



Migrant Forum in Asia (MFA)

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Standing Members

Bangladesh

Ain O Salish Kendra (ASK);
Refugee and Migratory
Movements Research Unit
(RMMRU);
Welfare Association of
Repatriated Bangladeshi
Employees (WARBE)

India

Center for Education and
Communication (CEC);
Migrant Forum India (MFI)

Nepal

All Nepal's Women
Association (ANWA);
Women Rehabilitation Center
(WOREC)

Sri Lanka

Action Network for Migrant
Workers (ACTFORM);
Migrant Services Centre
(MSC);
Women and Media Collective
(WMC)

Burma

Federation of Trade Unions –
Burma (FTUB)

Indonesia

Center for Indonesian Migrant
Workers (CIMW); Jarnas
Pekabumi; KOPBUMI;
Migrant Care;
Solidaritas Perempuan;
Serikat Buruh Migran
Indonesia (SBMI)

Malaysia

Charles Hector & Co.;
Tenaganita

Philippines

Batis Center for Women;
Center for Migrants Advocacy
(CMA-Phils); Kapisanan ng
mga
Kamag-anakan ng Migranteng
Mangagawang Pilipino
(KAKAMMPI);
Kanlungan Center Foundation,
Inc. (KCFI); Unlad Kabayan
Migrants Services Foundation,
Inc.

Singapore

St. Francis Workers Centre
(SFWC)

Hong Kong

Asian Migrant Centre (AMC);
Coalition for Migrants Rights
(CMR);
Indonesian Migrant Workers
Union (IMWU)

Japan

Solidarity for Migrants – Japan
(SMJ)

Korea

Joint Committee for Migrant
Workers in Korea (JCMK)

Taiwan

Hope Workers Center (HWC)

Urgent Appeal: 2 November 2006

ASYLUM SEEKERS AND MIGRANTS AT RISK OF VIOLENT ARREST, OVERCROWDED DETENTION CENTERS AND INHUMANE DEPORTATION

We, the Migrant Forum in Asia, a network of more than 260 migrant organizations and advocates from 13 countries in Asia, are very much concerned by the Malaysian Government's crackdown on undocumented migrant workers in Malaysia since 2002 which has continued unabatedly. Hundreds of Thousands of undocumented migrant workers since 2002 have been fleeing the border or hiding from immigration officials, police officers and RELA.¹ People's Volunteer Corps or "Ikatan Relawan Rakyat Malaysia" RELA are civilians employed by the government to help in rounding up undocumented migrants.²

In early 2006, the Malaysian government announced plans to launch major operations against "illegal migrants" and vowed to conduct mass deportation of undocumented migrants from Malaysia. Regular mass arrest and detention of undocumented migrants nation-wide immediately followed the announcement. In July, the Malaysian government further announced fresh plans to arrest up to one million of undocumented migrants. (Malaysiakini, 1/8/2006)

The mass scale of raids and deportations has led to numerous serious human rights violations, including death of migrants. On 11 February 2006, BBC reported that five bodies were retrieved from a lake in Selayang after undocumented migrants trying to flee the raid of RELA that was conducted at an open market in the area. (Malaysiakini, 17/2/2006) On 13 May 2006, RELA reportedly committed serious abuse of powers against migrants while conducting raids in Selayang and Sri Kembangan, such as beating the migrants, stealing money and extortions, destroying properties, arrest of pregnant women, arbitrary arrest of documented migrants etc.

MFA has expressed concerns over the deployment of RELA, untrained civil volunteer force in the arrest and detention process given that RELA has been accused of gross misuse of power and highly unprofessional conduct involving theft, extortion of money, corruption and physical abuse of suspected illegal immigrants. (<http://www.mfasia.org/mfaStatements/Statement9-MalaysiaCrackdown.html>)

During the latest sweep on 14 October in Cheras area of Kuala Lumpur, baton-wielding RELA personnel reportedly clubbed a Bangladeshi migrant in the head, knocking him down unconscious and bleeding on the ground. There are other reports of activities of theft, abuse and degrading treatment of suspected illegal immigrants by RELA personnel.

Malaysia has not ratified the 1951 U.N. Refugee Convention and caught in

¹ The Guardian (<http://www.guardian.co.uk/>) South Asia correspondent, John Aglionby reported in February 28, 2005 that hundreds of thousands of undocumented migrants were fleeing the border and that the Malaysian Government deployed around 300,000 RELA to help in rounding up undocumented migrants for the crackdown.

² See also BBC's report on the 2005 crackdown: <http://news.bbc.co.uk/1/hi/world/asia-pacific/4329067.stm>

these indiscriminate round-ups are asylum seekers and refugees who are seeking sanctuary in Malaysia. In the last two weeks alone, raids have been carried out in Jalan Imbi, Cheras, Putra Jaya and Cameron Highland, resulting in the arrest and detention of hundreds of asylum seekers and refugees.

The mass raids of undocumented migrants and asylum seekers have also caused the 15 detention camps in Malaysia to be overcrowded. Conditions are degrading quickly, subjecting the detained migrants to the risk of diseases and death. Earlier this month, two Filipino girls, age 2 and 13, died from health complications following their detention in Meggatal camp. (Malaysiakini, 3/10/2006)

During a similar crackdown in 2002, overcrowding, unsanitary conditions, poor health care inhuman and degrading treatment by guards in detention centers have caused several deaths of detainees.

As a state party to the UN Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), the Malaysian government has the duty to ensure that women, including those in detention, get appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation

Despite all these gross violations of human rights and tragedies, the Home Minister of Malaysia Radzi Sheikh Ahmad said Malaysia will continue to arrest illegal aliens despite a critical lack of space at detention centers throughout the country and was quoted by the New Straits Times as saying "if they have to sleep on floors right next to one another, so be it." Radzi also warned that the situation could become worse early next year because Malaysia plans to launch a major operation to round up illegal aliens and new detention centers may be built for this purpose. (Malaysiakini, 30/9/2006)

It was reported that the Rela have arrested a total of 17,700 people believed to be illegal immigrants and screened 94,010 people up to Sept 26 this year. Out of the figure, Indonesians comprised the highest number of those arrested at 12,076, followed by those from Myanmar (2,089), Indians (963), Bangladeshis (923), Thais (402), Chinese (43) and others (1,200). (The Star, 29/9/2006)

The Universal Declaration of Human Rights states that everyone has the right to life, liberty and security; to equality before the law without discrimination; to a fair and public trial; to the presumption of innocence; to freedom from torture and other cruel, inhuman, or degrading treatment or punishment; to freedom from arbitrary arrest, detention or exile and the right to a standard of living adequate for the health and well-being of her/himself and of her/his family, including food, clothing, housing and medical care and necessary social services. The crackdown on migrant workers negates all the above mentioned rights.

Article 56 paragraph 3 of the 1990 Convention on the Protection of the Rights of Migrant Workers and Members of their Families states: In considering whether to expel a migrant worker or a member of his or her family, account should be taken of humanitarian considerations and of the length of time that the person concerned has already resided in the State of employment. Article 68, paragraph 2 of the same convention specifically provides provisions for the protection of undocumented migrants or migrants in irregular situation by asserting that States of employment shall take all adequate and effective

measures to eliminate employment in their territory of migrant workers in an irregular situation, including, whenever appropriate, sanctions on employers of such workers. The rights of migrant workers vis-à-vis their employer arising from employment shall not be impaired by these measures.

As a member of the United Nations we would like to remind the Malaysian Government of its responsibility to protect the rights of migrant workers.

Malaysia is one of the largest importers of foreign labour in Asia. Foreign workers, both legal and illegal, number around 2.6 million of its 10.5 million workforce. Since 1992, it has launched several operations against illegal workers, most of whom come from impoverished parts of Southeast Asia. (Malaysiakini, 1/8/2006)

From 2002 up to present, MFA has been monitoring the crackdown since 2002 (<http://www.mfasia.org/mfaResources/MFA-MigrantStorySeries2005.html>). MFA believes if these mass scale of arrests and deportations of undocumented migrant workers and asylum seekers are allowed to continue without condemnation, there are bound to be more tragic deaths of migrant workers and asylum seekers and more rampant gross human rights violations will take place.

We therefore urge the Malaysian Government to:

- Immediately halt mass arrest, detention and deportation of asylum seekers, refugees and other undocumented migrant and to respect and protect the human rights of migrant workers and asylum seekers.
- Condemn the violent raids conducted by the RELA, express concern over the continued deployment of RELA in immigration raids and arrest and call on the Malaysian government to suspend immediately the deployment of RELA in such raids.
- Develop a humane immigration policy that adheres to international human rights standards;

Signed:

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