



Standing Members

Bangladesh

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

India

Center for Education and
Communication (CEC);
Migrant Forum India (MFI)
Center for Indian Migrant Studies
(CIMS)
Migrants Trade Union - India

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);
Jamas 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.
ATIKHA

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)

Mongolia

Center for Human Rights and
Development (CHRD)

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Statement: 14th February 2007

Release All Refugees and Asylum Seekers and Immediate Halt to the Operations of RELA

On 28th January 2007, a joint force by 70 RELA (People's Voluntary Corps) and 30 enforcement personnel of the Sepang Municipal Council (MPS) conducted a raid in Kampung Sungai Merab, Denkil, resulting in the arrest and detention of more than 170 "undocumented" migrants from predominantly Chin ethnic Burmese group. Those arrested included 14 with UNHCR recognized status; 7 with Refugee Status Determination (RSD) letters; and 34 Asylum Seekers.

The raid in which was conducted by both RELA and the enforcement began at 8AM lasted four hours. The enforcement police then returned again to the area at 2PM for an additional two hours. It is alleged that tents, clothing and food were burnt to the ground. Then at 6PM, ten locals came to the areas on motorbikes and destroyed all the remaining tents which provided shelter to the people.

The MFA network is alarmed and concerned about the Malaysian government's continues utilization of untrained civil volunteers, in particular, RELA in its operations against undocumented migrants in Malaysia. On 18th July 2006, the MFA network released a statement (http://www.mfasia.org/mfaStatements/mfa_my_07182006.pdf) against this practice of the Malaysian government which we believe has led to gross human rights violations. In a follow-up statement released by MFA on 2nd November 2006 (<http://www.mfasia.org/mfaStatements/Malaysia%20appeal%20November%202006.pdf>) MFA urged the Malaysian government to stop the crackdown and criminalization of migrant workers irrespective of their status. The same statement reiterated the concern over the Malaysian Government's crackdown on undocumented migrant workers in Malaysia since 2002 which has since 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

Cases of RELA raids and abuse have indicated clearly the gross misuse of power and highly unprofessional conduct involving theft, extortion of money, corruption and physical abuse of suspected undocumented immigrants. We also consider such arrests on refugees and asylum seekers via the conduct of RELA to be a national shame and a dangerous setback for the promotion and protection of human rights in Malaysia.

As a member of the United Nations and the esteemed Human Rights Council we would like to remind the Malaysian Government of its responsibility to protect the rights of migrant workers irrespective of status.

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.

As a member of the ASEAN we further call on Malaysia to adhere to the recent ASEAN declaration on the protection and promotion of the rights of migrant workers which recognizes the contributions of migrant workers to the society and economy of both receiving and sending states of ASEAN.

The same declaration calls for consideration of humanitarian reasons in dealing with the cases of undocumented migrant workers. We therefore urge the Malaysian Government to adhere to its commitment to the ASEAN declaration on the protection and promotion of the rights of migrant workers.

We welcome the move of the Malaysian Home Affairs Ministry's to prepare a cabinet paper to get a clear guide on ways to handle refugees protected by the United Nations High Commissioner for Refugees (UNHCR). However, in the process of coming up with the cabinet paper we urge the Malaysian government to involve and consult the UNHCR and civil society organizations that have through the years accumulated experience expertise in developing a humanitarian response to the issues of undocumented migrant workers and asylum seekers

We further urge the Malaysian Government to recall that in 1989 the international community had adopted a declaration and comprehensive plan of action (CPA) to address the ongoing crisis legal, political and humanitarian created by asylum seekers from Vietnam. The significance of the CPA lay in the potential for the international community's cooperation on seemingly divisive issues. The CPA tied in neatly with the mandate of the UNHCR to ensure the protection of refugees and respond to refugee crisis by promoting durable solutions.² Recognizing that Malaysia has not ratified the Convention Relating to the status of Refugees, 1951 and urging it to ratify the said convention we call on the Malaysian government as a member of ASEAN to respond to the issues of undocumented migrant workers, asylum seekers and refugees keeping in mind the practice established by the CPA in situations of ongoing crisis, legal, political and humanitarian particularly in the situation of Burma

We further reiterate our calls urging 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;
- Ratify the 1990 UN convention on the protection of the rights of migrant workers and members of their families

² Ahmed, Syed Rifaad. Forlorn Migrants: An International legal regime for undocumented migrant workers.

- Ratification the ILO conventions 97 and 143
- To work with the United Nations High Commissioner for Refugees (UNHCR) and grant it the fullest cooperation to ensure a fair and proper treatment of refugees

Signed:

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