

MALAYSIA

Inputs for Analytical Report on a Comprehensive Approach to Promoting, Protecting and Respecting Women’s and Girls’ Full Enjoyment of Human Rights in Humanitarian Situations including Good Practices, Challenges and Lessons Learned at the National, Regional and International Levels

NO.	QUESTION	COMMENT
1.	Please provide information on the enjoyment of human rights by women and girls in humanitarian situations, which include humanitarian emergencies, forced-displacements, armed conflicts and natural disasters, including sudden-onset natural disasters and slow-onset events.	<p>(i) Malaysia is a desirable transit and a destination gateway for trafficking in persons due to its strategic location. Most of the trafficking victims are from the ASEAN region, while others are from Bangladesh, India, Sri Lanka, China, Uganda and Nigeria. The trend suggests that the victims comprised of 90% women, 7% men and 3% children.</p> <p>(ii) Malaysia is not a signatory to the 1951 Refugee Convention and its 1967 Protocol. Nevertheless, the Government of Malaysia (Government) has been rendering assistance to illegal migrants who are registered with the UNHCR and possess UNHCR cards (refugees/ asylum seekers identified by the UNHCR) on humanitarian grounds. The Government also continues to cooperate with the UNHCR and other international organisations dealing with refugees and asylum seekers on a case-by-case basis. As of June 2021, a total of 179,555 UNHCR Persons of Concern (POC) comprised asylum seekers and refugees. 86% or 154,866 out of the total number of POC, originated from Myanmar, and 66.49% are the Rohingyas.</p> <p>(iii) The Government adopted a national administrative measure through the National Security Council Directive to manage and provide temporary refuge to refugees and asylum seekers on humanitarian grounds. It has continued cooperating with the United Nations High Commissioner for Refugees (UNHCR) to manage these groups of persons.</p> <p>(iv) Malaysia is bound by the principle of non-refoulement recognised under the customary international law. The non-refoulement principle forbids a receiving country from returning refugees/ asylum seekers to a country where they will likely be exposed to the danger of persecution based on "race, religion, nationality, membership of a particular social group or political opinion".</p>

		<p>(v) Malaysia has integrated the specific needs of women, girls and children in its policy to manage refugees. For example, children below the age of 12 are placed together with their mothers and women are placed in a separate shelter from men. Pregnant women are also given access to essential pre-and post-natal care.</p>
2.	<p>Please provide information on patterns and structures of discrimination and inequalities exacerbated or created by humanitarian settings, which undermine access to health-care services and information, housing, water, sanitation, education and employment, and disrupt protection systems for women and girls.</p>	<p>(i) In terms of healthcare services, non-citizens are given access to all government hospitals and clinics and chargeable at a non-subsidised rate. Meanwhile, UNHCR cardholders in Malaysia enjoy 50% subsidised medical treatment in government hospitals and clinics. However, the pandemic situation had affected the income of the refugees, stateless and asylum seekers which had caused unequal access to healthcare services, including sexual and reproductive healthcare services.</p> <p>(ii) All government hospitals and clinics are required to submit report to the Immigration Department when undocumented persons, including non-UNHCR cardholders, sought for medical treatment. The fear of being arrested by the authority may hinder the non-card holders from seeking medical treatment.</p> <p>(iii) In terms of access to shelter, the refugees, stateless and asylum seekers do not enjoy the right to work. Thereby causing them to work in the informal sector on daily wages. Consequently, they could only afford to live in confined and crowded spaces with more than one family living together under one roof. This has compromised the hygiene level and lead to difficulties in maintaining social distancing during the pandemic.</p> <p>(iv) The Malaysian Education Act 1952 provides national education program for its citizens. Refugees, stateless and undocumented children are allowed to get access to education at private and international schools. As for the UNHCR cardholders, they have access to informal education within their own community schools and schools administered by NGOs (<i>Alternative Learning Centre – ALC</i>).</p> <p>(v) Women and girl refugees may be exposed to gender-based violence, including domestic violence. Apart from fearing from being arrested by the authorities, traumatic experience</p>

		suffered by women and girls will shy them away from seeking assistance from the relevant authorities.
3.	Please provide examples of concrete measures taken by your Government or organisation to respect, protect and fulfil the human rights of women and girls in humanitarian settings. In the context of the humanitarian programme cycle, please provide examples of measures taken to ensure protection of the human rights of women and girls in the different stages of programming (design, implementation, monitoring and evaluation).	<p>(i) The Government is working together with NGOs to allow the delivery of humanitarian assistance to refugee households, including to single mothers and female headed households in the midst of the COVID-19 pandemic. Malaysia has also approved a pilot project on alternative to detention for unaccompanied and separated children in the detention centers. The Government has also decided to provide free testing and treatment for refugees and asylum seekers with COVID-19 symptoms and included them as among the recipients under the National COVID-19 Immunisation Programme.</p> <p>(ii) The Government is committed to address domestic violence and established a 24-hour hotline (<i>Talian Kasih</i>) to enable members of the public to report any acts or suspicion of domestic violence. One-stop crisis centres (OSCC) had been established to provide medical, psychological, social, shelter and legal support to victims of violence, among others.</p> <p>(iii) The Government is committed to protect human trafficking victims by enforcing the Anti-Trafficking in Persons and Smuggling of Migrants Act 2007 (ATIPSOM 2007). The effort is spearheaded by the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO), chaired by the Minister of Home Affairs. Malaysia's efforts to combat human trafficking is also guided by the National Action Plan on Trafficking in Persons (NAPTIP) for 2021-2025.</p> <p>(iv) The Government funds and supervises shelter homes for trafficked victims. In addition, the Government continuously supports the protection of the trafficked victims by availing psychosocial support and services, sexual and legal assistance and supports, among others. Recommendations by the United States Trafficking in Persons (USTIP) reports are taken seriously towards improving Malaysia's annual ranking by the United States Department of State.</p>

4.	<p>What challenges does your Government or organization face in promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations? Please elaborate on the nature of these challenges and steps taken to address them.</p>	<p>(i) Apart from access to healthcare services, availing access to education in national schools remains as the major challenge for the Government during humanitarian situations. Several efforts had been carried out by the NGOs to aid access to healthcare, basic food and sanitary items. However, lack of funding and increasing demands during the pandemic have caused difficulties on the NGO to implement their programmes. In addition, there are also instances of refugees facing eviction, xenophobia and became the subject of hate speech campaigns.</p> <p>(ii) Some NGOs, for instance, the MERCY Malaysia, have continuously exploring for funding opportunities to support to women's and girls' related programmes rights. MERCY Malaysia is revising its internal policy towards strengthening the protection of women and girls from sexual and gender-based violence and sexual exploitation and abuse.</p> <p>(iii) Meanwhile, Human Rights Commission of Malaysia (SUHAKAM) works closely with the Ministry of Education (MOE) Malaysia to strengthen human rights education in schools. The key activities conducted include the Human Rights Best Practises in Schools (ATHAM) Project participated by 469 national schools and the implementation of human rights activities based on the human rights modules developed by SUHAKAM and MOE. To overcome the problem in providing access to education for the refugees, stateless and undocumented children, SUHAKAM has started distributing its human rights modules to non-national schools and NGOs, including to those that are running classes for street children and children from asylum-seeking and refugee families.</p> <p>(iv) Several NGOs had organised programs including dialogues, consultations and outreach programmes to bring awareness to the public, human rights actors and government pertaining to the international law position on human rights and refugees, asylum seekers and stateless, negative perception on refugee, and xenophobia.</p>
5.	<p>Please provide information on the international cooperation, technical assistance and</p>	<p>(i) The Ministry of Women, Family and Community Development (MWFCD) had collaborated with International Organisation for Migration (IOM) in 2017 in developing the Guidelines on Victim Identification and Provision of Protection Services to Victims of Trafficking to ensure</p>

<p>humanitarian support provided by the international community, including Member States, and by relevant United Nations agencies and humanitarian actors, to address the human rights of women and girls in humanitarian situations, with a focus on good practices, challenges and lessons learned.</p>	<p>care and protection are in line with international standards. In December 2020, MWFCDC, together with IOM had conducted training programmes for protection officers.</p> <p>(ii) Malaysia also cooperated with the Qatari Government through the Qatar Fund for Development (QFFD) that supports humanitarian relief worldwide. In December 2019, QFFD Clinic, a humanitarian clinic, was launched through collaboration with three leading medical NGOs: Mercy Malaysia, Islamic Medical Association of Malaysia (IMARET), and Malaysia Relief Agency (MRA). The three-year project had benefited around 180,000 refugees in the country. The maiden clinic in Ampang, Kuala Lumpur provides basic medical treatments and vaccination to child refugees with a minimal charge of RM10.00 for every visitation, including consultation, treatment and medicine.</p> <p>(iii) NGOs in Malaysia are closely working with regional and international organisations, including United Nations agencies, in implementing humanitarian programmes. Asia Pacific Refugee Rights Network (APRRN) works closely with Indonesia-based Geutanyoe Foundation to facilitate dialogues between local and refugee communities. The programme received support from the parliamentarians through the All-Party Parliamentary Group Malaysia (APPGM) on Refugee Policy.</p> <p>(iv) Meanwhile, MERCY Malaysia is a member of the Core Humanitarian Standard (CHS) Alliance, a global alliance of humanitarian and development organisation. The CHS provides the 9 commitments that may be adopted by MERCY or any humanitarian organisation to improve quality and effectiveness in delivering assistance. However, the expensive cost of the CHS verification scheme is the biggest concern for a small organisation.</p> <p>(v) SUHAKAM being the national human rights institution (NHRI) in Malaysia, shoulders the responsibility to monitor the protection of human rights of all Malaysian citizens, irrespective of gender. SUHAKAM also oversees the interests of the vulnerable communities especially those who are affected by the humanitarian crises are vindicated.</p>
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<p>6.</p>	<p>Please provide information on the barriers women and girls face in reporting and seeking justice, as well as protection for violations of their human rights in humanitarian settings, including women and girls who face intersecting forms of discrimination? Please also provide information on mechanisms that operate in your context to ensure access to justice and remedies for human rights violations and abuses that women and girls may experience, thus ensuring accountability. (E.g. judicial and non-judicial mechanisms; truth-seeking initiatives; community-based initiatives; investigative and independent monitoring and/or reporting bodies, community complaint mechanisms; parliamentary-led oversight etc.).</p>	<p>(i) There are seven impediments that prevent women and girls from lodging report or seek justice for the violations of their human rights:</p> <ul style="list-style-type: none"> a) Lack of documentation for refugees; b) Lack of knowledge of the local language; c) Lack of mobility; d) Lack of safe reporting mechanism and environment; e) Limited opportunities for leadership and decision-making; f) Lack of adequate protection services and access to justice; and g) Fear of retribution <p>(ii) Efforts had been carried out to remedy the situation for instance the establishment of APPGM on Refugee Policy. APPGM provides a platform for refugee issues to be discussed in the Parliament and provides MPs' services for the refugees in their respective constituencies.</p> <p>(iii) The Government introduced the Victim Assistance Specialist (VAS), a 12-month pilot project in March 2019 to provide support services to trafficked victims. The main objectives of the VAS programme are to improve support services by assisting victims from the point of rescue, to the process of the criminal justice system and up to repatriation. VAS renders assistance to the enforcement officers and prosecutors in victim engagement and communication.</p> <p>(iv) MERCY Malaysia had established the Complaint Response Mechanism (CRM) as part of its compliance to the CHS 9 commitments. The CRM aims to provide a safe, accessible, impartial, and effective channel for stakeholders to lodge complaint. The complaints will be addressed expeditiously by CRM. Towards promoting accountability in all MERCY Malaysia's projects, CRM guarantees the safety of the stakeholders, beneficiaries, staff on missions, volunteers, and partners who lodge complaints about any issues relating to MERCY Malaysia's services.</p>
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7.	<p>What steps has your Government or organisation taken to ensure women's and girls' meaningful participation, empowerment and leadership, including that of survivors and victims, in efforts to prevent, reduce the risk of, prepare for, resolve and rebuild from humanitarian emergencies. Please elaborate on any lessons learned, good practices as well as challenges faced.</p>	<p>(i) The Government continues to extend its humanitarian assistance, both monetary and in-kind, to various parts of the world. The assistance is rendered under the principles of humanity, neutrality, impartiality, and independence in Resolution 46/182 in humanitarian assistance.</p> <p>(ii) The Government encourages for the utilisation of the gender mainstreaming as a form of humanitarian assistance. The effort is expected to improve the deliverability in availing assistance to women and girls as well as men and boys. Women's involvement in the decision-making process especially in matters relating to humanitarian issues is crucial to ensure the rights of women and girls are protected.</p> <p>(iii) At the national level, the Government has established the National Disaster Relief Fund to assist disaster victims and enhance the overall resilience of communities to disasters. The initiative includes the reconstruction of settlements destroyed due to natural disasters by 'building back better concept'. The aim is to build better housing than those which had been destroyed.</p> <p>(iv) Malaysia is hosting the 5th United Nations Humanitarian Response Depot (UNHRD) at the Subang Military Airbase. Meanwhile at the multilateral level, Malaysia has been contributing to the UN Central Emergency Response Fund (CERF) since 2006.</p> <p>(v) Public participation in humanitarian assistance exemplifies Malaysia's commitment in global humanitarian aid. The Government had established a special fund to manage and donate funds to disaster-affected communities. However, the funds are limited whereby the distributed amount is intended as a temporary stop-gap measure.</p>

		<p>(vi) The Government had established a Malaysian Field Hospital (MFH) at Ukhia, Cox's Bazar, Bangladesh, on 1 December 2017 to provide health services to Rohingya refugees living in refugee camps. Hospital was built under the MFH program to assist Bangladesh in hosting the Rohingyas whom had fled Myanmar. The MFH which ended in October 2020 is a reflection of MFH's success in providing global humanitarian assistance.</p>
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