a single mum can receive is RM 450 per month. Many get less than this. Quite a number do not receive any welfare help at all. (The problem lies with the total allocation for welfare – the Ministry in charge of welfare receives one of the smallest allocations in the Federal Budget.)

- Housing is expensive. Even in small towns, rent for a small terrace house measuring 800 square feet is about RM 350. There are ‘council houses” in the form of PPR flats, but these are in short supply, and they are not available throughout the country either.

- Child care is a huge problem for the single mum. She has to go to work as welfare aid isn’t substantial. But when she does so, her kids are left unattended, as there is a dearth of state run child care centres for these women.

- The nutrition and education of the children in such family units is suboptimal, and the single mums are terribly stressed out and often end up screaming at their children. Their kids have a high drop out rate, and tend to get involved in delinquent activities. The mums lose all control over the kids once they are teenagers.

The inter-generational transmission of poverty continues.

The Parti Sosialis Malaysia (PSM) has initiated a network of NGOs and individuals to advocate for these group of women and this network has presented several proposals to the Ministry of Women and Welfare. *A meeting with representatives of this network can be arranged.*

I hope these brief comments are of help to you. I would like to meet up with you when you are around in Malaysia – if your schedule permits. I can be contacted via 019 5616807 and through this email address.

All the best for your fact-finding mission in Malaysia. I would be most interested in your final report.

Jeyakumar Devaraj

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Founding Member of the PSM (Socialist Party of Malaysia).